



**Minutes of the Board of Agriculture
June 22, 2021**

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on June 22, 2021 at 9:05 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:¹

1-808-226-5483
Adam Vorsino
Austin Mauch
Avery Matro
Becky Azama, HDOA/PI
Bill Casey
Brandi Ah Yo, HDOA/ARMD
Brian Kau, HDOA/ARMD
Chad Buck
Chris Farmer
Chris Kishimoto, HDOA/PQ
Cody
Cynthia King, DLNR
Darcy Oishi, HDOA/PPC
David Smith, DLNR
Dean Matsukawa, HDOA/AGLN
Donald Garwood, HDOA/ARMD
Dutch Hawaiian Dairy LLC
Earl Yamamoto, HDOA/CHR
Floyd Reed, UH Manoa
Gareth Mendonsa, HDOA/AGLN

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

1 Guest
2 Hanna Mounce
3 Janelle Saneishi, HDOA/Chair
4 Jezrael Campos, Hyatt Kauai
5 Jgottlieb
6 Jonathan Ho, HDOA/PQ
7 Jonathan Likeke Schner
8 Joshua Fisher, USFWS
9 Joyce Wong, HDOA/ARMD
10 Julia Diegmann
11 Kamjt
12 Katherine McClure
13 Kirk Saiki, HDOA/ARMD
14 Kristi Saiki
15 Lainie Berry
16 Lincoln Wells, HDOH
17 Linda Murai, HDOA/ARMD
18 Lisa Cali Crampton
19 Matthew Medeiros, UH Manoa
20 Megahn Chun
21 Michelle Bogardus
22 Michelle Clark
23 Mitchell Kirsch
24 Morris Atta, HDOA/CHAIR
25 Noni Putnam, HDOA/PQ
26 Olena Alec
27 Roy Hasegawa, HDOA/ARMD
28 Stephanie Easley, CGAPS
29 Teya Penniman
30 Theresa Dawson
31 Theresa Menard
32 Threatened Species dlebbin@abcbirds.org
33 Trenton Yasui, HDOA/PQ
34

35 II. APPROVAL OF MINUTES FROM 5/25/21 MEETING

36
37 Chair called for motion to approve the minutes with the correction to the date on page 7, line 44.
38 The date should be January 2021.

39
40 Motion to Approve 5/25/21 minutes as amended: Ley/Evans

41
42 Vote: Approved; 10-0
43
44

45 III. INTRODUCTIONS

46
47 None.

1
2 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

3
4 A. AGRICULTURAL LOAN DIVISION

- 5
6 1. Request for Approval of One (1) Direct Food Manufacturing Facility Loan to AAA
7 Controls, Inc. and Austin Mauch, co-borrowers.

8
9 Gareth Mendonsa, HDOA/AGLN, presented testimony as submitted.

10 Staff Recommendation: Approval

11
12 Motion to Approve: Mina/Ley

13
14 Discussion:

15 Board Member Young asked if the applicant was required to obtain turndowns. Mr. Mendonsa
16 replied that two denials were required. Board Member Young commented that he was in favor
17 of the loan as value-added is needed to get agriculture going.

18
19 Vote: Approved, 10-0

20
21
22 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 23
24 1. Request for Approval for Acceptance of Perpetual Non-Exclusive Drainage
25 Easement from Amazon.Com Services LLC, As Grantor, in Favor of State of
26 Hawaii, as Grantee; TMK: 1st Div/1-2-025:036; Honolulu, Island of Oahu,
27 Hawaii

28
29 Donald Garwood, HDOA/ARMD presented testimony as submitted.

30 Staff recommendation: Approval, subject to the following:

- 31
32 1. *Amazon is responsible for and performs all appropriate establishment, construction,*
33 *repair, and maintenance of the easement;*
34 2. *Amazon indemnifies and holds the Grantee harmless from any and all liability,*
35 *damages, or injury arising from Amazon's construction, repair, and maintenance of*
36 *the easement;*
37 3. *Amazon is prohibited from constructing any improvement within the easement area*
38 *that alters or hinders the drainage functions of the easement without prior written*
39 *approval from the Grantee; and*
40 4. *The Grantee reserves its rights to full use and enjoyment of the easement area for*
41 *the purposes granted.*

42
43 and provided:

- 44 1. *All related documents shall be subject to review and approval as to form the*
45 *Department of the Attorney General; and*
46 2. *Such other terms and conditions as may be prescribed by the Chairperson, to best*
47 *serve the interest of the State.*

1
2 Motion to Approve: Cowell/Evans
3

4 Discussion:

5 Ms. Avery Matro, representing Amazon, confirmed that Amazon is agreeable to the terms and
6 conditions set forth.

7
8 Ms. Murai, HDOA/ARMD provided map orientation for Board Member Evans and confirmed that
9 the easement was for drainage in the event of heavy rain.

10
11 Board Member Mina asked if the easement would be cement or culvert. Ms. Matro was not
12 sure but stated that it was her understanding that it would be underground. Board Member
13 Mina surmised that it would be culvert.

14
15 Board Member Ley questioned whether the documents should reference Amazon or property
16 owners in terms of future ownership. Deputy Attorney General (DAG) Bryan Yee clarified that
17 the easement runs with the land; therefore, it would not matter who the owner is at the time.

18
19 Vote: Approved, 10-0
20

21
22 2. Certification of Acreage Assessments for the Honokaa-Paauilo, Kahuku,
23 Molokai, Waimanalo, and Waimea Irrigation Systems, 2022 Fiscal Year.

24
25 Brian Kau, HDOA/ARMD, presented testimony as submitted.

26 Staff Recommendation:

- 27 1. *That the Board determine and certify that the amount of acreage assessments*
28 *necessary for annual maintenance of the listed five (5) irrigation systems for fiscal*
29 *year 2022 are as listed.*
30 2. *That the Board determine and certify that the acreage of agricultural and livestock*
31 *lands of each land occupier within the listed irrigation system is as set forth in*
32 *attachments A through E.*
33 3. *That the Board determine and certify that agricultural lands shall bear 100% of the*
34 *annual acreage assessments, for the Kahuku, Molokai, Waimanalo, and Waimea*
35 *Irrigation Systems; and*
36 4. *That the Board determine and certify that agricultural and pastoral lands shall bear*
37 *70% and 30% , respectively, of the annual acreage assessments for the Honokaa-*
38 *Paauilo Irrigation System.*

39
40 Motion to Approve: Cabral/Mina
41

42 Discussion:

43 Board Member Evans asked if the acreages included privately owned parcels in addition to the
44 ag park and non-ag park parcels. Mr. Kau answered that the acreages also included privately
45 owned irrigation parcels as the irrigation systems can serve any agricultural use as long as they
46 are able to provide water.

47

1 Board Member Cabral asked about the percentage increase over last year's assessment and
2 how cost overruns would be handled. Mr. Kau replied that the increase was about \$150 per
3 system for the year and because of the spending ceiling set by legislature, there could be no
4 cost overruns. He added that in the event of a disaster, money would be transferred from
5 another system or the Governor's help would be requested because the discretionary budget is
6 very small.

7
8 Giving the example of the Kohala system collapse, Board Member Mina asked how a disaster
9 would be handled. Mr. Kau explained that the two major sources of revenue for irrigation are
10 water delivery fees and acreage assessments. He said that the acreage assessments are the
11 bare minimum that needed to be collected for costs associated with keeping the infrastructure in
12 workable condition and included maintenance and labor and would be charged even if water is
13 not used. If a worst-case scenario for delivery fee collection, such as extreme drought occurred,
14 acreage assessments would be relied on.

15
16 Board Member Young asked if the Department's goal was to achieve assessment parity
17 between the systems, as the systems are different in terms of topography and use. Mr. Kau
18 replied that the systems, except for Kahuku, have similar expense structures, and the largest
19 cost is for labor. Kahuku is small and because it is located on Oahu, supported by the
20 Waimanalo Crew. It is the only irrigation system that relies exclusively on groundwater.

21
22 Vote: Approved, 10-0

23
24
25 C. PLANT INDUSTRY DIVISION
26 Plant Quarantine Branch

- 27
28 1. Request to: (1) Allow the Importation of Two Mute Swans, *Cygnus olor*, an
29 Animal on the List of Restricted Animals (Part B), by Permit, for Exhibition, by
30 Grand Hyatt Kauai Resort and Spa; and (2) Update Permit Conditions for the
31 Importation of Two Mute Swans, *Cygnus olor*, an Animal on the List of
32 Restricted Animals (Part B), by Permit, for Exhibition, by Grand Hyatt Kauai
33 Resort and Spa.

34
35 Noni Putnam, HDOA/PI/PQ, presented testimony as submitted.

36 Staff Recommendation: Approval with proposed permit conditions unless the Board decides to
37 remove references to progeny or if they have any other recommendations regarding proposed
38 permit conditions.

39
40 Ms. Putnam read one written testimony in opposition from Ms. Gayle Hoffman received on
41 6/18/21.

42
43 Motion to adopt staff's recommendation except any reference to progeny shall be removed from
44 the conditions and condition 17b shall be revised to state as follows: If any changes to the
45 approved site facility and/or procedure regarding the restricted article occur or are to made, the
46 permittee shall obtain written approval of the PQB (Plant Quarantine Branch) Chief as soon as

1 practical, if unplanned, and prior to implementation, if planned, and shall submit a written report
2 documenting the specific changes to the PQB Chief. Cowell/Evans
3

4 Discussion:

5 Board Member Case wanted clarification of the progeny issue, noting that there should not be
6 any progeny since there would be only two females, and asked who would be responsible for
7 unintended progeny. Ms. Putnam answered that the Grand Hyatt Kauai Resort and Spa
8 (GHKRS) would be responsible and would be required to notify PQB if there were progeny on
9 the facility. Board Member Case wondered if it would be better to state "progeny, if any" rather
10 than to delete all references and gave an example of condition #3, permittee shall be
11 responsible for all swans, including progeny, if any. Ms. Putnam acknowledged that could be
12 done at the Board's recommendation.
13

14 There was discussion on the multiple references to progeny. Board Member Case proposed to
15 leave progeny in for Conditions #3 and #4 and add "if any". For Conditions #9 and #12, remove
16 progeny. Ms. Putnam said progeny is listed in 12 of the conditions.
17

18 DAG Yee asked if there was unintended progeny, would the baby swan would be permitted to
19 stay or if it would be considered an unpermitted animal. Ms. Putnam said that based on the
20 conditions, because only females are being imported, there should not be any progeny,
21 however, if there was an occurrence, PQB should be notified, and the progeny would be
22 included on their inventory. It is her understanding that and progeny would be covered under
23 this permit.
24

25 Chair called Acting PQB Chief Jonathan Ho to answer DAG Yee's question. Mr. Ho said that
26 condition #1 states the approved purpose is for exhibition and does not address prohibition of
27 breeding. Mr. Ho discussed possible changes that could be made to conditions #1 or #17 to
28 address prohibition of breeding as the conditions are currently silent to the possibility of
29 breeding and if breeding or progeny should occur, the PQB should be notified and action would
30 be taken to send them out of state.
31

32 DAG Yee asked if any progeny was intended to be a violation of the permit. Mr. Ho confirmed
33 that that it was the intent of all the reviewers that the birds were only for display and not to allow
34 perpetual breeding to create a population.
35

36 DAG Yee asked if an additional condition was needed. Mr. Ho replied to add a portion to
37 condition #17 that if progeny occurs, PQB should be notified immediately.
38

39 DAG Yee said if it were the Board's intent and DOA's recommendation to include a condition to
40 prohibit breeding and to require notification and appropriate handling of the unpermitted
41 progeny, with the approval of the PQB Chief, the Board could ask that a condition be added
42 stating that the intent is not to have progeny, but if they do, the violation would be handled by
43 the PQB on a case-by-case basis with the wording to be approved by the AG's office. Chair
44 Case requested addition of the language to the motion.
45

46 Board Member Mina asked if the death of a swan needed to be reported and asked the age of
47 the imports. Ms. Putnam replied that condition 17e states a written report to PQB Chief

1 surrounding the death would have to be submitted to PQB. In reference to the question
2 regarding the number of existing swans, she said there are currently no mute swans at the
3 facility. Board Member Mina asked about an incident, on the mainland, where someone was
4 killed by a swan protecting its nest. Mr. Ho said they were aware of the fatality and the concern
5 resulted in the proposed import being restricted to females and to prevent the potential for
6 breeding. Board Member Mina asked if the State could be held responsible if someone was
7 killed because the Board allowed the permit. DAG Yee said that it is in the Board's
8 discretionary powers to make the decision and there should be no liability from exercising the
9 discretionary powers.

10
11 Board Member Cabral stated that if the birds coming in are quarantined for 30-days, to avoid
12 progeny, any eggs could be destroyed immediately to solve the problem. Mr. Ho agreed and
13 said that could be included as a condition, that in the event eggs are discovered they shall be
14 humanely destroyed to ensure that they are not allowed to hatch. Board Member Cabral
15 recommended adding the condition.

16
17 Board Member Case wanted to include condition that breeding will not be permitted, and any
18 progeny/eggs will be immediately reported to DOA for action.

19
20 Board Member Comerford wanted to know how GHKRS addressed concerns raised by Dr.
21 McKinnie regarding the longevity of swans being short relative to their lifespan. Mr. Jezrael
22 Campos said that the lifespan was 30 years and 2 were found dead without any signs of injury
23 and one with a puncture on its chest.

24
25 Ms. Putnam reported that the GHKRS had 3 import permits for the swans. Two swans imported
26 in the 1990's died of old age. Two swans were imported in March 2013 and one had blunt force
27 to the head, and one was eggbound and died surgically. Two swans imported December 2017
28 died without any signs of illness or trauma. A necropsy was performed but there was no
29 findings on how the swans died. She added that she has been working with GHKRS on their
30 practices and procedures.

31
32 Board Member Case requested that the motion be amended. Board Member Cowell was open
33 to the amendment.

34
35 Based on Board discussions, DAG Yee offered the amendment for consideration: The articles
36 shall not be bred, and any eggs shall be destroyed. Notice of any unanticipated progeny shall
37 be provided to the PQB Chief as soon as possible. Any progeny should not be considered as
38 allowed by this permit and should be secured until the PQB Chief determines appropriate
39 handling.

40
41 Vote: Approved, 7-3 (Comerford, Young, Tanaka)

- 42
43
44
45 2. Request to: (1) Determine if the Establishment of the Southern House Mosquito,
46 *Culex quinquefasciatus*, a Vector of Avian Malaria in Hawaii, Constitutes an
47 Ecological Disaster, pursuant to HRS section 150A-6.2(c); (2) Allow the

1 Importation of the Southern House Mosquito, *Culex quinquefasciatus*, an
2 Unlisted Insect, Inoculated with a Foreign *Wolbachia* Bacteria Species, by
3 Special Permit, for Laboratory, Field-Release, and Area-Wide Mosquito
4 Suppression Research, by the University of Hawaii at Mānoa; and (3) Establish
5 Special Permit Conditions for the Importation of the Southern House Mosquito,
6 *Culex quinquefasciatus*, an Unlisted Insect, Inoculated with a Foreign *Wolbachia*
7 Bacteria Species, by Special Permit, for Laboratory, Field-Release, and Area-
8 Wide Mosquito Suppression Research, by the University of Hawaii at Mānoa.
9

10 Chris Kishimoto, HDOA/PI/PQB, presented testimony as submitted.
11 Staff Recommendation: Approval with proposed permit conditions
12

13 Motion to Approve: Case/Mina
14

15 Chair reported that 142 written testimonies were received, including 6 agencies and
16 organizations, including Nature Conservancy, American Bird Conservancy, Maui Nui, US Dept
17 of Fish and Wildlife and Department of Health, Department of Land and Natural Resources, in
18 favor of the importation request.
19

20 The following provided oral testimony in support of the project:

21 Mr. Bill Casey, born and raised in Hawaii and now lives on the Mainland and donates to
22 the Maui Forest Bird Recovery Project

23 Ms. Teya Penniman, Project Coordinator for multi-agency partnership, Birds Not
24 Mosquitos, employed by American Bird Conservancy

25 Ms. Michelle Bogardus, Deputy Field Supervisor Pacific Fish and Wildlife Office

26 Dr. Lisa Cali Crampton, Leader of Kauai Forest Bird Recovery Project

27 Mr. David Smith, Administrator of Department of Land and Natural Resources, Division
28 of Forestry and Wildlife

29 Dr. Hanna Mounce, Coordinator, Maui Forest Bird Recovery Project, and Executive
30 Director of Na Koa Manu Conservation
31

32 DAG Yee temporarily left the meeting.
33

34 Board Member Mina supported the project emphasizing the importance of ecological
35 pristineness that remains in Hawaii.
36

37 Applicant, Matthew Medeiros, said that he feels privileged to part of the team trying to do
38 something about the imminent crisis and was available for questions. Applicant, Floyd Reed
39 said that they will comply with all state and federal regulations and that nothing would be
40 released without complete approvals at all levels.
41

42 Board Member Case expressed appreciation to the Department of Agriculture, Chair, Mr.
43 Kishimoto, the Advisory Committee, and staff for working the permit application through. She
44 said that it is a very dire situation and many individuals and agencies are working together. She
45 emphasized the urgency to tackle the project as carefully and expeditiously as possible and
46 appreciated everyone's support.
47

1 Chair Shimabukuro-Geiser recognized the PQ staff and thanked them for their efforts to move
2 things along.

3
4 Board Member Ley acknowledged all the partners working on the initiative and asked for
5 clarification of the Environmental Assessment (EA) process. She wanted to know the role of the
6 Department of Agriculture and the Board of Agriculture in approval process

7
8 Mr. Kishimoto explained that when a request is received for research or field release, it would
9 run through a process set by the Office of Environmental Quality Control (OEQC) and that
10 process would determine whether an EA was necessary. He said that in the advisory
11 committee meeting, Mr. Segundo, committee member who works at OEQC said that any impact
12 whether positive or negative would require an EA. Mr. Segundo did not consider lab research to
13 have a significant impact but seeing that possible release sites were pristine habitats, there was
14 a potential for significant impact and EA should be completed at the release sites.

15
16 Board Member Ley asked when DOA's role would end and when the new phase with the area-
17 wide release would start. Mr. Kishimoto said that they would be working on the EA process with
18 DLNR and thinks DOA has the responsibility to make sure the applicants go through all the
19 requirements needed to do their research.

20
21 Board member Ley asked when the department would pull the permit. At what point does it
22 become PQB's responsibility to step back.

23
24 Mr. Ho explained that the use of state, county, or federal lands would be the trigger for the EA
25 process. The department has the ability to issue exemptions to the issuance of an EA. The EA
26 exemption is granted through OEQC if the department has deemed that the project is of minimal
27 or no significant impact to the environment and in this case, Mr. Segundo and the Advisory
28 Committee on Plants and Animals (P&A) agreed to that.

29
30 He further explained that the internal process is to have request reviewed by advisory
31 subcommittee and to determine the risk and if the conditions are suitable to mitigate the risk.
32 There are two separate projects tied together with the same set of conditions. For the EA
33 exemption for the lab research component, the permit conditions cover what they need to, and it
34 is also a permit condition to get approval from PQB prior to field release. He noted that the
35 applicants are going through the full EA process prior to field release. If the organisms are
36 released prior to the process being completed, PQB could yank the organisms and cite them if
37 given the authority by the Board.

38
39 Board Member Ley asked if PQB had a recommendation on permit conditions—lab work vs field
40 work.

41
42 Board Member Case clarified that the organisms are imported into the lab and it is important to
43 get limited release for research to gather data to qualify for EPA permits. She said that there is
44 a larger, ongoing, environmental review process underway for the broader release. She asked
45 the Board to clarify that limited release for research is allowed under the approval.

46
47 Board Member Ley said the impacts in the field feel like it is beyond the scope of agriculture.

1
2 Mr. Kishimoto said that they can separate out full field research from laboratory release and
3 limited release but that would require the field release request to go through the board approval
4 process again.

5
6 Chair said that Branch's recommendation was based on the subcommittee and Advisory
7 Committee on Plants & Animals approval that the submittal be multi-part and not separated.

8
9 Mr. Ho said that the release, whether limited or widespread would be part of the EA process as
10 they did not make a distinction between small or limited release vs. landscape level release. He
11 clarified that only the laboratory component was considered for exemption and not the limited
12 release component would not qualify for an exemption.

13
14 Board Member Case said that the application was to conduct limited and field research. Board
15 Member Ley added area wide. Chair asked if DAG Yi, Mr. Ho, or Mr. Kishimoto knew if the area
16 wide release had started. Mr. Kishimoto replied that he was not aware if it had started, but they
17 are in talks with other agencies on how to collaborate.

18
19 Board Member Comerford commented that the *Wolbachia* bacteria are already present in a
20 wide variety of insects in and is already in the state. He added that others have done this
21 approach successfully and the timeline is critical and should be considered when the voting.
22 Board Member Evans spoke in favor of passing the entire recommendation, that Condition 14
23 addresses the issues, and the Board should be able to go ahead. She said EA's are disclosure
24 documents that provide information on impacts and mitigation and it was up to the accepting
25 agency to review their thoroughness. She thought the Board should move forward with entire
26 recommendation.

27
28 Vote: Approval; 10-0

29
30
31 Chair requested a recess from 11:12 a.m. – 11:25 a.m.

32
33 Board Member Tanaka left the meeting.

34
35
36 3. Request For: (1) Preliminary Approval of Proposed Amendments to
37 Chapter 4-71, Hawaii Administrative Rules, "Non-Domestic Animal
38 Import Rules," to Remove the Vasa Parrot, *Coracopsis vasa*, from the
39 List of Restricted Animals (Part B), and add it onto the List of
40 Conditionally Approved Animals;

41
42 (2) Authorization for the Chairperson to Schedule a Public Hearing and
43 Appoint a Hearing Officer in Connection with Proposed Amendments to
44 Chapter 4-71, Hawaii Administrative Rules, "Non-Domestic Animal
45 Import Rules," to Remove the Vasa Parrot, *Coracopsis vasa*, from the
46 List of Restricted Animals (Part B), and add it onto the List of
47 Conditionally Approved Animals;

1
2 (3) Provided the Vasa Parrot, *Coracopsis vasa* is Placed on the List of
3 Conditionally Approved Animals, Allow the Importation of One Vasa
4 Parrot, *Coracopsis vasa*, by Permit, for Individual Possession as a
5 Domestic Animal Companion, by Lise Madson; and
6

7 (4) Provided the Vasa Parrot, *Coracopsis vasa*, is Placed on the List of
8 Conditionally Approved Animals, Establish Permit Conditions for the
9 Importation of One Vasa Parrot, *Coracopsis vasa*, for Individual
10 Possession as a Domestic Animal Companion, by Lise Madson.
11

12 Jonathan Ho, HDOA/PI/PQ, presented testimony as submitted.
13 Staff Recommendation: Approval
14

15 Motion to Approve: Evans/Cabral
16

17 Discussion:
18

19 Board Member Case commented that she was against changing the rules, which guard
20 against invasive species, for the request. She said she could not support because
21 there could be serious ecological and economic issues.
22

23 Board Member Mina wanted to know if there was any way to have the requests vetted
24 so the Board would not have to spend so much time on animals on the restricted list.
25 He said that he appreciated the applicant's persistence but thought the Board should
26 spend more time representing real ag issues.
27

28 Chair said that the request was unusual and has come back in various ways.
29

30 Board Member Mina agreed with Board Member Case regarding the invasiveness of
31 the birds and said that he was not supportive.
32

33 Board Member Cabral said that all the evidence shows that it was unlikely that the
34 parrot would become a problem. He felt that based on the evidence, the board should
35 approve the request given that it is for the Vasa Parrot and not a whole list of parrots.
36

37 Board Member Young said that he voted no in the past and his objection was from a
38 process standpoint and centered around the animal being a comfort animal and a
39 research project which he did not feel was bona fide. He said parrots are not illegal and
40 are everywhere. He wanted to give the applicant the opportunity to go through the
41 process and if specific concerns arise, they could be dealt with.
42

43 Vote: Disapproved; 4 (w/reservations-Chair) – 5 (Ley, Mina, Comerford, Cowell, Case)
44 Excused - Tanaka
45
46
47

1 V. OLD BUSINESS

2
3 1. Update on Cloverleaf Dairy.

4
5 Chair reported that there was a request for an update on Cloverleaf Dairy. She said that the
6 Board approved a loan and an assignment of lease. The department was informed that the
7 financing and assignment are held up due to dispute between the parties.

8
9 Mr. Cornel Kea and Mr. Kees Kea from Dutch Hawaiian Dairy LLC were available to answer
10 any questions.

11
12 Board Member Cabral said that when the assignment and loan were approved one year ago,
13 the attorney for the seller told the Board that if the requests were not approved, the dairy would
14 go out of business in one week. He wanted to know why nothing had been done despite the
15 urgency.

16
17 Mr. Cornel Kea said that the only reason the dairy is surviving is that they (the Keas) are
18 helping Cloverleaf Dairy in Ookala. They are moving cows to keep the dairy afloat as long as
19 possible.

20
21 Board Member Cabral wanted to know why the transfer had not taken place. Mr. Kees Kea
22 said that they won the case, but the Honokaa Land Company is appealing the decision and the
23 court is requiring mediation. The mediation will take place on July 6th and he is hopeful they
24 will be able to close the loan.

25
26 Mr. Cornel Kea said that escrow would not let them close until the appeal is settled.

27
28 Mr. Cabral wanted to know if the lease payments were up to date. Ms. Brandi Ah Yo confirmed
29 that the lease rent as well as the property taxes were current.

30
31
32 VI. NEW BUSINESS

33 None.

34
35
36 VII. ADJOURNMENT OF MEETING: Mina/Young

37 The meeting was adjourned at 11:50 a.m.

38
39
40 Respectfully submitted,

41
42
43
44 Jan Ferrer
45 Board Secretary
46