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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 October 22, 2019 at 9:00 a.m. by Board of Agriculture Chairperson Phyllis Shimabukuro-Geiser, at the at the Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.

Members Present:

- Phyllis Shimabukuro-Geiser, Chairperson, Board of Agriculture
- Suzanne Case, Chairperson, Board of Land and Natural Resources, Ex Officio Member
- Mary Alice Evans, Office of Planning, 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
- Vincent Mina, Maui Member
- Diane Ley, Hawaii Member
- Randy Cabral, Member-At-Large
- Fred Cowell, Kauai Member
- Glenn Hong, Member-At-Large

Members Absent:

- Joe Tanaka, Member-At-Large

Others Present:

- Chris Kishimoto, HDOA/Plant Quarantine Branch (PQB)
- Janet Ashman, Hawaii Farm Bureau Federation
- Linda Rosehill, Rosehill & Associates
- Linda Murai, HDOA/ Agricultural Resource Management Division (ARM)
- Roy Hasegawa, HDOA/ARM
- Victoria Matsumura, HDOA/Pesticides Branch (PEST)
- Cathy Tarutani-Weissman, HDOA/PEST
- Scott Nishimoto, HDOA/PEST
- Bobby Farias, Hawaii Meats, LLC
- John McHugh, HDOA/PEST
- Jonathan Kam, HDOA/PQB
- Jennifer Waihee-Polk, Attorney General’s Office
- Micah Munkata, HDOA/Office of the Chair (CHR)
- Janelle Saneishi, HDOA/CHR
- Morris Atta, HDOA/CHR
- Trenton Yasui, HDOA/PQB

1 Jonathan Ho, HDOA/PQB
2 Noni Putman, HDOA/PQB

3

4 II. APPROVAL OF MINUTES FROM 8/27/19 MEETING

5

6 Motion: Mina/Comerford.

7

8 Board member Ley requested changes to page 3, line 35, "flood insurance" rather than
9 "FEMA insurance", and page 8 and 9 to make the "copepod" spelling change. Also, she
10 asked to change Page 11, line 25, 31 to refer to "Atwood."

11

12 Vote: Approved, 8-0 (Case abstain).

13

14 III. INTRODUCTIONS

15

16 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

17

18 A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

19

- 20 1. Request for Consent to Assignment of General Lease No. S-6024; Fong
21 Sourivong, Lessee/Assignor, Khamphou Khouthong, Assignee; TMK: 1st
22 Div/5-6-006:052, Lot 24, Kahuku Agricultural Park, Koolauloa, Kahuku,
23 Island of Oahu, Hawaii

24

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

27

28 Motion: Cabral/Hong

29

30 Board member Evans asked why there is a residency requirement for three years for
31 the assignment of an ag park lease. Mr. Hasegawa said it is part of Hawaii
32 Administrative Rules. Board member Evans asked why there is a residency
33 requirement in rules. Mr. Hasegawa said that he was unsure. Linda Murai,
34 HDOA/ARM, said that ag park and non ag park programs are set aside for residents of
35 Hawaii. It helps to reinforce the local people working here in Hawaii. Morris Atta,
36 HDOA/CHR, said that this was a policy decision for local production from local farmers.
37 It was meant to build that preference into the statutory scheme. This is policy that could
38 be reviewed if desired. Board member Evans said that there are many experienced
39 farmers from other states or countries and she said she is unsure why three years was
40 selected. She said staff should consider why that number is there and if there can be
41 adjustments.

42

43 Chairperson Shimabukuro-Geiser asked if there were any vacant lots in the current ag
44 parks. Ms. Murai said that there are not many in the ag parks. Chairperson
45 Shimabukuro-Geiser mentioned looking back on the history of that requirement and will

1 report back to the Board. Board member Ley asked if that applies to non ag park lands
2 as well and to include that in the follow up.

3
4 Board member Hong asked if terms of lease are current. Mr. Hasegawa said yes.

5
6 Vote: Approved, 9-0.

7
8 2. Request for Acceptance of Annual Lease Rents as Determined by
9 Independent Appraisal for Rent Reopenings and New Leases for
10 Various Lots Located Statewide

11
12 Linda Murai, HDOA/ARM, presented testimony as submitted. Staff recommends
13 approval.

14
15 Motion: Evans/Comerford

16
17 Board member Evans asked how the average increase of appraisals is reflected. Ms.
18 Murai said that there is a wide variation across the department's inventory.

19
20 Board member Case asked about the appraisal instructions. Ms. Murai said that the
21 appraiser is required to appraise on raw land only. Board member Case asked if the
22 appraisal is the same if improvements are made before the lease is started. Ms. Murai
23 said yes. Board member Case asked whether the appraisal was for the highest and
24 best use on agricultural use. Ms. Murai said yes.

25
26 Board member Evans thanked staff for summary.

27
28 Board member Cabral asked about a high increase in one of the appraised leases. Ms.
29 Murai said that the Big Island Dairy lease had some history as it was a lease that came
30 to HDOA from DLNR with a lower rental amount. The independent appraiser appraised
31 the lease at the increased amount. Board member Cabral asked if someone is taking
32 over the lease. Ms. Murai said she is unsure at this time.

33
34 Board member Ley asked about the appeal process. Ms. Murai said that lessee could
35 hire their own appraiser to present a rate. The State appraiser would then review that
36 rate and if there was no middle ground reached then the State would hire another
37 appraiser and the process could move forward. Board member Ley asked about who
38 pays for that. Ms. Murai said the lessee would pay for their appraiser. Board member
39 Ley asked about costs associated with appraisals. Ms. Murai said it depends on how
40 much work is involved. Chairperson Shimabukuro-Geiser said that this is a part of the
41 lease and it is identified as such.

42
43 Board member Mina asked if there are details attached to these appraisals. Ms. Murai
44 said that they are available at the staff office.

45

1 Board member Hong asked if ACM Consultants is primarily used by HDOA. Ms. Murai
2 said they have done a lot of the appraisals but that the appraisal contracts are subject to
3 bidding. Board member Hong asked about a general matrix that is provided to the
4 appraiser to determine things like percentage of gross. Ms. Murai said that the 1.5% is
5 the standard, however some ag parks like Kahuku is 3%. This has to do with additional
6 rent. When ag parks first opened, the lease rents were very reasonable. Having a
7 percent rent, if the farmer did well business wise, that they would provide the State
8 benefit. Board member Hong asked about the difference between some getting 0% and
9 others getting different amounts. Ms. Murai said the appraiser comes up with this.
10 Board member Hong asked if this was being done consistently. Ms. Murai explained
11 the process of making lands available and how an appraisal plays into it.

12

13 Board member Comerford asked if appraisal determination is related to soil type and
14 productivity. Ms. Murai said she would follow up. Chairperson Shimabukuro-Geiser
15 asked about additional percent to Waianae Ag Park. Ms. Murai said it was 3%.
16 Chairperson Shimabukuro-Geiser asked about how additional rents are calculated and
17 asked for a report.

18

19 Staff clarified with the Board about what a deferral would do to the leases.

20

21 Board member Cabral said that some of these are high, but overall they may be
22 reasonable.

23

24 Board member Mina said that he would move it forward but want to know the process
25 further.

26

27 Board member Case said she would feel more comfortable with more information.

28

29 Vote: Approved, 7-2.

30

31 Chairperson Shimabukuro-Geiser asked for the more information at the next meeting.
32 Board member Comerford asked for a list of variables that the appraiser is using in
33 making determination.

34

35 B. PLANT INDUSTRY DIVISION

36

Pesticides Branch

37

- 38 1. Request for: (1) Establishment of the External List of State Restricted
39 Use Pesticides (“RUPs”) pursuant to section 4-66-32, Hawai‘i
40 Administrative Rules (2019); (2) Compilation of the External List of
41 RUPs from the Previous RUP List (under section 4-66-32, Hawai‘i
42 Administrative Rules (2006)) and three active ingredients previously
43 adopted as RUPs—Amicarbazone, Chlorantraniliprole, and Fludioxonil;
44 and (3) Adoption of Chlorpyrifos and Cyantraniliprole for Classification
45 as State RUPs.

1
2 (Copy of HAR, Section 4-66-32 (2006) and HAR, Section 4-66-32 (2019)
3 attached.)
4

5 John McHugh, HDOA/PEST, presented testimony as submitted. Staff recommends
6 approval.
7

8 Motion: Evans/Hong
9

10 Vote: Approved, 9-0.
11

12 Plant Quarantine Branch
13

14 2. Resubmittal of Request to: (1) Allow the Importation of the Copepod,
15 *Apocyclops panamensis*, an Unlisted Crustacean, by Special Permit,
16 for Scientific Research, by Kampachi Farms, LLC.; and (2) Establish
17 Permit Conditions for the Importation of the Copepod, *Apocyclops*
18 *panamensis*, an Unlisted Crustacean, by Special Permit, for Scientific
19 Research, by Kampachi Farms, LLC.
20

21 Jonathan Kam and Trenton Yasui, HDOA/PQB, presented testimony as submitted.
22 Staff recommends approval.
23

24 Motion: Comerford/Ley
25

26 Board member Mina clarified with staff where the sump is located. He mentioned the
27 potential for a cinder pit to be used.
28

29 Board member Comerford added that this will allow for organic matter.
30

31 Board member Case asked if they are confident with the conditions. Mr. Kam said that
32 the treatment along with filtrated sump will make it hard for release and to get
33 established. It is also a food source.
34

35 Board member Mina said that he would like to know what is coming out of the sump at
36 some point. There is microbial material that can live in extreme environments. He
37 mentioned that he would like staff to do some testing. Trenton Yasui, HDOA/PQB, said
38 that staff could work with NELHA on that type of test. He mentioned that the right
39 dosage will be used.
40

41 Board member Ley clarified with staff on the copepod and water.
42

43 Board member Hong asked about treatment chemical. Mr. Kam said it is a type of
44 bleach, non-restricted use pesticide. Mr. McHugh, HDOA/PEST, came forward to clarify

1 the use of chemical. Board member Comerford said that the chemical dissipates within
2 a short time. Mr. Yasui said the sump is 200 yards from the ocean.

3
4 Vote: Approved, 9-0.

5
6 V. OLD BUSINESS

7
8 None.

9
10 VI. NEW BUSINESS

11
12 Board member Evans asked about alternative to non ag park lease auction and if it
13 should be for the highest bidder. She asked if that has been internally discussed for
14 establishing lease rentals. Chairperson Shimabukuro-Geiser said she will follow up.

15
16 Board member Mina asked about the potential for adding Hemp to the Board for an
17 update. Chair mentioned that the Board will be briefed upon further federal guidance
18 from USDA.

19
20 Chairperson Shimabukuro-Geiser mentioned to the Board that the Department provided
21 a preview of its strategic plan to the Agricultural Conference last week.

22
23 Board member Ley mentioned to potentially do that presentation before the Board to
24 keep members apprised. Chairperson Shimabukuro-Geiser mentioned that the HDOA
25 is still working to finalize its plan.

26
27 VII. ADJOURNMENT OF REGULAR MEETING

28
29 Motion to adjourn meeting: Ley/Evans.

30
31 Vote: Approved, 9-0.

32
33 Meeting adjourned at 10:10 AM.

34
35 Respectfully submitted,

36
37
38 Micah Munekata

39 Board Secretary