# AGENDA

**BOARD OF AGRICULTURE MEETING**

Date: April 23, 2019

Time: 9:00 a.m.

Location: Plant Quarantine Conference Room

1849 Auiki Street

Honolulu, Hawaii 96819

I. CALL TO ORDER

II. APPROVAL OF MINUTES FROM 12/4/18 and 2/26/19 MEETINGS

III. INTRODUCTIONS

1. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

1. AGRICULTURAL RESOURCE MANAGEMENT DIVISION  
     
   1. Request for Consent to Waive Performance Bond Requirement for   
    General Lease No. S-5811; Lessee:  Andy Trang; (3) 3-1-004:002,  
    Lot No. 02, Kamaee-Wailua, North Hilo, Island of Hawaii
2. Request for Approval for Issuance of Right-of-Entry to Christina McArthur, Jeffrey McMoyler, Heather Pelletier, and their authorized representatives for ingress and egress over and through TMK: (3)4-9-011:002, Ili of Kaohia, Waipio Valley, Hamakua, Island of Hawaii, encumbered by Revocable Permit No. S-7839.
3. Amend Prior Board Approval Dated October 23, 2018 Awarding Waianae Agricultural Park Leases to Various Awardees and   
   Back-Up Positions; TMK (1) 8-5-034:002, 013, 016 and 017; Waianae Agricultural Park, Waianae, Island of Oahu, Hawaii
4. Request for Consent to Assignment of General Lease No. S-5501; Doris E. Naki, Successor Trustee, Assignor, to Doris E. Naki and Naki Farms LLC, Assignee; TMK: (1) 4-1-010:029, Lot 29; Waimanalo Farm Lots, Koolaupoko, Waimanalo, Island of Oahu, Hawaii
5. Request for Approval to Accept the Set Aside and Issuance of Immediate Management Right-Of-Entry for Lot No. 12022; TMK: (1) 9-1-031:001; Honouliuli, Ewa, Island of Oahu, Hawaii

B. PLANT INDUSTRY DIVISION  
 Pesticides Branch  
  
 1. Request for:  (1) Acceptance of Hearing Officer’s Revised   
 Recommendations following Public Hearings held on November 1,   
 2018, November 2, 2018, November 5, 2018, November 7, 2018,   
 and November 8, 2018 on the Proposed Amendments to Chapter   
 4-66, *Hawai‘i Administrative Rules*, entitled “Pesticides” and   
 comments received at the December 4, 2018 Board Meeting; and   
 (2) to Schedule a Date for Announcement of the Board’s Decision   
 on Adoption of the Proposed Amendments to Chapter 4-66,   
 *Hawai‘i Administrative Rules*, (this matter was continued at the   
 December 4, 2018 Board Meeting for further discussion at the   
 February 2019 Board Meeting, where the matter was further   
 deferred to the next Board Meeting).  Proposed revisions to 4-66-62   
 and 4-66-64.2, *Hawai‘i Administrative Rules,* were attached to the   
 February 2019 submittal. The submittal can also be   
 found at <http://hdoa.hawaii.gov/meetings-reports/proposedar/>  
 **(See Attachment)**

Plant Quarantine Branch  
Invertebrate and Aquatic Biota:

1. Request to: (1) Allow the Importation of Nile Tilapia, *Oreochromis niloticus*, a Fish on the List of Restricted Animals (Part B), by Permit, for Aquaculture Production, by Kohala Mountain Fish Company, LLC; and (2) Establish Permit Conditions for the Importation of Nile Tilapia, *Oreochromis niloticus*, a Fish on the List of Restricted Animals (Part B), by Permit, for Aquaculture Production, by Kohala Mountain Fish Company, LLC.
2. Request to: (1) Allow the Importation of Grass Carp, *Ctenopharyngodon idella*, a Fish on the List of Restricted Animals (Part B), by Permit, for Aquaculture Production, by Alii Agriculture Farms LLC; and (2) Update Permit Conditions for the Importation of Grass Carp, *Ctenopharyngodon idella*, a Fish on the List of Restricted Animals (Part B), by Permit, for Aquaculture Production, by Alii Agriculture Farms LLC.

Land Vertebrate:

1. Request for: Approval of the Board of Agriculture’s Proposed Order Amending Chapter 4-71, Hawaii Administrative Rules (HAR), “Non-Domestic Animal Import Rules,” to Transfer the Water Buffalo, *Bubalus bubalis*, From the List of Restricted Animals (Part A), to the List of Restricted Animals (Part B).  
    **(See Attachment)**
2. Request to: If the Board of Agriculture Orders the Transfer of the Water Buffalo, *Bubalus bubalis*, From the List of Restricted Animals (Part A), to the List of Restricted Animals (Part B), and Subject to the Order First Taking Effect: (1) Allow the Importation of Water Buffalo, *Bubalus bubalis*, an Animal on the List of Restricted Animals (Part B), by Permit, for Commercial Production, by Kauai Organic AgroecoSystems; and (2) Establish Permit Conditions for the Importation of Water Buffalo, *Bubalus bubalis*, an Animal on the List of Restricted Animals (Part B), by Permit, for Commercial Production, by Kauai Organic AgroecoSystems.
3. awai

c. c. V. OLD BUSINESS  
  
None

VI. NEW BUSINESS

None

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*Those persons desiring to submit written testimony may do so*

*via postal mail to the BOA Chairperson’s Office at*

*1428 S. King Street, Honolulu, HI 96814-2512;*

*via fax to the BOA Chairperson at (808) 973-9613 or via e-mail to* [*HDOA.BOARD.TESTIMONY@HAWAII.GOV*](mailto:HDOA.BOARD.TESTIMONY@HAWAII.GOV)*. Please include the word*

*“testimony” and the subject matter following the address line. Those persons desiring to present oral testimony at the BOA meeting are requested to register with staff prior to the convening of the meeting. If possible, submit 14 copies of the*

*written testimony to staff prior to the meeting.*

*“If you require special assistance or auxiliary aids or services to participate in the public hearing process please contact staff at (808) 973-9550 at least 48 hours prior to the meeting so arrangements can be made.”*

*NOTE: MATERIALS FOR THIS AGENDA WILL BE AVAILABLE FOR REVIEW IN THE BOA CHAIRPERSON’S OFFICE, 1428 S. KING STREET,*

*HONOLULU, HAWAII, ON AND AFTER THURSDAY, 4/18/19.*

*“HDOA is committed to maintaining an environment free from discrimination, retaliation, or harassment on the basis of race, color, sex, sexual orientation, religion, national origin, age, or disability with respect to any employment, program or activity.  Should you feel you have been discriminated against under any HDOA program or activity receiving federal assistance, please contact the HDOA Title VI Coordinator. For information on how to file a complaint, go to:*[*http://hdoa.hawaii.gov/blog/main/discriminationcomplaints/*](http://hdoa.hawaii.gov/blog/main/discriminationcomplaints/)*. The HDOA Title VI Coordinator may be reached at 1428 S. King Street, Honolulu, HI 96814, (808) 973-9560 or via email at*[*hdoa.info@hawaii.gov*](mailto:hdoa.info@hawaii.gov)*.*

*To request language or accessibility for HDOA programs or public meetings, please contact the Office of the Chairperson, at (808) 973-9560 or email:*[*hdoa.info@hawaii.gov*](mailto:hdoa.info@hawaii.gov)*. Please allow sufficient time for HDOA to meet accommodation requests.”*

Attachment to Board of Agriculture Item C-1

4/23/19 Meeting Agenda

Proposed revisions to 4-66-62 and 4-66-64.2,

*Hawai‘i Administrative Rules*

**§4-66-62 Certified pesticide applicator recordkeeping.** (a) Certified pesticide applicators shall keep records of all [~~applications of~~] restricted use [~~pesticides applied,~~] pesticide applications at [~~their~~] the applicant's principal place of business.

(b) These records must be kept for a period of two years and shall be made available for inspection and copying by the head during reasonable working hours.

(c) Recordkeeping information shall include:

(1) Brand or common name of pesticide product applied;

(2) EPA registration number;

(3) Type of formulation;

(4) Per cent active ingredient;

(5) Scientific or common name of target pest;

(6) Dilution rate;

(7) Total amount of pesticide used;

(8) Total area covered;

(9) Time and date of application;

(10) Address or geographic location [~~of treated site~~], including the tax map key number, of the treated site where the restricted use pesticide(s) was used;

(11) Name of certified applicator and his or her certification number;

(12) Crop, commodity, stored product or other site;

(13) Restricted entry interval and whether posting and oral notification are required; and

(14) Any other information [~~that~~] the head deems [~~to be~~] necessary.

~~(c)~~](d) Every user of restricted use pesticides shall submit these records to the Department, for departmental use, no later than January 30th of the following year. All restricted use pesticide application records for the preceding calendar year shall be submitted on forms prescribed by the Head. The form shall be designed in such a way that the restricted use pesticide applicator may identify confidential business information, which shall remain confidential unless disclosure is required by law.

[~~(c)~~] (e) Commercial applicators [~~applying~~] that apply any pesticide in agricultural operations [~~must~~] shall furnish a written record containing the following information to the agricultural employer before [~~the~~] any pesticide is applied:

(1) The specific location and description of the treated area;

(2) Time and date of application;

(3) Product name, EPA registration number, and active ingredient(s);

(4) Restricted entry interval;

(5) Whether posting and oral notification are required; and

(6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

(f) Commercial applicators shall retain a copy of the written record furnished to the agricultural employer in compliance with subsection (e). These records must be kept for a period of two years and shall be made available for inspection and copying by the head during reasonable working hours.

(g) Certified pesticide applicators shall create or verify the existence of records documenting that each non-certified applicator who mixes, loads, transfers, or applies restricted use pesticides has the qualifications required under section 4-66-61(4).

(h) Failure to comply with these recordkeeping requirements may result in certification revocation and subject the certified pesticide applicator to additional penalties as provided by law. [Eff 7/13/81; am and comp 12/16/06; am and comp ] (Auth: HRS §§149A-29, 149A-33, 40 CFR §171.201) (Imp: HRS §§149A-26, 149A-33, 7 CFR §110, 40 CFR §171.201)

**§4-66-64.2 Conditions and limitations on restricted use pesticide application within buffer zones.** (a) Beginning January 1, 2019, no person shall apply a restricted use pesticide on or within one hundred feet of a school property during normal school hours.

(b) This section shall not apply to whole structure fumigation.

(c) If this section is determined to conflict with any pesticide application information listed on the pesticide label, the more restrictive provision shall apply.

(d) Buffer zones may be determined by tax map key number, or if tax map key number is not an appropriate means of establishing the buffer zone, by property boundaries such as fence lines, landscaping, or other method that is reasonably capable of determining the school's property.

(e) School locations may be identified by readily available public records.

(f) The certified applicator shall be responsible for all violations of chapter 149A, Hawaii Revised Statutes and this rule.

As used in this section:

"Buffer zone" means an area in which no restricted use pesticides may be applied.

"Normal school hours" means Monday through Friday from 7:00 a.m. until 4:00 p.m., excluding days when classes are not in session**.**

"School" means any public or private preschool, kindergarten, elementary, intermediate, middle, secondary, or high school. [Eff ; comp

] (Auth: HRS §149A-29) (Imp: HRS §149A-28)

Attachment to Board of Agriculture Item C-4

4/23/19 Meeting Agenda

A copy of the proposed order and proposed amendments is attached. They can also be viewed online at <http://hdoa.hawaii.gov/meetings-reports/proposedar/> or in person at any of the following Department of Agriculture offices during normal business hours of 7:45 a.m. to 4:30 p.m. through close of business April 23, 2019:

Oahu- 1428 South King Street, Honolulu Phone: 808-973-9600

or 1849 Auiki Street, Honolulu Phone: 808-832-0566

Hawaii- 16E Lanikaula Street, Hilo Phone: 808-974-4141

or 95 Akahana Street, Room 9, Hilo Phone: 808-961-9393

or 73-302 Kupipi Street, Kailua-Kona  Phone: 808-326-1077

Kauai- 4398A Pua Loke Street, Lihue Phone: 808-274-3071

Maui- 635 Mua Street, Kahului Phone: 808-873-3556

Molokai- 801 Puupeehua Ave., Hoolehua Phone: 808-567-6891

“Molokai Irrigation Office”

State of Hawaii

Department of Agriculture

March 13, 2019

Board of Agriculture

Honolulu, Hawaii

**Subject: Proposed Board Order**

The Board of Agriculture met at a duly noticed meeting on February 26, 2019, and by a unanimous vote of 9 to 0, preliminarily approved the transfer of the Water buffalo, *Bubalus bubalis*, from the List of Restricted Animals (Part A) to the List of Restricted Animals (Part B).

Pursuant to Section 4-71-4.2, Hawaii Administrative Rules, the Board of Agriculture hereby orders that the List of Restricted Animals (Part A) and the List of Restricted Animals (Part B) be amended as set forth in Attachment A.

RESTRICTED ANIMAL LIST (Part A) §4-71-6.5 SCIENTIFIC NAME COMMON NAME

MAMMALS

PHYLUM Chordata CLASS Mammalia

ORDER Artiodactyla FAMILY Bovidae

Bovidae (all species in family wild cattle, buffalo, except Bubalus bubalis) antelopes, etc.

FAMILY Camelidae

Camelus bactrianus camel, Bactrian

Camelus dromedarius camel

FAMILY Cervidae

Cervus nippon deer, sika

Dama dama (=Cervus dama) deer, white European fallow

Muntiacus muntjak deer, Indian muntjac

Muntiacus reevesi muntjac, Reeve's

Odocoileus hemionus deer, black-tailed

FAMILY Girrafidae

Okapia johnstoni okapi

FAMILY Hippopotamidae

Choeropsis liberiensis hippo, pygmy (Prohibited for short-term

performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

Hippopotamus amphibius hippopotamus (Prohibited for short-term

performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other

purposes permitted under section

4-71-6.5)

RESTRICTED ANIMAL LIST (Part B) §4-71-6.5 SCIENTIFIC NAME COMMON NAME

Sula leucogaster booby, brown

Sula nebouxii booby, blue-footed

Sula sula booby, red-footed

ORDER Procellariiformes FAMILY Diomedeidae

Diomedea immutabilis albatross, Laysan

Diomedea nigripes albatross, black-footed ORDER Psittaciformes

FAMILY Psittacidae

Coracopsis nigra parrot, black

Coracopsis vasa parrot, vasa

Psittacula krameri parakeet, rose-ringed (ringnecked)

Rhynchopsitta pachyrhyncha parrot, thick-billed

ORDER Sphenisciformes FAMILY Spheniscidae

Spheniscidae (all species in family) penguins

ORDER Struthioniformes FAMILY Struthionidae

Struthio camelus ostrich

MAMMALS

PHYLUM Chordata CLASS Mammalia

ORDER Artiodactyla FAMILY Bovidae

Aepyceros melampus impala

Ammotragus lervia sheep, barbary (aoudad)

Antilope cervicapra antelope, blackbuck

Bison bison bison

Bubalus bubalis water buffalo

Capra falconeri markhor

Capra ibex ibex

Gazella dama gazelle, dama

Hippotragus niger antelope, sable Oryx beisa beisa (=O. gazella beisa) oryx, beisa Ovis musimon sheep, mouflon