

**AGENDA**  
**BOARD OF AGRICULTURE MEETING**

Date: June 25, 2019  
Time: 9:30 a.m.  
Location: County of Hawaii's Aupuni Center Conference Room  
101 Pauahi Street, #1  
Hilo, Hawaii 96720

An Interactive Conference Technology Meeting will be held  
between the following two locations:

County of Hawaii's Aupuni Center Conference Room  
101 Pauahi Street, #1  
Hilo, Hawaii 96720

University of Hawaii  
College of Tropical Agriculture & Human Resources  
3050 Maile Way, 202 Gilmore Hall  
Honolulu, Hawaii 96822

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES FROM 4/23/19 MEETING
- III. INTRODUCTIONS
- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
  - A. AGRICULTURAL LOAN DIVISION
    - 1. Request for 1-year Extension of Application Deadline for DOA's Emergency Loan Program.
    - 2. Request that One (1) Loan to So Ono Food Products, LLC be referred to the Attorney General's Office for Disposition and/or Collection.
    - 3. Request for Approval of One (1) Direct Real Estate Loan to YK CORP.
  - B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
    - 1. Request for Consent to Assignment of General Lease No. S-4853, Kalaoa Gardens, LLC, Assignor; Hawaii Lawn & Landscape, Inc., Assignee; TMK: 3<sup>rd</sup> Div/7-3-049:015, Lot No. 17, Ke'ahole Agricultural Park, Kalaloa, North Kona, Island of Hawaii
    - 2. Request for Consent to Assignment of General Lease No. S-4624, Yoshiaki Noguchi And Marion K. Noguchi (Deceased), Assignor; to Gerry R. Barao, Sr., Assignee; TMK: 3<sup>rd</sup> Div/1-5-116:021, Lot 21, Paho Agricultural Park, Phase II, Keonepoku Iki, Puna, Island of Hawaii
    - 3. Request for Approval to Sublease Between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and Travis Kamakawiwoole, Sublessee; General Lease No. S-7013, TMK: (3) 4-3-005:020 (Por), Lot No. 02, Hamakua Agricultural Park, Hamakua Pohakuhaku and Kemau 1st, Hamakua, Island of Hawaii

4. Request for Approval to Negotiate A Lease for Lot No. 12022; TMK: (1) 9-1-031:001, for Use as a Livestock Feed Lot and for a Water Allocation Requirement Purpose; Honouliuli, Ewa, Island of Oahu
5. Request for Conversion of General Lease No. S-4011, Lessee: Matsuko Matsumoto Revocable Living Trust, Lessee/Assignor, to Atirom Gardens, LLC, Assignee; TMK: 1<sup>st</sup> Div/4-1-027:004, Koolaupoko, Waimanalo, Island of Oahu, Hawaii
6. Certification of Acreage Assessments for the Honokaa-Paauilo, Kahuku, Molokai, Waimanalo, and Waimea Irrigation Systems, 2020 Fiscal Year
7. Request Approval for Modification of General Lease Nos. S-4620, Lot No. 07, S-4622, Lot No. 17; and S-4623, Lot 20; Floral Resources-Hawaii, Inc., Lessee; TMK: (3) 1-5-116:007, (3) 1-5-116:017, and (3) 1-5-116:020, Respectively; Keonepoku Iki Farm Lot Subdivision, Pahoia Agricultural Park, Keonepoku Iki, Puna, Island of Hawaii

C. PLANT INDUSTRY DIVISION  
Pesticides Branch

1. Request for Adoption of the Proposed Amended and Compiled Chapter 4-66, Hawai`i Administrative Rules, entitled "Pesticides."

(See Attachment for summary of amendments)

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. Update on the Agricultural Theft Pilot Project, presented by Shane Muramaru, with the Hawaii County Prosecutor's Office.
2. Status Update for Act 90, Session Laws of Hawaii 2003, Land Transfers from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA), presented by Morris Atta, Agricultural Lands Branch Manager, DOA.

Following the regular business of the meeting, the Board will be going on the following visits:

1. 1:00 pm  
 Calavo Growers Inc.  
 16-664 Milo Street  
 Keaau, HI 96749
2. 2:15 pm  
 Waiakea Experiment Station  
 924 Stainback Highway  
 Hilo, HI 96720  
 (papaya seed production)

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*The Board may go into Executive Session pursuant to exceptions provided under Section 92-5, Hawaii Revised Statutes (HRS), including to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(4), HRS.*

*Those persons desiring to submit written testimony may do so via postal mail to the BOA Chairperson's Office at 1428 S. King Street, Honolulu, HI 96814-2512;*

via fax to the BOA Chairperson at (808) 973-9613 or via e-mail to [HDOA.BOARD.TESTIMONY@HAWAII.GOV](mailto:HDOA.BOARD.TESTIMONY@HAWAII.GOV). Please include the word "testimony" and the subject matter following the address line. Those persons desiring to present oral testimony at the BOA meeting are requested to register with staff prior to the convening of the meeting. If possible, submit 14 copies of the written testimony to staff prior to the meeting.

*"If you require special assistance or auxiliary aids or services to participate in the public hearing process please contact staff at (808) 973-9550 at least 48 hours prior to the meeting so arrangements can be made."*

**NOTE: MATERIALS FOR THIS AGENDA WILL BE AVAILABLE FOR REVIEW IN THE BOA CHAIRPERSON'S OFFICE, 1428 S. KING STREET, HONOLULU, HAWAII, ON AND AFTER THURSDAY, 6/20/19.**

*"HDOA is committed to maintaining an environment free from discrimination, retaliation, or harassment on the basis of race, color, sex, sexual orientation, religion, national origin, age, or disability with respect to any employment, program or activity. Should you feel you have been discriminated against under any HDOA program or activity receiving federal assistance, please contact the HDOA Title VI Coordinator. For information on how to file a complaint, go to: <http://hdoa.hawaii.gov/blog/main/discriminationcomplaints/>. The HDOA Title VI Coordinator may be reached at 1428 S. King Street, Honolulu, HI 96814, (808) 973-9560 or via email at [hdoa.info@hawaii.gov](mailto:hdoa.info@hawaii.gov).*

*To request language or accessibility for HDOA programs or public meetings, please contact the Office of the Chairperson, at (808) 973-9560 or email: [hdoa.info@hawaii.gov](mailto:hdoa.info@hawaii.gov). Please allow sufficient time for HDOA to meet accommodation requests."*

**Attachment to Board of Agriculture June 25, 2019 Meeting Agenda, Item C-1**

Summary of Proposed Amendments to Chapter 4-66,  
Hawaii Administrative Rules, entitled "Pesticides."

The proposed amendments to Chapter 4-66, Hawaii Administrative Rules, will, among other things, do the following:

- Conform to changes in Federal law by adopting the labeling requirements established in part 156 of Title 40, *Code of Federal Regulations* (CFR) (2017), the Worker Protection Standards in 40 CFR part 170 (2017), and the pesticide applicator education, training, and certification standards in 40 CFR part 171 (2018);
- Amend the definitions section to aid in rule interpretation;
- Remove the list of State restricted use pesticides from the rules to allow for the efficient addition or removal of high risk pesticides from the list;
- Establish procedures for maintaining the State restricted use pesticide list external to the rules;
- Add a new section to address aerial pesticide applications;
- Increase oversight of experimental use permittees;
- Adopt requirements for restricted use pesticide reporting and use within buffer zones to comply with Act 045, Session Laws of Hawai'i 2018 (codified as sections 149A-25 to 149A-29, Hawaii Revised Statutes (Supp. 2018)).
- Reiterate the sanctions available in chapter 149A, Hawaii Revised Statutes, in the penalties section;
- Increase fees to a level commensurate with other states; and
- Make other nonsubstantive changes to comply with the Administrative Rules Drafting Manual, Third Edition (2016).

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The proposed rules are available for review in person at the following Department of Agriculture offices during regular business hours of 7:45 a.m. to 4:30 p.m., Monday to Friday, through June 25, 2019.

Honolulu – 1428 S. King St., Honolulu, HI 96814 Phone – 973-9560

Hilo – 16 E. Lanikaula St., Hilo, HI 96720 Phone – 974-4142

Maui – 635 Mua St., Kahului, HI 96732 Phone – 873-3556

Kauai – 4398A Pua Loke St., Lihue, HI 96766 Phone – 241-7134

Copies of the proposed rules may also be obtained at the above offices by paying a fee for photocopying or sent by mail upon payment of a fee for photocopying and postage. Copies may also be reviewed or downloaded at the Department of Agriculture website at <http://hdoa.hawaii.gov/meetingsreports/proposedadministrativerules/> or at the website of the lieutenant governor.