



**Minutes of the Board of Agriculture  
June 27, 2023**

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on June 27, 2023, at 9:10 am by Board of Agriculture Chairperson, Sharon Hurd. The meeting was conducted virtually via Zoom and in-person from:

*State of Hawaii, Department of Agriculture  
Plant Quarantine Branch  
1849 Auiki Street*

Members Present In-Person:

Sharon Hurd, Chairperson, Board of Agriculture

Members Virtually Present: Roll call/alone

Russell Tsuji, Chairperson, Board of Land and Natural Resources, 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

James Gomes, Member-at-Large

Excused:

Dr. Ania Wieczorek, Interim Dean CTAHR, Ex Officio Member

Deputy Attorney General Present In-Person: DAG Bryan Yee

Others Present In-Person:

Bobby Farias, Hawai'i Land & Livestock/Hawai'i Meats

Carol Okada, HDOA/Deputy

David Wong, Mountain View Farms

Greg Takeshima, HDOA/PI-Pest

Janelle Saneishi, HDOA/Chair

Jennifer Waihee-Polk, Deputy Attorney General

Kirk Saiki, HDOA/ARMD

Luke Sarvis, DLNR

Linda Murai, HDOA/ARMD

Paul Shinkawa, Suma Farms

Roy Hasegawa, HDOA/ARMD

Scott Enright, Hawai'i Land & Livestock

Scott Nishimoto, HDOA/PI-Pest

Stephen Dalton HDOA/IT

- 1
- 2 Others Virtually Present:<sup>1</sup>
- 3     Brandi Ah Yo, HDOA/ARMD
- 4     Brian Kau, HDOA/ARMD
- 5     Cathy Goeggel
- 6     Earl Yamamoto, HDOA/Chairperson's Office
- 7     Gabriel Monaghan
- 8     Janet
- 9     Jodi Yi, Deputy Attorney General
- 10    Kori Koike, HDOA/ARMD
- 11    Rae Gee, HDOA/Chairperson's Office
- 12    Small Kine Farm
- 13    Sun Fuye
- 14    Thomas Heaton
- 15    Walter Bowen
- 16    Wayne Takamine, HDOA/Ag Loan
- 17
- 18
- 19

20 II. APPROVAL OF MINUTES FROM 5/23/23 MEETING

21

22 Motion to Approve: Gomes/Evans

23

24 Vote: Approved; unanimously

25

26 III. INTRODUCTIONS

27

28 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

29

30 A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

31

- 32     1. Request for Approval for the Transfer of Public Lands from the Department of
- 33         Land and Natural Resources to the Department of Agriculture, Pursuant to Act
- 34         90, SLH 2003, Codified as Chapter 166E, Hawaii Revised Statutes; TMK Nos.:
- 35         (3) 9-8-001:003, 006 and 013; (3) 9-6-011:002; (3) 9-8-001:011 and 012; (3) 9-8-
- 36         001:009 and 010; (3) 4-4-014:002, 003 and 011; Island of Hawaii
- 37

38 Chair announced that the applicant requested deferral. There was no public testimony and no

39 discussion by the board.

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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                   2. Request for Approval to Award Leases to Various Awardees and Back-up  
2                   Positions; TMK Nos.: (1) 4-1-035:014, (3) 1-5-116:003, 007, 062, and (3) 2-2-  
3                   056:033, Islands of Oahu and Hawaii  
4

5 Roy Hasegawa presented testimony as submitted.  
6

7 Motion to Approve: Cowell/Gomes  
8

9 Discussion:

10 Board Member Gomes wanted to know why there were no bids for 7 lots. Ms. Murai answered  
11 that the lots were in the Pahoia Ag Park, and it was difficult to grow things because of the lava.  
12 She explained that the last lava flow came close to overrunning the ag park. Board Member  
13 Gomes asked why the lots were put out to bid if not usable. Ms. Murai answered that the lease  
14 rents were reasonable and bona fide farmers may recognize the lots' potential. Chair  
15 recognized Board Member Gomes' request for colored pictures  
16

17 Board Member Evans asked about the water source for Pahoia Ag Park leases. Ms. Murai did  
18 not know but said she would find out and let her know.  
19

20 Board Member Ley asked how many applicants were interested in the Waimanalo parcels. Mr.  
21 Hasegawa replied that there were six applicants and four that were qualified for the Waimanalo  
22 lots.  
23

24 Vote: Approved; unanimously  
25  
26

- 27                   3. Request for Conversion of General Lease Nos. S-5658 and S-5168; Akamai  
28                   Landscape & Maintenance Service, Inc., Lessee; TMK Nos.: (1) 4-1-027:011 and  
29                   (1) 4-1-027:018, Lots 34 and 32, Waimanalo Farm Lots, Koolaupoko,  
30                   Waimanalo, Island of Oahu, Hawaii  
31

32 Linda Murai presented testimony as submitted. Staff recommends approval to convert the  
33 leases and to approve the mutual cancellation of the leases.  
34

35 Motion to Approve: Evans/Gomes  
36

37 Discussion:

38 Board Member Gomes stated that they had the lease since 2008 and asked why it took so long  
39 to come up for long term disposition. Ms. Murai explained that per Hawai'i Administrative Rules,  
40 the lease cannot be less than 5 years or more than 10 years from the expiration period.  
41

42 Board Member Evans asked if the rule applied only to leases converted from DLNR to DOA.  
43 Ms. Murai answered that Hawai'i Administrative Rule Section 4-158 rules relate to non-  
44 agricultural park lands transferred from DLNR for Act 90. Ms. Murai surmised the rule was in  
45 effect by or before 2008.  
46

1 Board Member Gomes said noted colored pictures were included and wanted to know if the  
2 pictures represented the whole acreage. Ms. Murai answered that Akamai is 100% developed.

3  
4 Board Member Young said that he was generally in support. He asked if conversion leases  
5 could go over 65 years. Ms. Murai explained that the lease was considered a brand-new lease  
6 and not an extension. Board Member Young was looking at the total term of the lease in  
7 general. Ms. Murai said that because the applicant was receiving a new lease from DOA, the  
8 maximum term is 65 years. Board Member Young commented that it was advantageous for  
9 conversion leases. Board Member Cabral also questioned the maximum term asking if they  
10 have a 65-year lease about to expire, could they apply for a brand-new lease. Ms. Murai  
11 explained the 5-year window of opportunity, not less than 5 years and not more than 10 years,  
12 to let staff know if they want to convert to a new lease. Deputy Attorney General Yee said that  
13 DLNR leases and DOA leases were being confused. Board Member Tsuji confirmed that for  
14 non-ag park leases only, the total term could be over a century.

15  
16 Board Member Mina exited the meeting at 9:40 am.

17  
18 Vote: Approved unanimously; Mina excused.

- 19  
20  
21 4. Resubmittal - Request for Consent to Amend General Lease No. S-3138; Hawaii  
22 Land & Livestock, LLC, Lessee; TMK: (1) 9-1-031:001, Honouliuli, Ewa, Island of  
23 Oahu, Hawaii

24  
25 Linda Murai presented testimony as submitted. Staff recommends revising paragraph 7 as  
26 submitted.

27  
28 Motion to Approve: Evans/Cowell

29  
30 Discussion:

31 Mr. David Wong testified representing David Souza, Stacy Sugai, Patsy Kaneshiro, and himself.  
32 He thanked Board for their vision and support to rebuild local hog production. Mr. Souza and  
33 Ms. Sugai negotiated with the mainland contractor to modify the modular slaughter unit. The  
34 legislature also funded off-site, on-site, and accessory funding to comply with modular slaughter  
35 facility and Mr. Bobby Farias allowed 5-acres on his site.

36  
37 Ms. Cathy Goeggel, President, Animal Rights Hawai'i, voiced concerns regarding how the  
38 Department handled issues with permanent structures put on the lands. She said not much has  
39 happened. She believes dereliction of HDOA not to proceed and prosecute Hawai'i Hauling and  
40 the Slaughterhouse for allowing State property to be used without a money or lease. She also  
41 questioned appropriateness of letter from Maile Shimabukuro being signed as a representative  
42 of the state. She said the livestock industry and the mainland company is using the word  
43 harvest which really is a kill floor and stated that semantics are important. She urged deferral.

44  
45 Board Member Tsuji asked staff or the lessee to clarify that the motion is to give more time to  
46 submit Plan of Utilization and Development (PUD) and it's only the extension of time, and not

1 the PUD that is being approved. DAG Yee said development needs to be complete within 6  
2 years of the lease.

3  
4 Board Member Tsuji asked how much acreage is planned to be utilized for cattle holding as  
5 opposed to other uses. Mr. Bobby Farias, Hawai'i Land & Livestock, LLC (HLL) said over half  
6 for cattle holding. Board Member Tsuji said that DLNR submitted testimony and wanted to add  
7 content to the submittal. He pointed out the set-aside of 100 acres of industrial land under  
8 DLNR jurisdiction. DOA Chair asked for additional water allocation with the intent it would be  
9 used for cattle holding. DLNR wanted to make the point that other acres would not likely be  
10 used for holding but for other ag purposes. DLNR did transfer 20,000 acres to DOA and an  
11 additional 20,000 acres to ADC for Ag purposes. Board action would've added thousands of  
12 acres. There are other lands for ag operations. Campbell lands are industrial lands to support  
13 the slaughterhouse and water needs and are not for general agricultural purposes. Those lands  
14 had a reservation for renewable energy projects. He understands the submittal is for an  
15 extension of time and the department does not oppose.

16  
17 Board Member Gomes asked how much was needed for renewable energy.  
18 Board Member Tsuji said he asked Euris and they would like 90 acres or so. He said they  
19 were open to evaluating with less acreage. Board Member Gomes asked if other DLNR area  
20 close to HECO that is suitable. ADC and DOA are abutting these parcels.

21  
22 Board Member Ley asked if DLNR does direct leases. Board Member Tsuji said for renewable  
23 energy, DLNR do direct negotiations. Referencing David Wong's testimony, she asked if it was  
24 known what the zoning was that may limit the establishment of slaughterhouses. Board  
25 Member Tsuji said a slaughterhouse may be allowed when industrial land status. She asked if  
26 Ag lands allowed slaughterhouses. Ms. Murai said the zoning for slaughterhouses and feedlots  
27 are the same but did not know if slaughterhouses would be allowed on other ag lands.

28  
29 Board Member Cabral said that he and Board Member Gomes visited the site. He did not  
30 consider it a bone yard. It was neat and orderly; however, all of the equipment and storage  
31 should not be on the premises. Steps have been taken to get the people out of there and asked  
32 if movement had continued. Mr. Farias said it continues to be cleaned and they are trying to  
33 secure an offsite lease. They have identified 3 parcels but he was not sure if they have a place  
34 and he did not know the time frame for their exit.

35  
36 Ms. Murai added that she visited every month. She said a lot of the smaller things have been  
37 removed and they are moving things off the lot.

38  
39 Board Member Young said he was generally in support of extending time. On-par of other  
40 board decisions made.

41  
42 Board Member Ley said that should the Board approve time extension she would like to  
43 understand the role or authority that DLNR has in its reservation for renewable energy project  
44 on the property and should PUD come back for approval, they would like to know the  
45 consequences of their action.

46  
47 Vote: Approved; unanimously

1  
2 Board Member Evans left the meeting at 10:20 am.

3  
4 5. Resubmittal - Request to: 1) Terminate General lease no. S-9001, Jane Kelly  
5 Lavoie, Lessee; Issue Cancellation Document, and Disposition of Lot; and (2)  
6 Rescind Approval of Farm Dwelling; TMK: (2) 5-2-001:011, Lot No. 2, Molokai  
7 Agricultural Park, Hoolehua, Island of Molokai, Hawaii

8  
9 Linda Murai presented testimony as submitted.

10  
11 Motion to Approve: Gomes/Cowell

12  
13 Discussion:  
14 Board Member Gomes asked if the acreage looked the same throughout. Ms. Murai said most  
15 of the parcel looked like the picture.

16  
17 Board Member Ley commented that it was unreasonable to ask the delinquent lessee to handle  
18 the demolition. She asked if the dwelling could be retained and leased as part of a new lease in  
19 terms of renovating or tearing it down. Ms. Murai said she would hesitate to have anyone  
20 occupy the dwelling and bring it back to a safe habitable building. Board Member Ley asked  
21 what the division would normally do. Ms. Murai said that it would be the next lessee's  
22 responsibility to demolish the building. In a brand-new lease, they would grant credit for 2 years  
23 of rent for work done on the premises.

24  
25 Board Member Gomes asked how long before they could get another lessee on property. Ms.  
26 Murai answered that they were planning to put ag park lands out to lease toward the end of the  
27 year. It would be the 1<sup>st</sup> quarter next year before new documents are issued, barring  
28 unforeseen circumstances.

29  
30 Vote: Approved; unanimously

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32  
33 6. Request for Consent to Assignment of General Lease No. S-6013; Nancy  
34 Oupraxay, Anourith Oupraxay, and Ratsamy La Oupraxay, Lessee/Assignor, to  
35 Mo Bros Farms Inc., Assignee; TMK: (1) 5-6-006:041, Kahuku Agricultural Park,  
36 Lot 13, Koolauloa, Kahuku, Island of Oahu, Hawai'i

37  
38 Roy Hasegawa presented testimony as submitted.

39  
40 Motion to Approve: none

41  
42 Vote: Approved; unanimously

43  
44 7. Certification of Acreage Assessments for the Honokaa-Paauilo, Kahuku, Molokai,  
45 Waimanalo, and Waimea Irrigation Systems, 2024 Fiscal Year

46  
47 Kirk Saiki presented testimony as submitted.

1  
2 Motion to Approve: Gomes/Cabral

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4 Vote: Approved; Unanimous

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6  
7

8 B. PLANT INDUSTRY DIVISION

9

10 Pesticides Branch

11

12 1. Request to Delegate to Chair the Authority to Refer Collections of Pesticide  
13 Violation Penalties to the Department of the Attorney General

14

15 Greg Takeshima presented request as submitted.

16

17 Motion to Approve: Gomes/Tsuji

18

19 Discussion:

20

21 Board Member Young commended staff for making this recommendation. He said it allows the  
22 board to discuss more intense matters. He commented that he would be happy to consider any  
23 other ministerial actions to be delegated to the Chair.

24

25 Vote:

26 Approved; unanimous

27

28

29 V. OLD BUSINESS

30

31 None.

32

33 Board Member Cabral said that he would like an ARMD update at the next meeting about not  
34 raising pigs or chickens on ag leases.

35

36

36 VI. NEW BUSINESS

37

38 None.

39

39 The next meeting is scheduled for July 25. Chair will not be on the island and will ask someone  
40 on the Board to Chair the meeting on her behalf.

41

42 Motion to adjourn: Gomes/Cowell

43

44 The meeting was adjourned at 10:41 am

45

46 Respectfully submitted,

47

- 1
- 2
- 3 Jan Ferrer
- 4