

3 4 5 Minutes of the Board of Agriculture 6 7 CALL TO ORDER – The meeting of the Board of Agriculture was called to order on 8 June 20, 2017 at 9:00 a.m. by Board of Agriculture Chairperson Scott Enright, at the 9 Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819. 10 11 Members Present: 12 Scott Enright, Chairperson, Board of Agriculture 13 Mary Alice Evans, Deputy, Department of Business Economic Development, Ex 14 Officio Member 15 Suzanne Case, Chairperson, Board of Land and Natural Resources 16 Clark Hashimoto, Member-At-Large 17 Jerry Ornellas, Kauai Member 18 Glenn Hong, Member-At-Large 19 Vincent Mina, Maui Member 20 Michelle Galimba, Member-At-Large 21 22 Members Absent: 23 Dr. Rachel Novotny, Interim Dean of the College of Tropical Agriculture & Human 24 Resources University of Hawaii, Ex Officio Member 25 Richard Ha. Hawaii Member 26 27 Others Present: 28 Randy Teruya, HDOA/Agricultural Resource Management (ARM) 29 Linda Murai, HDOA/ARM 30 Roy Hasegawa, HDOA/ARM 31 Joyce Wong, HDOA/ARM 32 Brian Kau, HDOA/ ARM Administrator 33 Dean Matsukawa, HDOA/State Agricultural Loan Division (SALD) Administrator 34 Randall Chang, HDOA/SALD 35 Jeri Kahana, HDOA/Quality Assurance Division Administrator 36 John McHugh, HDOA/Plant Industry Division Administrator 37 Alan Gottlieb, Second City Property management 38 Wilma Noelani Joy, Joy Farm 39 Robert Joy, Joy Farm 40 Vicki Viotti Machado, Star Advertiser 41 Don Hartung, Hartung Bros. Inc. 42 Cheryl Quain, Syngenta 43 Josh Uyehara, Syngenta 44 Chuck Crimson, HI Koko Farms 45 Nat Crimson, HI Koko Farms

1 2 3 4 5		Sumiko Ogura-Yamada, Private Citizen Jonathan Kam, Private Citizen Jesse Tibayan, Private Citizen Stephanie Whalen, HARC Marty Sanders, Signature Homer Joseph Dane, Syngenta Hawaii LLC			
7 8 9 10 11 12		Paul Alston, Syngenta Hawaii LLC Bryan Yee, Attorney General's Office Phyllis Shimabukuro-Geiser, HDOA/Deputy to the Chairperson Janelle Saneishi, HDOA/Chairperson's Office (CHR) Micah Munekata, HDOA/CHR Shelley Choy, HDOA/CHR			
14	II.	APPROVAL OF MINUTES FROM 3/14/17 and 4/24/17 MEETING			
15 16 17 18	Chairperson Enright requested a motion to approve the March 12, 2017 meeting minutes.				
19	Motion for approval: Ornellas/Hashimoto				
20 21 22	Vote: Approved, 6/0.				
23 24	Chairperson Enright requested a motion to approve the April 24, 2017 me				
25	Board	member Galimba joined.			
26 27	Motion	n for approval: Hong/Hashimoto			
28 29 30 31	Board member Mina made a comment to clarify his statement on Line 34 page 7, saying that it should read as "the buildup of soluble nutrients and amino acids in the sap inhibiting protein synthesis."				
32 33 34	Vote: Approved, 7/0.				
35 36 37 38	III.	COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR WRITTEN)			
39 40	Chairperson Enright said that the Board will be taking public comments on agenda items as they come up during the meeting.				
41 42	IV.	INTRODUCTIONS			
43 44 45	There	were no introductions or comments.			

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V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRICULTURAL LOAN DIVISION

1. Request for Approval of One (1) Direct New Farmer Loan to Kenderson Koonyut Caspillo.

Presentation by Randall Chang, HDOA/SALD, as submitted. Staff recommends approval.

Motion to accept: Hong/Galimba.

Vote: Approved, 7/0.

2. Request for Approval of One (1) Water Infrastructure Loan to Kunia Water Association, Inc.

Presentation by Dean Matsukawa, HDOA/SALD Administrator, as submitted. Staff recommends approval.

Motion to accept: Hong/Galimba.

Board member Evans said that this looked like a great opportunity for more efficient energy saving installation. She asked if the association has plans to replace the other pump. Mr. Matsukawa said that they may look at that later after pump number 3 is fixed.

Alan Gottlieb, Second City Management, came forward. He said that they have been frustrated with well 4. He stated that they have created reserves to replace the two wells. The new shaft is 900 feet deep and they spent in total \$900,000 on well 4. Shortly after replacing this well it broke again. He said that they have had some of the brightest minds looking at this and scratching their heads. The well has broken two more times since. He said that they would try the submersible pump. If this works well they can move forward on the next pump on well 4.

Board member Hong asked if the pump for well 3 is for potable water. Mr. Gottlieb said that the water is for irrigation and that that water can go through a treatment plant that makes it potable. Roughly 2-3% is potable and all other is for irrigation ag water. Board member Hong asked if this was all ground water. Mr. Gottlieb said that it is.

Board member Evans asked if the potable water plant is owned and operated by the association. Mr. Gottlieb said that the plant is paid for by US Army. Board member Evans asked if the well levels changed since working with these wells. Mr. Gottlieb said that he doesn't believe so. He said that they have never had 96-hour test due to problems with the wells, but haven't seen changes in quality or quantity.

Board member Mina asked if the 850 gallons per minute for the pump is the capacity its breaking at. Mr. Gottlieb said that it was originally 1,400 gallons per minute and the newer pump was 1,600 gallons per minute. They are going to a smaller version with the submersible pump. The smaller pump is the 800 with a smaller motor providing a lower rate schedule with HECO. Board member Mina asked why it is breaking. Mr. Gottlieb said that it didn't appear to be a load issue and that no one really has an idea. He said they have experts dealing with this. He stated that there may be something related to the location which is right by Schofield and Wheeler.

Board member Galimba asked about the Water Infrastructure Loan Program, specifically how many projects and how it is funded. Mr. Matsukawa said that it was created two legislative sessions ago. He said that there was not much money in the fund although they think it's important for ag. He stated that there is a demand to utilize the program but that there are not enough funds yet. Chairperson Enright said that they will move forward with Legislature to develop this fund for dams, reservoirs, and wells. He stated that water resources are important and that the Legislature didn't put any money into this program this past session. He said that the Board will see these loans moving forward.

Board member Evans asked if the US Army put in any resources to support their share of this particular partnership. Mr. Gottlieb said that for Island Palm Communities, the partnership with the Army, members put in fees every month. He said that majority ownership means they contribute.

Chairperson Enright thanked Mr. Gottlieb, Ms. Whalen, and Mr. Phillipson for all they do for agriculture.

Vote: Approved, 7/0.

B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

 Request for Consent to Assignment of General Lease No. S-4795, Eberlii Tropicals, Inc., Assignor; Smart Direct, LLC, Assignee; TMK 3rd Div/1-5-116:032, Lot No. 05, Pahoa Agricultural Park, Phase II, Keonepoku Iki, Puna, Island of Hawaii

Presentation by Joyce Wong, HDOA/ARM, as submitted. Staff recommends approval.

Motion to accept: Galimba/Hashimoto.

Vote: Approved, 7/0.

 Request for Approval to Sublease between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and Yuri Zhuraw, Sublessee; General Lease No. S-5553, TMK: 3rd Div/4-3-003:004 (por); Lot No. 20, Opihilala &

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Hauola, and Kaunamanu Homesteads, Hamakua, Island of Hawaii

Presentation by Joyce Wong, HDOA/ARM, as submitted. Staff recommends approval.

Motion to accept: Mina/Evans.

Board member Galimba asked when Mr. Studer got the sub lease. Ms. Wong said that he may have had it for a year. Chairperson Enright said that the Board has systematically been taking up Hamakua leases that were joint with the Co-op on an individual basis. Kyle's lease came before the Board about 3 years ago, and he is now in Kau. He asked if the credit rating issue for this applicant was addressed. Ms. Wong said that it has been addressed.

Vote: Approved, 7/0.

3. Request for Consent to Assignment of General Lease No. S-4790; Fred Soriano, Assignor; Soriano Farm, Inc., Assignee; TMK: 3rd Div/8-8-004:010, Lot No. 10, Papa Homesteads, Papa 1st, South Kona, Island of Hawaii

Presentation by Joyce Wong, HDOA/ARM, as submitted. Staff recommends approval.

Motion to accept: Galimba/Hashimoto.

Vote: Approved, 7/0.

4. Request for Consent to Assignment of General Lease No. S-6021; John Amphone, Bounlay Amphonephong, and Sountone Amphonephong, Assignor, to HI Koko Farms, LLC, Assignee; TMK: 1st Div/5-6-006:049, Lot No. 21, Kahuku Agricultural Park, Koolauloa, Kahuku, Island of Oahu

Presentation by Roy Hasegawa, HDOA/ARM, as submitted. Staff recommends approval.

Motion to accept: Hashimoto/Galimba.

Board member Galimba asked for a walk through of the lease assignment calculations and asked what CCI stands for. Randy Teruya, HDOA/ARM, said that the premium is the consideration that is given for the leasehold interest less the depreciated value of improvements constructed by the original lessee. He stated that the Construction Cost Index, CCI, is the value of the infrastructure as first placed and then depreciated over time to the point of sale. He said the premium is shared between the tenant and the landlord. Board member Galimba asked about the \$18,000 check. Mr. Teruya said DOA will be receiving a portion. This process continues if the leasehold interest is sold off again. A similar calculation is made for the second sale as was made for the first sale. Board member Galimba asked if there were houses on most of these parcels. Mr.

Teruya said that most of them have houses and that they are primarily for security purposes.

Board member Evans asked for clarification on what the net consideration is and the premium. Mr. Teruya said that the assignor is receiving consideration and pays a portion of the premium to the State of Hawaii.

Chairperson Enright called Chuck Crimson, HI Koko Farms, forward.

Chairperson Enright asked what the plan is for this lease. Mr. Crimson said that he plans to grow cacao. He said that he would be trying to grow for personal consumption. Chairperson Enright asked if there is sufficient rainfall. Mr. Crimson said that there was enough.

Board member Mina said that he appreciates the chocolate industry and that it's nice to see the experience Mr. Crimson brings to this farm.

Vote: Approved, 7/0.

5. Request for Approval of Transfer of Membership of Syngenta Hawaii, LLC, and Amendment of General Lease No. S-4654; TMK: 4th Div/1-2-002:035, Kekaha, Waimea, Island of Kauai

Presentation by Randy Teruya, HDOA/ARM, as submitted. Staff recommends approval.

Motion to accept: Ornellas/Evans.

Board member Evans asked how many jobs Syngenta has and how many does Hartung plan to maintain. Josh Uyehara, Syngenta, said that they have seventy full time jobs and would support about twice as many with vendors.

Board member Mina asked about extreme hardships. Mr. Uyehara said that without the lease they would have to shut down the operation. Board member Mina asked if a shutdown would be because of the lease. Mr. Uyehara said that the facility base of operations being there would make it impossible to operate.

 Board member Galimba asked about any strategies that Hartung would bring to address the environmental concerns. Don Hartung, Hartung Bros. Inc., came forward and said that the crew on staff has been working with local people. He said that good education must continue. He said that in the Midwest, the argument is not there. He said that facts will be provided if people are willing to listen. Chairperson Enright said Hartung grows cucumbers, green beans, and carrots. He said that their operations include vegetable crops bedsides seed corn. Hartung does this at a scale and that changes the

conversation a bit. Board member Galimba welcomed them and asked them to continue to reach out to the community.

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Vote: Approved, 7/0.

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Recess at 9:50 AM.

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Reconvened at 10:00 AM.

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6. Request for Approval to Issue Revocable Permit to Michael Fernandes; TMK: 4th Div/4-1-009:005 & 006, Portion of Government Lands of Wailua, Kawaihau, Island of Kauai

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Presentation by Roy Hasegawa, HDOA/ARM, as submitted. Staff recommends approval.

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Motion to accept: Ornellas/Galimba.

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Board member Ornellas asked if this property was formerly used for diversified agriculture. Mr. Hasegawa said that it was. Board member Ornellas asked if it was going to be used for pasture now and if they would adjust the rate of \$120 per month. Mr. Hasegawa said that there was a lot of cleaning up and that they were okay with the terms and conditions. Board member Ornellas said that there was a lot of vehicles and tractors on the property and said there would be some improvements. He asked if there were any waivers or considerations. Mr. Hasegawa said that there were no considerations currently. Board member Ornellas said that the property is on a steep hill and the property value seems high. Chairperson Enright said that the farmer could apply for a rent waiver should the property be cleaned up. Randy Teruya, HDOA/ARM, said that this land was a non-ag park land lease under Act 90, SLH 2003. These lands transferred from DLNR to HDOA have two items that cannot be reduced, length of term of the lease and rents. Chairperson Enright asked if the property were to be improved could the farmer get a waiver. Mr. Teruya said that there could be a potential waiver.

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Board member Evans asked why it was month to month. Mr. Teruya said that the revocable permit was transferred to HDOA from DLNR. They are looking at what the potential of this property is and would need to go get an appraisal on new rents. He stated that this is typical for revocable permits.

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Vote: Approved, 7/0.

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7. Certification of Acreage Assessments for the Honokaa-Paauilo, Kahuku, Molokai, Waimanalo, and Waimea Irrigation Systems, 2018 Fiscal Year

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Presentation by Brian Kau, HDOA/ARM Administrator, as submitted. Staff recommends approval.

Motion to accept: Hashimoto/ Ornellas.

Noelani Joy, Molokai irrigation system user, presented testimony as submitted. She said that she opposes any fee increases. She said that the revenue surplus for Molokai for FY17 and FY18. She said that this surplus should maintain or reduce current charges.

Board member Hashimoto asked about system costs for repair and maintenance. Mr. Kau said that the Irrigation System Revolving Fund is set up through the Legislature to use one fund for operation and maintenance for all irrigation systems run by the DOA. This is used as one pot to maintain all the systems together. Some of the smaller systems unfortunately do not support themselves with revenue and water distribution. Beginning of each year, there is a ceiling set for how much to spend, for operation and maintenance. He said that this year is at \$1.2-1.3 million. He said that HDOA sets a percentage of that to collect the acreage assessment to assure payment of bills. HDOA gets hit both ways through drought and rain. He said that they are fortunate however that Capitol Improvement Projects are not paid out of toll collections that we bring in through our users and are picked up mostly through the GO bonds.

Board member Ornellas asked what the current acreage assessments. Mr. Kau said that it will vary by ag park because per acre charge is different on each irrigation district. He said that this can vary year to year depending on users. Chairperson Enright said that the creation of fund was via the Legislature. Mr. Kau said that they have more systems managed since 1986. The revolving fund is a break-even scenario. Board member Ornellas said that worldwide irrigation systems are subsidized. He said that if we must foot the capital improvement project cost, we would never be able to do that. He said that as a Board we need to know that this is not possible to do.

 Board member Mina said that as a general matter, the Legislature is making decisions about agriculture without an agriculturalist. He asked how we can support HDOA in their work. He said that this is something of deep concern as the HDOA budget continues to go down. Chairperson Enright said that there should be support for the community moving forward. He said that when DLNR ran these irrigation systems, there was even more subsidization then. HDOA took them over and asked to run it with some structure. He said that additional support will be tough even though water resources are the gamechanger in Hawaii. We need capitalization to develop the water and move it around. He said that this is a long-term project. Board member Mina clarified support for the community and said that this is being handed off from DLNR to HDOA through the Legislature. He asked where they are getting that info. Ms. Joy said that the handover occurred because they could not be the policeman and have a water system. She said that they had to give it away.

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Board member Ornellas: are DHHL lands treated differently as far as rates are

44 concerned. He said that HDOA provides some water to some DHHL lands and asked

whether the rates are the same. Ms. Joy said that they have the regular rates. She

said that someone can ask for lower rate because of large acreage. They can negotiate with HDOA for lesser acreage rates. Mr. Kau said that he is not aware of any allowance or waiver to larger corporations getting lower rates.

Board member Hong asked whether there was a change in rates for Molokai and if the increase referenced in Ms. Joy's testimony is from previous years. Ms. Joy said that she had heard that there were an additional 30 cents being added and that she supports no increase and a reduction. Board member Hong asked if the number of acres has not changed from prior years, will the assessment moving forward be unchanged. Mr. Kau said yes and although the total expenses are slightly higher than it was in 2017, individual bills should not change.

Board member Ornellas asked if there are taro farms on HDOA systems. Mr. Kau said that he was unaware of any, potentially with dry-land and not wet-land.

Chairperson Enright thanked Ms. Joy for the attention that she pays to the work of irrigation systems and specifically the Molokai system. Chairperson also recognized Bob Joy who has made amazing contributions to agriculture for the State.

Board member Mina commented saying that he would like to make sure there is a level playing field on acreage assessments. Chairperson Enright said that he would put this issue on the board agenda for the next meeting. Board member Evans asked if that would include checking with DLNR on anything they are running. Mr. Kau stated that these are two completely different fees. Chairperson Enright said that he would note that in the next meeting. Board member Mina clarified that his concern is with any company to make sure there is a level playing field.

Vote: Approved, 7/0.

Recess at 10:30 AM.

Reconvened at 10:35 AM.

C. QUALITY ASSURANCE DIVISION

Request for (1) acceptance of the minutes of the public hearings,
 (2) adoption of Chapter 4-161, Hawaii Administrative Rules,
 entitled, "Hawaii-Grown Industrial Hemp" which:

1. Establishes definitions for the chapter, including but not limited to, definitions of applicant, industrial hemp, licensed land area, seed cultivar, and variety.

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- 2. Specifies the requirements for a license for the production of industrial hemp, including licensing fees, and the term of the license.
- 3. Requires an applicant to submit pre-planting, planting, harvest, and movement reports. Identifies the information needed on each report.
- 4. Identifies the duties of the licensee, including but not limited to, providing accurate and up to date information, operating in a lawful manner, indemnifying the State of Hawaii, allowing access, inspections, and sampling, remitting all fees and expenses when due, narrowly adhering to the research focus of the industrial hemp pilot program, providing a research report and other required reports, properly disposing of non-compliant plants, and using best management practices.
- 5. Specifies the inspection, sampling, and testing requirements of industrial hemp, the related fees, and the handling of product when a sample is found with a greater tetrahydrocannabinol concentration than allowed by law.
- 6. Sets forth violations and penalty provisions.
- 7. Allows for a licensee's income or profit from the disposition of its hemp, provided that the licensee properly reports on the movement, sale, or exchange of its hemp.
- 8. Allows a licensee to request a waiver to the revocation or suspension of its license if a sample is found with a greater tetrahydrocannabinol concentration than allowed by law, if the crop is destroyed or utilized in a manner approved by the Department of Agriculture.

The proposed rules are available for review in person at the following Department of Agriculture offices during business hours of 7:45 a.m. to 4:30 p.m., Monday to Friday.

Honolulu	1851 Auiki Street, Honolulu, HI 96819	Phone - 832-0700
Hilo	75 Aupuni Street, Hilo, HI 96720	Phone - 974-6514
Kona	82-6130 Mamalahoa Hwy, Captain Cook, HI	Phone - 323-7590
Maui	635 Mua Street, Kahului, HI 96732	Phone - 873-3554
Kauai	4398A Pua Loke St., Lihue, HI 96766	Phone - 241-7133

Copies may also be reviewed or downloaded at the Department of Agriculture website at hdoa.hawaii.gov/meetings-reports/.

Presentation by Jeri Kahana, HDOA/QAD Administrator, and Shelley Choy, Office of the Chairperson, as submitted. Staff recommends approval.

Motion to accept: Evans/Mina.

Board member Galimba asked how many acres were projected for the seed development program. Ms. Choy said that there are projects with 8 acres, 3 acres, and less then one acre.

Board member Mina asked if the awardees were throughout the State. Ms. Choy said that they are open to all climates throughout the State. Chairperson Enright said that HDOA has worked closely with the AG's office and that he did not want HDOA and the State moving forward without solid legal grounds.

Board member Hong said that this was really a federal issue in bringing in hemp seed. He said that we can manage the seed within Hawaii once here. He asked if there is any evidence that industrial hemp can be processed into marijuana or any other controlled substance. Ms. Kahana said that it could. She said that this will be addressed with monitoring. The genetics of seeds lends itself to this and this project requires monitoring and grower reports submitted to HDOA.

Board member Evans asked if CTAHR has been doing testing on industrial hemp prior to this demo project. Ms. Choy said that UH did a test from Australia from 2014-2015.

Board member Mina said that he attended the Hemp Conference in Hilo and that there was a lot of information shared from companies around the mainland, including information on medical attributes and protein attributes of the seed that focus on cannabinols and oils that are helpful to the body physiology. He said that this can happen through hemp as opposed to marijuana. He said that he would like to see that further clarified moving forward and would like to see hemp given a fair chance.

Board member Ornellas said that these plants are promiscuous and once it's here, it's here. Once we introduce it, plants will get out into the wild. Board member Mina said that it's known as ditch weed. Chairperson Enright said that there are 3 distinct usages: (1) Fiber — might be tough here so potential for fiber might be low due to scale; Nutritional aids — scale issues and genetics will be tough; and (3) CBD oil —the medicinal oils from plants. He said that this crop could potentially have a market here in Hawaii. The Commissioner of Agriculture of Colorado says that they would never want to do Hemp the way they are doing it now. He said that he tasked staff to learn from other states' mistakes. He said that it has taken longer, not from lack of trying, it's from DEA and a process that should have taken 1 month took 10 months.

Board member Mina said that he brought up that issue and can appreciate the current approach with concerns. He said the he is looking at the issue from an agriculturalist's

viewpoint, and that we have 1 million acres of agricultural land. He would like to see the cover crop seed industry in the state and having an industry that speaks to vitality of agriculture. Chairperson Enright said that it will be as it is with all ag being based on economics. He said that something that should be asked for is an economic feasibility study. If capitalization is based on price points, you will need to consider what may happen in the future should a crop like this become legal throughout the country.

Board member Ornellas said that there is no need for 50 states to do this as it is completely mechanized in Canada where the return is \$250 per acre. Board member Mina said that Hawaii's ability to do three crops and year and the quality of oil will make us stand out. He said that people are always looking for medicinal ways to help themselves.

Vote: Approved, 7/0.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

None.

VIII. ADJOURNMENT OF REGULAR MEETING

Board member Evans asked when the pesticide rules would be taken up again. Chairperson Enright said that this would be at the next meeting.

Chairperson Enright thanked Clark Hashimoto for his work and service on the Board.

Motion to adjourn meeting: Hong/Mina.

Vote: 7-0. Approved.

Meeting adjourned at 11:00 AM.

Respectfully submitted,

41 Micah Munekata42 Board Secretary