



Minutes of the Board of Agriculture  
November 30, 2021

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on November 30, 2021 at 9:08 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  
En Young, Member-at-Large  
Joe Tanaka, Member-at-Large

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

18082  
Aldric Ulep, FIN  
Ann Goody  
Becky Azama, HDOA/PI  
Brandi Ah Yo, HDOA/ARMD  
Chris Kishimoto, HDOA/PI/PQB  
Delanie Prescott-Tate, DAG  
Donald Garwood, HDOA/ARMD  
Earl Yamamoto, HDOA/CHAIR  
Fern Holland  
Guest  
Heath Williams, HDOA/CHAIR  
Helmuth Rogg, HDOA/PI  
Inga Gibson  
Isaac Maeda, HDOA/AI  
James Gomes  
James Nakatani, ADC  
Janelle Saneishi, HDOA/CHAIR  
Janet  
Jason Moniz, HDOA/AI

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

1 Jodi Yi, DAG  
2 Jonathan Ho, HDOA/PI/PQB  
3 Joyce Wong, HDOA/ARMD  
4 Kai  
5 Lyle Roe, ADC  
6 Lynette  
7 Mark Ladao  
8 Merideth Welch  
9 Michele McCoy  
10 Morris Atta, HDOA/CHAIR  
11 Noni Putnam, HDOA/PI/PQB  
12 Norm Goody  
13 Porter Rockwell  
14 Roy Hasegawa, HDOA/ARMD  
15 Russell Tsuji, DLNR/Land Div  
16 Scott Enright  
17

18 II. APPROVAL OF MINUTES FROM 10/26/2021 MEETING

19  
20 Motion to Approve 10/26/2021 minutes: Evans/Comerford

21  
22 Discussion: None

23  
24 Vote: Approved; 9-0 (Board Member Tanaka was experiencing technical difficulties and did not  
25 vote)

26  
27  
28 III. INTRODUCTIONS

29  
30 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

31  
32  
33 A. AGRIBUSINESS DEVELOPMENT CORPORATION

- 34  
35 1. Status updates for the Agribusiness Development Corporation presented by  
36 Executive Director, James Nakatani.

37  
38 Sharing these links which will be discussed:

39  
40 Aerial video of Galbraith lands:

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

42  
43 Kekaha Agriculture Association

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

45  
46 Mr. Nakatani shared a PowerPoint presentation on ADC's mission and accomplishments over  
47 the past two years. He informed the Board that newsletters, their Strategic Plan, and the

1 Annual Report were viewable on the website and responded to feedback from Board members  
2 regarding the presentation and the strategic plan.

3  
4 Board Member Tanaka left the meeting at 9:46 a.m.

5  
6  
7 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 8  
9 1. Request for Approval to Sublease Between the Hamakua Agricultural  
10 Cooperative, Lessee/Sublessor, and Elroy Juan, Sublessee; General Lease No.  
11 S-5553, TMK: (3) 4-6-003:003(por), Lot No. 9, Honokaia Makai Tract, Hamakua,  
12 Island of Hawaii.

13  
14 Joyce Wong, HDOA/ARMD presented testimony as submitted.

15 Staff Recommendation: Approval

16  
17 Motion to Approve: Ley/Mina

18  
19 Public Testimony: None

20  
21 Discussion: None

22  
23 Vote: Approved; 9-0

- 24  
25  
26 2. Request Approval for Conversion of Revocable Permit No. S-7713 to a New  
27 General Lease for Dale Hardinger and Carla Hardinger; TMK: (1) 4-1-018:049;  
28 Koolaupoko, Waimanalo, Island of Oahu, Hawaii.

29  
30 Roy Hasegawa, HDOA/ARMD presented testimony as submitted.

31 Staff Recommendation: Approval

32  
33 Motion to Approve: Mina/Cabral

34  
35 Public Testimony: None

36  
37 Discussion:

38  
39 Board Member Ley asked about animals on the parcel and if they Hardingers had any adjacent  
40 parcels. Mr. Hasegawa answered that they have 2 horses.

41  
42 Board Member Evans asked if there was a residence on the parcel. Mr. Hasegawa answered  
43 in the negative and added that there was a stable and a small area for their tractor. Board  
44 Member Evans stated, and Mr. Hasegawa agreed that that the neighborhood was generally  
45 residential with large lots and that the potential for ag income was limited.

46

1 Board Member Young asked about the lease term. Mr. Hasegawa explained that if the  
2 Revocable Permit was mutually cancelled the initial lease term would be 35 years starting in  
3 2022. At the end of the term, the lessee could convert or extend the lease. The maximum  
4 lease term is 65 years.

5  
6 Vote: Approved; 9-0  
7

- 8  
9 3. Request for Approval for the Transfer of Public Lands from the Department of  
10 Land and Natural Resources to the Department of Agriculture Pursuant to  
11 Act 90, SLH 2003, Codified as Chapter 166e, Hawaii Revised Statutes;  
12 TMK Nos.: (3) 2-4-005:001; (3) 2-4-005:012; (3) 2-4-051:111; (3) 2-2-048:001;  
13 Island of Hawaii, Hawaii.  
14

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

16 Staff Recommendation: Approval  
17

18 Motion to Approve: Cabral/Ley  
19

20 Public Testimony: None  
21

22 Discussion:  
23

24 Board Member Ley noted that Exhibit A was missing and asked if the parcels were in Hilo. Ms.  
25 Ah Yo confirmed that the parcels were in Hilo. Board Member Case shared a map of the  
26 parcels.  
27

28 Vote: Approved; 9-0  
29  
30

### 31 C. ANIMAL INDUSTRY DIVISION

- 32  
33 1. Request for (1) Preliminary Approval of Proposed Amendments to Chapter  
34 4-16, Hawaii Administrative Rules, entitled "Cattle, Sheep and Goats"  
35 Concerning: Objective, Construction of rules, Subchapters, Definitions,  
36 Quarantine-general, Quarantine area-feedlot, Quarantine area-  
37 slaughterhouse, Regulatory jurisdiction on importations, Entry status on  
38 imports, Ports of entry, Carrier responsibility on importations, Use of  
39 quarantine station facilities, Regulatory jurisdiction on exports; Subchapter 2  
40 Cattle, Scope, Preshipment entry requirements, Post-shipment entry  
41 requirements, Anaplasmosis surveillance, control, and eradication, Brucellosis  
42 surveillance, control, and eradication, Vaccination for brucellosis prohibited;  
43 exceptions, Tuberculosis control and eradication; Subchapter 3 Sheep,  
44 Scope, Preshipment entry requirements, Post-shipment entry requirements;  
45 Subchapter 4 Goats, Scope, Preshipment entry requirements, Post-shipment  
46 entry requirements and (2) Authorization of the Chairperson to Schedule  
47 Public Hearings and Appoint One Or More Hearings Officer.

1  
2 Dr. Jason Moniz, Animal Disease Control Branch, HDOA/AI, presented testimony as  
3 submitted.

4  
5 Staff Recommendation: Approval

6  
7 Motion to Approve: Evans/Ley

8  
9 Public Testimony:

10  
11 Chair announced that one written testimony was received from the Animal Welfare Institute in  
12 Washington, DC.

13  
14 Inga Gibson, Pono Advocacy, representing the Animal Welfare Institute said that she had been  
15 working with Dr. Moniz regarding the rule changes. Regarding a case where 19 cattle  
16 suffocated aboard a Young Brothers Barge. She said that it was exposed that there are no  
17 formal laws that relate to animal care outside of disease control issue. Legislation was  
18 deferred with the understanding that the department would undertake the rulemaking process.  
19 She voiced support for the proposal relating to intrastate and interstate transport of livestock,  
20 development of shipping standards and investigations by the department into cases.

21  
22 Discussion:

23 Board Member Evans asked Dr. Moniz if domestic and wild water buffalo would be listed  
24 separately in the amendments. He replied that water buffalo and bison would remain on Plant  
25 Quarantine's (PQ) list of restricted species. He explained that import requirements are placed  
26 in Animal Industry's rules so they don't have to place them on the PQ's conditions and if there  
27 are any post entry disease concerns, they will have the authority to deal with those concerns.  
28 Referencing an earlier hearing where a rancher on Kauai wanted to import domestic water  
29 buffalo and because the list of permissible imports did not separate domestic from wild, it was  
30 a lot of work for the department to make it possible for domestic water buffalo to be imported  
31 with approval. Dr. Moniz said that water buffalo and bison fall under PQ Administrative Rules  
32 and once the Board determines that water buffalo are allowed, whether domestic or wild, the  
33 disease requirements would come into play and disease requirements would be the same.

34  
35 Chair explained that the import regulations are under Plant Quarantine Branch (PQB) and once  
36 the animal enters the state, disease and welfare concerns are under Animal Industry (AI). The  
37 proposed rules will allow AI to set requirements for intra and interstate transport of livestock.  
38 Dr. Moniz confirmed that Bison and water buffalo would be included in the transport  
39 requirements. As far as entry into the state, a permit would be required from the Board thru  
40 PQ. There would be an additional permit from AI to review pre-entry requirements.

41  
42 Board Member Ley said that she believed that the changes were generated by the import of  
43 the water buffalo, and it was not defined how they fit in but they are referenced in the rules.  
44 She asked if the public would understand that they needed to check with PQ and read the rules  
45 first. She added that Camelids are added; they have not come before the board and asked if  
46 they are more domestic than water buffalo. Dr. Moniz explained that Camelids are llamas and  
47 alpacas, and they were removed from PQ's list to enter the state. By default, they became

1 domestic. They wanted to make sure that they were included because they share the same  
2 diseases as livestock. Camels would still need approval from PQ.

3  
4  
5 Vote: Approved; 9-0

6  
7 The Board recessed from 10:31 a.m. – 10:40 a.m.  
8  
9

#### 10 D. PLANT INDUSTRY DIVISION

##### 11 Plant Quarantine Branch

- 12  
13  
14 1. Request to: (1) Allow the Importation of up to Eleven (11) Ring-Tailed Lemurs,  
15 *Lemur catta* and One (1) Black Capped Capuchin, *Sapajus apella*, Animals on  
16 the List of Restricted Animals (Part B), by Permit, for use in a Primate Sanctuary,  
17 by Three Ring Ranch, Inc.; and (2) Update Permit Conditions for the Importation  
18 of up to Eleven (11) Ring-Tailed Lemurs, *Lemur catta* and One (1) Black Capped  
19 Capuchin, *Sapajus apella*, Animals on the List of Restricted Animals (Part B), for  
20 use in a Primate Sanctuary, by Three Ring Ranch, Inc.  
21

22 Ms. Noni Putnam, Land Vertebrate Specialist, HDOA/PI/PQ presented testimony as submitted.  
23 Staff Recommendation: Approval

24  
25 Motion to Approve: Evans/Cowell

26  
27 Chair announced that 20 written testimonies in support were submitted through Plant  
28 Quarantine Branch (PQB) for the Board's consideration and the Chair's office received 3  
29 additional testimonies in support.

30  
31 Public Testimony: None

##### 32 Discussion:

33 Board Member Case said that DLNR also wanted to submit testimony as they have concerns  
34 about requests to import primates or any mammals. She said it was understood that the  
35 animals are healthy, non-reproductive rescues and although there is a lot of desire to help  
36 them, as a practice, mammals that are not already a part of the agricultural landscape should  
37 not be imported into Hawaii.  
38

39  
40 Board Member Comerford questioned why the animals had to come to Hawaii when there are  
41 other places that are closer, larger, and more directed to conservation of the particular animal.  
42

43 Dr. Ann Goody from Three Ring Ranch, Inc. (3RR) thanked the Board for their time and  
44 consideration. She said that all the letters received from the public were positive. She  
45 explained that it was a rescue and that the animals are currently being held by the courts in a  
46 substandard situation. She said that they have cared for primates for over 15 years without  
47 escape or adverse interaction between the public or the environment. Their protocol for

1 importation requires testing that exceeds anything they were required to get. They want to  
2 keep the animals and their keepers safe. She acknowledged that there are other primate  
3 facilities nationwide, some accredited and some are not. 3RR is accredited by the Global  
4 Federation of Animal Sanctuaries and the American Sanctuary Association. They are held to  
5 high standard. Hawaii has the correct temperature for the animals and 3RR has the space and  
6 facilities. She added that lemurs prefer to live in groups of 30 and they currently have two.  
7 Adding additional animals to the colony will improve their quality of life. The ability to see and  
8 understand and study the animal is important to teach animal care. The 3RR board has  
9 reviewed the location and impacts financially and to the staff before importing an animal.

10  
11 Board Member Mina voiced concern that staff were all volunteers and questioned the  
12 safeguards in place in the event of a hurricane. Dr. Goody responded that staffing was typical  
13 of sanctuaries who have a lot of community support, there are between 1 and 4 veterinary  
14 students who are full-time residents of the ranch, in addition to the daily crew who come daily.  
15 They need to turn away volunteers who are not able to commit their time because so much  
16 training is involved. She added that hurricane drills are conducted every 45 days. The animals  
17 are crate trained weekly; they use the crates to move animals in and out with positive  
18 reinforcement of a treat. The crates are set up and will be moved into a building. They also  
19 have on-site mobile hospitals, so the animal does not have to be moved from the facility. Their  
20 plans are reviewed by the USDA and by the accreditation bodies. In the event of a major  
21 hurricane, she said they could not say with total certainty that they are prepared.

22  
23 Board Member Cowell stated that he knows the Goodys personally and that operations have  
24 been evolving and getting better and stronger over the years. He added that the support staff  
25 caring for the place are exemplary, the sanctuary is very elaborate, and community support is  
26 amazing.

27  
28 Board Member Evans supported the project and said that Dr. Maeda voted to approve, and the  
29 conditions were extensive and support safety. She felt that it was a compassionate move that  
30 could be undertaken safely.

31  
32 Board Member Ley addressed the concerns of Board Members Case and Comerford on  
33 whether Hawaii was the right place for the animals. She said that it was a challenge but  
34 recognized the emotional drive to support the rescued animals. She commended the Goodys  
35 and noted that the facility had been put into Trust and asked what would happen if the  
36 principals could not respond to day-to-day operations. Dr. Goody explained that 3RR was the  
37 sole heir of the Ann Goody Trust. The ranch, their home, is leased to the 3RR for \$1/year and  
38 has a 20-year lease. They are debt free, and the assets become the main corpus from which  
39 the facility will draw. They have built a slate of candidates to physically take over the ranch.  
40 They have a qualified board who currently directs operations, and the board would review the  
41 slate of people should something happen to Ann and Norm.

42  
43 Board Member Ley asked if there should be special conditions required for the Capuchin  
44 species since they may carry rabies. Dr. Maeda, HDOA/AI replied that because the situation  
45 required confinement, quarantine would be the simplest option so they could specify a  
46 quarantine period. Dr. Goody confirmed that they would quarantine the animals.  
47

1 Board Member Case asked if the plan was to be inoculated against rabies and still  
2 quarantined. The normal animal requirements are no quarantine if inoculated. She did not  
3 hear if they would be inoculated. Dr. Maeda replied that vaccination may or may not be  
4 required but could be added on. He explained that rabies vaccines vary with species and the  
5 requirements being referred to were for dogs and cats. Rabies vaccines are not necessary,  
6 but quarantine period of four to six months is required to make sure they don't have any  
7 diseases. The state uses four months. The quarantine would be on-site, but they cannot  
8 interact with other animals like what the zoo does. Board Member Case asked if all the  
9 animals were incapable of reproduction and if the animals that were not neutered/spayed were  
10 past reproductive age. Dr. Goody confirmed that there were females past reproductive age,  
11 some that she would need to check on, and zero reproductive males on the property. She also  
12 said that all primates on the property had been vaccinated for rabies. Board Member Case  
13 explained that she would vote against because something can go wrong. DLNR is concerned  
14 about the population establishing in the wild, disease and impact to Hawaii's natural areas in  
15 case of escape.

16  
17 Board Member Ley asked about the support provided by the primate vet. Dr. Goody replied  
18 that they work with multiple zoos and primate vets who direct the care. Equine Vet brings  
19 mobile ultrasound equipment to the site and they work with the primate vet/zoo and an on-  
20 island surgeon to provide the care.

21  
22 Chair asked the current inventory of non-domestic animals at 3RR. Dr. Goody replied, 1 bison,  
23 1 zebra, 3 flamingo, 3 cranes, 2 lemurs, 7 other primates and parrots. They also care from  
24 animals for DLNR for a total of about 100, if poultry and parrots are included.

25  
26 Chair asked if there was an urgent need to rescue animals in danger, would the permit  
27 conditions and requirements suffice where the ranch would be compelled to receive the  
28 animals and would they need to come before the board for approval to rescue animals. Ms.  
29 Putnam replied that all future or subsequent requests of non-human primates must be  
30 approved by the Board.

31  
32 Chair asked, if not primates but other species for example lemurs or capuchins, would they be  
33 permitted administratively or would they have to come before the board. Ms. Putnam  
34 answered that if the conditions are old, PQ is recommending that the requestor go through the  
35 board process to get requirements updated.

36  
37 Mr. Jonathan Ho, HDOA/PI/PQ explained that there is no provision which would allow a permit  
38 to be issued for a rescue situation. Permits are issued by use, by species, and approved by  
39 the Board. If conditions have already been established, administrative issuance could occur. If  
40 requirements require updating, it would be brought before the Board. Administrative issuance  
41 of this permit would not be allowed. If someone wanted to import the same animal, it must  
42 come before the Board.

43  
44 Chair asked if the updated permit conditions were approved and 3RR wanted to bring in  
45 additional lemurs and capuchins, it could be done administratively. The answer was it would  
46 have to go before the Board.

47



1 Board Member Ley asked if PQB permit approval would be required if a rescue were to occur  
2 within state or on-island of this animal or others. Mr. Ho answered that the conditions have a  
3 similar set of requirements.  
4

5 Dr. Goody stated in prior years, they were asked by the Board to act quickly. Two out of five  
6 monkeys had permits and they needed housing. She said in an emergency, she could collect  
7 the animals and hold them until the permits were issued. She said that the DOA  
8 administratively approved the permits for the primates and noted that was before the current  
9 thinking of revising old conditions.  
10

11 Vote: Approved-6; With reservations-1 (Ley); Opposed-2 (Case, Chair)  
12

13  
14 V. OLD BUSINESS

15 None.  
16

17  
18 VI. NEW BUSINESS

19  
20 1. Updates on the Soil Health Initiative presented by Board Member Vince Mina.  
21

22 Chair explained that the initiative is a project that the ag community supports and is part of an  
23 initiative for climate smart agriculture through cover crops.  
24

25 Board Member Mina explained that he and Travis Thomason from NRCS, put a white paper  
26 together to call the ag sector to come to the table to discuss soil health. They are currently in  
27 the demonstration phase. Mahi Pono put up land and water to hold the demonstration. They  
28 are trying to draw attention to the importance of soil health and creating a cover crop seed  
29 industry in the state. Soil health is a way to show that we value agricultural operations and  
30 growing our own food. He said that they need the legislature to support a policy and legacy  
31 funding to provide money for an ag system that supports agriculture.  
32

33 Board Member Fred Cowell spoke about the Soil Health Demonstration Grant through  
34 USDA/NRCS and Kauai Coffee in conjunction with Umi Martin from ADC and Will Lydgate from  
35 Lydgate Farms Chocolate. They are proposing a 3-year demonstration to improve soil health.  
36 He said if they do a good job explaining the costs and benefits to farmers, they are more likely  
37 to see the improved quality of the soil. Benefits of using an existing farm include a large control,  
38 soil input costs, crop yield, crop quality irrigation required. For Mahi Pono, they have a large  
39 portion of sugar lands being used for new thins. The new farmer could understand the effect on  
40 crops not yet established. The question would be does it work?  
41

42 Board Member Comerford commented that it does work. He said it would be a matter of getting  
43 the details of how to maintain organic matter through proper tillage through cover crops and the  
44 challenge would be if it would be economically viable in Hawaii.  
45

46 Board Member Mina restated their vision: Resilient agricultural production systems through  
47 living soils, managed water resources, and thriving agricultural communities. He said that soil

1 health grows healthier plants and would yield more money for the farmer and support a robust  
2 agricultural system for Hawaii.

3  
4 Chair added that ADC is interested in providing acreage for the project on Kauai. With Mahi  
5 Pono on Maui and NRCS on Molokai, they have 3 areas.

6  
7  
8 2. Status report and discussion on Lise Madson v. Hawaii Department of Agriculture, et  
9 al., Civil No. 1CCV-21-00578;

- 10  
11 a. Discussion and decision-making to waive any conflicts of interest by Judge Ashford  
12 to allow him to conduct settlement conference discussions; and  
13  
14 b. Discussion and decision-making to delegate or authorize settlement authority to  
15 the HDOA Chair, or her designee, for the upcoming settlement conference; and  
16  
17 c. Discussion and decision-making to authorize the HDOA Chair to execute a  
18 declaration explaining the Board's past decisions in this matter.

19  
20 Public Testimony: None

21  
22 Motion to allow the Board to go into executive session to consult with attorneys: Mina/Cowell

23  
24 Vote: Approved: 9-0

25  
26 At 12:05 p.m., the Board entered Executive Session pursuant to exceptions provided under  
27 Section 92-5, Hawaii Revised Statutes (HRS), including to consult with the Board's attorney on  
28 questions and issues pertaining to the Board's powers, duties, privileges, immunities, and  
29 liabilities, pursuant to Section 92-5(4), HRS.

30  
31 Note: Due to technical difficulties, Board Member Cabral was not able to join the Executive  
32 Session.

33  
34 The board meeting resumed at 12:48 p.m. with nine members present.

35  
36 Chair announced that the Board of Agriculture had voted to approve 2a. In addition, the Board  
37 made decisions on items 2b and 2c; but stated those decisions would remain confidential.

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47

1 VII. ADJOURNMENT OF MEETING: Mina/Ley

2

3 The meeting was adjourned at 12:51 p.m.

4

5

6 Respectfully submitted,

7

8

9   
Jan Ferrer

10 Board Secretary