



**Minutes of the Board of Agriculture  
March 22, 2022**

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on March 22, 2022 at 9:04 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
- David Smith, designee for 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 (left the meeting at 9:32 am and rejoined at 10:50 am)
- Diane Ley, Hawaii Member
- Vincent Mina, Maui Member
- Fred Cowell, Kauai Member (joined at 9:15 am)
- Randy Cabral, Member-at-Large
- En Young, Member-at-Large
- Joe Tanaka, Member-at-Large

Deputy Attorney Generals: Bryan Yee and Jodi Yi

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

- Alan Martins
- Bahman Sadeghi
- Brandi Ah Yo, HDOA/ARMD
- Brian Kau, HDOA/ARMD
- Delanie Prescott-Tate, AG
- Gareth Mendonsa, HDOA/AGLN
- Ikaika Marzo
- Isaac Maeda, HDOA/AI
- Janet
- Jason Moniz, HDOA/AI/LDC
- Jonathan Ho, HDOA/PI/PQB
- Joseph Ashley
- Joyce Wong, HDOA/ARMS
- Linda Murai, HDOA/ARMD
- Mark L.
- Robert Hauff, LNR

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

1 Roy Hasegawa, HDOA/ARMD  
2 Ryan Perroy  
3 Scott Enright  
4 Thomas Heaton  
5 Warren Watanabe  
6

7 II. APPROVAL OF MINUTES FROM 1/25/2022 MEETING

8  
9 Motion to Approve 1/25/2022 minutes: Mina/Tanaka

10  
11 Board Member Ley noted corrections to be made:  
12 Page 6, line 6 should read: Mr. Cho's ~~deeter~~ daughter  
13 Page7, line 17 should be: Leaseu  
14

15 It was also noted that agenda item II should read: APPROVAL OF MINUTES FROM 4/25/21  
16 1/25/22.

17  
18 Motion to amend agenda item II: Evans/Ley  
19 Vote: Approved-9; Excused-1 (Cowell)

20  
21 There were no other corrections and no additional public testimony.

22  
23 Vote to Approve 1/25/22 minutes: Approved-9; Excused-1 (Cowell)

24  
25 *Board Member Cowell joined the meeting at 9:15 am.*

26  
27  
28 III. INTRODUCTIONS - None

29  
30 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

31  
32 A. AGRICULTURAL LOAN DIVISION

33  
34 1. Request for Approval of One (1) New Farmer Loan to Joseph Allen Ashley and  
35 Merwylle Aquino Branch, co-borrowers.

36  
37 Gareth Mendonsa, HDOA/AGLN presented testimony as submitted.

38  
39 Motion to Approve: Ley/Comerford

40  
41 Discussion:  
42 Applicants Joseph Ashley and Merwylle Branch joined the discussion.

43  
44 Board Member Mina asked if the applicants were living on the property. Mr. Ashley answered  
45 that they were not, but it is possible to build one house on the property and they would  
46 eventually like to live there.

47

1 Board Member Cowell asked if there was coffee already planted. Mr. Ashley replied that 2,000  
2 trees were planted over 2 years. Board Member Cowell asked if the trees are rust-resistant  
3 varieties and if they are affected by Coffee Leaf Rust (CLR). Applicant replied, currently, they  
4 are not affected. They are looking at bean from Puerto Rico. Board Member Cowell cautioned  
5 them about bringing in coffee products.

6  
7 Board Member Ley asked about the Kau Mahi process and their outreach to producers on the  
8 land. Mr. Ashley said that Kau Mahi controlled the price of the land and coffee farmers were  
9 given the first choice to purchase. If they did not buy, the land would be sold at a higher price.  
10 Board Member Ley asked how much time they were given, and Mr. Ashley replied, when the  
11 lease was signed in April 2020.

12  
13 Chair noted that the department assisted the coffee coop with workshops for growers and asked  
14 if the applicants had participated. Applicants answered that they attended meetings for loans.

15  
16 Vote: Approved-9; Excused-1 (Evans\*) *\*Board Member Evans left the meeting at 9:32 am.*

17  
18  
19 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 20  
21 1. Request for Approval to Award Leases for TMK No. (3) 1-2-006:019, Alan  
22 Martins, Awardee; and TMK No. (3) 5-5-007:005, Kohala Dairy, LLC, Awardee;  
23 Island of Hawaii, Hawaii.

24  
25 Brandi Ah Yo, HDOA/ARMD presented testimony as submitted.

26  
27 Motion to Approve: Ley/Cowell

28  
29 Discussion:

30 Mr. Alan Martins said that he wants to get cattle on the land. Mr. Ikaika Marzo expressed that  
31 the Kalapana families appreciate that the Martins want to work with the community.

32  
33 Discussion:

34 Board Member Ley asked about Mr. Martin's current ranching operation. He replied he has 60  
35 heads of cattle on 300 acres and is working with NRCS to get the land together using a grant.  
36 He will add more cows once all caught up.

37  
38 Board Member Ley voiced support for Kohala Dairy. She said that production of milk on the  
39 island is critical.

40  
41 Board Member Cabral wanted to know why Executive Order No. 4250 took so long to go out to  
42 bid. Ms. Linda Murai explained that both properties were previously put out to lease but  
43 because of issues on the land, there were no applications. She added that the Hawi land has a  
44 reservoir that needs to be decommissioned. The cost to decommission is estimated at  
45 \$500,000 to \$1 million.

46

1 Board Member Young asked why the other applicants did not qualify. Ms. Ah Yo answered that  
2 the applications were incomplete. They were given additional time, but the division did not  
3 receive what was needed to make a clear determination.

4  
5 In response to a question from Board Member Mina, Mr. Martin said that the plan was mob  
6 graze the cattle. They will work with UH to find out what kind of grass, put up fences and add  
7 cattle slowly.

8  
9 Vote: Approved-9; Excused-1 (Evans)

10  
11  
12 V. OLD BUSINESS

13 None.

14  
15 VI. NEW BUSINESS

- 16  
17 1. Update on the 2020 Agricultural Land Use Baseline Study presented by Dr. Ryan  
18 Perroy of the University of Hawaii-Hilo.

19  
20 The update by Dr. Perroy was taken out of order and presented before IV. COMMUNICATIONS  
21 FROM DIVISIONS.

22  
23 Link to the news release & study: <https://hdoa.hawaii.gov/blog/main/agbaselineupdate/>

24  
25 Chair introduced Dr. Perroy and explained that the study was funded by the 2019 Legislature  
26 through Act 151. The Department worked with Dr. Perroy to do updates for Honolulu  
27 County, County of Hawaii, and County of Kauai update. Subsequently, an update for  
28 Maui was funded by the barrel tax special fund.

29  
30 Dr. Perroy shared slides and briefly explained the study.

31  
32 Board Member Mina asked if the forested area on Kauai had been replanted. Dr.  
33 Perroy explained that harvesting does not mean the land was taken out of production.  
34 Board Member Cowell said that the area was replanted. Green Energy was removing  
35 and replanting with Eucalyptus. Board Member Smith added that a lot of the acreage  
36 cut was Albizia, an invasive species. Eucalyptus was replanted because it has a higher  
37 btu for burn.

38  
39 Chair stated that the Department has a core committee that works on strategic planning.  
40 The study was done pre-pandemic and can be used as a baseline for economists and  
41 statisticians. She recognized Earl Yamamoto and Noa Ching for their support.

42  
43 Board Member Evans said that there are several bills being considered that the Office  
44 of Planning and Sustainable Development (OPSD) supports. She added that research  
45 and visualizations are helpful if the legislature allows them to go forward.

1  
2 Board Member Evans left the meeting at 9:32 am.

3  
4 There were no comments from the public.

5  
6  
7 2. Avian Influenza update presented by the Animal Industry Division

8  
9 Dr. Jason Moniz, Program Manager of the Animal Disease Control Branch (ADCB) presented  
10 an update on the Avian Influenza outbreak happening on the mainland, went over preventative  
11 measures in place, and the outbreak response if Avian Influenza entered Hawaii.

12  
13 He reported that from 2/28/2022 to present, there were 50 premises with commercial or non-  
14 commercial outbreaks. Daily updates received from USDA are shared with ADCB staff.  
15 Outbreaks involving East Coast to just west of the Mississippi are the farthest west states  
16 involved. Commercial day-old chicks and hatching eggs originate from Idaho and Arkansas.  
17 Neither of the states are infected. Backyard day-old chicks and hatching eggs originate from  
18 Iowa and Missouri. Since both of those states are involved, they are being watched closely.

19  
20 Dr. Moniz explained that preventative measures are always in place and are considered more  
21 extensive than other states. A Poultry and Bird Import Permit is required to import adult poultry  
22 birds, day old chicks or hatching eggs into the state.

23  
24 USPS will automatically refuse shipments that do not display a permit. Only day-old chicks and  
25 hatching eggs can be shipped via USPS.

26  
27 In addition to the permit, shipments must have Certificate of Veterinary Inspection or National  
28 Poultry Improvement Plan Certificate attached. Once inspected, an inspection record is  
29 created, and post-arrival quarantine restrictions are placed on the shipment.

30  
31 Avian Influenza surveillance occurs annually on sick birds and goes on continuously.

32  
33 As an enhanced preventative measure, in States with Avian Influenza cases, Dr. Moniz said he  
34 would approve the Poultry and Bird Import Permit.

35  
36 List of sources and their distance from infected counties and premises are monitored daily.  
37 Poultry and Bird Import Permits are not issued if the consigner is within 10 km distance of  
38 infected premises.

39  
40 If an outbreak in the states appears out of control, Poultry and Bird Import Permits will not be  
41 issued at all.

42  
43 UH Extension Veterinary and Livestock agents work on outreach to poultry producers.

44  
45 He explained that if there was an outbreak, the High Pathogen Avian Influenza Response Plan  
46 would be followed. The premises and likely the whole island would be quarantined, and an  
47 incident command system would be instituted. Depopulating would start and zones would be

1 put into place. Euthanasia would be by carbon dioxide and disposal would be in the landfill,  
2 followed by cleaning and disinfection.

3  
4 There were no comments from the public.

5  
6 Board Member Cabral asked if there had ever been an outbreak within the state and if private  
7 jets were subject to inspections. Dr. Moniz replied that during his tenure of almost 40 years,  
8 there was no outbreak. For private vessels, the first line of defense are the Plant Quarantine  
9 (PQ) inspectors who intercept private and commercial vessels coming into the state. Typically,  
10 Customs, Plant Quarantine Branch (PQB), then Animal Disease Control Branch (ADCB). For  
11 private aircrafts, it would be PQB then ADCB. He explained that in the past, shipping birds via  
12 USPS was a way to bypass inspection. Stemming from the West Nile Virus and Newcastle,  
13 USPS stopped shipping adult poultry and they have a good working relationship with them.  
14 FedEx and UPS are also monitored.

15  
16 In response to questions from Board Member Mina, Dr. Moniz explained that young birds could  
17 have the disease. He said that wild birds are typically inspected by the US Fish and Wildlife  
18 Services and from time to time DOA would inspect feral chickens.

19  
20 Board Member Tanaka wanted to know the rejection rate and the reasons why they were  
21 rejected. Dr. Moniz said around 1-2 rejections per month from USPS and 1 every couple of  
22 months from other carriers. He said the biggest reason for rejection was the lack of a permit  
23 prior to entry.

- 24  
25  
26 3. Update by the Plant Quarantine Branch regarding enforcing the quarantine restrictions  
27 on ohia from Hawaii Island (HAR Section 4-72-13).

28  
29 *The update was the last item on the agenda to be heard.*

30  
31 Jonathan Ho, Inspection and Compliance Section Chief, PQB presented the update.  
32 He said that existing restrictions for metrosideros (Ohia) moving from Hawaii island remains in  
33 place. Quarantine has not been expanded to include the other islands because detection on  
34 Maui, Oahu and Kauai was sporadic.

35  
36 He said the branch continues to work with folks for movement of soil or ohia logs. He reported  
37 that one of the primary shippers of plants converted all plants from soil to soil-free media,  
38 eliminating risk of ROD moving interisland. The branch is working with a few growers to move  
39 ornamental plants. The plants are tested for ROD prior to movement. They work with USDA-  
40 ARS to do the testing. Any plants/logs found to be infested are rejected and stay on Hawaii  
41 Island. He said the majority of inspections are for ohia logs.

42  
43 They are working with shippers and importers for permitting and inspections and are part of the  
44 ROD working group.

45  
46 Board Member Evans rejoined the meeting at 10:50 am.

47

1 Mr. Ho reiterated for her that the existing regulation is still being enforced and at this time, they  
2 do not have any intention of expanding the quarantine to prevent further spread. He explained  
3 that they are being found in remote areas and unless there were widespread detections,  
4 expanding the quarantine would not be necessary.

5  
6 Board Member Evans asked about decontaminating hikers' shoes at trail heads. Mr. Ho replied  
7 that the ROD working group conducted a vigorous outreach campaign to educate people about  
8 the ROD threat. He said a lot of work was put into sanitation stations at trail heads and the  
9 Department of Land and Natural Resources was maintaining. Board Member Designee Smith  
10 said that it varies by island and trail, and they are trying to educate.

11  
12  
13 4. Presentation on Allowable Agricultural Activities on Agricultural Resource Management  
14 Division lands.

15  
16 *The presentation, taken out of order, followed the Avian Influenza update.*

17  
18 Agricultural Division Administrator Brian Kau read definition of agricultural activity from Chapter  
19 166, Hawaii Revised Statutes: "Agricultural activities" means the care and production of  
20 livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural  
21 products, or the planting, cultivating, and harvesting of crops or trees, including tree farms. He  
22 said the Administrative Rules also refer to definition in Statutes.

23  
24 There were no comments from the public.

25  
26 Board Member Cabral referenced a Civil Beat article on poultry not being allowed on ag parks.  
27 He said that from what Mr. Kau read, it appeared allowable. He recalled that someone said it is  
28 allowed in the rules but not allowed in the lease. Mr. Kau replied that current leases prohibit  
29 poultry. He added that staff is doing research on the impacts of those activities when they are  
30 located close to residential areas.

31  
32 Board Member Cabral added with current technology like natural farming where smells are  
33 reduced, it seemed more appropriate. He was glad to see that staff was looking into it.

34  
35 Ms. Murai explained that the restriction stemmed from previous concerns regarding noise and  
36 odor being a nuisance to communities and perceived transmission of diseases. She said the  
37 department had to balance support for the agricultural industry with known community concerns.  
38 Board Member Cabral pointed out that the right to farm law which protects farming activities,  
39 should be considered.

40  
41 Board Member Mina asked if it was a case-by-case basis. Ms. Murai replied that it was a  
42 blanket restriction that swine and poultry were not allowed. Board Member Mina commented  
43 that current natural farming practices and the use of lactic acid bacteria could mitigate the rising  
44 cost of petrochemical fertilizer. He added that giving the farmer the tools to lower inputs was  
45 critical and he would support doing it on a case-by-case basis.

46

1 Mr. Kau commented that it would be on a case-by-case basis. He said that they are looking at  
2 the new techniques to raising animals that could minimize impacts to the community and if a  
3 potential lessee desires to do that, they would look at their situation. He said that whether the  
4 ag park is close to a residential area vs. out in the middle of nowhere, would be a consideration.  
5

6 In reply to a question by Board Member Ley, Mr. Kau said that he believed that not only ag  
7 parks, but all current state lands prohibit swine and poultry.  
8

9 Board Member Ley asked when the research would be done. Ms. Murai replied that they would  
10 have more information in 4 months, but they may not have enough definitive information to  
11 make a decision.  
12

13 Chair added that it was also contingent on the land portfolio and if land was available to  
14 transition into leases for poultry or swine.  
15

16 Board Member Mina referred to page 3, line 22 of the January 25, 2022, minutes and asked if  
17 Mr. DeCoite had followed up with ARMD regarding documentation of RUP's. Ms. Murai  
18 answered that there were no violations that she was aware of, and Mr. DeCoite did his own due  
19 diligence.  
20

21  
22 Chair announced Dean Matsukawa's retirement and that Morris Atta would be Acting  
23 Agricultural Loan Administrator. Recruitment is currently ongoing.  
24

25  
26 VII. ADJOURNMENT OF MEETING: Mina/Smith  
27

28 Approved:10-0  
29

30 The meeting was adjourned at 10:58 am.  
31

32  
33 Respectfully submitted,  
34

35  
36  
37 Jan Ferrer  
38 Board Secretary  
39