



Minutes of the Board of Agriculture
October 11, 2022

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on October 11, 2022 at 9:06 a.m. by Board of Agriculture Chairperson, Phyllis Shimabukuro-Geiser. The meeting was conducted virtually via Zoom. An in-person location was available at the Hale Waiolama Board Room located at 1428 S. King St.

Members Virtually Present: Roll call/alone

- Phyllis Shimabukuro-Geiser, Chairperson, Board of Agriculture
Suzanne Case, Chairperson, Board of Land and Natural Resources, Ex Officio Member
Dr. Ania Wiczorek, Interim Dean CTAHR, Ex Officio Member (left the meeting at 11:41 am and rejoined at 12:00 pm)
Mary Alice Evans, Ex-Officio Member
Diane Ley, Hawai'i Member
Vincent Mina, Maui Member
Fred Cowell, Kauai Member (joined at 9:48 am)
Randy Cabral, Member-at-Large
En Young, Member-at-Large (joined at 9:20 am)
James Gomes, Member-at-Large

Deputy Attorney General Present: DAG Bryan Yee

Others Virtually Present:1

- ibwood
8083873412
8084308672
8087263020
Adrienne C. AWI Farm Team
Alison Kato, Deputy AG
Becky Azama, HDOA/PI/PQB
Brandi Ah Yo, HDOA/ARMD
Brian Kau, HDOA/ARMD
Brian Neilson
C
Call\_In\_User\_1
Call\_In\_User\_2
Cathy Goeggel
Chelsea Arnott
Chris Kishimoto, HDOA/PI/PQB
ChunkB
David Sakoda

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

1 Delanie Prescott-Tate, Deputy AG  
2 Donald Garwood, HDOA/ARMD  
3 Erwin Kawata (BWS)  
4 F. Fuchigami  
5 Glenn Higashi  
6 GoFarm Hawai'i  
7 GoFarm Hawai'i-Janel Yamamoto  
8 Gwendolyn Reyes-Illeg, DVM MA  
9 HDOA  
10 Helmuth Rogg, HDOA/PI  
11 Ian Arakaki  
12 Isaac Maeda, HDOA/AI  
13 Janet  
14 Jason Moniz, HDOA/AI  
15 Jodi Yi, Deputy AG  
16 Jonathan Ho, HDOA/PI/PQB  
17 Kimberly Fuller  
18 KITV4 Island News  
19 Kori Koike  
20 Linda Murai, HDOA/ARMD  
21 Matthew McKinnon  
22 MMATSUO  
23 Nicole Galase  
24 Public Testimony  
25 Raquel Wong, HDOA/AI  
26 Robert Haurr, DLNR  
27 Roy Hasegawa, HDOA/ARMD  
28 Samuelson  
29 Sarah Moody  
30 tracyjohnson

31

32 Others Physically Present:

33 Alvin Tsuruda, Waihale Products  
34 Faith Okabe  
35 Inga Gibson, Pono Advocacy/Animal Welfare Institute  
36 Steph Kendrick, Hawaiian Humane Society

37

38

39 II. APPROVAL OF MINUTES FROM 8/23/2022 MEETING

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41 Motion to Approve: Mina/Gomes/Evans

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Vote: Approved; 8-0; (Excused-Cowell, Young)

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44 III. INTRODUCTIONS

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46 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

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Roy Hasegawa presented testimony as submitted.

Motion to Approve: Evans/Cabral

Discussion:

Board Member Gomes asked why it took so long to request the approval. Mr. Kau answered that the request is strictly housekeeping. Upon review of the file, approval from DLNR or BOA was not found.

Board Member Gomes asked if there was a safeguard or program in place to prevent ongoing theft and vandalism. Mr. Kau answered that there is a single access point into the Ag Park with a gate that the tenants lock at night. Conversations with the tenants will continue to find the best ways to limit access to the Ag Park. The division also has also called law enforcement to assist with illegal activity in the area.

Board Member Wieczorek asked the size of the dwelling. Mr. Hasegawa said that it was 1,350 sq. ft. dwelling with 3-bedroom /2 baths and 3 people live on the property.

Board Member Young asked about the process to request approval of the dwelling. Mr. Kau answered that the tenant first must inform the division that they desire to build a farm dwelling. Agricultural Resource Management Division (ARMD) will review the stamped/signed plans to make sure the dwelling will be built to code. After staff has reviewed, request will be presented to the Board for final approval before any action can be taken by the county. Although the building permit should not be issued without ARMD's consent, county employees were found to have signed-off without the consent of the DOA.

Board Member Young asked if the suitability of the improvement could vary between parcels and if it conformed to the use of the property. Mr. Kau answered that it varies, and the property managers communicate with the tenant on the intent of the structure being proposed and have denied people who were trying to build mansions.

Vote: Approved; 9-0  
Excused: Cowell

3. Request for: 1) Consent to Assignment of General Lease No. S-4933; Alvin M. Tsuruda, Lessee/Assignor, to Ahiki Acres, LLC, Assignee; and 2) Approval to Amend General Lease No. S-4933; TMK: (1) 4-1-035:012; Lot 12, Waimanalo Agricultural Park, Koolaupoko, Waimanalo, Island of Oahu, Hawai'i.

Roy Hasegawa presented testimony as submitted.

Motion to Approve: Cabral/Gomes

Discussion:

1 *Board Member Cowell joined the meeting at 9:48 am.*

2  
3 Board Member Evans asked how the consideration was determined. Ms. Murai explained that  
4 the sales price was an agreement between the lessee and the assignee, and the DOA did not  
5 participate in setting the amount. She added that a shadehouse, equipment, and small supplies  
6 are being conveyed; there is a small shed but no house or dwelling on the premises. The parcel  
7 is served by the Waimanalo Reservoir and Transmission System for agricultural water.

8  
9 Board Member Young was in support and asked if the division knew that Mr. Tsuruda was  
10 planning to have the lease reassigned when the Board approved the lease extension. He also  
11 asked if changing the character of use increased the annual rent. Ms. Murai answered that  
12 decision to assign the lease was due to Mr. Tsuruda's declining health. She said that the base  
13 rent would change based on current market rents and not because of the change of use.

14  
15 Board Member Cabral pointed out that Mr. Tsuruda hand cleared the land and considering time  
16 and sweat equity he put into the land, the consideration was justified.

17  
18 Board Member Case said she was trying to get a sense if Mr. Tsuruda knew he was not going  
19 to be able to continue prior to the Board approving the 20-year extension.

20  
21 Board Member Case asked about consideration of the assignment of lease. Mr. Hasegawa said  
22 that the lease does not contain a premium clause. She explained that typically, you would say  
23 what the lease says, then do an analysis; a separate paragraph would state the annual rent and  
24 staff's recommendation that the rent does not increase.

25  
26 Board Member Mina noted that physical disability and extreme economic hardship is a common  
27 theme, and he did not want young farmers to have the same problem when they get older. The  
28 system is not set up to support farmers going forward.

29  
30 Board Member Wiczorek said that she had concerns about the \$100,000 and if the Board  
31 could propose adding language to say what kind of improvements have been made on the farm  
32 to justify \$100,000.

33  
34 Board Member Ley commented that in consideration of the years that Mr. Tsuruda committed,  
35 the farming industry needed to be reflective; the board has a degree of discretionary decision-  
36 making authority to facilitate the move forward to see continued success in agriculture.

37  
38 Board Member Mina supported the consideration and wished Mr. Tsuruda the best.

39  
40 Mr. Janel Yamamoto, Director, Go Farm Hawaii, testified in support. She said Haley and Matt  
41 graduated from the Go Farm program in 2019 and emphasized their commitment to Waimanalo  
42 and farming.

43  
44 Vote:

45 Approved-9; with Reservations-1 (Case-based on consideration charged for the assignment.)

46

1 Mr. Tsuruda thanked the Board regarding the consideration, he wanted to add that he had a lot  
2 more improvements that were not mentioned.  
3

- 4  
5 4. Request for Consent to Assignment of General Lease No. S-9013; Launnie L.  
6 Ginn, Lessee/Assignor, to Kumu Farms, LLC, Assignee; TMK: (2) 5-2-001:021;  
7 Molokai Agricultural Park, Lot 12, Island of Molokai, Maui County, Hawai'i.  
8

9 Linda Murai presented testimony as submitted.  
10

11 Motion to Approve: Wieczorek/Mina  
12

13 Discussion:

14 Board Member Mina asked about ag on the property and Ms. Murai said that the property was  
15 not farmed since 2018.  
16

17 Board Member Gomes asked why the lease term started in 1999 but the lease was not awarded  
18 to Mr. Ginn until 2003--Ms. Murai did not know. Board Member Gomes wanted to know if Mr.  
19 Ginn actively farmed. Ms. Murai said that he started to clear the land.  
20

21 Board Member Young asked why the lot was not opened for competitive bidding; the lessee  
22 was subleasing the lot for 15 years and the target tenant already has 5 leases. He asked why  
23 someone who is not actively farming could reassign the lease. Ms. Murai answered that  
24 Agrigenetics was on the land, actively farming until 2018. To help the agricultural industry, it  
25 would be more expeditious to give a farmer who is farming on Molokai a chance. Board Member  
26 Young commented that they will be helping "a farmer" vs. farmers. He added that he did not  
27 know what the market was like on Molokai.  
28

29 Chair asked if there were any vacant lots on Molokai. Ms. Murai answered there was one.  
30

31 Board Member Case asked if there was a list of people interested. Ms. Murai answered that  
32 they only have expression of interest, but she did not know how many were interested. Board  
33 Member Case was concerned about assignments that bypass the process and don't allow other  
34 people to have an opportunity. She asked what the lease said about the assignment. Ms. Murai  
35 answered that the lease said it could be assigned to another qualified farmer.  
36

37 Board Member Case wanted to be clear about state participation in consideration for  
38 assignment of the lease. She asked Ms. Murai to explain the reference to paragraph 16 in the  
39 presentation.  
40

41 Ms. Murai answered that the lease could be assigned to another qualified farmer due to mental  
42 and physical disability. She said that this is an old lease which does not have a provision for  
43 payment of premium consideration to the state.  
44

45 Board Member Case clarified that the reference in the presentation to Paragraph 16 talks about  
46 the assignment of lease and under what circumstances and to whom the lease can be

1 assigned; the lease meets these circumstances and because there is no change in use, staff  
2 does not recommend adjustment of base annual rent. Ms. Murai agreed.  
3

4 Board Member Wieczorek asked how the \$16,000 was calculated. Ms. Murai answered that the  
5 department was not involved in the calculation and explained that it although the consideration  
6 is brought to the board for approval, the department is not involved in what the parties agree to.  
7 Board Member Wieczorek asked why the lessee was getting \$16,000 when he had not  
8 performed for so long and now wants out. Ms. Murai answered that the property is fully fenced  
9 but she did not know how they agreed to the amount.  
10

11 Board Member Cabral asked if the license agreement was approved by the Board. Ms. Murai  
12 said she did not see it go before the board and it was a gray area whether it needed board  
13 approval. Agrigenetics had at least 4 license agreements which did not get board approval and  
14 she assumed that the AG's office was consulted. Subleases require board approval, but license  
15 agreements do not. She said that there are no other license agreements. Board Member Cabral  
16 commented that it seemed like a loophole to not getting board approval.  
17

18 Board Member Gomes wanted to know height of fence; Ms. Murai said that it was 8 feet.  
19

20 Board Member Ley said that she was struggling with what was fair and equitable and asked if  
21 staff could provide more information if the item was deferred.  
22

23 Board Member Mina voiced his support for Mr. Schule.  
24

25 Board Member Evans commented that auctioning leases could lead to the result where a good  
26 farmer may not have the financial ability to bid. In a well-intentioned attempt to make it possible  
27 for as many people as possible to put in a bid, the actual result may that it may not be a best  
28 farmer.  
29

30 Board Member Case commented that they could tighten up submittal by doing a public notice  
31 and if there was no interest, they would have gone through the process.  
32

33 Chair deferred the vote and said that the item would be taken up at the next meeting.  
34  
35

- 36 5. Discussion and Action on Senate Concurrent Resolution No. 76, Requesting the  
37 Board of Agriculture to Prohibit Unapproved Residential Use of Farm Dwellings  
38 in Agricultural Parks.  
39  
40

41 Linda Murai presented testimony as submitted.  
42

43 Motion to Approve: Gomes/Cabral  
44

45 Discussion:

1 Board Member Young said that he did not understand “prohibition on unapproved residential  
2 dwellings.” Board Member Evans agreed and said that she believes that it is allowed under the  
3 right to farm act if it is in an agricultural district.

4  
5 Mr. Kau could not explain and commented that was the reason why it took so long to bring the  
6 item before the Board.

7  
8 Board Member Case said that a report could be discussed which recognizes that there are  
9 dwellings that are unapproved that are brought before the board that specifically allow the  
10 farmer to live close to the farm for security purposes and proximity. The right to farm act should  
11 also be cited and farmers would be expected to comply.

12  
13 Board Member Cabral said he considered residential housing and farm dwellings to be different.  
14 There have been complaints that residents are living and not actually farming. He could see the  
15 concern but was not sure if that was the issue.

16  
17 Board Member Ley asked how staff would respond to complaints from neighboring parcels. Mr.  
18 Kau said that it would depend on the nature of the complaint—the right to farm vs. illegal use of  
19 the land.

20  
21 Board Member Case said that the resolution talks about the residence, but “whereas” talks  
22 about farming impacts. She speculated that it could have been driven by the hemp situation. It  
23 should be stated that the department’s goal is to make sure that people are actively farming;  
24 support farm dwellings and don’t support residences on ag land and that complaints are  
25 investigated.

26  
27 Board Member Case said that Part 1 is unnecessary because there is already have a policy in  
28 place that must come before the board. A friendly amendment was made to the motion to  
29 confirm that farm dwellings in ag parks require board approval.

30  
31 Board Members Gomes and Cabral accepted Board Member Case’s friendly amendment.

32  
33 Vote: Approved; 10-0

34  
35  
36 *The Board was in recess from 11:10 am to 11:20 am.*

37  
38  
39 **B. ANIMAL INDUSTRY DIVISION**

- 40  
41 1. Request for Approval of Amended and Restated Right-of-Entry in Favor of the  
42 Board of Water Supply, Previously Approved by the Board on August 23, 2016,  
43 to Install Two Monitoring Wells on the Animal Quarantine Station Property at  
44 TMK: (1) 9-9-010:058.

45  
46 Dr. Raquel Wong presented testimony as submitted.

47

1 Motion to Approve: Wieczorek/Evans

2  
3 Discussion

4 Board Member Gomes asked why it took six years as the right-of-entry (ROE) was approved in  
5 2016. He also asked how long it would take for the project to be completed.

6  
7 Mr. Erwin Kawata, Board of Water Supply (BOWS), responded that in 2016 they received  
8 approval for the monitoring well. When doing siting work, there was concern about the drilling  
9 noise close to the kennels. A noise study determined that the noise could be harmful to the  
10 animals that were housed at the facility. A decision was made not to proceed. During that time,  
11 Red Hill was an issue, then fuel contamination in Joint Base Pearl Harbor. They have decided to  
12 resume efforts to install the well. The Animal Quarantine Station is an ideal site and the have  
13 found a location far enough away from the animals. They are seeking board approval to install  
14 the monitoring well at the new location.

15  
16 Board Member Ley asked if the new location would be monitored and what steps would be  
17 taken if the noise level became too high. Mr. Kawata said that they could dampen the noise and  
18 reduce construction time. There are no animals kept in the area. He added that Dr. Maeda felt it  
19 was a secure, safe location.

20  
21 *Board Member Wieczorek left the meeting at 11:41 am.*

22  
23 Ms. Sarah Moody, Deputy for Strategic Operations for Navy Red Hill OIC Environmental Group  
24 testified that they were also working with the Animal Quarantine facility. They noticed that it is a  
25 BOWS location and asked if they were only talking about one location for the BOWS or if it was  
26 converging requests. Dr. Maeda answered that the Navy submitted a request, and additional  
27 information was requested but was not received in time. He said the BOWS and the Navy  
28 locations are not the same. The Navy is requesting property in the parking lot side of the fence  
29 line; the BOWS is slightly north of there but out of the parking lot.

30  
31 Mr. Mike Matsuo, BOWS, shared his screen and pointed out Site D monitoring wells close to  
32 Halawa Valley Street that secures the AQ facility. He said the Navy's wells are on the lower site.  
33 Dr. Maeda said it is in the parking lot, northern area.

34  
35 Ms. Sarah Moody said the area is in the parking lot south of BOWS area and they would  
36 coordinate to make sure their efforts are aligned. She said that they requested use of the  
37 parking area as laydown area. Dr. Maeda did not find the use of the area in conflict.

38  
39 Chair clarified that they were only discussing the BOWS right of entry.

40  
41 Vote: Approved; 9-0  
42 Excused: Wieczorek

43  
44  
45 2. Request for Approval to (1) Adopt Proposed Amendments to Chapter 4-16,  
46 Hawaii Administrative Rules, entitled "Cattle, Sheep and Goats" Concerning:  
47 Objective, Construction of Rules, Subchapters, Definitions, Quarantine-general,

1 Quarantine area-feedlot, Quarantine area-slaughterhouse, Regulatory  
2 jurisdiction on importations, Entry status on imports, Ports of entry, Carrier  
3 responsibility on importations, Use of quarantine station facilities, Regulatory  
4 jurisdiction on exports; Subchapter 2 Cattle, Scope, Pre-shipment entry  
5 requirements, Post-shipment entry requirements, Anaplasmosis surveillance,  
6 control, and eradication, Brucellosis surveillance, control, and eradication,  
7 Vaccination for brucellosis prohibited; exceptions, Tuberculosis control and  
8 eradication; Subchapter 3 Sheep, Scope, Pre-shipment entry requirements,  
9 Post-shipment entry requirements; Subchapter 4 Goats, Scope, Pre-shipment  
10 entry requirements, Post-shipment entry requirements; and (2) Submission of  
11 Hearings Officers Summary of Public Hearings Testimony on Proposed  
12 Amendments to Chapter 4-16, Hawaii Administrative Rules, and Hearings  
13 Officers' Recommendation.  
14

15 Dr. Moniz presented testimony as submitted. He noted corrections that should be made:

16 Page B-32: 4. Amending Section 4-29-2- should be 4-29-4 "Definitions".

17 Page B-135: Section 4-16-11 (e) delete the sentence ~~Load densities shall not deviate by greater~~  
18 ~~than 10% of the maximum load densities listed in interisland space requirements by species~~  
19 ~~listed.~~

20  
21 He summarized page B-22 to B-23, Hearing Officer's Summary of the Public Hearing Testimony  
22

23 Motion to Approve: Gomes/Cabral  
24

25 Discussion:

26 *Board Member Wieczorek returned at 12:00 pm.*  
27

28 Dr. Gwendolen Reyes-Illg, DVM, MA, Veterinary advisor for Animal Welfare Institute (AWI),  
29 supported the incorporation of fitness for transport standards, requirement of water in the  
30 staging areas, and requirements for loading and ventilation. She went over their concerns with  
31 Exhibit A. Of concern was the max level to load was too high because it was based on the  
32 external dimensions of the shipping container. Their recommendation was that chart be  
33 corrected by decreasing max number to load. They were disappointed that proposed rules kept  
34 the max number to load the same and decreased the space per animal. She asked for  
35 reconsideration of max number to load and to go ahead with the proposal to remove the 10%  
36 deviation.  
37

38 Ms. Adrienne Craig, Staff attorney AWI provided testimony in support of the removal of the 10%  
39 deviation. She said that the language in Paragraph F should be amended to include the time  
40 spent in holding, loading transport, and unloading. She also asked that "harbor logistical  
41 limitations" in paragraph G be defined and "strive to" be replaced with "shall" to have a  
42 meaningful standard.  
43

44 Nicole Galase, Hawaii Cattlemen's Council (HCC) supported the changes and stood on their  
45 written testimony. She added that interisland livestock transporters are experts in interisland  
46 transportation and have been safely transporting livestock.  
47

1 Cathy Goeggel, Animal Rights Hawai'i, submitted written testimony and added that she took  
2 photos of the Young Brothers facility. Containers for transport are not regulated. She supported  
3 the testimony of AWI.

4  
5 Dr. Wood, Chairperson of Animal Health and Well Being Committee for HCC and personally as  
6 a veterinarian, stood on written testimony approving 10% being removed from the document.  
7 Thanked Dr. Moniz and staff for working with HCC, producers and shippers to come up with the  
8 documents. The number of animals listed in the guidelines are based on years of shipping  
9 experience. Appreciates opportunity to formalize the standards and said that the standards in  
10 American Association of Bovine Shippers (AABP) are written in cooperation with Hawai'i's  
11 shippers. She added that no one is more concerned about the animals than the producers.

12  
13 Inga Gibson, Pono Advocacy supported what was in the rule and emphasized the carriers'  
14 responsibility and the importance of last-on, first-off loading; stronger language to define "trip" to  
15 include loading and unloading; lack of shade when not able to load immediately. They support  
16 the 10% deviation.

17  
18 Board Member Case supported the three proposals.

19  
20 Board Member Mina wondered how long that the animals were not getting the attention that  
21 they deserved. Dr. Moniz said that it had been going on for a long time. They have different  
22 modes of transportation. Hawai'i producers are experienced with transportation. He explained  
23 that the 2019 incident where cattle died during transport brought the issue to light. Shipper  
24 information indicated it was human error. One container was assumed empty, and animals died.  
25 Standards being proposed were developed by the HCC and other livestock shippers.

26  
27 Dr. Moniz summarized his position on comments brought up by AWI regarding further  
28 amendments to 4-16-11(f) and (g). His opinion was that it would be important for the  
29 shipmaster's declaration be provided by the interisland carrier so they can keep track of  
30 morbidity and mortality and they can investigate.

31  
32 Board Member Wiczorek said if requirements too strong, they may refuse to ship animals  
33 interisland and to the mainland.

34  
35 Dr. Wood said that they are undertaking a study to look more closely at temperature and stress  
36 on animals in interisland shipments. Concerns are great but they have struggled and  
37 contemplated for years. Glad that AWI and other organizations are now aware of what they do  
38 and how they do it, but it does not do justice to the work and care that producers put into caring  
39 for the animals.

40  
41 Board Member Young asked Dr. Moniz about the other classes of livestock and if he was  
42 comfortable with the densities, etc. Dr. Moniz said that the Branch's mission is disease control.  
43 They do not have charts or experience with camelids, water buffalo and bison but the animals  
44 are not typically moved in high numbers.

45

1 Board Member Gomes supported HCC and Dr. Lisa Woods. Animals must move by water. Maui  
2 does not have active planes or facilities. Stakeholders know what they are doing and have been  
3 practicing safe handling for decades.

4  
5 Board Member Wieczorek asked if Board Member Gomes would consider an amendment  
6 regarding amendment regarding weather conditions and heat waves. Gomes said it is doable,  
7 but he said it is up to the carrier.

8  
9 Dr. Moniz said that UH led a study regarding interstate shipping and stress levels and how  
10 shipping could be improved. Some of the amendments in the carrier section bothers him  
11 because it assumes it would improve the situation. He does not see a bad situation. He again  
12 referenced his support for the shipmaster's declaration. He added that more research should be  
13 done before adding more regulations that would add expense for the shippers, producers, and  
14 YB.

15  
16 Board Member Case suggested additional amendments to capture the discussion. She  
17 summarized: 1. Best efforts to do last on and first off; 2. Don't ship when there's a heat wave; 3.  
18 Best efforts to keep the animals in a shaded location in the harbor. Best efforts to provide water  
19 if the total transfer time is greater than 24 hours and the requirement for the shipmaster's  
20 declaration.

21  
22 Board Member Gomes was open to the recommendation. Board Member Cabral said that he  
23 was okay with Dr. Moniz' two proposed changes and did not want to change the motion. Dr.  
24 Moniz said that if adopted, interisland carriers would be required to submit a shipmaster's  
25 declaration.

26  
27 Vote: Approved; 10-0

28  
29  
30 *Due to audio difficulties, item C-2 was heard before item C-1. For clarity, the minutes will be*  
31 *reported in the same order as the agenda.*

32  
33  
34 C. PLANT INDUSTRY DIVISION

- 35  
36 1. Request for Preliminary Review and Approval of the Petition from the Hawaii  
37 Department of Land and Natural Resources, Division of Aquatic Resources, to  
38 Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71,  
39 Hawaii Administrative Rules, to Place the Unlisted Northern Largemouth Bass,  
40 *Micropterus salmoides salmoides*, on the List of Restricted Animals (Part A) for  
41 ecosystem and fishery impact research for the Wahiawa Public Fishing Area.

42  
43 Jonathan Ho, PI/PQB presented testimony as submitted.

44  
45 Motion to Approve: Gomes/Cabral

46  
47 Discussion:

1 Chair indicated that written testimony was received.

2  
3 Since the petitioner was DLNR, Board Member Case asked to be recused.

4  
5 Mr. David Sakoda, Fisheries Program Manager, DLNR said that the primary purpose of Act 223  
6 was a pilot project to restock the population of largemouth bass. The water level is kept low due  
7 to dam safety issues. They are trying to deal with the habitat issues due to the low water levels.

8  
9 Vote: Approved-9; Abstained-1 (Case)

- 10  
11  
12 2. Resubmittal of a Request to: (1) Preliminarily Review the Currently Unlisted  
13 Beetle, *Syphraea uberabensis* (Coleoptera: Chrysomelidae) for Future  
14 Placement on the List of Restricted Animals (Part A) As a Biocontrol Agent of  
15 *Tibouchina herbacea* and Other Related Species in the Family  
16 Melastomataceae, by the United States Department of Agriculture Forest  
17 Service (USDA FS);  
18 (2) Provided the Beetle *Syphraea uberabensis* is Placed on the List of  
19 Restricted Animals (Part A), Allow the Release from Laboratory Quarantine of  
20 the beetle *Syphraea uberabensis*, by Permit, For Biocontrol of *Tibouchina*  
21 *herbacea* and Other Related Species in the Family Melastomataceae by USDA  
22 FS;  
23 (3) Provided the Beetle *Syphraea uberabensis* is Placed on the List of  
24 Restricted Animals (Part A), Allow the Importation and Release of the Beetle  
25 *Syphraea uberabensis*, by Permit, For Biocontrol of *Tibouchina herbacea* and  
26 Other Related Species in the Family Melastomataceae, by the USDA FS;  
27 (4) Provided the Beetle *Syphraea uberabensis* is Placed on the List of  
28 Restricted Animals (Part A), Establish Permit Conditions For the Importation  
29 and Release of the Beetle *Syphraea uberabensis* As a Biocontrol Agent of  
30 *Tibouchina herbacea* and Other Related Species in the Family  
31 Melastomataceae, by the USDA FS; and  
32 (5) Provided the Beetle *Syphraea uberabensis* is Placed on the List of  
33 Restricted Animals (Part A), Authorize the Chairperson to Schedule a Public  
34 Hearing and Appoint a Hearing Officer in Connection with the Proposed  
35 Amendments to Chapter 4-71, HAR.

36  
37 Chris Kishimoto presented testimony as submitted.

38  
39 Motion to Approve: Gomes/Mina

40  
41 Discussion:

42  
43 Board Member Mina supported the movement going forward and pointed out a report by Maui  
44 Invasive Species Committee (MISC).

1  
2 Board Member Wieczorek said that she has a conflict of interest and asked to be excused.

3  
4 Board Member Gomes questioned the lack of response from Dr. Howarth. Mr. Kishimoto  
5 explained that they now have his updated contact information, and he will respond to future  
6 submittals.

7  
8 Vote: Approved 9; Abstain-1 (Wieczorek)  
9

10  
11 V. OLD BUSINESS

- 12  
13 1. Discussion and Decision Making on Delegation of Authority to the Chairperson to Deny  
14 Petitions Requesting the Initiation of Rulemaking to Ensure Compliance with the Thirty  
15 Day Notification Requirements in section 4-1-23 and 4-1-24, Hawai'i Administrative  
16 Rules.  
17

18 Mr. Jonathan Ho explained that Section 4-1-24, Hawai'i Administrative Rules dictates that if a  
19 completed petition is submitted, the Board, by statutes, must deny or initiate rulemaking  
20 proceedings within 30-days. The scheduling of the Board Meetings makes it difficult to meet this  
21 requirement. In PQB's case, the subcommittees must meet before the Board. The intent of the  
22 request is to give the Chairperson authority to deny a written petition, to satisfy the requirement.  
23 Subsequently, the board can officially deny the petition or direct the branch to go through the full  
24 review process. He gave the example of the Vasa Parrot.  
25

26 Motion to approve Mina/Cowell  
27

28 Board Member Cowell and Mr. Ho had a discussion of how this requirement could apply to the  
29 coffee industry's request for a rule removal.  
30

31 Board Member Cabral could see the need for granting authority to the Chair but asked how the  
32 Board could be assured that the matter would be brought before them and not just left to the  
33 Chair's discretion. Board Member Cabral said that the Chair has the authority to place an item  
34 on the agenda, but the Board does not. Mr. Ho answered that when denied, the petitioner has  
35 the right to seek review and bring the petition before the Board.  
36

37 DAG Yee commented that a provision could be added that would give the Chair the authority to  
38 deny the petition provided the Board is informed of the decision at the next available meeting.  
39

40 Board Members Mina and Cowell agreed and seconded to amend the motion to include the  
41 provision.  
42

43 Vote: Approved; 10-0  
44  
45

1           2. Update on the Plant Quarantine Branch's Inspection Program and Port of Entry  
2           Protection Activities Including Information on the Recent Federal Activity for Inspection  
3           of Invasive Pests.

4  
5 Dr. Helmuth Rogg briefly explained invasive pest survey detection and the authorities of the  
6 federal and state programs.

7  
8 He updated the Board on the significant change in funding which would allow the division to  
9 recruit more inspectors. He said that they were able to reverse the funding situation for PQB,  
10 and PPC which was caused by the COVID pandemic, and a lot of the inspectors are back on  
11 general funds. He added there are new funding opportunities, and proposals were submitted for  
12 the dog detector program and Coconut Rhinoceros Beetle. They also have opportunity for  
13 federal earmark funding to boost the survey detection program. They are trying to coordinate  
14 activities to detect invasive pests They are also trying to get continuous funding for the port of  
15 entry program to continue beyond next fiscal year.

16  
17 There was a discussion about difficulty recruiting new employees because of the competition  
18 and the science-specific nature of the positions. Chair commented that since the legislature  
19 reverted the program back to general funds, more aggressive recruitment could be conducted.

20  
21 Board Member Cabral asked how the state and military inspections were connected. He  
22 referred to the CRB being found on a military base. Dr. Rogg said that they work cooperatively  
23 with their federal counterparts because the military does not want to be responsible for bringing  
24 in pests.

25  
26 Board Member Wieczorek acknowledged the development of the CTAHR and DOA relationship.  
27 She said their internship program is very good and they could work together if there was  
28 interest.

29  
30 Board Member Ley said that invasive species affect more than agriculture. She also said that  
31 there was an opportunity for the department to be a pipeline for people who are interested in the  
32 agricultural sector. She encouraged broader thinking.

33  
34 Dr. Rogg said that they are working closely with UH to regarding classes directed to what is  
35 needed for their type of work. He also said that everyone needs to continue to work together,  
36 keep up with technology, and find solutions because invasive pests don't have geographical or  
37 political borders.

38  
39  
40  
41  
42 VI. NEW BUSINESS

43           None.

44  
45 ADJOURNMENT OF MEETING: 2:06 pm

46  
47

1  
2 Respectfully submitted,  
3  
4  
5 Jan Ferrer  
6 Board Secretary  
7