

AGENDA
BOARD OF AGRICULTURE MEETING

Date: November 30, 2021
Time: 9:00 a.m.
Place: Virtual Videoconference Meeting – ZOOM Webinar (use link below)
<https://zoom.us/j/97213864928>

Or One tap mobile :

US: +13462487799,,97213864928# or +16699006833,,97213864928#

Or Telephone:

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Webinar ID: 972 1386 4928

International numbers available: <https://zoom.us/u/abCEGOMRxx>

In light of the COVID-19 pandemic, protecting the health and safety of the community is of utmost concern. Members of the public may submit written testimony via e-mail to: HDOA.BOARD.TESTIMONY@HAWAII.GOV, via postal mail to the BOA Chairperson's Office at 1428 S. King Street, Honolulu, HI 96814-2512; or via fax to the BOA Chairperson at (808)973-9613. Please include the word "testimony" and the subject matter following the address line. All written testimony should be received no later than 4:30 pm on Monday, November 29, 2021.

Copies of the Board Packet will be available for on-line review at:
<http://hdoa.hawaii.gov/meetings-reports/>.

INTERNET ACCESS:

*To view the meeting and provide live oral testimony during the meeting, please use the above link. You will be asked to enter your name in order to access the meeting as an attendee. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., *****@***mail.com.*

As an attendee, your microphone will be automatically muted during the meeting unless you are providing testimony. For each agenda item you wish to testify on, please click the Raise Hand button found on your Zoom screen. Board staff will individually enable each testifier to unmute their microphone. When recognized by the Chair, please unmute your microphone before speaking and mute your microphone after you finish speaking in order to prevent audio feedback. When testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to two minutes of testimony per agenda item.

PHONE ACCESS:

If you cannot get internet access, you may get audio-only access by calling the Zoom Phone Number listed at the top on the agenda.

Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.

When the Chairperson asks for public testimony, you may indicate you want to testify by entering "#" and then "9" on your phone's keypad. After entering "#" and then "9", a voice prompt will let you know that the host of the meeting has been notified.

When recognized by the Chairperson, you may unmute yourself by pressing "#" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "#" and then "6" again to mute yourself.

For both internet and phone access, when testifying, you will be asked To identify yourself and the organization, if any, that you represent. Each testifier will be limited to two minutes of testimony per agenda item.

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES FROM 10/26/21 MEETING
- III. INTRODUCTIONS
- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRIBUSINESS DEVELOPMENT CORPORATION

1. Status updates for the Agribusiness Development Corporation presented by Executive Director, James Nakatani.

Sharing these links which will be discussed:

Aerial video of Galbraith lands:

<https://www.youtube.com/watch?v=ggx-mlmGEPE>

Kekaha Agriculture Association

<https://www.youtube.com/watch?v=VKhETC1ahCk>

B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

1. Request for Approval to Sublease Between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and Elroy Juan, Sublessee; General Lease No. S-5553, TMK: (3) 4-6-003:003(por), Lot No. 9, Honokaia Makai Tract, Hamakua, Island of Hawaii.
2. Request Approval for Conversion of Revocable Permit No. S-7713 to a New General Lease for Dale Hardinger and Carla Hardinger; TMK: (1) 4-1-018:049; Koolaupoko, Waimanalo, Island of Oahu, Hawaii.
3. Request for Approval for the Transfer of Public Lands from the Department of Land and Natural Resources to the Department of Agriculture Pursuant to Act 90, SLH 2003, Codified as Chapter 166e, Hawaii Revised Statutes; TMK Nos.: (3) 2-4-005:001; (3) 2-4-005:012; (3) 2-4-051:111; (3) 2-2-048:001; Island of Hawaii, Hawaii.

C. ANIMAL INDUSTRY DIVISION

1. Request for (1) Preliminary Approval of Proposed Amendments to Chapter 4-16, Hawaii Administrative Rules, entitled "Cattle, Sheep and Goats" Concerning: Objective, Construction of rules, Subchapters, Definitions, Quarantine-general, Quarantine area-feedlot, Quarantine area-slaughterhouse, Regulatory jurisdiction on importations, Entry status on imports, Ports of entry, Carrier responsibility on importations, Use of quarantine station facilities, Regulatory jurisdiction on exports; Subchapter 2 Cattle, Scope, Preshipment entry requirements, Post-shipment entry requirements, Anaplasmosis surveillance, control, and eradication, Brucellosis surveillance, control, and eradication, Vaccination for brucellosis prohibited; exceptions, Tuberculosis control and eradication; Subchapter 3 Sheep, Scope, Preshipment entry requirements, Post-shipment entry requirements; Subchapter 4 Goats, Scope, Preshipment entry requirements, Post-shipment entry requirements and (2) Authorization of the Chairperson to Schedule Public Hearings and Appoint One Or More Hearings Officer.

(Summary of amendments attached)

D. PLANT INDUSTRY DIVISION

Plant Quarantine Branch

1. Request to: (1) Allow the Importation of up to Eleven (11) Ring-Tailed Lemurs, *Lemur catta* and One (1) Black Capped Capuchin, *Sapajus apella*, Animals on the List of Restricted Animals (Part B), by Permit, for use in a Primate Sanctuary, by

Three Ring Ranch, Inc.; and (2) Update Permit Conditions for the Importation of up to Eleven (11) Ring-Tailed Lemurs, *Lemur catta* and One (1) Black Capped Capuchin, *Sapajus apella*, Animals on the List of Restricted Animals (Part B), for use in a Primate Sanctuary, by Three Ring Ranch, Inc.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

1. Updates on the Soil Health Initiative presented by Board Member Vince Mina.
2. Status report and discussion on Lise Madson v. Hawaii Department of Agriculture, et al., Civil No. 1CCV-21-00578;*
 - a. Discussion and decision-making to waive any conflicts of interest by Judge Ashford to allow him to conduct settlement conference discussions;* and
 - b. Discussion and decision-making to delegate or authorize settlement authority to the HDOA Chair, or her designee, for the upcoming settlement conference; and*
 - c. Discussion and decision-making to authorize the HDOA Chair to execute a declaration explaining the Board's past decisions in this matter.*

****The Board may go into Executive Session pursuant to exceptions provided under Section 92-5, Hawaii Revised Statutes (HRS), including to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(4), HRS.***

If you require special assistance or auxiliary aids or services to participate in the public hearing process, please contact staff at (808) 973-9550 at least 3 business days prior to the meeting so arrangements can be made.

The Hawai'i Department of Agriculture does not discriminate on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under applicable federal or state law, in administration of its programs, or activities, and, the Department of Agriculture does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

If you have any questions about this notice or any of the Department's non-discrimination programs, policies, or procedures, you may contact:

*Morris Atta, Acting Non-Discrimination Coordinator
Hawai'i Department of Agriculture
1428 S. King Street, Honolulu, HI 96814,
(808) 973-9553
hdoa.titlevi@hawaii.gov*

If you believe that you have been discriminated against with respect to a Department of Agriculture program or activity, you may contact the Acting Non-Discrimination Coordinator identified above.

To request language or accessibility for HDOA programs or public meetings, please contact the Office of the Chairperson, at (808) 973-9560 or email: hdoa.info@hawaii.gov. Please allow sufficient time for HDOA to meet accommodation requests.

To request language interpretation for this document, please contact: LEP Coordinator located at 1428 South King Street, Honolulu, HI 96813 (Phone: 808-973-9469) Email: hdoa.hr@hawaii.gov. Individuals may request oral interpretation services in order to request a written translation of this document.

Proposed Amendments to Chapter 4-16, Hawaii Administrative Rules, entitled "Cattle, Sheep and Goats." of the Chairperson to Schedule Public Hearings and Appoint One Or More Hearings Officer.

Summary:

Chapter 4-16, HAR is being amended to:

- (1) Add Bison, Water Buffalo and Camelid specifaes to the Chapter.
- (2) Change definitions by: (a) simplifying the definitions Board", Chairperson", "Department", "Division Head"; (b) amending "Official vaccinate" "State veterinarian"; (c) adding the definitions "APHIS", "Certificate of Veterinary Inspection" or "CVI", "Contact", "Entry", "Hold order", "Polymerase Chain Reaction" or "PCR", "Premise"; (d) clarifying "Carrier", "Effects", "Health certificate", "Quarantine", "Shipmaster's Declaration" and "Vaccine; (e) expanding the definition of "Animals", "Domestic animals", "Inspector"; and (f) deleting "Premises" and "Provisional quarantine."
- (3) Add "population of animals" as a group quarantine can be applied to.
- (4) Clarify movement for quarantine area feedlot and slaughterhouse.
- (5) Adding regulatory jurisdiction on importations of Bison, Water Buffalo and Camelids, entry status and add plant quarantine permitting for Bison and water buffalo.
- (6) Clarify ports of entry for added Bison, Water Buffalo and Camelids species.
- (7) Update and clarify carrier responsibility on importation and intrastate transport by sea.
- (8) Amend animal owner responsibility for use of quarantine station facilities
- (9) Certificate of veterinary inspections issued in Hawaii for export is clarified.
- (10) Clarify import permitting, Trichomoniasis testing is added and Certificate of veterinary inspection clarified pertaining to preshipment entry requirements
- (11) Detail "Quarantine site" and "symptoms" is replaced with "signs" to correct terminology regarding post shipment entry requirements.
- (12) Amend Anaplasmosis and Brucellosis testing and management.
- (13) Clarify Tuberculosis control and eradication procedures and update test reactor management.
- (14) Add new section for Trichomoniasis control and eradication.
- (15) Add a new section covering disease investigation.
- (16) Add Scrapie entry requirements and clarify entry requirements for sheep and goats.
- (17) Specify the object in sheep post entry requirements by replacing "they" with "animals"
- (18) Add "camelids" to "goats" in subchapter 4.
- (19) Specify ectoparasite treatment, replace "health certificate" with "Certificate of Veterinary Inspection" for clarity, and add "official USDA" to "eartag" to specify acceptable tags in preshipment entry requirements for goats.
- (20) Other changes are proposed throughout Chapter 4-16 for clarity. simplification or to correct format, grammar and punctuation. (Refer to Exhibit A for summary of proposed changes.)