

AGENDA
BOARD OF AGRICULTURE MEETING

Date: December 3, 2019
Time: 9:00 a.m.
Location: Department of Agriculture
Plant Quarantine Conference Room
1849 Auiki Street
Honolulu, Hawaii 96819

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES FROM 9/24/19 AND 10/22/19 MEETINGS
- III. INTRODUCTIONS
- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
 - A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
 1. Request for Approval of Extension of General Lease No. S-3993; Ronald Matsumura and Shane Matsumura, Lessee; TMK: 4th Div/4-6-005:009, Lot 37, Kapaa Homesteads; Kapaa, Kawaihau (Puna), Island of Kauai, Hawaii
 2. Request for Conversion of General Lease No. S-4340 and Waiver of Performance Bond; Akea Farms Inc., Lessee; 2nd Div/5-2-001:009, Hoolehua, Island of Molokai, Hawaii
 3. Request to Approve Rental Offset, General Lease No. S-3132; Joshua Stamm, Lessee; Lot 14, TMK: 1st Div/4-1-010:046, Koolaupoko, Waimanalo, Island of Oahu, Hawaii
 4. Request for Approval for the Transfer of Public Lands on the Island of Oahu from the Department of Land and Natural Resources to the Department of Agriculture Pursuant to Act 90, SLH 2003, Codified as Chapter 166E, Hawaii Revised Statutes
 5. Request for Approval to Sublease Between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and Devin and Ramona Herlihy, Sublessee; General Lease No. S-5551; TMK: 3rd Div/4-6-003:003(por), Lot 26, Honokaia Makai Tract, Hamakua, Island of Hawaii, Hawaii
 6. Request for Approval to Sublease Between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and Prawit Kaepan, Sublessee; General Lease No. S-7010; TMK: 3rd Div/4-3-005:017(por), Lot 5, Hamakua Pohakuhaku and Kemau 1st, Hamakua, Island of Hawaii, Hawaii
 7. Request for Consent to Assignment of General Lease No. S-5538, Mountain Meadows, Inc., Lessee/Assignor, to SL Kuwahara Partners, LLC, Assignee; TMK: 3rd Div/2-2-056:020, Lot 19, Panaewa Subdivision Farm Lots, 2nd Series; Waiakea, South Hilo, Island of Hawaii, Hawaii
 8. Resubmittal – Request for Preliminary Approval to: 1) Revise Chapter 4-157-21(Rate, fee, and charge schedule), Hawaii Administrative Rules (“HAR”); and 2) Authorize the Chairperson to Schedule Public Hearings and to Appoint a Hearings Officer

(Summary of rules attached)

B. PLANT INDUSTRY DIVISION
Plant Quarantine Branch

1. Request to: (1) Allow the Transfer of Pacific Oyster, *Crassostrea gigas* and Eastern Oyster, *Crassostrea virginica*, Animals on the List of Conditionally Approved Animals, by Permit, for Water Quality Remediation, to O'ahu Waterkeeper; and (2) Establish Possession Permit Conditions for the Transfer of Pacific Oyster, *Crassostrea gigas* and Eastern Oyster, *Crassostrea virginica*, Animals on the List of Conditionally Approved Animals, by Permit, for Water Quality Remediation, to O'ahu Waterkeeper.

C. QUALITY ASSURANCE DIVISION

1. Request for Direction from the Board of Agriculture on Whether to Amend Hawaii Administrative Rules, Sections 4-143-6(e) and (i), Standards for grades of green coffee, Section 4-143-11(a), Standards for grades of natural coffee, and Section 4-143-12(a), Standards for grades of mixed natural coffee, to Extend the Sunset Date of a Higher Defect Tolerance for Grade Standards for Coffee.

(Summary of the relevant rule sections attached)

V. OLD BUSINESS
None

VI. NEW BUSINESS
None

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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 3 business days 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, 11/29/19.**

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*To request language or accessibility for HDOA programs or public meetings, please contact the Office of the Chairperson, at (808) 973-9553 or email: [morris.atta@hawaii.gov](mailto:morris.atta@hawaii.gov). Please allow sufficient time for HDOA to meet accommodation requests.*

AGRICULTURAL RESOURCE MANAGEMENT DIVISION  
Attachment for Board of Agriculture 12/3/19 Agenda – Item A.8

The Board, at the August 24, 2019 meeting, deferred this Board Report and requested the Agricultural Resources Management Division submit an economic impact study at a later meeting. The economic impact study is an attachment to this Board Report.

Chapter 4-157-21 of the Hawaii Administrative Rules (HAR) allows the Board to establish irrigation system rates and charges. The last time irrigation system rates and charges were established by the Board was during the fiscal year (FY) period of 2006 to 2011, when water toll charges were increased from \$0.32/1,000 gallons to \$0.50/1,000 gallons.

Hawaii Revised Statutes (HRS) 167-22 requires the Hawaii Department of Agriculture (Department) to establish an irrigation system revolving fund. The irrigation system revolving fund should be self-sufficient and is supported by revenue from water delivery fees, acreage assessments, and legislative appropriations.

Currently, the irrigation system revolving fund is not self-sufficient. The irrigation system revolving fund is subsidized by the general fund and barrel tax fund. These funds, which contain a portion of the irrigation system's labor costs, allow the Department to keep the irrigation system rates and charges low but does not fulfill the requirements of HRS 167-22.

This Board Report request preliminary approval to revise HAR 4-157-21 to establish new irrigation system rates and charges and public hearings to bring the Department in compliance with HRS 167-22.

QUALITY ASSURANCE DIVISION  
Attachment for Board of Agriculture 12/3/19 Agenda – Item C.1.

1. HAR §4-143-6(e) – Hawaii prime green coffee consists of Hawaii beans which do not exceed 20% defective beans by weight. The defect tolerance of 20% shall be in effect until June 30, 2020. Beginning July 1, 2020, the defect tolerance shall be 15%.
2. HAR §4-143-6(i) – A bean that is affected by not more than 2 pinholes caused by insect damage regardless of discoloration associated with the insect damage shall be scored at 1/10 of a full imperfection. The defect tolerance of 1/10 of a full imperfection of not more than 2 pinholes caused by insect damage regardless of discoloration associated with the insect damage shall be in effect until June 30, 2020. Beginning July 1, 2020, the defect tolerance shall be 1/5 of a full imperfection.
3. HAR §4-143-11(a) – Hawaii natural prime coffee consists of Hawaii beans which do not exceed 20% defective beans by weight. The defect tolerance of 20% shall be in effect until June 30, 2020. Beginning July 1, 2020, the defect tolerance shall be 15%.
4. HAR §4-143-12(a) – Hawaii mixed natural prime coffee consists of a combination of Hawaii green coffee beans and Hawaii natural coffee beans which do not exceed 20% defective beans by weight. The defect tolerance of 20% shall be in effect until June 30, 2020. Beginning July 1, 2020, the defect tolerance shall be 15%.