



Minutes of the Board of Agriculture

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5 CALL TO ORDER – The meeting of the Board of Agriculture was called to order on April
6 14, 2020 at 9:00 a.m. by Board of Agriculture Chairperson Phyllis Shimabukuro-Geiser.
7 The meeting was conducted virtually via Microsoft Teams due to the current risk of
8 exposure to COVID-19.

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10 **Members Virtually Present:**

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

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25 **Others Virtually Present:**

- 26 Roy Hasegawa, HDOA/ ARM
- 27 Linda Murai, HDOA/ARM
- 28 Joyce Wong, HDOA/ARM
- 29 Kevin Hoffman, HDOA/PI
- 30 Todd Low, HDOA/ADC
- 31 Dean Matsukawa, HDOA/ALD
- 32 Yong Pak, HDOA/ALD
- 33 Wayne Takamine, HDOA/ALD
- 34 Morris Atta, HDOA/Chairperson's Office (CHR)
- 35 Shelby Ching, HDOA/Plant Quarantine Branch (PQB)
- 36 Brain Kau, HDOA/ARM
- 37 Noni Putnam, HDOA/PQB
- 38 Keith Aragaki, HDOA/ASO
- 39 Heath Williams, HDOA/CHR
- 40 Janelle Saneishi, HDOA/CHR
- 41 Bryan Yee, Attorney General's Office
- 42 Trenton Yasui, HDOA/PQB
- 43 Jonathan Ho, HDOA/PQB

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45 **II. APPROVAL OF MINUTES FROM 12/3/19 MEETING**

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Motion on 12/3/19 Minutes: Mina/Tanaka.

Vote: Approved, 9-0, Case abstained

III. INTRODUCTIONS

IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRICULTURAL LOAN DIVISION

1. Request for Approval of One (1) Direct Farm Ownership and (1) Direct Operating Loan to Glenn's Flowers and Plants, LLC, Glenn S. Miyashita, Esther R. Miyashita, Glenn S. Miyashita Trust and Esther R. Miyashita Trust, co-borrowers.

Yong Pak HDOA/ALD presented testimony as submitted. Staff recommends approval.

Motion to approve: Mina/Evans

Board member Hong noted a mathematical error in the confidential materials. Submittal was corrected.

Vote: Approved, 10-0

2. Request for Approval of One (1) Food Manufacturer Facility Loan to Hawaiian Agricultural Products LLC, Ken Hirata and Yumiko Hirata, co-borrowers.

Wayne Takamine HDOA/ALD presented testimony as submitted. Staff recommends approval.

Motion to approve: Cowell/Comerford

Board member Ley questioned what would happen if the loan from SALD was approved but the companion loan from CBED was denied- could one proceed without other? DOA staff has consulted with CBED and there should be no issue that arises.

Board member Tanaka questioned whether CBED loans require an increase in employment and whether there might be complications due to the applicants visa status. Board member Evans answered that CBED loans do not specifically have hiring requirements but eligibility for enterprise zone tax credits do, and clarified that CBED

1 loans are not dependent on eligibility for enterprise zone tax credits. Board member
2 Tanaka questioned staff whether the applicant could buy the equipment from an US
3 manufacturer. Staff clarified that the applicant uses local agriculture, but the brewing
4 method is a traditional Japanese method and the equipment required to follow that
5 method has been prescribed by a Japanese brew master.

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7 Vote: Approved, 10-0
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11 3. Request for Approval to Activate and Set Parameters for DOA's Emergency
12 Loan Program to Provide Relief Due to COVID-19 Pandemic.

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14 Dean Matsukawa HDOA/ALD presented testimony as submitted. Approval
15 recommended.

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17 Motion to approve: Ley/Evans
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19 Board member Cabral inquired as to the current balance of the agricultural loan
20 revolving fund. Mr. Matsukawa indicated that it is \$2.5 million and DOA has requested
21 the State Legislature provide an additional \$1.1 million. Board member Mina expressed
22 concern that the Emergency Loan Program provides no help in providing for forward
23 contracts, and also objected to the provision that applicants must first receive a denial
24 from another lender before qualifying for an emergency loan, which appears an
25 unnecessary restriction in the context of the current COVID-19 emergency.
26 Furthermore, Board member Mina expressed that demand for agricultural products has
27 risen in some sectors, but problems exist with the aggregation and distribution of these
28 products in the context of the COVID-19 emergency. Board member Mina suggested
29 the Board re-convene before the next scheduled Board meeting to further discuss the
30 most effective way to help farmers during this emergency. Board member Comerford
31 concurred and noted that the current crisis illustrates the weaknesses in our food
32 system and that we have an opportunity now to address those weaknesses so that we
33 have a more resilient food system going forward. Mr. Matsukawa clarified that for loan
34 requests under \$100,000 a prior lender denial is not necessary to qualify for an
35 emergency loan. The Chair noted members' concerns, reminded members that
36 availability of State funds will be limited due to the economic impact of COVID-19,
37 indicated members would be polled on re-convening pursuant to Board members Mina
38 and Comerford's request after today's meeting (as discussion of strategies were not
39 listed as an agenda item, therefore per HRS Ch. 92 should not be discussed), and
40 advised that we need to be making efforts to connect local farmers to sources of federal
41 aid. Board member Comerford inquired where the public may access information on the
42 Emergency Loan Program and whether translation services are available to applicants
43 with limited English proficiency. Mr. Matsukawa indicated that translation services are
44 available upon request, and that HDOA will put out a press release on the subject, post
45 it on the Department's website, and provide informational sheets for distribution. Deputy

1 Attorney General Yee noted that HRS Ch. 92 does not prevent members of the public
2 from offering opinions to the Board outside of scheduled meetings. Board member Ley
3 asked for the rationale behind offering emergency loans only through the end of the
4 year, given that the COVID-19 crisis may extend past that timeframe. Mr. Matsukawa
5 noted that the deadlines may be extended by the Board and noted that we want farmers
6 to apply now so that if necessary, the Department can petition the legislature for
7 additional funds next year. The Chair noted that we need to find ways to connect
8 farmers with federal aid.

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10 Vote: Approved 10-0, reservations from Board member Mina

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14 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

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16 1. Request for Approval to Negotiate a Lease for a Land Locked Vacant Lot;
17 TMK: 1st Div/8-5-001:033; Waianae-Kai, Waianae, Island of Oahu, Hawaii

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19 Roy Hasegawa, HDOA/ARM, presented testimony as submitted. Staff recommends
20 approval.

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22 Motion to approve: Cowell/Cabral.

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24 Vote: Approved, 10-0.

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28 2. Request for Conversion of General Lease No. S-3993; Ronald Matsumura and
29 Shane Matsumura, Lessee; TMK: 4th Div/4-6-005:009, Lot 37, Kapaa
30 Homesteads; Kapaa, Kawaihau (Puna), Island of Kauai, Hawaii

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32 Roy Hasegawa, HDOA/ARM, presented testimony as submitted. Staff recommends
33 approval.

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35 Motion to approve: Cabral/Cowell.

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37 Board member Case inquired whether there were others interested in leasing this lot.
38 Mr. Hasegawa answered no.

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40 Vote: Approved, 10-0.

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44 3. Request for Approval for Issuance of Perpetual Non-Exclusive Utility Easement
45 and Immediate Right-of-Entry; General Lease No. S-4913-A; Pioneer Hi-Bred

1 International, Inc., Lessee; TMK: (4) 1-2-002:006; Kekaha, Waimea, Island of
2 Kauai, Hawaii

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4 Linda Murai, HDOA/ARM, presented testimony as submitted. Staff recommends
5 approval.

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7 Motion: Comerford/Cowell.

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9 Board member Mina asked about the specific operations Pioneer Hi-Bred International,
10 Inc. is conducting on the land in question. Ms. Murai did not have that information.
11 Board member Ley asked about the one-year termination date of KIUC's Right-of-Entry
12 and whether KIUC will need access for maintenance. Ms. Murai noted that the
13 Chairperson is authorized to continue the right of entry agreement for additional one-
14 year periods for good cause and to grant temporary entry as necessary.

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16 Vote: Approved, 10-0.

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20 4. Request for Approval of Extension of Lease Term, General Lease No. S-5599,
21 TMK: (3) 5-9-003:002 & 004, (3) 5-9-001:004, (3)5-9-004:001 & 008, and
22 General Lease No. S-5655, TMK: (3) 5-9-002:006; Ponoholo Ranch, Limited,
23 Lessee; Makiloa, North Kohala, Island of Hawaii and Pahinahina-Kiiokalani Tract,
24 Section 1, North Kohala, Island of Hawaii

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

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29 Motion (with amendments): Cabral/Cowell

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31 Board member Case requested amendment to require the language from Executive
32 Order 4579 (2/17/19) pertaining to historic preservation and hunting use be reflected in
33 the lease extension documents. ARM staff amenable to request, provided the change to
34 the lease extension documents are subject to review and approval by the Office of
35 Attorney General. Board members Cabral and Cowell agreed to amend their motion to
36 reflect Board member Case's request, subject to review by the attorney general's office.

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38 Vote: Approved, 10-0.

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- 5. Request for Approval to Construct Four (4) Greenhouse Structures; General Lease No. S-5905; Green Point Nurseries, Inc., Lessee; Lot No. 15, TMK: 3rd Div/2-4-049:029; Waiakea, South Hilo, Island of Hawaii, Hawaii

Brandy Ah Yo, HDOA/ARM, presented testimony as submitted. Staff recommends approval.

Motion for approval: Mina/Cabral

Board member Mina asked how many greenhouses are already on the property and how many total greenhouses the nursery has in operation. Ms. Ah Yo did not have that information on-hand.

Vote: Approved, 10-0.

NOTE: Item 7. below was taken prior in order to item 6. accidentally during the meeting. Agenda order is preserved below for clarity.

- 6. Request for Approval to Construct a Storage/Processing Shed; General Lease No. S-3119; Michael Patrick Fairall, Lessee; Lot No. 10, TMK: 1st Div/4-1-010:041; Koolaupoko, Waimanalo, Island of Oahu, Hawaii

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

Motion: Evans/Mina

Vote: Approved, 10-0.

- 7. Request for Approval to Construct Storage/Processing Shed; General Lease No. S-4935, RD Environments, LLC, Lessee; Lot No. 14, TMK: 1st Div/4-1-035:014; Waimanalo Agricultural Park; Koolaupoko, Waimanalo, Island of Oahu, Hawaii

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

Motion: Evans/Mina

1 Board member Mina asked if the storage was a cold processing area. Ms. Murai
2 clarified that the processing area is not refrigerated.

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4 Vote: Approved, 10-0.

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8 8. Request for Consent to Assignment of General Lease No. S-5498; Rachel Kuulei
9 Haili, Lessee/Assignor, Gary E. Johnson, Assignee; TMK: 1st Div/4-1-010:104,
10 Portion of the Government (Crown) Land of Waimanalo, Waimanalo,
11 Koolaupoko, Island of Oahu, State of Hawaii

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

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16 Motion: Mina/Evans.

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18 Board member Mina asked if production is occurring on all 3 acres of the farm. Ms.
19 Murai explained that the lessee is aged and currently has difficulty doing much farming,
20 but at one time all the land was productive. Board member Mina inquired whether the
21 current lessee has a farm dwelling on the property. Ms. Murai responded that the
22 current lessee does not have a farm dwelling on the property, and further clarified that
23 the lessee has not requested permission to build a farm dwelling but she and any future
24 lessee retain the right to make that request. Board member Case asked if there are any
25 trade fixtures on the property. Ms. Murai responded that she is unaware of any trade
26 fixtures and noted that the current lessee has been asked to make an inventory of items
27 to be conveyed including the items' valuations, but to date she has not done so.

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29 Vote: Approved, 10-0

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32 9. Resubmittal Request to Terminate General Lease No. S-3109, Issue
33 Cancellation Document, and Disposition of Lot; TMK: 1st Div/4-1-018-048,
34 Koolaupoko, Waimanalo Farm Lots, Waimanalo, Island of Oahu

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36 The Chair deferred this item to a later date in order to provide the lessee with an
37 opportunity to testify in person before the Board.

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41 C. PLANT INDUSTRY DIVISION
42 Plant Quarantine Branch

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44 1. Request for Review of the Petition from Lise Madson to Initiate Administrative
45 Rule Making and Amendment to Chapter 4-71, Hawaii Administrative Rules

1 (HAR), to Change the List Placement of Vasa Parrot, *Coracopsis vasa*, From the
2 List of Restricted Animals (Part B) to the List of Conditionally Approved Animals.
3 Noni Putnam, HDOA/PQB, presented testimony as submitted. Staff makes no
4 recommendation

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6 Ms. Putnam relayed the petitioner's request that, if the Board has questions that would
7 prevent granting her request, that action on this item be deferred until she is able to
8 testify. Ms. Putnam noted that the Governor's supplemental proclamation currently
9 prevents the public from being present at the Board meeting. Ms. Putnam offered to
10 provide the petitioner's testimony orally. Board member Case inquired whether this
11 petition is subject to a deadline for action. Deputy Attorney General Yee inquired
12 whether the petition would be subject to review by the Plant and Animal Advisory
13 Committee. Ms. Putnam explained that the petition was made pursuant to HAR §4-1-23
14 and that HAR §4-1-23(c) requires the board to either deny the petition or initiate
15 rulemaking proceedings within 30 days, and noted that denial of the petition does not
16 prevent the Board from taking up the matter on its own motion at a later date. Board
17 member Case offered a motion to deny.

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19 Motion to deny: Case/Ley

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21 The Chair asked Ms. Putnam to verify that the petitioner filed a petition pursuant to HAR
22 §4-1-23. Ms. Putnam confirmed, and offered that the petitioner had previously submitted
23 two other applications with Plant Quarantine Branch. The first was to import the vasa
24 parrot as an emotional support animal (ESA); this application was denied because the
25 vasa parrot is on the List of Restricted Animals, Part B (RB list) and the import of
26 animals on the RB list for personal use and/or individual possession is not allowed
27 (ESAs are characterized as personal use). The petitioner submitted a second
28 application for importation of *C. vasa* to conduct TTOUCH research in collaboration with
29 the University of Hawaii at Hilo. This application is currently being processed for
30 advisory review. The Chair expressed concerns about the petition, and asked Ms.
31 Putnam to explain why PQB did not provide a recommendation for action and why the
32 petition did not go before the advisory committees for review. Ms. Putnam said it is her
33 understanding that petitions submitted pursuant to §4-1-23 are not required to undergo
34 review but deferred to Trenton Yasui and Jonathan Ho (HDOA/PQB) for further
35 explanation. Mr. Yasui confirmed that advisory review of petitions is not required but the
36 Board may request advisory review. He further explained that PQB was not able to
37 make a recommendation due to lack of technical information typically generated by
38 advisory review. PQB did conduct some research which indicated a potential risk to the
39 environment if the animal escaped into the environment. PQB requests review before
40 the advisory committees. Several board members requested clarity on the nature of the
41 petition, PQB reiterated the procedural background. Board member Case noted that
42 other species of parrots have presented a clear threat to agriculture in the State, and
43 suggested that, because a denial does not mean that the matter cannot come back
44 before the Board, that it would be appropriate to deny the petition at this point without
45 prejudice to consideration of the request after advisory review. Board member

1 Comerford noted that the petitioner has variously claimed that the parrot is an emotional
2 support animal and that it is used for research, despite providing no evidence of active
3 research with her petition. He further opined that the decision to place or remove an
4 animal from a restricted species list should always be supported by technical review and
5 would recommend denying any petition brought before the Board without an
6 accompanying review. Mr. Yasui noted that in discussion with the petitioner she did
7 indicate that the animal is the subject of research and that she would be willing to part
8 with the animal once her research is concluded. Board member Ley asked whether the
9 petitioner submitted evidence in connection with her proposed research with UH Hilo.
10 Ms. Putnam confirmed that she has and that the research application is under review.
11 Board member Mina expressed frustration that the Department is dedicating such a
12 large amount of time to a single parrot in the midst of the COVID-19 crisis and called for
13 a vote on the motion to deny the petitioner's request. The Chair asked other Board
14 members if they had other questions for PQB staff. No further questions from the Board
15 were raised.

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17 Vote: Denied, 10-0

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19 V. OLD BUSINESS

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21 Board member Mina will be briefed on the report for the use of Tango for Little Fire Ant
22 treatments on organic coffee farms by DOA staff. The Department did not give its
23 presentation on the topic today at the Board meeting due to lack of public participation
24 as allowed pursuant to the Governor's supplemental proclamation.

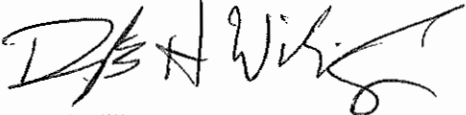
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26 VI. NEW BUSINESS

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28 None

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30 VII. ADJOURNMENT OF REGULAR MEETING

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32 Meeting adjourned at 11:04 AM

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34 Respectfully submitted,

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38 Heath Williams
39 Special Assistant to the Chairperson