



**Minutes of the Board of Agriculture
May 9, 2022**

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on May 9, 2022, at 9:12 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 recognized as virtually present and alone:

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 (joined at 9:27 am)
Mary Alice Evans, Ex-Officio Member
Diane Ley, Hawaii Member
Vincent Mina, Maui Member (joined at 9:30 am)
Fred Cowell, Kauai Member
Randy Cabral, Member-at-Large
En Young, Member-at-Large (joined at 9:27 am)
Joe Tanaka, Member-at-Large

Deputy Attorney General virtually present: Bryan Yee

Others Virtually Present:¹

18089668300
A. Tongotea
Adam Vorsino, USFWS
Becky Azama HDOA/PI
Brad White
Brandi Ah Yo, HDOA/ARMD
Brian Kau, HDOA/ARMD
Chris Kishimoto, HDOA/PI/PQB
Christy Martin, CGAPS
Cynthia King, DLNR, DOFAW HIP
Darcy Oishi
David Smith, DLNR
David Stone
Earl Campbell, USFWS
Gracelda Simmons, DOH
Hawaii Dept of Agriculture
Helmuth Rogg, HDOA/PI
Janet

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

1 Jodi Yi, AG
2 Jonathan Ho, HDOA/PI/PQB
3 Joshua Fisher, USFWS
4 Joyce Wong, HDOA/ARMD
5 Kevin Mulkern
6 Lainie Berry
7 Linda Murai, HDOA/ARMD
8 Morris Atta, HDOA/Chair
9 Nigel Snoad
10 Noni Putnam, HDOA/PI/PQB
11 Public Testimony
12 Rob Hauff
13 Roy Hasegawa, HDOA/ARMD
14 Sara
15 Sara Verily
16 Susan Mulkern
17 Tevita Tongotea Sr.
18 Thomas Heaton
19 Wil Leon Guerrero, HDOA/PI/PQB

20
21 II. APPROVAL OF MINUTES FROM 3/22/22 MEETING

22
23 Motion to Approve: Cowell/Cabral

24
25 Chair commented that items on the agenda were taken out of order and that the minutes were
26 formatted according to the agenda that was publicly noticed.

27
28 There were no public comments.

29
30 Board Member Evans noted that a correction was required on page 4, line 44 to change the
31 Office of State Planning to the Office of Planning and Sustainable Development (OPSD).

32
33 Board Member Case did not attend the 3/22/22 meeting and therefore abstained from the vote.

34
35 Chair noted that that page 4, line 26 should be Honolulu County

36
37 *Board Member Tanaka experienced video difficulties and the meeting to recessed at 9:20 am*
38 *and was called back to order at 9:27 am.*

39
40 *Board Member Young and Board Member Comerford joined the virtual meeting at 9:27 am and*
41 *confirmed that they were alone.*

42
43 By roll-call vote, the minutes were approved 8-1 (Case-abstained, Mina-excused)

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46

1 III. INTRODUCTIONS
2

3 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
4

5 *Board Member Mina joined the meeting at 9:30 am.*
6
7

8 A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
9

- 10 1. Request for Conversion of General Lease No. S-3768; Kevin James Mulkern and
11 Susan Shaheen Mulkern, Lessee; TMK: (1) 4-1-027:027, Lot 28, Waimanalo Farm
12 Lots, Koolaupoko, Waimanalo, Island of Oahu, Hawaii
13

14 Linda Murai, HDOA/ARMD presented testimony as submitted.
15

16 Motion to Approve: Evans/Ley
17

18 Discussion:

19 Board Member Evans pointed out that the appraised value was a 300% increase over previous
20 years. She asked for the basis of the appraisal and said that it was unlikely that it was based on
21 crop value. Ms. Murai answered that an independent appraiser based the value on the current
22 real estate market value, refined by the rate of return and not crop values. Board Member Evans
23 said that the lease conversions and new lease rentals should be based on the value of crops
24 and not real estate values, especially on Oahu.
25

26 Chair asked Ms. Murai the date of the last reopening that determined the rent. Ms. Murai said
27 that it was 10 years ago. Chair said that the annual rents were fixed for 10 years according to
28 the lease. Ms. Murai added that the Board approved the annual lease rent in a previous board
29 meeting on October 26, 2021.
30

31 Board Member Case said that she did not understand the legal framework. She asked if 65
32 years is the maximum term for a lease, how can you roll over this existing 65-year lease into a
33 new 35-year lease without going to auction. Ms. Murai answered that 65-year lease would be
34 converted to a new 35-year lease and that it is allowed because it is a non-ag park lease.
35

36 There was discussion on what would be allowed under Hawaii Administrative Rules Chapter 4-
37 158. Ms. Murai explained that there is a window where a lessee can request a conversion of the
38 lease and along with the conversion, they must pay a premium equal to 25% of the rent for 7
39 years.
40

41 Board Member Case voiced concern that the lease would go over the maximum term of the
42 lease. Ms. Murai said that there is a provision under 4-158-8 which would allow it.
43

44 Chair asked if the concern was that the person would have more than a 65-year lease. She said
45 the Mulkerns have had the lease since 2017 and are not the original lessee that came over from
46 the Department of Land and Natural Resources (DLNR).
47

1 Board Member Case asked if other people had a chance to bid because it's a conversion of an
2 existing long-term lease. Ms. Murai answered that it is a brand-new lease, and it is part of the
3 Administrative Rules.

4
5 Board Member Cabral asked the meaning of an "unrecorded extension". Ms. Murai explained
6 that it was her understanding that because the Bureau of Conveyances is a part of the DLNR,
7 the lease was not recorded at the Bureau of Conveyances.

8
9 Chair advised the Board that a bill passed this session would allow the Board and the
10 Department to extend leases beyond the 65-year maximum. The Legislature's intent was to
11 allow farming operations that have done well under the state ag land program to continue
12 because they have a next generation that is taking over the business. She said this seemed to
13 be in line with the board members' concerns.

14
15 Board Member Evans voiced that the result of auctioning the non-ag park farm lots could result
16 in values that are more than the ag value of the land and could drive experienced farmers out of
17 farming because people would bid on the residential vs. the agricultural value of the property.
18 She said that it is an unanticipated consequence of the process and was concerned that the
19 DOA's mission is to support farmers and agriculture and not to generate the highest rate of
20 return.

21
22 Board Member Case asked if there was a process for people on the waiting list to review
23 opportunities. Board Member Evans pointed out the issue of people with genuine ag uses being
24 out-bid.

25
26 Ms. Murai explained that the Expression of Interest form could be filled out by anyone interested
27 in leasing land. It is not an application, but they would be added to the database. Whenever
28 there is a public notice to lease, everyone on the list would be notified and would be able to
29 apply. Board Member Case asked about this request. Ms. Murai replied that the conversion rule
30 is in the non-agricultural park program. Ag Park rules do not have a conversion rule and the
31 lease would come back to the State.

32
33 Vote: By roll-call vote, the request was approved 9-1 (Case-opposed)

34
35 Kevin Mulkern, Lessee, landscape contractor, ornamental nurseryman for 40 years, said that he
36 understood Board Member Case's desire to put the lease out to bid and spoke about his
37 experience bidding on an agricultural parcel in Hauula 40 years ago.

38
39
40 2. Request for Approval to: 1) Add and Withdraw members for KLK Farm, LLC,
41 Lessee; and 2) Extend Term of Lease of General Lease No. S-6014;
42 TMK: (1) 5-6-006:042; Kahuku Agricultural Park Lot 14, Koolauloa, Kahuku,
43 Island of Oahu, Hawaii

44
45 Roy Hasegawa, HDOA/ARMD, presented testimony as submitted.

46
47 Motion to Approve: Evans/Ley

1
2 There was no public testimony or discussion by the Board.

3
4 Approved by Roll-Call Vote: 10-0
5
6

- 7 3. Request for Approval to Award Leases to Various Awardees and Back-up
8 Positions; TMK Nos. (1) 4-1-027:023 and (1) 4-1-027:020 & 024, Island of Oahu,
9 Hawaii

10
11 Roy Hasegawa, HDOA/ARMD, presented testimony as submitted.

12
13 Motion to Approve: Cabral/Mina
14

15 There was no public testimony or discussion by the Board.

16
17 Approved by Roll-Call Vote: 10-0
18
19

- 20 4. Request for Conversion of General Lease No. S-4364; Puna Certified Nursery Inc,
21 Lessee; TMK: (3) 2-4-049:017, Lot 2; Panaewa Farm Lots, South Hilo, Island of
22 Hawaii, Hawaii
23

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

25
26 Motion to Approve: Ley/Young
27

28 Discussion:

29 Board Member Case questioned the 55-year lease expiring 2027, non-ag park lands, new 30-
30 year lease without bidding. She said that she was not trying to discourage farming but was
31 trying to understand a consistent way to make sure that people have a way to bid.
32

33 Approved by Roll Call Vote: 9-1 (Case-opposed with respect)
34
35

- 36 5. Request for Consent to Assignment of General Lease No. S-4807; Hikari Nursery
37 & Landscaping, Inc., Lessee/Assignor; David Stone, Assignee; TMK: (3) 1-5-
38 116:043, Lot 16, Pahoia Agricultural Park, Puna District, Island of Hawaii, Hawaii
39

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

41
42 Motion to Approve: Cabral/Ley
43

44 Discussion:

45 Board Member Case asked if analysis was done in this situation and if DOA would get a share.
46 Ms. Ah Yo replied, no.
47

1 Board Member Young asked if a reopener had been done and if from the lessee's perspective,
2 they could select anyone. Ms. Ah Yo answered that the lessee would find someone who was
3 interested and then would come to the department to see if they qualify. Board Member Young
4 asked about him being from a different island with an intent to move to the Big Island. Mr. Stone
5 answered that the property became available a few years ago and he had been communicating
6 with the lessees regarding the lease. He said that his current residence is in Pahoa and he
7 would sell and move to the subject property.

8
9 Approved by Roll Call Vote: 10-0

- 10
11
12 6. Request to Approve Rental Offset, General Lease No. S-4426; John F. Garcia Jr.,
13 Lessee; TMK: (3) 1-5-116:011, Lot 11, Pahoa Agricultural Park, Puna District,
14 Island of Hawaii, Hawaii

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

17
18 Motion to Approve: Evans/Ley

19
20 Discussion:

21 Board Member Mina questioned the infrastructure in Pahoa Ag Park. Ms. Ah Yo answered that
22 the water, electric, and roads are in good shape. Mr. Brian Kau, HDOA/AMRD Administrator
23 added that ARMD managed the infrastructure and explained that the funding comes from ag
24 park lease rentals that are deposited into a special fund. He said that the Fund was used for
25 operations and maintenance. Otherwise, they could ask the legislature for CIP money. Board
26 Member Ley asked what type of maintenance was done. She said that she understood that it
27 was county water and Hawaii Electric and asked if the roads were dedicated to the County of
28 Hawaii. Mr. Kau answered that there was no regular maintenance contract or on-call contractor
29 for Ag Parks. He said that depending on the ag park, they would do landscaping on easement
30 portions that they control.

31
32 Board Member Young said that he understands that offsets are reimbursements for tenant
33 improvements. He asked if the value of the offset was included in the transfer value. Mr. Kau
34 said that they were allowed to ask for it once.

35
36 Board Member Mina asked for the size of the waterline/meter. Mr. Kau did not have an answer
37 as it was county water. Board Member Mina asked Mr. Kau to find out.

38
39 Approved by Roll Call Vote: 10-0

40
41 *The meeting was recessed at 10:42 am and reconvened at 10:49 am.*

42
43

1
2 B. PLANT INDUSTRY DIVISION
3

- 4 1. Request for Preliminary Review and Approval of the Request from the Hawaii
5 Department of Land and Natural Resources and Hawaii Department of Health to
6 add the Asian Tiger Mosquito, *Aedes albopictus*, Yellow Fever Mosquito, *Aedes*
7 *aegypti*, and the Southern House Mosquito, *Culex quinquefasciatus*, to the List of
8 Restricted Animals, Part A, by Board Order Pursuant to Hawaii Administrative
9 Rules §4-71-4.2.

10
11 Dr. Helmuth Rogg, HDOA/PI Administrator presented testimony as submitted.
12 He said he has staff, DLNR, U.S. Fish and Wildlife Service (USFW) to assist with technical
13 questions.

14
15 Motion to Approve: Mina/Case

16
17 There was no public testimony.

18
19 Discussion:

20 Board Member Mina asked if the mosquitos being brought in were genetically engineered. Dr.
21 Rogg said that they were not. He said they were Wolbachia, a parasite which about half of all
22 insects have naturally. The Wolbachia strain would render the male mosquitos sterile. He said
23 the area would be inundated with sterile males and they would pass on the Wolbachia to the
24 females when they mate so there would be no offspring. He said that Florida uses genetically
25 modified mosquitos, but Hawaii would not.

26
27 Board Member Mina asked the lifespan of mosquitos with Wolbachia bacteria. Dr. Rogg said
28 that they live a few weeks, and their lifespan would not be altered by the treatment.

29
30 Board Member Mina asked how many would be released. Mr. Adam Vorsino from the USFW
31 explained the overflooding ration and said to get over 90% efficacy of control, 10 sterilized
32 males to 1 wild type female would be needed. The density of the wild type males in the area
33 would determine the number to be released to get high efficacy.

34
35 Board Member Ley asked about EPA registration. Dr. Rogg answered that the EPA decided that
36 the strain of Wolbachia strains of mosquitos is a biopesticide. Once EPA gives the green light,
37 they can go for section 18, emergency regulation, and bring in mosquitos with the Wolbachia
38 strain.

39
40 Board Member Young acknowledged that the work was important. He asked, in addition to
41 allowing and encouraging efforts to occur, the department has the responsibility to stop new
42 things from coming in and wanted to know if there was a commensurate effort for mosquitos
43 and other pests from household goods, fruit flies, etc. Dr. Rogg replied that the Department of
44 Agriculture is a leader in the biosecurity program and has a statutory authority to protect Hawaii
45 from the invasive species. He said it is a multi-organizational and multi-institutional effort to
46 protect Hawaii from invasive species.
47

1 Board Member Case thanked Dr. Rogg and the Department for moving forward and working
2 with the Departments of Health and Land and Natural Resources. She said that the three
3 mosquitos are being imported but have already been here for 100 years. She added that they
4 have naturally occurring bacteria, making the male sterile so when they are released, there will
5 be no offspring. It is naturally occurring and that there is no GMO involved.
6

7 Board Member Mina asked if it would be one application. Dr. Rogg answered that it would be
8 more than one application and deferred to Mr. Vorsino. Mr. Vorsino explained that it would be a
9 multi-year effort and that they want to control, not eradicate.

10
11 Chair asked DLNR and DOH if there was an outreach effort planned to get the public to
12 understand that we are not increasing nuisance mosquitos. She said that last session a
13 legislator asked about community outreach and other legislators are supportive of the efforts
14 and are doing outreach with their constituents.
15

16 Board Member Case said that there is an ongoing multi-agency collaboration--Birds Not
17 Mosquitos (overarching group-USFW, National Parks, non-profits DLNR, DOA, DOH and
18 others.) Environmental assessments processes are to be completed along with public scoping
19 and public outreach. There will be films and specials because people need to understand that is
20 naturally occurring mosquitos and Wolbachia.
21

22 Gracelda Simmons, Program Manager for the DOH Vector Control Branch said that DOH is
23 actively seeking community input and will provide outreach as part of their environmental
24 assessment. GMO seems to be a big a concern, and they will need to impress upon the
25 community that it is not GMO.
26

27 Chair commented that DOA and DOH learned a lot during Dengue. DOH asked other
28 departments to assist with public information meetings during Dengue; they went out to the rural
29 communities that were not accessible by social media. She hoped that what was done during
30 Dengue and Rat Lung Worm would be considered regarding the mosquito mass release.
31

32 Board Member Mina asked the cost of the release. Mr. Vorsino said the cost of the release is
33 high but will go down as released more and product becomes more available. After phase 3, the
34 cost will be \$4.5 million per year for release on 3 islands.
35

36 Approved by Roll Call Vote: 10-0
37
38

39 V. OLD BUSINESS
40 None.

41
42 VI. NEW BUSINESS
43 None.
44

45 Chair announced that the next Board Meeting would be in June.
46

47 VII. ADJOURNMENT OF MEETING: Mina/Cowell

1
2 The meeting was adjourned at 11:17 am.
3
4
5
6 Respectfully submitted,
7
8
9 Jan Ferrer
10 Board Secretary
11