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**Minutes of the Board of Agriculture
June 25, 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 June 25, 2024, at 9:09 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

- Ryan Kanaka'ole, Board of Land and Natural Resources, Ex Officio Member
- Mary Alice Evans, Ex-Officio Member
- Diane Ley, Hawaii Member (Left the meeting at 9:49 am and rejoined at 9:55 am)
- Fred Cowell, Kauai Member
- Randy Cabral, Member-at-Large
- James Gomes, Member-at-Large
- En Young, Member-at-Large (Joined meeting at 9:18 am)

Excused:

Vincent Mina, Maui Member

Deputy Attorney General Present In-Person: DAG Bryan Yee

Others Present In-Person:

- Deputy Dexter Kishida
- Marci Clingan
- Stephen Dalton
- Roy Hasegawa
- Linda Murai
- Jonathan Ho
- Christoper Kashimoto
- Kelcie Nagata

1 Senator Jarrett Keohokalole
2 Wayne Tanaka
3

4 Others Virtually Present:¹
5 Brandi Ah Yo
6 Bryson Kawasaki
7 Janet
8 Sen. Jarrett Keohokalole
9 Sen. Gabbard Office
10 Kimeona Kane, Waimānalo
11 Toy Lim
12 Brandon Tanaka
13 Sierra Club of Hawai'i
14 HDOA_PIO
15 Vincent
16 Mialisa Otis
17 Beryl.TL.Manliguis
18 Mark
19 J Ferrer, HDOA
20 Linda
21 Office of Senator Keohokalole
22 Wayne Takamine
23 Alex Narrajos
24 Lia Bellord
25 Patti Choy
26
27

28 II. APPROVAL OF MINUTES FROM 5/28/24 MEETING

29
30 Motion to Approve: Gomes/Cowell

31
32 Vote: Approved; unanimously
33

34 III. INTRODUCTIONS

35

36 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

37

38 A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

39

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

- 1 1. Request on the Transfer of Public Lands from the Department of Land and
2 Natural Resources to the Department of Agriculture Pursuant to Act 90,
3 SLH 2003, Codified as Chapter 166E, Hawaii Revised Statutes and
4 Conversion from a DLNR to an HDOA Lease; TMK Nos.: (1) 4-1-008:054
5 and 059; Waimanalo, Koolaupoko, Island of Oahu, Hawaii
6

7 Roy Hasegawa, Property Manager of the Agricultural Resource Management Division,
8 presented testimony as submitted.
9

10 Motion to Approve: Gomes/Evans
11

12 Discussion:

13 Member Cabral asked Mr. Hasegawa to be more specific as to what is pending so that it
14 can come before the board. He added that his understanding is that he did address the
15 issue of back rent by submitting a proposal. He asked what else is outstanding that
16 needs to be worked on.
17

18 Mr. Hasegawa said there is the issue with the back rent and an encroachment issue
19 and that they are finalizing the counter letter to Mr. Gibson for the back rent. There is a
20 tentative meeting on July 3rd with DOFAW for the encroachment issue.
21

22 Member Cabral said that his understanding from DLNR is that they have no issue, and it
23 can be resolved easily.
24

25 Member Gomes said for information and public safety, Buddy is putting in cattle
26 tomorrow because he's afraid if he doesn't get it in there now, there's a possibility of the
27 homes below catching on fire if kids light up that place with the amount of forage now.
28

29 Member Gomes stated that a proposal was submitted by Buddy, and he wants to know
30 how soon it will be until this is brought to the board.
31

32 Mr. Hasegawa said the letter is going to be finalized and that he expects that it'll be sent
33 out this week to Mr. Gibson regarding the back rent.
34

35 Chairperson Hurd clarified that the letter explains what DLNR's back rent was, Buddy's
36 proposal, and how DOA will calculate the middle ground. It also considers the appraisal
37 that was done by ACM.
38

39 Member Gomes asked when they can get a copy of the appraisal that was done by
40 ACM including the lessee.
41

42 Mr. Hasegawa responded that the appraisal would go to Mr. Gibson this week and a
43 copy can be sent to Member Gomes as well.

1
2 Member Cabral asked if Mr. Gibson says no to DOA's proposal and says he is sticking
3 with his original proposal, would it come to the board for approval?
4

5 AG Yee said that the DOA was going to negotiate with Mr. Gibson. If they fail to reach
6 an agreement, they will come to the board with the various positions each side has
7 taken, and the board could resolve it. He added that the department was going to
8 attempt to reach an agreement first before it is submitted to the board.
9

10 Member Evans said she'd like to speak in favor of giving the lessee credit for
11 environmental services by putting cattle into overgrown grasslands that are near homes
12 that can reduce fire danger as we go into the fire risk season. She said she'd like the
13 department to consider that in addition to the appraisal which may not take that into
14 account.
15

16 Member Gomes added that Buddy has been a steward of this area for the last 60 years.
17 He has also cleared the understory of the branches and limbs that fall off the trees with
18 his own dime. He is not asking for anything, but he is concerned about the community
19 below and around him.
20

21
22 V. OLD BUSINESS
23 None
24
25

26 VI. NEW BUSINESS
27 A. NONE- ACTION ITEM: Invasive Species Action Plan Updates
28

29 Jonathan Ho, Acting Manager of the Plant Quarantine Branch, presented new business
30 item and updates regarding the invasive species actions.
31

32 Mr. Ho said he has been focused on implementing what Chapter 4-72 needs to be done
33 and getting all the positions ready for the governor's proposed cutting of positions that
34 are over 4 years old. Quite a few upper-level positions in PQ fall into that category and
35 losing them would be catastrophic. There has been a lot of concern about knowingly
36 selling infested material but there hasn't been any evidence that directly correlates to
37 that. He added that there was a lot of talk about a particular nursery in Waimanalo. They
38 were very cooperative, and DOA has done 3 surveys on their property with the last
39 survey having not found any LFA. This is just the start of a lot of other surveys moving
40 forward and this is how the department functions with nurseries. When there is an issue,
41 the DOA reaches out to the business directly and then DOA starts working with them.
42 Since the rule has come through, the DOA hasn't had any other situations where they
43 were unable to get any access. Mr. Ho continued that they have a bunch of ongoing

1 responses with regards to LFA and PQ is doing 2-3 surveys a week across Oahu. This
2 is about 13% of staff's time to do this work and it is quite taxing from the normal duty.
3 He added that if they find LFA, they work with those nurseries or establishments to
4 ensure that they're being treated.

5
6 Mr. Ho said they are continuing to do CRB mitigation particularly for inter-island
7 movement of green waste. PQ does roughly two inspections a week witnessing
8 treatments of mulch and/or potting commercial material. All the shipments are subjected
9 to treatments whether it be heat or fumigation and ensuring any containers that it's
10 shipped in is completely sealed to prevent infestation after the fact. PQ is doing
11 outreach and added inspections at the harbors. He added that last week they refused a
12 shipment going to Lanai and that the shipper did not know about the regulation. They
13 are working with the shipper to fumigate and get it so they can move it.

14
15 Mr. Ho said that regarding the Coqui frogs, this year, they've done about 80 responses
16 on Oahu and caught about 400 frogs so far.

17
18 Mr. Ho added that the DOA has entered into agreement with DLNR and UH to
19 coordinate efforts to deal with LFA, CRB and to some extent Coqui. They are working
20 with partners that include HISC, HAL, and CRB Response Team to get county specific
21 plans with folks that are on the ground so the needs for each island can be met. He
22 added that the legislature passed HB2619 which provides a significant amount of
23 money. Once signed, they can get concrete plans out.

24
25 Alexander Hubbard, concerned community member, provided public testimony and said
26 more needs to be done to limit the spread to outer islands and that the practices
27 currently in place are inefficient. He asked to be kept updated on the meetings that DOA
28 has been having with UH and other communities. He added that it's happening very
29 rapidly across the island, but he is encouraged to hear that the DOA has received
30 money for funding to fight this. He is requesting that the DOA start to think in terms of
31 green waste management for every ahupuaa, especially in contaminated infested
32 areas. Dillingham Ranch is an example of a massive amount of green waste material
33 that is a host zone for CRB. They are no longer living in the mulch and once they
34 establish themselves in the tree, those trees become host sites for them to proliferate.
35 He added that he is very skeptical that Hawaiian Earth Products can manage, as the
36 sole aggregator of Oahu, all the green waste effectively. He said its absolute negligence
37 that over the last months there has been advertising from this company giving out free
38 soil to spread around the island. He added that Senator Awa has organized a townhall
39 meeting on July 1st at Kahaluu Elementary School Cafeteria from 6-9 pm. He continued
40 that Kahaluu is one of the areas that has not been affected and are only now
41 experiencing its first outbreak which happened last month.

1 Chairperson Hurd stated that we recently had a group of scientists from all over the
2 Pacific convene to discuss CRB. She said there is no biocontrol or effective treatment
3 but the number one thing we could do is sanitation. She added every county was
4 awarded some funding to take care of green waste management and there have been
5 some really good ideas. In addition, we made a request for proposal for communities for
6 green waste management.

7
8 Mr. Hubbard said he also would like to request that the department allows lands for the
9 public in their ahupuaa to control the contaminated material. He said if you look at
10 different studies in the past from other Pacific Islanders, they've managed and
11 contained their green waste within their own areas, and it can be successful.

12
13 Mialisa Otis testified as a community member and said this situation has been out of
14 hand even before the ant lab. She also said she would appreciate it if the bad actors
15 can be named so she doesn't bring LFA home.

16
17 Mr. Ho said the department has a program where it certifies nurseries and the list of
18 these nurseries is posted on the DOA's website. This list is primarily to facilitate
19 movement and there's standards that need to be met to enable the certification. He said
20 the department has about 135 nurseries statewide and about 42 in Oahu that has this
21 certification.

22
23 Wayne Tanaka, Sierra Club of Hawaii, said he wants to know where the department is
24 in terms of having the detailed control and eradication plans. He said he is confused on
25 whether there are established processes or plans and if there is a living document or
26 something that the public can review as well as decision makers. He added that part of
27 that ties into the bill which is the 20-million-dollar appropriation which the governor
28 intends to veto. He asked how we can be sure that these resources are available. He
29 added that he would like to know how the department is leveraging the resources of the
30 Hawaii Ant Lab, ISCs, and CGAPS and if the Hawaii Ant Lab currently advising specific
31 businesses as to best practices and responding to potential outbreaks and keeping
32 them from potentially getting out of hand. He mentioned that if the CRB jumps to other
33 pacific island states where the economy is dependent on coconut, we will tank entire
34 nations. This will affect us and future generations.

35
36 Mr. Tanaka said he wants to thank the board for approving the 4-72 rules last February.
37 He said he wants to urge the department to move on those rules and expedite the
38 process.

39
40 Senator Jarrett Keohokalole came up to testify. He asked if there is an LFA action plan
41 available for public view. He added that the first time they saw a draft of the plan was
42 after the informational briefing that was held in the Senate in May. He also did not see
43 the CRB action plan and is wondering if the plan has been published and is publicly

1 available and if the board will be briefed on the plan. Regarding the LFA action plan in
2 the May 2nd briefing in the Senate, there was a discussion about the need for specific
3 work plans to be drafted by the department to make that plan actionable. He continued
4 that this is a specific concern because, the understanding in their office is that the
5 Hawaiian Ant Lab was directed by DOA in February to stand down on any work that it
6 was conducting with commercial nurseries specifically on Oahu and in Waimanalo. It
7 would be nice to hear if there was some engagement by the department not just with
8 the commercial operators that were discussed in the briefings, but with the operators
9 who had been partnering with the ant lab and receiving guidance on best management
10 practices in how to deal with pest management voluntarily. Not just the guys that came
11 up in the conversations over the last several months, but all the other commercial
12 operators who were working with the ant lab that are no longer working with the ant lab.
13 It would be nice to hear an update from the department as to what is going on with
14 them, and whether they are continuing to get appropriate guidance on what they're
15 supposed to do. He added that it's his understanding that from February to May, there
16 was nothing done with those commercial operators. He also noted that just because
17 there is no evidence, it doesn't mean there's no infestation especially if there's no
18 investigation going on. He said he also heard the department say they have no authority
19 to conduct investigations when the commercial operator refuses entry, and they don't
20 have any authority because there's no action plan. He said he feels the board should be
21 apprised of whether the action plan that was developed by the DOA allows the DOA to
22 do what it needs to do since it directed the Hawaii Ant Lab to no longer engage with
23 commercial operators in the treatment of pests. He also added that it has been 16
24 months since the board has approved the Chapter 4-72 rules and it's been 5 months
25 since the public hearing. He continued that the process was delayed by 6 months
26 because the department said a legal check was to be made after the board approved
27 the rules, which he said was a false statement. He said he wants quicker movement on
28 the review of the comments and the status of when the comment review period will be
29 completed so the public has an understanding on when those rules will go through.

30

31 Member Gomes said he'd like to thank those that testified and that they were good
32 points. He added that we need to be more transparent and stay on it. He asked if we
33 have enough staff to continue this project and if not, how would we scale up so we can
34 be more online with everyone and the public is satisfied.

35

36 Mr. Ho replied that for LFA responses on Oahu, it's about 13% of staff's time. That is a
37 function that isn't tasked to PQ but is actually a Plant Pest Control Branch function. If
38 something similar should occur for any other pest, the numbers will clearly show that
39 there isn't enough time to do the normal functions of inspections and certifications to
40 ensure pests aren't moving or being imported into the state. If HB2619 gets signed and
41 those positions can get filled, it will likely assist, depending on the level of funding and
42 the specific projects that are being implemented. We'll do a lot of work to show the
43 legislature and the public that we want to do the work that needs to be done.

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Member Gomes asked if we are listening collaboratively to the public and stakeholders so we can satisfy everyone the best we can.

Mr. Ho replied that there were two RFPs specifically for CRB green waste management. There was one contract for each island for \$40,000. The other RFP was for the control and management of CRB on Oahu and for up to \$25,000. He said they are through the contracting process to get those out so we can distribute funds. Those projects are folks in the community and their work can be scaled up and distributed if they show efficacy. He added that it's going to take a lot of enforcement and education outreach so that people understand the risks and what they can do to help manage the spread. Maybe one day we'll be able to get that biocontrol agent and potentially distribute it to the public to help manage their areas.

Chair Hurd said it's a good chance for us to say thank you to Jonathan and the PQ Branch team for all the hard work they're doing with the RFP and working on the contracts. She added that we hope to use the money from HB2619 to do a wider RFP statewide with results from the successful projects.

Mr. Gomes referred to what Mr. Ho mentioned about the possibility of not having enough money. He said we have Senator here and they're policy makers, but they would need to know a strategic plan of how much you need, why you need it, and where it's going. and then they can fight for the department to get money so we can resolve this invasive species.

Mr. Cabral asked what the process is regarding HB2619.

AG Yee replied that HB2619 is primarily a series of appropriations of items. Governor is looking at a line-item veto for some of those matters and it is not known how much or which ones Governor is looking at.

Motion to adjourn: Gomes/Cowell

The meeting was adjourned at 10:05 am

Respectfully submitted,

Marci Clingan