Minutes of the Board of Agriculture

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on February 27, 2018 at 9:00 a.m. by Board of Agriculture Chairperson Scott Enright, at the Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.

Members Present:
Scott Enright, Chairperson, Board of Agriculture
Suzanne Case, Chairperson, Board of Land and Natural Resources
Randy Cabral, Member-At-Large
Jerry Ornellas, Kauai Member
Glenn Hong, Member-At-Large
Vincent Mina, Maui Member
Richard Ha, Hawaii Member
Mary Alice Evans, Deputy, Department of Business Economic Development, Ex Officio Member
Dr. Nicholas Comerford, Dean of the College of Tropical Agriculture & Human Resources University of Hawaii, Ex Officio Member

Members Absent:
Michelle Galimba, Member-At-Large

Others Present:
Janet Ashman, Hawaii Farm Bureau
Chad Callen, HPU/OI
Scott Nishimoto, HDOA/Pesticides branch (PEST)
Linda Murai, HDOA/Agricultural Resource Management Division (ARM)
Roy Hasegawa, HDOA/ARM
Kalani Watson, HDOA/ Plant Quarantine Branch (PQB)
Jim Thain, HDOA/PQB
Tyler Ralston, Private Citizen
Cathy Goeggel, Animal Rights Hawaii
Stephanie Kendrick, Hawaiian Humane Society
Joseph Hong, HDOA/PQB
Techie Lancaster, HDOA/PQB
Tim Jenkins, Private Citizen
Liz Xu, HDOA
Chris Kishimoto, HDOA/PQB
Lance Sakaino, HDOA/PQB
Jonathan Ho, HDOA/PQB
II. APPROVAL OF MINUTES FROM 1/23/18 MEETING

Chairperson Enright deferred the minutes until the next meeting.

III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR WRITTEN)

Chairperson Enright said that the Board will be taking public comments on agenda items as they come up during the meeting.

IV. INTRODUCTIONS

V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRICULTURAL LOAN DIVISION

1. Request for Approval of One (1) Direct Farm Ownership Loan to Lucas M. Cisneros and Maria S. Cisneros-Magana, husband and wife.

Kevin Yokoyama, HDOA/AGL, presented testimony as submitted. Staff recommends approval.

Motion to accept: Hong/Mina.

Board member Mina asked if there was coffee on the land. Mr. Yokoyama said that they have just started. Board member Mina asked about the income. Mr. Yokoyama said that the current flow can handle the anticipated expenses and that they can structure to support if there is not enough.
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Board member Cabral said that there is no labor cost and asked if you have to pay labor, which could be 35-40% of cost, would that change the outlook. Mr. Yokoyama said that it could, but it is hard to foresee. He said that the applicant is a resilient person.

Chairperson Enright asked where they are marketing. Mr. Yokoyama said that they have a buyer.

Vote: Approved, 9-0.

2. Request that One (1) Loan to Chomphans Hongphao be Referred to the Attorney General's Office for Disposition and/or Collection.

Yong Pak, HDOA/AGL, presented testimony as submitted. Staff recommends approval.

Motion to accept: Evans/Cabral.

Board member Cabral asked about the default rate at HDOA. Mr. Yokoyama said that it is hard to answer that because we work out payments even when delinquent. Chairperson Enright said that staff can get that number for the Board.

Vote: Approved, 9-0.

B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

1. Request For Acceptance Of Annual Lease Rents As Determined By Independent Appraisal For Disposition Of New Leases For Various Vacant Parcels Located In Waimanalo And Waianae, Island Of Oahu, Hawaii

Presentation by Roy Hasegawa, HDOA/ARM, as submitted. Staff recommends approval.

Motion to accept: Cabral/Ornellas

Board member Evans asked for an explanation of factors that contribute to appraised value for Waimanalo and Waianae. Ms. Murai said that the difference in value is because the appraisal is based on market sales and values. The land price is much higher in Waimanalo than in Waianae. Board member Evans asked if rainfall and soil are considered. Ms. Murai said yes.

Board member Case asked if there are special instructions for appraisal. Ms. Murai said that they base the appraisal on raw land and help the farmers keep the prices down. Board member Case asked if you count a house on property. Ms. Murai said yes. Waimanalo has some shade houses but no residences. Mr. Hasegawa said that there is one shed and one dwelling in Waianae.
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1. Board member Mina asked if access to water is a factor. Ms. Murai said yes. Board member asked why Waimanalo is more attractive. Ms. Murai said that there is DOA water in Waimanalo via a reservoir other than BWS water in Waianae.

4. Board member Case stated that even though the land is vacant, there is a dwelling. Ms. Murai said it is vacant because there is no tenant. All these parcels will be put out for disposition. There are no crops currently on them with some overgrowth. Board member Case said that she is interested in the market price comparison in the neighborhood and in appraisal instructions.

Vote: Approved, 9-0.

2. Request For Consent To Assignment Of General Lease No. S-4825, Judith Nabers, Lessee/Assignor; Donato Sarahan, Assignee; TMK: 3rd Div/1-5-116:042, Lot No. 15, Pahoa Agricultural Park, Phase II, Keonepoku Iki, Puna, Island Of Hawaii

Linda Murai, HDOA/ARM, presented testimony as submitted. Staff recommends approval.

Motion to accept: Ha/Cabra

Vote: Approved, 9-0.

C. PLANT INDUSTRY DIVISION

Pesticide Branch

1. Request for: (1) Withdrawal of request for approval of proposed partial amendments to Chapter 4-66, Hawaii Administrative Rules, that received board approval on November 24, 2015; (2) Preliminary Approval of Proposed Amendments to Chapter 4-66, Hawaii Administrative Rules, entitled “Pesticides”; (3) Authorization for the Chairperson to Schedule Public Hearing(s) and Appoint a Hearing Officer in Connection with the Proposed Amendments to Chapter 4-66, Hawaii Administrative Rules.

John McHugh, HDOA/PEST, presented testimony as submitted. Staff recommends approval.

Motion to accept: Ornellas/Cabra

Board member Mina mentioned the testimony of the Center for Food Safety and where that concern for public comment comes into play. Chairperson Enright said that this has come before the Board for quite some time and that this process has been transparent.

Vote: Approved, 9-0.
Chairperson Enright called for a 5 minute recess.

Invertebrate and Aquatic Biota

2. Request to: (1) Allow the Importation of Topsmelt, *Atherinops affinis*, an Unlisted Animal, by Special Permit, for Water Quality Testing, by the City and County of Honolulu, Department of Environmental Services, Water Quality Laboratory; and (2) Establish Permit Conditions for the Importation of Topsmelt, *Atherinops affinis*, an Unlisted Animal, by Special Permit, for Water Quality Testing, by the City and County of Honolulu, Department of Environmental Services, Water Quality Laboratory.

Trenton Yasui, HDOA/PQB, presented testimony as submitted. Staff recommends approval.

Motion to accept: Evans/Comerford

Lyle Shizumura, City and County of Honolulu, came forward.

Board member Evans asked how do you know development of Topsmelt is due to water treatment program versus the fact that smelt doesn’t usually grow in this warmth of water. Mr. Shizumura said that this will be done in lab with test methods and it won’t be reflective of our environment.

Board member Mina asked why there is a difference between the previous use of sperm cells of sea urchin. Mr. Shizumura said that they have 4 permits. They monitor with non-specific animal testing system. The current sea urchin test is very selective and would like to expand to others. They are looking at other tests, like water flea or larval fish. There is different sensitivity to different toxicants. Board member Mina mentioned the limited amount of fish. Mr. Shizumura said that it is a small test and that there is not much need for a larger number of fish to do the test. Board member Mina asked about the health of the fish. Mr. Shizumura said that they are obligated to follow up with a second test then go to TIA identification protocol to identify the toxicant. Board member Mina asked if these fish are known to live in extreme conditions. Mr. Shizumura said that this is the west coast protocol EPA test. There is a background to this test and a reason behind choosing this.

Board member Hong said that Topsmelt has a very specific baseline data. Mr. Shizumura said that there is existing data. When they do a test, they do an approved test with background. He explained how they do the testing. Board member Hong said that they would test the protocol then substitute a locally sourced fish. Mr. Shizumura said that they will need to get an approved method first. Board member Hong said that
it may be Moi. Mr. Shizumura said that would be up to the regulators, Department of Health.

Board member Mina asked if these were bottom feeders and if they are looking for heavy metal toxicity. Mr. Shizumura said that is one thing.

Vote: Approved, 9-0.


Trenton Yasui, HDOA/PQB, presented testimony as submitted. Staff recommends approval.

Motion to accept: Evans/Ha

Dr. Callen, Oceanic Institute, came forward.

Board member Mina asked how Roy Grouper was introduced. Board member Case said that they were intentionally introduced by DLNR to enhance reef fisheries in the 1950’s. Board member Mina asked about the research being done and creating an opportunity for the aquaculture industry. Dr. Callen said that they are valuable in live fish reef trade in Asia and are currently overfished in the western Pacific. They would like to develop the technology to culture this fish and transfer that technology to that region.

Board member Cabral said that there is not a big risk because of other species. Dr. Callen said there is no intention to release this fish and they will protect against any release. If there is an accidental release, he said that they feel existing extensive Roy population would out-compete the new release. This is a population numbers issue. Board member Cabral stated his concern with this location and a potential threat of a tsunami. Dr. Callen said that there are a small number being brought in.

Vote: Approved, 9-0.

4. Request to: (1) Allow the Importation of Kahala, *Seriola rivoliana*, a Fish on the List of Conditionally Approved Animals, by Permit, for Research, by Kampachi Farms, LLC.; and (2) Establish Permit Conditions for the Importation of Kahala, *Seriola rivoliana*, a Fish on the List of
Conditionally Approved Animals, by Permit, for Research, by Kampachi Farms, LLC.

Trenton Yasui, HDOA/PQB, presented testimony as submitted. Staff recommends approval.

Board member Evans and Case clarified with the Deputy AG that there was no conflict to vote on the item.

Motion to accept: Comerford/Cabraal

Board member Comerford asked if these fish were used in offshore cages. Mr. Yasui said yes. Board member Comerford asked if there had been any releases. Board member Case said that there has been.

Board member Hong asked if they have imported eggs from outside source before. Mr. Yasui said that he was not sure if there were eggs per se. Board member Hong asked where they get their broodstock from. Dr. Dale Sarver, Kampachi Farms, was called on the phone.

Board member Hong asked where Kampachi Farms gets its stock from in offshore cages. Dr. Sarver said that they get their broodstock in Kona, produced by Blue Ocean Mariculture. Board member Hong asked if they are trying to find initial genetics that can thrive on soy protein. Dr. Sarver said yes and that it is to evaluate the performance of different fish on different diets. The first diet is soy but they are looking at a range of different diets like micro algae and other sources of oils and proteins. They want to compare the performance of Hawaiian fish with the Mexican fish of these diets. Board member Hong said that it sounds like a control group by feeding the Hawaiian Kampachi the soy protein as well. Dr. Sarver said yes. Board member Hong asked if they would be breeding certain genetic attributes with wild Kampachi here if successful. Dr. Sarver that they would be keeping them separate. Board member Hong asked about the improved Hawaiian broodstock genetics mentioned in the submittal and if that would introduce new genetics into the wild population. Dr. Sarver said that they would provide selective breeding of the Hawaiian fish as a separate family and compare the two origins on these diets. There will be no crossing of Hawaiian and Mexican origin fish. The plan would be to do a selective breeding with the Hawaiian fish and separately with the Mexican fish. These Hawaiian fish would then be introduced into an offshore pen. The permit that Blue Ocean Mariculture obtains does not allow them to do more than F-2, second generation fish due to concern of leakage or escapes. These selective fish would not be put into offshore cages until those issues are taken up with DLNR on that permit.

Board member Mina asked if the research will consider effects of soy protein as compared to micro algae. Dr. Sarver said that they would look at all aspects that they can including growth rate, fecal aversion efficiency, and fish health. Board member
Mina asked about the human uptick in thyroxin due to soy and if that would be something that could happen to fish. Dr. Sarver said that he couldn't speak to that. The main goal with feed formulation is to be able to scale the growth of agriculture. We need to be able to feed the fish with scalable and sustainable proteins and oils. They need to look at a wide range of various proteins and oils to feed to Kampachi and other fish. Any of these diets suitable to fish, will require FDA approval. This is research project to find ways to increase aquaculture to help feed the people of the world. Board member said that he would love to see the research around micro algae.

Vote: Approved, 9-0.

Land Vertebrates

5. Request to: (1) Preliminarily Review the Currently Unlisted Bonin Petrel, Pterodroma hypoleuca, for Future Placement on the List of Restricted Animals (Part B) for Scientific Research, Exhibition, and Liberation; (2) Allow the Importation of the Currently Unlisted Bonin Petrel, Pterodroma hypoleuca, by Special Permit, for Scientific Research, Exhibition, and Liberation at James Campbell National Wildlife Refuge by Pacific Rim Conservation and; (3) Establish Permit Conditions for the Importation of the Unlisted Bonin Petrel, Pterodroma hypoleuca, by Special Permit, for Scientific Research, Exhibition, and Liberation at James Campbell National Wildlife Refuge by Pacific Rim Conservation.

Jim Thain, HDOA/PQB, presented testimony as submitted. Staff recommends approval.

Motion to accept: Hong/Evans.

Eric VanderWerf, Pacific Rim Conservation, came to the front.

Board member Mina asked if there was any relation to the Petrel on Haleakala. Dr. VanderWerf said that they were. The Bonin Petrel only nests in Northwestern Hawaiian Islands and are only a little smaller, roughly 2/3 the body size of the Hawaiian Petrel.

Board member Hong asked why the petrel is kept away from mosquitos and if this was due to risk of avian malaria. Dr. VanderWerf said that they could bring a blood parasite from islands where they originated and said that this was a quarantine protocol.

Board member Comerford asked, from a biosecurity issue, if there are any other viruses carried by these birds. Dr. VanderWerf said that he was not aware of any.

Board member Ornellas asked if this bird if affected by light. Dr. VanderWerf said that it could be. The James Campbell Refuge has very few lights. The nesting and coastline are both close in proximity.
Vote: Approved, 9-0.

Chairperson Enright called for a 5-minute recess.

6. Request to: (1) Allow the Importation of Wistar Laboratory Rats, *Rattus norvegicus*, an Animal on the List of Conditionally Approved Animals, by Permit, for Laboratory Research, Including Animal Inoculation Studies Utilizing Rat Lungworm Larvae, by the United States Department of Agriculture, National Wildlife Research Center, Hawaii Field Station, Hilo, Hawaii; and (2) Establish Permit Conditions for the Importation of Wistar Laboratory Rats, *Rattus norvegicus*, an Animal on the List of Conditionally Approved Animals, by Permit, for Laboratory Research, Including Animal Inoculation Studies Utilizing Rat Lungworm Larvae, by the United States Department of Agriculture, National Wildlife Research Center, Hawaii Field Station, Hilo, Hawaii.

Kalani Watson, HDOA/PQB, presented testimony as submitted. Staff recommends approval.

Motion to accept: Mina/Evans.

Dr. Sue Jarvi, University of Hawaii Hilo, joined via phone.

Board member Mina asked if Dr. Jarvi could articulate the objective of this request. Dr. Jarvi said that they have been working with a particular iodine stain to differentiate between live and dead cells. The stain won’t cross a live cell membrane, but will cross a dead cell’s membrane. They would like to validate the stain assay in rats and prepare all the larva. The USDA will get rats and put larva sample into the rat stomach. They will do different tests and track the larva development for up to six weeks. Board member Mina asked about the funding for this research. Dr. Jarvi said that there was some legislation moving to support that research. She mentioned the trouble of maintaining staff with grant money.

Chairperson Enright opened the floor to public testimony.

Cathy Goeggel presented testimony in opposition as submitted. Ms. Goeggel asked for the humane disposal of these animals. Dr. Jarvi said that they plan to use a CO2 chamber euthanasia. It is very quick. Disposal is allowed through landfill. Hilo landfill has a special area for animals. She also mentioned the secure facility that they use.

Vote: Approved, 9-0.

Jonathan Ho, HDOA/PQB, clarified the submittal for Board member Cabral.
V. OLD BUSINESS

1. Request for Final Approval of Amendments to Chapter 4-71, Hawaii Administrative Rules, Entitled “Plant and Non-Domestic Animal Quarantine, Non-Domestic Animal Import Rules,” As Adopted by the Board of Agriculture on September 26, 2017, Including, But Not Limited to, Changes to Import List Placement of (a) Nile tilapia, Oreochromis niloticus, to Allow Import for Aquaculture Production; and (b) House Cricket, Acheta Domesticus, to Allow Import as Feed for Certain Insectivorous Animals at Honolulu Zoo. (See attached Summary of Amendments Adopted on September 26, 2017, and Where they May be Viewed.)

Jonathan Ho, HDOA/PQB, presented testimony as submitted. He said that the Board will approve final form to be signed by the Governor. The Board already saw these amendments. Staff recommends approval.

Motion to accept: Evans/Comerford

Board member Case expressed her concerns with Nile Tilapia and that she will be voting no on this.

Bryan Yee, Deputy AG, clarified the submittal request to the Board. The request is in respect to the Cricket, the housekeeping, and the Nile tilapia all of which has passed in a previous meeting. The Dangerous Wild Animals item is still pending.

Vote: Approved, 8-1.

VI. NEW BUSINESS

1. Discussion on the status to designate emergency pest treatment for Little Fire Ant (Wasmannia Auropunctata) on all islands and counties.

Board member Mina stated the concern from certified organic growers who are struggling with the Little Fire Ant. There is a request for emergency declaration to use control products that would then take that particular area out of production until the harvest would take place. It could be brought back into organic certification. The farmer will not lose the certification as a result. He mentioned that the Board should take that action.

Chairperson Enright said that Board member Mina could put together a formal request to DOA pesticide branch and we could pursue that. Chairperson Enright said that he would pursue this administratively rather than through the Board process.

VII. ADJOURNMENT OF REGULAR MEETING
1 Motion to adjourn meeting: Mina/Case.
2 Vote: Approved, 9-0.
3 Meeting adjourned at 10:55 AM.
4 Respectfully submitted,
5
6 Micah Munekata
7 Board Secretary