



Department
of Agriculture

STATE OF HAWAII

DRAFT
(Unapproved)

Minutes of the Board of Agriculture
May 27, 2025

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 May 27, 2025, at 9:06 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

Dr. Parwinder Grewal, Dean CTAHR, Ex-Officio Member

Dane Wicker, DBEDT, Ex-Officio Member

Diane Ley, Hawai'i Member

Nathaniel Oswald, Maui County Member

James Gomes, Member-at-Large

Members Excused:

Ryan Kanaka'ole, DLNR, Ex-Officio Member

Randy Cabral, Member-at-Large

En Young, Member-at-Large

Deputy Attorney General Present In-Person:

DAG Jennifer Waihe'e-Polk

Others Present In-Person:

Dr. Richard Kim, HDOA/PI

Jonathan Ho, HDOA/PQ

Brian Kau, HDOA/ARMD

Kori Koike, HDOA/ARMD

Janice Fujimoto, HDOA/ARMD

Jason Azus-Richardson, HDOA/IT

Marci Clingan, HDOA/Office of the Chair

Others Virtually Present:¹

Jill Scheibe
HDOA IT
Kayli Yoshioka
Kayli Yoshioka
Jen
Mark Ladao
Lesley Harvey, HDOA
ChunKB
BK
Rae Gee
richard.a.nichols
Diandra Goodwin-Leung
Glenn Okamoto
janelle
Thomas Heaton
J Ferrer, HDOA
Delanie Prescott-Tate
BTM B.I.
takeminews
Claire Orodio
lindsey.ancog
Roy Hasegawa
Lehua Abrigo
Kevin Moore - ARMD
Kainani Merrill
Dean Matsukawa
Dean Matsukawa
Jill Scheibe
DuranFN
yamamoto earl
John Boyes (HDOA)
Thomas's Notetaker (Otter.ai)
Stephanie
HDOAPIO
Toy Lim
GN

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

1 II. APPROVAL OF MINUTES FROM 4/22/25 MEETING

2
3 Motion to Approve: Gomes/Ley

4
5 Discussion:

6 Member Ley noted a correction on line 31 and 32 of the first page and that Member
7 Randy Cabral was not excused but was present with some connectivity issues.

8
9 Vote: Approved as amended; unanimously
10

11 III. INTRODUCTIONS
12

13 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
14

15 A. AGRICULTURAL LOAN DIVISION
16

- 17 1. Request for Approval of One (1) Insured Aquaculture Loan to Jeramiah
18 Blackhat dba Blackhat Enterprises
19

20 Jillian Scheibe, Agricultural Loan Division, presented testimony as submitted.
21

22 Motion to Approve: Gomes/Ley
23

24 Discussion: None.
25

26 Vote: Approved; Unanimously
27

28 The board went into recess at 9:15 am and reconvened at 9:31 am.
29

30 Board Member Hurd took a role call to ensure there was a quorum.
31
32

33 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
34

- 35 1. Request for: (1) Preliminary Approval of the Proposed Compilation of
36 Hawaii Administrative Rules, Chapter 4-159, Entitled "Agricultural
37 Enterprise Lands Program Rules"; and (2) Authorization for the
38 Chairperson to Schedule Public Hearings and Appoint One or More
39 Hearing Officers in Connection with the Proposed Agricultural Enterprise
40 Lands Rules, Chapter 4-159, Hawaii Administrative Rules
41

1 Brian Kau, Agricultural Resource Management Division, presented testimony as
2 submitted.

3
4 Motion to Approve: Gomes/Parwinder

5
6 Discussion:

7 Member Ley asked if she could be advised when the hearings come up.

8
9 Mr. Kau said there will be public notice.

10
11 Member Ley said the rules don't specifically address ag tourism but asked if they view
12 this as a potential use of this program.

13
14 Mr. Kau said ag tourism is generally associated with in conjunction like an active farm. If
15 the ag tourism activity is ancillary to an active farm. it could potentially exist under the
16 non-ag park program. He said they need to make sure there is a difference between
17 ecotourism and agricultural tourism. Zipline towers will not be allowed but farm tours or
18 lessons on lei making will be allowed.

19
20 Member Ley said on page 6, it referred to consumer and defined it as limited to human
21 or animal consumption. She asked if the enterprise or project was focused on
22 floriculture, isn't that consuming a product? She said this stood out to her.

23
24 Mr. Kau asked if Member Ley would like to suggest a change to it.

25
26 Member Ley said she doesn't understand the context of the definition how it's used
27 throughout the rest of the rules, and it seems that it's limiting the types of activities that
28 are consuming.

29
30 Member Ley said on page 24, it talks about the project requirements, and she wonders
31 if the project is considered to be driven by the department, legislature or the governor?
32 Is this something an entrepreneur would propose? She added that if she was an
33 entrepreneur, she wouldn't want to do all these steps without first going to the board.
34 She said some of these steps look like they require access to the property and analysis
35 and investment.

36
37 Mr. Kau said the intent is exactly what Board Member Ley said. For either way, whether
38 it be department or government directed or if a private entity decided they wanted to do
39 something. He said he's unsure of the exact steps involved but he believes there is
40 nothing prohibiting staff from going to the board to see what they think about it.

41
42 Deputy AG Waihee-Polk explained that the requirement just had to be met prior to the
43 development of the project, not prior to seeking the board's input. You'd want these

1 things to be decided and to know that it's feasible before coming before the board to
2 start the project. You don't want to start the project if it's not feasible.

3
4 Member Ley said generally we don't give entrepreneurs access to a parcel of land.

5
6 Mr. Kau said he doesn't know how this will play out but for the preliminary groundwork,
7 you can do a lot of that without physically accessing the parcel. If it gets to a point
8 where they need to set foot on the parcel, the Department of Agriculture (DOA) could
9 look into issuing a temporary Right of Entry (ROE). DOA would put a public notice of all
10 the available lands and in the notice, the use of the parcel would be defined. That is
11 how the process begins.

12
13 Chairperson Hurd said before the plan is put in for potential use of the available lands,
14 you should have done your due diligence and be sure that your plan is legally and
15 infrastructurally allowed or potentially possible.

16
17 Member Ley asked if someone could summarize the portion of the consent to mortgage.

18
19 Chairperson Hurd asked if Member Ley could email the question and DOA can research
20 and respond.

21
22 Mr. Kau said it shouldn't be very different than any of our other programs. The basic
23 rules are duplicates and they should be consistent with everything that we have.

24
25 Vote: Approved; Unanimously

- 26
27
28 2. Request for Approval to Increase Base Water Toll Delivery Charge by No
29 More than Two Cents Per Thousand Gallons to All System Irrigation
30 Users Under the Hawai'i Department of Agriculture Irrigation Systems

31
32 Brian Kau, Agricultural Resource Management Division, presented testimony as
33 submitted.

34
35 Motion to Approve: Ley/Gomes

36
37 Discussion:

38
39 Member Ley said she wants to acknowledge the Agricultural Resource Management
40 Division (ARMD) for working on this challenging issue. She appreciates the legislature's
41 understanding and phasing in of the necessary costs which makes a big difference for
42 the producers.

1 Chairperson Hurd thanked Member Ley for her comment. The legislature, by their
2 action, did acknowledge the importance of agriculture and the rising cost not only to the
3 department in operating costs and maintenance costs, but also the difficulty in the
4 agricultural community that this would create. We do appreciate that action by the
5 legislature with the proviso that was brought out by ARMD that the movement was for
6 one year. She added that it will be reevaluated after one year.

7
8 Member Oswald found that 2 cents is reasonable and asked whether there was a limit
9 on how much the rate could be increased per year or was it always open for discretion?
10 He said he remembers reading that the board could only raise a certain amount per
11 year.

12
13 Mr. Kau said there are two separate methods to increase water delivery rates. The 1st
14 method, which is the one we are asking for approval today, is the 2 cents per 1,000-
15 gallon increase which is allowed in the current administrative rules. We cannot go more
16 than 2 cents per fiscal year. However, because the rates are set by administrative rules,
17 the program can raise the rates as it needs to meet the obligations of the irrigation
18 system operation and maintenance if the administrative rules are amended themselves.

19
20 Vote: Approved; Unanimously

21
22
23 3. Certification Of Acreage Assessments for the Honoka'a-Pa'auilo, Kahuku,
24 Moloka'i, Waimānalo, and Waimea Irrigation Systems, 2026 Fiscal Year

25
26 Brian Kau, Agricultural Resource Management Division, presented testimony as
27 submitted.

28
29 Motion to Approve: Gomes/Ley

30
31 Discussion:

32 Member Oswald asked if there were any talks about sliding scales for water use? He
33 said he's thinking of trying to protect the smaller farms who don't use as much water.

34
35 Mr. Kau said that would require an administrative rule change.

36
37 Vote: Approved; Unanimously

38
39
40 V. OLD BUSINESS

41
42 None

VI. NEW BUSINESS

1. NON-ACTION ITEM: Invasive Species Action Plan Updates Including: 1) Updates the on Biosecurity-Related Measures From the 2025 Legislative Session (HB 427, HD2 SD2 CD1 – Relating to Biosecurity; SB330 SD1 HD2 CD1 – Relating to Invasive Species Prevention; and SB140 SD2 HD1 CD1 – Relating to Invasive Species; 2) Update on the Control/Eradication Actions Occurring on Hawaii Island for the Coconut Rhinoceros Beetle; and 3) Updates on Selected Projects Funded by Act 231, SLH 2024 (Little Fire Ant Treatments of Residential Areas, Coconut Rhinoceros Beetle Tree Removal on Public Lands, and Two-Lined Spittlebug).

Jonathan Ho, Plant Quarantine Branch presented new business item.

Mr. Ho said there were 3 key measures that are awaiting Governor's signature. SB140 creates regulations for the importation of firewood. There shouldn't be a massive impact on the department or to those who import it. There will be coordination with them to manage inspections. It clarifies the need for heat treatment and most wood is already covered under the requirements of this section.

SB330 enables the department to enforce federal quarantines, and the department will work with the federal government to be sure we don't do the enforcing in contravention of what their established practices are.

HB427 is the most significant one and there are about 22 things that it includes:

1. Renames the Department of Agriculture (HDOA) as the Department of Agriculture and Biosecurity (Department) and does that to the Board as well.
2. Changes the composition of the Board to require at least one member to have a background in biosecurity;
3. Includes a new position within the Department, the Deputy Chairperson for Biosecurity, which is appointed by the Governor and tasked with overseeing all biosecurity-related activities within the Department;
4. Authorizes the Department, with approval from the Governor, to declare a biosecurity emergency, and specifies actions that can be taken to address the emergency;

- 1 5. Broadens the objectives and general actions for the Department's biosecurity
2 program, and enables the Department to subpoena documents to manage
3 the establishment and spread of pests or restricted organisms;
- 4 6. Authorizes a transitional facilities program, including defining standards, uses,
5 and licensing, including imposing fees for the use and registration of a
6 transitional facility;
- 7 7. Requires the Department to train and certify biosecurity compliance auditors
8 to conduct inspections and certify items in transitional facilities, and
9 authorizes the collection of fees for the certifications;
- 10 8. Renames Ag Form to Biosecurity Declaration;
- 11 9. Requires inspections of various items transported interisland pursuant to
12 rules;
- 13 10. Removes criminal penalties for certain lower level violations and increases
14 fines for those violations, and clarifies penalties for restricted and unlisted
15 organisms;
- 16 11. Authorizes the Department to enter into government-industry agreements for
17 readiness and response to unwanted organisms;
- 18 12. Enables anyone to petition the Board to establish a biosecurity and pest
19 management plan to address, contain, or eradicate a pest, and determines
20 requirements for submissions;
- 21 13. Requires the Department to establish a pest dashboard by 12/1/2025 that
22 requires the Department, Department of Land and Natural Resources
23 (DLNR), and contracted parties pursuant to the government industry
24 agreement to post treatment area information on to that dashboard;
- 25 14. Prohibits the receiving or expenditure of public funds by any state
26 department, agency, political subdivision, or government industry association
27 agreement from expending public funds if they don't post to the dashboard;
- 28 15. The Department is able to establish rules for the Plant Care Component
29 Program;
- 30 16. Authorizes the Department to establish administrative penalties for the Plant
31 Care Component Program;
- 32 17. Transfers the Hawaii Invasive Species Council (HISC) from the DLNR to the
33 Department;

- 1 18. Appropriates an additional \$4,250,000 for HISC in FY 2025-2026 to be
2 expended by DLNR;
- 3 19. Appropriates \$4,250,000 for the HISC in FY 2026-2027 to be expended by
4 the Department;
- 5 20. Appropriates \$500,000 for the operations of the Hawaii Ant Lab (HAL) in both
6 FY 2025-2026 and FY 2026-2027 to be expended by DLNR;
- 7 21. Appropriates \$500,000 for the operations of the Coconut Rhinoceros Beetle
8 (CRB) Response Program in both FY 2025-2026 and FY 2026-2027 to be
9 expended by the University of Hawaii (UH); and
- 10 22. Establishes varying timeframes for the implementation of each part of the
11 sections.

12
13 Mr. Ho said for the CRB, as of right now, 11 beetles have been found in the Kona area.
14 A single grub was found last week and a wing was found near the tower at the airport.
15 The grub was found far north near the Four Seasons Hotel area. It didn't develop there
16 because it's associated with a shipment of green waste about a week prior. We were
17 able to do tracebacks and it was determined that the source of the green waste
18 originated the Keohole Ag Park. We are determining where the breeding site and start
19 mitigation. The Plant Pest Control and Pesticides staff were doing drone treatments in
20 the area last week. They'll be treating a lot of trees, and we can provide that number.
21 They'll also be using injections. The Waikoloa Village hasn't had any CRB detections
22 since October of last year. We've been doing treatment and a lot of outreach but we
23 have not found anymore.

24
25 Mr. Ho said for the Little Fire Ant (LFA) contract, we've been focusing on Oahu as of
26 right now. The project was announced on 3/21, and we've been giving out a thousand
27 LFA test kits. We've conducted 19 residential operations across 9 zip codes on Oahu.
28 That's about 172 individual parcels and a little over 85 acres. About 7,400 samples have
29 been deployed, and about 1,100 of them have been positive with LFA. There are 32
30 properties encompassing 2 sites and are in active treatment. We have about 10 more
31 properties that are going to be treated soon. Another 52 properties have completed the
32 surveys and now we are processing and identifying the samples and providing notice to
33 the affected individuals. We have 2 sites that are relatively larger, and we are in the
34 process of eliminating them in the Laie and Kahuku area. We'll be working with Maui
35 Invasive Species Committee (MISC) and Kauai Invasive Species Committee (KISC) to
36 start implementing treatments on those islands. We're working with the county to
37 identify specific sites on Hawaii Island.

1 Mr. Ho said the Coconut Rhinoceros Beetle (CRB) tree removal contract began last
2 week. HTM is working from Maili and coming back towards Honolulu. They'll provide us
3 with a monthly report so we'll see about the cost and the amount of trees being
4 removed so we can project how many more trees can be covered under this project.

5
6 Mr. Ho said for the Two-Lined Spittle Bug (TLSB), there were 3 contracts issued, and
7 Rangeland Stewardship folks are going to be for active control and mitigation for
8 ranchers. UH got another contract for doing research, outreach and education and
9 potentially some new treatment methods. The separate project is a joint federal project
10 that enables testing of local biocontrol units as a potential control eradication tool for
11 management.

12
13 Discussion:

14
15 Member Gomes asked if HDOA has a handle on CRB on Oahu. He said he's been
16 getting numerous reports from various farms and ranchers.

17
18 Mr. Ho said because it's quite widespread and HDOA doesn't have unlimited resources,
19 we are focusing on trying to ensure it doesn't spread to other islands. That has been the
20 major focus. The contract does allow for the tree removal and there were monies set
21 aside for hauling for green waste but we weren't able to get a contractor. We were able
22 to utilize those funds to provide the counties with ways to manage their own green
23 waste. Because it's so widespread, we are focusing on education and outreach for folks
24 because of the extent at this point.

25
26 Member Oswald said this is great and there is actual progress. He asked if HDOA could
27 use sulfuryl fluoride for the CRB.

28
29 Mr. Ho said yes, there is a Special Local Needs (SLN) and we were using ProFume and
30 there were some issues with the initial SLN so we worked with the registrant to do
31 another round of testing. It was deemed effective so the Pesticides Branch did an SLN
32 with the EPA. We are starting up treatments again for green waste.

33
34 Member Oswald asked if we are using Methyl Bromine.

35
36 Mr. Ho said right now there isn't approved facilities that can do it in the state at scale.
37 There may be smaller chamber guys but nothing at scale that would be effective.

38
39 Member Oswald said HDOA could help acquire one of those scrubbers that can be
40 used broadscale for multiple entities.

41
42 Mr. Ho said there has been talks about potentially trying to centralize treatments.
43

1 Member Oswald said he wants to give kudos and people need to be educated and
2 cognizant of their own backyard.

3
4 Chairperson Hurd said the funding for SB231 is primarily being used for public lands.
5 For LFA we were able to get some approvals to do private treatments because it was so
6 extensive within the residences. Methyl Bromide is a very effective treatment for pest
7 control; however, the Montreal Protocol says that it cannot be used because it damages
8 the atmosphere so severely.

9
10 Member Grewal asked what treatments are available and what the department can
11 provide for private citizens for CRB.

12
13 Mr. Ho said the individual treatments that are effective are not restricted use. However,
14 the department doesn't have the ability to distribute pesticides. It can only be distributed
15 in the container in which it originates from. For mulch, you need a license applicator to
16 use the fumigants or if you can compost it to a temperature of 131 degrees for 10
17 minutes, that would eliminate all life stages of CRB. Demon Max can't be used on Oahu
18 and Mustang Maxx is a Restricted Use Pesticide that can be used on fruiting coconuts.
19 EverGreen is an organic product that has shown some efficacy on the crown treatment.
20 There are also cultural practices like not stockpiling green waste.

21
22 Member Grewal asked if there is any help from the department in terms of getting
23 assistance.

24
25 Mr. Ho said for private individuals, there isn't anything that we are capable of doing at
26 this moment. The LFA contract is the first broad department funded residential
27 treatment that has gone on for a pest that is widespread. If people call the pest line, it'll
28 get routed to the Plant Quarantine Branch and we'll work with them and once we've
29 determined with some certainty what the pest is, we'll work with them to figure out
30 whatever mitigations can be done. There are steps that the community can take to
31 protect their resources.

32
33 Chairperson Hurd included that if you are a private property owner, then we'll go out
34 and advise on what should be done but if it's on public property, we'll go out and do the
35 mitigation and control it.

36
37 Mr. Ho said if the department is doing an active control and eradication program site
38 such as in Kona, the department will treat private homeowners because this is an actual
39 eradication program that is being run by the department.

40
41 Member Oswald asked if HDOA or DLNR can share results with the board regarding the
42 OrNV as a bioactive control method.

1 Mr. Ho said that virus isn't super effective on the CRB that we have. DLNR through the
2 University is trying to get alternative strains for testing. They would be working with the
3 department on the process for testing and release. Should the virus be deemed for use,
4 the board members will be seeing submittals for approval for the release into the
5 environment.

6
7 Member Ley said with respect to Federal inspections, are you folks monitoring for any
8 staffing changes or capacity level changes at the Federal level? If there are reductions
9 in staff, do you have a backup plan for targeting specific types of shipments or
10 coordination with the Feds to cover that type of strategy?

11
12 Mr. Ho said for import, it's not necessarily too much of a problem in that the staff are
13 already doing the inspections already. He said he thinks it's just more understanding
14 what the Feds would like us to do. And the intent of the bill was to ensure that the
15 department doesn't necessarily have to wait for the Feds to take action. We could act on
16 our own as it relates to export. The department has been in contact with the United
17 States Department of Agriculture as it relates to some of their issues moving forward. It
18 seems to be somewhat stable right now. He said he's unsure of what the department's
19 collaboration would be to enforce federal quarantines as they leave the state.

20
21 Chairperson Hurd said there have been internal discussions as to partnering with the
22 Feds should the export issue become problematic and restrict our exporters, then we
23 would partner with the Feds. But on the import side, she said she thinks it's a great
24 opportunity. We've been talking about import replacement projects, and she said the
25 floriculture industry has been very proactive in import replacement projects. Let's try to
26 import produce locally what we are currently importing and diminish the need for
27 inspection at the border. If we can increase what we import, let's just grow it ourselves.
28 The discussion is not new, but we will need to beef it up more than before.

29
30 Member Oswald asked about the potential lawsuit concerning the Jones Act and that it
31 has to do with the ability to manage non-U.S. vessels coming in. He asked if this would
32 create an additional issue with the imports infestations.

33
34 Mr. Ho said that issue is regardless of the Jones Act and it is going to be a problem.
35 The state is preempted from taking actions for commodities in foreign commerce. All
36 those shipments would be exempt from our ability to inspect. The authority is broad as it
37 relates to dealing with pests than the Feds are. It is possible that it could create a bigger
38 problem for the state. Dealing with it would not be a state issue, but a federal issue. It
39 would affect all the state's abilities to enforce agricultural related regulations.

40
41 Member Gomes asked if we have enough staff.
42

1 Mr. Ho said Act 231 positions of last year became permanent so that is 44 positions in
2 Plant Industry Division. Getting the department's positions filled is critical as it relates to
3 the long-term roll out of HB427. A lot of the programs are phased so the department
4 under Chair Hurd has been filling a lot of positions. We have the new Plant Industry
5 Administrator, just hired the Plant Pest Control Branch Manager, and the Plant
6 Quarantine Manager has also been filled permanently. This increased capacity will
7 enable the department to do more work.
8

9 Chairperson Hurd said yes, you can always improve. You can do a better job with more
10 staff. We're working internally, and also like the Akamai arrivals program that Jason
11 here has been key on. Electronically, we can try to monitor the incoming pest. Perhaps
12 in a more efficient manner, we're doing the animal quarantine type of inspection
13 electronically in the future. So, we're trying to improve. We always can use more staff.
14 Keep advocating for more people, more resources, more facilities. And we can do a
15 better job.
16

17 Motion to adjourn: Ley/Gomes
18

19 The meeting was adjourned at:10:51 am
20

21 Respectfully submitted,
22
23
24

25 Marci Clingan
26