



Minutes of the Board of Agriculture  
October 22, 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 October 22, 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

Mark Takemoto, DBEDT, Ex-Officio Member

Present with Mr. Takemoto – Lyle Rowe and Francis Empeno Jr. both from

DBEDT

Parwinder Grewal, Dean CTAHR, Ex-Officio Member

Diane Ley, Hawaii Member

Vincent Mina, Maui Member

Fred Cowell, Kauai Member – joined at 10:34 am

Randy Cabral, Member-at-Large

James Gomes, Member-at-Large

En Young, Member-at-Large

Excused:

None

Deputy Attorney General Present In-Person: DAG Bryan Yee

Others Present In-Person:

Jill Scheibe, HDOA/Ag Loan

Francis Duran, HDOA/Ag Loan

Jonathan Ho, HDOA/PQB

Christopher Kishimoto, HDOA/PQB

Jason Azus-Richardson, HDOA/IT

Janelle Saneishi, HDOA/Chair's Office

Marci Clingan, HDOA/Chair's Office

1 Kelcie Nagata, Attorney General's Office  
2 Brian Miyamoto, Hawaii Farm Bureau  
3 Dana Shapiro, Hawaii Ulu Co-op

4  
5  
6

Others Virtually Present:<sup>1</sup>

Arisa Barcinas  
chung  
Roy Hasegawa  
Jessica Miura  
Brian Miyamoto  
J Ferrer, HDOA  
Travis Moon  
mb  
Alex  
Tiffani Keanini, KISC  
Janet  
Joseph Wat  
takeminews  
Dexter Kishida, HDOA  
Jeremy Gooding  
Sierra Club of Hawai'i  
Thomas Heaton  
jr  
Mark Ladao  
Chuck Chimera  
Eric S. Tanouye  
Beryl.TL.Manliguis  
e.bryant  
Sanna Matheny  
AGR Matsukawa Dean  
Stephanie  
Kate Wiechmann  
Kimberly Oi  
Jules Peleiholani  
Nate Dube, OISC  
Chelsea Arnott  
John's iPad (2)  
jerome.k.yasuhara

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

Mark Ladao  
Brandi Ah Yo  
Cathy Davenport, Maui Nui Botanical Gardens  
mccop  
Kirsten Kagimoto (she/her)  
ChunKB  
Maria.J.McCarthy

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II. APPROVAL OF MINUTES FROM 8/27/24 MEETING

Motion to Approve: Gomes/Ley

Vote: Approved – 7, Abstained – 2 (Cabral/Takemoto)

III. INTRODUCTIONS

IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRICULTURAL LOAN DIVISION

1. Request for Approval of One (1) Loan Guaranty to Hawai'i Ulu Producers Cooperative

Jillian Scheibe, Agricultural Loan Division, presented testimony as submitted.

Motion to Approve: Gomes/Grewal

Dana Shapiro, CEO of the Hawaii Ulu Cooperative testified and shared more information about the importance of this loan guarantee. She said as a farmer owned cooperative in Hawaii, access to capital is very limited. She said they've worked hard to build a capital campaign with social impact investors who understand the triple bottom line impact of their business model, and that it's not all about economic returns. There's also an important social and environmental benefit for Hawaii and they still require the sort of financial guarantee that Ms. Scheibe just described. So, the Department of Agriculture's ability to offer that guarantee and unlock this amount of capital for the Co-Op would be significant for them. This will allow them to reach their goals of scaling their business model and reaching economies of scale so that they can be economically viable without grant subsidies. She added that is the goal of this overall capital campaign and DOA's guarantee is a pivotal piece of the whole equation. This will enable them to get the capital that they need to scale and upgrade the facility and support working capital so they can reach those volumes over the next few years.

Discussion:

1 Board Member Young said he has a conflict on this item both on the investment committee for  
2 Mission Driven Finance and KS's backing the loan. He added that this is a good way to attract  
3 private capital and that the loan guarantee is not necessarily an outlay. He said it comes in if  
4 things go awry and there is a risk sharing with the public. It is a way that the department can  
5 incentivize private folks to bring in capital on what would be seen as a little riskier from a  
6 conventional financing standpoint. He added that it's a way for the state to share the risk and  
7 incentivize that and it won't count against our total outlays unless something goes awry. It's a  
8 good source of leverage.  
9

10 Board Member Ley asked if it's basically the same application and review process as with any  
11 agricultural business.  
12

13 Ms. Scheibe said yes, they will be looking at the same levels of what are the collateral, how do  
14 they cash flow it, and does it make sense. There's not a lot of cooperatives.  
15

16 Board Member Ley asked if there is a pool of resources that are available for guaranteed loans.  
17

18 Ms. Scheibe said this would be a better question for the division head. She said she knows  
19 there is a certain level of how much they can guarantee and is higher than their normal  
20 aggregate amount, but there is a cap.  
21

22 Board Member Ley asked if the facility improvements would be at the Honalo Marshalling Yard.  
23

24 Ms. Scheibe said yes.  
25

26 Board Member Ley asked what the working capital includes.  
27

28 Ms. Scheibe said working capital, especially in the case of a co-op, is normally the soft padding  
29 they need to pay the farmers. Generally, working capital could be anything from purchases and  
30 supplies, paying people the labor for the six months that they might not be able to use the area.  
31

32 Board Member Ley said this one doesn't have a credit history added and asked if this is typical  
33 of the process for guaranteed loan or for cooperatives.  
34

35 Ms. Scheibe responded that because they are a cooperative, it's going to be a lot harder. The  
36 lenders went ahead and verified with all the creditors that they currently have and that they're in  
37 good standing.  
38

39 Board Member Ley asked if the department reviewed what other lenders are also a part of that  
40 long term debt.  
41

42 Ms. Scheibe said all their creditors are listed. We have an accounting of the amount and who,  
43 what, where, and why.  
44

45 Board Member Ley said with respect to the projections for fiscal year 2025, it references a loan  
46 amount. Is that this proposed loan or would it be in addition to it.  
47

1 Ms. Scheibe said yes, that's the lenders that we're working with.

2  
3 Board Member Ley asked if the division has a set dollar amount that is authorized by the  
4 legislature.

5  
6 Dean Matsukawa, Ag Loan Administrator, said normally they take 10% of the loan amount and  
7 they put that on the side as coverage if we must pay out. We are allowed to go up to \$10 million  
8 in guarantees. He added that they put 10% on the side and hopefully they have enough in that  
9 pot to cover whatever goes awry.


10  
11 Board Member Young said he would be happy to sit with the department and look at what the  
12 joint underwriting might look like.

13  
14 Vote: Approved – 8, Recused – 1 (Young)

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17 B. PLANT INDUSTRY DIVISION

18  
19 Plant Quarantine Branch

20  
21 1. Proposed amendments to chapter 4-72, Hawaii Administrative Rules:

- 22 (1) Request for Extension of Time for Submission of Hearing Officer's Report  
23 and Recommendation on Proposed Amendments to Chapter 4-72, Hawaii  
24 Administrative Rules (HAR), Entitled "Plant and Non-Domestic Animal  
25 Quarantine Plant Intrastate Rules", Including Amendments to Among Other  
26 Things: Implement Quarantine Restrictions on the Coconut Rhinoceros  
27 Beetle (CRB) and CRB host materials; Implement Fees for Inspections and  
28 the Processing and Issuance of Permits; Establish Authority to Prohibit the  
29 Movement of Infested Materials Within the State; Include Penalties for Non-  
30 compliance; Make Other Changes for Clarity or Simplification and Other  
31 Non-substantive Changes Correcting Grammar, Punctuation, or Typeface;  
32 (2) Submission of Hearing Officer's Report and Recommendation on Proposed  
33 Amendments to chapter 4-72, HAR;  
34 (3) Request for Acceptance of Minutes of Public Hearings; and  
35 (4) Request for Adoption of Proposed Amendments to chapter 4-72, HAR. 

36  
37 (See attachment 1 for a summary of the specific proposed changes)

38  
39 Jonathan Ho, Plant Quarantine Branch, presented testimony as submitted.

40  
41 Nate Dube, Oahu Invasive Species Committee, said he's submitted a lot of testimony regarding  
42 Chapter 4-72 all in strong support from the Oahu Invasive Species Committee. He said they  
43 support anything that will help in the fight to stop the spread of high-impact, high-priority  
44 invasive species that are target species for OISC, such as LFA and Coqui Frogs. Whatever the  
45 department needs to do to ensure that that happens more quickly than it has in the past, he  
46 would support that as well. He added that they really see a gap in the regulatory aspect of  
47 managing some of these target species that we're dealing with on the ground every day.

1  
2 Joseph Wat, community member, said he is also in strong support of these amendments to the  
3 administrative rules. Agreeing with Nate, he thinks that they need much stronger regulatory  
4 oversight on the movement of these materials. Since testifying in January 2024, both the house  
5 where he currently lives and the house where his uncle lives has tested positive for little fire  
6 ants. These are new infestations. He said they did not have little fire ants a year ago and he still  
7 needs to treat for a year and monitor for three years following that. He said they are in  
8 desperate need of assistance in regulating the movement of these materials on island. He  
9 added that he is grateful that this is moving forward and anything that he can do to expedite this  
10 process and empower the HDOA to have the capacity to do this.

11  
12 Wayne Tanaka, Sierra Club of Hawaii, said they're in strong support of adoption of this rule  
13 amendment. If and when the governor signs these rules, there's going to be a lot of investment  
14 needed in implementation and in plan and strategy development and including in making  
15 appropriate requests to the legislature next year. He added that he wants to work together with  
16 the department to advocate for things that will meaningfully enhance our biosecurity  
17 infrastructure, which is desperately needed. He said he would encourage the board to ask the  
18 staff to regularly provide updates on the progress. He strongly urges the board to adopt these  
19 rules.

20  
21 Stephanie Easley, Coordinating Group on Alien Pest Species, said they submitted written  
22 testimony in strong support of the proposed amendments to Chapter 72. She said they're  
23 grateful for the work that HDOA and this board has done to get it to this point, and they hope  
24 this Board will approve it. She added that she hopes HDOA will take the remaining necessary  
25 steps to submit this, which includes submitting to the Small Business Regulatory Review Board  
26 and to the Governor for signature as quickly as possible so these amendments can take effect.  
27 She added that they do not want any changes to the proposed rule amendments at this time.  
28 She pointed out how modest these rule amendments are and that they do not contain a ban on  
29 selling to the public plants, mulch, or other merchandise that is infested with LFA, CRB, or  
30 Coqui Frogs, even if the seller knows about the pest infestation. She hopes that the board  
31 members will urge HDOA to adopt an interim rule that contains a requirement that a seller  
32 quarantines infested plants, mulch and other merchandise. She said she really hopes that  
33 HDOA would move forward with that action, and they are grateful that it restarts the compliance  
34 agreement program on Oahu which requires people in the business of transporting, selling, or  
35 processing CRB post material to use best management practices. They hope that this board will  
36 expand that program to Kauai which HDOA has determined is widely infested. They urge HDOA  
37 to work with the Office of The Governor to seek an emergency proclamation for CRB across the  
38 state. An emergency proclamation would make additional funding available and would allow a  
39 more rapid response to infestations and ease procurement rules.

40  
41 Eric Tanouye, Hawaii Floriculture and Nursery Association, said they understand the need to  
42 update the amendment, yet they still have large concerns on the changes being implemented.  
43 The language in the proposal is confusing for their members, and they would like an easier way  
44 of sharing with their member growers. They find it important to have or request a guidance  
45 document for clarity. This guidance document should contain helpful and clear explanations on  
46 the impact of harboring pests and any repercussions, an explanation of fees and how they will  
47 be implemented, how a quarantine would be enacted and administered, and the steps to end

1 the quarantine with a timeline of the steps needed to get out of quarantine, a current list of  
2 regulated tests with their status is being vetted and suggested actions by the department. He  
3 wants this information to be delivered in an easy to digest format which will allow his growers  
4 and producers to have trust in the system that the Department of Agriculture is putting forth.  
5 With this information gathered, he said it would be good to meet with stakeholders to explain the  
6 changes.

7  
8 Mr. Ho said the industry has been quite consistent with a lot of the concerns and the branch  
9 recognizes those concerns. He added that the DOA are going to work with industry members  
10 that are affected by pest issues before they start taking regulatory action. They'll continue to  
11 provide clarification on the list of things that the industry would like to see. Anything that the  
12 DOA can do to help them to comply is what they're going to do.

13  
14 Joseph Wat, community member, said he feels that the translation of the administrative rules is  
15 an extension task and asked how CTAHR would be involved in that. He wanted to get DOA's  
16 thoughts on that collaboration.

17  
18 Chairperson Hurd said that Dr. Grewal is online and we can take the questions at the end.

19  
20 Brian Miyamoto, Hawaii Farm Bureau, acknowledged the DOA's staff and their partners on all  
21 their work to fight on the invasive species. He said that the industry wants to comply, and we  
22 should be going after the bad actors. Mr. Miyamoto asked for a guidance document because it  
23 is confusing to the members, growers, and stakeholders and said the language is confusing. He  
24 wants the impacts of harboring pests, repercussions, fees, and implementation clearly explained  
25 in a guidance document. He added they would also like guidance on how a quarantine will be  
26 enacted, administered, and the steps to end the quarantine with a timeline. Mr. Miyamoto also  
27 asked to receive an updated list on regulated pests and the suggested actions by the DOA.

28  
29 Discussion:

30 Board Member Gomes asked if there are staff and funds to move this forward.

31  
32 Mr. Ho responded that the legislature provided \$10 million through Act 231 which includes 22  
33 positions for Plant Quarantine with 20 of them being for inspectors throughout the state. The  
34 Plant Pest Control Branch also obtained positions. He said the department is looking to use the  
35 \$10 million as a start for a lot of the pests particularly with CRB and LFA and the department is  
36 looking to get the full amount legislatively for recurring funds so the department will have the  
37 resources to fully implement the needed work for pest and invasive species control. He said  
38 most of the Plant Quarantine vacant positions were able to be refilled quickly.

39  
40 Chairperson Hurd said that the department is always recruiting and even with the 22 positions  
41 that Mr. Ho referenced from Act 231, the department will still be coming back for additional  
42 positions.

43  
44 Board Member Grewal said he is thankful for the leadership of the department on this issue and  
45 that invasive species is one of the biggest issues that they are dealing with. He added that he  
46 wanted to echo the comments made from Mr. Tanouye and Mr. Miyamoto and that a simplified  
47 guidance is needed to show the implications and how different processes or steps would work.

1 He also said CTAHR will support the educating of farmers and producers and anyone who is  
2 involved in the sale of products such as compost and soils.

3  
4 Board Member Grewal asked if everyone would be able to afford to pay the cost of obtaining the  
5 permit and inspections needed and if there is a mechanism for them to obtain the patent and go  
6 through the inspections.

7  
8 Mr. Ho said the fee portion is already being implemented. The legislature required the fees, so  
9 HDOA has already been charging when they are appropriate. They are just adding it to the  
10 rules. Most of the producers that require inspections are already dealing with the fees. He  
11 added that the producers or the shippers come to DOA at the ports and those inspections are  
12 free. He said the permitting fees are new and they weren't charged before. He added that the  
13 biggest impact for inter-island would be for soil shipments or plants for Rapid Ohia and for logs  
14 for building material. These two would have a lot of permits. It's \$100 for unlimited shipments if  
15 they meet the permit conditions within the 365 days of the date of issuance.

16  
17 Mr. Grewal said his main concern is that if the site needs to be inspected, the cost might  
18 become quite hefty.

19  
20 Mr. Ho said those would be the very large, containerized type shipments and those folks are  
21 already paying the fees. He confirmed that DOA is not increasing the fees in any way, shape or  
22 form and that they're already being charged the \$50 fee.

23  
24 Chairperson Hurd thanked CTAHR for collaborating with the DOA.

25  
26 Mr. Ho added that 4-69 is under Plant Pest Control and 4-72 is under Plant Quarantine so  
27 coming up with a singular place for all that to go would manage and provide clarity that the  
28 industry is looking for. He mentioned that in Act 231, there are some funds for system  
29 approaches for pest management, and they aren't limited to CRB, LFA, or Coqui Frogs.

30  
31 Board Member Cabral agreed that there needs to be a guidance document. He asked what is  
32 the timeframe for developing this document?

33  
34 Mr. Ho said he is unsure. He said how you deal with an individual pest on an individual island  
35 will be different for each. Finding a way to provide that specificity for each group by island will be  
36 difficult. The higher-level clarification that the rules are missing can be provided prior to the  
37 implementation of the rules. He also said they can meet with the industry to go over questions  
38 that they may have. The DOA can provide updates to the board so they know the status and so  
39 they can see that these things are moving along.

40  
41 Board Member Cabral asked if the new rules are approved today, will it go to small business or  
42 directly to the Governor to review?

43  
44 Mr. Ho said there is an after public hearing Small Business Regulatory Review Board meeting  
45 before it goes to the Governor.

46  
47 Deputy AG Yee said the small Business Regulatory Review Committee is allowed to comment



1 on it, but they do not have the authority to change a role.

2  
3 Board Member Cabral asked if it is standard language in any rulemaking to have language  
4 which states the State is not responsible for economic loss and damage.

5  
6 Mr. Ho replied that the intent of this specific portion was to deal with things like treatment. He  
7 added that he is unsure if it was a blanket statement.

8  
9 Deputy AG Yee said he thinks the intent was to recognize that where the plant is infested, there  
10 may be an economic loss, but the State doesn't allow the plant to be transported anyway.

11  
12 Board Member Cabral asked if we need to approve the rules in total or could we recommend  
13 parts be taken out.

14  
15 Deputy AG Yee said yes, you can but if there are significant changes particularly additions or  
16 modifications, it would require another public hearing process to go through.

17  
18 Board Member Ley acknowledged the need for a systems approach to this work. She said it is  
19 about an all-hands-on deck approach to managing and controlling, and in some cases hopefully,  
20 eradicating the ongoing arrival of invasive species. She said it's about working together and  
21 finding ways to collaborate. She added that she appreciates the previous comments and agrees  
22 with the need for guidance to be provided to the commercial sector, so they stay in compliance.  
23 She wants to get this done and to do it together so we can get us to a better place to manage  
24 the situation because it's not going to get any easier.

25  
26 Board Member Gomes said he would like monthly updates and that the public needs to be  
27 aware. The updates would allow public to see where we are at and what is happening. He  
28 appreciates all the comments.

29  
30 Chairperson Hurd reminded the public that there is a 2-minute limit for testimony.

31  
32 Stephanie Easley, Coordinating Group on Alien Pest Species, pointed out the analogy to the  
33 Department of Health's Restaurant Inspection program. She said if there's a violation, the  
34 Department of Health doesn't pay to fix the violation, it's the owner. This would not impose costs  
35 on the department to take those actions which could potentially have a potential chilling effect  
36 on the department. She said it's also a model used by other departments that are regulatory  
37 agencies across the State.

38  
39 Chairperson Hurd said that is a good comment, but she also said that if the board decides to  
40 eliminate 4-72-9 as a risk, it's a board decision. However, in the case of a claim, we would need  
41 to go to court for every claim. It's going to be tough and expensive to take this to court in every  
42 case. Some of the treatments that are required by the label may result in some liability.

43  
44 Board Member Cabral said he understands the liability portion and that we want to avoid any  
45 type of liability, but if there is negligence, the department should be held liable.

46

1 Joseph Wat, community member, said he feels like the department doing its' due diligence to  
2 treat invasive species is a risk that should be encumbered by the DOA. He added that if the  
3 DOA is taking money for managing invasive species but not implementing, that is something  
4 that would open the DOA to potential liability.

5  
6 Board Member Oswald said he is very excited to move forward and he's hopeful that this  
7 verbiage and the way we are pushing forward is to really address the bad actors.

8  
9 Mr. Ho said the intent is to be able to take action particularly for those that are spreading pests.

10  
11 Chairperson Hurd said Biosecurity is the new buzzword moving forward. She thinks when we  
12 did our surveys of the public, biosecurity concerns were the number one concern statewide. She  
13 said she thinks this rule change will bring to light the necessary or the impactful role the  
14 biosecurity has in the State, not only for agriculture.

15  
16 Deputy AG Yee clarified that this 1<sup>st</sup> matter is the extension of time. The motion that was made  
17 was the request for extension of time for submission of the Hearing Officer's report and  
18 recommendation on proposed amendments to Chapter 4-72.

19  
20 Vote:

21 (1) Request for Extension of Time for Submission of Hearing Officer's Report and  
22 Recommendation on Proposed Amendments to Chapter 4-72

23 Motion: Gomes/Kanakaole

24 Vote: Approved - unanimously

25  
26 (2) Submission of Hearing Officer's Report and Recommendation on Proposed Amendments to  
27 chapter 4-72, HAR

28 No motion needed.

29  
30 (3) Request for Acceptance of Minutes of Public Hearings; and

31 Motion: Gomes/Cowell

32 Vote: Approved – unanimously

33  
34 (4) Request for Adoption of Proposed Amendments to chapter 4-72, HAR.

35 Motion: Gomes/Kanakaole

36 Vote: Approved - Unanimously

37  
38 Chairperson Hurd noted that by accepting these rules, it does not mean that further changes are  
39 not going to be considered which may include changing of the pest list, the regular guidance  
40 document, and the regular updates. Those are still open to discussion in the future. She said we  
41 can accept the rules moving forward with the understanding that further clarifications, education  
42 before regulation, guidance documents, and regular updates are still open to the board and the  
43 public as well.

44  
45  
46  
47 V. OLD BUSINESS

1 None

2

3

4 VI. NEW BUSINESS

5 1. NON-ACTION ITEM: Invasive Species Action Plan Updates.

6

7 Jonathan Ho, Plant Quarantine, said the Plant Industry Division has been working with the  
8 Office of the Chairperson to develop a comprehensive plan for the use of the Act 231 funds,  
9 particularly as they relate to CRB, LFA and others listed. The Chair's office and the division  
10 have been working on getting contracts, particularly for CRB management on Oahu,  
11 treatments of public lands on neighbor Islands, and use of Licensed Pest Control Operators for  
12 LFA treatments on each county for residential properties and purchasing of citric for Coqui.  
13 There will also be a contract for the Two-Lined Spittle Bug and Rose-ringed Parakeet. We have  
14 plans that we are working to effectuate all those things, and an update can be provided to the  
15 board at the next meeting.

16

17 2. NON-ACTION ITEM: TMK: (1) 4-1-008:054 and 059, lessee New Town & Country  
18 Stables, Inc.; and TMK: (3) 9-8-001:009 and 010, (3) 9-8-001:003, 006 and 013, and (3)  
19 9-6-011:002, (3) 9-8-001:011 and 012, lessee Kapapala Ranch, lease transfer updates  
20

21

22 Brandi Ah-Yo, Agricultural Resource Management Division, provided an update on lessee New  
23 Town & Country Stables, Inc. She said Mr. Gibson currently owes approximately \$95,000 in  
24 back lease rents to the HDOA. This does not include any amount that was owed to DLNR prior  
25 to the set aside. The annual lease rent for the 2 properties has not changed since the  
26 Department received the properties in 2017. ARM has been attempting to work with Mr. Gibson  
27 to come to a solution to not only settle the outstanding lease rent, but also to convert the lease  
28 from a DLNR lease to a DOA lease. On April 6th, 2024, Mr. Gibson sent a letter to the  
29 Department of Agriculture regarding the outstanding lease rent. Mr. Gibson offered  
30 approximately \$6,311 to settle the outstanding lease rent. On June 27<sup>th</sup>, the Department sent a  
31 counteroffer back to Mr. Gibson to settle all lease rents owed to the department. The total  
32 amount offered was significantly less than the \$95,000 and did not include any interest on the  
33 back rent, and also did not include the amount owed to DLNR. The counteroffer letter also  
34 included the appraisals for the lease rent after the lease is converted into a DOA lease. Staff  
35 believes that the Department's offer is reasonable, especially in light of the appraisals. The  
36 appraisals came out to approximately \$85 per year for both leases for 30 acres of land. On July  
37 4<sup>th</sup>, Mr. Gibson responded back to our June letter, stating that he would only pay the \$6,311  
38 offered back in April. On September 12<sup>th</sup>, the Department sent another letter to Mr. Gibson  
39 further explaining the lower amount and why it was reasonable, and since after conversion, the  
40 lease rent amount would be substantially lower. This was also in hopes of trying to get Mr.  
41 Gibson to negotiate directly with the Department to find a suitable amount of back rent owed.  
42 Mr. Gibson was given a deadline of September 20<sup>th</sup> to respond. We have not received a  
43 response from Mr. Gibson since that letter. On October 3<sup>rd</sup>, the United States Environmental  
44 Protection Agency sent the department a letter regarding the New Town & Country Stables  
45 lease regarding a potential large capacity cesspool. On October 15<sup>th</sup>, the Department sent a  
46 letter to Mr. Gibson, requesting for assistance regarding the potential large capacity cesspool.  
47 On October 11th, the DLNR went to the BLNR requesting approval for issuance of an RP and  
immediate ROE permit to Mr. Gibson for grazing purposes in the Waimanalo Forest Reserve.

1 She said she understands that the approach in the encroachment issue is being resolved  
2 through this revocable permit with DLNR. Ms. Ah-Yo said ARM is not currently asking the Board  
3 to make a decision on this matter at this time and ARM will be coming to the board at a later  
4 date.

5  
6 Chairperson Hurd said that if it is helpful, counsel from the Attorney General's office is prepared  
7 to give you advice on the Board's powers, duties, privileges, immunities, and liabilities on this  
8 matter.

9  
10 Motion to go into executive session: Gomes/Ley

11 Vote: Approved – Unanimously

12  
13 The Executive Session of the Board of Agriculture was called to order at 10:48 am am to consult  
14 with Deputy Attorney General Bryan Yee on Agenda Item #2:

15  
16 (1) 4-1-008:054 and 059, lessee New Town & Country Stables, Inc.; and TMK: (3) 9-8-  
17 001:009 and 010, (3) 9-8-001:003, 006 and 013

18  
19 Executive Session ended at 11:35 am

20  
21 Brandi Ah-Yo, Agricultural Resource Management Division, provided an update on Kapapala  
22 Ranch. She said she contacted DLNR for a status update on the transfer. According to DLNR,  
23 they are waiting for the Forestry Division to complete survey maps for the area that they wish to  
24 retain. She said she was told that she would be given an update when that's completed, and  
25 that was a couple of weeks ago with the Hilo DLNR office. She also gave an update regarding  
26 the maps and surveys that our department was going to complete. That was completed back in  
27 October of 2023, and those were for the revocable permits. She said DLNR did not give any  
28 timeline.

29  
30 Chairperson Hurd asked Ms. Ah-Yo if the Kapapala lease needs to be transferred by a certain  
31 date for it to be effective.

32  
33 Ms. Ah-Yo responded that if it's not transferred within a certain period, the potential for the  
34 conversion period for us to convert the lease to a new long-term lease may be out of that  
35 conversion window. She said if she remembers correctly, the general leases for Kapapala  
36 Ranch can be extended because she thinks it's at 55 years.

37  
38 Chairperson Hurd said she wants the board to know that we can take action that the lease will  
39 remain transferable with board action.

40  
41 Ms. Ah-Yo added that if they're not at their maximum, we can go up to 65 years.

42  
43 Board Member Cabral asked if the board has the authority to waive the 5–10-year window.

44  
45 Deputy AG Yee said the applicant has a window in which he can ask for conversion, but the  
46 board does not. The applicant has a window where they could submit their request, but if he  
47 doesn't, the board, on its own motion, could, without regard to any window, convert a lease.

1

2 Board Member Cabral asked Board Member Kanakaole to follow-up on the survey.

3

4 Motion to adjourn: Gomes/Cabral

5

6 The meeting was adjourned at 11:43 pm

7

8 Respectfully submitted,

9

10

11

12 Marci Clingan

13 Board Secretary

14