



Minutes of the Board of Agriculture  
May 25, 2021

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on May 25, 2021 at 9:00 a.m. a.m. by Board of Agriculture Chairperson, Phyllis Shimabukuro-Geiser. The meeting was conducted virtually via Zoom due to the current risk of exposure to COVID-19.

Members Virtually Present:

Phyllis Shimabukuro-Geiser, Chairperson, Board of Agriculture  
Suzanne Case, Chairperson, Board of Land and Natural Resources, Ex Officio Member  
Dr. Nicholas Comerford, Dean of the College of Tropical Agriculture & Human Resources University of Hawaii, Ex Officio Member  
Mary Alice Evans, Ex Officio Member  
Diane Ley, Hawaii Member  
Vincent Mina, Maui Member  
Fred Cowell, Kauai Member  
Randy Cabral, Member-at-Large  
Joe Tanaka, Member-at-Large  
En Young, Member-at-Large

Others Virtually Present:<sup>1</sup>

18083461570  
18084293147  
18086451189  
Aldric Ulep, FIN  
Becky Azama, HDOA/PI  
Blake Aruda  
Brandi Ah Yo, HDOA/ARMD  
Brian Kau, HDOA/ARMD  
Cathy Goeggel  
Charles Tressidder  
Chelsea Arnott  
Chris Kishimoto  
Dana Shapiro  
Darcy Oishi, HDOA/PI  
Dean Matsukawa, HDOA/AGLN  
Donald Garwood, HDOA/ARMD  
Earl Yamamoto  
Emily Gardner  
Frankie Chun  
Guest (2)  
Hawaii Fish Company

<sup>1</sup> The identification of the public members is based on their sign-in name, but are not verified.

1 Heath Williams, HDOA/CHR  
2 James Nakatani, ADC  
3 Janelle Saneishi, HDOA/CHR  
4 Janet  
5 Jodi Yi, DAG  
6 Jonatha T. Kam  
7 Jonathan Ho, HDOA/PI-PQ  
8 Joyce Wong, HDOA/ARMD  
9 Linda Murai, HDOA/ARMD  
10 Leo Obaldo, QAD  
11 Lio  
12 Lisa Keith  
13 Matthew Loke, HDOA/ADD  
14 Mike Irish  
15 Morris Atta, HDOA/CHR  
16 Noni Putnam, HDOA/PI-PQ  
17 Rich  
18 Robert Hauff, LNR  
19 Roy Hasegawa, HDOA/ARMD  
20 Sam Kakazu  
21 see ba thee  
22 Small Kine Farm  
23 Stephanie Easley  
24 Ted Yamamura  
25 Trenton Yasui, HDOA/PI-PQ  
26 Warren Takenaka, HDOA/ASO  
27 Wayne Takamine, HDOA/ARMD

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30 II. APPROVAL OF MINUTES FROM 3/23/21 MEETING

31

32 Motion to Approve 3/23/21 Minutes: Evans/Cabral

33

34 Public Comments: None

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36 Vote: Approved, 9-0; Excused-Cowell

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39 III. INTRODUCTIONS

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41 None

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1 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

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4 A. AGRICULTURAL LOAN DIVISION

- 5  
6 1. Request for Approval of One (1) Farm Ownership Loan and One (1) Operating  
7 Loan to Fung Yang and OCR Inc., dba Small Kine Farm, co-borrowers.

8  
9 Wayne Takamine, HDOA/AGLN, presented testimony as submitted.

10 Staff Recommendation: Approval

11  
12 Motion to Approve: Evans/Ley

13  
14 Board Member Cowell joined the meeting at 9:13 a.m.

15  
16 Discussion:

17 Board Member Mina asked the total of OCR, Inc.'s FSA loans and if they would receive  
18 Recovery Act Forgiveness for Socially Disadvantaged Farmers. Mr. Takamine replied that FSA  
19 loans totaled \$73,411 including a PPP loan for \$12,911. He assumed loans would be forgiven  
20 and noted all loans were paid as agreed as verified by FSA.

21  
22 Board Member Tanaka asked how many other mushroom farms were in Hawaii. Mr. Takamine  
23 replied, Small Kine Farms was the only mushroom grower who had an ag loan.

24  
25 Mr. Fung Yang, owner of Small Kine Farms clarified that Hamakua Mushrooms on the Big  
26 Island also produces mushrooms, but he is the only certified organic farm in Hawaii.

27  
28 Board Member Mina remarked that the department was working to address low risk mushrooms  
29 being brought in and to get them off the list. He wondered if Mr. Yang was working on that. Mr.  
30 Yang answered that he was not aware but addressed Board Member Mina's earlier question  
31 and said that he received a letter regarding the American Rescue Act Loan Forgiveness. He is  
32 considered a minority farmer and that all of his FSA loans qualify for forgiveness.

33  
34 Charles Tresidder, representing No Ka Oi Mushroom, Lapaau Farm, and Maui Mushroom Coop.  
35 testified in full support of the loan. He said the main mushroom producers were Small Kine  
36 Farms, Hamakua Mushrooms and Lapaau Farm and there were about a dozen other small  
37 producers. He added most mushrooms consumed in Hawaii are imported so more incentives  
38 are needed for local producers.

39  
40 Vote: Approved, 10-0

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2 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION  
3

- 4 1. Request for Acceptance of Annual Lease Rents as Determined by Independent  
5 Appraisal for Rent Reopenings and New Leases for Various Lots Located  
6 Statewide; TMK Nos.: (1) 4-1-010:040; (1) 4-1-013:032; (1) 4-1-026:019; (1) 4-1-  
7 027:018; (1) 4-1-027:019; (1) 4-1-027:023; (1) 4-1-027:020, 024; (1) 4-1-027:026;  
8 (1) 4-1-027:029; (1) 5-6-005:018, 5-6-006:056; (1) 8-5-034:007; (1) 9-1-031:026;  
9 (2) 2-3-003:006; (3) 1-5-116:002; (3) 1-5-116:004; (3) 1-5-116:006; (3) 1-5-  
10 116:008; (3) 1-5-116:009; (3) 1-5-116:010; (3) 1-5-116:014; (3) 1-5-116:016; (3) 1-  
11 5-116:019; (3) 1-5-116:021; (3) 1-5-116:022; (3) 1-5-116:023; (3) 1-5-116:024; (3)  
12 1-5-116:025; (3) 1-5-116:027; (3) 1-5-116:042; (3) 2-4-049:007; (3) 2-4-049:023;  
13 (3) 2-4-049:026, 027, 028; (3) 7-3-049:015; (3) 7-3-049:016; (4) 1-9-001:003; (4)  
14 1-9-001:014  
15

16 Donald Garwood, HDOA/ARMD, presented testimony as submitted.  
17 Staff Recommendation: That the Board accept the new rental rates.  
18

19 Mr. Garwood introduced Ted Yamamura, Exec. Vice President, ACM Consultants, Inc. who  
20 performed the appraisals for the report.  
21

22 Motion to Approve: Cowell/Tanaka  
23

24 Discussion:

25 Board Member Evans wanted to know why two parcels in Waimanalo with similar acreage and  
26 current rent had different appraised values. She also questioned parcels that had extreme  
27 increases and decreases in appraised values and what would lead to the different values.  
28

29 Mr. Yamamura explained that there were several reasons that would skew the rents and lead to  
30 one declining by 57% and another increasing by 133%. One of the reasons could be that the  
31 prior rents were unusually high or unusually low. He said the appraised fair market rents are  
32 consistent by acreage and he tries to present consistent and cohesive appraisals based on land  
33 characteristics.  
34

35 Board Member Evans asked if the department would keep the current rent where the appraised  
36 rents were considerably higher. Mr. Garwood answered that the rent would stay at the current  
37 rate. Board Member Evans referred to parcel S-2500 where the current rent is \$19,812 and  
38 asked if the lease rental would stay at \$19,812 even if the appraised value is \$8,600? Mr.  
39 Garwood replied that it would.  
40

41 Board Member Evans asked if there was a provision for negotiation to reduce the current rent  
42 because it would make a big difference for the farmer. Mr. Kau replied, "no", and explained that  
43 there is a large percentage change because it is the first reopening of the lease. When the lease  
44 is awarded for the first time, prospective tenants will submit their proposals for the lease. He  
45 said that leases and policies are consistent and if the appraised value is lower than the current  
46 rent, the current rent shall prevail.  
47

1 Board Member Evans asked if there had been a situation where the applicant, in an auction,  
2 submitted an offer or bid that was significantly higher than the minimum upset amount and the  
3 department ended up with a lease in default, cancelled the lease, and asked for re-bids. Mr.  
4 Kau was not aware of any.

5  
6 Board Member Cabral asked if a lessee could contest if the lease rent went up substantially.  
7 Mr. Kau replied that that it was possible. He explained that the tenant could hire their own  
8 appraiser and if the two values did not match within reason, a third appraiser could be hired with  
9 the cost of the appraisal shared between the lessor and lessee. The third appraiser would  
10 serve as the arbitrator and the 3<sup>rd</sup> appraisal's numbers would prevail.

11  
12 Board Member Ley asked if there were alternatives that the division could allow so that an  
13 operation could absorb the cost of a substantial rent increase. Mr. Kau replied, no. He  
14 explained that when there is a significant rent increase, the original appraised value of the  
15 parcel was significantly lower than the current value and the tenants were already paying a  
16 discounted fixed rent for 10-15 years. To step it in, would give them a longer period of  
17 discounted rent.

18  
19 Board Member Ley asked Mr. Yamamura for an overview of agricultural lands for farming and  
20 ranching. Mr. Yamamura explained that the prices for ag lands are driven up when ag lands  
21 become gentlemen's farms or estate residential properties. He added that rents for farmers are  
22 based on land values and land values are high because they are driven up by non-farmers who  
23 buy the ag lands. He said that state lease terms do not give boards or tenant many options  
24 when rent increases are huge.

25  
26 Mr. Blake Aruda, representing Lease No. 5620 located in Waimanalo, said his lease went up  
27 substantially. They ranch in Waimanalo and are looking for flexibility when prices go up. If they  
28 cannot negotiate the price, he asked if the scope of operations could be negotiated to increase  
29 their rate of return.

30  
31 Board Member Young asked for Mr. Yamamura to explain the scope of the appraisal. Mr.  
32 Yamamura said it began with looking for comps in the immediate area. If none are found in the  
33 immediate area, the search would expand to competing ag neighborhoods. Once the comps  
34 are established, adjustments would be made for land characteristics such as availability of  
35 utilities, topography, terrain, usable vs. unusable area. Based on the character of use, the  
36 appropriate rate of return would be determined.

37  
38 Board Member Young asked about department's role in setting the scope of the appraisal. Mr.  
39 Kau replied that they do not interfere with the appraisals and that the character of use of the  
40 land was the only thing that is set by the department. Board Member Evans said when  
41 negotiating an appraisal contract, criteria could be set to make sure appraised values reflect  
42 agricultural incentives vs. highest and best use which might be residential, even in an ag district.

43  
44 Mr. Kau commented that DOA never does "highest and best" and that agricultural use is the  
45 baseline of what parcels are appraised at.

46

1 Mr. Morris Atta added that there were certain parameters used by appraisers and they rely on  
2 their clients to finetune the valuations. Normally, they are referred to as assumptions that the  
3 department wants implemented or used by the appraiser. The appraiser has the ultimate  
4 discretion to use or not use the criteria. If appropriate, appraisers can adjust for special  
5 circumstances. Ultimately, decisions in analysis must be made by the appraisers. They are  
6 held to professional standards and the standards must be applied across the board.

7  
8 Mr. Yamamura added that the methodology that appraisers use for rent reopenings for new  
9 leases are the same for any state department. There are certain parameters that can be  
10 included in the scope of work that can be provided to the appraiser by agency or department.  
11 He confirmed that appraisers have a certain appraisal process that must be followed because  
12 they are federally regulated and that involves using comparable sales. He said that current  
13 market prices and values are so high, and rents are affected by current situation.

14  
15 Board Member Cabral asked why the percentage rent on gross proceeds ranged from 1.5% to  
16 3%. Mr. Yamamura answered that it was because of character of use. Some may include  
17 commercial use vs. pure diversified ag. Chair asked the division to follow up.

18  
19 Board Member Cabral questioned ag value vs. highest and best use. He assumed that ag  
20 value is lower than highest and best but based on what Mr. Yamamura says, he questioned if  
21 there was really a difference between the two.

22  
23 Mr. Yamamura explained that for an ag zoned parcel, they look for comparable sales in the  
24 neighborhood that are similarly zoned. Ag zoned parcels will reflect what ag values are. The  
25 highest and best use determines what comparables look like. If a property is zoned ag, they will  
26 find sales of similarly zoned properties. Therefore, the highest and best use is reflected in the  
27 comparables searched for.

28  
29 Board Member Mina remarked that when the appraiser looks at highest and best use, it does  
30 not necessarily mean that the land is used for ag and the value of the land could be raised  
31 because of that. He said that the intended use of ag land and the actual use need to be on the  
32 front end to make sure that the lease is being followed through accordingly. Mr. Kau replied that  
33 appraisal comps are private land sales, and they cannot control what the private owner does on  
34 their land.

35  
36 Vote: Approved, 9-0; w/Reservations-Mina

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- 1  
2           2. Request for Approval to Terminate General Lease No. S-4754; Harris S. Asahara  
3           and Elizabeth L. Asahara, Lessee; TMK: 3<sup>rd</sup> Div/2-2-056:033, Lot No. 7, Panaewa  
4           Agricultural Park, Waiakea, South Hilo, Island of Hawaii, Hawaii  
5

6 Joyce Wong, HDOA/ARMD, presented testimony as submitted.

7 Staff Recommendation: That the Board of Agriculture:

- 8           1. *Approve the cancellation of General Lease S-4754, pursuant to Sections 4-153-3(b)(3)*  
9           *and 34, HAR, and terminate all right, title and interest granted to the Lessee therein*  
10           *effective as of the date of this submittal.*  
11           2. *Authorize issuance of a lease cancellation document to be executed by the*  
12           *chairperson and recorded at the Bureau of Conveyances; and*  
13           3. *Authorize staff to prepare TMK: 3<sup>rd</sup>/Div 2-2-056:033 for disposition to the public,*  
14           *pursuant to Sections 4-153-21 and 22, HAR*  
15

16 Motion to Approve: Cabral/Ley  
17

18 Discussion:

19 Board Member Evans stated that it appeared that the Asaharas informed the department in  
20 December 2019 and February 2020 that they wanted to return the lease to the state. She  
21 proposed a friendly amendment that the department forgive the amount in default since the time  
22 the Asaharas informed the department that they wanted to return the lease to the state. She  
23 added that it appeared that part of the problem was not being able to process the request to  
24 cancel the lease.  
25

26 Board Members Cabral and Ley both supported the friendly amendment.  
27

28 Deputy Attorney General (DAG) Yee asked that the date of cancellation be clarified. Board  
29 Member Evans indicated February 10, 2020. DAG Yee said that if the date of cancellation was  
30 clear, a motion was not needed.  
31

32 Chair asked Ms. Wong if the shutdown due to the Coronavirus prevented the department from  
33 cancelling the lease earlier. Ms. Wong replied that the lease does not provide for a lessee to  
34 return the lease and have it cancelled. She added that because there were 15 years remaining  
35 on the lease, Mr. Asahara was encouraged to pursue a lease assignment. The division made  
36 attempts to help him and there was an offer, but he turned it down. The property is not being  
37 maintained and rent due in January has not been paid.  
38

39 Board Member Evans said she hoped that the motion would allow forgiveness of the amount in  
40 default since January.  
41

42 DAG Yee said that he did not think the motion, as stated, accomplished what Board Member  
43 Evans wanted done. DAG Yee suggested the motion be restated, "to terminate the general  
44 lease and forgive the outstanding amount due as of January 2021". Board Members Cabral and  
45 Ley approved.  
46

47 Vote on amended motion: Approved, 10-0

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- 3. Request for Approval to Sublease between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and AGEE, Inc., Sublessee; General Lease No. S-7009, TMK: 3rd Div/4-3-005:018 (por), Lot No. 14, Hamakua Pohakuhaku and Kemau 1<sup>st</sup>, Hamakua, Island of Hawaii, Hawaii

Joyce Wong, HDOA/ARMD, presented testimony as submitted.

Staff Recommendation: Approval

Motion to Approve: Ley/Comerford

Discussion: None

Vote: Approved, 10-0

- 4. Request for Approval to Sublease between Kona Producers Cooperative, Lessee/Sublessor, and Hawaii Ulu Producers Cooperative, Sublessee, General Lease No. S-3003; TMK: 3<sup>rd</sup> Div/7-9-016:018 (por), Lot No. 18, Honalo, North Kona, Island of Hawaii, Hawaii

Brandi Ah Yo, HDOA/ARMD, presented testimony as submitted.

Staff Recommendation: Approval

Motion to Approve: Mina/Ley

Public Testimony:

Dana Shapiro, General Manager, Hawaii Ulu Cooperative (HUC), testified that HUC has been an anchor user of facility since 2017 when Hawaii Food Basket was previously primary user. They currently operate under a MOU but are asking for a sublease to install solar panels and to support infrastructure improvements to secure the space for the coop and farmers. They project volume increases of ulu and other crops.

Discussion:

Board Member Evans was in strong support but wanted clarification on terms being used and the application to food hubs. She asked if DOA required lessees or sublessees to ag processing facilities on DOA land be cooperatives because she believes that small farmers are going to need food hubs and she hoped that there would not be regulatory barriers. Ms. Murai replied that there was no specific requirement in the Hawaii Administrative Rules that required a processing facility to be a cooperative.

Board Member Young commented that the sublease would legitimize the coop for grant making. He added that Kona Producers Coop had not been active in the building and asked if a lease reassignment would make more sense. Ms. Murai answered that the decision would be with UPC.

1 Ms. Shapiro said they were interested in the direct lease. They have grant and loan funds  
2 secured for the renewable energy project and obtaining approval for the sublease was the more  
3 expedient.

4  
5 Board Member Mina was in support of the sublease and the coop. He said Ulu is becoming  
6 more available with so many people with diabetic issues and he hoped the project could be  
7 replicated on all islands.

8  
9 Vote: Approved; 10-0

10  
11 Chair called for a recess at 10:40 a.m. The meeting resumed at 10:47 a.m.

- 12  
13 5. Request for Approval to Withdraw TMK parcel 1<sup>st</sup> Div/5-8-001:038, Island of  
14 Oahu, from Governor's Executive Order No. 4535 and Re-set Aside to the  
15 Department of Land and Natural Resources Pursuant to Act 90, SLH 2003,  
16 Codified as Chapter 166E, Hawaii Revised Statutes

17  
18 Linda Murai, HDOA/ARMD, presented testimony as submitted.  
19 Staff Recommendation: Approval

20  
21 Motion to Approve: Cabral/Evans

22  
23 Discussion:

24 Board Member Cabral asked if parcels being returned to DLNR because they were not suitable  
25 for ag, could be sold by DOA and the proceeds used for ag programs.

26  
27 Ms. Murai replied that there was no provision to allow DOA to sell land.

28  
29 Board Member Case explained that unencumbered state lands are held by DLNR unless  
30 purchased by an agency for a specific purpose. When the use is requested and approved, it is  
31 set aside by executive order for that purpose. When the purpose can no longer being fulfilled,  
32 the lands are returned to DLNR. For ceded lands that are held for revenue generation or other  
33 public purposes, portions of the revenues go to OHA or DHHL.

34  
35 Board Member Case said it was helpful that the reasons the lands were being returned were  
36 stated in the submittal and would be part of the public record. She said that it is the process  
37 being followed for Act 90 and if a mass transfer were done, it would be problematic because  
38 there would be a lot of land not suitable for farming.

39  
40 Ms. Murai, in response to Board Member Evans' question, clarified that the parcel was in  
41 Sunset Beach past Kahuku, coming back to town. Board Member Case commented that it was  
42 helpful to have the insert of where the property is located on the island.

43  
44 Chair noted that the reason was on page 2 of the submission, but more details would be  
45 provided going forward.

46  
47 Vote: Approved, 9-0; Abstain-Case

- 1                   6. Request for Approval for the Transfer of Public Lands from the Department of  
2                   Land and Natural Resources to the Department of Agriculture Pursuant to Act 90,  
3                   SLH 2003, Codified as Chapter 166E, Hawaii Revised Statutes; TMK NOS.: (2)  
4                   1-4-007:009, 017; (2) 1-7-003:032; (2) 2-9-001:008, 011; (2) 2-9-006:021, 022,  
5                   023; (2) 2-9-008:018, 024; (4) 1-9-001:002, 1-9-002:002; (4) 1-9-007:005, 007,  
6                   028, 029, 030; (4) 2-7-004:011, 012; (4) 4-6-005:010; Islands of Maui and Kauai  
7

8 Linda Murai, HDOA/ARMD, presented testimony as submitted.  
9 Staff Recommendation: Approval  
10

11 Motion to Approve: Comerford/Cabral

12 Chair stated that written testimony was received from DLNR  
13

14 Discussion:

15 In reference to gl5588, Board Member Case said that Hui O Mokupapa has four parcels. The  
16 proposal was to transfer three of the four parcels. She thought there would be procedural  
17 issues because all four parcels were under one lease. Board Member Case requested a  
18 friendly amendment to withdraw gl5588 from the submittal and DLNR and DOA would work it  
19 out.  
20

21 Board Members Comerford and Cabral agreed to the friendly amendment to remove gl5588  
22 from request to approve.  
23

24 Board Member Mina asked what determined a parcel to be labeled intensive agriculture. Ms.  
25 Murai replied that the character of use was used by DLNR when the lease was signed and  
26 DLNR used different definitions. Board Member Case said that the definitions should indicate  
27 that the parcel is in agricultural use.  
28

29 Vote on amended motion: Approved, 9-0; Abstain-Case  
30

31 Board Member Case said that per DLNR's testimony, they had no problem with the other  
32 parcels and will present them to the BLNR and work with DOA on gl5588.  
33  
34

- 35                   7. Request for Approval of the Re-Set Aside and Transfer of Management  
36                   Jurisdiction for 147 Acres, More or Less, of Certain Lands in Waialua, Tax Map  
37                   Key: 1st Div/ 6-9-001: 002, 003, 036; Mokuleia, Waialua, Island of Oahu, Hawaii  
38                   to the Hawaii Department of Agriculture  
39

40 Linda Murai, HDOA/ARMD, presented testimony as submitted.  
41 Staff Recommendation: Approval  
42

43 Motion to Approve: Evans/Cabral  
44

45 Public Testimony:

46 Ron Weidenbach, Hawaii Fish Company, said that he has been farming for 33 years and is  
47 anxious to expand and increase production.

1  
2 Board Member Cowell wanted to know where the set aside area was on the map. Mr.  
3 Weidenbach said that it is the square portion that goes mauka above the pond.  
4

5 Mr. Wiedenbach explained that the operation is an old army quarry used to build Dillingham  
6 Airfield. He said that the balance of the property is a brownsfield site, class C land, but the  
7 lower portion is level and can be used for soilless agriculture, aquaculture, and aquaponics.  
8

9 Vote: Approved, 10-0  
10  
11  
12

13 C. PLANT INDUSTRY DIVISION  
14 Plant Quarantine Branch  
15

- 16 1. Request to: (1) Allow the Importation of "KE18", a Hawaiian Monk Seal,  
17 Neomonachus schauinslandi (Monachus schauinslandi), an Animal on the List of  
18 Restricted Animals (Part B), by Permit, for Exhibition, by Sea Life Park Hawaii;  
19 and (2) Establish Permit Conditions for the Importation of "KE18" a Hawaiian  
20 Monk Seal, Neomonachus schauinslandi (Monachus schauinslandi), an Animal  
21 on the List of Restricted Animals (Part B), by Permit, for Exhibition, by Sea Life  
22 Park Hawaii.  
23

24 Noni Putnam, HDOA/PQ, presented testimony as submitted.  
25 Staff Recommendation: Approval of request with proposed permit conditions.  
26

27 Motion to Approve: Evans/Mina  
28

29 Public Testimony:

30 Cathy Goeggel, Animal Rights Hawaii, said that Sea Life Park does not have a good record of  
31 providing care and protection for marine mammals and was cited by the USDA/Aphis. She did  
32 not feel that Sea Life Park was an appropriate place for animal. She suggested looking for an  
33 alternative location.  
34

35 Board Member Mina asked about the monk seal's aggressive behavior. Jeff Pawloski, Curator  
36 at Sea Life Park for over 17 years, answered that the aggressive behavior has been studied and  
37 documented and the cause is possibly hormonal. Once in human care, aggression seemed to  
38 disappear. Regarding Ms. Goeggel's, claims, he noted that the inadequate shade had been  
39 corrected and there were no deficiencies in subsequent inspections. They are in regular contact  
40 with USDA and are approved by the National Marine Fisheries and the USDA as an adequate  
41 habitat for the Hawaiian Monk Seals.  
42

43 Vote: Approved, 10-0  
44  
45

- 1                   2. Request to: (1) Allow the Transfer of Two Bison, *Bison bison*, an Animal on the  
2 List of Restricted Animals (Part B), by Permit, for Commercial Meat Production,  
3 by Hanalei Garden Bison Company, LLC; and (2) Update Permit Conditions for  
4 the Transfer of Two Bison, *Bison bison*, an Animal on the List of Restricted  
5 Animals (Part B), by Permit, for Commercial Meat Production, by Hanalei Garden  
6 Bison Company, LLC.

7  
8 Noni Putnam, HDOA/PQ, presented testimony as submitted.  
9 Staff Recommendation: Approval with proposed permit conditions.

10  
11 Chair pointed out PQB notes under 8.b., any reference to leptospirosis be removed and 9.e.  
12 regarding a guideline or reference for the living fence.

13  
14 Ms. Putnam explained that the Hanalei Bison Co. situation was unique because they have  
15 dense hau bushes that are 50-feet wide. The recommendation states that wherever there are  
16 no bushes, there needs to be perimeter fencing. She said based on the information provided, it  
17 appeared that the 50-foot hau bushes contain the bison but there was no reference or guideline  
18 to say how thick the bush needed to be. There were questions on what would happen if fire or  
19 disease damaged the hau thicket and the answer was that a perimeter fence would need to be  
20 constructed.

21  
22 Motion to Approve: Mina/Cabral

23  
24 Public Testimony:

25 Cathy Goeggel, Animal Rights Hawaii, opposed bison in Hanalei. She stated that the ground  
26 was not appropriate for heavy animals and that bison was not covered under main methods to  
27 slaughter and therefore are not covered by USDA FSIS inspectors and there was no guarantee  
28 that animals were being slaughtered humanely.

29  
30 Discussion:

31 In reference to permit condition 9.e., Board Member Evans suggested the friendly amendment  
32 that the Chair may approve alternative fencing options on a case-by-case basis. She noted it  
33 would quicker and more efficient. Board Members Mina and Cabral agreed with the  
34 amendment.

35  
36 Ms. Putnam said that Stewart Wellington and Andy Friend were in attendance. Mr. Friend said  
37 that they are USDA compliant. The Bison are being processed by Waialua Meat Co. under  
38 USDA meat inspectors, stamped with the triangle stamp, the labels are approved, and they are  
39 approved for commercial use.

40  
41 Mr. Friend said that the hau branches are better than a fence. The canopy of the mature hau  
42 bush is intertwined. He said the fences were greatly impacted by the flow of water and debris  
43 but the hau did not move during the flood. He added that the hau bush provides shade and  
44 protection on the perimeter.

45  
46 Board Member Mina asked about the size of the herd, if they were mob grazed and how they  
47 limit the herd size. Mr. Friend replied, 70 head and they are currently in calving season. They

1 process bulls every 2-months to reduce the herd. In the early 90's the owner had over 300  
2 head. They have 15 acres and additional 30+ acres, if needed. They roam and do not  
3 overgraze. Regarding the two bison from the big island, he said that it was expensive to ship  
4 from the mainland and to get the Big Island bison to rebuild and grow the herd was more  
5 economically viable.

6  
7 Vote on amended motion: Approved; 10-0

- 8  
9  
10 3. Request to: (1) Allow the Transfer of Grass Carp, *Ctenopharyngodon idella*, a  
11 Fish on the List of Restricted Animals (Part B), by Permit, for Retail Sale for  
12 Consumption, to Chun's Meat Market; and (2) Establish Permit Conditions for the  
13 Transfer of Grass Carp, *Ctenopharyngodon idella*, a Fish on the List of Restricted  
14 Animals (Part B), by Permit, for Retail Sale for Consumption, to Chun's Meat  
15 Market.

16  
17 Trenton Yasui, HDOA/PQ, presented testimony as submitted.  
18 Staff Recommendation: Approval of the request.

19  
20 Motion to Approve: Cabral/Mina

21  
22 Public Testimony:

23 Frankie Chun, representing Chun's Meat market, was available for questions.

24 Ms. Cathy Goeggel, Animal Rights Hawaii, opposed, noting that the application involved live  
25 fresh fish. By method of stunning, the fish could be cut into while still conscious. She felt the  
26 method was unnecessarily cruel and asked that a regulation on handling of the fish be included.

27  
28 Board Member Evans asked why importation permit regulations apply when importing from  
29 Wahiawa to Honolulu. Mr. Yasui replied that it allows instate transfer and the proposed  
30 conditions for the transfer.

31  
32 Board Member Cabral said he thought that grass carp was brought in and used to maintain  
33 algae in reservoirs. Mr. Yasui said that prior to laws being in place, the grass carp was brought  
34 in for weed control and consumption. Since the establishment of rules and laws, there are now  
35 conditions to control disease risk and escape.

36  
37 Board Member Case commented that the fish was hit on the head but did not say that the fish  
38 was unconscious before cut. Mr. Chun described the process and said that when the consumer  
39 picks the fish, they take it out of the water, place it on the cutting board and initiate blunt force.  
40 Once hit and the gills are removed, the fish would bleed out and die within three seconds. He  
41 said an ice water bath would kill the fish in 30 seconds.

42  
43 Board Member Ley said that Condition #8 referenced testing for diseases. She asked if that  
44 was an error because the fish was being transported but not a new import. Mr. Yasui replied  
45 that the intent of the condition was that only disease tested fish be received. He indicated that  
46 See Ba Thee does test the fish.

47

1 Regarding Condition #9, about the disinfected water during transport, a question was asked  
2 about whether the store water also needed to be disinfected. There was discussion between  
3 the Board and Mr. Yasui regarding adding a condition to #9 regarding disinfecting water in the  
4 store holding tank but board members indicated that no condition was needed.

5  
6 DAG Yee commented, in response to Board Member Case's question. He asked if Mr. Chun  
7 understood that Condition #2 required immediate severance of the vertebral column. Mr. Chun  
8 acknowledged that he could do that.

9  
10 Board Member Evans commented that the tank water may be a Department of Health concern.  
11 Mr. Yasui explained that the reason for the condition was that the transport water presented a  
12 potential animal disease risk and would not necessarily be a Department of Health issue.

13  
14 Mr. Ho said Condition #14 regarding a P&A request by DLNR to be included if there was an  
15 escape would be burdensome from a regulatory standpoint as PQ would have to cite the  
16 applicant for failure to notify DLNR. He requested that Condition #14 be removed and handled  
17 administratively.

18  
19 Vote: Approved, 10-0

20  
21  
22 Executive Session:

23 Chair requested that the Board go into Executive Session to hear from their attorney  
24 prior to discussing the PQ submission regarding the Vasa Parrot.

25  
26 The motion was made by Board Member Evans and seconded by Board Member  
27 Cowell. The motion was unanimously approved. The Board Meeting was recessed at  
28 12:24 p.m. to go into Executive Session.

29  
30  
31 The meeting was called to order again at 12:54 p.m.

- 32  
33 4. Request for: (1) Preliminary Approval of Proposed Amendments to  
34 Chapter 4-71, Hawaii Administrative Rules, "Non-Domestic Animal  
35 Import Rules," to Remove the Vasa Parrot, *Coracopsis vasa*, from  
36 the List of Restricted Animals (Part B), and add it onto the List of  
37 Conditionally Approved Animals; and (2) Authorization for the  
38 Chairperson to Schedule a Public Hearing and Appoint a Hearing  
39 Officer in Connection with Proposed Amendments to Chapter 4-71,  
40 Hawaii Administrative Rules, "Non-Domestic Animal Import Rules," to  
41 Remove the Vasa Parrot, *Coracopsis vasa*, from the List of  
42 Restricted Animals (Part B), and add it onto the List of Conditionally  
43 Approved Animals.

44  
45 Jonathan Ho, HDOA/PQ, presented testimony as submitted.

46 Staff Recommendation: Disapproval and go through the full review process which should be  
47 completed by the June Board meeting.

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Motion to Deny: Evans/Cabral  
Board Member Evans made the Motion to deny petitioner’s request for rulemaking without prejudice to the Department of Agriculture, Plant Quarantine Branch’s ability to gather more information, including obtaining input from the Advisory Subcommittee on Land Vertebrate Animals, for submittal to the Board of Agriculture for possible future rulemaking regarding the Vasa Parrot.

Public Testimony:  
Emily Gardner, representing Lise Madson, petitioner, thanked the board for the opportunity to speak and said that she had been informed of the meeting through state’s attorney the day before the meeting. She said that did not want to deviate from the communication that was provided to her and hoped that she was able to clarify issues regarding the submittal and current thinking beyond where it is procedurally.

Chair noted that written testimony was received from David Smith, DLNR, (Division of Forestry and Wildlife) DOFAW Administrator

Vote on motion to deny: Approved, 9-0; Excused-Mina

Board Member Mina left the meeting at 1:00 p.m.; Board Member Young left at 1:04 p.m.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

1. Presentation by Lisa M. Keith, Ph.D., from USDA-ARS, regarding Rapid Ohia Death: *Ceratocystis* Species Killing *Metrosideros polymorpha* in Hawaii.

Ms. Keith presented findings on her research project funded by Department Contract 65559. Chair explained that work had concluded but the final piece was the presentation to the Board. Board Members expressed appreciation for the work done.

1  
2           2. Updates on “Legislative Outcomes on Significant Decisions/Initiatives and the Budget.”  
3

4 Chair presented an overview of the session and briefly explained the impacts to the department.  
5

6  
7 VII. ADJOURNMENT OF MEETING  
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9 The meeting was adjourned at: 2:00 p.m.  
10

11  
12  
13 Respectfully submitted,  
14

15  
16  
17 Jan Ferrer  
18 Board Secretary