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5 **Minutes of the Board of Agriculture**  
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7 CALL TO ORDER – The meeting of the Board of Agriculture was called to order on  
8 September 25, 2018 at 9:00 a.m. by Board of Agriculture Chairperson Scott Enright, at  
9 the Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.

10  
11 **Members Present:**

12 Scott Enright, Chairperson, Board of Agriculture  
13 Randy Cabral, Member-At-Large  
14 Fred Cowell, Kauai Member  
15 Vincent Mina, Maui Member  
16 Diane Ley, Hawaii Member  
17 Joe Tanaka, Member-At-Large  
18 Mary Alice Evans, Deputy, Department of Business Economic Development, Ex  
19 Officio Member  
20 Dr. Nicholas Comerford, Dean of the College of Tropical Agriculture & Human  
21 Resources University of Hawaii, Ex Officio Member  
22 Suzanne Case, Chairperson, Board of Land and Natural Resources  
23 Glenn Hong, Member-At-Large  
24

25 **Others Present:**

26 Jonathan Ho, HDOA/Plant Quarantine Branch (PQB)  
27 Michael Iosua, Imanaka Asato  
28 Morris Atta, HDOA/Agricultural Resource Management Division (ARM)  
29 Joyce Wong, HDOA/ARM  
30 Linda Murai, HDOA/ARM  
31 Roy Hasegawa, HDOA/ARM  
32 Tyler Ralston, Private Citizen  
33 Weston Yap, HDOA  
34 Charles Hunter, Private Citizen  
35 John McHugh, HDOA/Pesticides Branch (PEST)  
36 Victoria Matsumura, HDOA/PEST  
37 Scott Nishimoto, HDOA/PEST  
38 Yong Pak, HDOA/Agricultural Loan Division (AGL)  
39 Gareth Mendonsa, HDOA/AGL  
40 Stephanie Kendrick, Hawaiian Humane Society  
41 Cathy Goegell, Animal Rights Hawaii  
42 Delanie Prescott-Tate, Attorney General's Office  
43 Haunani Burns, Attorney General's Office  
44 Valerie Kato, Attorney General's Office  
45 Jennifer Waihee-Polk, Attorney General's Office

- 1 Bryan Yee, Attorney General's Office
- 2 Janelle Saneishi, HDOA/Chairperson's Office (CHR)
- 3 Micah Munekata, HDOA/CHR
- 4 Phyllis Shimabukuro-Geiser, HDOA/Deputy to the Chairperson
- 5 Sean O'Keefe, Alexander & Baldwin
- 6 Trenton Yasui, HDOA/PQB
- 7 David Lingenfelser, HDOA/PQB
- 8 Shawn Aguiar, AGEE, Inc.
- 9 Jim Thain, HDOA/PQB
- 10 Amy Domeier, RHHC
- 11 Michael Domeier, RHHC
- 12 Becky Azama, HDOA/Plant Pest Control Branch (PPC)
- 13 Mohsen Ramadan, HDOA/PPC
- 14 Kim Yoshimoto, Imanaka Asato
- 15 Marcus Woo, Hawaii Ulu Coop
- 16 Dana Shapiro, Hawaii Ulu Coop
- 17 Jessica Wooley, USHS
- 18 Victoria Anderson, UH Manoa
- 19 Paul Tibbs, Private Citizen
- 20 Larry Lee, Bulldog Concessions
- 21 Jackie Jaques, Private Citizen
- 22 Lori Miano, Hawaii Speed and Quickness
- 23 Charlita Mahoe, Mahoe's Hawaiian Delights, Inc.
- 24 Allen Mahoe, Mahoe's Hawaiian Delights, Inc.
- 25 Scott Fernandez, EK Fernandez Shows
- 26 Brandi Subee, EK Fernandez Shows
- 27 Donna Smith, EK Fernandez Shows
- 28 Lolita Takeda, Kapolei High School
- 29 David Tautofi, Kaimuki Youth Development Org.
- 30 Trisha Watson, Keiki Hula
- 31 John Field, CFO of Punahou School
- 32 Victoria Anderson, Private Citizen

33  
34 II. APPROVAL OF MINUTES FROM 7/24/18 MEETING

35  
36 Item deferred until next meeting.

37  
38 III. INTRODUCTIONS

39  
40 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

41  
42 A. AGRICULTURAL LOAN DIVISION

- 43
- 44 1. Request for Approval of One (1) Emergency Loan to Jose A.  
45 Ramelb.

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Gareth Mendonsa, HDOA/AGL, presented testimony as submitted. Staff recommends approval.

Motion to accept: Hong/Comerford.

Board member Case asked about the overall harm from the eruption and the individual grower's economic setback. Mr. Mendonsa said the individual growers will carry additional debt, but that they are still determined to make it.

Board member Hong asked if there is a mechanism for DOA to look at terms of interest and mitigate the issue of payments to stretch out payments while recovering. Mr. Mendonsa said they have measures to help these growers. There are forbearance agreements to defer payments until farm conditions improve. This includes lower payments.

Board member Comerford asked about the proposed new safer spot. Mr. Mendonsa said the eruption covered 2,000 acres in lower Puna. Keaau is in a different lava zone and that's where he intends to plant. Board member Cabral mentioned that the trade winds in the area help.

Board member Tanaka asked if the new location was in the lava flow. Mr. Mendonsa said it was outside the flow. It is in the area called the "ag lots" in Keaau. It is impossible to predict where the next flow will go or move. There is some historical data on lava flows, however it is still impossible in general to predict the lava flow. This location is much further away than Opihikau.

Board member Mina said that FSA is only giving loans to farmers in zone 3 and asked if that is correct. Mr. Mendonsa said he is unsure, but there are private lenders that will not lend to zone 1 and 2.

Vote: Approved, 10-0.

2. Request for Approval of One (1) Direct Farm Ownership Loan to William P. Brosnahan III and HKC LLC, Co-Borrowers.

Gareth Mendonsa, HDOA/AGL, presented testimony as submitted. Staff recommends approval.

Motion to accept: Ley/Evans.

Board member Evans asked if this 4% rate is determined due to a particular loan program, as the previous loan was for 3%. Mr. Mendonsa said that it is due to the emergency loan program, providing a lower interest rate to address emergency need.

1 Board member Cabral asked why the labor cost was low and if it does not include his  
2 time in the cost. Mr. Mendonsa said yes.

3  
4 Board member Mina said that he appreciates the planting of Durian.

5  
6 Vote: Approved, 10-0.

- 7  
8 3. Request that One (1) Loan to MV Farms, Inc. be Referred to the  
9 Attorney General for Disposition and/or Collection.

10  
11 Yong Pak, HDOA/AGL, presented testimony as submitted. Staff recommends approval.

12  
13 Motion to accept: Cabral/Tanaka.

14  
15 Board member Cabral asked if this is the normal procedure and what the procedure is.  
16 Mr. Pak said there is no particular process per se. Chairperson Enright said that DOA  
17 finds a way to keep the farmers farming. This was sent to Ag Mediation and it came to  
18 terms. That then fell through. At this point as it has been going on for extended periods  
19 of time, the request is coming to the Board.

20  
21 Board member Cowell asked if it is still in operation. Mr. Pak said yes. Chairperson  
22 Enright said there are no cows and they buy the milk from Meadow Gold.

23  
24 Board member Mina made a comment that it is sad to see this happen and would like to  
25 know if there is anything we can do to help her with operating her business. There is  
26 expertise out there, but not sure where we can come in. Chairperson Enright said they  
27 are not producing milk.

28  
29 Vote: Approved, 10-0.

30  
31 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 32  
33 1. Request for Consent to Assignment of General Lease No. S-9001, Jerome  
34 J. Kennedy aka Joe Kennedy, Lessee/Assignor; Volcano Island Honey  
35 Company, LLC, Assignee; TMK: 2<sup>nd</sup> Div/ 5-2-001:011, Lot No. 2, Molokai  
36 Agricultural Park, Hoolehua-Apana, Island of Molokai, County of Maui,  
37 Hawaii

38  
39 Linda Murai, HDOA/ARM, presented testimony as submitted. Staff recommends approval.  
40 Motion to accept: Hong/Comerford.

41  
42 Board member Hong asked whether the current loan was up to date. Ms. Murai said yes.  
43 Michael Domeier, owner, came forward.

44

1 Board member Hong asked if he would be able to move the operation to Molokai and still  
2 brand under same label. Mr. Domeier said they would get the honey and ship to the Big  
3 Island.

4  
5 Board member Mina asked what type of honey would be produced. Mr. Domeier said it is  
6 Kiawe. They also make Table Honey and it is sold. They will start extracting honey with  
7 use of satellite imagery. Molokai is a great place for honey. There is only a handful of  
8 honey makers on the island.

9  
10 Board member Tanaka asked if it is packed when being shipped and why not keep it on  
11 Molokai. Mr. Domeier said the equipment price is high. They will hire in Molokai.

12  
13 Board member Hong asked about ancillary business-like queen bee cultivation. Mr.  
14 Domeier said he would like to do that and that is a possibility. The reason for Molokai is  
15 not only the potential on the island, but also the lack of Varroa Mite.

16  
17 Chairperson Enright thanked him for his interest. He asked about bee operations on small  
18 portion of acreage and what will the rest of the property be used for. Mr. Domeier said it  
19 was for an operation base, equipment and potential infrastructure. There may be potential  
20 use for other farmers in the area. Chairperson Enright said that beekeepers are vocal, and  
21 their concern is the importation of Varroa Mite as equipment moves. Mr. Domeier says he  
22 is very aware of the issue. Equipment will only go one way. Brand new equipment will go  
23 to Molokai. Chairperson Enright said that he would like to put some conditions on this  
24 lease, based on PQ inspectors going to make sure varroa mite will not move.

25  
26 Board member Mina appreciate the expertise of Mr. Domeier. Mr. Domeier said that they  
27 have reached out to community and other operations and mentioned that they would train  
28 others if needed. The worry of the market on Molokai is not needed as this will be on the  
29 Big Island.

30  
31 Board member Tanaka asked if Mr. Peabody is still raising honey. Mr. Domeier said that  
32 there are a few older beekeepers still around in the area.

33  
34 Vote: Approved, 10-0.

- 35  
36 2. Request for Approval to Award Waianae Agricultural Park Lands Leases  
37 to Various Awardees and Back-Up Positions; TMK: 1<sup>st</sup>/ 8-5-034:002,  
38 013, 016 And 017; Waianae Agricultural Park, Waianae, Island of Oahu,  
39 Hawaii

40  
41 Chairperson Enright deferred this item.

- 42  
43 3. Request for Consent to Assignment of General Lease No. S-6007; Olivios  
44 A. Arios, Lessee/Assignor, Chai Yoshimura, Assignee; TMK: 1<sup>st</sup> Div/5-6-  
45 006:035, Lot 07, Kahuku Agricultural Park, Koolauloa, Kahuku, Island of

1 Oahu, Hawaii

2  
3 Roy Hasegawa, HDOA/ARM, presented testimony as submitted. Staff recommends  
4 approval.

5  
6 Motion to accept: Evans/Tanaka.

7  
8 Vote: Approved, 10-0.

- 9  
10 4. Request for Approval of Extension of Lease Term and Transfer of  
11 Member Interest, General Lease No. S-3003, Kona Producers  
12 Cooperative, Lessee; TMK: 3<sup>rd</sup> Div/7-9-016: 018, And 019, Lot Nos. 018  
13 And 019, Honalo, North Kona, Island of Hawaii

14  
15 Joyce Wong, HDOA/ARM, presented testimony as submitted. Staff recommends  
16 approval.

17  
18 Motion to accept: Mina/Tanaka.

19  
20 Board member Evans asked if the Board usually approves change of members with the  
21 lessee. Ms. Wong said they must go through the process as if they were new members  
22 with the Department. Board member Evans asked if the lease rent is a personal  
23 obligation of each member. Ms. Wong said it is with the organization.  
24 Dana Shapiro, Kona Producers Cooperative (KPC), came forward. She mentioned the  
25 history of the Honalo Marshalling yard and how the Coop had almost dissolved. This  
26 may have forced tenants to be evicted. They were forced to consider their options. The  
27 existing board members were pleasantly surprised to see interest. She said that they  
28 worked closely to join the board and others resigned. They were then looking to convert  
29 KPC to a non-profit. They have been working to clean up the organization, and the  
30 Marshalling yard is being utilized as an ag hub. They are working with small farmers in  
31 the region and processing for Hawaii's public schools. Chairperson Enright said that  
32 this is one of those facilities that DOA has that doesn't really fit into our programs. It  
33 was underutilized but then the Ulu Coop came in. The old group was going out and a  
34 new one was coming in. It is not standard but is on the submittal.

35  
36 Board member Ley asked how many members are in KPC. Ms. Shapiro said there is  
37 only 3, as the board has been the only members historically. The model needs to  
38 change.

39  
40 Board member Mina said that the Ulu Co-op is under the KPC. Ms. Shapiro said that  
41 they are within the umbrella. Board member Mina thanked her for her work.

42  
43 Board member Ley confirmed that the users include the Ulu Co-op, Hamakua  
44 Macadamia Nut Company, and the Kona Farm Bureau. Board member Ley asked  
45 about the avocado industry as a pilot project. Ms. Shapiro said that they have partnered

1 with a Washington company and are using a separate facility. Board member Ley  
2 asked about any plans for additional acreage. Ms. Shapiro said that they have planted  
3 7 ulu trees and working with NRCS for agroforestry demonstration. There is a large  
4 concrete parking lot potentially for Voyaging Foods, flower production. There may be  
5 commercial solar drying in the area. They are exploring their options at the moment.  
6 Board member Ley asked if the lease reopening is in November. Ms. Wong said it  
7 would be appraised in November.

8  
9 Morris Atta, HDOA/ARM, in response to Board member Evans' previous comments,  
10 said that leases with transfer of control require Board approval. This request isn't  
11 necessarily a transfer of ownership shares, however, out of caution, coming before the  
12 board with this request was the appropriate way to move forward.

13  
14 Vote: Approved, 10-0.

- 15  
16 5. Request for Consent to Assignment of General Lease No. S-4627, JKB &  
17 MLB Corp., Assignor; Scott Salfen, Assignee; TMK: 3<sup>rd</sup> Div/1-5-116:024,  
18 Lot No. 24, Pahoia Agricultural Park, Phase II, Keonepoku Iki, Puna, Island  
19 of Hawaii

20  
21 Joyce Wong, HDOA/ARM, presented testimony as submitted. Staff recommends  
22 approval.

23  
24 Motion to accept: Evans/Tanaka.

25  
26 Board member Mina asked what else the assignee will plant. Ms. Wong said he plants  
27 papaya and cacao. Board member Mina asked about the use of the Kukui nuts. Ms.  
28 Wong said they are good for ailments and that he would be doing value added products.

29  
30 Vote: Approved, 10-0.

31  
32 Chairperson Enright called a 5 minutes recess at 10:00 AM.

33  
34 Chairperson Enright called the meeting back to order at 10:05 AM.

- 35  
36 6. Request for Consent to Assignment of General Lease No. S-3114, David  
37 Pellani, Assignor; Michael Shinsky, Assignee; TMK: 3<sup>rd</sup> Div-4-4-011:033,  
38 Lot No. 33, Ka'apahu Homesteads, Hamakua, Island of Hawaii

39  
40 Joyce Wong, HDOA/ARM, presented testimony as submitted. Staff recommends  
41 approval.

42  
43 Motion to accept: Evans/Cabral.

44

1 Board member Evans asked if there are homestead lots on the ag park and if the assignee  
2 could build a home. Ms. Wong said that any of this would have to come before the Board.

3  
4 Chairperson Enright said that Mike lost his home in Puna and asked if he was aware that  
5 DOA does not allow residences on Hamakua land. Ms. Wong said he is aware of it.  
6 Chairperson Enright said it is a discussion that we will have at DOA and ADC to discuss  
7 residences on ag lots. Board member Evans asked if a policy change is needed or if it is a  
8 rule change for DOA ag parks and non-ag parks. Chairperson Enright said historically  
9 DOA and ADC do not look at residency favorably due to lack of farming over the course of  
10 time. There needs to be consideration moving forward with new generation to  
11 accommodate them. It's a discussion that we need to have but current policy is not to  
12 allow it on these lots.

13  
14 Board member Mina said that he appreciates that move to discuss that. He suggested a  
15 bridge in the dilemma would be a land trust to help mitigate the issue.

16  
17 Vote: Approved, 10-0.

- 18  
19 7. Request for Consent to Assignments of General Lease No. S-4765 and  
20 General Lease No. S-5615; Hawaii Foliage Exports, Inc., Lessee/Assignor;  
21 Panaewa Foliage, Inc., Assignee; TMK: 3<sup>rd</sup> Div/ 2-2-056:044, Lot No. 18,  
22 Panaewa Agricultural Park, Waiakea, South Hilo, And Tmk:3<sup>rd</sup> Div/ 2-4-  
23 049:021, Lot No. 07, Panaewa Farm Lots, 2<sup>nd</sup> Series, Waiakea, South Hilo,  
24 Island of Hawaii, Respectively

25  
26 Joyce Wong, HDOA/ARM, presented testimony as submitted. Staff recommends  
27 approval.

28  
29 Motion to accept: Ley/Evans.

30  
31 Morris Atta, HDOA/ARM, came forward. Chairperson Enright confirmed the lease  
32 transfer with Mr. Atta.

33  
34 Vote: Approved, 10-0.

- 35  
36 8. Resubmit - Request for Approval of Extension of General Lease No. S-  
37 7017, Agee, Inc., TMK: 3<sup>rd</sup> Div/4-3-005:015, Lot No. 07, Pohakuhei, And  
38 Kemau 1<sup>st</sup>, District of Hamakua, Hawaii

39  
40 Joyce Wong, HDOA/ARM, presented testimony as submitted. Staff recommends  
41 approval.

42  
43 Motion to accept: Cabral/Comerford.

44  
45 Sean Aguilar, AGEE, Inc., came forward.



1  
2 Board member Ley asked about outstanding issues. Sean Aguilar said that he has a  
3 plan to clean up the area. There is a plan to fix the fences. The feedlot was built for  
4 8,000 head, but that is not currently the use. They will utilize the land better. Board  
5 member Ley asked if they will use whole acreage. Mr. Aguilar said they will make  
6 bigger paddocks and use the whole land.  
7

8 Board member Comerford asked how long do animals reside on the feedlot? Mr.  
9 Aguilar said that it is about 30-45 days. Board member Comerford asked if they are not  
10 meeting that capacity. Mr. Aguilar said they are not. Board member Comerford asked  
11 about the feedlot's plan with waste. Mr. Aguilar said it goes into ponds.  
12

13 Chairperson Enright said that small ranchers often aggregate at Mr. Aguilar's facility to  
14 be shipped. Mr. Aguilar said there is a need and a market for it.  
15

16 Board member Mina asked about the genetics. Mr. Aguilar said that the genetics used  
17 are comparable to other states.  
18

19 Chairperson Enright said that staff would move forward but would have conditions to  
20 move forward on the feedlot plan. He asked if they have settled the question of roping  
21 events. Mr. Atta said yes.  
22

23 Vote: approved, 10-0.  
24

- 25 9. Request for Consent to Assignment of General Lease No. S-3119; Glenn  
26 Joseph Robert Griffin and Kelly Lei Griffin, Lessee/Assignor, To Michael  
27 Patrick Fairall, Assignee; Lot No. 10, TMK: 1<sup>st</sup> Div/4-1-010:041;  
28 Koolaupoko, Waimanalo, Island of Oahu, Hawaii  
29

30 Chairperson Enright deferred this measure.  
31

32 C. PLANT INDUSTRY DIVISION  
33

- 34 1. Request for: (1) Approval of additional partial amendments to  
35 Chapter 4-66, *Hawai'i Administrative Rules* that received board  
36 approval on February 27, 2018 in order to comply with the  
37 passage of Act 045, signed into law June 13, 2018; and (2)  
38 Appoint John McHugh, PhD. as the Hearings Officer in  
39 Connection with the Proposed Amendments to Chapter 4-66,  
40 *Hawai'i Administrative Rules*.  
41

42 (See Attached Amendments)  
43

44 John McHugh, HDOA/PEST, and Victoria Matsumura, HDOA/PEST, presented  
45 testimony as submitted. Staff recommends approval.

1  
2 Motion to accept: Comerford/Hong.  
3  
4 Board member Hong made a clarification with some of the wording.  
5  
6 Board member Ley made a clarification under 4-66-62 item D and asked if this was for  
7 departmental use. Mr. McHugh said yes. Board member Ley asked if they could add in  
8 "departmental use" into this section. The language was confirmed with the Deputy  
9 Attorney General. Board member Cabral said that it is listed as departmental use and  
10 that he wants to make sure farmers are protected.  
11  
12 Board member Comerford said that UH may have greenhouses within 100 feet of a  
13 school and asked if they can use RUP's. Mr. McHugh said that would be their  
14 understanding.  
15  
16 Board member Ley asked if the onus is on the schools to inform the DOA and asked  
17 how farmers are supposed to understand that. Chairperson Enright said that the onus  
18 is on the Department. There will be a lot of legwork on this and identifying the schools  
19 will be difficult.  
20  
21 Board member Cabral asked how DOA will come up with the list and if the farmer will  
22 see if that is close to their property. He asked if something is not on the list, are they  
23 liable. Victoria Matsumura, HDOA/PEST, said the certified applicator will be liable.  
24 Board member Cabral asked how the farmer will know and will DOA be liable for the list.  
25 He asked about the possibility of an unregistered school. Mr. McHugh said that if they  
26 are unregistered it will be a problem. Ms. Matsumura said that the advisory committee  
27 asked for a provision that school locations be based on readily identified public records.  
28 The list is not considered fully official as there are other public documents that identify  
29 schools. Board member Cabral said he is trying to minimize liability for the farmer,  
30 whether they know or don't know based on a list. Chairperson Enright said it was a  
31 work in progress. Mr. McHugh said that they will work with farmers, but there is always  
32 a chance that someone is off the grid. It will be a challenge. Chairperson Enright said  
33 that if they are not registered with the State, then that may not affect them. Deputy  
34 Attorney General Bryan Yee said that there is a definition in statute. If there are  
35 problems with the Statute, rules can't fix the problem.  
36  
37 Board member Hong left.  
38  
39 Board member Ley said that the Legislature has put forward resources to help with this.  
40 Bryan Yee mentioned the definition of schools in statute. They are taking it straight  
41 from the statute. Board member Ley asked if they could require that the school come  
42 forward to identify themselves. Mr. Yee said that they couldn't do that. Ms. Prescott-  
43 Tate said that the bottom line is that it would be the restricted use applicator who would  
44 be liable per the statute. Board member Cabral said that this is not the intent of the law  
45 for the farmer to go knock on the door. Board member Ley asked if a farmer can call

1 HDOA to check their farm. Mr. McHugh said that there is a lot of work needed to move  
2 this forward. He stated that the structural use of RUPs is exempted from this section of  
3 the law, however there are other issues outside of agriculture such as utility pole  
4 treatment.

5  
6 Board member Ley asked if the law is going into effect January 1, 2019. Mr. McHugh  
7 said yes. Intention is to have this wrapped up by end of year.

8  
9 Board member Mina asked if farmers are required to notify of mixes. Ms. Matsumura  
10 said no. Board member Mina asked what it would take to require what's being put into  
11 the tank. Mr. McHugh said he wasn't sure of what it would take. Board member Mina  
12 commented about the mixes of chemicals and their effects. Mr. McHugh said it will  
13 apply to the most serious requirements.

14  
15 Board member Cabral asked about Chlorpyrifos and the permitting process. Ms.  
16 Matsumura said that the permit process is being drafted with an expiration of 6 months  
17 to 1 year. It is still being drafted and should be done by the end of the year.

18  
19 Motion to approve as amended

20  
21 Vote: Approved, 9-0 (Board member Hong not present).

22  
23 Chairperson Enright called for a recess at 11:00 AM.

24  
25 Meeting resumed at 11:05 AM.

26  
27 V. OLD BUSINESS

- 28  
29 1. Re-submission of Request for Adoption of Proposed Amendments to  
30 Chapter 4-71, Hawaii Administrative Rules, Entitled "Plant and Non-  
31 Domestic Animal Quarantine, Non-Domestic Animal Import Rules",  
32 to Ban Import of Dangerous, Wild Non-Domestic Animals for  
33 Performance or Exhibition in Circuses or Carnivals.

34  
35 (See Attached Summary of Proposed Amendments and Where They  
36 May Be Viewed.)

37  
38 *{Reference: 9/26/2017 Board of Agriculture Meeting. No Board action*  
39 *was taken on these specific proposed amendments, for lack of a*  
40 *majority vote.}*

41  
42 Jonathan Ho, HDOA/PQB, presented testimony as submitted. Staff recommends  
43 approval.

44  
45 Motion to accept: Comerford/Case.

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Chairperson Enright opened testimony to the public.

Jessica Wooley, HSUS, presented testimony in support of the request.

John Field, CFO of Punahou School, presented testimony in support of EK Fernandez. They have been a valued partner for the school. They are an important partner for the community

Stephanie Kendrick, Hawaiian Humane Society, presented testimony in support. She said that the issue is about mainland companies with animal welfare issues and not about local business.

Lolita Takeda, private citizen, Kapolei high parent board, presented testimony in opposition. EK Fernandez carnival has been in Kapolei for five years and is a benefit to the community.

Larry Lee, Bulldog Concessions, presented testimony in opposition.

Charlita Mahoe, Mahoe's Hawaiian Delights, Inc., presented testimony in opposition.

Lori Miano, Hawaii Speed and Quickness, presented testimony in opposition. She stated that EK Fernandez provides a service to the Hawaii Kai community.

David Tautofi, Kaimuki resident, presented testimony in opposition. There is a benefit to the Kaimuki community and the children.

Charles Hunter, EK Fernandez, in opposition. Animal welfare is not the question here, the rules state it is about health and safety. EK is targeted. Special laws should not apply to one person/entity while giving special privileges to others.

Cathy Goegell, Animal Rights Hawaii, presented testimony in support. She stated it was not an issue about EK Fernandez, but about public health and safety.

Jackie Jaques, private citizen, presented testimony in opposition. EK has done nothing wrong and they are a quality company.

Victoria Anderson, private citizen, presented testimony in support. Animal welfare is an issue in transport.

Donna Smith, EK Fernandez, presented testimony in opposition. There is not one reason to ban wild animal acts in Hawaii. Hawaii is known to have the most stringent importation standards in the industry. USDA enforces animal welfare act. There is a lot of licensing and safety protocols that must be met to import exotic animals.

1 Tyler Ralston, private citizen, presented testimony in support. The risk is extremely high  
2 when bringing in these animals.  
3  
4 Scott Fernandez, EK Fernandez, presented testimony in opposition. If this about safety,  
5 then look at the record. USDA handles all animal welfare issues. The reason for  
6 success is because of safety. This is a solution looking for a problem.  
7  
8 Paul Tibbs, private citizen, presented testimony in support. He said that exploiting  
9 animals in captivity is wrong.  
10  
11 Board member Tanaka questioned HSUS about previous legislation to address this  
12 issue. Ms. Wooley, HSUS, said that many have attempted to address this issue before  
13 at the Legislature. Board member Tanaka questioned whether DOA is the appropriate  
14 government entity to move on this issue. He believes it's best served at the Legislature  
15 and not at the Board.  
16  
17 Board member Comerford says he is discouraged about this being about one business.  
18 The reason for this is public safety, public health, and animal welfare. The data says  
19 there is no public safety issue, public health is hard to find significant issue – hard to  
20 find diseases, and so it come to animal welfare and what we want to be as a society.  
21 He stated that he doesn't like this being about one business and that it should be in  
22 context outside of that. Board member Comerford says that the rule change is only  
23 partial in addressing this.  
24  
25 Board member Cabral said there is risk in everything we do. People are more of a risk  
26 than bringing in wild animals. He mentioned that he grew up with the circus and does  
27 not see the harm if it is regulated.  
28  
29 Board member Mina asked Scott Fernandez to come forward. He mentioned that he  
30 found a way to weather the hit of regulation. He mentioned the possibility of an outside  
31 concept for creative solutions such as virtual reality and asked if there was a creative  
32 solution that could exist. Mr. Fernandez said that this was about the Show itself. His  
33 job is to bring things in that entertain people. The animal acts have become  
34 educational. Animals are becoming extinct around the world and the only place to see  
35 these animals will be at zoos. Board member Mina said he would like to encourage  
36 new solutions as the tide is moving away from wild animals. Mr. Fernandez said that  
37 most local people are benefiting from this. The Legislature should take this up, not this  
38 Board. Board member Mina said we are all in business to make money and asked  
39 about the questions in the 10,000-person petition. Donna Smith, EK Fernandez, said  
40 this was about allowing acts to continue and people signed the petition in support of the  
41 animals.  
42  
43 Board member Case stated that she voted for this before and would vote for it again.  
44 There are a lot of opportunities for entertainment in Hawaii and it is changing over time.  
45

1 With no other testimony, Chairperson Enright called for a voice vote on the item.  
2  
3 Vote: Approved, 6-3 (Yes – Diane Ley, Suzanne Case, Mary Alice Evans (WR), Scott  
4 Enright, Vincent Mina, and Nicholas Comerford; No – Joe Tanaka, Fred Cowell, and  
5 Randy Cabral; Glenn Hong not present).

6  
7 2. Updates on Statewide Disaster Relief Efforts.

8  
9 Phyllis Shimabukuro-Geiser, presented an update on the emergency efforts on the fires  
10 on Maui and Hurricane Lane. The Chairperson met with constituents in Lahaina to  
11 discuss possibilities of support. The Shipman request with the Army National Guard did  
12 not move forward.

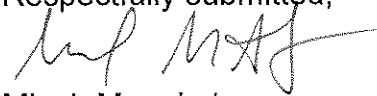
13  
14 VI. ADJOURNMENT OF REGULAR MEETING

15  
16 Motion to adjourn meeting: Comerford/Tanaka.

17  
18 Vote: Approved, 9-0.

19  
20 Meeting adjourned at 12:18 PM.

21  
22  
23 Respectfully submitted,

24 

25  
26 Micah Munekata  
27 Board Secretary