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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 December 4, 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 Glenn Hong, Member-At-Large
23

24 Members Not Present:

25 Suzanne Case, Chairperson, Board of Land and Natural Resources
26

27 Others Present:

28 Wil Leon Guerrero, HDOA/Plant Quarantine Branch (PQB)
29 Morris Atta, HDOA/Agricultural Resource Management Division (ARM)
30 Jamie Barton, HARC
31 James Stubbs, Private Citizen
32 Phyllis Shimabukuro-Geiser, HDOA/Deputy to the Chairperson
33 Bianca Isaki, Protect Our Keiki
34 Gary Hooser, Protect Our Keiki
35 Kevin Moore, DLNR/Land Division
36 Barry Cheung, DLNR/Land Division
37 Yong Pak, HDOA/Agricultural Loan Division (AGL)
38 Victoria Matsumura, HDOA/Pesticides Branch (PEST)
39 Haunani Burns, Attorney General's Office
40 Delanie Prescott-Tate, Attorney General's Office
41 Bryan Yee, Attorney General's Office
42 Trenton Yasui, HDOA/PQB
43 Scott Nishimoto, HDOA/PEST
44 Janet Ashman, Hawaii Farm Bureau
45 Kalani Watson, HDOA/PQB

1 Christopher Kishimoto, HDOA/PQB
2 Autumn Ness, Hawaii Center for Food Safety
3 Randy Teruya, HDOA/ARM
4 Noni Putnam, HDOA/PQB
5 Micah Munekata, HDOA/Chair's Office (CHR)
6 Janelle Saneishi, HDOA/CHR
7 Cindy Umemoto, HDOA/PQB
8 Theresa Manzano, HDOA/PQB
9 Jim Thain, HDOA/PQB
10 David Lingenfelter, HDOA/PQB

11
12 II. APPROVAL OF MINUTES FROM 9/25/18 MEETING

13
14 Motion to accept: Comerford/Hong.

15
16 Vote: Approved, 7-0 (Case, Mina, Tanaka absent)

17
18 III. INTRODUCTIONS

19
20 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

21
22 A. AGRICULTURAL LOAN DIVISION

- 23
24 1. Request for Approval of One (1) Direct New Farmer Land Ownership
25 Loan to Jamie Barton and James Stubbs, husband and wife.

26
27 Yong Pak, HDOA/AGL, presented testimony as submitted. Staff recommends approval.

28
29 Motion to accept: Evans/Ley.

30
31 Board member Evans said that it is telling for farmers to buy fee simple farmland and
32 that they need to still work their full-time jobs. She complimented the staff to make this
33 possible against such challenging odds.

34
35 Jamie Barton, applicant, called forward.

36
37 Chairperson Enright asked about her business model. Ms. Barton said they are looking
38 for high to medium density planting of mango with the small amount of land they have.
39 They would keep the tree smaller and increase the number of plants per acre, in turn
40 increasing the yield. You see this with apples around the world. This is new for
41 mangoes. They have plans to visit Australian farms doing this. Protea can also grow at
42 lower elevations and they are working with UH to grow certain varieties.

43
44 Board member Cowell asked if they are looking at trellis techniques. Ms. Barton said
45 yes, and the upfront cost is heavy, roughly \$30,000 an acre based on their estimation.

1 She said that with medium density you can do more pruning rather than trellising.
2 Board member Cowell asked what kind of varieties they would be using. She said that
3 they are looking at Raposa.

4
5 Board member Cabral said Raposa did well in Kau in lower elevation. He cautioned
6 about high density moving forward. Ms. Barton said there are a lot of studies that show
7 after year 10 with high density there are challenges. The yield that you receive early on
8 is so much higher.

9
10 Board member Hong asked about pruning and keeping trees smaller and asked what
11 this type harvesting is. Ms. Barton said smaller plants equal less labor. There is less
12 risk if pruning is done regularly.

13
14 Chairperson Enright asked about marketing. Ms. Barton said that she is developing that
15 skill right now. She is networking with Hawaii Tropical Fruit Growers Association. They
16 are taking marketing and business development classes. She had done some sales but
17 not her own brand in the past. Chairperson Enright said marketing local mangoes
18 shouldn't be an issue. Ms. Barton said she would like to find a market with higher price.
19 Local and high quality is a good market to get into.

20
21 Vote: Approved, 7-0.

22
23 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 24
25 1. Request for Approval to Accept the Set Aside and Issuance of
26 Immediate Management Right-of-Entry for Lot No. 12022;
27 TMK: 1st Div/9-1-031:001; Honouliuli, Ewa, Island of Oahu, and
28 Review of the Status of Transfers from the Department of Land
29 and Natural Resources to the Department of Agriculture

30
31 Chairperson Enright provided small overview of this request; but mentioned that this will be
32 deferred until a future meeting.

33 Board members Tanaka and Mina arrived.

34 C. PLANT INDUSTRY DIVISION

35
36 Pesticides Branch

- 37 1. Request for: (1) Preliminary Approval of Hearing Officer's
38 Recommendations following Public Hearings held on November 1,
39 2018, November 2, 2018, November 5, 2018, November 7, 2018,
40 and November 8, 2018 on the Proposed Amendments to Chapter
41 4-66, *Hawai'i Administrative Rules*, entitled "Pesticides"; and (2) To
42 Schedule a Date for Announcement of the Board's Decision on

1 Adoption of the Proposed Amendments to Chapter 4-66, *Hawai'i*
2 *Administrative Rules.*

3
4 Victoria Matsumura, HDOA/PEST, presented testimony as submitted. Staff
5 recommends approval.

6
7 Motion to accept: Evans/Comerford.

8
9 Chairperson Enright opened the floor to public testimony.

10
11 Gary Hooser, Protect Our Keiki Coalition, presented testimony as submitted. He
12 expressed concerns with the confidential business information issue. He also
13 expressed concern for the Pesticide Advisory Committee and its use.

14
15 Autumn Ness, Center for Food Safety, presented testimony as submitted. She
16 expressed concern regarding confidential business information and discussed the
17 importance of having data available. She expressed concern with the definition of drift
18 and including volatilization. She had a concern about Chlorpyrifos not being included in
19 the rules, and a concern with the definition of "run-off." Board member Mina asked if
20 California is labeling Chlorpyrifos. Ms. Ness said she has not reviewed those rules in a
21 while and that California was in a grey area nearly 8 months ago. Board member
22 Comerford asked about the definition of ground water. He said that the definition says
23 that it does not soak into the ground. Ms. Ness said she wasn't sure about the
24 language. Board member Comerford said that the definition seems to cover your
25 concern.

26
27 Bianca Isaki, Protect Our Keiki Coalition, presented testimony as submitted. She
28 expressed concern regarding ground water in the rules.

29
30 Janet Ashman, Hawaii Farm Bureau (HFB), presented testimony as submitted. She
31 spoke about the 8-year process to update the pesticide rules and how it is important to
32 HFB. She recommended that language from the law be placed into the rules. Board
33 member Hong asked if Act 45 says that information is supposed to be used by DOA
34 only. Ms. Ashman said there are 2 parts. The bill states departmental use. The
35 department is then supposed to do a summary of what was submitted and what that
36 should include. Board member Hong asked if Act 45 prohibits the distribution of
37 information. Ms. Ashman said it is not prohibiting but it is offering information to the
38 public based on what the Legislature saw fit. She said there are good reasons why
39 information should be given to the public, but it should not be everything like confidential
40 business information. Board member Hong asked if there is indication of a spike in
41 conditions, can the DOH can get that specific information from DOA. Ms. Ashman said
42 that DOA and DOH work closely. If there is an incident of concern, they work together.
43 Board member Hong mentioned the concern of getting the information quickly. Deputy
44 Attorney General Bryan Yee mentioned that he could answer public disclosure issue in
45 executive session should the board decide to do that. Ms. Matsumura said that DOA

1 must give the information to DOH. If doctors need information, the DOA works with
2 them. Board member Mina asked if they would give information on what was sprayed
3 or combination that was sprayed. Ms. Matsumura said that they would give the
4 information they have to the doctor to help the public. Ms. Matsumura said that the
5 state registration number is not included because that number does not exist.
6 Chlorpyrifos is passed by statute and not needed in rules. The permit number will be
7 given. Act 45, SLH 2018 guides regulation of Chlorpyrifos. The RUP list, as the State,
8 is something they do specifically for groundwater contamination. After extensive testing
9 and seeing if a product leaches, a product is either restricted or not licensed by the
10 State. Consultation will be with Pesticide Advisory Committee and with the Board. It
11 will make the process a lot faster. The DOA must abide by the Sunshine Law regarding
12 confidential business information. They must release everything required by Act 45,
13 SLH 2018.

14
15 Board member Ley asked about how the State Hydrologist looks at soils on Hawaii and
16 that there are multiple soil types. Ms. Matsumura said the hydrologist is well aware of
17 the soil types. Board member Ley asked if it leaches in one soil will it leach in another.
18 Ms. Matsumura said that is not her expertise.

19
20 Board member Evans said that the Board wanted to see a faster method for the State
21 RUP listing and providing a quicker action to address the community.

22
23 Board member Cabral said his concern over Act 45 and matching language in rules. He
24 said that it was agreed to in the last meeting. Ms. Matsumura mentioned that was the
25 hearing's officer report. Delanie Prescott Tate, Deputy Attorney General, said that
26 added one additional element outside of Act 45 because DOA does some of this work
27 already. Board member Cabral asked why they must submit their records and the issue
28 of being a burden to the farmer. Ms. Prescott-Tate said that this should be something
29 that they do. Board member Cabral mentioned concern with the language of Act 45 and
30 that they should stick to it in the rules.

31
32 Board member Ley confirmed the comments of DOA. She mentioned that Board
33 member Cabral's comments are well-taken. Board authority is in question whether they
34 can go further to create more law here because it goes beyond Act 45. Ms. Prescott-
35 Tate said the Board does have the authority to establish these procedures and
36 standards. Board member Ley said that the Legislature in its deliberations should have
37 included it in the law. She had concern over history of the applicator and the language
38 to discern this. Ms. Matsumura said that the amendments address some of that
39 concern. Compliance with agreements is the issue at hand.

40
41 Chairperson Enright called for an executive session to discuss some legal matters.

42
43 Motion: Cabral/Tanaka.

44
45 Vote: Approved, 9-0.

1
2 Motion to close Executive Session: Evans/Hong.

3
4 Vote: Approved, 9-0.

5
6 Returned from Executive Session at 11:15 am.

7
8 Chairperson Enright called for the question and clarified what will be voted on. He said
9 that this would go back to the department for further review, so that if voted for decision
10 making it would take into account many of the issues brought forward. Board member
11 Mina clarified the acceptance of the hearing's officer as the vote.

12
13 Vote: 9-0, Approved.

14
15 Chairperson Enright set date to February Board meeting on this issue.

16
17 Plant Quarantine Branch
18 2. Request to (1) Amend Conditions for the Importation of Live, Sterile,
19 Male Brown Tree Snakes, *Boiga irregularis*, for Training and
20 Research by the Hawaii Department of Agriculture, Plant
21 Quarantine Branch, Hawaii Detector Dog Program; and (2) Allow
22 Import of Four (4) Live, Sterile, Male Brown Tree Snakes, *Boiga*
23 *irregularis*, for Training and Research by the Hawaii Department of
24 Agriculture, Plant Quarantine Branch, Hawaii Detector Dog
25 Program, Subject to Board of Agriculture Approved Import
26 Conditions.

27
28 Wil Leon Guerrero, HDOA/PQB, presented testimony as submitted. Staff recommends
29 approval.

30
31 Motion to accept: Cabral/Comerford.

32
33 Board member Comerford asked if dogs are aggressive and snakes can be killed. Mr.
34 Guerrero said that was for the research portion, but they are not going in that direction.
35 Board member Comerford asked if this is to maintain a population or to ask for more
36 snakes later. Mr. Guerrero said this allows them to have 4 snakes. Jonathan Ho,
37 HDOA/PQB, said the dogs may kill the snake in the training. Board member Comerford
38 was making sure they have 4 available at any time. Mr. Guerrero said that the snake
39 will be in a tube.

40
41 Board member Evans asked how they will develop an ability to smell and detect. Mr.
42 Ho said there is a ventilation tube that snakes can't escape from it.

43

1 Board member Mina asked if dogs are then trained to kill the snakes. Mr. Ho said the
2 dogs are to go toward the target and it is possible that they may attack the snake. The
3 intent is more for detection and the handlers captures the snake.

4
5 Board member Tanaka asked about the snake test and the history of this. Mr. Guerrero
6 said they have brought in snakes from 1988 to 2001 but snakes continued to die. They
7 have been looking for more snakes to be on hand. Mr. Ho said the dog detector
8 program did exist in the past then the RIF ended the program in 2009. Staff maintained
9 visual inspections, but resources returned in March 2017. There was an 8-year gap
10 with no dog detector units. There is a constant issue of retraining the dogs.

11
12 Board member Mina asked if they are adult snakes. Mr. Guerrero said they are roughly
13 3 feet in length and there is a transmitter placed in the snake.

14
15 Board member Hong asked about if the dogs can detect other snakes. Mr. Guerrero
16 said yes. Mr. Ho said that there are other species of snakes that come in. The USDA
17 does a demonstration and the dogs find them, based on reptile odors.

18
19 Board member Mina asked how many have been captured. Mr. Guerrero said it
20 fluctuates. One year it was up to 40. Mr. Ho said the numbers are inconsistent and are
21 up and down.

22
23 Vote: Approved, 9-0.

- 24
25 3. Request to: (1) Allow the Importation of Sablefish, *Anoplopoma fimbria*,
26 a Fish on the List of Restricted Animals (Part B), by Permit, for
27 Aquaculture Production, by Pacific Planktonics; and (2) Update Permit
28 Conditions for the Importation of Sablefish, *Anoplopoma fimbria*, a Fish
29 on the List of Restricted Animals (Part B), by Permit, for Aquaculture
30 Production, by Pacific Planktonics.

31
32 David Lingenfelter, HDOA/PQB, presented testimony as submitted. Staff recommends
33 approval.

34
35 Motion to accept: Ley/Tanaka.

36
37 Board member Ley asked if the company using this is for research or for
38 commercialization. Mr. Lingenfelter said it has been more for research, but this request
39 is for aquaculture production and doing marketing studies. Board member Ley asked if
40 this is for the local market. Mr. Lingenfelter said that Fresh Island Fish would like to
41 buy this. Trenton Yasui, HDOA/PQB, came forward. He said the small company is
42 primarily in Research and Development. They want to do small scale sales through
43 market study. Board member Ley asked how they kill. Mr. Yasui said bled, chilled and
44 sold on ice.

45

1 Board member Mina asked if at 50 degrees they can survive. Mr. Yasui said yes.
2 Board member Mina asked about the coast water temperature in Kona. Mr. Yasui said
3 he was not sure. He said that it has not been discovered in Hawaiian waters. Board
4 member Mina asked about the aggressiveness of the fish. Mr. Yasui could not speak to
5 this.

6
7 Board member Evans disclosed that she is a member of the board of NELHA. NELHA
8 has been assertive with biosecurity policies. She spoke in favor of this.

9
10 Board member Tanaka left the meeting.

11
12 Vote: 8-0, Approved.

13
14 V. OLD BUSINESS

15
16 None.

17
18 VI. NEW BUSINESS

19
20 None.

21
22 VII. ADJOURNMENT OF REGULAR MEETING

23
24 Chairperson Enright thanked the Board for their service for this past year. He
25 mentioned that he would like the Board to look into the January Board meeting issues
26 and weigh in. He also mentioned that he is open to the Board issues if they would like
27 to add anything to the agenda. He mentioned the possibility of site visits and Board
28 meetings on the neighbor islands.

29
30 Motion to adjourn: Mina/Cowell

31
32 Vote: Approved, 9-0.

33
34 Meeting adjourned at 11:50 AM.

35
36
37 Respectfully submitted,

38 

39
40 Micah Munekata
41 Board Secretary