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Minutes of the Board of Agriculture

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on May 29, 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
- Randy Cabral, Member-At-Large
- Jerry Ornellas, Kauai Member
- Glenn Hong, Member-At-Large
- Vincent Mina, Maui Member
- Michelle Galimba, Member-At-Large
- Diane Ley, 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:

- Suzanne Case, Chairperson, Board of Land and Natural Resources

Others Present:

- Melissa Pavlicek, HPPA
- Al Chee, Island Energy Services
- Kathryn Stanaway, CGAPS
- Linda Murai, HDOA/Agricultural Resource Management Division (ARM)
- Roy Hasegawa, HDOA/ARM
- Joyce Wong, HDOA/ARM
- Phyllis Shimabukuro-Geiser, HDOA/Deputy to the Chairperson
- Dean Matsukawa, HDOA/Agricultural Loan Division (AGL)
- Glenn Okamoto, HDOA/ARM
- Stephanie Kendrick, Hawaiian Humane Society
- Nora Sisouphanthong, Kahuku lot 22
- Julius Ludovico, Private Citizen
- Randy Teruya, HDOA/ARM
- Kevin Yokoyama, HDOA/AGL
- Jeri Kahana, HDOA/Quality Assurance Division (QAD)
- Bryan Yee, Deputy Attorney General
- Morris Atta, HDOA/ARM
- Jim Thain, HDOA/ Plant Quarantine Branch (PQB)

1 Miguel Ramirez, Private Citizen
2 Chris Kishimoto, HDOA/PQB
3 Isaac Maeda, HDOA/Animal Industry Division (AI)
4 Micah Munekata, HDOA/Chairperson's Office (CHR)
5 Janelle Saneishi, HDOA/CHR
6 Jonathan Ho, HDOA/PQB
7 Don Heacock, KOA

8

9 II. APPROVAL OF MINUTES FROM 1/23/18 AND 2/27/18 MEETING

10

11 Chairperson Enright deferred the 2/27/18 minutes until the next meeting.

12

13 Motion to accept the 1/23/18 minutes: Galimba/Hong.

14

15 Vote: Approved, 9-0.

16

17 III. INTRODUCTIONS

18

19 Chairperson Enright introduced new Board member representing Hawaii Island, Diane
20 Ley.

21

22 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

23

24 A. AGRICULTURAL LOAN DIVISION

25

26 1. Request for Approval to Activate and Set Parameters for DOA's
27 Emergency Loan Program to Provide Relief Due to Lava, Heavy Rains
28 and Flooding.

29

30 Dean Matsukawa, DOA/AGL, presented testimony as submitted. Staff recommends
31 approval.

32

33 Motion to accept: Mina/Evans.

34

35 Board member Ley asked if loans were limited to where there was a direct impact from
36 lava emissions and ash. Mr. Matsukawa said the criteria was made as broad as
37 possible. Relocation of farms may be an issue.

38

39 Board member Cabral asked what is the total amount of ag loan monies that are
40 available. Mr. Matsukawa said about \$2.6 million is committed of the \$4.6 million AGL
41 has, leaving about \$2 million available. The HDOA is also requesting \$7.5 million out of
42 state emergency money to be put into fund. Board member Cabral said that is not a lot
43 available seeing the initial needs expressed. Mr. Matsukawa said that the limits of the
44 emergency loans were pushed up to help with the anticipated damage. Chairperson
45 Enright said that the State Legislature did not give any money to the Agricultural Loan

1 Program this session and as a result there is not a lot in the program to help. The
2 HDOA Deputy is working with the Ag Loan Division to put in an application to ask for
3 \$7.5 million of the \$100 million set aside for Kauai. There have been no loans
4 generated from Oahu to date as a result of the April 2018 flooding. The \$7.5 million
5 would also cover lava damage from the Big Island. The Deputy went and met with
6 farmers on Big Island and the Chair said that he would be there this week. Chairperson
7 Enright said that the additional emergency loan money request would be going in today
8 as HDOA is attempting to be there for the farmers. This money will give the Ag Loan
9 Division the ability to be creative and help. Chairperson Enright said that an example
10 would be for Kealia Farms looking to provide a group loan for a bunch of small farmers.
11 He also said that the Haraguchi Farm and taro farmers in Kauai may need loan support
12 going forward. Board member Cabral asked if the Chair has heard about a potential
13 special session at the Legislature to help Big Island farmers. Chairperson Enright said
14 that he will check with leadership in Senate and House.

15
16 Board member Mina asked whether these funds would go toward farmers affected now
17 or would it have to wait for the lava to stop flowing. Chairperson Enright said that most
18 farmers are hesitant to take on more debt. The HDOA is waiving repayment until
19 farmers are fully operational.

20
21 Board member Ornelles said that farmers appreciate the Chair and his work with Kauai
22 farmers. The damage is in the ballpark of one million. Chairperson Enright said that it
23 is a team effort.

24
25 Board member Hong said that there are state ag leases in the area affected and asked
26 what actions have been taken for deferral. Chairperson Enright said that there has
27 been no ask yet, but could be coming in soon. Morris Atta, HDOA/ARM, came forward.
28 Chairperson Enright asked if the Department has heard from any tenants in Pahoa. Mr.
29 Atta said that they have not yet. There are other issues, but nothing relating to crop and
30 volcano issues. Chairperson Enright said that he will give the Board an update on where
31 we are with Kauai.

32
33 Vote: Approved, 9-0.

34
35 2. Request for Approval of One (1) Direct Farm Ownership Loan to Robert
36 David Butler and Lori Ann Butler.

37
38 Kevin Yokoyama, DOA/AGL, presented testimony as submitted. Staff recommends
39 approval.

40
41 Motion to accept: Evans/Galimba.

42
43 Board member Evans asked what a satirist loan is. Mr. Yokoyama said it was a
44 mainland lender loan.

45

1 Board member Hong asked what the loan interest was. Mr. Yokoyama said it was
2 3.5%.

3
4 Board member Galimba asked why there seem to be fewer loan requests lately. Mr.
5 Matsukawa said that it was a timing issue. Over the last 6 months, loan requests have
6 slowed, but now requests have picked up.

7
8 Vote: Approved, 9-0.

9

10 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

11

12 1. Request for Acceptance of Annual Lease Rents as Determined by
13 Independent Appraisal for Rent Reopenings and Lease Conversions for
14 Various Lots Located in Waimanalo, Oahu; and Maui, Hawaii

15

16 Linda Murai, DOA/ARM, presented testimony as submitted. Staff recommends
17 approval.

18

19 Motion to accept: Ornelles/Galimba.

20

21 Vote: Approved, 9-0.

22

23 2. Request for Approval to Construct a Farm Dwelling, General Lease No.
24 S-4857; Lessee: Dean Maruyama; TMK: 3rd Div/7-3-049:006; Lot No.
25 06; Keahole Agricultural Park, Phase I, Kalaoa-Ooma, North Kona,
26 Island of Hawaii

27

28 Joyce Wong, DOA/ARM, presented testimony as submitted. Staff recommends
29 approval.

30

31 Motion to accept: Evans/Ley.

32

33 Board member Evans asked if farm dwellings are allowed in Ag parks. Ms. Wong said
34 farm dwellings are ok if they live on property or if there is a manager staying on the
35 property. Board member Evans asked at end of 45 years, do improvements return to
36 HDOA. Mr. Atta said that standard lease terms provide the option that you can remove
37 improvements or can revert back.

38

39 Board member Ornelles asked if it is contingent to having utilities being available, like
40 potable water and electricity. Mr. Atta said that in order to build whatever you are
41 building there is an approval process through HDOA engineers. There is no specific
42 requirement that this needs to exist prior to improvements.

43

44 Board member Evans said DOH is holding meetings on cesspool conversion and asked
45 if a lessee would be eligible for a loan to convert the cesspool. She asked if the county

1 issues the permit for the farm dwelling or is it through HDOA. Mr. Atta said that they
2 must abide by county code when HDOA issues the permit.

3
4 Vote: Approved, 9-0.

- 5
6 3. Request for Approval to Sublease Between The Hamakua Agricultural
7 Cooperative and Richard Miller; General Lease No.
8 S-7011, TMK: (3) 4-3-005:018(Por), Lot W11, Pohakuhaku and Kemau 1st,
9 Hamakua, Island of Hawaii

10
11 Joyce Wong, DOA/ARM, presented testimony as submitted. Staff recommends
12 approval.

13
14 Motion to accept: Evans/Galimba.

15
16 Board member Evans asked if Hamakua Ag Coop offers farm dwellings. Ms. Wong said
17 no.

18
19 Board Member Mina asked if this is specific to a particular ag park to have dwellings.
20 Ms. Wong said there is no good access into this area. Access is difficult and dependent
21 on emergency vehicles so no dwellings are allowed. Board member Mina asked if the
22 sublessee was an organic grower. Ms. Wong said no.

23
24 Vote: Approved, 9-0.

- 25
26 4. Request for Approval to Sublease Between The Hamakua Agricultural
27 Cooperative and Marcelino Tagudan; General Lease No. S-7008, TMK: 3rd
28 Div/4-3-005:002(Por), Lots W02, W03, W04, W06, W07; General Lease
29 No. S-7009, TMK: 3rd Div/4-3-005:014(Por), Lots W01, 015, 018; General
30 Lease No. S-7011, TMK: 3rd Div/4-3-005:018(Por), Lot W09, Hamakua
31 Pohakuhaku And Kemau 1st, Hamakua, Island of Hawaii

32
33 Joyce Wong, DOA/ARM, presented testimony as submitted. Staff recommends
34 approval.

35
36 Motion to accept: Mina/Galimba.

37
38 Board member Evans said that terms are 15 years and asked if this request is made by
39 the LLC or the Hamakua Ag Coop. Ms. Wong said that 15 years is the remaining
40 number of years on the lease. Board member Evans asked if HDOA has a plan to
41 extend the lease with the Co-op or is that subject to a competitive procurement. Ms.
42 Wong said she was unable to answer. Mr. Atta said that there are current discussions
43 with the Hamakua Coop and DOA on how to move forward. Based on the
44 circumstances, HDOA would need to go through a subdivision process to directly lease
45 to farmers in Co-op. There are many issues that need to be resolved. The Co-op

1 agreed to remain intact until those issues are resolved and then the HDOA can
2 establish a direct relationship with each farmer. It is not a finance situation to determine
3 the term, but more an organizational question. Board member Evans asked if this
4 affects the appraisal of the sublease. Mr. Atta said he is not aware of that. They work
5 with the appraisal. Board member Evans asked if the Department of Planning at Hawaii
6 County would allow a waiver of the ag zoning or would it require new zoning. Board
7 member Ley said she believes it could be explored. Chairperson Enright said that this
8 Co-op is unique. It was put in place by Dwight Takamine when Hamakua Sugar went
9 out of business. This tied up state lands with a Co-op. The master leases held a lot of
10 liabilities within them. This does not serve the Co-op well. The Co-op is asking HDOA
11 to take them back. It could take years to move forward with the subdivision process.
12 Farmers could then come in for a re-opening after subdivision.

13

14 Board member Ley asked if Co-op has rules on ratio or maximum acreage given to the
15 subleased entity. Mr. Atta said that they are not aware of any rules. The nature of the
16 Co-op allows flexibility. Chairperson Enright said that this farmer is one of the few
17 plantation workers to work the land. Chairperson Enright asked if this farmer is up to
18 date. Mr. Atta said yes.

19

20 Board member Mina asked about the deteriorating roads and whose responsibility it is.
21 Chairperson Enright said that it is the Co-op and this was an issue that HDOA may help
22 with.

23

24 Board member Galimba asked if these pieces that he is getting revert to the Co-op and
25 then he leases them. Wong said yes.

26

27 Vote: Approved, 9-0.

28

29 5. Request for Approval for Issuance of a New Sublease Between Green
30 Point Nurseries, Inc., Lessee/Sublessor, and Vantage Nursery, LLC,
31 Sublessee; General Lease No. S-4445, TMK: (3) 2-4-49:26,27,28 (Por),
32 Lot(s) 12,13,14, Panaewa Farm Lots, Waiakea, South Hilo, Island of
33 Hawaii

34

35 Joyce Wong, DOA/ARM, presented testimony as submitted. Staff recommends
36 approval.

37

38 Motion to accept: Ley/Galimba.

39

40 Board member Mina asked about the juxtaposition of this land to the lava. Chairperson
41 Enright said the location is about 18 miles away from the lava flow. If trades are
42 blowing, the vog could move toward South Point. Winds can change and bring vog to
43 Hilo. This is far away enough that it is safe.

44

1 Board member Hong said this request is a sublease of a portion of two lots and rent is
2 lower than the current rent. He asked how that is structured. Ms. Wong said
3 Greenpoint Nurseries is the owner of Vantage Nursery. The \$7,402 for lots 27 and
4 28 are part of the \$9,870. Hong asked if HDOA will receive two payments. Ms. Wong
5 said only one. Board member Hong said it is an internal transfer of funds.

6
7 Vote: Approved, 9-0.

- 8
9 6. Request for Consent to Waive Performance Bond Requirement for General
10 Lease No. S-4770, Lessee: Yoshiyuki Ota and Sandra T. Ota; TMK: 3rd
11 Div/2-2-056:049, Lot No. 23, Panaewa Agricultural Park, Waiakea, South
12 Hilo, Hawaii

13
14 Joyce Wong, DOA/ARM, presented testimony as submitted. Staff recommends
15 approval.

16
17 Motion to accept: Evans/Hong.

18
19 Vote: Approved, 9-0.

- 20
21 7. Request for Approval of Extension of General Lease No. S-7017; AGEE,
22 Inc., TMK: 3rd Div/4-3-005:015, Lot No. 07, Pohakuhei,
23 and Kemau 1st District of Hamakua, Hawaii

24
25 Joyce Wong, DOA/ARM, presented testimony as submitted. Staff recommends
26 approval.

27
28 Motion to accept: Cabral/Galimba.

29
30 Board member Galimba asked if staff has looked at it and how it looks. Ms. Wong said
31 staff has looked at it. Chairperson Enright said it needs work and asked if that will be
32 the case to maintain terms of lease. Mr. Atta said yes. In the past there were different
33 unauthorized activities that needed to stop. Staff went to lessee and discussed the
34 issues and the lessee assured staff that they will discontinue these activities. Mr. Atta
35 said that they are now in compliance with land use. Chairperson Enright asked if
36 \$50,000 is enough to clean up the property. Ms. Wong said that they are using the
37 money for the feed storage as it is collapsing. Chairperson Enright thanked staff for
38 checking out the property and expressed his concerns with that site. He asked if there
39 were any plans on how to accomplish the cleanup. Mr. Atta said that he mentioned the
40 various things that need repair. He explained his immediate needs, one of which was
41 storage area. The lessee mentioned that he had no formal plan but that he needs lease
42 term to get financing.

43
44 Board member Evans asked if there is something different about this one as compared
45 to the 15 year lease. Mr. Atta said that this was primarily a financing issue.

1 Chairperson Enright said that it was not part of the Hamakua Co-op. Ms. Wong said the
2 lease extension was needed to get financing to move forward.

3
4 Board member Cabral asked whether confined feeding operations requirements are
5 needed and if they comply. Chair said it is not that type of operation. Big Island meat
6 has the slaughterhouse and the Aguilar family has the feed lot. The numbers fluctuate
7 and are not steady. Board member Cabral said it is like open pasture. Chairperson
8 Enright said that he is concerned with the business plan to move forward. He said that
9 he is more than open to extend the lease, but does not see a plan to clean up the
10 dangerous issue and a liability.

11
12 Board member Mina asked if the \$50,000 is receipt generated. Ms. Wong said that they
13 are working with a bank credit line. Board member Mina clarified that it was not
14 generated based on receipts. Chairperson Enright explained some of the history of this
15 lot.

16
17 Chairperson Enright deferred the item until next month's Board meeting asking the
18 lessee to show up with a business plan showing how the lessee will move forward with
19 the property.

- 20
21 8. Request for Consent to Assignment of General Lease No.
22 S-6022; Nora Sisouphanthong, Assignor, to Julius Ludovico, Assignee;
23 TMK: 1st Div/5-6-006:050; Lot 22, Kahuku Agricultural Park, Koolauloa,
24 Kahuku, Island of Oahu, Hawaii

25
26 Roy Hasegawa, DOA/ARM, presented testimony as submitted. Staff recommends
27 approval.

28
29 Motion to accept: Mina/Comerford.

30
31 Board member Ornelles asked about the discrepancy of rents from 1.5% to 3%. Mr.
32 Hasegawa said the 3% is from the original lease. Mr. Atta said they defer on the
33 valuation to the appraiser. The percentage is left to appraiser based on conditions of
34 the particular area. HDOA staff would not get involved because this would interfere with
35 independent appraisal. Randy Teruya, HDOA/ARM, provided background on Kahuku
36 Ag Park. Originally the Ag park was developed by DLNR in the 90's. It was transferred
37 to DOA in 95. There were 24 lots with 32 applicants qualified. Admin rules would have
38 negotiated leases. In this case this was a public drawing. Based on this process,
39 because no bidding, the initial rents were established low, but percentage was 3%.
40 Lower rents with success of lessee, then State would share in gross rents over the first
41 3 to 5 years. As time goes on, times change, and rents inch upwards. It is a matter of
42 being fair. HDOA recommended to appraiser that percentage should be lower. Kahuku
43 is coming up for reopening soon, making percentage lower rather than a minimum rate.
44 Board member Ornelles asked would this person be locked in. Teruya said he is locked
45 until the reopening, there is no cap on percentage rent.

1 Board member Evans asked if this Ag Park allows for farm dwellings. Mr. Hasegawa
2 said upon approval of Board.

3

4 Vote: Approved, 9-0.

5

6 Chairperson Enright took a 5 minute recess 10:10 am.

7

8 C. QUALITY ASSURANCE DIVISION

9

10 1. Request for (1) Repeal of Chapter 4-86, Hawaii Administrative
11 Rules, entitled "Brake Fluids, Coolants, Petroleum Products, and
12 After Market Additives," (2) Preliminary Approval of Newly
13 Proposed Chapter 4-186, Hawaii Administrative Rules, entitled
14 "Petroleum Products Accounting and Inspection," and (3)
15 Authorization for the Chairperson to Schedule Public Hearings and
16 to Appoint a Hearings Officer in connection with (2).

17

18 (see attached summary of proposed rule amendments)

19

20 Jeri Kahana, HDOA/QAD, presented testimony as submitted. Staff recommends
21 approval.

22

23 Motion to accept: Galimba/Cabral.

24

25 Melissa Pavlicek, Island Energy, presented testimony as submitted in support. She
26 stated that they have reworked the submittal to address the Board concerns mentioned
27 in the previous meeting.

28

29 Vote: Approved, 9-0.

30

31 D. ANIMAL INDUSTRY DIVISION

32

33 1. Request for (1) Approval of Proposed Amendments to Chapter
34 4-29, Hawaii Administrative Rules, entitled "Dogs, Cats, and Other
35 Carnivores," Concerning Definitions, Arrival Ports, Carrier Responsibility,
36 Transiting Private and Commercial Vessel Responsibility, Pre-shipment
37 Requirements, Other Requirements, Movement of Dogs and Cats
38 Originating in Hawaii, Movement of Dogs and Cats Requiring Urgent
39 Diagnostic, Medical or Surgical Procedures Not Available in Hawaii,
40 Exemption From Quarantine, State Animal Quarantine Station, Animals
41 Abandoned in Quarantine, Satellite Animal Quarantine Stations, Removal
42 From Animal Quarantine Stations, Requirement for Breeding of Animals
43 in Quarantine, Users of Guide or Service Dogs, Movement of Guide and
44 Service Dogs by Special Permit, Fees, Penalty, Criteria and Conditions
45 for Service Dogs and Exempted Guide Dogs, Arrival Requirements for

1 Service Dogs and Exempted Guide Dogs, Designated Address, Thirty-
2 day to Forty-day Post-arrival Requirement, Documentation of Need for a
3 Service Dog and (2) Submission of Hearings Officer's Summary of Public
4 Hearings Testimony on Proposed Amendments to Chapter 4-29, and
5 Hearings Officer's Recommendations
6

7 (see attached summary of proposed rule amendments)
8

9 Isaac Maeda, HDOA/AI, presented testimony as submitted. Staff recommends
10 approval.
11

12 Motion to accept: Cabral/Hong.
13

14 Board member Mina asked about a testimony that said that there is no proof of rabies
15 being eliminated from the body within 30 days. Dr. Maeda said that statement is
16 unclear. He said that the 30 days reference is the post FAVN testing time after the test
17 of entry. The program is multiple components, including the microchip identification,
18 health certificate, 2 rabies vaccinations, blood test, passing titer test and then the 30
19 day waiting period. After the first vaccination to final test is about 60-90 days. The
20 chance of incubated rabies is very low after that period of time. Board member
21 Comerford asked what does very low means. Dr. Maeda said maybe one case every
22 70,000 years based on risk assessment. Board member Comerford said in his
23 experience release has been between 3 weeks and 60 days. Dr. Maeda said the time
24 period to determine efficacy can be species specific as cats have shortened incubation
25 periods. It is complicated to divide by certain species but is something HDOA can look
26 at. HDOA is working to update its database system to work out efficiencies.
27

28 Board member Ley made clarifications on the submittal and asked if a mongoose
29 carries rabies. Dr. Maeda said this is an issue in Puerto Rico and it is possible. Board
30 member Ley asked if the law required the apartment as a reasonable accommodation
31 or whether rules dictated this. Dr. Maeda said the apartment is not necessary under the
32 ADA per discussions with the Attorney General's Office. Chairperson Enright said that
33 89% of animals are currently released at airport and with this rule change it will increase
34 the release rate to 95%. Animal Industry Division is slated to lose land holding in
35 Halawa during same time. By reducing the number of animals in quarantine, this will
36 help HDOA design AI infrastructure moving forward.
37

38 Chairperson Enright opened the floor to public testimony.
39

40 Stephanie Kendrick, Hawaiian Humane Society, presented testimony as submitted in
41 support. She said that she would like to see HDOA make compliance with county
42 licensing regulations a state requirement. Board member Mina asked if the microchip is
43 differently read on the mainland. Ms. Kendrick said what changes is the person's
44 location and it is a matter of changing one's address. Bryan Yee, Deputy AG, clarified

1 that this recommended change would be a significant change and would need to have
2 been done before the public hearing.

3
4 Vote: Approved, 9-0.

5
6 E. PLANT INDUSTRY DIVISION

7
8 Plant Quarantine Branch

- 9
10 1. Petition from Donald Heacock to the Hawaii Board of Agriculture to
11 Initiate Administrative Rule Making and Rule Amendment in Order
12 to Allow Import of Domestic Dairy Water Buffalo (*Bubalus bubalis*)
13 for Agriculture.

14
15 Jonathan Ho, DOA/PQB, presented testimony as submitted. Staff recommends
16 disapproval.

17
18 Motion to accept: Mina/Ornelles.

19
20 Chairperson Enright called a 5 minute recess at 10:47am.

21
22 Donald Heacock, KOA, presented testimony as submitted in support.

23
24 Board member Evans asked if the request is for importing actual animals as opposed to
25 frozen semen, how is it determined if they are carrying a virus that could cross species
26 and infect local herds. Mr. Heacock said he would do quarantine the same way they
27 would quarantine imported cattle. He said that HDOA should create a new chapter on
28 water buffalo to include checks similar to cattle.

29
30 Board member Comerford said the rules conflict is that all species in this family are
31 restricted yet we have already imported them and they may be domestic. He asked if
32 Mr. Heacock has already imported them. Mr. Heacock said he moved to Kauai from
33 Oahu. Board member Ornelles said UH Waiialua Station had a few of them up until the
34 60's. Mr. Heacock said reading the rules today does not mention water buffalo, just
35 mentions "wild buffalo."

36
37 Board member Galimba said she is supportive but it is somewhat complicated. She
38 clarified the motion. Chairperson Enright said it was a motion to hear the petition and
39 then vote. Chairperson Enright mentioned Animal Industry Division staff is okay with
40 this. Mr. Ho clarified the rules changes that would be needed. Bryan Yee, Deputy
41 Attorney General, said the motion was to accept the recommendation from PQB staff to
42 initiate rulemaking which requires consultation with the advisory committee.

43
44 Board member Mina asked Mr. Heacock if you could import it, when that would be. Mr.
45 Heacock said October or November of this year. Board member Mina asked how long

1 this would take. Mr. Ho said the request would go to the subcommittee, advisory
2 committee, then come back to the Board with proposed amendments, then public
3 hearing, Small Business Review Board, then back to the Board for final approval. He
4 said that this may take up to a year if everything goes well. Board member Mina
5 clarified the process with Chairperson Enright.

6
7 Board member Evans asked if they can defer action on the petition while the Board
8 recommends the issue go to subcommittee review. Mr. Yee said you would deny the
9 request and send the issue to the subcommittee. Mr. Ho said that if a petition meets
10 requirements, the Board has 30 days to respond. He clarified the amendments needed.
11 Mr. Heacock said that he has been pursuing this for the last 2 years. He said this would
12 be a simple change. Chairperson Enright and Mr. Yee clarified the motion and how to
13 move forward.

14
15 Board member Mina asked about the compilation of the advisory committee.
16 Chairperson Enright mentioned that they weigh in on numerous occasions and for
17 various submittals.

18
19 Board member Hong said that this request would be permitted to move ahead with
20 hearings and with the advisory committee. Mr. Yee said that the problem is once the
21 issue has gone to public hearing, significant changes will not be able to be made.

22
23 Board member Galimba mentioned concern and would like to see advisory committee
24 weigh in.

25
26 Board member Evans asked if genetic profiles of water buffalo are now too inbred and
27 you need to bring in something new. Mr. Heacock said no.

28
29 Board member Mina commented that he supports the whole system approach to
30 agriculture and he supports this.

31
32 Board member Ornelles said that this should have been resolved in 2016. The burden
33 should be on HDOA and not the petitioner. He mentioned that he would like to expedite
34 this as this is a domestic animal. Mr. Ho clarified the petition.

35
36 Board member Comerford said that he agrees with Board member Ornelles. He sees
37 value in moving forward.

38
39 Board member Evans asked if the advisory committee has an expert with water buffalo.
40 Chairperson Enright said that there is technical advice.

41
42 Board member Mina asked about the horns. Mr. Heacock said that the swamp and
43 dairy have different shaped horns.

44

1 Chairperson Enright said to move this to the advisory committee to weigh in. The intent
2 of this Board is to move this forward. Phyllis Shimabukuro-Geiser, Deputy to the
3 Chairperson, mentioned she will support with division resources.

4
5 Chairperson Enright said that they would take a vote to deny the petition for immediate
6 rulemaking and send the request to the advisory committee on plants and animals. Mr.
7 Ho mentioned that the Animal Industry Division rulemaking should be done in
8 conjunction.

9
10 Vote: Approved, 9-0.

11
12 Board member Comerford left the meeting

13
14 Board member Cabral asked how hard is the permitting process to get through. Mr. Ho
15 said that it depends on how well the applicant answers the questions. PQB tried to hit a
16 standard based on how questions have been raised in the past. It depends on the
17 applicant. Generally, most applicants follow this process and it takes 2-3 months.
18 Chairperson Enright mentioned the new staff at PQB and the development of a
19 database to help with the permitting process.

20
21 V. OLD BUSINESS

22
23 None.

24
25 VI. NEW BUSINESS

26
27 None.

28
29 VII. ADJOURNMENT OF REGULAR MEETING

30
31 Motion to adjourn meeting: Ley/Cabral.

32
33 Vote: Approved, 8-0 (Comerford excused).

34
35 Meeting adjourned at 11:35 AM

36 .

37
38 Respectfully submitted,

39

40
41 Micah Munekata

42 Board Secretary