



**Minutes of the Board of Agriculture
March 27, 2024**

A video recording of this meeting can be found online by visiting this website:
<https://hdoa.hawaii.gov/meetings-reports/>

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on March 27, 2024, at 9:05 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
Mary Alice Evans, Ex-Officio Member
Dr. Parwinder Grewal, Dean CTAHR, Ex Officio

Members Virtually Present: Roll call/alone

Ryan Kanaka'ole, Board of Land and Natural Resources, Ex Officio Member
Diane Ley, Hawaii Member
Vincent Mina, Maui Member
Randy Cabral, Member-at-Large
James Gomes, Member-at-Large

Excused:

Fred Cowell, Kauai Member
En Young, Member-at-Large

Deputy Attorney General Present In-Person: DAG Bryan Yee

Others Present In-Person:

Stephen Dalton, HDOA/IT
Marci Clingan, Chairperson's Office
Brandi Ah-Yo, HDOA/ARM
Roy Hasegawa, HDOA/ARM

Others Virtually Present:¹

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

1 Kori K, HDOA/ARMD
2 Jonathan Henbest
3 Darcy Oishi, HDOA/PPC
4 NakamotoI, HDOA/PPC
5 Kelcie Nagata, Esq., Deputy Attorney General
6 Shane Castillo
7 AGR – Murai, Linda, HDOA/ARM
8 Janet
9 Grayson
10 Tiffany Le
11 HDOA PIO, HDOA/Chairperson’s Office
12 Rae Gee, HDOA/Chairperson’s Office
13
14

15 II. APPROVAL OF MINUTES FROM 2/27/2024 MEETING

16
17 Motion to Approve: Ley/Mina

18
19 Vote: Approved; Unanimously
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21 III. INTRODUCTIONS
22

23 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
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25 A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
26

27 1. Request to: 1) Rescind Prior Board Action Approving Conversion of
28 General Lease Nos. S-5658 and S-5168; Akamai Landscape &
29 Maintenance Service, Inc., Lessee, and 2) Approve Extension of General
30 Lease Nos. S-5658 and S-5168; TMKs: (1) 4-1-027:011 and (1) 4-1-
31 027:018, Lots 34 and 32, Waimanalo Farm Lots, Koolaupoko, Waimanalo,
32 Island of Oahu, Hawaii
33

34 Roy Hasegawa, Property Manager, presented testimony as submitted.
35

36 Motion to Approve: Evans/Kanaka’ole
37

38 Discussion:
39

40 Member Evans asked how much would the 25% of the rental of the new lease be in this
41 particular case?
42

1 Mr. Hasegawa responded that for general lease 5658 it would be \$3,063 and the
2 general lease 5168 is about \$2,450.

3
4 Member Gomes asked if we know what kind of nursery equipment will be replaced with
5 a value of \$200,000? Also, are there any pictures of the three 5,000 square foot shade
6 houses that he wants to replace. He added that he is curious to see what kind of
7 condition they are in.

8
9 Mr. Hasegawa said the pictures that are shown are not the shade houses to be
10 replaced.

11
12 The lessee was called forward to answer some questions, but the lessee was not
13 present.

14
15 Mr. Hasegawa agreed that we'll get back to Mr. Gomes on his request for some photos
16 and a description of the equipment to be replaced.

17
18 Member Evans added that she lives in Waimanalo and said both shade houses are in
19 serious disrepair.

20
21 Member Mina asked if these pictures are being taken by an iPhone where someone can
22 edit and make it brighter?

23
24 Mr. Hasegawa said these pictures were taken on an iPhone and they'll work on editing
25 to make the picture brighter.

26
27 Member Cabral asked if it is correct that these guys don't want to do a conversion which
28 would give them a new long-term lease.

29
30 Mr. Hasegawa responded that is correct.

31
32 Member Cabral asked when it comes time to the end of their lease, are they able to do
33 a conversion at that point or is it out of the question now that they declined?

34
35 Mr. Hasegawa said they can convert during the 5–10-year window towards the end of
36 the lease.

37
38 Member Cabral asked what is the incentive for someone to convert if they can convert
39 at any time and get an extension and pay less of a fee?

40
41 Mr. Hasegawa replied that it depends and on this particular case, there is still a
42 considerable amount of time left on the lease. They are adding 20 more years before
43 doing the conversion.

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Member Cabral said he doesn't understand the reason why anybody would convert if there is no benefit to them.

Member Cabral stated that there is no incentive for somebody to convert if they can continue to get an extension and then get an additional 65 years when they reach a 5 to 10-year window. He added that he doesn't understand the logic.

Deputy Attorney General Yee added that the law does allow this conversion which creates an extension. The incentive to convert would be because they don't have any more time left on their original lease so they cannot extend the original lease past the 65-year lease. The other potential reason would be because they don't like the terms of the DLNR lease. If they don't like this, they can convert and change the terms under DOA.

Member Cabral said he understands but it still makes it easy for the lessee to avoid paying and just drag it down the line.

Member Parwinder asked if this will be the original date setup or if it is the new date that would set for 65 years from today?

Deputy Attorney General Yee stated that this approval does not give it an additional 65 years, it gives 20 additional years.

Vote: Approved; Unanimously

2. Request for Consent to Assignment of General Lease No. S-4625;
Kahakai Nursery, Inc. Lessee/Assignor; Shane Castillo, Assignee; TMK:
(3) 1-5-116:022, Lot 22, Pahoia Agricultural Park, Puna District, Island of
Hawaii, Hawaii

Brandi Ah-Yo, Property Manager, presented testimony as submitted.

Motion to Approve: Ley/Gomes

Discussion:

Member Mina asked if we could possibly have something that could honor the elders and their knowledge and experience to help and mentor the younger folks.

Ms. Ah-Yo said the current lessee will be a mentor to Shane Castillo who is taking it over and they have a good relationship.

1 Vote: Approved; Unanimously
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3

- 4 3. Request for Consent to Assignment of General Lease No. S-4626; Pacific
5 Floral Exchange, Inc., Lessee/Assignor; Shane Castillo, Assignee; TMK:
6 (3) 1-5-116:023, Lot 23, Pahoia Agricultural Park, Puna District, Island of
7 Hawaii, Hawaii
8

9 Brandi Ah-Yo, Property Manager, presented testimony as submitted.
10

11 Motion to Approve: Ley/Gomes
12

13 Discussion:

14 Member Mina asked if he could ask Mr. Castillo to come forward. He asked Mr. Castillo
15 if his plant materials stay on island or do they ship out?
16

17 Mr. Castillo replied that they do on island sales, inter-island, national, international
18 inquires, Canada, Holland and several other places as well.
19

20 Member Mina asked if Mr. Castillo has any fire ants on their property.
21

22 Mr. Castillo replied that they spend a lot of money to treat them, and they have various
23 departments come out to check and monitor. He added they have a post and pre-
24 harvest treatment that kills most of the fire ants. Pacific Floral Exchange has the only
25 hot water treatment available at its current commercial size in the State of Hawaii.
26

27 Member Mina asked where he gets approval to ship out.
28

29 Mr. Castillo said that USDA PQ has approved them for an extensive list of items that
30 can be shipped out.
31

32 Member Mina asked if there are any incidents of CRB on the property.
33

34 Mr. Castillo replied that currently at the Pahoia Ag Park there are no CRB detection.
35

36 Member Parwinder asked if the \$150,000 due to the current nursery Pacific Floral
37 Exchange.
38

39 Ms. Ah-Yo said yes.
40

41 Member Evans asked if Pacific Floral Exchange will still be available to use to complete
42 the treatment as an exporter after Mr. Inouye exits the leases?
43

1 Mr. Castillo said yes, it's going to be available.

2

3 Vote: Approved; Unanimously

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6 4. Request for Consent to Assignment of General Lease No. 4630; Pacific
7 Farms, Inc., Lessee/Assignor; Shane Castillo, Assignee; TMK: (3) 1-5-
8 116:025, Lot 27, Pahoia Agricultural Park, Puna District, Island of Hawaii,
9 Hawaii

10

11 Brandi Ah-Yo, Property Manager, presented testimony as submitted.

12

13 Motion to Approve: Ley/Gomes

14

15 Discussion:

16 Member Mina asked if there are any issues and how the security is at the ag park.

17

18 Mr. Castillo replied that it's been getting bad, and that people are going on to the
19 property at night. They have an alarm system that prevents them from taking the
20 tractors and fertilizers. He added that for the most part, they plan on keeping everything
21 on one property and are making sure it has continued security.

22

23 Vote: Approved; Unanimously

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25

26 5. Request for Consent to Assignment of General Lease S-4423; Melecio C.
27 Alvarado and Arceli S. Alvarado, Lessee/Assignor; Plant Genesis Hawaii,
28 LLC., Assignee; TMK: (3) 1-5-116:009, Lot 9, Pahoia Agricultural Park, Puna
29 District, Island of Hawaii, Hawaii

30

31 Brandi Ah-Yo, Property Manager, presented testimony as submitted.

32

33 Motion to Approve: Gomes/Ley

34

35 Discussion:

36 Member Cabral asked if the past due rent and real property tax is going to be taken on
37 by the new owner?

38

39 Ms. Ah-Yo replied yes, that's what they had agreed to.

40

41 Vote: Approved; Unanimously

42

43

- 1 6. Request for Approval of Sublease Between Hamakua Agricultural
2 Cooperative, Lessee/Sublessor; and Sarah Purgus, Sublessee; General
3 Lease No. S-7011, TMK: (3) 4-3-005:018 (por), Lot No. W10, Hamakua
4 Agricultural Park, Phase II, Pohakuhaku and Kemau 1st, Hamakua District,
5 Island of Hawaii, Hawaii
6

7 Brandi Ah-Yo, Property Manager, presented testimony as submitted.
8

9 Motion to Approve: Ley/Gomes
10

11 Discussion:

12 Member Mina asked if this lot is next to her existing lot?
13

14 Ms. Ah-Yo replied that no, she is doing farming on her own personal property.
15

16 Member Mina asked if all those lots are filled at the ag park?
17

18 Ms. Ah-Yo said she believes most of them are filled in this area and she thinks there
19 might be one or two left that need to be filled. In this case, if there are people that are
20 interested in applying for a sublease, they would go through the coop. All applications
21 go through them and then come to DOA.
22

23 Vote: Approved; Unanimously
24
25

26 V. OLD BUSINESS 27

28 A. Approval of October 24, 2023 Meeting Minutes 29

30 Chairperson Hurd said that there aren't enough members currently present that
31 attended the October 24, 2023 meeting to approve the minutes.
32

33 Motion: Deferred to next meeting.
34
35

36 V. NEW BUSINESS 37

38 A. Presentation on Department Procedures and Policies Regarding Compost 39 Movement 40

41 The board went into recess at 9:49 am

42 The board returned from recess at 10:07 am
43

1 Board Member Gomes left the meeting at 10:07 am

2

3 Chairperson Hurd apologized and made a correction that Dr. Grewal Parwinder is the
4 full-time, permanent Dean of CTAHR.

5

6 Darcy Oishi, Acting Plant Pest Control Branch Manager, apologized for being late.

7

8 Mr. Oishi said an interim rule to Chapter 4-72 was presented to the Plants and Animals
9 Advisory Committee back in October. Based upon the Advisory Committee's
10 determination was approved by Chair Hurd and went into effect. This allows the
11 department to improve our surveillance of compost. Using this interim rule, we are now
12 requiring treatment of compost before it leaves island. Plant Quarantine witnesses the
13 treatment of the compost before it leaves. In addition to Plant Quarantine's inspection
14 activities as it relates to interim rule 23-1, there's also some inspections conducted by
15 the CRB response using canine material before it leaves island to ensure it is clean.
16 There is much more functional, on-the-ground, eyes looking at compost before it leaves
17 Oahu and heads to other islands. He adds that in some cases, as compost is arriving on
18 the neighboring islands from the mainland, it remains unopened as it transits to their
19 destination. That has been verified both by tracebacks and forward by the department in
20 addition to conversations with compost suppliers. Compost is much more secure now
21 than it was a year ago. The interim rule is good until October 2024, but hopefully the
22 proposed rule changes that are being reviewed now should encompass some of these
23 concerns and exceed the requirements that are currently being covered by the interim
24 rule.

25

26 Member Mina asked if there are 2 shippers – Hawaiian Earth Products and Island
27 Topsoil that are being shipped to our island.

28

29 Mr. Oishi replied that there are more groups that ship but they are the largest producers
30 of bulk compost. He added that there are two different methods. There are bulk
31 compost shipments which usually go by 20 or 40 foot container from Oahu to other
32 islands. The other is bag shipments. If it's going to a big box store, it is going to a third
33 party and there are more people that sell bagged products than just Island Topsoil and
34 Hawaiian Earth Products.

35

36 Member Mina asked if they go out in super sacks.

37

38 Mr. Oishi said no. A bulk shipment would be a full container. Hawaiian Earth prefers to
39 use a treatment that involves fumigation while Island Topsoil prefers to use a steam
40 treatment. He also said that studies have shown that the fumigants used leave more of
41 the microfauna and microflora than the steam treatment.

42

1 Member Mina asked if they are testing the middle of the palette when you're putting the
2 sensors in to sense whether the treatment is getting through to the compost bags.

3
4 Mr. Oishi responded that sensors would be placed in multiple locations within a load.

5
6 Member Mina said it is his understanding that this treatment cannot get through plastic
7 and that doesn't penetrate moist soil.

8
9 Mr. Oishi said the wetting of the outside is to improve the seal to help ensure the gas
10 remains and you shouldn't be adding in wet compost to begin with. The system requires
11 that you fumigate until the sensor reads a minimum amount of chemical has been
12 pushed through. Plastic and moisture content will slow the rate of absorption, but you
13 will still reach that point. Plastic and moisture prolongs the amount of time that it needs
14 to take to hit the minimum treatment requirements. It doesn't prevent you from reaching
15 that number, but it slows it down. Introducing some holes will allow penetration of gas.

16
17 Member Mina said some bags of compost were bought and were brought to the
18 department to have tested and the results included e-coli. It was thought to have been
19 locally produced but it was produced on the mainland. He said he's wondering if there is
20 an inspector at the site while these are being treated and if they are sticking sensors
21 into the middle of the pile.

22
23 Mr. Oishi said they do witness the treatment.

24
25 Member Mina asked Mr. Oishi if he is confident that with the way treatment is being
26 done, the treatment is getting through to the complete pallet, even when it is completely
27 shrink wrapped.

28
29 Mr. Oishi replied that if he is referencing his personal confidence level as it relates to
30 fumigation, he said yes, he is confident. He added that there are caveats and what
31 happens post treatment can affect what happens. If the chain of custody is broken and
32 the material is stored for an inordinate period, where and how it's stored can influence
33 what happens. He added that has no efficacy of the fumigation. He said what he has
34 seen as it relates to CRB is fresh material is not necessarily attractive to the beetle.
35 Something happens to the aging process that makes it more attractive to the beetle. So,
36 any time material is sitting for a prolonged period of time, post treatment especially, it is
37 subject to attack by the beetle. He added that he thinks the microfauna that is present
38 changes over time. Steam is more effective at killing a wider range of material on
39 compost, but we do want microbial activity in your compost.

40
41 Member Mina said he wants to make sure that the efficacy of the sulfuryl fluoride is such
42 that we are hitting this at point A and not spreading it any further around the state.

43

1 Mr. Oishi added that he is more confident in the implementation of sulfurlyfluoride
2 treatments than the steam treatments because you can have cold spots within a pile
3 that is being heated.

4
5 Mr. Oishi said he is not sure how operationally Plant Quarantine is handling bag
6 compost to the detail that the board is asking. He isn't sure at what point and how close
7 it is to shipping that the material is fumigated. In the past, material that was present in a
8 box store moved to another island because it wasn't selling, and we may not know that
9 that material has been shipped. He added that some composters are buying material
10 and mixing, creating blends, and packaging. He said Plant Quarantine did witness
11 treatments as part of a test of bagged material with one of the companies that is
12 engaging in the fumigation, and they reached the desired concentrations of gas within
13 the compost material.

14
15 Mr. Mina said that people here are talking about this and are not confident that the
16 fumigants are getting through. He added that there is a need to have regional compost
17 sites on the island so we're not shipping across the islands.

18
19 Chairperson Hurd said that she thinks Vince is saying that they want to observe the
20 actual fumigation of those bagged compost pallets, and then test as to whether the gas
21 has gone into the bag. She asked Mr. Oishi if we currently have that data.

22
23 Mr. Oishi said yes PQ may have that data.

24
25 Member Mina suggested to take a pallet, fumigate, pull out one of the bags and see if
26 the treatment is there.

27
28 Chairperson Hurd said we'll note that and present it and not as a Director's Report or
29 New Business.

30
31 Motion to adjourn: Mina/Evans

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33 Vote: Approved; Unanimously

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35 The meeting was adjourned at 10:31am

36
37
38 Respectfully submitted,

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40
41
42 Marci Clingan

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