State of Hawaii
Department of Agriculture
Agricultural Loan Division

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

Subject: **Loan Presentation**

APPLICANT:

Fung Yang
59-589B Ke Iki Rd.
Haleiwa, HI 96712

OCR Inc. dba Small Kine Farm
P.O. Box 600
Kailua, HI 96734

CLASSIFICATION & ELIGIBILITY

The applicants meet the general eligibility requirements of section 155-10 and as a "Qualified Farmer" as cited in 155-1 of the Hawaii Revised Statutes. OCR Inc. dba Small Kine Farm (OCR) has been operating as a S-Corporation since January 10, 2006 and currently has five (5) employees. Fung Yang is the sole stockholder for OCR and has been a Hawaii resident since 2004.

COMMODITY: Organic Mushrooms

CREDIT HISTORY: SEE EXHIBIT A (CONFIDENTIAL)

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OTHER STATE AGRICULTURAL LOANS: None

LOAN REQUEST & PURPOSE:

$780,000 Class A Farm Ownership Loan

Loan Breakdown

$ 30,000	Down Payment
$ 50,000	EDA/CBED, Facility
$780,000	SALD, Class-A
$860,000	**Total Purchase price**

To purchase the farm parcel leased from the Plant Research Corporation (PRC) consisting of 1.729-acres in Waimanalo. The purchase of the fee simple land will provide a permanent home for the operation allowing for continued development and expansion of the operation. The applicant will be contributing a down payment and the remainder of the land purchase will be jointly funded by the State Agricultural Loan Division (SALD) and the State Community Business Economic Development (CBED) in conjunction with an EDA program grant

$45,000 Class C Direct Operating

Loan Breakdown

$35,000	Purchase/retrofit 2 grow out containers
$10,000	Operating funds
$45,000	**Total Request**

This loan will expand production by purchasing and retrofitting two shipping containers as grow out facilities and is anticipated to expand mushroom production by 30%. The loan also provides operating funds for the operation.

TERMS:

Class A - Farm Ownership (SALD)

Amount:	$780,000
Term:	30 years
Interest:	3.00%
Repayment:	Monthly principal and interest payments of $3,289.00 until maturity.

EDA - CBED Facility Loan

Amount:	$50,000
Term:	10 years
Interest:	3.00%
Repayment:	Monthly principal and interest payments of $483.00 until maturity.

Class C – Operating Loan

Amount:	$45,000
Term:	10 years
Interest:	3.00%
Repayment:	Monthly principal and interest payments of $435.00 until maturity.

SECURITY:

The SALD Class-A loan and Class C loan will be secured by the following:

- A first mortgage on property located at 41-829 A Kakaina Street in Waimanalo and identified as TMK: (1) 4-1-025-009-000 consisting of 1.729-acres with a 2021 land Tax Assessment Value of $1,056,900.

- Junior UCC blanket security interest and financing statement in accounts receivable, inventory, and farm equipment. Priority position is held by USDA Farm Service Agency (FSA) for its 3 loans. A specific interest will be taken on the equipment being purchased.

Shown below is the loan to value ratios (LTV):

$$\frac{\$780,000 \text{ (SALD Class A)} + \$45,000 \text{ (Class C)}}{\$1,056,900 \text{ (TAV)}} = 78\%$$

The loan to value based solely on the real estate, meets the statutory requirement of 85% loan to value. No value was placed on the equipment and chattels due to the lien position and term of the Class A loan.

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For informational purposes shown below is the overall loan to value ratio for both SALD loans and FSA loans. Included in the value is the equipment/containers that will be purchased and the market value of the farm equipment. It should be noted that some of the valued collateral have limited life.

Loan to Value Ratio

$$\frac{\$780,000(\text{Class A}) + \$45,000\ (\text{Class C}) + \$73,411(\text{FSA})}{\$1,056,900\ (\text{RE}) + \$289,800\ (\text{Equip}) + \$35,000\ (\text{new})} = 65\%$$

The farm equipment valued at $289,800 and includes 2 Bobcat skid loaders, 3 20' containers, 5 40' containers, delivery vehicles, 2 walk-in coolers, 2 commercial fridges, 4 Solar A/C Units, heat sealers and tunnels, hydro foggers, power converters, and misc. equipment. Not included in the valuation is a Toyota Forklift that is financed by Servco.

The CBED loan will be secured with the following:

- A second mortgage on property identified as TMK: (1) 4-1-025-009-000 (1.729-acres) with a 2021 Tax Assessment Value of $1,056,900.
- Junior UCC blanket security interest and financing statement in accounts receivable, livestock, inventory, and farm equipment. Priority position is held by USDA Farm Service Agency (FSA).

$$\frac{\$825,000\ (\text{SALD loans}) + \$50,000\ (\text{CBED})}{\$1,056,900\ (\text{TAV})} = 83\%$$

The overall loan total value for all the proposed state loans based solely on the real estate value.

GUARANTORS: NONE

FINANCIAL CONDITION: SEE EXHIBIT A (CONFIDENTIAL)

REPAYMENT ABILITY: SEE EXHIBIT A (CONFIDENTIAL)

INSURANCE: Hazard insurance with the State named as first mortgagee.
Commercial Liability Insurance.
Keyman life insurance for Mr. Yang of $250,000.

BACKGROUND/ MANAGEMENT ABILITY:

Mr. Fung Yang's education includes a 1994 bachelor's degree from the University of Hawaii (UH) in Meteorology. He has worked for various companies in Hong Kong, California and Hawaii including work as the Vice President of Marketing and Sales for Applied Dental Inc. in California and was the Vice President of Excellent Engineering Electronics, Inc. In 2004, Mr. Yang moved back to Honolulu working for VR Mergers & Acquisitions and starting Nuinalu.com LLC, a real estate investment company.

Oahu Community Recycling Inc. (OCR) was registered with the Honolulu Department of Commerce and Consumer Affairs (DCCA) by owner Fung Yang on January 10, 2006 as an agricultural composting company. Later that year Mr. Yang visited an Oregon organic mushroom farm and was introduced to genus Agaricus mushroom cultivation, better known as Portabella and Cremini mushroom farming. Mr. Yang was so inspired by the process that in May of 2007, he began building a 500 sq. ft. test facility to experiment and grow organic mushroom in an old Waimanalo warehouse. He later expanded his operation to a 10,000 sq. ft facility on the same lot.

In 2009, OCR was awarded a three year $500,000 USDA Small Business Innovation Research Grant to develop growth substrates for mushrooms from local organic waste. In 2015, OCR began to position itself as an organic Portabella and Cremini mushroom producer by adopting "Small Kine Farm" (SKF) as its business trade name. After ten years of experimenting and testing, Mr. Yang expanded

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his operation and began selling his mushroom to restaurants and organic retailers.

SKF uses local "green waste" such as coconut tree cuttings as the base for compost substrate material to cultivate Agaricus mushrooms. The Portobello mushrooms typically grow to 5.5" in diameter with Cremini mushrooms being smaller in size. Mr. Yang consulted with several specialists including Dr. Theodore J.K. Radovich, Department of Tropical Plants and Soil Science, UH, Dr. George Wong, Associate Professor of Botany, UH and noted mushroom specialist Dr. David Beyer, Penn State University.

By using proprietary, innovative, and sustainable practices, SKF produces high quality organic and food safety certified mushrooms for local restaurants, natural food stores, farmer markets and retailers with no seasonal variations. SKF's zero waste agriculture model uses recycled materials for inputs and creates no irrigation runoff, no soil nutrient depletion and minimal land requirements. The result is an environmentally responsible local agricultural product that can compete directly with mainland competitors on price as well as quality.

SUMMARY:

Mr. Yang is an experienced mushroom farmer with an organized system and the necessary equipment for efficient mushroom production. He has the education and business background to successfully operate the farm. The organic mushroom operation utilizes local compost waste products from his recycling operation to provide the necessary substrate material to raise mushrooms. The farm has pivoted during COVID-19 pandemic to transition its markets from primarily restaurants to farmer's markets, community supported agriculture and specialty grocery retailers. Once the economy improves, the company will be in a great position to supply both restaurants and specialty grocery retailers making it a more diversified operation.

The proposed loan will allow Mr. Yang the opportunity to purchase the farmland at less than the market price and expand his mushroom operation. Having the ownership of the land will allow him to build equity and begin making permanent capital improvements for the property. More than 2.3 million pounds of Agaricus mushrooms were

imported into the state in 2006 and 2007. Increasing production of locally grown food products would reduce the number of imported products reducing Hawaii's carbon footprint, increasing food self-sufficiency and provide Hawaii consumers with the freshest possible products.

The loans will be well secured with real estate, farm equipment and inventory. The loans are further supported by the Mr. Yang's excellent credit history and the farm's historical and projected cash flow.

TURNDOWNS:

First Hawaiian Bank and Bank of Hawaii denied the loan request for the following reasons:

- Bank does not finance vacant ag. land
- Requires a 25% down payment for commercial loan

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RECOMMENDATIONS: This loan is recommended for approval based on the applicant's farming experience, financial management ability, collateral offered, and excellent credit history.

Date: 5/6/21

Recommended by:

for Wayne S. Takamine
Business Loan Officer I

Date

Reviewed and concurred by:

5/6/21

Dean M. Matsukawa
Division Administrator

Date

Approved for Submission

5/7/2021

Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII 96814

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

Subject:	REQUEST FOR ACCEPTANCE OF ANNUAL LEASE RENTS AS DETERMINED BY INDEPENDENT APPRAISAL FOR RENT REOPENINGS AND NEW LEASES FOR VARIOUS LOTS LOCATED STATEWIDE
Authority:	Sections 166-9 and 166E-6, Hawaii Revised Statutes (HRS), and Sections 4-153-3(b)(10) & 18, and Sections 4-158-2(a)(11) and 21, Hawaii Administrative Rules (HAR)
Lease:	Various listed in Exhibit "A"
Lessee:	Various
Land Status:	Properties set aside to the Department of Agriculture by various Governor's Executive Orders
Character of Use:	Various

REMARKS:

Pursuant to the provisions of sections 4-153-3(b)(10) and 18, 4-158-2(a)(11) and 21, and 4-158-8(b)(1), HAR, the Board of Agriculture (Board) is required to establish and approve annual lease rentals by independent appraisal for issuance of new leases, extensions of leases, and reopenings of base and additional rentals for existing leases in the Agricultural Park and Non-Agricultural Lands programs.

The Department of Agriculture contracted ACM Consultants, Inc. to determine the fair market rents of various agricultural park and non-agricultural park lands leases for rents reopened on various dates, lease conversions, and dispositions of new leases. ACM Consultants, Inc. recently completed the appraisal and the new lease rents are presented in the table attached as Exhibit "A."

Staff believes the new rental rates are fair and reflect the current market conditions for the agricultural leases. Accordingly, staff recommends that the Board accept the new rental values as determined by ACM Consultants, Inc.

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RECOMMENDATION:

That the Board accept the fair market rentals for the various Agricultural Park and Non-Agricultural Park Land leases as listed in Exhibit "A." The new rental rates will take effect upon the stated rent reopening dates or upon issuance of a new lease, as may be appropriate for each lease. Any reopened rental for which the current rate exceeds the appraised rate shall remain at the current rate.

Respectfully submitted,

BRIAN KAU, P.E.
Administrator & Chief Engineer
Agricultural Resource Management Division

ATTACHMENT: EXHIBIT "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

Exhibit "A"

SUMMARY OF VALUE CONCLUSIONS

Board of Agriculture May 25, 2021

Parcel TMK	Lease No.	Program	Gross Acres	Appraised Fair Market Rental	% Rent on Gross Proceeds	Purpose
ISLAND OF OAHU						
(1) 4-1-010:040	S-2500	Non-Ag Park	3.742	$8,610.00	1.5%	reopening
(1) 4-1-013:032	S-5620	Non-Ag Park	16.560	$20,490.00	1.5%	reopening
(1) 4-1-026:019	S-3780	Non-Ag Park	6.705	$12,038.00	1.5%	reopening
(1) 4-1-027:018	S-5168	Non-Ag Park	6.521	$12,248.00	1.5%	reopening
(1) 4-1-027:019	S-3771	Non-Ag Park	10.005	$16,065.00	1.5%	reopening
(1) 4-1-027:023	vacant	Non-Ag Park	15.101	$18,780.00	1.5%	disposition
(1) 4-1-027:020, 024	vacant	Non-Ag Park	38.918	$30,330.00	1.5%	disposition
(1) 4-1-027:026	S-3105	Non-Ag Park	5.515	$10,980.00	1.5%	reopening
(1) 4-1-027:029	S-3766	Non-Ag Park	7.001	$12,750.00	1.5%	reopening
(1) 5-6-005:018, (1) 5-6-006:056	S-6025	Non-Ag Park	229.660	$39,200.00	1.5%	reopening
(1) 8-5-034:007	S-1007	Ag Park	6.945	$4,650.00	3.0%	reopening
(1) 9-1-031:026	S-8501	Ag Park	3.769	$9,440.00	2.0%	reopening
ISLAND OF MAUI						
(2) 2-3-003:006	S-5614	Non-Ag	13.14	$8,048.00	1.5%	reopening
ISLAND OF HAWAII						
(3) 1-5-116:002	S-4416	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:004	S-4418	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:006	S-4420	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:008	S-4422	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:009	S-4423	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:010	S-4424	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:014	S-4428	Ag Park	20.000	$1,820.00	1.5%	reopening
(3) 1-5-116:016	S-4430	Ag Park	15.325	$1,530.00	1.5%	reopening
(3) 1-5-116:019	S-4432	Ag Park	15.321	$1,530.00	1.5%	reopening
(3) 1-5-116:021	S-4624	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:022	S-4625	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:023	S-4626	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:024	S-4627	Ag Park	10.000	$1,220.00	1.5%	reopening
(3) 1-5-116:025	S-4630	Ag Park	16.501	$1,620.00	1.5%	reopening
(3) 1-5-116:027	S-4628	Ag Park	30.000	$2,190.00	1.5%	reopening
(3) 1-5-116:042	S-4825	Ag Park	5.266	$590.00	1.5%	reopening
(3) 2-4-049:007	S-4447	Non-Ag Park	10.008	$5,840.00	1.5%	reopening
(3) 2-4-049:023	S-4640	Non-Ag Park	10.243	$5,940.00	1.5%	reopening
(3) 2-4-049:026, 27, 28	S-4445	Non-Ag Park	30.340	$10,560.00	1.5%	reopening
(3) 7-3-049:015	S-4853	Ag Park	5.111	$3,670.00	1.5%	reopening
(3) 7-3-049:016	S-4854	Ag Park	5.421	$3,860.00	1.5%	reopening
ISLAND OF KAUAI						
(4) 1-9-001:003	S-4938	Non-Ag	4.950	$1,238.00	0.0%	extension
(4) 1-9-001:014	S-5113	Non-Ag	6.100	$2,378.00	0.0%	extension

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

Subject: REQUEST APPROVAL TO TERMINATE GENERAL LEASE NO. S-4754; HARRIS S. ASAHARA AND ELIZABETH L. ASAHARA, LESSEE; TMK: 3RD DIV/2-2-056:033, LOT NO. 7, PANAEWA AGRICULTURAL PARK, WAIAKEA, SOUTH HILO, ISLAND OF HAWAII, HAWAII

Authority: Section 166-6(b), Hawaii Revised Statutes (HRS), and Sections 4-153-3(b)(3) and 34, Hawaii Administrative Rules (HAR)

Lessee: Harris S. Asahara and Elizabeth L. Asahara

Land Area: Approximately 10.170 acres

Tax Map Key: 3rd Div/2-2-056:033 (Exhibit "A")

Land Status: Encumbered by Governor's Executive Order No. 3378 to the Department of Agriculture for agricultural park land purposes in 1988

Lease Term: 55 years, January 1, 1982 to December 31, 2036

Current Rent: $2,700.00 per year

Character of Use: Orchard

BACKGROUND:

In 1981, General Lease No. S-4754 was awarded by the Board of Land and Natural Resources (BLNR) to Harris S. Asahara and Elizabeth L. Asahara. Since the execution of General Lease S-4754, Mr. and Mrs. Asahara utilized the subject property to grow a variety of fruit trees, foliage, macadamia nuts and red ginger.

By letter dated December 4, 2019, Mr. Asahara informed the Department of Agriculture (DOA) that he was unable to perform the necessary work on the farm and that he wished to assign the lease for $30,000.00. In follow-up letters dated February 10, 2020 and August 5, 2020, Mr. Asahara requested to return the property to the State instead.

An inspection was conducted on the subject property which confirmed that Mr. and Mrs. Asahara were not utilizing Lot 07 in accordance with their Plan of Utilization. A default notice, dated September 17, 2020, was sent via certified mail to Mr. and Mrs. Asahara notifying them of their default of paragraphs 35 (Utilization of Land) and 36 (Good husbandry and conservation

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program) of the lease and providing them with a sixty (60) day deadline to commence a cure of the default. After no remedy was initiated, a second default notice, dated January 29, 2021, was sent via certified mail to Mr. and Mrs. Asahara again notifying them of the default and providing them sixty (60) days to commence a cure. To date, no cure of the default has commenced and the default has not been remedied.

Mr. Asahara continues to request that the DOA take back the property and has indicated on various occasions that he is unable to utilize the property in accordance with his plan of utilization.

The lessee is in default with an outstanding semi-annual rental amount due of $1,350.00 for the period January 1, 2021 to June 30, 2021. Real property taxes appear to be current.

RECOMMENDATIONS:

That the Board of Agriculture:

1. Approve the cancellation of General Lease S-4754, pursuant to Sections 4-153-3(b)(3) and 34, HAR, and terminate all right, title, and interest granted to the Lessee therein effective as of the date of approval of this submittal.
2. Authorize issuance of a lease cancellation document to be executed by the chairperson and recorded at the Bureau of Conveyances; and
3. Authorize staff to prepare TMK: 3rd/Div2-2-056:033 for disposition to the public, pursuant to Sections 4-153-21 and 22, HAR

All documents are subject to the approval as to form by the Department of the Attorney General, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

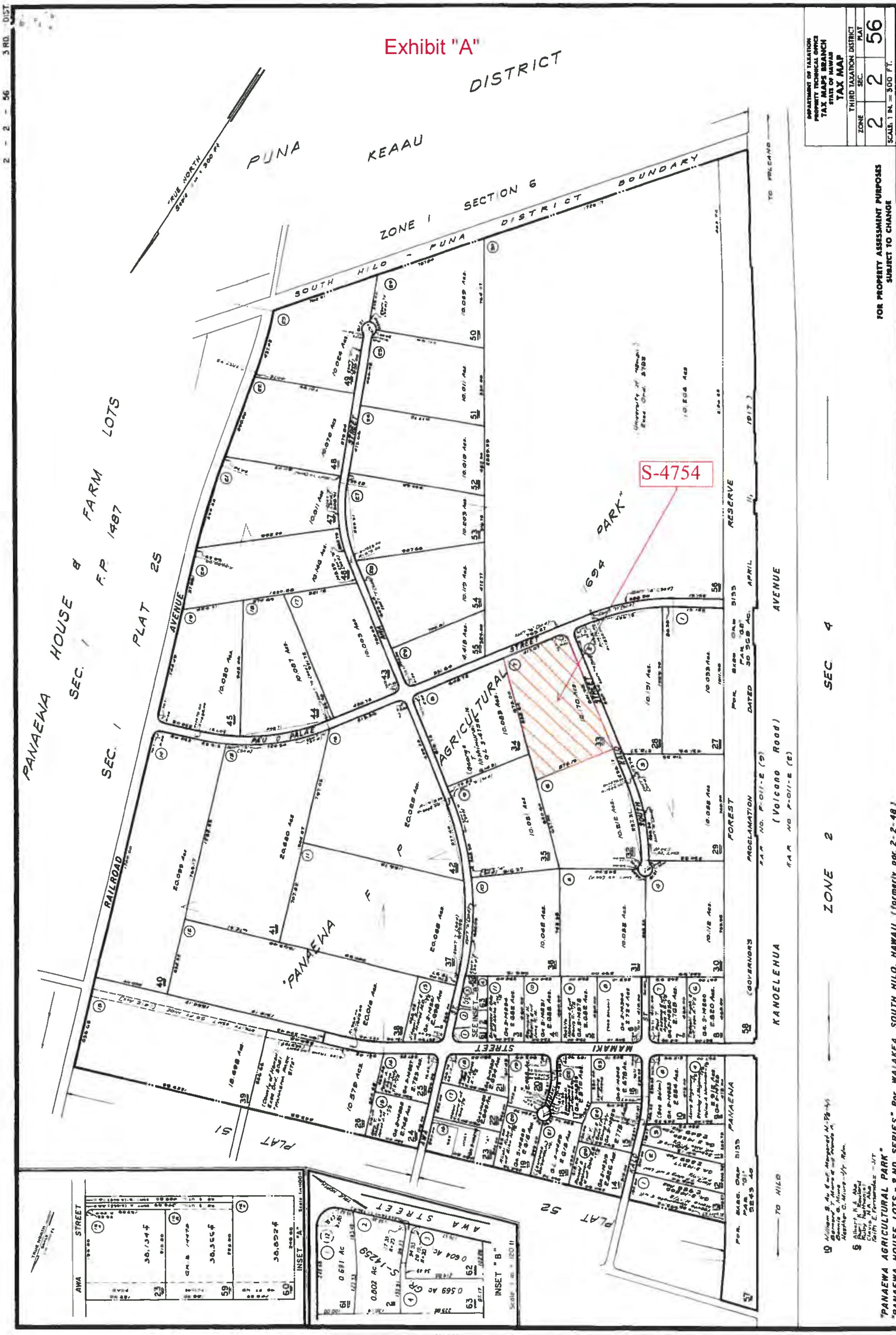
BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

Attachment - Exhibit "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

Exhibit "A"


PUNA
KEAAU
DISTRICT
ZONE 1 SECTION 6
SOUTH HILO - PUNA DISTRICT BOUNDARY
PANAEWA HOUSE & FARM LOTS
SEC. 1 F.P. 1487
PLAT 25
RAILROAD AVENUE
PAU O PALAE
"PANAEWA AGRICULTURAL PARK"
S-4754
FOREST RESERVE
KANOELEHUA AVENUE
(Volcano Road)
ZONE 2 SEC 4
MAMAKI STREET
AWA STREET
PLAT 51
PLAT 52
INSET "A"
INSET "B"
DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP
THIRD TAXATION DISTRICT
ZONE 2 SEC. 2 PLAT 56
SCALE 1 IN. = 300 FT.
FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE
"PANAEWA AGRICULTURAL PARK"
"PANAEWA HOUSE LOTS - 2ND SERIES" Por. WAIAKEA, SOUTH HILO, HAWAII

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STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

Subject:	REQUEST FOR APPROVAL TO SUBLEASE BETWEEN THE HAMAKUA AGRICULTURAL COOPERATIVE, LESSEE/SUBLESSOR, AND AGEE, INC., SUBLESSEE; GENERAL LEASE NO. S-7009, TMK: 3rd DIV/4-3-005:018 (por), LOT NO. 14, HAMAKUA POHAKUHAKU AND KEMAU 1ST, HAMAKUA, ISLAND OF HAWAII, HAWAII
Authority:	Section 166-6, Hawaii Revised Statutes, (HRS), and Section 4-153-33(a)(7), Hawaii Administrative Rules (HAR)
Lessee/Sublessor:	Hamakua Agricultural Cooperative
Sublessee:	AGEE, INC.
Land Area:	9 acres
Tax Map Key:	3rd Div/4-3-005:018 (por) (Exhibit "A")
Land Status:	Hamakua Agricultural Park lands were acquired in fee by the Department of Agriculture under foreclosure and Bankruptcy Settlement Agreement with Hamakua Sugar Company, Inc.
Lease Term:	June 30, 1998 through June 29, 2033
Sublease Term:	April 1, 2021 to June 29, 2033
Sublease Base Annual Rent:	$940.50/year – Lot 14 until June 29, 2028 (Reopening Date)
Character of Use:	General Agriculture and pasture purposes in accordance with a Plan of Utilization and Development approved by the Department

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BACKGROUND:

AGEE, Inc. is an existing family-owned ranch and pasture corporation that has been in operation for over 20 years. It is owned and operated by Phyllis Aguiar, along with her son, Shawn Aguiar, and other family members. AGEE, Inc. currently leases various subleases with the Hamakua Agricultural Park that fall under the following general leases: General Lease No. S-7009 (one sublease), General Lease No. S-7010 (3 subleases), General Lease No. 7012 (one sublease), and General Lease No. S-7013 (one sublease). AGEE, Inc. products are sold to American Pacific, Inc. and shipped overseas. The additional 9 acres are also located in the Hamakua Agricultural Park and fall under General Lease No. S-7009, lot 14, and the acres will be utilized to its full potential as grazing pasture for the herds.

AGEE, Inc. qualifies as an agricultural company with more than 75 percent of its members qualifying as bona fide farmers with more than two years of full-time farming/ranching experience and meets the eligibility residency requirements of three years commensurate with Sections 4-153-1 and 13, HAR.

RECOMMENDATION:

That the Board of Agriculture approve the Sublease between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and AGEE, Inc., Sublessee, for Lot No. 14 in the Hamakua Agricultural Park, under General Lease No. S-7009 until the expiration date of June 29, 2033 and further subject to the approval as to form of the consent document by the Department of the Attorney General, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

Respectfully submitted,

BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

Attachment – Exhibit "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

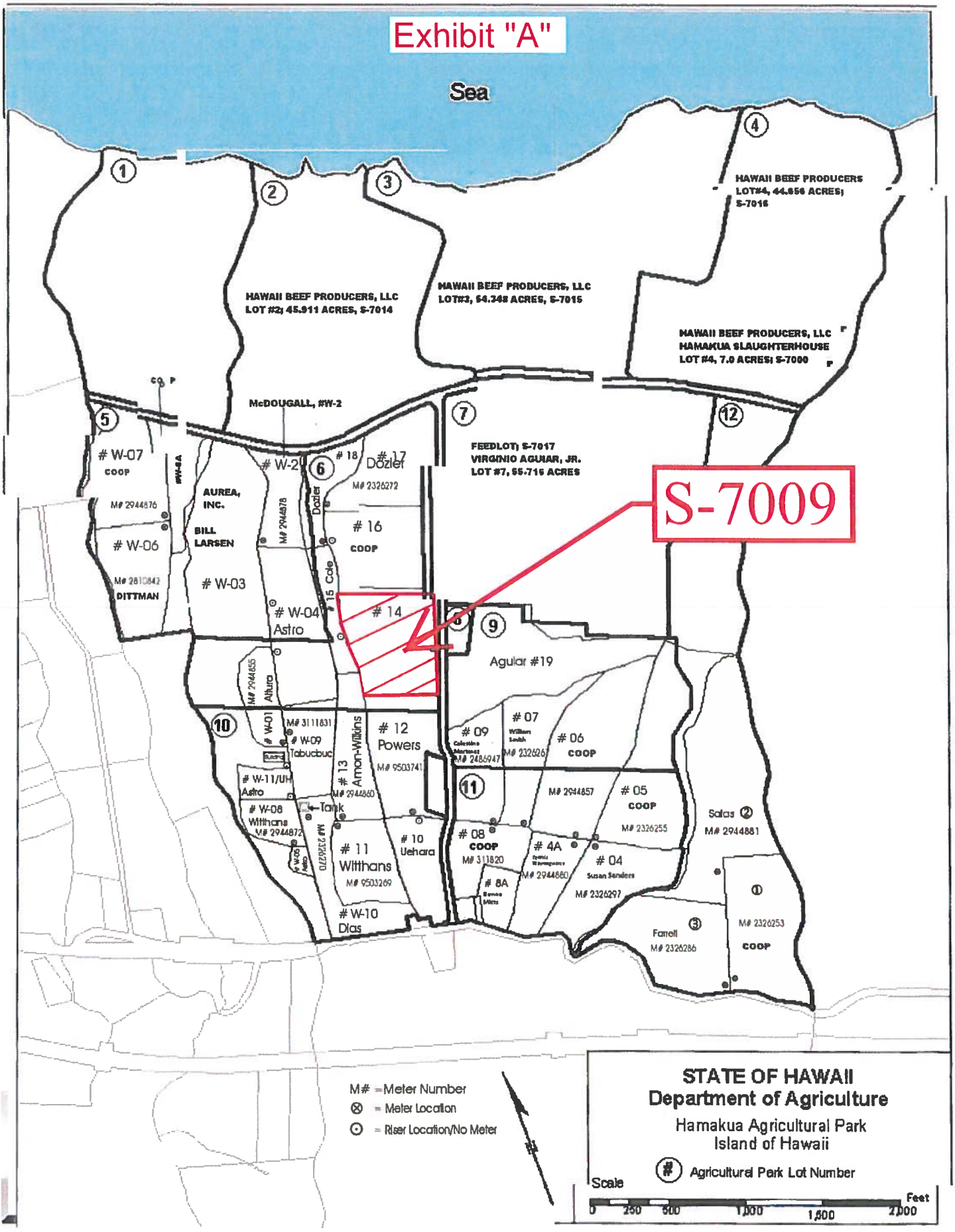
Exhibit "A"
Sea
S-7009
HAWAII BEEF PRODUCERS, LLC
LOT #2; 45.911 ACRES, S-7014
HAWAII BEEF PRODUCERS, LLC
LOT#3, 54.348 ACRES, S-7015
HAWAII BEEF PRODUCERS
LOT#4, 44.856 ACRES;
S-7016
HAWAII BEEF PRODUCERS, LLC
HAMAKUA SLAUGHTERHOUSE
LOT #4, 7.0 ACRES; S-7000
McDOUGALL, #W-2
FEEDLOT) S-7017
VIRGINIO AGUIAR, JR.
LOT #7, 55.716 ACRES
W-07
COOP
M# 2944876
W-06
M# 2810842
DITTMAN
AUREA, INC.
BILL LARSEN
W-03
W-2
W-04
Astro
18
17
Dozier
M# 2326272
16
COOP
Cole
14
Aguiar #19
09
07
William Smith
M# 2326526
06
COOP
M# 2944857
05
COOP
M# 2326255
04
Susan Sanders
M# 2326297
4A
M# 2944860
8A
08
COOP
M# 311820
Salas ②
M# 2944881
①
M# 2326253
COOP
③
Farrell
M# 2326286
12
Powers
M# 9503741
13
Amon-Wilkins
M# 2944860
10
Uehara
11
Witthans
M# 9503269
W-10
Dias
W-11/UH
Astro
W-08
Witthans
M# 2944872
W-09
Tabucbuc
M# 3111831
W-01
Altura
M# 2944855
Tank
M# 9503270
M# =Meter Number
⊗ = Meter Location
⊙ = Riser Location/No Meter
STATE OF HAWAII
Department of Agriculture
Hamakua Agricultural Park
Island of Hawaii
Agricultural Park Lot Number
Scale
0 250 500 1,000 1,500 2,000 Feet

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STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

Subject:	REQUEST FOR APPROVAL TO SUBLEASE BETWEEN KONA PRODUCERS COOPERATIVE, LESSEE/SUBLESSOR, AND HAWAII ULU PRODUCERS COOPERATIVE, SUBLESSEE; GENERAL LEASE NO. S-3003; TMK: 3RD DIV/7-9-016:018 (POR), LOT NO. 18, HONALO, NORTH KONA, ISLAND OF HAWAII, HAWAII.
Authority:	Section 166E-6, Hawaii Revised Statutes (HRS), and Section 4-158-19 (a)(6), Hawaii Administrative Rules (HAR)
Lessee/Sublessor:	Kona Producers Cooperative
Sublessee:	Hawaii Ulu Producers Cooperative
Land Area:	Parcel 18: 1.91 acres (Por)
Tax Map Key:	3rd Div/7-9-016:018 (Por) (Exhibit "A")
Land Status:	Encumbered by Governor's Executive Order No. 3503 to the Department of Agriculture for non-agricultural park land purposes in 1991
Lease Term:	25 years, December 1, 1993 to November 30, 2018 25 years, December 1, 2018 to November 30, 2043
Sublease Term:	June 1, 2021 to September 30, 2043
Sublease Rent:	$225.83/month ($2,709.96/year) until September 30, 2043
Character of Use:	Solely for agricultural processing; defined by the lease as "the processing of agricultural products, including marshalling, cooling, treating or transshipping, which are grown, raised or produced within the State"

B10

B11

BACKGROUND:

In 1993, General Lease No. S-3003, a 25-year lease, was awarded by the Board of Agriculture (BOA) to Kona Producers Cooperative (KPC). At its meeting held on September 25, 2018, the BOA approved an extension of the lease for 25 years to expire on November 30, 2043.

KPC's mission is to support and advance development of the local agricultural industry on Hawaii Island and to encourage and foster increased cooperation among island farmers. Currently, the KPC facility primarily serves as an aggregation center for ulu (breadfruit) at which they process, store and market the ulu as well as process value-added ulu products.

KPC is requesting to enter into a sublease with Hawaii Ulu Producers Cooperative (HUPC), to utilize approximately 5200 square feet of floor space within the facility. HUPC is an agricultural cooperative organized to help revitalize the ulu industry in Hawaii and to make ulu a viable crop and dietary staple, thereby contributing to food security in Hawaii.

HUPC qualifies as an agricultural cooperative commensurate with Section 4-158-1 and 27, HAR, with at least seventy-five percent (75%) of its members who qualify individually as a bona fide farmer and meet the eligibility residency requirement.

RECOMMENDATION:

That the Board of Agriculture approve the request to sublease Lot 18, between Kona Producers Cooperative, under General Lease S-3003, to Hawaii Ulu Producers Cooperative, until the expiration date of September 30, 2043, and further subject to the approval as to form of the consent document by the Department of the Attorney General, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

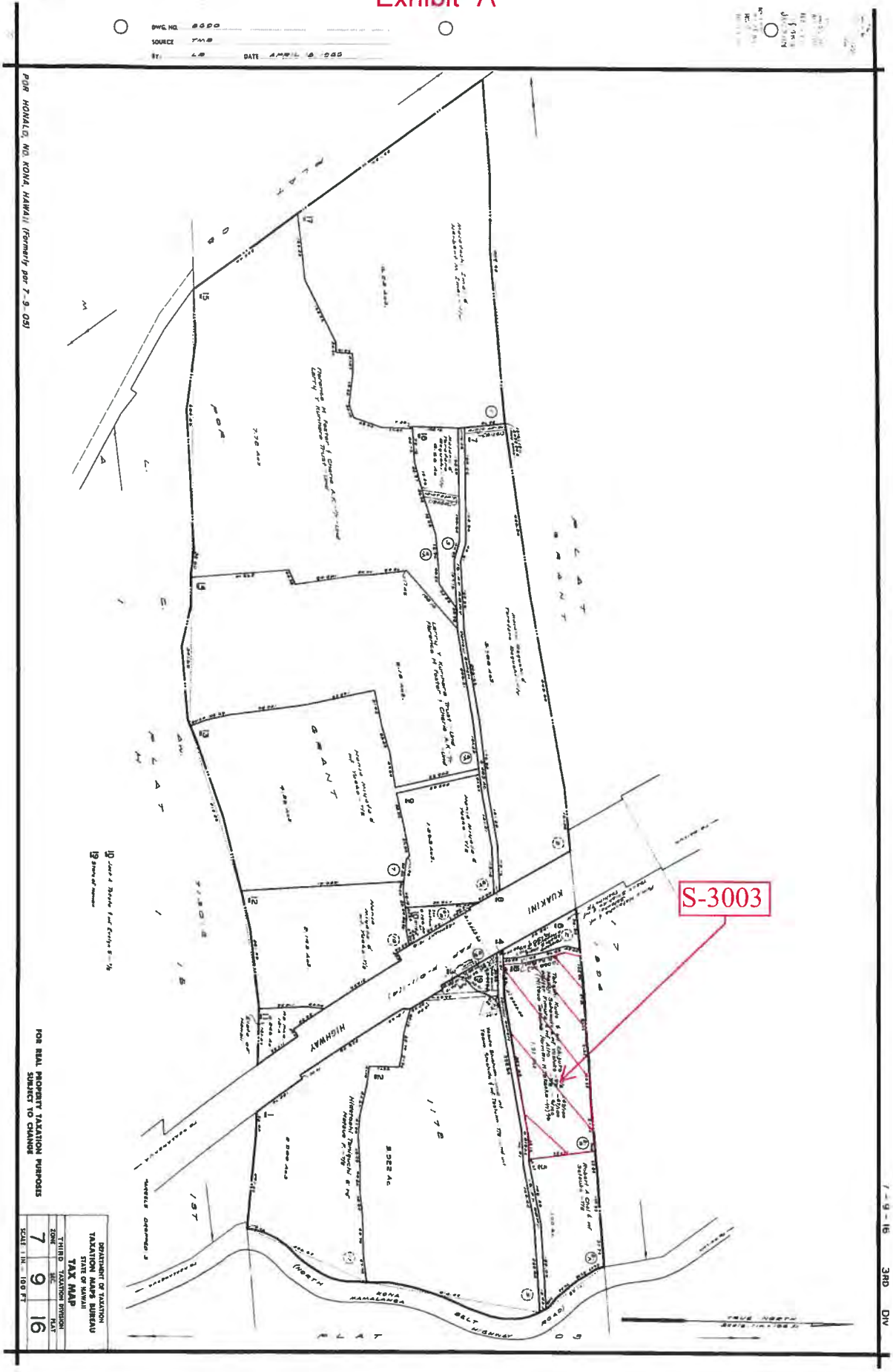
BRIAN KAU, P.E.
Administrator and Chief Engineer,
Agricultural Resource Management Division

Attachments - Exhibit "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

Exhibit "A"



B12

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII 96814

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

Subject: REQUEST FOR APPROVAL TO WITHDRAW TMK PARCEL 1ST DIV/5-8-001:038, ISLAND OF OAHU, FROM GOVERNOR'S EXECUTIVE ORDER NO. 4535 AND RE-SET ASIDE TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES PURSUANT TO ACT 90, SLH 2003, CODIFIED AS CHAPTER 166E, HAWAII REVISED STATUTES

Authority: Section 166E-3, Hawaii Revised Statutes (HRS)

Land Area: 2.164 gross acres

Tax Map Key: 1st Div/5-8-001:038 (Exhibit "A")

Land Status: Encumbered by Governor's Executive Order No. 4535

BACKGROUND:

Act 90, Session Laws of Hawaii (SLH 2003), established the Non-Agricultural Park Lands Program to which certain public lands classified for agricultural use by the Department of Land and Naturual Resources (DLNR) should be transferred to Department of Agriculture (DOA) in a manner consistent with article XI, section 10 of the State Constitution. Therefore, Hawaii Revised Statutes, Chapter 166E entitled Non-Agricultural Park Lands was established. Under section HRS 166-E transfer and management of Non-Agricultural Park Lands and related facilities to the DOA, "Upon mutual agreement and approval of the Board (of Agriculture) and the Board of Land and Natural Resources, the DOA may accept the transfer of and manage certain qualifying non-agricultural park lands…" Further, the program shall include the following conditions pertaining to encumbered Non-Agricultural Park Lands:

(1) The lessee or permittee shall perform in full compliance with the existing lease or permit;
(2) The lessee or permittee shall not be in arrears in the payment of taxes, rents, or other obligations owed to the State or any county;
(3) The lessee's or permittee's agricultural operations shall be economically viable…

B13

B14

Governor's Executive Order No. 4535 dated August 29, 2017 transferred a total of 25 leases and revocable permits without the approval of the Board of Agriculture. DOA declined to formally accept certain lease/revocable permits for transfer until additional due diligence was completed. When DOA staff reviewed the lease files and performed site visits to each of the corresponding premises, it was determined that certain of the leases and revocable permits were not in compliance with lease provisions or not suitable for farming activities, and therefore, are unacceptable for transfer. DOA is requesting that the subject parcel be reset aside to DLNR due to the demised premises is not being farmed and unpermitted structures have been built, and the permittee is in arrears with real property taxes.

RECOMMENDATION:

That the Board of Agriculture approve staff's request to have TMK parcel 1st Div/5-8-001:038 be withdrawn from the respective Governor's Executive Order No. 4535 and re-set aside to DLNR.

Respectfully submitted,

BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

Attachment – Exhibit "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

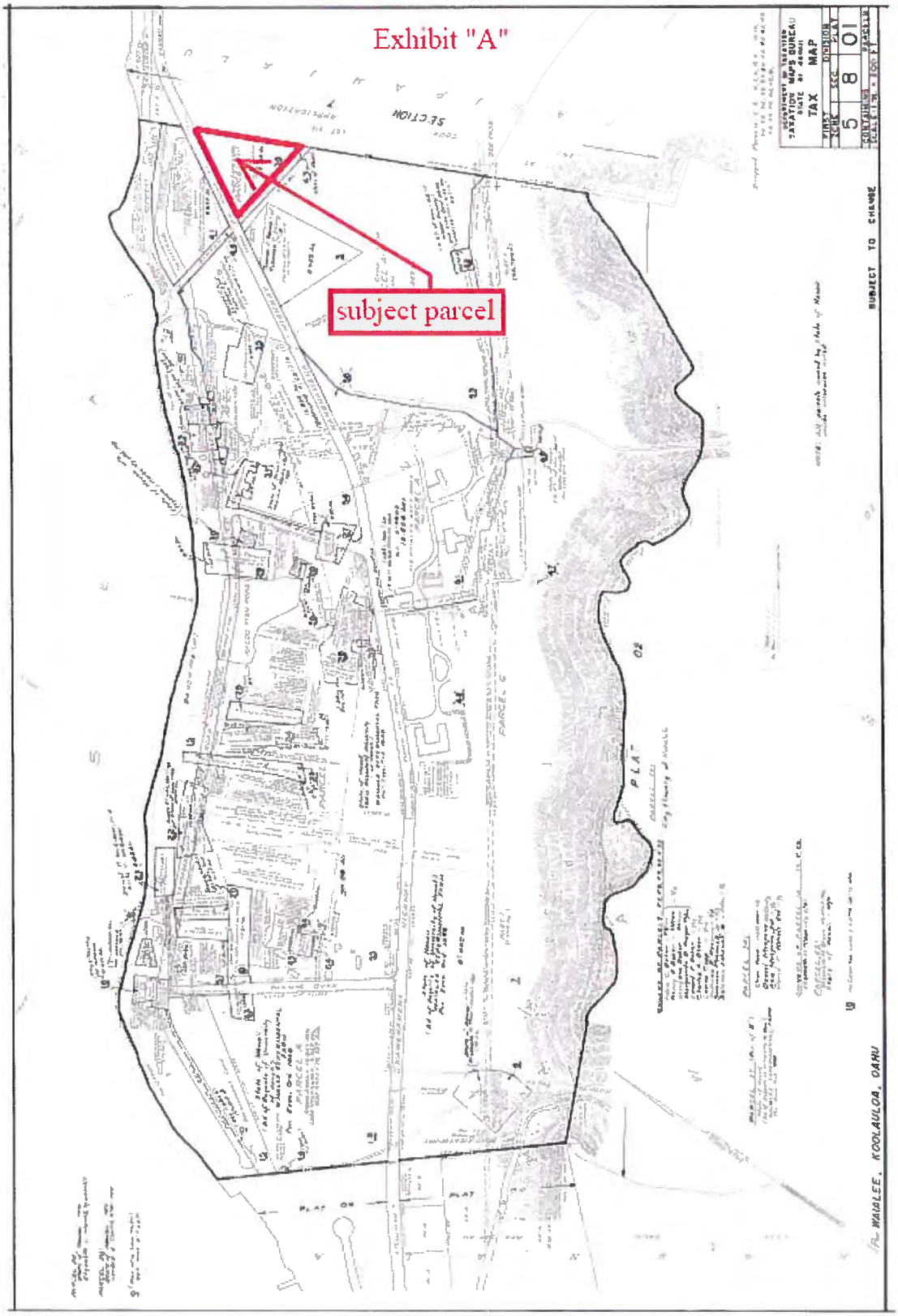


Exhibit "A"
subject parcel
TAX MAP
5 8 01
SUBJECT TO CHANGE
MAKALEE, KOOLAULOA, OAHU

B15

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII 96814

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

Subject: REQUEST FOR APPROVAL FOR THE TRANSFER OF PUBLIC LANDS FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE PURSUANT TO ACT 90, SLH 2003, CODIFIED AS CHAPTER 166E, HAWAII REVISED STATUTES; TMK NOS.: (2) 1-4-007:009, 017; (2) 1-7-003:032; (2) 2-9-001:008, 011; (2) 2-9-006:021, 022, 023; (2) 2-9-008:018, 024; (4) 1-9-001:002, 1-9-002:002; (4) 1-9-007:005, 007, 028, 029, 030; (4) 2-7-004:011, 012; (4) 4-6-005:010; ISLANDS OF MAUI AND KAUAI

Authority: Section 166E-3, Hawaii Revised Statutes ("HRS")

Tax Map Keys: See Exhibit "A"

BACKGROUND:

Act 90, Sessions Laws of Hawaii ("SLH") 2003 established the Non-Agricultural Park Lands Program within the Hawaii Department of Agriculture ("HDOA"), and was codified as Chapter 166E, HRS. Under this program, the Legislature found that certain public lands classified for agricultural use by the Department of Land and Natural Resources ("DLNR") should be transferred to the HDOA for purposes and in a manner consistent with Article XI, Section 10, of the State Constitution.

The purpose of this chapter is to ensure the long-term productive use of public lands leased or available to be leased by the DLNR for agricultural purposes by allowing these lands to be transferred to the HDOA for leasing and management.

In accordance with provisions of Act 90, SLH 2003, the Board of Agriculture (BOA) must mutually approve of the selected encumbrances for transfer. On the islands of Maui and Kauai, staff verified compliance of nine (9) encumbrances for approval by BOA as listed below.

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Doc No.	Tax Map Key (TMK)	Character of Use	Leased Area (AC)
rp7608	(2) 1-4-007:009, 017	Pasture	25.08
rp7778	(2) 1-7-003:032	Pasture	20.9
rp7621	(2) 2-9-001:008, 011	Pasture	10.4
gl 5588	(2) 2-9-006:021, 022, 023	Intensive Agriculture	56.33
rp7804	(2) 2-9-008:018, 024	Pasture	5.26
rp7386	(4) 1-9-001:002, 1-9-002:002	Diversified Ag	6.247
rp7259	(4) 1-9-007:005, 007, 028, 029, 030	Agriculture	16.09
rp7845	(4) 2-7-004:011, 012	Pasture	5.916
rp7712	(4) 4-6-005:010	Pasture	6.24

RECOMMENDATION:

Staff has reviewed the list of proposed encumbrances and performed its due diligence and recommends that the Board approve the transfer of the nine (9) encumbrances on the islands of Maui and Kauai as listed above.

Respectfully submitted,

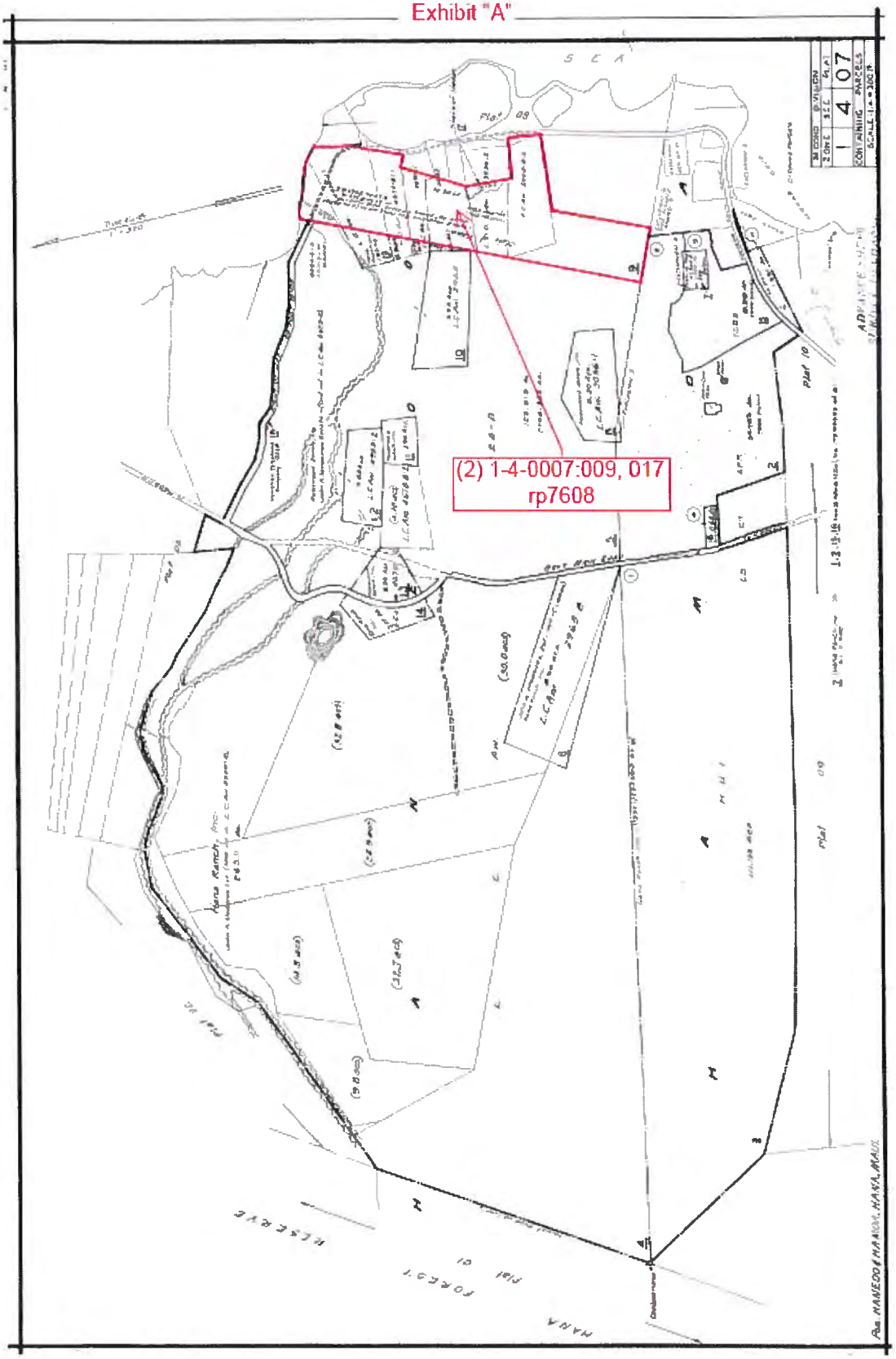
BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

Attachment – Exhibit "A"

APPROVED FOR SUBMISSION

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

Exhibit "A"



B18

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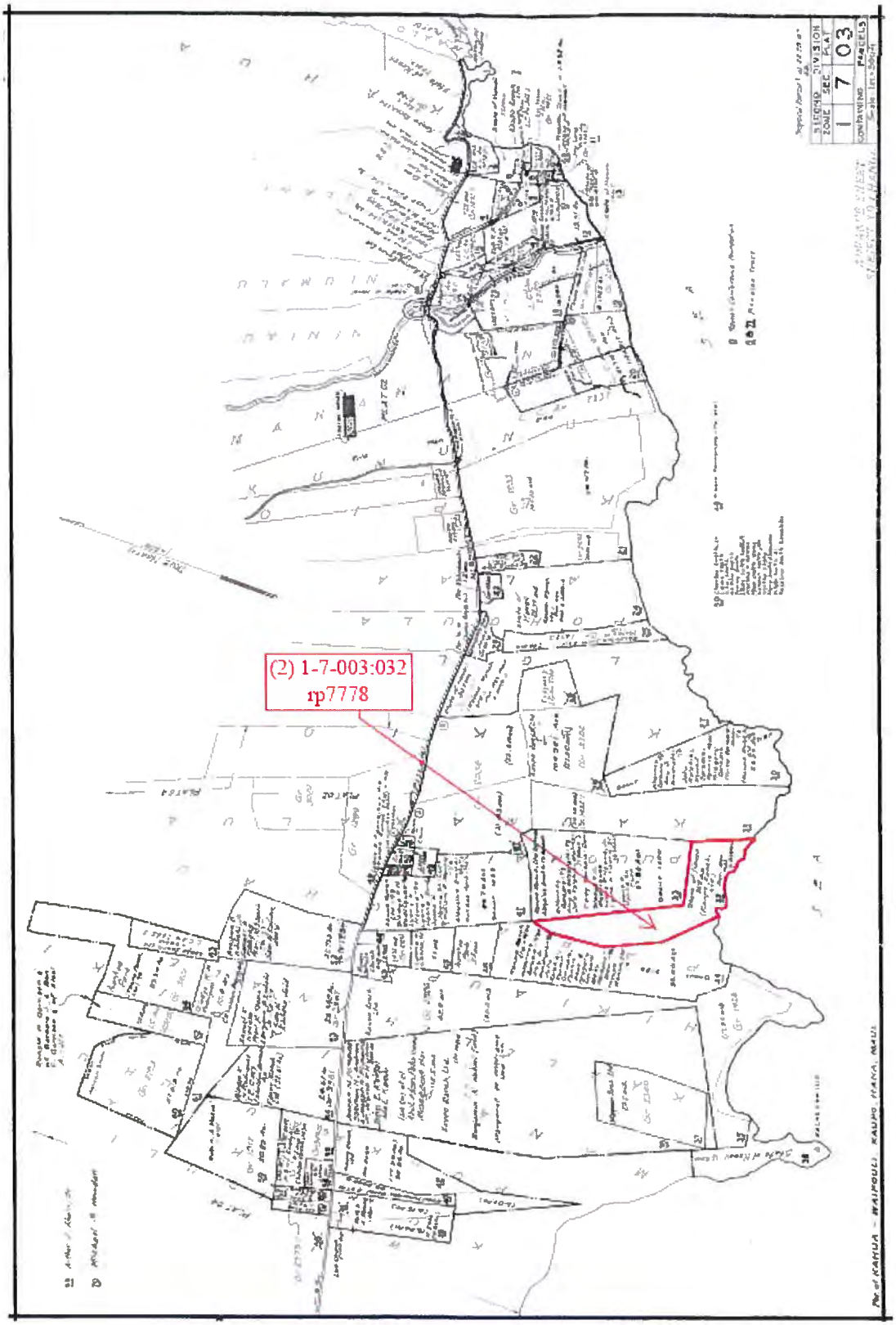

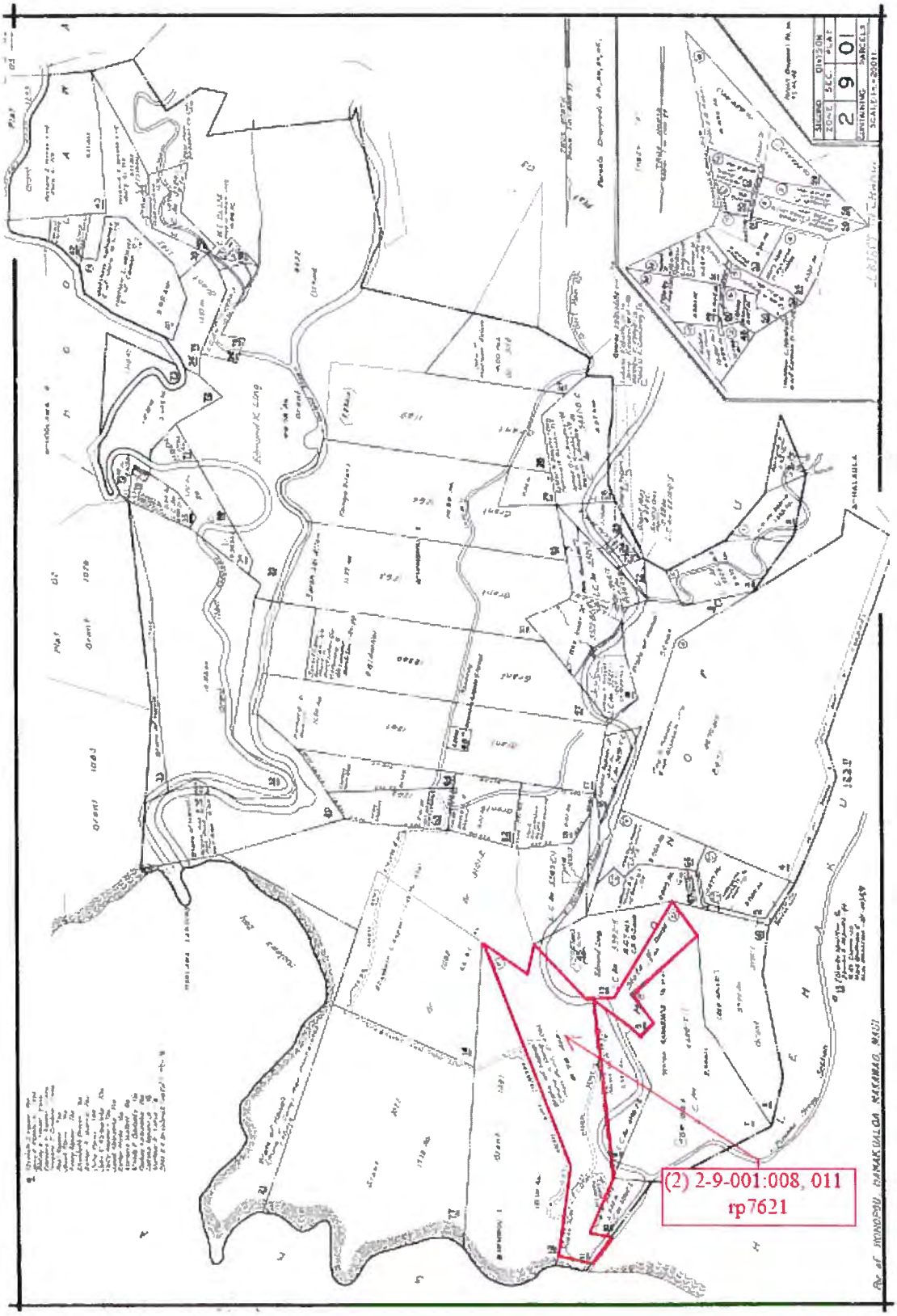

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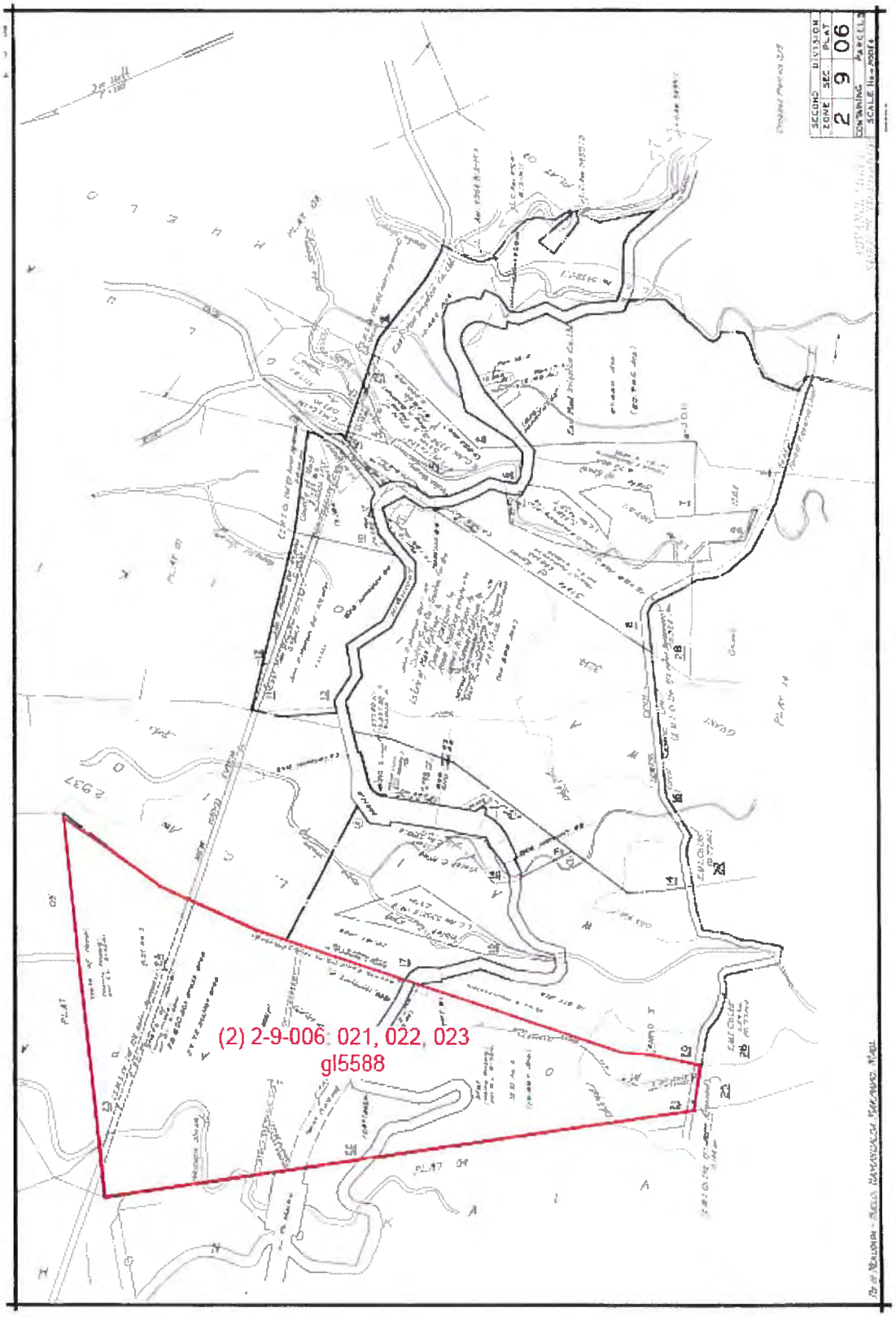
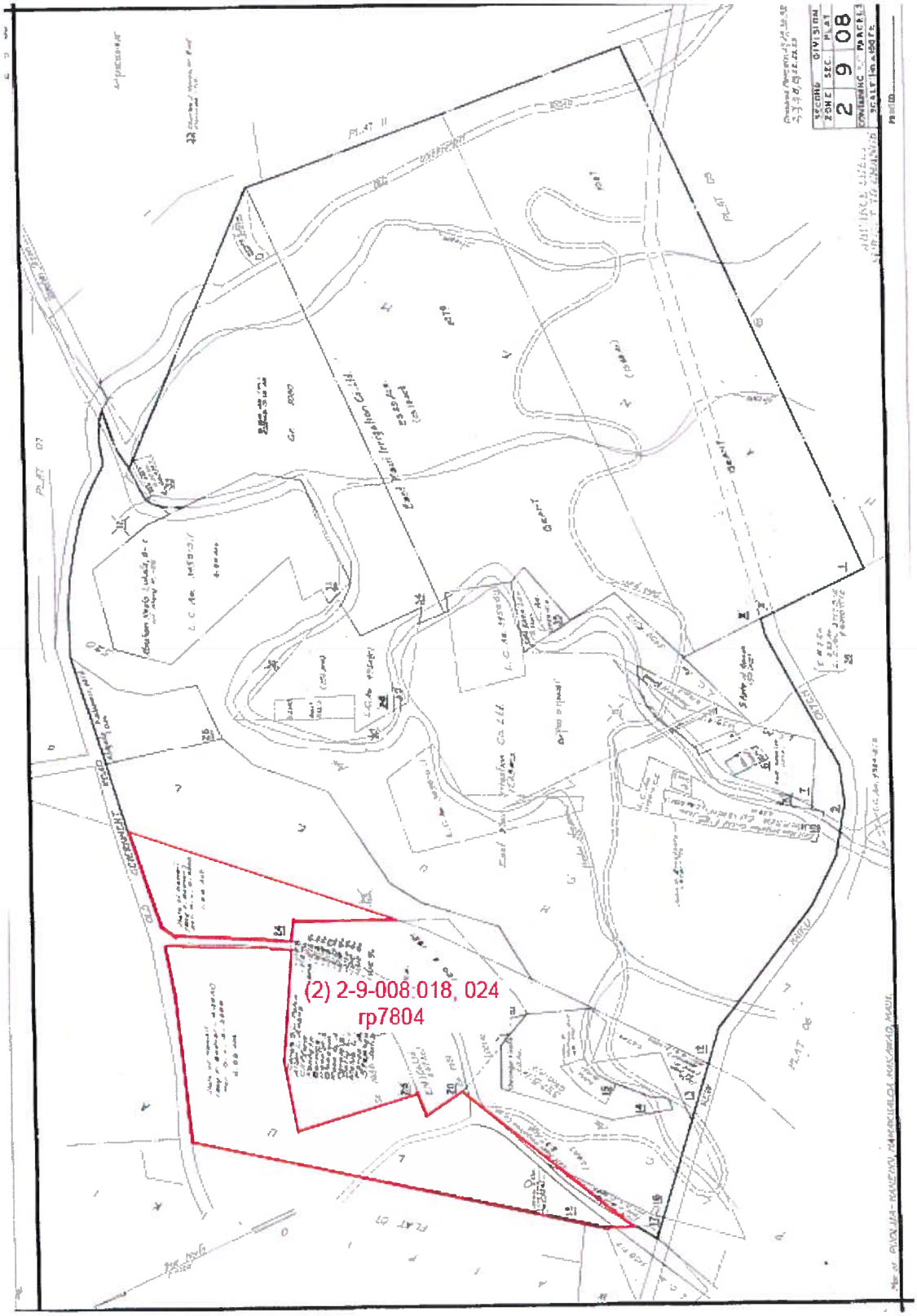

SECOND DIVISION
ZONE SEC PLAT
2 9 06
(2) 2-9-006: 021, 022, 023
gl5588



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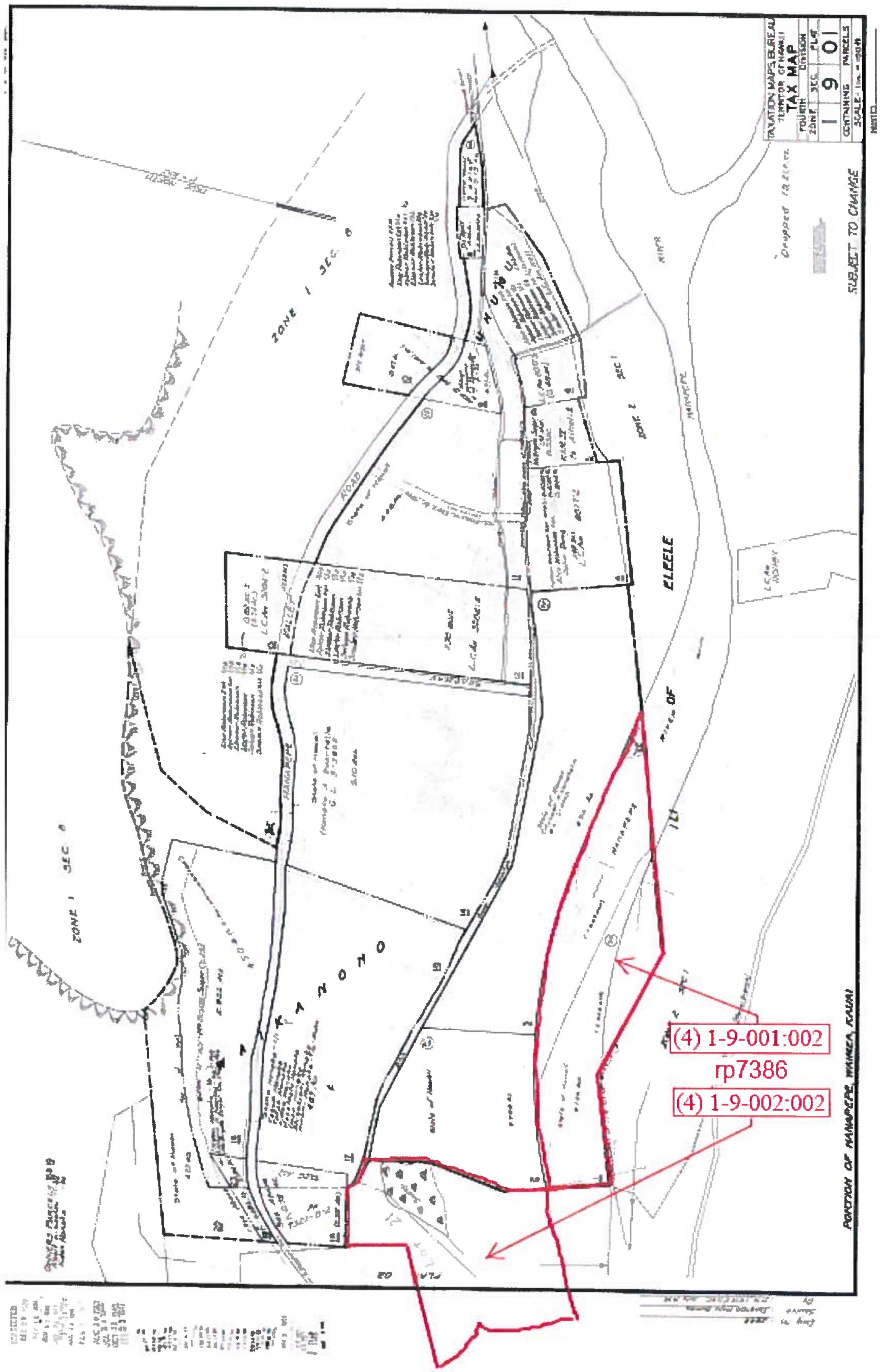
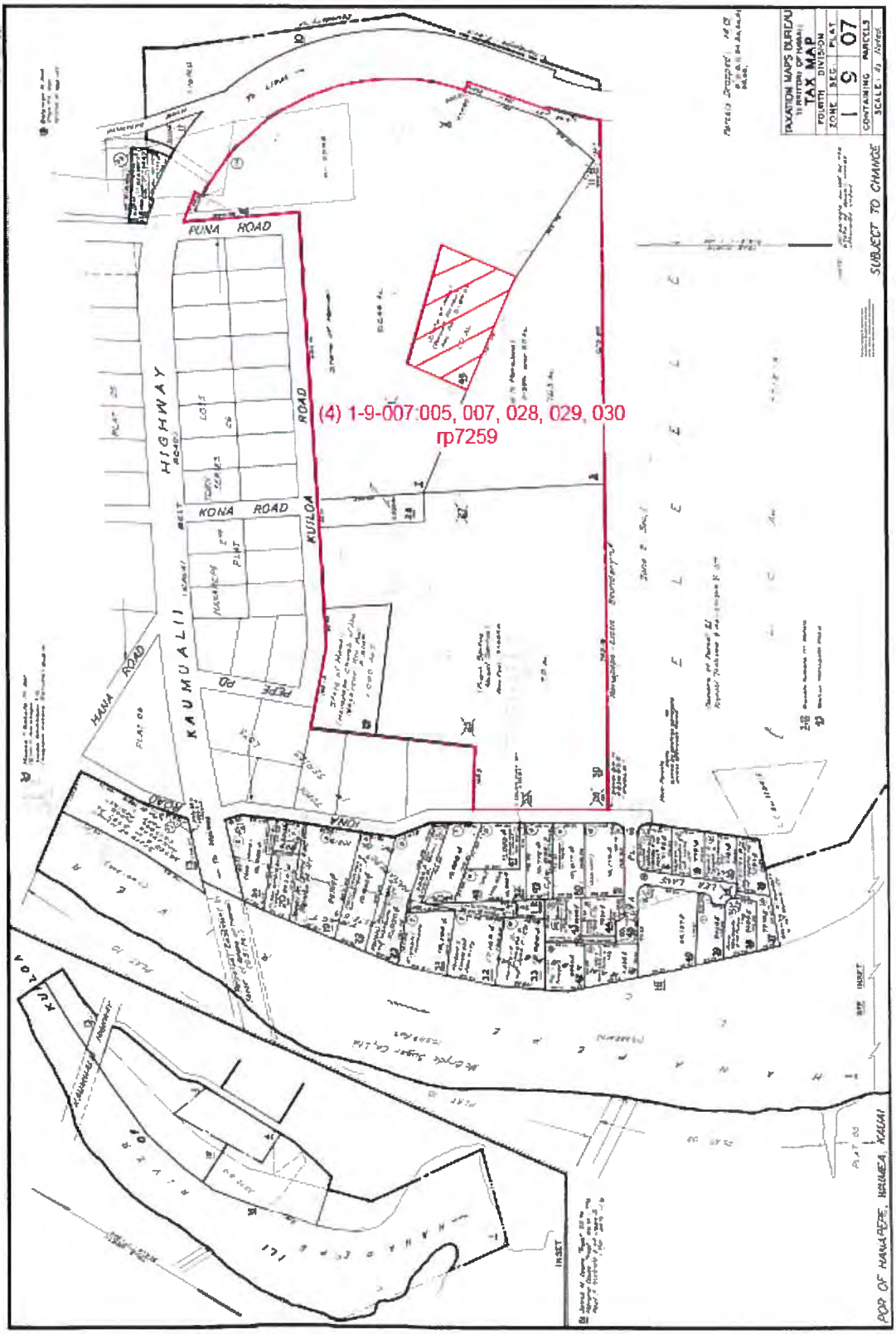
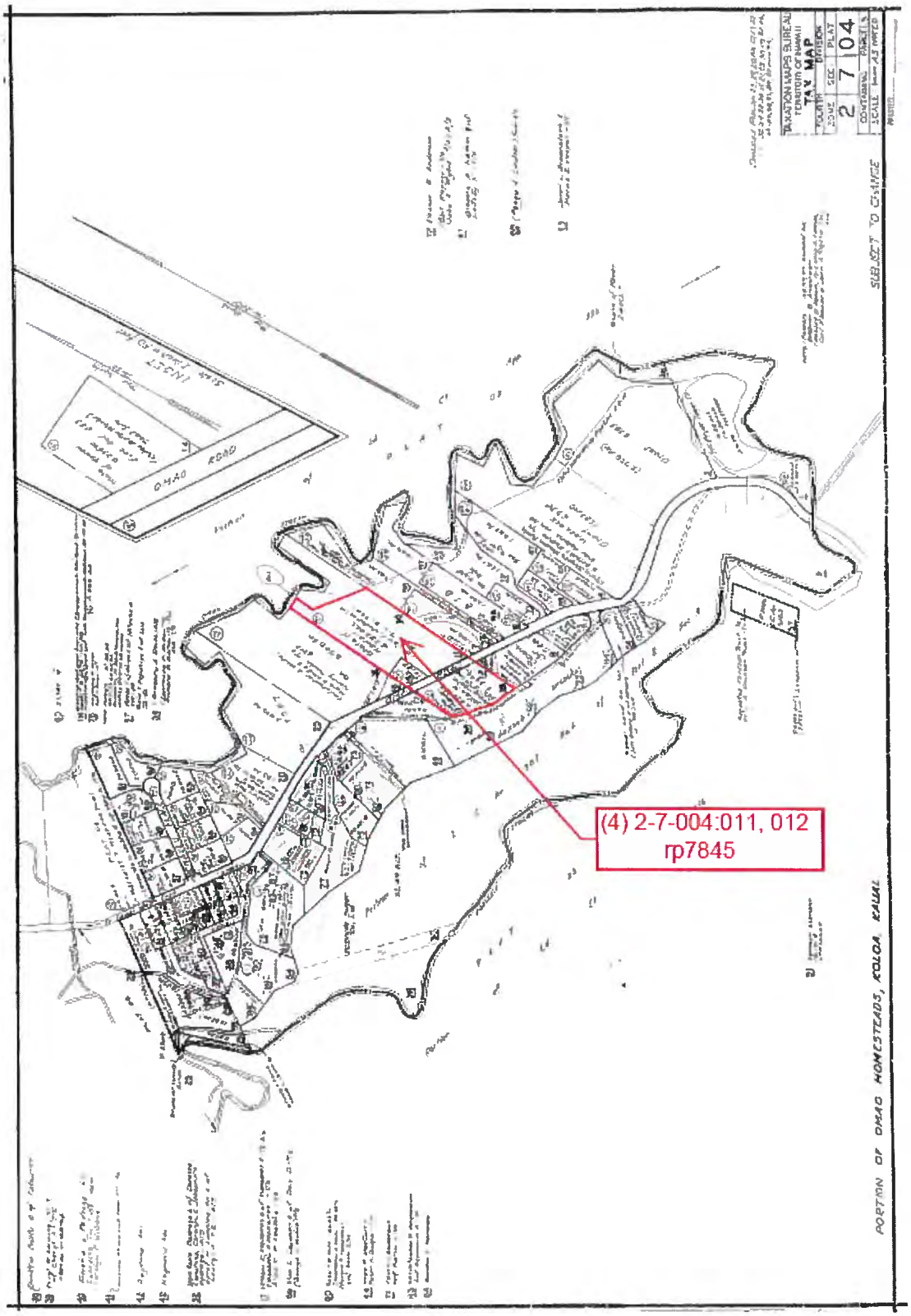
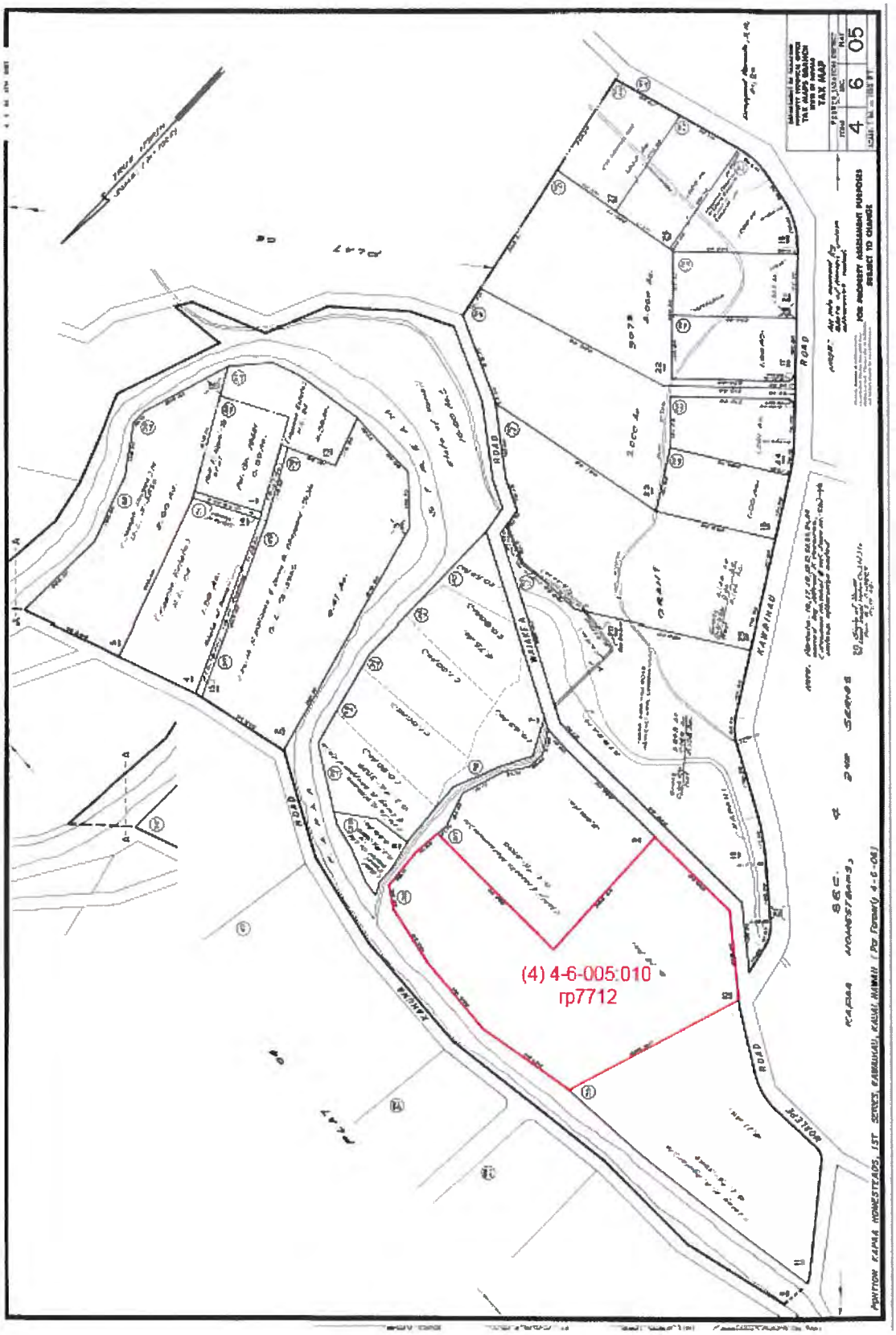

TAXATION MAPS BUREAU
TAX MAP
SUBJECT TO CHANGE
PORTION OF HANAPEPE, WAIMEA, KAUAI
ELEELE
KANONO
(4) 1-9-001:002
rp7386
(4) 1-9-002:002


(4) 1-9-007:005, 007, 028, 029, 030
rp7259
HIGHWAY
KAUMUALII
KUALOA
KONA ROAD
HANA ROAD
SUBJECT TO CHANGE

B24

B25


(4) 2-7-004:011, 012
rp7845
OHAO ROAD
TAX MAP
2 7 04
PORTION OF OHAO HOMESTEADS, KOLOA, KAUAI



B26

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII 96814

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

Subject:	REQUEST FOR APPROVAL OF THE RE-SET ASIDE AND TRANSFER OF MANAGEMENT JURISDICTION FOR 147 ACRES, MORE OR LESS, OF CERTAIN LANDS IN WAIALUA, TAX MAP KEY: 1st DIV/6-9-001:002, 003, 036; MOKULEIA, WAIALUA, ISLAND OF OAHU, HAWAII TO THE HAWAII DEPARTMENT OF AGRICULTURE
Authority:	Section 171-11, Hawaii Revised Statutes ("HRS")
Tax Map Keys:	1st Div/6-9-001:002, 003, 036 (Exhibit "A")
Land Area:	147.977 Acres
Trust Land Status:	Section 5(b) lands of the Hawaii Admissions Act: NA DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NA
Character of Use:	Aquaculture, Diversified Agriculture, and Ancillary Uses

BACKGROUND

On August 27, 2014 the Board of Directors of the Agribusiness Development Corporation ("ADC") voted to approve the acceptance of management jurisdiction for 147 acres, more or less, of the above- referenced Tax Map Key numbers near Mokuleia (the "property") from the Department of Land and Natural Resource ("DLNR"). The management jurisdiction for the land was transferred to ADC via Governor's Executive Order No. 4474 on November 24, 2014 ("EO 4474").

On April 28, 2021, the Board of the Agribusiness Development Corporation ("ADC") approved the withdrawal of EO 4474 and set aside of 147 acres, more or less (including a 7 acre pond) of the referenced lands in Mokuleia, Island of Oahu, and to support the re-setting aside of the same to the HDOA.

A portion of the subject land is occupied by one permittee, Hawaii Fish Company ("Permittee") under DLNR Revocable Permit No. S-6814 ("Permit") as a holdover, for the purpose of general aquaculture. The Permittee sought a longer-term disposition for use of the 18 acres under the Permit, together with an additional 77 acres for a total of 95 acres to develop an integrated aquafarm. ADC and the Permittee had not been able to come to agreement on the provisions of a long-term lease. Under HDOA management, the Non-agricultural Park Lands

B27

B28

program rules, 4-158, HAR, allows aquacultural use which is included in its diversified agriculture definition as a character of use for long-term general leases.

The Department of Land and Natural Resources, Division of Forestry and Wildlife ("DOFAW"), has identified a portion of the land subject to the set aside, estimated to be 61.5 acres more or less, and requested that area to be withdrawn and re-set aside to DOFAW at a later date, as a Game Management Area for public use for hunting, hiking and other recreational purposes. HDOA agrees with DOFAW's request and seeks authorization to enter into a Memorandum of Understanding (MOU) with DOFAW regarding the subsequent withdrawal and set aside that will include without limitation, DOFAW's commitment to seek federal or other funding for surveying and mapping to establish the Game Management Area and any access that may be required or appropriate.

ENVIRONMENTAL ASSESSMENT – HAWAII REVISED STATUTES, CHAPTER 343:

The requested action is merely an approval for a transfer of management jurisdiction to the Hawaii Department of Agriculture and does not constitute a use of State lands or funds pursuant to HRS, Chapter 343. As such, an environmental assessment or review is not required. Any future use of the subject lands may be subject to a determination of the applicability of HRS, Chapter 343.

RECOMMENDATION:
That the Board approve the transfer of management jurisdiction to HDOA for the land parcels identified as TMK: 1st Div/6-9-001:002, 003, 036 and delineated on the maps attached as Exhibit "A" located at Mokuleia on the Island of Oahu pursuant to a re-set aside issued by Governor's Executive Order, subject to the subsequent withdrawal and set aside of a portion of the subject lands to DOFAW for a Game Management Area.

And further, that the Board authorize the HDOA to enter into a Memorandum of Understanding with DOFAW regarding the subsequent withdrawal and set aside pursuant to the terms above.

Respectfully submitted,

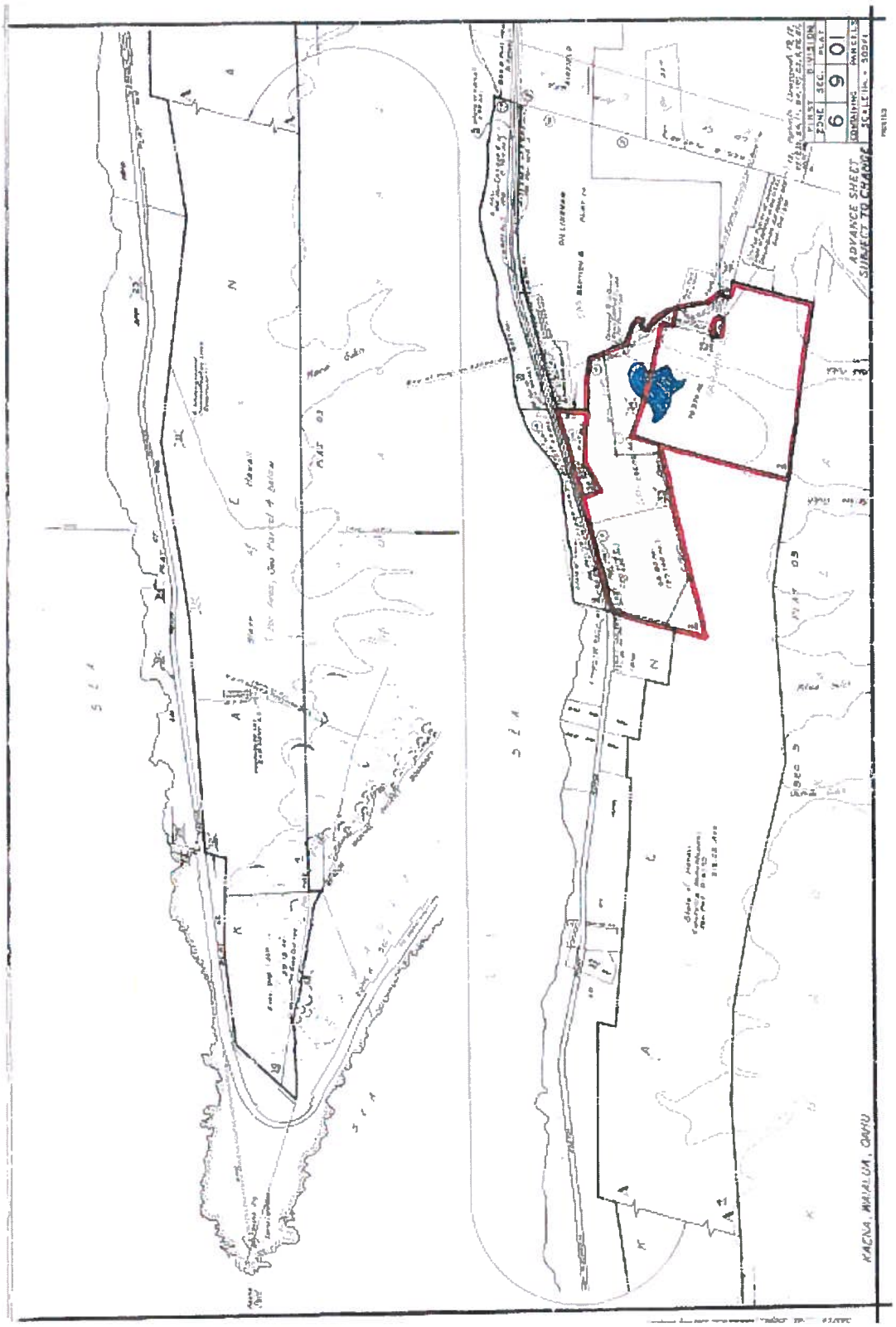
BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

Attachment – Exhibit "A"

APPROVED FOR SUBMISSION

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

EXHIBIT "A"



B29

State of Hawaii
Department of Agriculture
Plant Industry Division
Plant Quarantine Branch
Honolulu, Hawaii

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

SUBJECT: Request to: (1) Allow the Importation of "KE18", a Hawaiian Monk Seal, *Neomonachus schauinslandi (Monachus schauinslandi)*, an Animal on the List of Restricted Animals (Part B), by Permit, for Exhibition, by Sea Life Park Hawaii; and (2) Establish Permit Conditions for the Importation of "KE18" a Hawaiian Monk Seal, *Neomonachus schauinslandi (Monachus schauinslandi)*, an Animal on the List of Restricted Animals (Part B), by Permit, for Exhibition, by Sea Life Park Hawaii.

I. Summary Description of the Request

PQB NOTES: *The Plant Quarantine Branch (PQB) submittal for requests for import or possession permits, as revised, distinguishes information provided by the applicant from procedural information and advisory comment and evaluation presented by PQB. With the exception of PQB notes, hereafter "PQB NOTES," the text shown below in Section II from page 2 through page 9 of the submittal was taken directly from Sea Life Park Hawaii's application and subsequent written communications provided by the applicant, Mr. Jeffrey Pawloski. For instance, the statements on pages 7 through 8 regarding effects on the environment are the applicant's statements in response to standard PQB questions and are not PQB's statements. This approach for PQB submittals aims for greater applicant participation in presenting import requests in order to move these requests to the Board of Agriculture (Board) more quickly, while distinguishing applicant provided information from PQB information. The portion of the submittal prepared by PQB, including the Environmental Assessment, Advisory Subcommittee Review, Advisory Committee Review and Proposed Import Conditions are identified as Sections III, IV, V, and VI of the submittal, which starts at pages 9, 11, and 13 respectively.*

We have a request to review the following:

COMMODITY: "KE18" a Hawaiian Monk Seal, *Neomonachus schauinslandi, (Monachus schauinslandi).* (Refer to Appendix A for Import Permit Application).

SHIPPER: Dr. Terrie Williams, University of California at Santa Cruz, 1156 High Street, Santa Cruz, California 95064.

C1

IMPORTER: Jeffrey L. Pawloski, Curator of Sea Life Park Hawaii (SLPH), 41-202 Kalanianaole Highway #7, Waimanalo, Hawaii 96795. Phone No.: (808) 259-2557.

CATEGORY: The Hawaiian Monk Seal, *Neomonachus schauinslandi, (Monachus schauinslandi)*, is on the List of Restricted Animals (Part B). Pursuant to Hawaii Administrative Rules (HAR) Chapter 4-71, *Neomonachus schauinslandi, (Monachus schauinslandi)* may be imported into Hawaii for private and commercial use, including research, zoological parks, or aquaculture production.

II. Information Provided by the Applicant in Support of the Application

PROJECT: "KE18" was removed from Hawaiian waters in response to an observed history of aggression[a]. This aggression has resulted in the injury and possible death of several monk seal pups. To prevent further monk seal injuries, the monk seal identified as KE18 was caught and removed from the Hawaiian marine ecosystem by staff from National Oceanic and Atmospheric Administration (NOAA). The animal was subsequently transferred to the University of California at Santa Cruz (UCSC) Long Marine Laboratory to participate in relevant physiological studies[b]. These studies serve to better understand the energetics of the species and will help to provide guidance to help in the recovery of this species. The UCSC staff is near completion of their research studies with KE18. We wish to transport the animal back to the state of Hawaii where it will permanently reside for the remainder of its life at Sea Life Park.

OBJECTIVE: Once transferred to Sea Life Park, KE18 will reside in the Hawaiian Monk Seal Habitat for public viewing. The display will assist in the education and awareness of park visitors about challenges the Hawaiian Monk seal faces in the wild. KE18 will serve as the only monk seal on exhibit at the park and will resume continued investigations under the direction of Dr. Williams. The National Marine Fisheries Service (NMFS) Protected Species Division has modified the Sea Life Park permit to include research investigations. (Refer to Attachment 1 for the SLPH NMFS Permit).

PROCEDURE: KE18 will remain at SLPH for the remainder of his lifespan. This decision was the result of collaboration between Sea life Park, the NMFS scientific staff, and the NOAA Office of Protected Species. The release of KE18 back into the wild is no longer a viable option for several important reasons. Though KE18 could, in theory, transition back into the waters of the Hawaiian Archipelago, his "hyper- aggression" cannot be

extinguished. As such, re-introduction into the Hawaiian monk seal population would result in needless injury or death for other monk seals. Also, KE18 presents the possible threat of introducing organisms (bacteria, virus, and fungi) into the wild which could have been acquired while residing at the UCSC facility. These two reasons alone mandate a permanent residence at an institution such as SLPH.

DISCUSSION:

1. **Person Responsible:** Jeffrey L. Pawloski, Curator, SLPH, 41-202 Kalanianaole Highway #7, Waimanalo, Hawaii 96795. Office No.: (808) 259-2557. Fax No.: (808) 259-2535. Email Address: jpawloski@sealifeparkhawaii.com. (Refer to Appendix B for Jeffrey L. Pawloski's resume).

   Mr. Pawloski has over 38 years of experience working with marine mammals in various settings; oceanaria, research, U.S. Navy marine mammal programs, as well as numerous exotic animals, consisting of, but not limited to: laboratory animals, birds, reptiles, livestock, and domestic animals. Mr. Pawloski possesses a wide range of skills working with animals; husbandry, reproduction, training, long-distance marine mammal transports, and veterinary skills. Additionally, Mr. Pawloski oversees the SLPH staff consisting of over 50+ individuals; education, veterinary, aquarist training, bird rehabilitation staff as well as interns and volunteers.

2. **Safeguard Facility and Practices:** The animals will be housed at SLPH, 41-202 Kalanianaole Highway, Suite #7, Waimanalo, Hawaii 96795. Office No.: (808) 259-2557. Fax No.: (808) 259-2535. (Refer to Attachments 2 and 3 for an aerial map and an illustrated map of SLPH).

   SLPH operates a flow-through seawater life support system (LSS). (Refer to Attachments 4, 5, 6 & 7 for the Seawater Life Support System Schematic Diagrams) for the seawater. The seawater originates from three (3) wells located across Kalanianaole Highway on the beach in the high tide zone. The water is pumped into the park from three (3) wells approximately 30 feet in depth and enters the park at two distinct locations where the water travels via gravity through a network of underground pipes feeding all of the park's aquatic exhibits. Water leaving each display can either travel to another exhibit or directly to an injection well. Eventually, all water finds its way to an injection well. Located throughout the park are 7 active "injection wells" with depths ranging from approximately 30 – 200 ft. deep. This system of underground "dewatering" does not contribute to any receiving waters adjacent to the park; therefore, ensuring no microorganisms are

released into the immediate environment. This system's operation is by Underground Injection Control (UIC) permit UO-1219.

Pinniped Quarantine

SLPH has a designated area specifically for the quarantine of pinnipeds. The habitat has independent seawater influent and effluent lines with all water being discharged directly to an injection well in compliance with our UIC permit. All gates leading into the habitat are fabricated of welded aluminum bars and equipped with locking mechanisms to prevent the accidental release of an animal. Additionally, this area has a 6-foot high secondary containment fence to prevent the escape of an animal traveling outside the Back Stage area boundaries. The habitat has adequate haul-out space and seawater pools appropriate for the species. The entire enclosure is constructed of poured concrete with concrete masonry unit constructed walls 10 ft. in height. Additionally, removable and adjustable shades cover nearly the entire complex which serves to provide an environment promoting eye health and heat reduction on exceedingly hot days, and a freshwater misting system to assist in the control of the ambient temperature.

Photograph 1: Depicts the Pinniped Quarantine Facility (Outside View).

Photograph 2: Depicts the Pinniped Quarantine Facility (Quarantine Configuration).

3. **Method of Disposition:** Sea Life Park intends to keep this animal through its entire lifespan. In the event of illness considered "contagious," the animal is placed in strict isolation in the Pinniped Quarantine Facility (described in the previous section). Bio-containment protocols are instituted which limit staff interaction between the sick monk seal and any animal outside the quarantine facility. In the event of death or euthanasia, a necropsy is immediately performed by a licensed veterinarian trained in marine mammal medicine. The complete necropsy results can take up to 30 days as samples must be tissue fixed and submitted to veterinary pathologists on the mainland, the remains of the animal are then sealed in containers which provide three layers of containment. The containers are transported to the public landfill in Kapolei in compliance with our non-hazmat permit issued by Waste Management Solutions (Profile #340954HI) who manages the landfill.

4. **Abstract of Organism:**

a. Hawaiian monk seal (*Neomonachus schauinslandi*). Classification: Animalia / Chordata / Mammalia / Carnivora / Pinnipedia / Phocidae / Neomanachus / N. schauinslandi. Conservation Status: Endangered (IUCN)[c]. Currently, the population in the Hawaiian Islands is approximately 1,400.[d]

b. The Hawaiian Monk seal commonly inhabits the waters surrounding the main Hawaiian Islands and the Northwest Hawaiian Islands. Adult males can reach weights of up to 400 pounds and measure 7 feet in length while adult females can reach weights of up to 600 pounds and the total length of 8 feet. It is estimated that the Hawaiian Monk seal can live approximately 30 years. The Hawaiian monk seal has proven to be very adaptable to human care adjusting to diets consisting of fresh thawed dead fish and are very easily trained using universally accepted positive reinforcement techniques. Sea Life Park has had a very successful history of maintaining Hawaiian monk seals since the early 1980s.

c. The Hawaiian Monk seal commonly inhabits the waters surrounding the main Hawaiian Islands and the Northwest Hawaiian Islands. This species spends time in the water as well as land, and therefore under human care adequate space for haul out must be provided in addition to a pool with adequate fresh seawater.

d. As the Hawaiian Monk seal is native, any escape from our facility would not have any serious impact. However, we provide a multilayer system of containment which would make an escape impossible.

e. With the current dwindling fish supplies[e] for monk seals in the Hawaiian Islands, this species has started looking for alternative food types. The monk seal thrives on crustaceans such as live lobsters, octopus, eels, and reef fish. However, the animal has been quite adaptive feeding on other fish species. At Sea Life Park, the monk seals are maintained successfully on a diet based on squid, herring, and capelin which are not locally found and must be shipped into the state.

f. This animal is very adaptable to life under human care. Our focus on training these animals is to facilitate better animal husbandry and veterinary care. We have demonstrated that Hawaiian monk seals can be trained to allow for the voluntary collection of biologic samples; blood, nasal swabs, fecal swabs, skin biopsies, sampling ocular secretions, and measurement of body morphometric parameters.

g. Currently, the Hawaiian Monk seal population is a significant concern to environmentalists, field researchers, and biologists. The animal is under

continuous stress due to dwindling food supplies, entanglement in marine debris, entanglement in fishing equipment, attack by sharks, and unexplained aggressive behavior by males on females and pups. All of these factors have led to the decline in the population or has greatly inhibited any increases in the population.

h. The diseases impacting this species of most concern are brucellosis, hepatitis, West Nile, morbillivirus, and calicivirus, heartworm, and now most recently toxoplasmosis[f]. Before shipping KE18, the animal will undergo testing for internal parasites and an array of virus and bacteria as determined by the Hawaii Department of Agriculture (HDOA) veterinarian. Concurrent with the HDOA, the NMFS also will request that adequate pre- and post-transport quarantine, screening, and health assessments be conducted. There are no external parasites of concern found with this species.

i. Unless an animal contracts a disease from a feral animal or a situation of inadvertent cross-contamination, however, this is extremely unlikely.

5. Effects on the Environment:

a. At Sea Life Park we have many safeguards in place to prevent the accidental escape of an animal back into the local environment. First, the park has multiple "secondary containment" fences and barriers. All animals in the park's collection are constantly under secondary containment and worked in "protective contact scenarios." In the 14 years Mr. Pawloski has been with Sea Life Park, no Hawaiian monk seal has escaped outside the perimeter of the habitat or the park. The animals are well trained, our staff is well trained, and we possess the proper equipment to be expeditious in capturing an escaped animal, lethal force is never a consideration.

b. This is not of concern given the containment systems for the Hawaiian monk seal.

c. This year we have upgraded our perimeter fence line to maintain a height of 6 foot and any gap is no greater than four (4) inches. This recent upgrade is an effort to prevent larger feral animals (dogs and cats) from having easy access into the park. Though a cat may find an entry point into the park, it is impossible for a Hawaiian monk seal to exit the park. Additional containment devices are located in or near the Hawaiian monk seal habitat; nets (throw and hoop), transport cages (with and without

wheels), restraint cages aka "squeeze cage" (wheeled), and "crowding boards."

The possibility for theft or malicious release of a Hawaiian monk seal is highly unlikely due to our redundant containment fencing, locked primary enclosure gates and the presence of 24-hour park security. However, this type of action would most likely occur after hours. In the evening, perimeter fences (vehicle and personnel) are locked, and the security staff conducts routine patrols in the park. Sea Life Park has protocols which address all possible types of disasters; power outage, hurricane, tsunami, and Kona storms. The staff has reviewed the protocols and is competent in following the action plan, for all scenarios, evacuation of the animals from the Sea Life Park property is not an option.

The entire perimeter of Sea Life Park is enclosed by a fencing system. This hybrid fencing system consists of chain-link, vinyl plastic fencing, and wooden fence material. Our perimeter fence complies with USDA regulations; 6 feet in height and no gap greater than 4 inches. Additionally, Sea Life Park has a security program to provide 24 hours, 7 days a week coverage of the park complex. This is achieved both by roving guard and alarm systems installed throughout the park. The system intends to prevent; theft, malicious acts, and intrusion by outsiders. SLPH additionally has a full-time caretaker with marine mammal experience who lives on the property.

6. References:

a. http://www.hawaiinewsnow.com/story/15320542/why-noaa-considered euthanizing-aggressive-monk-seal/

b. https://www.mmpp.ucsc.edu/Marine_Mammal_Physiology_Project/Monkseal.html

c. https://www.iucnredlist.org/species/13654/45227978

d. http://www.hawaiinewsnow.com/story/37674837/noaas-annual-monk-seal-population-count-has-a-promising-outlook/

e. https://www.biologica ldiversity.org/species/mammals/Hawaiianmonkseal/

f. http://www.hawaii newsnow.com/story/37824416/parasite-spread-by-feral-eats-threatens-native-wildlife-strengthening-calls-for-action/

III. Environmental Assessment:

Pursuant to a May 2008 Hawaii Intermediate Court of Appeals decision (Ohana Pale Ke Ao v. Board of Agriculture, 118 Haw. 247 (App. 2008), the HDOA's import permit process is subject to the requirements of the Hawaii Environmental Policy Act (HEPA), Chapter 343, Hawaii Revised Statutes. Under this decision, the requirement for an Environmental Assessment (EA) as a condition of the import permit or related authorization applies in those circumstances where the underlying permit activity for the importation initiates a "program or project" and where the use of state or county funds or state or county lands are involved.

Although the SLPH facility is located on state lands and utilizes state funds, the SLPH facility has been open since 1964 and has previously used a Hawaiian Monk Seal, *N. schauinslandi (Monachus schauinslandi)*, for exhibition at SLPH. Under these circumstances, it seems clear that the import of the same species of Hawaiian Monk Seal for SLPH does not initiate a new program or project and, consequently, does not trigger an EA.

IV. Advisory Subcommittee Review

This request was submitted to the Advisory Subcommittee on Land Vertebrates for their review and recommendations. Their recommendations and comments are as follows:

1. **I recommend approval ___ / ___ disapproval to allow the importation of KE18, a Hawaiian Monk Seal, *Neomonachus schauinslandi (Monachus schauinslandi)*, an animal on the List of Restricted Animals (Part B), by permit, for exhibition, by Sea Life Park.**

Dr. Allen Allison, Vice President/Assistant Director, Research and Scholarly Studies, Bernice Pauahi Bishop Museum: Recommends approval.

> Comments: "This seems like a reasonable request and the permit conditions seem reasonable."

Dr. Sheila Conant, Professor/Chairperson (ret.), University of Hawaii at Manoa, Department of Zoology: Recommends approval.

> Comments: "I approve this application because the request is for an individual animal with a history of serious aggression, and because it appears that precautions to prevent escape are acceptable. This animal does not represent the first monk seal removed from the NWHI because of a history of aggression. Others were moved to islands elsewhere in the Pacific, but under U.S. jurisdiction.

I can't remember which island(s) they were taken to, and I don't believe any of them returned, but am not sure. These aggressive males can not only kill pups, they can also attack and injure or kill females. In the proposed situation, the animal is likely to do more good than harm to the species because of the potential for educating people."

Dr. Fern Duvall, Ecosystems Protection and Management, Hawaii Department of Land and Natural Resources-Division of Forestry and Wildlife: Recommends approval.

Comments: "This animal does not represent the first monk seal removed from the NWHI because of a history of aggression. These aggressive males can not only kill pups, they can also attack and injure or kill females, so I think this is an appropriate request. In this situation, the animal is likely to do more good than harm to the species because of the potential for educating people."

Dr. Isaac Maeda, DVM, HDOA-Animal Industry Division: Recommends approval.

Comments: None.

Mr. Tom May: No response.

Dr. Carolyn McKinnie, DVM, Supervisory Veterinary Medical Officer, USDA, Animal and Plant Health Inspection Service-Animal Care: Recommends approval.

Comments: "Sea Life Park has excellent compliance with the Animal Welfare Act Standards and regulations and has the ability to serve as a good life-long home with good husbandry and veterinary care for this endangered monk seal."

2. I recommend approval ___ / ___ disapproval to establish the above-stated permit conditions for the importation of KE18, a Hawaiian Monk Seal, *Neomonachus schauinslandi, (Monachus schauinslandi)* an animal on the List of Restricted Animals (Part B), by permit, for exhibition, by Sea Life Park.

Dr. Allen Allison: Recommends approval.

Comments: None.

Dr. Sheila Conant: Recommends approval.

Comments: "Permit conditions appear to be adequate to prevent escape of the animal and to do testing for parasites and diseases that it may carry."

Dr. Fern Duvall: Recommends approval.

Comments: "I would urge the PQB to work with the NOAA Marine Mammal staff at shipment, and afterwards for the Monk Seal care. I would assume that the NOAA Marine Mammal staff will retain relations to PQB and Sea Life park on husbandry, sampling, and other pertinent handling issues. This is a great use for an aggressive seal under the circumstances."

Dr. Isaac Maeda: Recommends approval.

Comments: None.

Mr. Tom May: No response.

Dr. Carolyn McKinnie: Recommends approval.

Comments: "Methods of containment at SLP in case of escape in appropriate and the likelihood of this occurring is extremely low to non-existent. As the Hawaiian monk seal is native to the Hawaiian Islands, it seems appropriate that the animal will return to Hawaii permanently and assist in educating the public on the monk seal and what needs to be done for its protection in the wild. USDA Animal care will provide oversight in ensuring adherence to the AWA by routine inspections and communications with SLP."

V. Advisory Committee Review:

This request was submitted to the Advisory Committee on Plants and Animals (Advisory Committee) at its meeting on May 14, 2021 via a Zoom virtual meeting. PQB Land Vertebrate Specialist Noni Putnam provided a synopsis of the request. She noted that the applicant, Mr. Jeff Pawloski was in attendance and was available to answer questions if needed.

Advisory Committee Member Rob Hauff asked if "sea parks" are accredited.
Ms. Putnam said that Mr. Pawloski had mentioned to her that Sea Life Park was in the process of obtaining accreditation, and he could answer if the accreditation was obtained. Mr. Pawloski said that they are accredited by the Alliance of Marine Mammal Parks and Aquariums and have maintained that for some time. He said that they are also working on obtaining AZA (Association of Zoos and Aquariums) accreditation, have hired a consultant, and are looking to be accredited in two years.

Mr. Hauff asked the applicant if they rehabilitated injured monk seals and returned them to the wild and if so, would there be contact with wild seals. Mr. Pawloski said that they would not be doing rehabbing of marine mammals at Sea Life Park due to the concerns of zoonosis. He said that in the 1980s, there was some "head-starting" of monk seals that occurred, but it was stopped for the same reason.

Advisory Committee member Kenneth Matsui recalled that there were OSHA violations about five years ago at Sea Life Park which resulted in substantial fines. He asked if the violations were associated with the monk seal enclosures. Mr. Pawloski said that the violations were related to job hazard analysis protocols, were mostly related to maintenance facilities, and did not have anything to do with animal enclosures or animal care.

Advisory Committee member Dr. Benton Pang asked what Sea Life Park does regarding feral cats and due to the possibility of introduction of diseases, is there possible access to the monk seal's exhibit. Mr. Pawloski said that there are cats and mongooses around the Park, and they do their best to exclude both cats and mongooses and also have an aggressive trapping program for both animals. Dr. Pang noted that Sea Life Park is authorized by the U.S. Fish and Wildlife Service to take in and rehabilitate injured seabirds.

Advisory Committee Chairperson Darcy Oishi stated that there are conditions that mentioned progeny and asked Mr. Pawloski if there was any intent to breed monk seals. Ms. Putnam said that the intent was to establish permit conditions and should there be the need to breed, then it could be accommodated. She noted that Mr. Pawloski did not state that there was an intent to breed the animals. Mr. Pawloski said that the issue was brought up years ago and that is why there are two separate enclosures to separate males and females. He said that the National Marine Fisheries Service (NMFS) permit that they currently have only allows males, and there is no discussion to breed.

Chairperson Oishi asked what would happen if semen was used for artificial insemination and would that be considered progeny. Ms. Putnam said that it would depend on the situation. Acting PQB Manager Jonathan Ho said that because the process does involve a lot of time and effort, and knowing that things could possibly change in the future for Sea Life Park, PQB proposed permit conditions that would "future-proof" them so that should there be an unintended importation, such as a pregnant female seal, that there would be a way to have records on that animal as well. Mr. Ho said that the references to progeny can be removed; however, he reiterated that conditions were drafted for added flexibility.

Chairperson Oishi said that the conditions require a biosecurity manual and asked if Sea Life Park had one. Mr. Pawloski said that they did not have one but were drafting it now. Chairperson Oishi asked if the manual would need to be presented prior to permit issuance. Ms. Putnam said that she has been working with the applicant to draft the manual and that the submittal has much of the information that would be contained in the manual. She said that Sea Life Park is working with the University of Hawaii to finalize it and once completed, a permit can be issued, provided it is approved by the Board. Chairperson Oishi asked what would happen to monk seal KE18 if the Board did not approve the request. Mr. Pawloski said that because of the animal's hyper-

aggressiveness toward females, the animal was initially to have been euthanized and Sea Life Park was selected to take him. However, he said if this could not occur, he would work with the NMFS to find another suitable location to house the animal.

Hearing no other questions or comments, Chairperson Oishi called for a motion. Advisory Committee Member Haff recommended that Board approve the request to allow importation and establish permit condition for monk seal KE18 by Sea Life Park. Dr. Pang seconded the motion. There was no further discussion.

Vote: APPROVED 6/0

Motion Passes.

VI. Proposed Import Permit Conditions:

1. The restricted article(s), KE18 a Hawaiian Monk Seal, *Neomonachus schauinslandi (Monachus schauinslandi)* including progeny, shall be used for exhibition, a purpose approved by the Hawaii Department of Agriculture (HDOA), Board of Agriculture (Board), and shall not be given, sold, and/or transferred in Hawaii unless approved by the Board. Release of the restricted article(s) into the environment is prohibited.

2. The permittee, Jeffrey Pawloski, Sea Life Park, 41-202 Kalanianaole Highway #7, Waimanalo, Hawaii 96795, shall be responsible and accountable for the transferred restricted article(s) imported, including progeny, from the time of their arrival to their final disposition.

3. The restricted article(s), including progeny, shall be safeguarded at Sea Life Park, 41-202 Kalanianaole Highway #7, Waimanalo, Hawaii 96795, a site inspected and approved by the Plant Quarantine Branch (PQB) prior to importation. Removal of the restricted article(s), including progeny, to another site shall require a site inspection and prior approval by the PQB Chief.

4. The restricted article(s), including progeny, shall be maintained by the responsible person, Jeffrey Pawloski, Sea Life Park, 41-202 Kalanianaole Highway #7, Waimanalo, Hawaii 96795, or by trained or certified personnel designated by the permittee.

5. The restricted article(s) shall be imported only through the port of Honolulu, as approved by the Board. Entry into Hawaii through another port is prohibited.

6. The permittee shall provide the HDOA, PQB and Animal Industry Division (AID) with the confirmed arrival date, time, mode of transportation, and any other

required information for the arrival of the restricted article(s), including progeny, at least 48 hours prior to arrival. The permittee shall notify the HDOA, PQB and AID immediately of any changes to this information.

7. Each shipment shall be accompanied by a copy of the PQB permit for the restricted article(s) and an invoice, packing list, or other similar PQB approved document listing the scientific and common names of the restricted article(s), the quantity of the restricted article(s), the shipper, and the permittee for the restricted article(s).

8. The restricted article(s), including progeny, shall be permanently marked with a unique identification code that is approved by the PQB Chief.

9. At least four sides of each parcel containing the restricted article(s) shall be clearly labeled with "Live Animals" and "This Parcel May be Opened and Delayed for Agriculture Inspection" in 2-inch minimum sized font.

10. Water used to transport the restricted article(s) shall be disinfected with a solution of 50 mg chlorine/L (50 ppm), for a duration of 30 minutes, then neutralized with sodium thiosulfate, another approved neutralizing agent, or by holding the solution for 48 hours, prior to disposal into an individual wastewater system, municipal sewer system or other PQB approved system.

11. All bedding used to transport the restricted article(s) and fecal material from the restricted article(s) shall be bagged and disposed of directly into the municipal landfill.

12. The restricted article(s), including progeny, shall comply with all pre-entry and post-entry animal heath requirements of the AID.

    a. The restricted article(s) shall be accompanied by an original and valid health certificate issued by a U.S. Department of Agriculture (USDA) accredited veterinarian within seven (7) days prior to importation. The health certificate shall declare the restricted article(s) are free from brucellosis, hepatitis, West Nile Virus, morbillivirus, calicivirus, heartworm, toxoplasmosis, and any other disease designated by the HDOA State Veterinarian.

    b. Upon arrival at the port of Honolulu, the restricted article(s) must be issued a permit to ship (form DC-8), by the HDOA State Veterinarian or authorized representative, prior to transport to the approved site.

13. The restricted article(s), including progeny, shall be subject to inspection by the HDOA, PQB and the AID prior to entering the State.

a. It is the responsibility of the permittee to provide any restraint(s), including chemical restraint(s), deemed necessary by the AID to conduct a proper inspection. Any associated costs and/or arrangement is the responsibility of the permittee.

14. The approved site, restricted article(s), progeny, records, and any other document pertaining to the restricted article(s) and progeny under this permit, may be subject to post-entry inspections by the HDOA, PQB and the AID. The permittee shall make the site, restricted article(s), progeny, and records pertaining to the restricted article(s) available for inspection upon request by a PQB inspector.

15. The permittee shall adhere to the use, facility, equipment, procedures, and safeguards described in the permit application and as approved by the PQB Chief and Board.

16. Effluent from the permittee's system shall be sufficiently treated, as determined by the PQB Chief, to prevent the accidental release of any potential parasites and/or pathogens associated with the restricted article(s), prior to disposal into any individual wastewater system, municipal sewer system or other PQB approved system. Effluent from the permittee's system shall not be discharged to or have a direct connection to the ocean or any other body of water, such as ponds, estuaries, reservoirs, rivers and/or streams.

17. The permittee shall have a biosecurity manual available for review and approval by the PQB, at the time of the initial site inspection and any subsequent post-entry inspection(s), which identifies the practices and procedures to be adhered to by the permittee to minimize or eliminate the risk of theft, escape, or accidental release of the restricted article(s), including the risk of introduction and spread of diseases and pests associated with the restricted article(s) to the environment. The permittee shall adhere to all practices and procedures as stated in this biosecurity manual.

18. The permittee shall immediately notify the PQB Chief verbally and in writing under the following circumstances:

a. If any escape, theft, release, disease outbreaks, pest emergence and/or mortality involving the restricted article(s) or progeny under this permit occurs. If the restricted article(s) or progeny escape or are found to be free from confinement, the HDOA may confiscate or capture the restricted article(s) at the expense of the permittee, pursuant to the Hawaii Revised Statutes (HRS), §150A-7(c). The AID shall also be notified of any sign or occurrence of disease.

b. If any changes to the approved site, facility and/or procedures regarding the

restricted article(s), including progeny, are made, then the permittee shall also submit a written report documenting the specific changes to the PQB Chief.

c. If a shipment of the restricted article(s) is delivered to the permittee without a PQB "Passed" stamp, tag or label affixed to the article, container, or delivery order that indicates that the shipment has passed inspection and is allowed entry into the State, then the permittee shall not open or tamper with the shipment and shall secure, as evidence, all restricted article(s), shipping container(s), shipping document(s) and packing material(s) for PQB inspection.

d. If the permittee will no longer import or possess the restricted article(s) or progeny authorized under this permit, then the permittee shall also submit a written report to the PQB Chief stating the name and address of the individual to whom the restricted article(s) will be transferred to. If the restricted article(s), including progeny, will be transferred within the State, a PQB possession permit shall be obtained by the new owner prior to transfer. Once the transfer is complete, this permit shall be canceled.

e. If the restricted article(s) or any progeny expires, then the permittee shall also submit a written report to the PQB Chief that details the circumstances surrounding the death of the restricted article(s), the cause of death of the restricted article(s), and any other information deemed necessary by the PQB Chief. The permittee shall also submit a necropsy report from a USDA accredited veterinarian within thirty (30) days post-mortem.

19. The permittee shall submit a copy of all valid licenses, permits, certificates or other similar documents required by other agencies for the restricted article(s) to the PQB Chief. The permittee shall immediately notify the PQB Chief in writing when any of the required documents are suspended, revoked, or terminated. This permit may be amended, suspended, or canceled by the PQB Chief upon suspension, revocation, or termination of any license, permit, certificate, or similar documents required for the restricted article(s).

20. It is the responsibility of the permittee to comply with all applicable requirements of municipal, state, or federal law pertaining to the restricted article(s) including progeny.

21. The permittee shall submit a semi-annual report to the PQB Chief in January and July of all restricted articles(s) imported or possessed. The report shall be in a format approved by the PQB Chief and include the following information for the prior six-month period:

a. The permit number, quantity, scientific name of each restricted article(s);

b. The status of the use and possession of the restricted article(s);

c. A summary of any significant changes to the permittee's operation, personnel, and/or procedures; and

d. Any significant events that occurred at the permittee's site.

22. Any violation of the permit conditions may result in citation, permit cancelation, and enforcement of any or all of the penalties set forth in HRS §150A-14.

23. The permittee is responsible for costs, charges, or expenses incident to the inspection, treatment or destruction of the restricted article(s), as provided in Act 173, Session Laws of Hawaii 2010, Section 13, including, if applicable, charges for overtime wages, fixed charges for personnel services, and meals.

24. A canceled permit is invalid and upon written notification from the PQB Chief, all restricted article(s) listed on the permit shall not be imported. In the event of permit cancelation, any restricted article(s) imported under permit may be moved, seized, treated, quarantined, destroyed, or sent out of State at the discretion of the PQB Chief. Any expense or loss in connection therewith shall be borne by the permittee.

25. The permit conditions are subject to cancelation or amendment at any time due to changes in statute or administrative rules restricting or disallowing import of the restricted article(s) or due to Board action disallowing a previously permitted use of the restricted article(s).

26. These permit conditions are subject to amendment by the PQB Chief in the following circumstances:

a. To require disease screening, quarantine measures, and/or to place restrictions on the intrastate movement of the restricted article(s), as appropriate, based on scientifically validated risks associated with the restricted article(s), as determined by the PQB Chief, to prevent the introduction or spread of disease(s) and/or pests associated with the restricted article(s).

b. To conform to more recent Board approved permit conditions for the restricted article(s), as necessary to address scientifically validated risks associated with the restricted article(s).

27. The permittee shall agree in advance to defend and indemnify the State of Hawaii, its officers, agents, and employees for any and all claims against the State of Hawaii, its officers, agents, or employees that may arise from or be attributable to any of the restricted article(s) that are introduced under this permit. This permit condition shall not apply to a permittee that is a federal or State of Hawaii entity or employee, provided that the state or federal employee is a permittee in the employee's official capacity.

STAFF RECOMMENDATION: Based on the recommendations and comments of the Advisory Subcommittee on Land Vertebrates and the Advisory Committee on Plants and Animals' unanimous (6/0) recommendation to approve this request, the PQB recommends approval of this request with the proposed permit conditions.

Respectfully Submitted,

JONATHAN K. HO
Acting Manager, Plant Quarantine Branch

CONCURRED:

BECKY L. AZAMA
Acting Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

PQ-7 (01/04)

State of Hawaii
Department of Agriculture
PLANT QUARANTINE BRANCH
1849 Auiki Street, Honolulu, HI 96819-3100
Phone: (808) 832-0566, FAX: (808) 832-0584

For Office Use Only
Fee: $ 50.00 Receipt No. _____
☐ Approve Permit No. _____ Date: _____
☐ Disapprove ☐ Other _____
Processed by: _____ Date: _____

PERMIT APPLICATION FOR RESTRICTED COMMODITIES INTO HAWAII

Date: 2/8/19

In accordance with the provision of Chapter _____, Hawaii Administrative Rules of the Division of Plant Industry, Department of Agriculture, a permit is requested for the following commodities:

Please type or print clearly.

Quantity	Commodity	Scientific Name
1	Hawaiian monk seal	Neomanachus schauinslandi

PAID
Amount: $50/$150 Chk: 1178
Date: 2/15/19 Initial: KKN
1 of 3

RECEIVED
FEB 15 2019
PLANT QUARANTINE BRANCH

Name and address of shipper: Jeff L. Pawloski 41-202 Kalanianaole Highway #7 , Waimanalo, HI 96795

(Mainland or Foreign address)

Approximate date of arrival: 3-1-19

Mode of Shipment: ☐ Mail ☑ Air Freight ☐ Boat

Type of Permit:
--- Import
☑ one time only ☐ multi-shipments
--- Intrastate shipment
☐ one time only ☐ multi-shipments
☐ Possession

Object of Importation:
☐ Kept caged at all time
☐ Used for propagation
☑ Imported for exhibition
☐ Imported for liberation
☐ Other purposes - specify _____

Please type or print clearly.

Applicant's Name Jeff L. Pawloski

Company Name Sea Life Park Hawaii (if applicable)

Hawaii Mailing Address 41 - 202 Kalanianaole Highway #7
Waimanalo, HI 96795

Telephone number (808) 259-2557

Facsimile number (808) 259-2535

Fee Amount Enclosed (cash, check or mail order) $ 50.00

(complete reverse side)

C19

PLEASE COMPLETE THE FOLLOWING INFORMATION (attach extra sheet if necessary)

1. State in detail the reasons for introduction (include use or purpose).

   This animal was removed from Hawaiian waters in response to an observed history of aggression. This aggression has resulted in the injury and possible death of several monk seal pups. The animal was subsequently transferred to the University of California at Santa Cruz (UCSC) to participate in relevant physiological studies. These studies serve to better understand the energetics of the species and will help to provide guidance to help in the recovery of this species. The UCSC staff is near completion of their research studies with KE18. We wish to transport the animal back to the state of Hawaii where it will permanently reside for the remainder of its life at Sea Life Park.

2. Person responsible for the organism (include name, address and phone number).

   Jeff L. Pawloski, Curator. Sea Life Park Hawaii, 41-202 Kalanianaole Highway #7, Waimanalo, HI 96795
   (808) 259-2557 (office), (808) 259-2535 (FAX),

3. Location(s) where the organism will be kept and used (include address, contact and phone number).

   Sea Life Park Hawaii, 41-202 Kalanianaole Highway #7, Waimanalo, HI 96795
   (808) 259-2557 (office), (808) 259-2535 (FAX),

4. Method of disposition.

   Sea Life Park intends to keep this animal through its entire lifespan. In the event of death or euthanasia, a necropsy is immediately performed by a licensed veterinarian trained in marine mammal medicine. The complete necropsy results can take up to 30 days as samples must be tissue fixed and submitted to veterinary pathologists on the mainland, the remains of the animal are then sealed in containers which provide three layers of containment. The containers are transported to the public landfill in Kapolei in compliance with our non-hazmat permit issued by WM Solutions (Profile #340954HI) who manages the landfill.

5. Give an abstract of the organism with particular reference to potential impact on the environment of Hawaii (include impact to plants, animals and humans).

   Hawaiian monk seal (Neomonachus schauinslandi). Classification: Animalia / Chordata / Mammalia / Carnivora / Pinnipedia / Phocidae / Neomanachus / N. schauinslandi. Conservation Status: Endangered (IUCN)
   The Hawaiian Monk seal commonly inhabits the waters surrounding the main Hawaiian Islands and the Northwest Hawaiian Islands. Adult males can reach weights of up to 400 pounds and measure 7 feet in length while adult females can reach weights of up to 600 pounds and the total length of 8 feet. It is estimated that the Hawaiian Monk seal can live approximately 30 years.As the Hawaiian Monk seal is native, and escape from our facility would not have any serious impact. However, we provide a multilayer system of containment which would make an escape impossible

****

I request permission to import the articles as listed on the permit application and further, request that the articles be examined by an authorized agent of the Department of Agriculture upon arrival in Hawaii.

I agree that I, as the importer, will be responsible for all costs, charges or expenses incident to the inspection or treatment of the imported articles.

I further agree that damages or losses incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, by an authorized agent of the Department of Agriculture, shall not be the basis of a claim against the department or the inspectors for the damage or loss incurred.

Signature _____ **Date** 2-8-19
(Applicant)

Jeffrey Louis Pawloski

Education: B.A. Zoology (1981). Humboldt State University, Arcata, CA. Course work emphasis in medical technology.

Work Experience:

June 1, 2009 – Present **Curator** Sea Life Park Hawaii 41-202 Kalanianaole Highway, Waimanalo, HI 96795.

Responsible for all aspects of the Animal Programs Department (Animal training, Reef Life Department, Veterinary Department, Seabird Department) and Education Department (Education, Intern, Volunteer Programs)in addition to the duties and responsibilities outlined in the Animal Care Coordinator. Responsible for daily oversight of a staff consisting of 40+ full-time staff, 20-30 interns, 12+ volunteers. Fiscal responsibilities include budget preparation, CAPEX budgets, and successful integration of animal and educational programs with daily park operational parameters. Close communication with federal, state, and local regulatory agencies in matters pertaining to the operation of the animal programs. Responsible for staff recruitment and development, institutional animal program management and collection plans, implementation of new animal programs and exhibits. Strive to develop close relationships with professional and academic institutions working with marine animals, nurture close ties with community groups, educational programs (public and private), and media agencies.

June 1, 2007 – May 31, 2009 **Animal Care Coordinator** Sea Life Park Hawaii 41-202 Kalanianaole Highway, Waimanalo, HI 96795

Responsible for all aspects of animal care associated with the entire animal collection at Sea Life Park; the animal inventory includes marine mammals, birds, reptiles, fish, and invertebrates. Maintain and develop an open and effective communication and coordination with the animal husbandry staff, animal trainers, area supervisors, and veterinary team in delivering quality animal care. Responsible for gathering, reviewing, and interpreting animal care observations and interfacing with the veterinary team to develop care and treatment plans. When necessary independently collect samples from the animals (blood, urine, feces, swabs), administer treatments (injections, force feedings) in a manner consistent with good veterinary practice. Coordinate with outside consultants in the medical and veterinary profession in order to provide advanced diagnostic testing and treatment. Provide oversight, planning, and supervision for animal capture and restraint, collection of animal samples, and when necessary provide proper training for new staff. Assist with the diagnosis of animal diseases, developing treatment plans, and effective implementation of treatment protocols for each animal case. Extensive work with the propagation and husbandry of captive green sea turtles (*Chelonia mydas*); nutrition, veterinary care, transport, tagging, and research. Assist with the development and execution of animal health surveillance programs for the entire collection. Develop and present educational programs for the staff, interns, and volunteer focusing on topics such as Zoonosis, sanitation, animal husbandry, and other necessary curriculum. Develop and implement protocols and procedures to safeguard the animal collection, staff, guests, and volunteers. Provide technical support and participate with all activities

pertaining to public relations; such as presentations, interviews, media events, and correspondence. Serve in the capacity of liaison between Sea Life Park Hawaii and all federal, State of Hawaii, and local regulatory agencies (USDA/APHIS, NMFS, USFWS, Hawaii State Department of Land and Natural Resources). Responsible for maintaining Sea Life Park in compliance with all Federal, State, and local permit requirements, reports, and inspections. Provide technical assistance, planning, facility renovation necessary for accreditation with professional associations such Association of Zoos and Aquariums, Alliance for Marine Mammal Parks and Aquariums. Responsible for all aspects of animal transports (marine mammals, birds, reptiles) by coordinating all documentation with appropriate agencies, complying with all agencies associated with animal transport events (USDA/APHIS, NMFS, IATA, and Hawaii Department of Agriculture), properly addressing veterinary considerations, and all logistical requirements associated with animal transportation. Possess a thorough understanding of legislation associated with maintaining captive animals; NMFS policies, ESA regulations, AWA guidelines, humane society policies, public concerns and perceptions. Assisted with the development, planning, and implementation of programs targeted to increase conservation and research efforts at Sea Life Park Hawaii; these efforts included developing proposals, grants, and presentations necessary for underwriting new programs. Responsible for all aspects of fish procurement for the entire animal collection (> 450,000 lb per year); including quality control, shipping logistics, vendor selection. Responsible for developing and implementing budgets for several areas of the animal and veterinary care programs; oversight of fiscal management of funds, vendor selection, while working under challenging cash flow scenarios. Participated in the planning, development, and execution of exhibit design and renovation while remaining in compliance with applicable regulations and budget constraints.

January 1 2005 – June 1, 2007 **Research / Education Coordinator** Sea Life Park by Dolphin Discovery, 41-202 Kalanianaole Highway, Waimanalo, HI 96795. Responsible for restructuring and refining existing education programs. Duties included development of new curriculum, conservation programs, educational outreach programs, in-house staff education. The Education Department has direct oversight of the internship and volunteer programs which includes recruitment, training and continuing education. Other duties include developing college level curriculum that will be offered as part of credited coursework for local colleges and universities. Duties of the Research Coordinator included developing new research studies with marine mammals, reptiles, and birds including endangered species. Efforts were concentrated on facilitating collaborative work with outside research facilities as well as local, state and government agencies. In addition to the Research / Education Coordinator duties, assisted in a management capacity for the staff and with the care of the animal collection. Involved in staff reorganization efforts, new animal procurement, planning and participating in all aspects of animal transports, conducting staff training, and restructuring of various aspects of veterinary care and animal husbandry. Worked as liaison between federal, state and local agencies with regards to regulatory and facilities compliance issues.

May, 2004 – January 2005 **Assistant Curator.** Sea Life Park Hawaii, 41-202 Kalanianaole Highway, Waimanalo, HI 96795. Responsibilities included direct management of the animal programs staff, interns, and volunteers (which consisted of a staff exceeding 60 employees), the entire animal collection

including marine mammals (cetaceans, pinnipeds), birds (resident, stranded, injured and birds for rehabilitation), reptiles (green sea turtles), fish and invertebrates. In addition to these responsibilities, developed programs focused on staff training, facilities management and construction. Refinement of the overall animal husbandry and veterinary programs. Worked as liaison between federal, state and local agencies with regards to regulatory and facilities issues. Responsible for working with state and federal agencies to conduct essential research aimed at preserving endangered animal species. Responsible for all aspects of food fish procurement for the animal collection; vendor selection, species selection, quality assessment, shipping logistics. Worked extensively on various aspects of staff development; Zoonosis training, operant conditioning principles and applications, animal husbandry methods.

2002 - 2004 **Assistant to the Director.** Laboratory Animal Service (LAS), University of Hawaii, 2358 McCarthy Mall, Snyder 209, Honolulu, HI 96822. Major responsibilities included all aspects of facilities management of the laboratory animal colonies housed on the UH Campus and those animals located at the satellite facilities at the Waikiki Aquarium, Kewalo Basin Marine Mammal Laboratory, and the Marine Mammal Research Program. Management responsibilities included developing budgets, human resource and employee management, interaction with the public (schools, consultants, and vendors). Maintained a strong working relationship with federal, state and local regulatory agencies. Animal species in the collection included rodents (rats, mice, hamsters, guinea pigs), frogs, rabbits, cats, birds, marine mammals. Responsible for training of the LAS animal care staff, researchers, technicians, students in the areas of animal husbandry, research procedures, and regulations pertinent to the various animal species (Federal, state and local agencies). Served as the marine mammal expert for LAS working closely with University of Hawaii research facilities holding marine mammals. Worked closely with the LAS Director/Head Veterinarian and consulting veterinarians in the diagnosis, treatment, health monitoring of all animals in the UH system. Responsible for monitoring, troubleshooting and problem solving animal care issues with all animals under the jurisdiction of LAS. Developed numerous Standard Operating Procedures (SOP) necessary for maintaining animal facilities in compliance with applicable animal regulations. Worked closely with the UH researchers and outside collaborators in order to maximize research outcome while ensuring humane animal care. Provided essential input in the construction of a 20,000 animal vivarium at the newly constructed medical school (Kaka'ako Campus) while working with various contractors, vendors, architects and scientists. Responsible for providing input of the purchase of over 3.5 million dollars of equipment to outfit the animal facility. Developed a good working knowledge of the State of Hawaii spending regulations and policies utilizing this fiscal program for procurement of animal feed, support equipment, and general supplies. Attended training workshops in facility design compliant with animal facility accreditation essential for compliance with certification of the new medical research vivarium. Continued to nurture the relationship with the US ARMY Veterinary Services program component located at Fort Shafter by utilizing their staff in training activities with marine mammal in the UH system.

1993 - 2002 **Curator/Research Associate V.** The Research Corporation of the University of Hawaii, 2530 Dole Street, Sakamaki Hall D-100 Honolulu, HI 96822. Served as the curator for the Marine Mammal Research Program at the Hawaii Institute of Marine Biology. This position was a continuation of the previous position functioning with scientists working at the Naval Command and Control Ocean Surveillance Center. Responsible for interfacing with the military, federal and state government, academia, and the private sector. Other responsibilities included those listed in the previous position **(Behavioral Research Assistant)** in addition to management of the program's animals (Atlantic Bottlenose Dolphins, Pacific Bottlenose Dolphin, False Killer Whales, and Risso's Dolphins) and support staff (full time and part time employees, graduate students and various volunteers). Supervision of the staff included: scheduling, training and integration into existing research programs. Worked with graduate students while guiding the students through marine mammal research investigations. Responsible for the procurement of all equipment and supplies necessary to insure that the programs continued to function; including coordination of the maintenance for 5 transport boats. Responsible for conducting educational and public relations activities. Developed and conducted seminars in marine mammal husbandry, research, and training for international professionals in the marine mammal field. Interfaced and developed implementation of equipment and services from Tripler Army Medical Center, US ARMY Veterinary Services, Marine Corps Base Hawaii for the care and maintenance of the marine mammal program equipment and animals. Responsible for all aspects of fish procurement for the animal collection; vendor selection, fish selection, quality assessment, shipping logistics. Developed a good working knowledge of federal spending regulations and policies utilizing this fiscal resource for the procurement of fish, support equipment, and general supplies.

1998 - Present **Behavioral Consultant.** Animal Logic, P.O. Box 940 Waimanalo, HI 96795. Provided essential guidance to the Waikiki Aquarium's Monk Seal Program. Served as the lead consultant providing expertise in the field of marine mammal husbandry, training, and research. Instructed the staff of the Waikiki Aquarium in techniques which improved the existing Hawaiian Monk Seal Program. Assisted in the development of standardized operating procedures (SOP) for use in the monk seal program. Directed training activities and developed curriculum for the staff, volunteers, students, and interns. Provided oversight and guidance for all aspects of fish procurement necessary for the animal collection; including vendor selection, fish species selection, quality assessment, shipping logistics. Developed and implemented several of research projects into the existing training format with the monk seals.

1991- Present **Co-Owner.** Island Forest Ranch and Aviary, P.O. Box 940 Waimanalo, Hi 96795. Actively involved in the breeding, husbandry, and management of a 2.4 acre facility housing several species of canines, Vietnamese pot-bellied pigs, exotic birds and horses. Involved in the breeding, hand rearing, medical care, and health surveillance of an aviary consisting of approximately 80 exotic birds consisting of over 20 species, approximately 40 Vietnamese pot-bellied pigs, 22 German shepherd dogs, 20 small breed canines (Chihuahua, Fox Terrier) and 6 horses. Other activities include stallion management, horse, dog, and bird training and handling.

1985 - 1993 **Behavioral Research Assistant**. Science Applications International Corporation (SAIC), 3990 Old Town Avenue, Suite 105A, San Diego, CA 92110. Worked under contract to the Naval Ocean

Systems Center, which evolved, into the Naval Command and Control Ocean Surveillance Center (NCCOSC). Responsibilities included training marine mammals for the purpose of sensory capability research. Developed and conducted controlled investigative experiments. Responsible for conducting experiments; collection and analysis of data and maintenance of test animal behavior. Worked in collaboration with other researchers and technicians on the development of hardware and computer software for incorporation into new experiments. Responsible for the proper nutrition and support of all marine mammals within training jurisdiction (which included two False Killer Whales, two Risso's Dolphins and one Atlantic Bottlenose Dolphin). Responsible for managing the husbandry aspects of the veterinary breeding program animals and the supervision and training of support staff. Participated in all aspects of several international whale transports (selection, logistics, etc.). Participated and contributed to veterinary studies focused on marine mammal physiological investigations including ophthalmology, immunology and microbiology. Co-authored several research papers; presented work at two International Marine Animal Trainers Association conferences; conducted public relations tours for military and civilian personnel. Developed a strong working relationship with military and federal agencies in order to accomplish program goals.

1977-1978 **Animal Trainer** SEACO, Inc., Kailua, HI. Conducted the training of marine mammals on difficult task-oriented behaviors and sequences. Trained both experienced and newly captured marine animals. Involved in the process of acclimation and providing health care for newly captured Atlantic Bottlenose Dolphins. Advanced to the position of supervisor and was responsible for two support persons associated with the project. This position was the result of a one-year contract with the Naval Ocean system Center and was accomplished while on academic leave from Humboldt State University.

1972-1977 **Marine Mammal Trainer** MarineWorld/Africa USA, Redwood City, CA. Began work in the marine mammal husbandry department. Provided daily care for over 40 marine animals consisting of many different species. Assisted in administering PO & IM medications, performing minor treatments and drawing blood samples. Advanced to assistant trainer and later was promoted to the position of trainer; worked with various cetacean and pinniped species both in training and conducting public performances. Worked both Killer Whales and mixed species (Pilot Whale, Pacific Bottlenose, Atlantic Bottlenose Dolphin) in show performances which involved water behaviors (jump ride, chariot ride, etc.). Responsible for creative behavioral training and maintenance training for both show animals and newly collected animals. Involved in the veterinary care and rehabilitation of stranded animals and compiling scientific data on stranded marine mammals.

1973-1977 (concurrent with above) **Veterinary Technician**. North Peninsula Veterinary Emergency Clinic, San Mateo, CA. Hired in a training position and mastered the skills to be advanced to the position of veterinary technician. Under supervision assisted with major surgical procedures, administration of general anesthetics and suturing of incisions. Under minimal supervision; carried out radiographic procedures, administered medications by IV, IM, IP, PO, and other routes, and established IV lines for fluid therapy. Independently conducted diagnostic laboratory procedures of blood, urine, and other samples. Also, interfaced with owners providing information and guidance dealing with veterinary emergencies.

1971-1972 **Oceanarium Attendant** MarineWorld/Africa USA, Redwood City, CA. Conducted public lectures at the invertebrate and fish exhibits. Responsible for collecting, stocking, and maintaining vertebrate and invertebrate displays. Involved in water chemistry testing using manual and electronic methods for monitoring critical parameters (pH, dissolved oxygen, temperature, salinity, etc.) and filtration system maintenance.

1970-1971 **Research Aid.** Marine Ecological Institute, Redwood City, CA. Worked with researchers compiling environmental impact reports in San Francisco Bay and associated regions. Conductedroutine chemical analysis (manual and electronic) measure such parameters as dissolved oxygen, pH, salinity, temperature., fish and invertebrate surveys such as transects, population density surveys using an array of equipment to sample the animal population (Peterson grab, otter trawl net, plankton net) and conducted bioassay work.

PUBLICATIONS

Balazs, G., D. Parker, J. Gorman, J. Luecke, and J. Pawloski.
2015. Settling down in Hawaii: adaptation of captive-bred green turtles (*Chelonia mydas*) released from the Maui Ocean Center. Marine Turtle Newsletter No. 145:22-26.

Balazs, G.H., R. Morris, and J. Pawloski.
2013. An effective and safe technique to PIT tag hatchling green turtles captive bred at Sea Life Park Hawaii. *In* T. Tucker, L. Belskis, A. Panagopoulou, A. Rees, M. Frick, K. Williams, R. LeRoux, and K. Stewart (comps.), Proceedings of the Thirty-third Annual Symposium on Sea Turtle Biology and Conservation, February 5-8, 2013, Baltimore, Maryland, p. 214. NOAA Tech. Memo. NMFS-SEFSC-645.

Supin, A.Ya., Nachtigall, P.E., Pawloski, J., and Au, W.W.L. Evoked potential recording during echolocation in a false killer whale (*Pseudorca crassidens*). Submitted *Journal of the Acoustical Society of America*

Nachtigall, P.E. Au, W.W.L., Pawloski, J.L. & Andrews, K. Measurements of the low frequency components of active and passive sounds produced by dolphins. (2000) Aquatic Mammals 26 (3), 167-175.

Nachtigall, P.E. Au, W.W.L., Roitblat, H.L. and Pawloski, J.L. (2000) Dolphin Biosonar: A model for Biomimetic Sonars. In: Proceedings of the first International Symposium on Aqua Bio-Mechanisms, pp 115-121.

Aubauer, R, W. W. L. Au, P.E. Nachtigall, J.L. Pawloski, D.A. Pawloski and C. DeLong (2000). Classification of electronically generated phantom targets by an Atlantic bottlenose dolphin (Tursiops truncatus). J. Acoustic. Soc. Am.107, 2750-2754.

Philips, J., Au, W.W.L., Nachtigall, P.E., Pawloski, J.L., and Roitblat, H. L. (**In** Press) Echolocation in the Risso's dolphin, Grampus griseus, a preliminary report. in *Echolocation in bats and dolphins*, edited by J. Thomas, C. Moss, and M. Vater (University of Chicago press, Chicago).

Nachtigall, P.E. Supin, A., Pawloski, J.L. and Au, W.W.L. Measuring recovery from temporary threshold shifts with evoked auditory potentials in the bottlenosed dolphin *Tursiops truncatus.* Invited Presentation – Acoustical Society of America. Ft. Lauderdale Florida, Dec 5-7, 2001

Nachtigall P.E., Supin , A., Pawloski J.L., and Au W.W.L. Evoked auditory potentials measuring recovery from temporary threshold shifts in the bottlenosed dolphin *Tursiops truncatus.* Fourteenth Biennial Conference on the Biology of Marine Mammals. Vancouver B.C. November 28- Dec 4, 2001

Nachtigall, P. E., Supin, A. Pawloski, J. L., Au, W. W. L. (2001). "Evoked auditory potentials measuring recovery from temporary threshold shifts in the bottlenosed dolphin *Tursiops truncatus*, 14th Biennial Conference on the Biology of Marine Mammals. Vancouver, BC. November 28-December 3.

Supin, A. Y, Nachtigall, P. E., Pawloski, J., and Au, W. W. L. (2002). "Evoked Potential Application in Study of Echolocation in Cetaceans," Journal of the Acoustic Society of America 2344.
Acoustical Society of America, Pittsburg.

Phillips, J. D., Nachtigall, P. E., Au, W. W. L., Pawloski, J. L., and Roitblat, H. L. (2001). "Echolocation in the Risso's dolphin (*Grampus griseus*): Signal characteristics, comparisons and specializations," 14th Biennial Conference on the Biology of Marine Mammals. Vancouver, BC. November 28-December 3.

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Nachtigall, P.E, Pawloski, J.L., Au, W.W.L., Temporary threshold shifts and recovery following exposure in the Atlantic bottlenose dolphin (*Tursiops truncatus*). J. Acoustic. Soc. Am. 113. No. 6, June 2003. Marine Mammal Science: Vol. 20, No. 4, pp. 673–687.

TEMPORARY THRESHOLD SHIFTS AFTER NOISE EXPOSURE IN THE BOTTLENOSE DOLPHIN (TURSIOPS TRUNCATUS) MEASURED USING EVOKED AUDITORY POTENTIALS. Paul E. Nachtigall, Alexander Ya. Supin Jeffrey Pawloski, and Whitlow W. L. Au

FIRST EVIDENCE OF PLASTIC INGESTION BY WHITE-TAILED TROPICBIRDS FROM O'AHU, HAWAI'I. K. DAVID HYRENBACH, MICHELLE, M. HESTER, JOHN A. JOHNSON, SHANNON LYDAY, SANDRA BINGHAM, JEFF PAWLOSKI.June 17, 2013

Monitoring of progesterone in captive female false killer whales, Pseudorca crassidens. Gen Comp Endocrinol. 1999 Sep;115(3):323-32.

Atkinson S[1], Combelles C, Vincent D, Nachtigall P, Pawloski J, Breese M.

Settling Down in Hawaii: Adaptation of Captive-bred Green Turtles (*Chelonia mydas*) Released from the Maui Ocean Center
George Balazs, Denise Parker, John Gorman, James Luecke & Jeff Pawloski . June 2015

Auditory sensitivity of various areas of the head to local underwater stimulation in a bottlenose dolphin (Tursiops truncatus)
Evgeniya V. Sysueva[1], Paul E. Nachtigall[2], Ted W. Cranford[4], Aude F. Pacini[2], Jeff Pawloski[3], Craig Allum[3], Alexander Ya. Supin[1]

PRESENTATIONS

Metal concentrations in biological specimens from wild and captive Hawaiian green sea turtles (Chelonia mydas). Katherine Shaw1, Jennifer M. Lynch2, Amanda French1, Jeff Pawloski3,George Balazs4, T. Todd Jones4, Marc Rice5, David Klein1

George H. Balazs, Robert Morris and Jeffrey Pawloski **"An Effective and Safe Technique to PIT Tag Hatchling Green Turtles Captive Bred at Sea Life Park Hawaii**. 33RD ISTS Symposium on Sea Turtle Biology and Conservation, Baltimore, Maryland, USA. April 2014

Auditory sensitivity areas of head to local underwater stimulation in a bottlenose dolphin (Tursiops truncatus) Evgeniya V. Sysueva, Paul E. Nachtigall, Ted W. Cranford, Aude F. Pacini, Jeff L. Pawloski, Craig Allum, and Alexander Ya. Supin

MEMBERSHIPS/AFFILIATIONS

Association of Zoos and Aquariums

Society of Marine Mammal Science

Aquatic Animal Life Support Operators

Animal Welfare Institute

International Marine Mammal Trainers

Marine Mammal Consultant for the State of Hawaii Department of Agriculture

Board Member Institution Animal Care and Utilization Committee for the Oceanic Institute

Board Member, Sea Life Park Foundation

AWARDS

1988 Recipient of the "Behavior of the Year" award at the annual meeting of the International Marine Mammal Trainers Association. The award was for the presentation entitled "Simultaneous Oral and Rectal Temperature Measurement in an Unrestrained Atlantic Bottlenose Dolphin (*Tursiops truncatus*)".

CERTIFICATIONS

1972 NAUI Certified Open Water SCUBA diver

November 1977 – December 1978 OSHA Compliant Open Water Scuba Diver. Worked with USN and Civilian SCUBA divers with open ocean diving activities while working for SEACO, Inc.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

October 14, 2020

Valerie King
General Manager
Sea Life Park Hawaii
41-202 Kalanianaole Highway #7
Waimanalo, HI 96795

Dear Ms. King:

The National Marine Fisheries Service (NMFS) has issued Permit No. 22851 to Sea Life Park Hawaii for enhancement activities on captive Hawaiian monk seals (*Neomonachus schauinslandi*).

This permit is effective upon your signature and is valid through the expiration date indicated in Condition A.1. To use your permit:

1. Read the permit, including attachments. If you have questions, call your permit analyst – Jennifer Skidmore or Sara Young at 301-427-8401 before signing the permit.
2. Sign and date the signature page.
3. Keep the original signature page with your permit.
4. Return a copy of the signature page by email to your permit analyst.
5. Provide a copy of this letter and the permit to each Co-Investigator.

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service specifically noted in their review of the application that the seals should never be forced or encouraged to look up into the sun and, therefore, shade should be provided for all feeding and training sessions. This recommendation has been included as Condition B.5.b. in the permit.

Please keep your contact information current in our online database (https://apps.nmfs.noaa.gov). You will receive automated email reminders of due dates for annual and final reports and a notice prior to expiration of your permit.

Sincerely,

HARRISON.JULIA.MARIE.1365843380 Digitally signed by HARRISON.JULIA.MARIE.1365843380 Date: 2020.10.14 13:51:44 -04'00'

Jolie Harrison
Chief, Permits and Conservation Division
Office of Protected Resources

Enclosure

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

Permit No. 22851
Expiration Date: October 15, 2025
Reports Due: January 15, annually

PERMIT TO TAKE PROTECTED SPECIES[1] FOR ENHANCEMENT PURPOSES

I. Authorization

This permit is issued to Sea Life Park Hawaii, 41-202 Kalanianaole Highway, Waimanalo, HI 96795, (hereinafter "Permit Holder;" Responsible Party: Valerie King), pursuant to the provisions of the Marine Mammal Protection Act of 1972 as amended (MMPA; 16 U.S.C. 1361 *et seq.*); the regulations governing the taking and importing of marine mammals (50 CFR Part 216); the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*); and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR Parts 222-226).

II. Abstract

The objectives of the enhancement activities, as described in the application, are to permanently maintain Hawaiian monk seals (*Neomonachus schauinslandi*) removed from the wild under separate permits for enhancement purposes and deemed non-releasable to the wild, and to increase public awareness of the status of the species through an education program. Seals may be displayed to the public incidental to the enhancement activities.

III. Terms and Conditions

The activities authorized herein must occur by the means, in the areas, and for the purposes set forth in the permit application, and as limited by the Terms and Conditions specified in this permit, including appendices and attachments. Permit noncompliance constitutes a violation and is grounds for permit modification, suspension, or revocation, and for enforcement action.

A. Duration of Permit

1. Personnel listed in Condition C.1 of this permit (hereinafter "Personnel") may conduct activities authorized by this permit through October 15, 2025. This permit may be extended by the Director, National Marine Fisheries Service (NMFS) Office of Protected Resources or the Chief, Permits and Conservation Division (hereinafter "Permits Division"), pursuant to applicable regulations and the requirements of the MMPA and ESA.

[1] "Protected species" include species listed as threatened or endangered under the ESA, and marine mammals.

2. In the event a serious injury or mortality[2] of a Hawaiian monk seal occurs, the Permit Holder or Principal Investigator must contact the Permits Division within two business days and follow the incident reporting requirements at Conditions B.5.i and E.2.

B. Number and Kinds of Protected Species, Locations and Manner of Taking

1. The table in Appendix 1 outlines the number and kind of protected species, authorized to be taken, and the location, manner, and time period in which they may be taken.

2. Personnel working under this permit may collect images (e.g., photographs, video) and audio recordings as needed to document the permitted activities, provided the collection of such images or recordings does not result in takes.

3. The Permit Holder may use visual images and audio recordings collected under this permit in printed materials (including commercial or scientific publications) and presentations provided the images and recordings are accompanied by a statement indicating that the activity was conducted pursuant to NMFS ESA/MMPA Permit No. 22851. This statement must accompany the images and recordings in all subsequent uses or sales.

4. The Chief, Permits Division may grant written approval for individuals performing activities not essential to achieving the research (e.g., a documentary film crew in the seal enclosure outside of normal public display practices) to be present, provided:

   a. The Permit Holder submits a request to the Permits Division specifying the purpose and nature of the activity, location, approximate dates, and number and roles of individuals for which permission is sought.

   b. Non-essential individuals/activities will not influence the conduct of permitted activities or result in takes of protected species.

   c. Persons authorized to accompany the Personnel for the purpose of such non-essential activities will not be allowed to participate in the permitted activities.

   d. The Permit Holder and Personnel do not require compensation from the individuals in return for allowing them to accompany any Personnel.

[2]This permit authorizes humane euthanasia of the subject Hawaiian monk seals for medical purposes. Note that for marine mammals, a serious injury is defined by regulation as any injury that will likely result in mortality.

5. Personnel must comply with the following conditions related to enhancement and methods of supervision, care, and transportation of seals:

   a. The Permit Holder must maintain the seals in a U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) licensed public display facility; and, the seals must be held and transported in compliance with the provisions of the Animal Welfare Act and its implementing regulations "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals" (9 CFR Part 3, Subpart E). A copy of the APHIS license must be attached to this permit.

      i. A current copy of the APHIS research registration and/or license for any facility to be used must be attached to this permit. All medical records must accompany the animals to the destination facility.

      ii. Prior to transport, Sea Life Park Hawaii must have the travel plan documented at the receiving facility, and the animals must be accompanied by a health certificate signed by the attending veterinarian stating that each animal was examined within the prior 10 days and found to be in acceptable health for transport.

   b. Seals must never be forced or encouraged to look up into the sun and, therefore, shade must be provided for all feeding and training sessions.

   c. To the maximum extent possible, seals must be trained for voluntary participation in husbandry and medical procedures.

   d. This permit does not authorize breeding of the subject Hawaiian monk seals. Breeding may only occur if authorized under an amendment to this permit or a separate permit issued for that purpose. The Permit Holder is responsible for preventing breeding though physical separation of males and females, as described in the permit application.

   e. The Hawaiian monk seals authorized by this permit must not be released into the wild unless such a release has been authorized under an amendment to this permit or a separate scientific research or enhancement permit issued for that purpose.

   f. Any public display of the seals authorized by this permit must be incidental to and not interfere with the enhancement. Such incidental public display may only occur as part of an educational program. A portion of this program must describe the enhancement activities; identify the status of the species under the ESA and, provide information regarding their natural history, distribution, population status, and threats to the species in the Northwestern Hawaiian Islands and main Hawaiian Islands.

g. The Hawaiian monk seals authorized by this permit must not be trained for performance or included in any interactive program with the public. Public demonstrations in which the seals perform trained husbandry, medical, enrichment-related, and natural behaviors is authorized.

h. Disposition: The Permit Holder shall not transport, transfer, export or otherwise dispose of any Hawaiian monk seal authorized by this permit except with the approval of the Director, Office of Protected Resources, and subject to such Terms and Conditions as the Director may prescribe.

i. In addition to requirements of Condition A.2., in the event that a Hawaiian monk seal authorized by this permit dies, the Permit Holder must:

i. Contact the NMFS Pacific Islands Fisheries Science Center, Hawaiian Monk Seal Research Program (HMSRP; michelle.barbieri@noaa.gov) and follow any recommended necropsy and sampling protocols.

ii. Within two weeks, submit an incident report as described in Condition E.2. Gross necropsy findings should be included as part of an incident report. Final necropsy results (e.g., gross findings, histology, and other analyses) must be submitted when complete.

6. The Permit Holder must comply with the following conditions, and the regulations at 50 CFR 216.37, for biological samples[3] acquired[4] or possessed under authority of this permit.

a. The Permit Holder is ultimately responsible for compliance with this permit and applicable regulations related to the samples unless the samples are permanently transferred per Condition at B.6.d.

b. Samples must be maintained according to accepted curatorial standards and must be labeled with a unique identifier (e.g., NOAA ID number) that is connected to on-site records with information identifying the following:

i. Animal ID, species, age, and sex;

ii. Date of collection;

iii. Type of sample (e.g., blood);

[3]Biological samples include, but are not limited to: carcasses (whole or parts); and any tissues, fluids, or other specimens from live or dead protected species; except feces, urine, and spew collected from the water or ground.

[4]Authorized methods of sample acquisition are specified in Appendix 1.

iv. Origin (i.e., where collected); and

v. Legal authorization for original sample collection (i.e., permit number).

c. For temporary transfers:

i. The Permit Holder may designate Authorized Recipients (ARs) for analysis and curation of samples related to the permit objectives. The Permit Holder must maintain a record of the transfer including the following:

1. Name and affiliation of the AR;

2. Address of the AR;

3. Types of samples sent (species, tissue type);

4. Type of analysis; and

5. Whether samples will be consumed in analysis, returned to the Permit Holder, curated, or destroyed.

ii. The Permit Holder must provide a written copy of the AR designation and the permit per Condition D.3 when transferring samples to the AR.

iii. Samples remain in the legal custody of the Permit Holder while in the possession of ARs. The Permit Holder remains responsible for the samples, including any reporting requirements.

d. If the Permit Holder wishes to permanently transfer marine mammal samples (i.e., relinquish custody), recipients must have separate authorization pursuant to 50 CFR 216.37 (e.g., permit, regional authorization letter) prior to transfer.

e. Samples cannot be bought or sold.

f. After meeting the permitted objectives, the Permit Holder may continue to possess and use biological samples acquired under this permit, including after permit expiration, without additional written authorization. The samples must be maintained as specified in the permit and a copy of the permit must be kept with the samples forever.

C. Qualifications, Responsibilities, and Designation of Personnel

1. At the discretion of the Permit Holder, the following Personnel may participate in the conduct of the permitted activities in accordance with their qualifications and the limitations specified herein:

   a. Principal Investigator – Jeff Pawloski.

   b. Co-Investigators – Bethany Doescher, DVM and Danielle Meeker.

   c. Consultant Veterinarian – Samuel R. Dover, DVM.

   d. Personnel Assistants – individuals identified by the Permit Holder or Principal Investigator and qualified to act pursuant to Conditions C.2, C.3, and C.4 of this permit.

2. Individuals conducting permitted activities must possess qualifications commensurate with their roles and responsibilities. The roles and responsibilities of personnel operating under this permit are as follows:

   a. The Permit Holder is ultimately responsible for activities of individuals operating under the authority of this permit. Where the Permit Holder is an institution/facility, the Responsible Party is the person at the institution/facility who is responsible for the supervision of the Principal Investigator.

   b. The Principal Investigator (PI) is the individual primarily responsible for the taking, import, export and related activities conducted under the permit. The PI must be on site during activities conducted under this permit unless a Co-Investigator named in Condition C.1 is present to act in place of the PI.

   c. Co-Investigators (CIs) are individuals who are qualified to conduct activities authorized by the permit, for the objectives described in the application, without the on-site supervision of the PI. CIs assume the role and responsibility of the PI in the PI's absence.

   d. Personnel Assistants are individuals who work under the direct and on-site supervision of the PI or a CI. Assistants cannot conduct permitted activities in the absence of the PI or a CI.

3. Personnel involved in permitted activities must be reasonable in number and essential to conduct of the permitted activities. Essential personnel are limited to:

   a. Individuals who perform a function directly supportive of and necessary to the permitted activity,

   b. Individuals included as backup for those personnel essential to the conduct of the permitted activity, and

   c. Individuals included for training purposes.

4. Persons who require state or Federal licenses or authorizations (e.g., veterinarians) to conduct activities under the permit must be duly licensed/authorized and follow all applicable requirements when undertaking such activities.

5. The Permit Holder cannot require or receive direct or indirect compensation from a person approved to act as PI, CI, or RA under this permit in return for requesting such approval from the Permits Division.

6. The Permit Holder or PI may add CIs by submitting a request to the Chief, Permits Division that includes a description of the individual's qualifications to conduct and oversee the activities authorized under this permit. If a CI will only be responsible for a subset of permitted activities, the request must also specify the activities for which they would provide oversight.

7. Where the Permit Holder is an institution/facility, the Responsible Party may request a change of PI by submitting a request to the Chief, Permits Division that includes a description of the individual's qualifications to conduct and oversee the activities authorized under this permit.

8. Submit requests to add CIs or change the PI by one of the following:

   a. The APPS system at https://apps.nmfs.noaa.gov;

   b. An email attachment to the permit analyst for this permit; or

   c. A hard copy mailed or faxed to the Chief, Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)427-8401; fax (301)713-0376.

D. Possession of Permit

1. This permit cannot be transferred or assigned to any other person.

2. The Permit Holder and persons operating under the authority of this permit must possess a copy of this permit when:

   a. Engaged in a permitted activity.

   b. A protected species is in transit incidental to a permitted activity.

   c. A protected species taken under the permit is in the possession of such persons.

3. A duplicate copy of this permit must accompany or be attached to the container, package, enclosure, or other means of containment in which a protected species or protected species part is placed for purposes of storage, transit, supervision or care.

E. Reporting

1. The Permit Holder must submit incident and annual reports containing the information and in the format specified by the Permits Division.

   a. Reports must be submitted to the Permits Division by one of the following:

      i. The APPS system at https://apps.nmfs.noaa.gov;

      ii. An email attachment to the permit analyst for this permit; or

      iii. A hard copy mailed or faxed to the Chief, Permits Division.

   b. You must contact your permit analyst for a reporting form if you do not submit reports through the APPS.

   c. Additional information on reports can be found at https://www.fisheries.noaa.gov/national/reports-protected-species-permits.

2. Incident Reporting

   a. If a serious injury or mortality occurs (in addition to contacting the HMSRP (see Condition B.5.i)), the Permit Holder must:

      i. Contact the Permits Division by phone (301-427-8401) as soon as possible, but no later than two business days of the incident; and

ii. Submit a written report within two weeks of the incident as specified below.

iii. The Permits Division may revise the Terms and Conditions of this permit based on review of the incident report.

b. The incident report must include 1) a complete description of the events, and 2) identification of steps that will be taken to reduce the potential for additional serious injury or mortality.

3. Annual reports describing activities conducted during the previous permit year (from October 16 to October 15) must:

a. Be submitted by January 15 each year for which the permit is valid, and

b. Include a tabular accounting of takes and a narrative description of activities and their effects.

4. A joint annual/final report including a discussion of whether the objectives were achieved must be submitted by January 15, 2026, or, if the research concludes prior to permit expiration, within 90 days of completion of the research.

F. Notification and Coordination

1. The Permit Holder must provide the following notification of changes in the animal inventory to the Chief, Permits Division:

a. In the event of a death of a Hawaiian monk seal held under the authority of this permit, the Permit Holder must submit an updated Marine Mammal Data Sheet (MMDS) within 30 days. A copy of the necropsy report, histopathology, and any other relevant reports must be submitted when available (see Condition B.5.i).

b. The Permit Holder must provide written notification of any authorized transfers or transports (pursuant to Condition B.5.h), in the requested format (https://www.fisheries.noaa.gov/webdam/download/70834f588), at least 15 days prior to the authorized transport/transfer. Authorized transfers/ transports must be verified within 30 days by submitting an updated MMDS.

c. The Permit Holder must review and verify the accuracy of its Marine Mammal Inventory upon request.

2. The Permit Holder must coordinate permitted activities with activities of other Permit Holders conducting the same or similar activities on captive Hawaiian monk seals. Contact the Permits Division to obtain contact information for coordinating with other Permit Holders.

G. Observers and Inspections

1. NMFS may review activities conducted under this permit. At the request of NMFS, the Permit Holder must cooperate with any such review by:

   a. Allowing an employee of NOAA or other person designated by the Director, NMFS Office of Protected Resources to observe and document permitted activities; and

   b. Providing all documents or other information relating to the permitted activities.

H. Modification, Suspension, and Revocation

1. Permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR Part 904.

2. The Director, NMFS Office of Protected Resources may modify, suspend, or revoke this permit in whole or in part:

   a. In order to make the permit consistent with a change made after the date of permit issuance with respect to applicable regulations prescribed under Section 103 of the MMPA and Section 4 of the ESA;

   b. In a case in which a violation of the terms and conditions of the permit is found;

   c. In response to a written request[5] from the Permit Holder;

   d. If NMFS determines that the application or other information pertaining to the permitted activities (including, but not limited to, reports pursuant to Section E of this permit and information provided to NOAA personnel pursuant to Section G of this permit) includes false information; and

[5] The Permit Holder may request changes to the permit related to: the objectives or purposes of the permitted activities; the species or number of animals taken; and the location, time, or manner of taking or importing protected species. Such requests must be submitted in writing to the Permits Division in the format specified in the application instructions.

e. If NMFS determines that the authorized activities will operate to the disadvantage of threatened or endangered species or are otherwise no longer consistent with the purposes and policy in Section 2 of the ESA.

3. Issuance of this permit does not guarantee or imply that NMFS will issue or approve subsequent permits or amendments for the same or similar activities requested by the Permit Holder, including those of a continuing nature.

I. Penalties and Permit Sanctions

1. A person who violates a provision of this permit, the MMPA, ESA, or the regulations at 50 CFR 216 and 50 CFR 222-226 is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA, ESA, and 15 CFR Part 904.

2. The NMFS Office of Protected Resources shall be the sole arbiter of whether a given activity is within the scope and bounds of the authorization granted in this permit.

a. The Permit Holder must contact the Permits Division for verification before conducting the activity if they are unsure whether an activity is within the scope of the permit.

b. Failure to verify, where the NMFS Office of Protected Resources subsequently determines that an activity was outside the scope of the permit, may be used as evidence of a violation of the permit, the MMPA, the ESA, and applicable regulations in any enforcement actions.

J. Acceptance of Permit

1. In signing this permit, the Permit Holder:

a. Agrees to abide by all terms and conditions set forth in the permit, all restrictions and relevant regulations under 50 CFR Parts 216, and 222-226, and all restrictions and requirements under the MMPA, and the ESA;

b. Acknowledges that the authority to conduct certain activities specified in the permit is conditional and subject to authorization by the Office Director; and

c. Acknowledges that this permit does not relieve the Permit Holder of the responsibility to obtain any other permits, or comply with any other Federal, State, local, or international laws or regulations.

MARZIN.CATHERIN E.G.1365836082 Digitally signed by MARZIN.CATHERINE.G.1365836082 Date: 2020.10.13 13:16:17 -04'00'

FOR Donna S. Wieting
Director, Office of Protected Resources
National Marine Fisheries Service

Date Issued

Valerie King
Responsible Party
Sea Life Park Hawaii

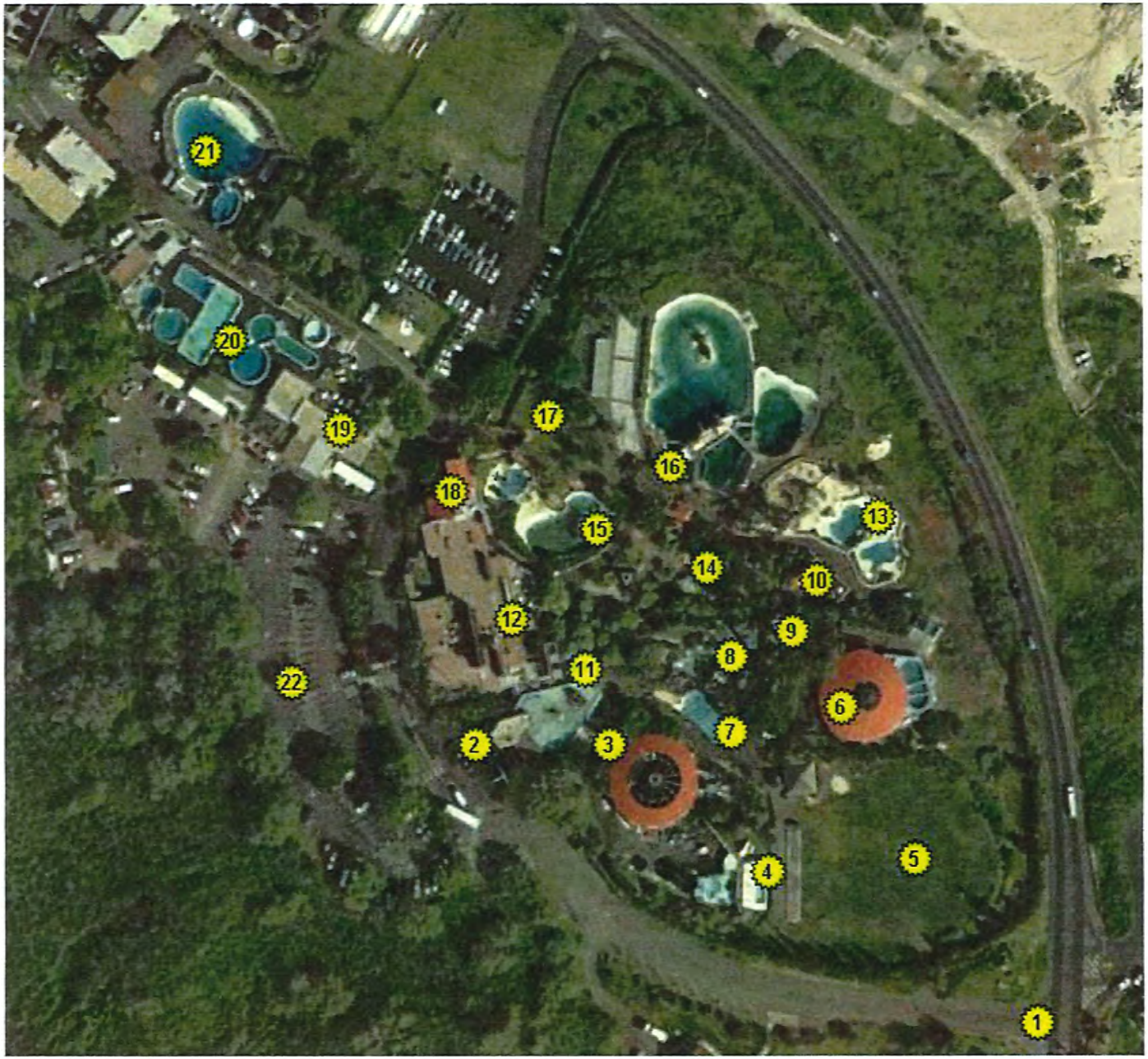
10/21/2020
Date Effective

Appendix 1: Table Specifying the Kind of Protected Species, Location, and Manner of Taking

Table 1. Authorized captive maintenance of up to four Hawaiian monk seals over the duration of the permit at Sea Life Park Hawaii for enhancement purposes [pursuant to MMPA Sections 104(c), and 109(h) and 112(c), as applicable, and ESA Section 10(a)(1)(A)]. Additional seals to be determined. Captive maintenance includes husbandry, health assessments, and medical sampling; treatments as warranted by the attending veterinarian; and, humane euthanasia if warranted for medical reasons, and necropsy. Hawaiian monk seals may be displayed to the public incidental to the enhancement.

Seal ID/ Name	NOAA ID	Sex	Date of Birth	Capture Date	Origin (purpose of capture and permit)
KE18/ "Kekoa"	NOA0006781	Male	4/1/2002 (estimate)	1/29/2012	MMPA 104(c) enhancement (permanent removal of aggressive male); NMFS Permit No. 10137

Attachment 2



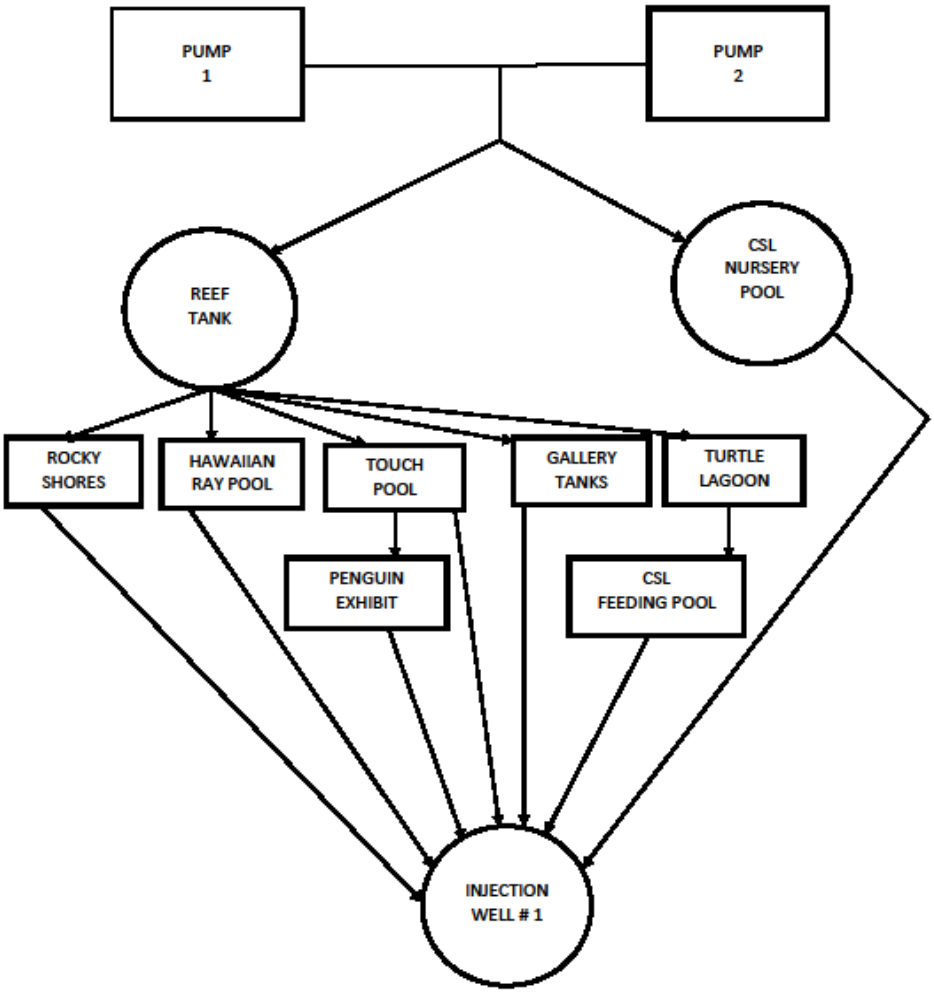
Sea life Park

1.- Entrance
2.- Gatehouse
3.- Reef Tank
4.- Kolohe Kai
5.- Meadows
6.- H.O.T.
7.- Turtle Lagoon
8.- Ray Encounter
9.- Kids Area
10.- Snack bar
11.- Gift Shop
12.- Restaurant
13.- Monk Seal
14.- Penguin Habitat
15.- Sea Lion Pool
16.- Dolphin Cove
17.- Dressing area
18.- Dolphin ETC
19.- Administration
20.- Backstage
21.- Aloha Pool
22.- Parking

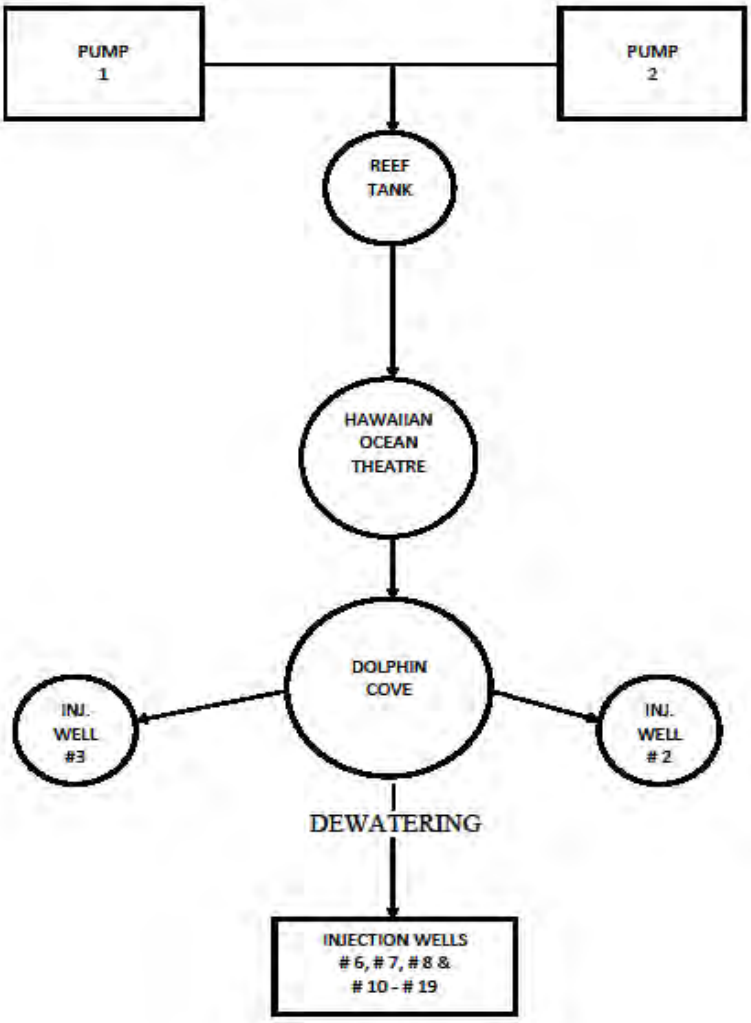

Sea Life Park
HAWAII
Oceanic Institute
Aloha Discovery
Backstage Habitats
Lockers/ Showers
Seaside Boutique & Sundries
Photo/Video Shop
Adventure Center & Surf's Up Kaiki Shop
NEW!
Sea Lion Habitat
Seaside Gardens
Dolphin Lagoon
ALOHA NUI A DOLPHIN SHOW
Sea Bird Sanctuary
Hale Manu Bird Aviary & Gift Shop
Penguin Habitat
Discovery Reef
Hawaiian Monk Seal Habitat
Snack Shop
Adventure Kids Play Zone
NEW! Conservation Center Exhibit
Hawaiian Reef
Honu Green Sea Turtle
Marine Life Theater
Hawai'i Ocean Theatre
BeachBoy Lanai
Tiki Treats
Gift Shop Entrance
Ticket Office
Exit
Souvenir Photo
Shark Cave
Rocky Shores
Makapu'u Meadows
KA MOANA LU'AU
Kolohe Kai Stage
Entrance
AED
P

Seawater Life Support System Schematic Diagrams:

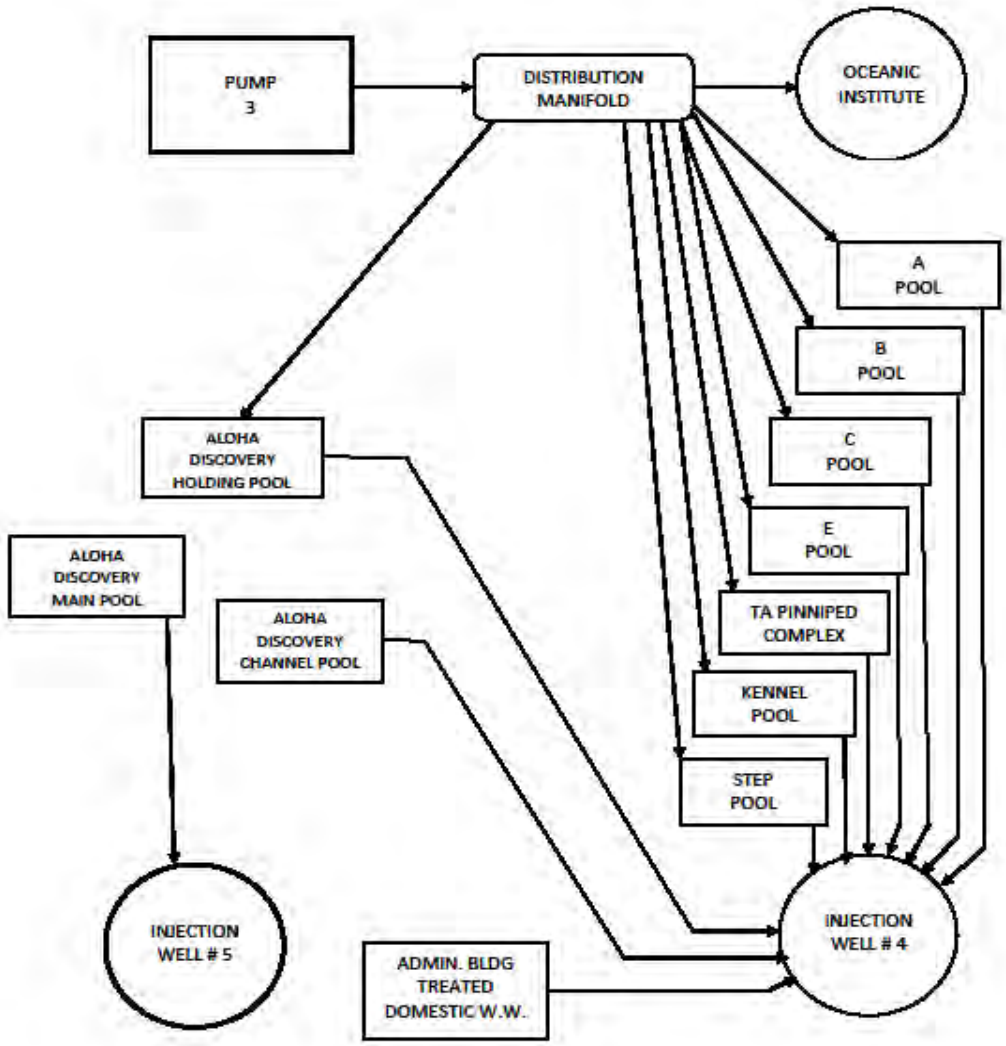
SEA LIFE PARK (AQUACULTURE)
UO-1219
FLOW SCHEMATIC
SUBSYSTEM # 1



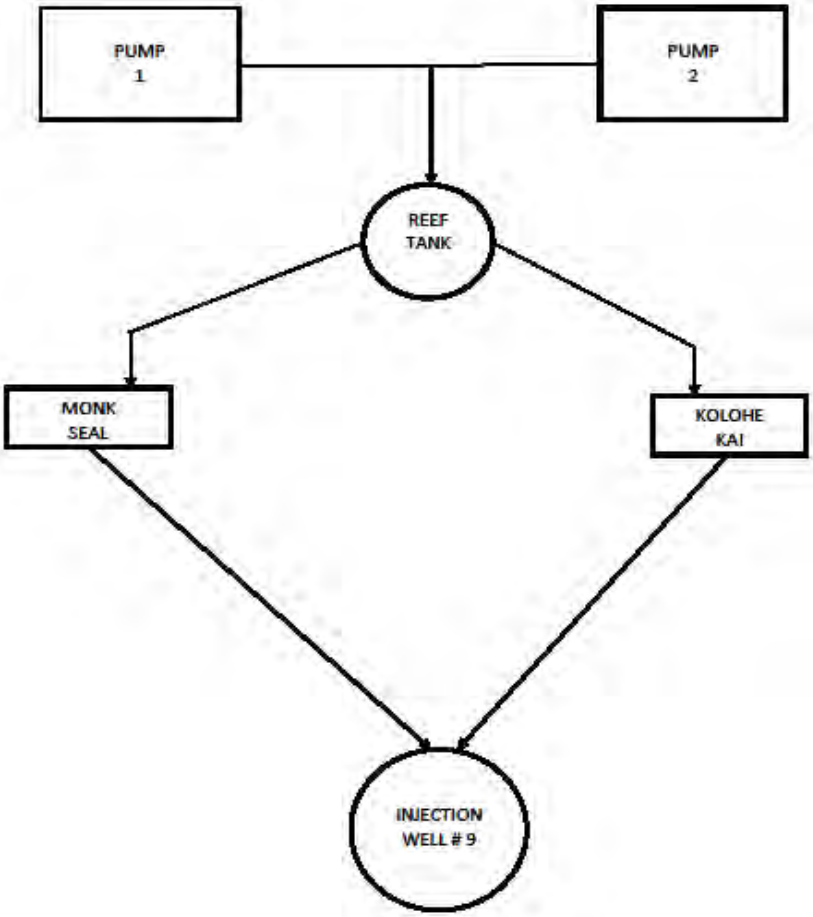
SEA LIFE PARK (AQUACULTURE)
UO-1219
FLOW SCHEMATIC
SUBSYSTEM # 2



SEA LIFE PARK (AQUACULTURE)
UO-1219
FLOW SCHEMATIC
SUBSYSTEM # 3



SEA LIFE PARK (AQUACULTURE)
UO-1219
FLOW SCHEMATIC
SUBSYSTEM # 4



State of Hawaii
Department of Agriculture
Plant Industry Division
Plant Quarantine Branch
Honolulu, Hawaii

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

SUBJECT: Request to: (1) Allow the Transfer of Two Bison, *Bison bison*, an Animal on the List of Restricted Animals (Part B), by Permit, for Commercial Meat Production, by Hanalei Garden Bison Company, LLC; and (2) Update Permit Conditions for the Transfer of Two Bison, *Bison bison*, an Animal on the List of Restricted Animals (Part B), by Permit, for Commercial Meat Production, by Hanalei Garden Bison Company, LLC.

I. Summary Description of the Request

PQB NOTES: *The Plant Quarantine Branch (PQB) submittal for requests for import or possession permits, as revised, distinguishes information provided by the applicant from procedural information and advisory comment and evaluation presented by PQB. With the exception of PQB notes, hereafter "PQB NOTES," the text shown below in Section II from page 2 through page 5 of the submittal was taken directly from Hanalei Garden Bison Company, LLC's application and subsequent written communications provided by the applicant, Andy Friend. For instance, the statements on page 5 regarding effects on the environment are the applicant's statements in response to standard PQB questions, and are not PQB's statements. This approach for PQB submittals aims for greater applicant participation in presenting import requests in order to move these requests to the Board of Agriculture (Board) more quickly, while distinguishing applicant provided information from PQB information. The portion of the submittal prepared by PQB, including the Advisory Subcommittee Review, Advisory Committee Review and the Proposed Import Conditions are identified as Sections III, IV and V of the submittal, which starts at page 6, 7 and 13, respectively.*

We have a request to review the following:

COMMODITY: Two (2) Bison, *Bison bison.* (Refer to Appendix A for Permit Application).

SHIPPER: Leonard Jose, [redacted]

C30

IMPORTER: Andy Friend, Hanalei Garden Bison Company, LLC, P.O. Box 1318, Kilauea, Hawaii 96754. Phone No.: (808) 346-1570.

PQB NOTES: *The PQB has previously issued Import Permits for Andy Friend and Stuart Wellington, Hanalei Garden Bison Co, LLC on August 14, 2015, and November 9, 2018, for the Import of Bison, Bison bison. (Refer to Attachments 1 and 2 for previously issued Import Permits).*

CATEGORY: The Bison, *Bison bison,* is on the List of Restricted Animals (Part B). Pursuant to Hawaii Administrative Rules (HAR) Chapter 4-71, *Bison bison,* may be imported into Hawaii for private and commercial use, including research, zoological parks, or aquaculture production.

II. Information Provided by the Applicant in Support of the Application

PROJECT: We have an existing herd of bison, we operate a small meat business. We sell our bison meat to a couple of restaurants and local health food stores. (Refer to Attachments 3 and 4 for the Hanalei Garden Bison Company, LLC brochure and the History of Hanalei Bison Facebook article). We plan to add these two bison cows into our herd to increase our herd size for breeding and calving. Also, our Hanalei bison have been DNA tested for bovine markers and they tested negative. Our bison are pure American plains bison.

OBJECTIVE: We were contacted by the current owner, Leonard Jose, of the bison, who says that he is relocating his animal farm and wants to sell these two bison. He offered us an attractive price so we agreed to purchase these bison subject to acquiring a permit to move them to Kauai. Bison have been on this Hanalei pasture for over 35 years, originally Bill and Marty Mowry owned them and my partner and I entered into an agreement with Bill several years ago to take over the management of the herd since Bill was getting old.

PROCEDURE: These two bison are approximately five years old, they should be able to breed till 12 to 14 years old.

DISCUSSION:

1. **Person Responsible:** Andy Friend, Hanalei Garden Bison LLC, P.O. Box 1318, Kilauea, Hawaii 96754. Phone No.: (808) 346-1570.
   Email Address: asproperties@hawaii.rr.com.
   Hanalei Garden Bison Company, LLC only has two members, Stuart Wellington and myself. Stuart and I have been managing this bison herd for over 7 years.

Stuart is a local rancher and paniolo on Kauai. Stuart has many years in handling livestock and is a past president of the Kauai Cattleman's Association. I have many years in the cattle industry.

2. **Safeguard Facility and Practices:** Hanalei Garden Bison LLC, 4965 Hanalei Plantation Road, Hanalei, Hawaii 96714. Phone No.: (808) 346-1570.

We do not have a facility, we have approximately 170 acres of grass pasture in Hanalei valley that the herd is located. (Refer to Attachment 5 for an aerial map of Hanalei Bison Company, LLC). Our only infrastructure is a small corral. Our herd is certified grass fed by A Greener World of Oregon, they are a national certification institute. (Refer to Attachments 6, 7, and 8, respectively for certification labels, press release from A Greener World and information regarding Harvest Market Hanalei). This pasture is private land it is not state or federal and we do not use state, county, or federal money.

Our pasture perimeter is protected by fence or a significant hedge of hau bush that is 50 feet wide and 20 to 25 feet tall. (Refer to Attachment 9 for facility photographs). The root system is so dense a human cannot get through it, it's better than a fence. There are only two gates for entrance to the pasture and those gates are locked 24/7. We do not have to worry about theft since it would be impossible for a person to try to capture one of the bison, they are not tame and you can't get very close to them without them moving away.

We do not have a safety manual, theft as I stated in the template, is simply not feasible. Our pasture is locked 24/7, interior access is only by ATVs and the bison will not let you get close. Escape is not applicable, our pasture is protected by fence or hau bush. The exception was in the flood of April 2018 when the Hanalei river rose by 10 feet and several of our bison were swept over the fencing. In that historic event we did lose some bison by drowning and 12 bison ended up in Hanalei. We captured all bison that were alive by horseback roundup and the use of a dart gun (all 12 were returned to the pasture).

We do not handle our bison much, our last roundup was about four years ago. Bison do not like to be confined, when we do a roundup it has to be for a very compelling reason, the more you leave them alone the better they do. We do not give our bison any type of additives, the only treatment we do is for parasites and that is either by dart gun injection or drinking water treatment.

Our bison business consists of a small meat sales program (United States Department of Agriculture (USDA) inspected), I refer you to the Hanalei Garden Bison company, LLC brochure I provided, we market bison meat on a regular basis to a few restaurants and a few health food stores. (Refer to Attachment 3 for brochure). Bison meat is extremely healthy combined with a very flavorful taste due to bison meat in general and the type of grass in our pasture. We are certified

Grass Fed and Humane Handling by a Greener World. (Refer to Attachment 6, 7, and 8 respectively for certification labels, press release from A Greener World and information regarding Harvest Market Hanalei).

3. **Method of Disposition:** Any bison that dies of natural causes is buried onsite as soon as we discover it. There is no fear of disease or contamination as there are no livestock in close proximity to our pasture and I do not know of a disease or contamination they could get or where it would come from.

4. **Abstract of Organism:**

a. Bison (*Bison bison*) also known as buffalo.

Kingdom: Animalia
Phylum: Chordata
Class: Mammalia
Order: Artiodactyla
Family: Bovidae
Subfamily: Bovinae
Genus: *Bison*
Species: *Bison bison*

b. Bison cows typically become fertile at about two years of age, bison bulls are able to breed at about two – three years old. An adult bison cow will have a calf once per year. Bison have a rut period from August thru November and cows will calve from April thru August. A cow bison at maturity will weigh 900 to 1100 pounds and an adult bull will weigh from 1500 to 1800 pounds. Bison can live to 15 to 20 years old.

c. American bison or plains bison are indigenous to the US mainland, their habitat is quite diverse, their native range stretched from the California sierras to the Ohio river valley and from the Canadian border to south Texas. Bison are known for their roaming; they do not stay in one place; they are continually moving. Bison can live in extreme cold to the high heat of the southern US. Bison are not naturalized in Hawaii.

d. Bison could be established in Hawaii if they are handled properly. Bison are not domesticated.

e. Bison's native range is quite vast, I do not see them as a pest or invasive.

f. Bison are grazers they eat grass.

g. Bison are not domesticated, there is a large commercial industry. There are approximately 500,000 bison in the US. I refer you to the National Bison Association.

h. Bison in their native range are known for being environmentally beneficial.

i. Bison are susceptible to the same diseases and pests as cattle.

5. Effects on the Environment:

a. Bison have a natural instinct to roam; left free they will not over graze a pasture as long as it is not over stocked. In our Hanalei pasture by continual grazing they keep out many invasive species. Bison do not cluster around water holes or water areas, they do not need as much water as cattle. In their natural habitat bison are a "keystone species". There is an approved Conservation Plan with the Natural Resources Conservation Service (NRCS) for our pasture.

b. There is no probability of establishment and/or spread of associated diseases and/or pests.

c. We have an existing herd and are looking to add 2 bison cows to our herd from the big island. We have more demand for our meat than we can supply so we are looking to increase our herd numbers. We also have way more grass than our current herd can eat.

6. Biosecurity: Our pasture is protected from unauthorized access by locked gates 24/7 and there are only two ways to enter the pasture. Due to the terrain, most vehicles cannot maneuver in the pasture due to bumpy topography and many wet spots. The only people that can enter our pasture is the landowner, Stuart and myself.

We have no alarms or cameras. Our fencing is hog wire.

7. References:

a. Refer to our Facebook page - Hanalei Bison Ranch (https://www.facebook.com/hanaleibisonranch/).

III. Advisory Subcommittee Review

This request was submitted to the Advisory Subcommittee on Land Vertebrates for their review and recommendations. Their recommendations and comments are as follows:

1. **I recommend approval ___ / ___ disapproval to allow transfer of two Bison, *Bison bison*, an animal on the List of Restricted Animals (Part B), by permit, for commercial meat production, to Hanalei Garden Bison Company, LLC.**

Dr. Allen Allison, Vice President/Assistant Director, Research and Scholarly Studies, Bernice Pauahi Bishop Museum: Recommends approval.

> Comments: "Given that the applicant is already managing a small heard of bison in Hawaii the request to import two cows presents minimal environmental risk."

Dr. Sheila Conant, Professor/Chairperson (ret.), University of Hawaii at Manoa, Department of Zoology: Recommends approval.

> Comments: "This application, if approved, would involve importation of a species that is already present on Kaua`i, and has been for some years. The proposed tests for parasites and disease should indicate whether or not these individual animals would be 'safe' with respect to potential impact on domestic livestock."

Dr. Fern Duvall, Ecosystems Protection and Management, Hawaii Department of Land and Natural Resources-Division of Forestry and Wildlife: Recommends approval.

> Comments: "Bison in this case seems to be like regular planning for enhancement and herd management of beef cattle – except that they are *Bison bison*. It seems unlikely that these animals pose, under this ranch's management, any hazards for the environment of Hawaii. I assume the veterinarians will have certified the animals for import to be free of all parasites and diseases associated with the Bison and of import for cattle operations."

Dr. Isaac Maeda, DVM, HDOA-Animal Industry Division: Recommends approval.

Mr. Tom May: No response.

Dr. Carolyn McKinnie, DVM, Supervisory Veterinary Medical Officer, USDA, Animal and Plant Health Inspection Service-Animal Care: Response pending.

2. I recommend approval ___ / ___ disapproval to establish the above-stated permit conditions for the transfer of two Bison, *Bison bison,* an animal on the List of Restricted Animals (Part B), by permit, for commercial meat production, to Hanalei Garden Bison Company, LLC.

Dr. Allen Allison: Recommends approval.

Dr. Sheila Conant: Recommends approval.

Comments: "The conditions proposed appear to be comprehensive, and requirements for reporting adequate."

Dr. Fern Duvall: Recommends approval.

Comments: "I agree that his request for increasing and enhancing meat production using these Bison is reasonable and well planned."

Dr. Isaac Maeda: Recommends approval.

Mr. Tom May: No response.

Dr. Carolyn McKinnie: Response pending.

IV. Advisory Committee Review:

This request was submitted to the Advisory Committee on Plants and Animals (Advisory Committee) at its meeting on May 14, 2021 via a Zoom virtual meeting. PQB Land Vertebrate Specialist Noni Putnam provided a synopsis of the request. She noted that the applicant's business partner Mr. Stuart Wellington was in attendance and was available to answer questions, if needed. She also noted that Advisory Subcommittee member Dr. Carolyn McKinnie intended to submit a recommendation, but due to unforeseen circumstances was not able to submit a recommendation by the time of the meeting. Ms. Putnam also mentioned that the name of the company listed in the importer section will be changed from Hanalei Garden Bison to Hanalei Garden Bison Company, LLC, for consistency.

Advisory Committee Chairperson Darcy Oishi asked the members of the Advisory Committee if they had any questions for PQB or the applicant.

Advisory Committee Member Mr. Robert Hauff mentioned that the permit conditions laid out very specific fencing requirements. He noticed in the application that one of the containment barriers are hau tree thickets. Mr. Hauff asked if there is a conflict there between the current situation on the ground and what the permit conditions state.

Ms. Putnam mentioned that she has been working with Andy and Stuart from the Hanalei Garden Bison Company to try and understand their fencing and clarify any discrepancies that their facility may have. Ms. Putnam further mentioned that yes, the conditions are specific to a certain feet and certain gauge, however, the permit conditions also states other PQB approved materials. She said PQB has conducted a site inspection, however, no photographs were provided in the submittal package for review. Based on the information provided in the site inspection, it appears that the hau bush is very thick and that the animals will not be able to get through or escape. Ms. Putnam also mentioned that Mr. Wellington would be able to answer any questions regarding the hau bush fencing.

Chairperson Oishi asked what would happen if the hau starts dying for whatever reason? Ms. Putnam stated that would be a concern.

Chairperson Oishi asked how Plant Quarantine would define and explain that a hau bush is thick enough to contain a bison. Ms. Putnam stated she did not have research or background information regarding this; however, these animals have been contained on that site there for a while.

Chairperson Oishi raised his concerns from some of the incidences that are referenced within the application itself like the floods of 2018. Chairperson Oishi commented that he does not know the environment well enough to understand since no pictures were submitted with the submittal to assess and review. Chairperson Oishi also asked what would happen if there is a landslide that takes out the hau and you have an escape? He also asked what the plan was to recapture escaped bison? Ms. Putnam said that based on the information provided in the submittal, in the event that an escape occurred, the bison would be rounded up by cowboys on horseback and the use of a dart gun would be used to secure the animals.

Chairperson Oishi asked Mr. Hauff if he had any follow up questions.

Mr. Hauff wanted to verify that everyone is on the same page with how the bison are to be contained. He also wanted to ensure the applicant is aware of the feral cattle problem in Hawaii, which degrades our forest, and we certainly don't want a feral bison problem. Mr. Hauff mentioned that he doesn't necessarily have a problem with this submittal, however, he wants to be clear that the animals need to be appropriately contained. Chairperson Oishi said that he echoes the same point with his questions.

Chairperson Oishi called Mr. Stuart Wellington forward to testify and comment.

Mr. Stuart Wellington introduced himself and stated his affiliation to the Hanalei Bison Company, LLC. Mr. Wellington responded to the questions and concerns regarding the hau. He stated that the hau is approximately 30-40 yards thick. He also mentioned that some of the hau bushes are encroaching into the river and then inland as well.

Mr. Wellington stated that in the previous floods, including the 2018 flood, the animals that did get washed out to sea did not penetrate the hau. He said the floods laid down the fence and the animals actually floated out. Mr. Wellington said that he thinks it was a 50-100 year flood situation and acknowledged that he understands that it is hard to visualize with no pictures. He said that he can forward pictures from different angles to show how dense the hau bush is.

Mr. Wellington said that the bison have been at this site for approximately 35 years now and the area along the Hanalei river where the hau is located appears to have never been fenced because he does not see any remnants of fencing in the hau bush area. Mr. Wellington reiterated that he could forward pictures so that there is a better understanding of the hau bush area.

Chairperson Oishi stated that his comments are directed towards the enforcement of the permit conditions by PQB. Chairperson Oishi asked how PQB plans to assess whether the hau bush is thick enough to maintain the bison and is there a standard? Mr. Wellington stated that he did not know of a standard. Chairperson Oishi mentioned to Mr. Wellington that the question is for PQB. Ms. Putnam said that she is not aware of a standard for hau bush thickness to be sufficient to contain large animals such as bison. She noted Hanalei Bison Company has been doing this for 30 years and as Mr. Wellington previously stated, the animals that were displaced in the flood went out through downed fencing due to the floods as opposed to through the hau. Ms. Putnam said she has been working with Andy and Stuart regarding these discrepancies and they have been trying to figure out the best solution for this.

Mr. Hauff asked if something were to happen to the stand of hau trees, say a new disease were introduced into the State? Chairperson Oishi stated even a fire? Mr. Hauff mentioned that a fire may happen due to droughts. Mr. Hauff asked if this were to happen, how would that be addressed? Would the ranch be required to build containment? Ms. Putnam said the lack of a perimeter fence would have to be addressed and that if that were to happen, then the Hanalei Bison Company would need to have a perimeter fence. Currently, they use the thick hau bush as part of their fencing and where there is no hau bush, there is fencing around the perimeter. Ms. Putnam reiterated that in the event that there was a fire or some type of disease that would devastate the hau bush, it would be required to have a perimeter fence in place to prevent the animals from escaping.

Mr. Hauff asked if this were to occur, would PQB need to be alerted? Ms. Putnam said the conditions require the permittee to notify PQB if there are any problems, emergencies or escape, and to take the appropriate actions to prevent further escape. In the event there is an escape, it is the responsibility of the permittee to capture any escaped animals. She said PQB would also take the appropriate actions to prevent further spread.

Advisory Committee Member Dr. Benton Pang proposed a permit condition regarding the hau bushes. Dr. Pang said the submittal states the hau is 50-feet wide and 20- to 25-feet tall. He proposed that as long as the hau remains 50-feet wide and 20- to 25-feet tall, the hau bush can be used as a barrier and in the event that the hau bush is reduced to smaller than what is mentioned, then PQB could conduct a site visit, assess the situation, and require permanent fencing. Dr. Pang suggested the permit condition reference the existing dimensions of the hau bush and should the hau bushes be reduced, it would trigger a more permanent fence. Ms. Putnam said Dr. Pang's recommendations were workable and could be added to the permit conditions if approved.

Chairperson Oishi asked if the permit application and permit conditions were to be approved, could these recommendations to allow a hau stand as a barrier with the recommended specifications be used by other people who have bison and if other importers would have the same permit conditions?

Ms. Putnam recommended that the proposed hau bush condition be specific for the Hanalei Garden Bison Company. Ms. Putnam recommended that if there were similar requests in the future, those requests should go through the Board process and be approved on a case-by-case basis. Dr. Pang said he agreed with PQB staff that the recommendation be specific to Hanalei. He mentioned that Hanalei is known for their hau thickets along the banks. He stated that these conditions should be specific to this permittee and should not apply to any other importer.

Advisory Committee Member Dr. Maria Haws mentioned that the Natural Resources Conservation Service (NRCS) and the United State Department of Agriculture (USDA) have available standards and guidelines for hedgerows, which this situation essentially is. She said the agencies also have standards for fencing for different types of animals and recommend referring to that information. Dr. Haws noted that she has used waivi (strawberry guava) to contain goats and it was pretty effective as long as it was thick. She noted that she just did a quick internet search and it showed 15-feet thick for wildlife control and recommended selecting a thickness that would be suitable for bison.

Acting Branch Manager Mr. Jonathan Ho introduced himself. To help address the particular fencing issue and still give some specificity, he said PQB could amend permit Condition No. 9, which pertains to the fencing and add Condition "9e". Mr. Ho proposed language be something like: In the event that alternative fencing or containment options other than the conditions listed above, they may be approved by the Board on a case-by-case basis. He said that this would provide specificity to the particular issue and allows the Board to determine the appropriate corrective actions. Mr. Ho agrees with Dr. Haws in looking into other standards that are in existence and potentially providing concrete information to the Board.

Advisory Committee Member Kenneth Matsui said ranchers have significant investment in their animals and do not want the animals to escape, so they are motivated to try and

maintain control of the animals. Mr. Matsui asked why we are imposing additional disease requirements beyond the normal requirements for bovines, such as requiring testing for leptospirosis, when leptospirosis is already in the state? He also asked if there is a different strain of leptospirosis that we are testing for? Ms. Putnam stated that she would need to follow up with Dr. Issac Maeda regarding the testing requirements.

Mr. Matsui said he can understand bovine tuberculosis because it wasn't found here.

Ms. Putnam said that these conditions were generated from previous conditions and that these conditions have been reviewed by Dr. Maeda, who is the State Veterinarian from the Advisory Subcommittee. She said PQB works with Animal Quarantine (AQ) regarding specific heath requirements. Mr. Matsui reiterated his concerns regarding the proposed conditions that create requirements beyond the brucellosis and bovine tuberculosis of the general cattle requirements. He said he did not understand why it should be done when leptospirosis is already found in streams; that we are applying a higher standard for the leptospirosis on the bison rancher.

Ms. Putnam stated that she can follow up with Dr. Maeda. Ms. Putnam asked Mr. Matsui if he had any recommendations regarding the leptospirosis other than what he had already mentioned. Mr. Matsui recommended that the conditions not be beyond the general cattle requirements.

Mr. Ho stated that to address the specific concern that Mr. Matsui has brought up, Dr. Maeda had reviewed the conditions and it appears they were appropriate. Mr. Ho said he understands Mr. Matsui's concerns and that PQB will follow up with Dr. Maeda prior to presenting this request to the Board to address these concerns. Mr. Ho also mentioned that these are draft conditions and the Board has the ability to determine if the conditions are appropriate or inappropriate.

Mr. Matsui said according to the World Organization for Animal Health (OIE) as he understands it, you generally cannot restrict an organism due to disease when the disease is already present in the environment that you are trying to restrict them from. He also said that the annual reporting requirements appear to be generating much more paperwork when the risk doesn't seem that high or at least no higher than regular cattle and that the annual reporting requirements should be waived. However, he agreed that a notification should occur when there is an escape.

Ms. Putnam said the current conditions state that the permittee shall submit a semi-annual report to the PQB Chief in January and July of all restricted animals or progeny possessed. She said reporting is important because these animals are on the List of Restricted Animals, Part B, and any restricted animal should have either annual or semi-annual reporting in the event that something happens, PQB knows what they are dealing with and to better address an issue if it comes up.

Mr. Matsui said he understands that it is required to report an animal escape; however, he felt it was unnecessary to do this additional paperwork when it is not in the rancher's best interest to let the animal escape. He said that the risk is similar to that of beef cattle and recommends applying a standard that is similar to beef cattle. Mr. Matsui stated that he is aware that beef cattle are a problem, as Mr. Hauff mentioned, however, he doesn't see this being more of a problem than the beef cattle. Mr. Matsui re-stated that there is a lot of investment in the animals and the ranchers are not going to want to lose them. Mr. Matsui also commented about the fencing; that the hau is likely to last longer than the fencing.

Ms. Putnam stated that PQB regulates all non-domestic animals coming into the State, that *Bison bison* is on the list of Restricted Animals, Part B, and they are considered different from cattle, which are considered domestic. She recommended that PQB continue to have some type of reporting whether it be annual or semi-annual; to know how many animals are on the property in the event that there is a problem.

Mr. Ho stated with regards to matching requirements, Restricted B animals are not considered domestic and are treated differently because there are permitting requirements. He said his understanding is that maintaining good records is important in the event that there is an escape, theft or an illegal transfer. He also recommended that the applicant could verify if reporting is something they can or cannot do. Mr. Ho said that an inventory is important because PQB cannot be everywhere at the same time, and it is important to have a record showing the permittee is doing what needs to be done. Mr. Ho also said that reporting is something that PQB suggests for all Restricted B permits.

Chairperson Oishi asked if there was any other questions or comments from the committee. He asked Mr. Wellington to comment on his application. Mr. Wellington stated that he had nothing to add; however, he stated his appreciation for everyone's input, time, and effort put into this application. He said this is a unique operation with bison in Hawaii. He said that there are positive health aspects of bison meat and invited the Advisory Committee Members to visit the operation if on Kauai.

Chairperson Oishi called for a motion. Dr. Pang made a motion to allow the transfer of two bison and update permit conditions for the transfer of two bison, by Hanalei Garden Bison Company, LLC.

Chairperson Oishi asked if the suggested permit condition regarding fencing made by Mr. Ho should be included? Dr. Pang stated "yes", to include the proposed amended permit Condition No. 9e as stated by PQB. Mr. Matsui seconded the motion.

Vote: APPROVED 6/0

Motion passes.

V. Proposed Possession Permit Conditions

1. The restricted article(s), two (2) Bison, *Bison bison* including their progeny, shall be used for commercial meat production, a purpose approved by the Hawaii Department of Agriculture (HDOA), Board of Agriculture (Board), and shall not be given, sold, and/or transferred in Hawaii unless approved by the Board. Release of the restricted article(s) into the environment is prohibited.

2. The permittee, Andy Friend, Hanalei Garden Bison Company, LLC, 4965 Hanalei Plantation Road, Hanalei, Hawaii 96714, shall be responsible and accountable for the transferred restricted article(s) including their progeny, from the time of their arrival to their final disposition.

3. The restricted article(s), including their progeny, shall be safeguarded at Hanalei Garden Bison Company, LLC, 4965 Hanalei Plantation Road, Hanalei, Hawaii 96714, a site inspected and approved by the Plant Quarantine Branch (PQB) prior to transfer. Removal of the restricted article(s), including their progeny, to another site shall require a site inspection and prior approval by the PQB Chief.

4. The restricted article(s), including their progeny, shall be maintained by the responsible person, Andy Friend, Hanalei Garden Bison Company, LLC, 4965 Hanalei Plantation Road, Hanalei, Hawaii 96714, or by trained or certified personnel designated by the permittee.

5. It is the responsibility of the permittee to comply with all applicable requirements of municipal, state, or federal law pertaining to the restricted article(s).

6. The restricted article(s) shall be incompliance with all intrastate animal health requirements of the HDOA, Animal Industry Division (AID).

7. The restricted article(s) shall be subject to inspection by the HDOA PQB and the AID prior to intrastate movement within the State.

8. The restricted article(s) shall comply with the following intrastate animal heath requirements of the AID:

    a. The restricted articles(s) shall be issued a permit to ship (Form DC-8), by the HDOA State Veterinarian or authorized representative, prior to transport to the approved site.

b. Require a negative test for bovine tuberculosis, brucellosis, anaplasmosis, and leptospirosis within thirty (30) days prior to intrastate movement.

PQB NOTES: *Per the Advisory Committee on Plants and Animal's comments on disease testing, PQB is following up with Dr. Isaac Maeda, Division Administrator, for the AID regarding the leptospirosis requirements.*

c. The restricted article(s) shall be treated for external parasites prior to intrastate movement. All treatments shall be approved by the AID.

9. The restricted article(s), including their progeny, shall be kept secured by PQB- approved exterior fences at all times. The following requirements applies to the entire length of the PQB-approved fencing and gates used to secure the restricted article(s):

a. The approved fence(s) and gate(s) shall be a minimum of 5.5 feet in height and shall be made of woven wire, chain link fence, 4-point barbed wire, or other PQB-approved material. A combination of the aforementioned materials may be used.

b. All barbed wire used shall be a minimum of 12.5 gauge, and the space between horizontal wires shall not exceed 8 inches. If fencing consists of only barbed wire, the distance between line posts shall not exceed 10 feet.

c. All woven wire used shall be a minimum of 9 gauge. If fencing consists of only woven wire, the space between all horizontal wires shall not exceed 10 inches, the space between vertical wires shall not exceed 12 inches, and the distance between line posts shall not exceed 16 feet.

d. The lowest horizontal barbed wire and/or woven wire shall not be greater than 6 inches off the ground. The lowest point on a vertical barbed wire, woven wire and/or chain link fence shall not be greater than 6 inches off the ground. Line posts shall be a minimum of 7-inch diameter wooden posts, metal T-posts, or other comparable PQB approved material.

e. For other fencing or containment options that are not already specified in Condition No. 9, the Board may approve alternative fencing options on a case-by-case basis.

PQB NOTES: *Proposed import permit Condition No. 9e was inserted subsequent to the review by the Advisory Subcommittee on Land Vertebrates.*

10. The restricted article(s) and transfer crates shall be subject to inspection by the PQB prior to and after the intrastate movement during normal business hours as requested by the PQB Chief.

11. The permittee shall provide the PQB and AID with the confirmed intrastate movement transfer date, time, mode of transportation, and any other required information for the transfer of the restricted article(s), including their progeny, at least 48 hours prior to transfer. The permittee shall notify the PQB and AID immediately of any changes to this information.

12. Each shipment shall be accompanied by a copy of the PQB permit for the restricted article(s) and an invoice, packing list, or other similar PQB approved document listing the scientific and common names of the restricted article(s), the quantity of the restricted article(s), the shipper, and the permittee for the restricted article(s).

13. The restricted article(s) including their progeny, shall be permanently marked with a unique identification code that is approved by the PQB Chief.

14. It is the responsibility of the permittee to provide any restraint(s), including chemical restraint(s), deemed necessary by the AID to conduct a proper inspection. Any associated costs and/or arrangement is the responsibility of the permittee.

15. At least four sides of each parcel containing the restricted article(s) shall be clearly labeled with "Live Animals" and "This Parcel May be Opened and Delayed for Agriculture Inspection", in 2-inch minimum sized font.

16. All bedding used to transport the restricted article(s) and fecal material from the restricted article(s) shall be bagged and disposed of directly into the municipal landfill.

17. The approved site, restricted article(s), and records pertaining to the restricted article(s) under permit may be subject to post-entry inspections by the PQB, upon arrival at the permittee's facility. The permittee shall make the site, restricted article(s) and records pertaining to the restricted article(s) available for inspection upon request by a PQB Inspector.

18. The permittee shall adhere to the use, facility, equipment, procedures, and safeguards described in the permit application and as approved by the PQB Chief and Board.

19. The permittee shall have a biosecurity manual available for review and approval by the PQB, at the time of the initial site inspection and any

subsequent post-entry inspection(s), which identifies the practices and procedures to be adhered to by the permittee to minimize or eliminate the risk of theft, escape, or accidental release of the restricted article(s) or any progeny, including the risk of introduction and spread of diseases and pests associated with the restricted article(s) to the environment. The permittee shall adhere to all practices and procedures as stated in this biosecurity manual.

20. The permittee shall immediately notify the PQB Chief verbally and in writing under the following circumstances:

    a. If any escape, theft, release, disease outbreaks, and/or pest emergence (other than slaughter intended for commercial meat production) involving the restricted article(s) or any progeny under this permit occurs. If the restricted article(s) or any progeny escape or are found to be free from confinement, the HDOA may confiscate or capture the restricted article(s) at the expense of the permittee, pursuant to the Hawaii Revised Statutes (HRS), §150A-7(c). The AID shall also be notified of any sign or occurrence of disease.

    b. If any changes to the approved site, facility and/or procedures regarding the restricted article(s) or any progeny, are made, then the permittee shall also submit a written report documenting the specific changes to the PQB Chief.

    c. If a shipment of the restricted article(s) is delivered to the permittee without a PQB "Passed" stamp, tag or label affixed to the article, container or delivery order that indicates that the shipment has passed inspection and is allowed transfer within the State, then the permittee shall not open or tamper with the shipment and shall secure as evidence all restricted article(s), shipping container(s), shipping document(s), and packing material(s) for PQB inspection.

    d. If the permittee will no longer import or possess the restricted article(s) or any progeny authorized under this permit, then the permittee shall also submit a written report to the PQB Chief stating the name and address of the individual to whom the restricted article(s) will be transferred to. If the restricted article(s) will be transferred within the State, a PQB possession permit shall be obtained by the new owner prior to transfer. Once the transfer is complete, this permit shall be canceled.

    e. If the restricted article(s) or any progeny expires (other than slaughter intended for commercial meat production), then the permittee shall also submit a written report to the PQB Chief that details the circumstances surrounding the death of the restricted article(s), the cause of death of

the restricted article(s), and any other information deemed necessary by the PQB Chief. The permittee shall also submit a necropsy report from a USDA accredited veterinarian within thirty (30) days post-mortem.

21. The permittee shall submit a copy of all valid licenses, permits, certificates or other similar documents required by other agencies for the restricted article(s) to the PQB Chief. The permittee shall immediately notify the PQB Chief in writing when any of the required documents are suspended, revoked, or terminated. This permit may be amended, suspended or canceled by the PQB Chief upon suspension, revocation, or termination of any license, permit, certificate or similar documents required for the restricted article(s).

22. The permittee shall submit a semi-annual report to the PQB Chief in January and July of all restricted articles(s) or any progeny possessed. The report shall be in a format approved by the PQB Chief and include the following information for the prior six-month period:

    a. The permit number, quantity, scientific name of each restricted article(s);

    b. The status of the use and possession of the restricted article(s);

    c. A summary of any significant changes to the permittee's operation, personnel, and/or procedures; and

    d. Any significant events that occurred at the permittee's site.

23. Any violation of the permit conditions may result in citation, permit cancelation, and enforcement of any or all penalties set forth in HRS §150A-14.

24. The permittee is responsible for costs, charges, or expenses incident to the inspection, treatment, or destruction of the restricted article(s), as provided in Act 173, Session Laws of Hawaii 2010, Section 13, including, if applicable, charges for overtime wages, fixed charges for personnel services, and meals.

25. A canceled permit is invalid and upon written notification from the PQB Chief, all restricted article(s) listed on the permit shall not be transferred. In the event of permit cancelation, any restricted article(s) transferred under permit may be moved, seized, treated, quarantined, destroyed, or sent out of State at the discretion of the PQB Chief. Any expense or loss in connection therewith shall be borne by the permittee.

26. The permit conditions are subject to cancelation or amendment at any time due to changes in statute or administrative rules restricting or disallowing import of the restricted article(s) or due to Board action disallowing a previously permitted use of the restricted article(s).

27. These permit conditions are subject to amendment by the PQB Chief in the following circumstances:

    a. To require disease screening, quarantine measures, and/or to place restrictions on the intrastate movement of the restricted article(s), as appropriate, based on scientifically validated risks associated with the restricted article(s), as determined by the PQB Chief, to prevent the introduction or spread of disease(s) and/or pests associated with the restricted article(s).

    b. To conform to more recent Board approved permit conditions for the restricted article(s), as necessary to address scientifically validated risks associated with the restricted article(s).

28. The permittee shall agree in advance to defend and indemnify the State of Hawaii, its officers, agents, and employees for any and all claims against the State of Hawaii, its officers, agents, or employees that may arise from or be attributable to any of the restricted article(s) that are introduced under this permit. This permit condition shall not apply to a permittee that is a federal or State of Hawaii entity or employee, provided that the state or federal employee is a permittee in the employee's official capacity.

STAFF RECOMMENDATION: Based on the recommendations and comments of the Advisory Subcommittee on Land Vertebrates and the Advisory Committee on Plants and Animals' unanimous (6/0) recommendation to approve this request, the PQB recommends approval of this request with the proposed permit conditions.

Respectfully Submitted,

JONATHAN K. HO
Acting Manager, Plant Quarantine Branch

CONCURRED:

BECKY L. AZAMA
Acting Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

PQ-7 (01/04)

State of Hawaii
Department of Agriculture
PLANT QUARANTINE BRANCH
1849 Auiki Street, Honolulu, HI 96819-3100
Phone: (808) 832-0566, FAX: (808) 832-0584

For Office Use Only

Fee: $_____ Receipt No._____

☐ Approve Permit No._____ Date:_____

☐ Disapprove ☐ Other_____

Processed by:_____ Date:_____

PERMIT APPLICATION FOR RESTRICTED COMMODITIES INTO HAWAII

Date: 1-27-21

In accordance with the provision of Chapter _____, Hawaii Administrative Rules of the Division of Plant Industry, Department of Agriculture, a permit is requested for the following commodities:

Please type or print clearly.

Quantity	Commodity	Scientific Name
2	bison	bison bison

RECEIVED
FEB 01 2021
PLANT QUARANTINE BRANCH

PAID

Amount:	Chk:
$50 -	359
Date: 2/1/21	Initial: TSY

Name and address of shipper: same as applicant
Source of bison: Leonard Jose / Hawaii Island
(Mainland or Foreign address)

Approximate date of arrival: within 30 days after permit issue

Mode of Shipment: ☐ Mail ☐ Air Freight ☒ Boat

Type of Permit:
--- Import
☐ one time only ☐ multi-shipments
--- Intrastate shipment
☒ one time only ☐ multi-shipments
☒ Possession

Object of importation:
☐ Kept caged at all time
☐ Used for propagation
☐ Imported for exhibition
☐ Imported for liberation
☒ Other purposes - specify breeding / Join our existing herd

Please type or print clearly.

Applicant's Name Andy Friend

Company Name Hanalei Garden Bison Company
(if applicable)

Hawaii Mailing Address PO Box 1318
Kilauea Hi 96754

Telephone number 808-346-1570

Facsimile number _____

Fee Amount Enclosed (cash, check or mail order) $ 50.00

(complete reverse side)

PLEASE COMPLETE THE FOLLOWING INFORMATION (attach extra sheet if necessary)

1. State in detail the reasons for introduction (include use or purpose).

breeding

2. Person responsible for the organism (include name, address and phone number).

Andy Friend 808-346-1570
Stuart Wellington 808-645-1189
PO Box 1318
Kilauea, Hi 96754

3. Location(s) where the organism will be kept and used (include address, contact and phone number).

Hawaii valley - existing herd pasture TMK 4-1-5-4-4 parcel 10 Unit B

4. Method of disposition.

if escape - roundup & dart gun to re-capture

5. Give an abstract of the organism with particular reference to potential impact on the environment of Hawaii (include impact to plants, animals and humans).

no relatives in Hawaii
Bison are sexual, live to about 20+ yrs - cows reach approx 1000 lbs at maturity
Bison eat grass - native range is U.S. Mainland
Native range in grasslands & prairies on the U.S.

****

I request permission to import the articles as listed on the permit application and further, request that the articles be examined by an authorized agent of the Department of Agriculture upon arrival in Hawaii.

I agree that I, as the importer, will be responsible for all costs, charges or expenses incident to the inspection or treatment of the imported articles.

I further agree that damages or losses incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, by an authorized agent of the Department of Agriculture, shall not be the basis of a claim against the department or the inspectors for the damage or loss incurred.

Signature Andy Friend **Date** 1-28-21
(Applicant)

CSO

Permit No.: 16-08-K-L5772

Date: August 14, 2015

State of Hawaii
DEPARTMENT OF AGRICULTURE
Plant Quarantine Branch
1849 Auiki Street
Honolulu, Hawaii 96819

IMPORT PERMIT

(Valid for one shipment within one year)

Permission is hereby granted to introduce the following commodity(s), in accordance with Chapter 4-71. Hawaii Administrative Rules of the Division of Plant Industry, Department of Agriculture, and the conditions listed below. (Each commodity must be inspected by a Plant Quarantine Inspector upon arrival before release.)

Quantity	Unit	Commodity	Scientific Name
6		Bison (NO SUBSTITUTIONS ALLOWED)	*Bison bison*

INSTRUCTION To Shipper: One copy of permit to accompany shipment to Hawaii.

Object of Importation: Consumption

Name and Address of Shipper: Star B Ranch, Ken Childs, 28428 Highway 78 Ramona, CA 92065

Phone:

Name and Address of Importer: Hanalei Garden Bison Co,LLC./Andy Friend, Stuart Wellington, 4965 Hanalei Plantation Road Hanalei, HI 96714

Phone: 808-346-1570

CHIEF PLANT INSPECTOR

CHAIRPERSON, BOARD OF AGRICULTURE

FOR OFFICIAL USE ONLY

STATION _____ ARRIVAL DATE _____ FLIGHT/SHIP _____

WAYBILL NO. _____ INSPECTION DATE/TIME _____ INSPECTOR _____

REMARK _____

Permit No.: 16-08-K-L5772

Date: August 14, 2015

PLANT QUARANTINE BRANCH

Permit Conditions

Condition

Hanalei Garden Bison Permit #16-08-K-L5772

Bovidae CVI Requirements. 2013

Permit #16-08-K-L5772

BISON IMPORTATION AND POSSESSION CONDITIONS

1. The restricted animal(s), Bison, *Bison bison*, until slaughtered for food shall not be sold, given, transferred, or release in Hawaii, unless authorized by the Plant Quarantine Branch (PQB).

2. The permittee, Hanalei Garden Bison Co, LLC c/o Andy Friend and Stuart Wellington , shall be responsible and accountable for all restricted animal(s) from the time of transfer to their final disposition.

3. The restricted animal(s) shall be safeguarded at Hanalei Garden Farms, Inc., 4965 Hanalei Plantation Road, Hanalei, HI 96714, which the site will be inspected and approved by the Plant Quarantine Branch (PQB) prior to importation.

4. Restricted animal(s) shall be confined in approved exterior fences with a minimum height of 5 ½ feet made from woven wire, chain link fencing, barbed wire or combinations of the above. Barbed wire shall be 4 points, a minimum of 12 ½ gauge, and spaced no more than 8 inches apart on posts. Line posts for barbed wire alone shall be spaced no more than 10 feet apart. Woven wire shall be a minimum of 9 gauge and no more than 10 inches between horizontal wires and 12 inches between vertical wires. Line posts for woven wire shall be spaced no more than 16 feet apart. The lowest barbed wire/woven wire shall be no greater than 6 inches off the ground. Line posts shall be a minimum of 7 inch diameter wooden posts, metal T-posts or comparable.

5. Restricted animal(s) shall be subject to inspection prior to entering the State, at the designated site(s) during reasonable working hours, and at anytime if premise is quarantined.

6. Restricted animal(s) shall comply with all pre- and post-entry health requirements of the State Department of Agriculture, Animal Industry Division, Livestock Disease Control Branch, Phone (808) 483-7100 under Subchapter 2, Cattle, Chapter 4-16, Hawaii Administrative Rules.

7. Prior to a change in ownership within the State, the restricted animal(s) shall be subject to testing for diseases as determined by the Animal Industry Division. The permittee shall be liable for all costs incurred in the handling and testing of the animal(s).

8. An annual report, due in January, shall be submitted to the Land Animal Specialist, Plant Quarantine Branch, 1849 Auiki Street, Honolulu, HI 96819. The report shall provide the following information:
    a. Number of births and deaths.
    b. Current inventory of animals.

9. The permittee(s) shall report immediately any theft, accidental release, or disease outbreaks involving the restricted animals to the Plant Quarantine Branch at (808) 832-0566.

10. The Plant Quarantine Branch shall be notified of the animal(s) arrival dates by calling the Plant Quarantine Branch at (808)832-0566 or its Airport Office at (808) 837-8413.

11. The permittee(s) shall be liable for all expenses associated with the recapture or destruction of escaped animals, including expenses incurred by the State as a result of the escape.

12. The permit is subject to cancellation, for violation of permit conditions, upon written notification from the Plant Quarantine Branch. A cancelled permit is invalid and all articles listed on the permit shall not be imported.

13. The permittee shall agree in advance to defend and indemnify the State of Hawaii, its officers, agents, and employees for any and all claims against the State of Hawaii, its officers, agents, or employees that may arise from or be attributable to any of the restricted article(s) that are introduced under this permit. This permit condition shall not apply to a permittee that is a federal or State of Hawaii entity or employee, provided that the state employee is a permittee in the employee's official capacity.

Approved by Board July 27, 1995

PQPERMIT-181

State of Hawaii
DEPARTMENT OF AGRICULTURE
Animal Industry Division
99-941 Halawa Valley Street
Aiea, HI 96701-5602
Phone: (808) 483-7100 Fax: (808) 483-7110

2013

Certificate of Veterinary Inspection for Bovidae Entering the State of Hawaii

It is the responsibility of the owner or authorized agent of the owner to present complete, legible, original Certificate of Veterinary Inspection (CVI) which meet the State of Hawaii's preshipment requirements at entry inspection.

Hawaii state import regulations require that:

1. The original CVI must accompany the shipment. Xerox copies and FAX copies are NOT accepted.
2. The CVI is issued within 7 days before shipment, and the issue date is recorded on the CVI.
3. Every animal must be individually identified by either a national uniform ear tag number, individual tattoo, individual brand number, or microchip with this identification recorded on the CVI.
4. All animals must have been found negative to tuberculosis by an intradermal tuberculin test conducted by an accredited veterinarian within 30 days of shipment, and the negative test result is recorded on the CVI.
5. All animals must have been tested by an accredited veterinarian and found negative to brucellosis by an official brucellosis test performed in a USDA approved laboratory within 30 days before shipment.
6. All animals have been tested by an accredited veterinarian and found negative to anaplasmosis by a complement-fixation test performed in a state or federal laboratory within 30 days before shipment.
7. The following statements are written on the CVI:
    a) Free from external parasites and symptoms of transmissible diseases and have not had recent exposure to these diseases
    b) Have originated in a herd that is not under quarantine for tuberculosis or brucellosis.
    c) Have been dipped or completely sprayed with a one-half of one percent water solution of malathion or any other USDA-approved pesticide within 7 days of shipment.
8. Names, addresses, and phone numbers of the shipper (consignor) and receiver (consignee) are filled out. The complete animal identification including age, sex, and breed are recorded on the CVI.
9. The accredited veterinarian's signature, printed name, address, and phone # are recorded on the CVI.

State regulations can be found on the internet at www.aphis.usda.gov/vs/sregs/ or using a touch tone phone from the Voice Response Service 1 (800) 545-8732. If you have any questions, you are encouraged to call the State of Hawaii Division of Animal Industry (808) 483-7119 or (808) 483-7113 or FAX (808) 483-7110.

Animals not meeting pre-entry requirements may be refused entry into the state and be shipped back to their point of origin.

Permit No.: 19-11-K-L6521

Date: November 09, 2018

State of Hawaii
DEPARTMENT OF AGRICULTURE
Plant Quarantine Branch
1849 Auiki Street
Honolulu, Hawaii 96819

IMPORT PERMIT

(Valid for one shipment within one year)

Permission is hereby granted to introduce the following commodity(s), in accordance with Chapter 4-71, Hawaii Administrative Rules of the Division of Plant Industry, Department of Agriculture, and the conditions listed below. (Each commodity must be inspected by a Plant Quarantine Inspector upon arrival before release.)

Quantity	Unit	Commodity	Scientific Name
4	each	Bison (NO SUBSTITUTIONS ALLOWED)	*Bison bison*

INSTRUCTION To Shipper: One copy of permit to accompany shipment to Hawaii.

Object of Importation: Kept caged at all times

Name and Address of Shipper: Hanalei Garden Bison Co,LLC./Andy Friend, Stuart Wellington, 4965 Hanalei Plantation Road Hanalei, HI 96714 **Phone:** 808-346-1570

Name and Address of Importer: Hanalei Garden Bison Co,LLC./Andy Friend, Stuart Wellington, 4965 Hanalei Plantation Road Hanalei, HI 96714 **Phone:** 808-346-1570

CHIEF PLANT INSPECTOR

CHAIRPERSON, BOARD OF AGRICULTURE

FOR OFFICIAL USE ONLY

STATION _____ ARRIVAL DATE _____ FLIGHT/SHIP _____

WAYBILL NO. _____ INSPECTION DATE/TIME _____ INSPECTOR _____

REMARK _____

Permit No.: 19-11-K-L6521

Date: November 09, 2018

PLANT QUARANTINE BRANCH
Permit Conditions

Condition

Hanalei Garden & Bison Co - Possession - Nov 2018

BISON IMPORTATION AND POSSESSION CONDITIONS

1. The restricted animal(s), Bison, *Bison bison*, until slaughtered for food shall not be sold, given, transferred, or release in Hawaii, unless authorized by the Plant Quarantine Branch (PQB).

2. The permittee, Hanalei Garden Bison Co, LLC c/o Andy Friend and Stuart Wellington, shall be responsible and accountable for all restricted animal(s) from the time of transfer to their final disposition.

3. The restricted animal(s) shall be safeguarded at Hanalei Garden Farms, Inc., 4965 Hanalei Plantation Road, Hanalei, HI 96714, which the site will be inspected and approved by the Plant Quarantine Branch (PQB) prior to importation.

4. Restricted animal(s) shall be confined in approved exterior fences with a minimum height of 5 ½ feet made from woven wire, chain link fencing, barbed wire or combinations of the above. Barbed wire shall be 4 points, a minimum of 12 ½ gauge, and spaced no more than 8 inches apart on posts. Line posts for barbed wire alone shall be spaced no more than 10 feet apart. Woven wire shall be a minimum of 9 gauge and no more than 10 inches between horizontal wires and 12 inches between vertical wires. Line posts for woven wire shall be spaced no more than 16 feet apart. The lowest barbed wire/woven wire shall be no greater than 6 inches off the ground. Line posts shall be a minimum of 7 inch diameter wooden posts, metal T-posts or comparable.

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6. Restricted animal(s) shall comply with all pre- and post-entry health requirements of the State Department of Agriculture, Animal Industry Division, Livestock Disease Control Branch, Phone (808) 483-7100 under Subchapter 2, Cattle, Chapter 4-16, Hawaii Administrative Rules.

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    a. Number of births and deaths.
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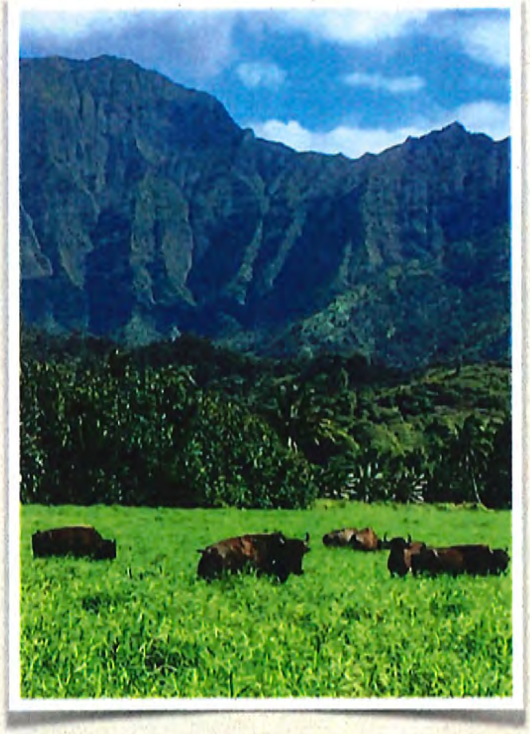
13. The permittee shall agree in advance to defend and indemnify the State of Hawaii, its officers, agents, and employees for any and all claims against the State of Hawaii, its officers, agents, or employees that may arise from or be attributable to any of the restricted article(s) that are introduced under this permit. This permit condition shall not apply to a permittee that is a federal or State of Hawaii entity or employee, provided that the state employee is a permittee in the employee's official capacity.

Approved by Board July 27, 1995

PQPERMIT-181

HANALEI
BISON

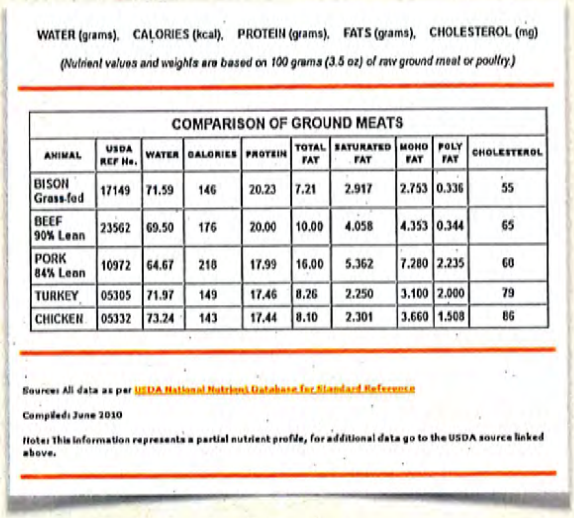


100% Grass-Fed

For over 35 years, pure American Bison have grazed on the lush grass of Kauai's Hanalei Valley. These bison have never been treated with antibiotics, hormones, or with any chemicals. They are wild; raised naturally and have never been taken out of the pasture. Bison produce a nutrient-rich meat, and the meat from our Bison, grazing on Hanalei grass, has a mild sweet taste.

GROUND BISON MEAT IS…

- Low in fat
- Low in cholesterol
- High in conjugated linoleic acid
- High in protein
- High in iron
- High in B vitamins



WATER (grams), CALORIES (kcal), PROTEIN (grams), FATS (grams), CHOLESTEROL (mg)

(Nutrient values and weights are based on 100 grams (3.5 oz) of raw ground meat or poultry.)

COMPARISON OF GROUND MEATS

ANIMAL	USDA REF No.	WATER	CALORIES	PROTEIN	TOTAL FAT	SATURATED FAT	MONO FAT	POLY FAT	CHOLESTEROL
BISON Grass-fed	17149	71.59	146	20.23	7.21	2.917	2.753	0.336	55
BEEF 90% Lean	23562	69.50	176	20.00	10.00	4.058	4.353	0.344	65
PORK 84% Lean	10972	64.67	218	17.99	16.00	5.362	7.280	2.235	60
TURKEY	05305	71.97	149	17.46	8.26	2.250	3.100	2.000	79
CHICKEN	05332	73.24	143	17.44	8.10	2.301	3.660	1.508	86

Source: All data as per USDA National Nutrient Database for Standard Reference

Compiled: June 2010

Note: This information represents a partial nutrient profile, for additional data go to the USDA source linked above.

Bison are the largest indigenous animal native to North America. By the late 1870's bison were almost hunted to extinction with fewer than 700 animals in all of the continental US. To have a herd of pure American Plains bison on Kauai is exceptionally rare. We hope you enjoy this nutrient- rich, flavorful meat.

Attachment 4

History Of Hanalei Bison

HANALEI BISON RANCH · MONDAY, NOVEMBER 12, 2018 ·

The history of the bison is well documented. Carbon dating and the fossil record show bison survived the ice age. At the end of the last ice age bison expanded rapidly from the Great Plains to the river valleys of the upper midwest. They were an important subsistence and sacred life source to indigenous groups of Americans.

The plains bison are native to North America, scientific name: Bison bison bison, once numbered in excess of 18,000,000 during the 18th century and into the early 19th century. The plains bison's native range stretched from Appalachia to the Pacific Northwest and from south Texas to the Canadian border. Bison, known for roaming great distances, have been successful in adapting to extreme weather conditions, and thriving in many different habitats.

By 1820, bison were no longer found east of the Mississippi river as the arrival of European settlers in the migration westward applied too much pressure and loss of habitat on bison to remain in their natural lands.

The next 65 years resulted in one of the greatest annihilations and decimations of an animal species in human history. As the westward migration of settlers spread and accelerated, from 1820 to 1885, the demand for bison hides, bones, meat, and sport hunting brought the massive bison herds of the Great Plains to near extinction. Finally, recognizing the tremendous pressure brought against the bison, a private national survey in the early 1880's was initiated to identify what remained of the vast bison herds. That survey found that approximately 600 bison were all that remained throughout the entire U. S. (over 18,000,000 reduced to 600 in a little over 65 years). These remaining bison were divided into several groups and placed in different parts of the country and between a private and government effort a conservation and preservation program was implemented to rescue the plains bison from the edge extinction. Today there are over 450,000 bison living on private and government lands.

Our Hanalei bison, having been DNA tested, are plains bison and descendents of the approximately 600 bison that survived the onslaught of the 19th century.

On April 15th, 2018 with historic amounts of rainfall on the north shore of Kauai the Hanalei river crested its banks and the river flooded our 180 acre bison pasture and rose over 8 feet. Miraculously, the main group of the bison herd survived in the pasture on a small isolated patch of ground that allowed them to keep their heads above water. Several bison in strong current, were swept over our fences and down the Hanalei river into the ocean and some perished, but remarkably several made it to the beach along Hanalei Bay, with help from the

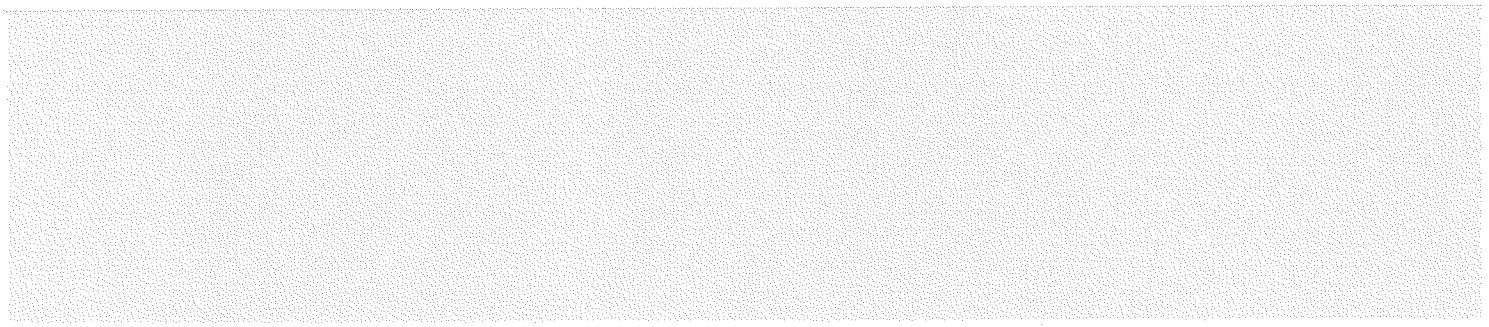
Attachment 4

community, and rescue efforts by our brave paniolos captured these wild bison to return them to their home pasture to join the main herd.

Plains bison survived the ice age

Plains bison survived the attacks of the 19th century

Plains bison of Hanalei survived the historic flood of April 2018

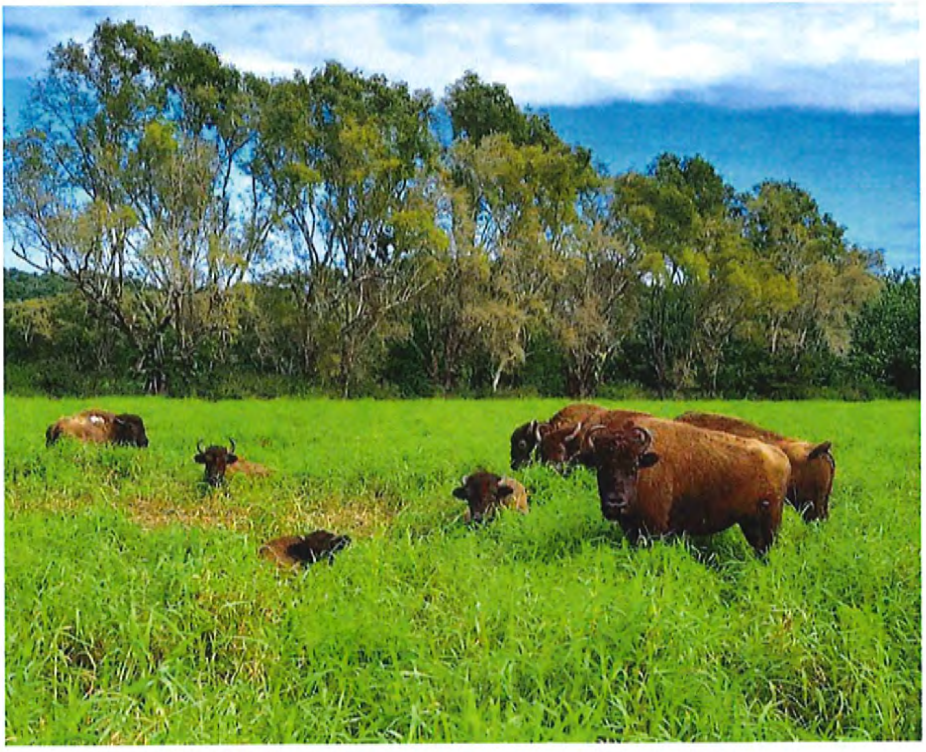


Handel Gallo Bison Company - pasture - bison access paddocks "B", "C", and "D"

Attachment 5


ANIMAL WELFARE
APPROVED
BY AGW


CERTIFIED
GRASSFED
BY AGW



Hanalei Garden Bison – Hanalei, HI

A Greener World

Andrew Friend and Stuart Wellington raise Certified Animal Welfare Approved by A Greener World (AGW) bison at Hanalei Garden Bison Ranch in Hanalei, Hawaii.

By the late 1870's bison were almost hunted to extinction with fewer than 700 animals in all of the continental US. "Our Hanalei bison, having been DNA tested, are plains bison and descendants of the approximately 700 bison that survived the onslaught of the 19th century," says Andrew. Hanalei Garden Bison Ranch's pure American Plains bison raised on the island of Kauai are exceptionally rare. The bison have been raised in the Hanalei Valley of Kauai for over 35 years and have never been treated with antibiotics, hormones, or any chemicals and have never been taken out of the pasture.

The bison are managed outdoors, grazing the pastures where they are able to demonstrate their natural behaviors. In addition to being Certified Animal Welfare Approved by AGW, the bison herd at Hanalei Garden Bison Ranch is Certified Grassfed by AGW, the first—and only—food label in the U.S. and Canada that guarantees food products come from animals fed a 100% grass and forage diet and raised entirely outdoors on pasture or range.

Certified Animal Welfare Approved by AGW, Certified Grassfed by AGW Hanalei Garden Bison meat is available at Harvest Market Hanalei, Healthy Hut

Market & Cafe in Kilauea, or Hoku Foods Natural Market in Kapaa, as well as at Oasis By the Sea in Kapaa and Baracuda in Hanalei. For more information and to contact the farm visit the farm's **Facebook page**.

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A Greener World

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Name

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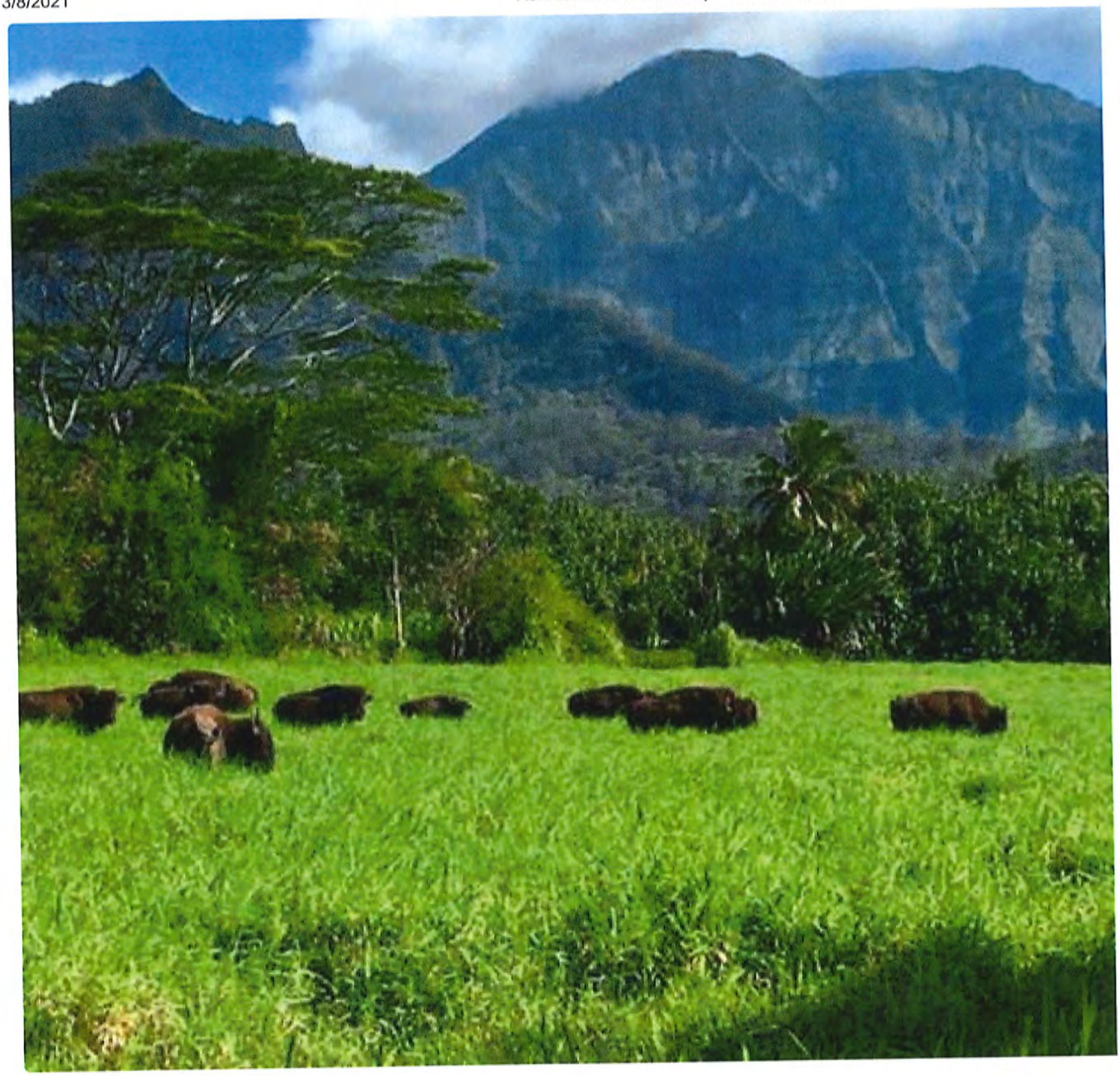
Harvest Market Hanalei



Profile Photos Map

Certified Animal Welfare Approved by AGW, Certified Grassfed by AGW bison from Hanalei Garden Bison is available here.

Previous Next

Category: Bison

Address: 5-5161 Kuhio Highway
Hanalei
Hawaii
96714
United States

Outlet Type:
- Stores

Certified For:
- Animal Welfare
- Grassfed

Website

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« Bristol Farms Natural Foods Store – West Hollywood Truly Grassfed »

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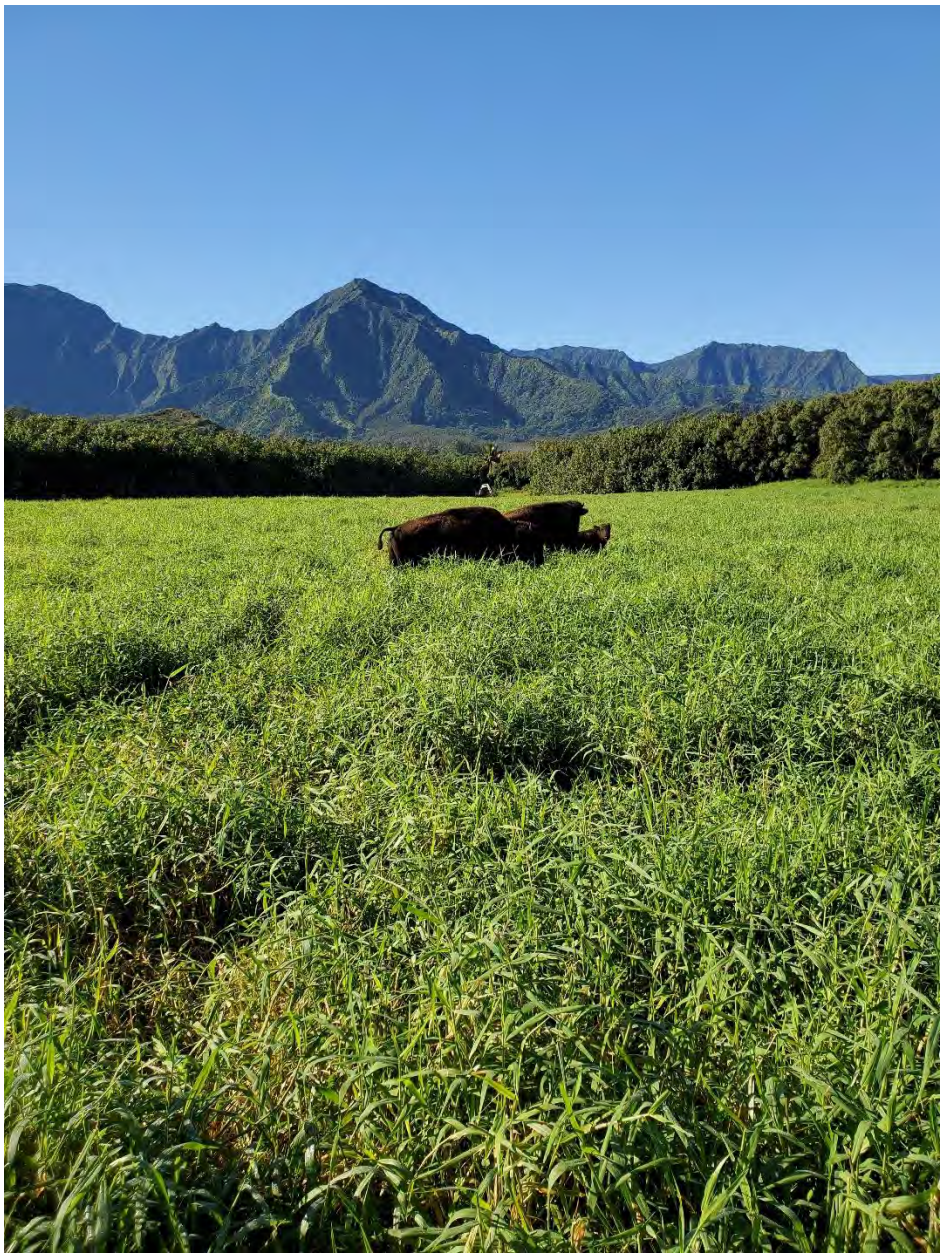
Andrew Gunther

It is with great sadness that we share the loss of A Greener World's Executive...



Photograph 1: Depicts some bison grazing in the paddock.

Photograph 2: Depicts a bull bison with an egret perching on his back. The shoulder of the bison is approximately five (5) feet tall. This photograph also depicts the magnitude of the hau bush size which also acts as a place for the bison to shade themselves.

Photograph 3: Depicts the pasture area for the bison to graze on.

Photograph 4: Depicts a closer view of the bison enjoying the pasture.

Photograph 5: Depicts another view of the hau bush thicket.

Photograph 6: Depicts a section of the Hanalei stream that runs alongside the property.

State of Hawaii
Department of Agriculture
Plant Industry Division
Plant Quarantine Branch
Honolulu, Hawaii

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

SUBJECT: Request to: (1) Allow the Transfer of Grass Carp, *Ctenopharyngodon idella*, a Fish on the List of Restricted Animals (Part B), by Permit, for Retail Sale for Consumption, to Chun's Meat Market; and (2) Establish Permit Conditions for the Transfer of Grass Carp, *Ctenopharyngodon idella*, a Fish on the List of Restricted Animals (Part B), by Permit, for Retail Sale for Consumption, to Chun's Meat Market.

PQB NOTES: *Ctenopharyngodon idella is the currently accepted scientific name for Ctenopharyngodon idellus, which was the accepted scientific name for this species at the time that it was placed on the Department's List of Restricted Animals (Part B).*

I. Summary Description of the Request

PQB NOTES: *The Plant Quarantine Branch (PQB) submittal for requests for import or possession permits, as revised, distinguishes information provided by the applicant from procedural information presented by PQB. With the exception of PQB notes, hereafter "PQB NOTES," the text shown below in Section II from page 2 through page 5 of the submittal was taken directly from Chun's Meat Market's application and subsequent written communications provided by the applicant Mr. Frankie Chun. For instance, the statements on page 5 regarding effects on the environment are the applicant's statements in response to standard PQB questions and are not PQB's statements. This approach for PQB submittals aims for greater applicant participation in presenting intrastate transfer or import requests in order to move these requests to the Board of Agriculture (Board) more quickly, while distinguishing applicant-provided information from PQB information. The portions of the submittal prepared by PQB, including the summary description of the request, Advisory Subcommittee review, Advisory Committee review, and proposed possession permit conditions, are identified as Sections I, III, IV and V of the submittal, which start at pages 1, 6, 7, and 13 respectively.*

We have a request to review the following:

CSI

COMMODITY: Various amounts of triploid Grass Carp, *Ctenopharyngodon idella*.

SHIPPER: See Ba Thee, Alii Agriculture Farms, LLC., 680 Whitmore Avenue, Wahiawa, Hawaii 96786.

PQB NOTES: *Alii Agriculture Farms' import request for Grass Carp was presented to and approved by the Board on April 23, 2019. Single shipment import permits were issued to Alii Agriculture Farms by the PQB on June 19, 2019 and August 18, 2020, and a multi-shipment permit was issued on January 15, 2021. Post-entry and site inspections have been conducted, and Alii Agriculture Farms has been found to be in compliance during all inspections.*

IMPORTER: Frankie Chun, Chun's Meat Market, 157 N. King St., Honolulu, Hawaii 96817.

CATEGORY: Grass Carp, *C. idella*, is on the List of Restricted Animals (Part B). Pursuant to Chapter 4-71, Hawaii Administrative Rules, *C. idella* may be imported into Hawaii for private and commercial use, including research, zoological parks, or aquaculture production.

II. Information Provided By the Applicant in Support of the Application

PROJECT: Our mission is to offer as many fresh live organisms to our customers as possible. Giving our customers a choice to consume fresh product is a niche market that we want to compete in. Offering Grass Carp to our customers will be one of our "special" products that they've been longing to consume. Grass Carp is known to be best used as a fish fillet for hot pot, soul food from where our customers are from. All Grass Carp will be killed on site and not sold live.

OBJECTIVE: We are expecting to sell each batch of Grass Carp in 3 days or less. Grass Carp is important to our project because we would like to offer as much live fresh organisms to our customers. We would like to continue selling the supplier's Grass Carp until their stock is depleted.

PROCEDURE: After an order is placed for live Grass Carp, the fish will be harvested from Alii Agriculture Farms' pond and loaded into an aerated tank on a delivery truck. It is important that the time between harvest and delivery is minimized because the live fish are highly perishable, and dead fish do not command the same price as live fish. Therefore, no other stops will be made during delivery of the fish to Chun's Meat Market.

Once at Chun's Meat Market, the customer will choose a Grass Carp from our display tank. Once they have decided on a specific fish, we will then net it out of the water and initiate blunt force to the fish's head to paralyze it for the next procedure. Once the fish is paralyzed, we then weigh the fish for the exact cost per pound. The fish is then cleaned and gutted. We offer to fillet the fish for no additional cost after the fish is cleaned. If not, the fish will be bagged and sold dead. We expect to sell all Grass Carp in our tank in 3 days before ordering more from the supplier.

If the organism dies before we sell it, we will clean and gut it, then sell it dead on ice for a discounted price. Any unsold dead organism will be consumed by the establishment members or disposed.

DISCUSSION:

1. **Person Responsible:** Frankie Chun, Director of Sales/Manager, 157 N. King St. Honolulu, Hawaii 96817.

   I have been selling and handling live organisms for over six years in Hawaii. I have worked closely with the PQB, HDOA to address any questions I have, and to ensure that I operate within Hawaii's rules and laws.

2. **Safeguard Facility and Practices:** Chun's Meat Market, 157 N. King St., Honolulu, Hawaii 96817. Ph: (808) 533-0577. (*See Attachment A for pictures)*

   - Hours of operation: 6am - 4pm every day
   - Number of employees: 11 employees
   - Nearest body of water will be River Street and the Pier off Nimitz Highway.
   - The organism will be contained in a hand-built, square shaped water tank. The tank is about 47inches by 47 inches.

   Our facility has about 7 security cameras recording 24/7. The enclosure the organism is sealed in is fitted with a hand-made removable wooden lid after the establishment is closed. We also integrated a lock on each side of the lid to prevent unauthorized entry during after-hours. The lid will be unlocked and removed during business hours. The establishment is protected by 3 motorized metal gates that prevent break-ins and vandalism after store hours.

CS3

We have been in business for 33 years and we have never had an incident of theft or break-in.

3. **Method of Disposition:** When the organism dies in the holding tank, we will clean and gut it. Once that is done, we will sell it dead on ice at a discounted price. If we still cannot sell the dead organism, we will either consume it ourselves or dispose of it in the municipal trash.

4. **Abstract of Organism:**
Kingdom: Animalia
Phylum: Chordata
Class: Actinopterygii
Order: Cypriniformes
Family: Cyprinidae
Subfamily: Squaliobarbinae
Genus: Ctenopharyngodon
Species: Ctenopharyngodon Idella

Grass Carp is the largest member of the Cyprinidae family. Adults when sexually matured seek out fast-moving waters to spawn. They prefer water temperatures in the mid-sixty to mid-eighty degrees Fahrenheit. The Grass Carp's natural habitat consists of large muddy rivers and lakes. They grow very quickly within 6 months. Grass Carp can easily double in size and gain 5 – 10 lbs. per year with proper feeding. Potentially when the environment is optimal for breeding, they can spawn up to a vast amount of fry. Being the largest member of the Cyprinidae family, they can grow up to 2 meters. They have high dispersal capabilities since they are quite hardy and easy to reproduce. The life span of this species is around 10 to 20 years.

Habitats and Niche Requirements

Grass Carp prefer shallow lakes, ponds and rivers with an abundance of vegetation with temperatures around 65 - 85 degrees Fahrenheit.

Native Range

Grass Carp are from Eastern Asia with a range from Northern Vietnam to Siberia. It is not naturalized in Hawaii.

Potential for Establishment in Hawaii

This species does have potential to become established in Hawaii. It could possibly become injurious because of their explosive breeding capabilities, and enormous feeding habits.

Establishment of Viable Populations and Invasiveness

This species has been established in 45 states and considered invasive.

Domestication and Cultivation

This species is highly domesticated and cultured for commercial use.

Diseases and Pests

Grass Carp Picornavirus, Grass Carp Reovirus, Sanguinicola Infection, Parasites (protozoa, worms).

5. Effects on the Environment:

The probability of establishment of Grass Carp is extremely high. A potential consequence of importing Grass Carp is the impact it could have on native species if it somehow finds its way into our ponds and streams. Grass Carp is able to out-compete most of our endemic species. Being strictly herbivorous they can possibly consume native aquatic plants.

6. Biosecurity:

Regarding biosecurity equipment, I believe that a lock should be sufficient to minimize escape and theft. The lid will be locked during after-business hours and open/unlocked during business hours. A good practice and procedure would be euthanizing and thoroughly cleaning prior to sale to prevent any release of a live organism. The only fish part that will not be transferred to the customer is the gills.

7. Alternatives:

This will be the only option we have for selling live Grass Carp. We sold Grass Carp about two years ago, and we did not have any complications. It's a very popular live item that we hope to sell, and we expect that they will sell very quickly. We are open to any idea or advice that you may have.

8. References:

- Invasivespeciesinfo.gov
- en.wikipedia.org
- nas.er.usgs.gov

CSS

III. Advisory Subcommittee Review

This request was submitted to the Advisory Subcommittee on Invertebrate and Aquatic Biota for their review and recommendations. Their recommendations and comments are as follows:

1. **I recommend approval ___ / ___ disapproval to allow the transfer of Grass Carp, *Ctenopharyngodon idella*, a fish on the List of Restricted Animals (Part B), by permit, for retail sale for consumption, to Chun's Meat Market.**

Dr. Kauaoa Fraiola: No response.

Dr. Andrew Rossiter: Recommends approval.

Comments: "I did some research on introduced Grass Carp in Lake Biwa For Hawaii, accidental releases may survive, but will not reproduce – there are no large rivers with fast-flowing headwaters - conditions essential for this fish to reproduce. That said, security could be improved. In Attachment A, only one screw is securing the hasp and staple, yet two holes are unused. Beef it up by adding two more screws. On page 5, crustaceans should be added to the list of diseases and pests."

Mr. LeRoy Thom: Recommends approval.

Comments: "Provided the applicant follows strict guidelines as stated, where all these organisms do not exit the facility in a live state. They must either be eviscerated, or the head decapitated."

Dr. Lei Yamasaki: Recommends approval.

Comments: "I recommend approval with conditions. I am unfamiliar with Chun's Meat Market. They should not sell other live cyprinids (pet koi, comets, or goldfish)."

2. **I recommend approval ___ / ___ disapproval to establish permit conditions for the transfer of Grass Carp, *Ctenopharyngodon idella*, a fish on the List of Restricted Animals (Part B), to permit, for retail sale for consumption, by Chun's Meat Market.**

Dr. Kauaoa Fraiola: No response.

Dr. Andrew Rossiter: Recommends approval.

Comments: "On page 3 it states that the fish will be hit on the head to paralyze it before being cleaned and gutted. This constitutes unnecessary cruelty, as the fish will still be alive when being cut to pieces. It is essential that the fish be properly euthanized before any gutting or cleaning take place."

Mr. LeRoy Thom: Recommends approval.

Comments: "I would trust that any and all employees as well as owners would not exit the said premises with any live specimens."

Dr. Lei Yamasaki: Recommends approval.

Comments: "Will testing be required prior to movement?"

She recommended the insertion of the following: "The restricted article(s) shall be tested for diseases by a laboratory approved by the Animal Industry Division (AID), Hawaii Department of Agriculture (HDOA). The negative detection of diseases listed by the World Organization for Animal Health (OIE) and/or designated by the AID for the restricted article(s) shall be certified by the approved laboratory. A copy of the disease certification shall be made available to a PQB inspector and HDOA Veterinary Medical Officer (VMO) upon request. The permittee shall make the restricted article(s) available to a HDOA VMO upon request, to perform a disease test and/or health inspection of the restricted article(s)."

PQB NOTES: *The PQB explained to Dr. Yamasaki that the fish that will be transferred to the applicant by Alii Agriculture Farms, LLC, and were tested for OIE listed diseases prior to import, as a requirement of import permit conditions. The PQB further explained to Dr. Yamasaki that the intent of the proposed permit condition in question was intended to prevent any unauthorized transfer of Grass Carp by the applicant to his facility (Grass Carp is established in certain areas within the state). After considering this information, Dr. Yamasaki had no further comment and/or concern.*

IV. Advisory Committee Review

This request was presented to the Committee at its meeting on March 17, 2021, via a Zoom meeting. PQB Aquatic & Invertebrate Biota Specialist Trenton Yasui provided a synopsis of the request. Mr. Yasui noted that the recommendations of the subcommittee can be found on pages 5 to 7 of the submittal. For Question No. 1, three subcommittee members recommended approval and one member did not

respond. Subcommittee Member Dr. Lei Yamasaki did state that she's unfamiliar with the establishment; however, she recommended that no other live cyprinids be sold.

Mr. Yasui stated that he'll address that comment in the proposed conditions. For Question No. 2, three subcommittee members recommended approval and one member did not respond. Subcommittee Member Dr. Andrew Rossiter of the Waikiki Aquarium stated that he believes the proposed procedure by the applicant constituted unnecessary cruelty because the fish would essentially still be alive while being cut to pieces. His comments will also be addressed in the proposed conditions.

Mr. Yasui then stated the proposed conditions are listed on pages 7 to 11 of the submittal. Mr. Yasui had a discussion with Dr. Rossiter to address his concerns and revised draft Condition No. 2, which states: "Prior to sale, the restricted article(s) shall be euthanized via a blunt force applied to the cranium, immediately followed by the severance of the vertebral column immediately behind the head."

In reference to Dr. Yamasaki's comments and concerns, Condition No. 4 was inserted on page 8, which states: "The restricted article(s) shall be isolated at all times from other organisms that belong to the family *Cyprinidae*, that are maintained, stored, and/or held in the permittee's approved site. All tanks and other containers used to maintain, store and/or hold the restricted organism(s), and/or all equipment, supplies and materials used in conjunction with the restricted article(s), shall not be used on, for, or with other organisms that belong to the family *Cyprinidae*."

Mr. Yasui stated that this concludes his presentation of the submittal.

Advisory Committee Chair Oishi then noted that there are two No. 2s in the list of conditions. Mr. Yasui said that it is a typo and it's noted.

Chair Oishi then asked Mr. Yasui what the importance is of the carp being triploid. Mr. Yasui responded by saying that the designation essentially means that the organism cannot reproduce. Chair Oishi asked Mr. Yasui if the carp being triploid is per the permit conditions for shipment to Alii Farms. Mr. Yasui responded by saying that it is required for importation by Mr. See Ba Thee but is not in these proposed conditions for Mr. Chun.

Chair Oishi asked if this only pertains to transfers from Alii Farms to Chun's Meat Market. Mr. Yasui responded, "Not necessarily." It could be transferred from another company. Permit Condition No. 7, on page 8, requires disease testing for Alii Agriculture Farms. That condition was inserted to ensure Mr. Chun could only

receive fish that were tested for diseases. Mr. Yasui suggested that an allowance of only triploid fish could be added to the conditions.

Committee Member Dr. Keith Kawaoka asked if any species brought in have to go through a permit process with the Board of Agriculture (Board) and this committee or is it because of this specific species? Mr. Yasui responded by saying that any species that are on our Department's restricted list must initially be approved by the Board, and permit conditions need to be established. A particular species may be approved for a particular purpose. Our rules allow the chief (PQB Manager) to administratively approve permits for that species for that purpose. Dr. Kawaoka asked if the permit is issued to the distributor or retailer. Mr. Yasui said, "the importer or the transferee."

Committee Member Dr. Maria Haws asked where is Alii Farms getting the carp from, and how do they know that they are triploid?

Mr. Jonathan Ho, Acting PQB Manager, addressed Dr. Kawaoka's question and stated that conditions are set by the Board for a particular use. The conditions can restrict transfer after importation. In this particular instance, the original permit conditions required that if the permittee would like to transfer the fish to another person, that person would have to have a permit prior to the transfer occurring. We are currently trying to establish permit conditions to allow the transfer. It depends on the proposed use for the proposed species and what is approved by the Board. Dr. Kawaoka asked if there were other permits for this fish to other sellers, or is this the first? Acting Branch Manager Mr. Jonathan Ho said that this is the first and that Alli Farms has the permit to import, and the fish are there at his farm. At this point in time, nobody has the ability to transfer them. Mr. Yasui said that if somebody were to apply for a permit, other than Chun's Meat Market, they would have to go through an internal application review process, site inspection to ensure compliance of permit conditions, and also that their request must be for the same purpose as approved by the Board.

Mr. Yasui stated that the shipper for Alii Agriculture Farms is Keo Fish Farms in Arkansas. The farm was self-certifying that the fish were triploid. It was a concern that was brought to the Board's attention, but the Board decided to approve that request.

Committee Member Dr. Benton Pang states that he was at the Board meeting and recalls the discussion regarding costs and testing. He asked how many site inspections have been conducted by HDOA since issuing the permit to ensure they've been compliant with biosecurity measures. Mr. Yasui stated that Alii Agriculture Farms have been compliant throughout – good communication and cooperation. PQB did a site inspection in May 2019 before the request went before the Board. There were three subsequent permits issued to Alii Agriculture

Farms. In July 2019, 3,000 carp were imported. In October of 2020, 2,000 carp were imported. In January 2021, an unknown number of fish were imported. Mr. See Ba Thee would be able to answer that. Post-entry site inspections were conducted for each of those shipments to ensure the fish were transported to the approved facility and everything was in compliance with the permit conditions. Dr. Pang then referred to No. 6 on page 5, and asked if that's a permit condition that will kick in if their permit is approved. Mr. Yasui said that statement is part of the applicant's submittal on what they're proposing to do to address biosecurity.

Dr. Pang asked if Mr. See Ba Thee can address the testing question, as it was addressed in 2019; how has that been going and have there been any issues? Dr. Pang stated that he recalls being present at the 2019 Advisory Committee meeting and the discussion regarding the certification of triploid fish. He asked if there is any independent testing being done and how is Mr. See Ba Thee ensuring that these fish are triploid. Mr. See Ba Thee responded by saying that Keo Farms said, "most of the fish are triploid because other states also require triploid. They don't guarantee it 100%; probably 98% or 97%. Some could be diploid." Mr. See Ba Thee explained that the shipper would need to spend more money to have the fish regionally tested, and he basically believes he's receiving all triploid. He doesn't recall seeing any pregnant or 'fat' fish on his farm. Dr. Pang asked if there have been any security issues on Mr. See Ba Thee's property; any unauthorized people. Mr. See Ba Thee responded by saying that no one knows there's Grass Carp on his property; that this is "Top Secret" because he can't sell it to anyone anyways. He says that he has dogs on the property, and his house is 20 feet away from the pond.

Chair Oishi reminded Dr. Pang that the discussion is regarding an import for Chun's Meat Market and not the compliance of the permit conditions of Mr. See Ba Thee's property. Dr. Pang replied, "yes, point noted."

Advisory Committee Member Brian Neilson asked Mr. See Ba Thee if what he heard him say earlier was that Mr. Ba Thee never noticed any mature females or gonads that look mature when harvesting. Mr. See Ba Thee replied, "Yes, nothing that seemed to be pregnant; nothing that seemed to be extraordinary. They all look the same." Mr. Neilson then asked Mr. Ba Thee that if he's not seeing any ripe or pregnant females, that would indicate that they're triploid and that's what he expected? Mr. See Ba Thee said, "yes."

There being no further questions or comments for Mr. See Ba Thee, Chair Oishi called upon Mr. Frankie Chun to come forward.

Dr. Pang asked Mr. Chun how many live Grass Carp he is able to keep in the container he noted in his permit application. Mr. Chun said that the container is

47 x 47 inches, and he will start with 8 pieces assuming the carp is the market size of 1 ½ to 2 pounds. It will take him a day or two to sell all of them, then gauge his sales, and probably order more every other day or every 2 days from Alii Agriculture Farms. Dr. Pang asked Specialist Trenton Yasui if there's a limit to how many fish can be kept in one tank before requiring Mr. Chun to acquire a larger tank? What general procedures do you have in cases like this? Mr. Yasui said that this is something the committee can recommend to the Board to be added to the conditions, however, it is not typical to set a limit to that extent.

Dr. Haws stated that fish hatcheries producing the triploid should be implementing some type of internal quality control to ensure the fish are at least in the high 90-percentage of triploid. She doesn't believe it's unreasonable to request some type of documentation from this farm or any farm that's producing triploid eggs to Hawaii that they're actually following standard procedures to produce 90 to 98 percent triploid. She believes testing could also be done in this state, and documentation should be required to validate the fact that they're selling a high level of triploid eggs. Mr. Yasui said that is something that could be proposed to the Board in the conditions as a requirement. From his recollection, U.S. Fish & Wildlife has since shut down its previous program, and that he made a comment on Mr. See Ba Thee's behalf during the last Committee meeting. Mr. Yasui mentioned that from a regulatory standpoint, he's unsure of how reliable that would be if there's no governmental body that intervenes; and that the company can insert any information on a certification document. Essentially, there's no federal agency to verify this, and by requiring it, Mr. See Ba Thee would not be able to import this fish; but a recommendation can be made. Dr. Haws again mentioned that she believes it would be generally a good idea to have a procedure in place because if other farms on the mainland are also selling carp eggs, the other farmers could also benefit knowing that the fish are triploid and not diploid.

Mr. Neilson mentions Condition No. 13, on page 9, that requires the permittee to notify the Plant Quarantine Chief in writing if there's an escape, or theft, or if something happens. The Department of Land & Natural Resources would also like to be notified of an escape or release. Mr. Neilson asks if that needs to be a condition or can that be an understanding between departments.

Dr. Pang stated that if Mr. See Ba Thee's permit is going to be amended, can this language also be inserted into his permit as well – notifying DLNR and that his

place is near a body of water – as it would be important in Mr. Chun's permit.

Mr. Neilson asked Chair Oishi if there were any additional conditions to add based on the discussions. Chair Oishi said that permit conditions can be modified in a motion and asked the committee if they would like to see a modification on the

language regarding triploidy. Dr. Pang replied, "not for the permit we're discussing now." Dr. Haws replied that it might be generally good practice for future egg importation, and to educate ourselves on what other states are requiring. Also, if certification or testing costs are not outrageously expensive, that might be a good requirement in the future.

Chair Oishi suggested to make it a point to the Board that we have concerns ensuring triploidy at the point of importation versus transfer. Dr. Pang and Mr. Yasui agreed. Mr. Ho stated that from a regulatory standpoint, PQB's authority is possession, importation, and preventing the entry, spread, and release of invasive pests. He said PQB generally doesn't create conditions for welfare of animals and is seeking the committee's intent as to how many fish are acceptable at the premises, or is there a specific number that Mr. Chun can have to prevent the animals from escaping, or having disease outbreaks, or being stolen.

Mr. Yasui stated to the Committee members that the process dictated by our rules to establish or amend permit conditions must be approved by the Board. If conditions are made very restrictive and amendments are warranted, then the Department would have to expend many more hours going back to the Board to have these amended conditions approved. This is the reason for allowing businesses some wiggle room regarding their conditions.

Dr. Pang mentions that he was looking at welfare, but if it's not HDOA's purview, then he'll consider dropping the numbers for [tank] size. He feels that biosecurity is very important, and as long as the lids are locked after hours, then perhaps dealing with the size and numbers can be disregarded. The issue is making sure the fish are secure in the tanks.

Mr. Neilson asked if Dr. Pang is okay with not including tank size or limiting fish numbers. Dr. Pang answered, "yes."

Mr. Neilson moved to approve conditions to correct the condition numbering, and also to add to Condition No. 13 that DLNR will be notified in the event of escape or release. Dr. Haws seconded the motion.

Chair Oishi asked if there were any further comments. Dr. Pang noted that he will be voting against approving the permit, as the triploidy question is still outstanding. DLNR is willing to work with U.S. Fish and Wildlife regarding testing and certification. As there were no other comments or questions, Chair Oishi put the motion to vote.

Vote: APPROVED 5/1

Motion passes.

V. Proposed Possession Permit Conditions

1. The restricted article(s), Grass Carp, *Ctenopharyngodon idella*, shall be transferred live for retail sale for consumption, a purpose approved by the Board of Agriculture (Board), and shall not be sold, given, or transferred live. Release of the restricted article(s) into the environment is prohibited.

PQB NOTES: *Proposed permit Condition No. 2 (below) was inserted in response to the concern expressed by Advisory Subcommittee member Dr. Andrew Rossiter regarding euthanasia. The PQB consulted with Dr. Rossiter in drafting an appropriate permit condition.*

2. Prior to sale, the restricted article(s) shall be euthanized via a blunt force applied to the cranium, immediately followed by the severance of the vertebral column immediately behind the head.

3. The permittee, Frankie Chun, Chun's Meat Market, 157 N. King St., Honolulu, Hawaii 96817, shall be responsible and accountable for the restricted article(s) imported, from the time of their arrival to their final disposition.

4. The restricted article(s) shall be safeguarded at Chun's Meat Market, 157 N. King St., Honolulu, Hawaii 96817, a site inspected and approved by the Plant Quarantine Branch (PQB) prior to transfer. Movement of the restricted article(s) by the permittee to another site that is owned or leased by the permittee shall require a site inspection and written approval by the PQB Chief prior to movement. Any unauthorized movement of the restricted article(s) may result in any or all sanctions authorized by the Hawaii Administrative Rules Chapter 71 and/or the Hawaii Revised Statutes (HRS) Chapter 150A.

PQB NOTES: *Proposed permit Condition No. 5 (below) was inserted in response to Advisory Subcommittee member Dr. Lei Yamasaki's recommendation pertaining to cyprinids. The PQB consulted with Dr. Yamasaki in drafting an appropriate permit condition.*

5. The restricted article(s) shall be isolated at all times from other organisms that belong to the family *Cyprinidae*, that are maintained, stored and/or held in the permittee's approved site. All tanks and other containers used to maintain, store and/or hold the restricted organism(s), and/or all equipment, supplies and materials used in conjunction with the restricted article(s), shall not be used on, for, or with other organisms that belong to the family *Cyprinidae*.

6. The restricted article(s) shall be maintained by the responsible person, Frankie Chun, Chun's Meat Market, 157 N. King St., Honolulu, Hawaii 96817, or by trained or certified personnel designated by the permittee.

7. Each shipment of the restricted article(s) shall be accompanied by a copy of the PQB permit and permit conditions for the restricted article(s) and an invoice, packing list or other similar PQB approved document listing the scientific and common names of the restricted article(s), the quantity of the restricted article(s), the shipper and the permittee for the restricted article(s).

8. The restricted article(s) shall be tested for diseases by a laboratory approved by the Animal Industry Division (AID), Hawaii Department of Agriculture (HDOA). The negative detection of diseases listed by the World Organization for Animal Health (OIE) and/or designated by the AID for the restricted article(s) shall be certified by the approved laboratory. A copy of the disease certification shall be made available to a PQB Inspector and HDOA Veterinary Medical Officer (VMO) upon request. The permittee shall make the restricted article(s) available to a HDOA VMO upon request, to perform a disease test and/or health inspection of the restricted article(s).

9. Water used to transport the restricted article(s) shall be disinfected with a solution of 50 mg chlorine/L (50 ppm), for a duration of 30 minutes, then neutralized with sodium thiosulfate, another approved neutralizing agent, or by aerating and holding the solution for 48 hours prior to disposal into an individual wastewater system, municipal sewer system or other PQB approved system.

10. Effluent from the permittee's system shall be sufficiently screened and treated, as determined by the PQB Chief, to prevent the accidental release of the restricted article(s). Effluent shall not be discharged to or have a direct connection to the ocean or any other body of water, such as ponds, estuaries, reservoirs, rivers and/or streams.

11. The permittee shall adhere to the use, facility, equipment, procedures, and safeguards described in the permit application, and as approved by the Board and the PQB Chief.

12. The permittee shall have a biosecurity procedure available for review and approval by the PQB, at the time of the initial site inspection and any subsequent post-entry inspection(s), which identifies the practices and procedures to be adhered to by the permittee and the permittee's employees, to minimize or eliminate the risk of theft, escape, or accidental release of the restricted article(s), including the risk of introduction and spread of diseases and pests associated with the restricted article(s) to the environment. The permittee and the permittee's employees shall adhere to all practices and procedures stated in the biosecurity procedure at all times.

13. The approved site, restricted article(s) and records pertaining to the restricted article(s), may be subject to post-entry inspections by the PQB and/or the AID, HDOA, upon arrival of the restricted article(s) at the permittee's facility. The permittee shall make the site, restricted article(s) and records pertaining to the restricted article(s) and progeny available for inspection upon request by a PQB inspector.

14. The permittee shall immediately notify the PQB Chief and DLNR in writing under the following circumstances:

PQB NOTES: *DLNR was added to this condition as a recommendation by the Advisory Committee.*

a. If any escape, theft, release, disease outbreaks, pest emergence and/or mass mortalities involving the restricted article(s), under this permit occurs. The department may confiscate or capture the restricted article(s) and any that escapes or is found to be free from confinement at the expense of the owner, pursuant to the HRS §150A-7(c).

b. If any changes are made to the approved sites, facilities or containers used to hold the restricted article(s).

c. If the permittee is found in violation of any municipal, state or federal policies, rules and/or law, pertaining to the restricted article(s).

d. If the permittee will no longer transfer or possess the restricted article(s) authorized under this permit. Under this circumstance, the permittee shall inform the PQB Chief of the final disposition for the restricted article(s), and the permit will be canceled.

15. The HDOA VMO shall be immediately notified of any mass mortalities of the restricted article(s), signs and/or occurrence of disease in the restricted article(s).

16. The permittee shall submit to the PQB Chief a copy of all valid licenses, permits, certificates or other similar documents required by other agencies for the restricted article(s). The permittee shall immediately notify the PQB Chief in writing, when any of the required documents are suspended, revoked, or terminated. This permit may be amended, suspended or canceled by the PQB Chief in writing, upon suspension, revocation, or termination of any required license, permit, certificate or similar document for the restricted article(s).

17. It is the responsibility of the permittee to comply with all applicable requirements of municipal, state, or federal law pertaining to the restricted article(s).

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18. The permittee is responsible for all costs, charges, or expenses incident to the inspection, treatment or destruction of the restricted article(s) under this permit as provided in Act 173, Session Laws of Hawaii 2010, Section 13, including, if applicable, charges for overtime wages, fixed charges for personnel services, and meals.

19. Any violation of the permit conditions may result in citation, cancelation of the permit, and enforcement of any or all of the penalties set forth in HRS §150A-14.

20. A canceled permit is invalid and upon written notification from the PQB Chief, all restricted article(s) listed on the permit shall not be imported. In the event of permit cancelation, any restricted article(s) imported under permit, may be moved, seized, treated, quarantined, destroyed, or shipped out of State at the discretion of the PQB Chief. Any expense or loss in connection therewith shall be borne by the permittee.

21. The permit conditions are subject to cancellation or amendment at any time due to changes in statute or administrative rules restricting or disallowing import of the restricted article(s) or due to Board action disallowing a previously permitted use of the restricted article(s).

22. These permit conditions are subject to amendment by the PQB Chief in the following circumstances:

    a. To require disease screening, quarantine measures, and/or to place restrictions on the intrastate movement of the restricted article(s), as appropriate, based on scientifically validated risks associated with the restricted article(s), as determined by the PQB Chief, to prevent the introduction or spread of disease(s) and/or pests associated with the restricted article(s).

    b. To conform to more recent Board approved permit conditions for the restricted article(s), as necessary to address scientifically validated risks associated with the restricted article(s).

23. The permittee shall agree in advance to defend and indemnify the State of Hawaii, its officers, agents and employees for any and all claims against the State of Hawaii, its officers, agents, or employees that may arise from or be attributable to any of the restricted article(s) that are introduced under this permit. This permit condition shall not apply to a permittee that is a federal or State of Hawaii entity or employee, provided that the State or federal employee is a permittee in the employee's official capacity.

STAFF RECOMMENDATION: Based upon the site approval and internal review, the recommendations and comments of the Advisory Subcommittee on Invertebrates and Aquatic Biota and the Advisory Committee on Plants and Animals' recommendation to approve this request, the Plant Quarantine Branch recommends approval of this request with the proposed import permit conditions.

Respectfully Submitted,

JONATHAN K. HO
Acting Manager, Plant Quarantine Branch

CONCURRED:

BECKY L. AZAMA
Acting Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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Appendix A

PQ-7 (01/04) C68

State of Hawaii
Department of Agriculture
PLANT QUARANTINE BRANCH
1849 Auiki Street, Honolulu, HI 96819-3100
Phone: (808) 832-0566, FAX: (808) 832-0584

For Office Use Only
Fee: $ 100.— Receipt No. 1523
☐ Approve Permit No. _____ Date: _____
☐ Disapprove ☐ Other _____
Processed by: _____ Date: _____

PERMIT APPLICATION FOR RESTRICTED COMMODITIES INTO HAWAII

Date: 9/30/2020

In accordance with the provision of Chapter 71, Hawaii Administrative Rules of the Division of Plant Industry, Department of Agriculture, a permit is requested for the following commodities:

Please type or print clearly.

Quantity	Commodity	Scientific Name
	Carp, grass (White Amur	Ctenopharyngodon idellus

RECEIVED
SEP 30 2020
PLANT QUARANTINE BRANCH

PAID
Amount: $100— Chk: 10362
Date: 9 30 20 Initial: TGJ

Name and address of shipper: 680 Whitmore Ave Wahiawa Hi 96786
Alii Agriculture Farm
(Mainland or Foreign address)

Approximate date of arrival: pending permit

Mode of Shipment: ☐ Mail ☐ Air Freight ☐ Boat

Type of Permit:
--- Import
☐ one time only ☐ multi-shipments
--- Intrastate shipment
☐ one time only ☑ multi-shipments
☐ Possession

Object of importation:
☐ Kept caged at all time
☐ Used for propagation
☐ Imported for exhibition
☐ Imported for liberation
☐ Other purposes - specify Wholesale For Sale,

Please type or print clearly.

Applicant's Name FRANKIE CHUN
Company Name CHUN'S MEAT MARKET (if applicable)
Hawaii Mailing Address 157 N. KING ST
HON. HI 96817
Telephone number 397-6042
Facsimile number _____
Fee Amount Enclosed (cash, check or mail order) $ 100.00

(complete reverse side)

fchun08@gmail.com

Appendix A

PLEASE COMPLETE THE FOLLOWING INFORMATION (attach extra sheet if necessary)

1. State in detail the reasons for introduction (include use or purpose).

   Sell to Customer

2. Person responsible for the organism (include name, address and phone number).

   Flavrie Chun
   157 N. King St.
   Hon. HI 96817
   (808) 397-6042

3. Location(s) where the organism will be kept and used (include address, contact and phone number).

   "Same as Above"

4. Method of disposition.

   Kill and Cook

5. Give an abstract of the organism with particular reference to potential impact on the environment of Hawaii (include impact to plants, animals and humans).

   No impact on environment. Will be gutted and sold dead. Will not be sold live.

****

I request permission to import the articles as listed on the permit application and further, request that the articles be examined by an authorized agent of the Department of Agriculture upon arrival in Hawaii.

I agree that I, as the importer, will be responsible for all costs, charges or expenses incident to the inspection or treatment of the imported articles.

I further agree that damages or losses incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, by an authorized agent of the Department of Agriculture, shall not be the basis of a claim against the department or the inspectors for the damage or loss incurred.

Signature _____ **Date** 9/30/2020
(Applicant)

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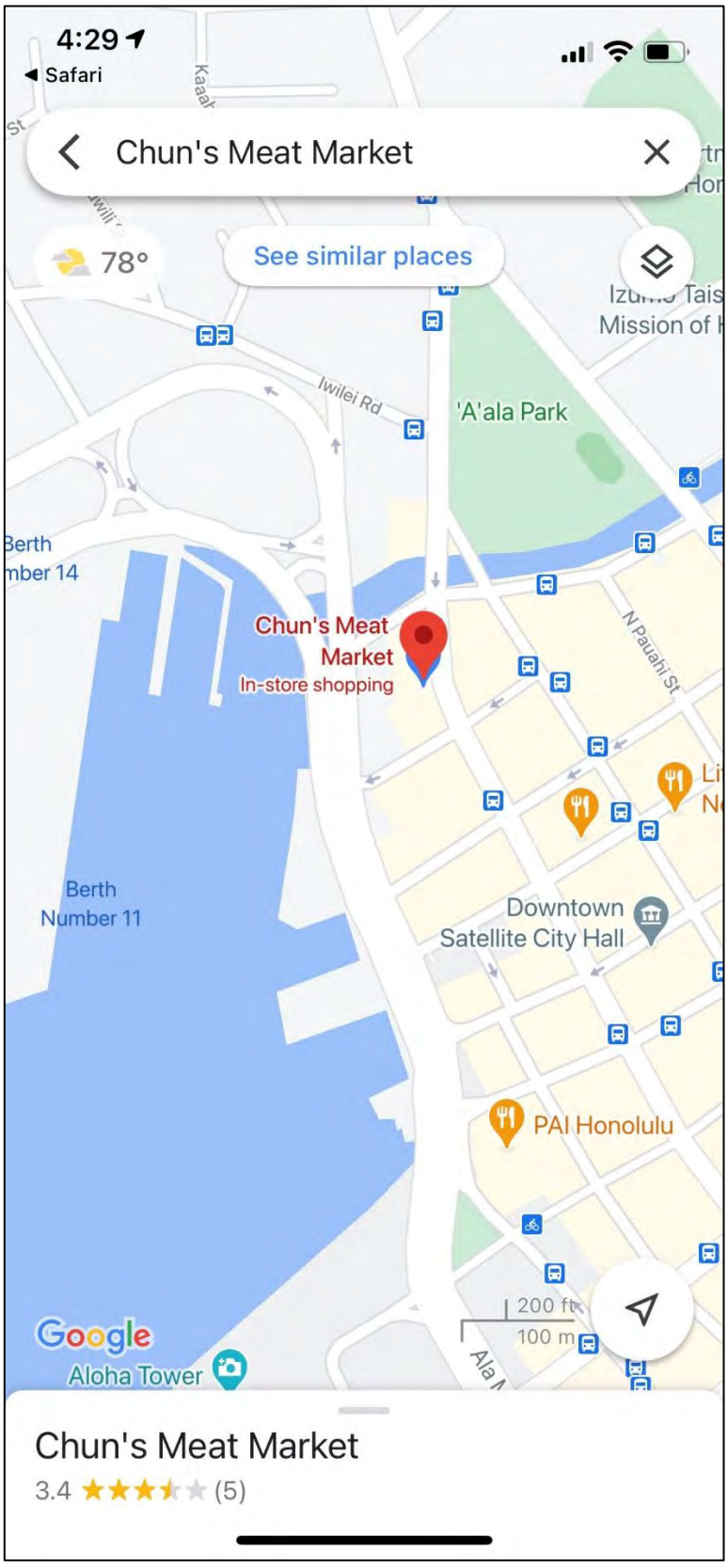

Google map screenshot of Chun's Meat Market

Enclosure with lid, angle 1

Enclosure with lid, angle 2

Enclosure lid lock 1

Enclosure lid lock 2

Enclosure without lid

State of Hawaii
Department of Agriculture
Plant Industry Division
Plant Quarantine Branch
Honolulu, Hawaii

May 25, 2021

Board of Agriculture
Honolulu, Hawaii

SUBJECT: Request for: (1) Preliminary Approval of Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules, "Non-Domestic Animal Import Rules," to Remove the Vasa Parrot, *Coracopsis vasa,* from the List of Restricted Animals (Part B), and add it onto the List of Conditionally Approved Animals; and

(2) Authorization for the Chairperson to Schedule a Public Hearing and Appoint a Hearing Officer in Connection with Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules, "Non-Domestic Animal Import Rules," to Remove the Vasa Parrot, *Coracopsis vasa,* from the List of Restricted Animals (Part B), and add it onto the List of Conditionally Approved Animals.

I. Summary Description of the Request

PQB NOTES: *The Plant Quarantine Branch (PQB) submittal for requests for rule amendments, import or possession permits, as revised, distinguishes information provided by the applicant from procedural information and advisory comment and evaluation presented by PQB. With the exception of PQB notes, hereafter "PQB NOTES," the text shown below in Section II from page 2 through page 11 of the submittal was taken directly from Lise Madson's application and subsequent written communications provided by Ms. Madson. For instance, the statements in Section III beginning at page 3 regarding information in support of the request are the applicant's statements in response to standard PQB questions and are not PQB's statements. This approach for PQB submittals aims for greater applicant participation in presenting requests in order to move these requests to the Board of Agriculture (Board) more quickly, while distinguishing applicant-provided information from PQB information. The portion of the submittal prepared by PQB, including the Factual Background of the Petition and Proposed List Changes are identified as Sections II and IV of the submittal, which start at pages 2 and 14 respectively.*

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We have a request to review the following:

COMMODITY: (1) Vasa Parrot, *Coracopsis vasa*.

SHIPPER: Lise Madson, [redacted]
Phone No.: [redacted]

IMPORTER: Lise Madson, [redacted]

CATEGORY: The Vasa parrot, *C. vasa,* is currently on the List of Restricted Animals (Part B). Pursuant to Hawaii Administrative Rules (HAR) Chapter 4-71, *C. vasa* may be imported into Hawaii for private and commercial use, including research, zoological parks, or aquaculture production. Ms. Madson is requesting that this species be reviewed and considered for placement on the List of Conditionally Approved Animals (CA List), which is incorporated under Chapter 4-71, HAR. If the Board grants preliminary approval for future placement, pursuant to the rulemaking requirements of Chapter 91, Hawaii Revised Statutes, the CA List will be amended to include *C. vasa.* Organisms on the CA List are allowed for individual possession, businesses, government agencies, or institutions.

II. Factual Background of the Petition

In early 2019, Ms. Madson initially contacted the Hawaii Department of Agriculture (HDOA) PQB and inquired about importing a Vasa Parrot, *C. vasa*, into Hawaii. PQB staff informed Ms. Madson that under chapter 4-71, HAR, the PQB's Non-Domestic Animal Import Rules, the Vasa Parrot is currently listed on the Department's RB List. The PQB informed Ms. Madson that the import of animals on the RB List are not allowed for personal use and/or individual possession, and is limited to certain purposes, such as private and commercial use, including research. Ms. Madson was informed that an amendment to Chapter 4-71, HAR would be necessary before the Vasa Parrot could be imported for individual possession and submitted a petition for placement of *C. vasa* on the CA List as animals on this list are allowed for individual possession. Ms. Madson's original petition is included as Appendix A.

At the Board's April 14, 2020 meeting, this petition was originally reviewed by the Board and denied. At this time, due to Governor Ige's COVID-19 emergency proclamation to maintain public safety, members of the public were not allowed to attend the Board's meeting. Ms. Madson was informed of the Board's denial via email by PQB staff. However, due to the possibility that an email did not meet notice requirements, the PQB

requested that Ms. Madson's petition be reconsidered for review. The Board, on its own motion, re-heard Ms. Madson's request at its meeting on December 15, 2020. Ms. Madson was able to attend virtually and speak on behalf of her petition and as a result, the Board deferred her request and directed the PQB to complete the review so the Board could make a better determination at a future meeting. Because of the Board's directive, the PQB is requesting a complete review as part of the rulemaking proceedings, including establishing permit conditions and allowing importation to ensure an efficient and complete review of this request.

PQB NOTES: *PQB submitted this request to the Advisory Subcommittee on Land Vertebrates on May 18, 2021 and has polled the Advisory Committee on Plants and Animals for a meeting from June 7-10, 2021 to have this request reviewed. This would allow for a complete review before the June 2021 Board Meeting.*

On May 17, 2021, Ms. Madsen served the Department with a formal complaint to immediately initiate rulemaking. The complaint is attached as Appendix B.

PQB NOTES: *On March 2, 2021, Ms. Madson was provided with a draft version of this submittal for review. Using this, she has provided a separate submittal with differing points from what was provided by PQB, particularly with regards to information provided regarding the Factual Background Section. PQB did incorporate Ms. Madson's information in support of the application in its entirety below. The above-referenced submittal has been included as Appendix C.*

III. Information Provided by the Applicant in Support of the Request

PQB Notes: *From here to the "Objective" section is copied from Ms. Madson's revised submittal, Appendix C.*

The vast majority of parrot species are already included in the list of Conditionally Approved Animals, pursuant to HAR § 4-71-6.5:

FAMILY Psittacidae
Agapornis (all species in genus)
Alisterus (all species in genus)
Amazona (all species in genus)
Anodorhynchus (all species in genus)
Aprosmictus (all species in genus)
Ara (all species in genus)
Aratinga (all species in genus except~- nana astec)
Bolborhynchus lineola

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Cacatua (all species in genus)
Callocephalon fimbriatum
Calyptorhynchus (all species in genus)
Cyanoliseus patagonus
Cyanoramphus (all species in genus)
Deroptyus accipitrinus
Eclectus roratus
Elophus roseicapillus
Enicognathus (all species in genus)
Eunymphicus cornutus
Leptosittaca branickii
Melopsittacus undulatus
Neophema (all species in genus)
Nymphicus [holandicus) hollandicus
Pionus (all species in genus)
Platycercus (all species in genus)
Poicephalus (all species in genus)
Polytelis (all species in genus)
Probosciger aterrimus
Psephotus (all species in genus)
Psittacula alexandri
Psittacula cyanocephala
Psittacula cterbiana
Psittacula eupatria
Psittacula himalayana
Psittacula roseata
Psittacus erithacus
Purpureicephalus spurius
Pyrrhura (all species in genus)
Tanygnathus (all species in genus)

Ms. Madson is not a natural scientist by trade but has graduate degree in law and was a practicing judge. While she provided information she obtained from secondary sources about the basic biology, reproductive biology and behavior, geographic distribution, potential for invasiveness, and damage to the environment in her petition for rule-making, she prefers to rely on the information included in the technical report prepared by Phillip Greenwell, M.S. (Wildlife Management and Conservation) who has field experience in the management, control, and assessment of avian invasive species in island environments and is better suited to gauge the accuracy and relevancy of the information. (See Appendix B, Attachments 4 and 5). Ms. Madson sought Mr. Greenwell's review largely to provide PQB with the technical information it admitted it was lacking during the April 14, 2020 Board meeting to enable it to move forward with her petition for rule-making.

Of note, Mr. Greenwell's review includes a risk assessment of invasiveness for *C. vasa* in Hawaii using guidelines provided by the World Organization of Animal Health (OIE). The OIE guidelines for assessing the risk of non-native animals becoming invasive are the gold standard for evaluating the potential for a species' invasiveness around the world and are recommended for use in the Convention on Biological Diversity (CBD). Mr. Greenwell also draws elements for his review from the *Hawaiian Pacific Weed Risk Assessment*, which provides modified assessment protocols for alien plant species.

While key excerpts of Mr. Greenwell's review are provided below, PQB and the Board are urged to consider the review in its entirety. *C. vasa* is native to Madagascar. There are no known feral colonies of the species outside its native range.

- Primarily the route of establishment is very restricted. There is a limited breeding population within North America, and there have been no exports of this species from its native habitat since 1993. It is highly unlikely sufficient numbers would be imported to found a potential feral colony.

- The pathway of invasion is strictly control or restricted. All imports must pass through the Hawaiian Department of Agriculture for approval. It is possible to therefore limit both numbers and sex of the species to ensure a suitably biased demographic (i.e. all males). Health and security are also similarly governed so risk of accidental escape or the introduction of pathogens or parasites is also controlled.

- Unlike other parrot species (with the exception of one other species, the Eclectus parrot) Vasa parrots have a complex polygynandrous breeding system. To successfully rear young females depend on multiple attending males to feed her intensely across the breeding season. Unless a large founding population is simultaneously introduced then it is unlikely that the correct sex ratio will be achieved in Hawai'i. It is possible that multiple males are required to help provide the nourishment to the rapidly developing chicks (one of the fastest development times in psittacines). Lack of food of suitable quantity or quality can stunt or limit growth during this critical development time. It has been proposed that food availability might be an ecological constraint, one which applied selective pressures towards this unusual reproductive system in *Coracopsis* species.

- Unlike the other psittacines established in the state vasa parrots are obligate secondary nest cavity users. This means that birds do not excavate nests or modify/enlarge existing holes, but must find appropriately sized cavities to nest in. The other species currently feral in the state (Cockatoos, Amazons and conures) are all adept at modifying existing cavities. No gnawing/chewing behavior has been observed in Vasa parrots, indeed they are generally a non-destructive species and one of the few larger species that may be maintained in planted flights in captivity.

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- Therefore, suitable nest sites are likely to be a limited resource for this species (particularly given the number of other psittacine species in the state competing for the nesting sites).

- Unless a large consignment of birds is released simultaneously into the habitat then smaller localized escapes of individual are unlikely to establish viable populations, given the constraints of founder population dynamics. Genetic bottlenecks and inbreeding are likely to reduce fitness in species with low founder populations. Immigration of unrelated individuals is required to sustain genetic diversity and of course this would be controlled by import permits.

- Changes to the basal metabolic rate in this species requires a greater quantity and/or quality of food to accommodate for these changes. It is possible that these changes are associated with breeding and parental behaviours, particularly as the development of the young is fast, and again can be referred to the breeding system with multiple males delivering food to the female. Given the nutritional requirements for successful reproduction, it is unlikely that in a novel habitat with unfamiliar food resources that a foundling population will find sufficient material to meet calorific and dietary needs.

- Despite the rapid development of the young birds, Vasa parrots nest only once in their native habitat. Clutch size is also small, approximately 4 eggs.

- This species was intentionally released/introduced into an alien environment (Reunion Island) and the population failed to establish. It is unknown how many individuals were released, or the processes involved, but it is important to note that they have been purposely released without success of establishment.

Mr. Greenwell concludes that the introduction of the vasa parrot does not represent a threat of invasion in the state of Hawaii, in its own right, or, when compared to other Psittacidae members. *C. vasa's* low potential for invasiveness is based on its life characteristics and other attributes. Given the species' unusual breeding system, unique dietary requirements, and obligate cavity nesting needs, it appears unlikely that a wild population could become established, even in the unlikely situation where multiple birds were imported in the future. Indeed, a review of the literature shows that the species has not ever successfully established a feral population outside its native habitat of Madagascar, even when an intentional attempt to colonize *C. vasa* was made. In addition, the species is not particularly popular in the pet trade due to what many find an undesirable appearance, and as a result, it is imported into the United States in low numbers. These factors provide strong support for the State of Hawaii to transfer *C. vasa* from the "restricted animal" to the "conditionally approved" animal list, where the vast majority of Psittacidae—several of which have a greater potential for invasiveness--are placed. The reproductive biology, social structure and unique dietary requirements

of *C. vasa* are similar to that of the eclectus parrot, which is on the "conditionally approved" list of Psittacidae, providing additional support of transfer of *C. vasa.*

In reviewing Mr. Greenwell's review as a whole it does not appear there are any identifiable negative environmental consequences to importing this organism into Hawaii that are different from those associated with a large number of parrot species that are already on the Conditionally Approved list. There are no known negative potential impacts to native or endemic species given the quarantine requirements for all parrots. There is no evidence to suggest that the impact of importing the Vasa parrot is greater than that of the many Conditionally Approved parrots, and much evidence suggesting that the impact of importing the Vasa parrot would be less than that of many parrots that are already on the Conditionally Approved list.

OBJECTIVE: Ms. Madson intends to import her parrot as a pet which will be housed at her abode.

DISCUSSION:

PQB Notes: *In prior submittals, Ms. Madson indicated the following information.*

1. **Person Responsible:** Lise Madson, JD, [redacted] (See Appendix D for Lise Madson's resume)
2. **Safeguard Facilities and Location:** Madson residence, [redacted]
3. **Method of Disposition:** Due to the uniqueness of the parrot, if the parrot were to die, it's body would be donated to the University of Hawaii at Hilo Biology Department for use or dissection and be kept frozen until use, and would be cremated after their use, to prevent any chance, however slim of spread of disease or contamination. If Madson was unable to keep the parrot for any reason, custody of the parrot will be transferred to my friend, Julie Bell of Boise, Idaho, or secondarily my sister, Karin Madson of Fort Collins, Colorado. If I am unable to make the arrangements to ship the parrot to Ms. Bell or my sister, I would designate someone to make the arrangements. The parrot will undergo routine veterinary inspections. If the parrot had to be humanely euthanized for any reason, it would be cremated without dissection to prevent the spread of any potential disease(s).
4. **Abstract of Organism:**
   a. Common Name: Greater Vasa Parrot; Scientific Name *Coracopsis vasa*.

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b. Organism's Life History

Biology:

The male is grey/black, more grey on upperparts; grey undertail coverts, shafts of feathers streaked black; outer webs of primary feathers blue/grey; brown/black tail, grey underneath. Bill pink/horn colored. Lores and eye ring bare. Eye dark brown. Female is the same in male but when breeding loses feathers from head to reveal yellow/orange skin and her feathers turn brownish during mating season.

Reproductive Habits:

Vasa parrots can reach sexual maturity at age three to nine. Cloacae extend in both females and males during breeding season. The males have control of the amount of eversion and can retract the cloaca back into the body. A fully extended cloaca on a male greater is about the thickness of a hot dog and can be up to 2 inches long. Hens do not normally evert but can do so when defecating. Breeding is sometimes done by joining cloacae while in a side-by-side position. Other times the male mounting the hen in a manner seen in most other birds.

During the breeding season the males and females undergo remarkable physical changes. The males' beaks may turn white during this time. The hens lose the feathers on top of their heads and the skin turns yellow. The skin on the male's head turns a very dark grey-black and he may develop a deep saffron to orange wattle under the lower beak. The female's feathers are usually black to grey, turn brown without a molt during breeding season. In the male Vasa, grey feathers turn nearly black without a molt. This is caused by the redistribution of melanin, though the exact mechanism for this is unknown.

At the beginning of the breeding cycle, the hen's ovary begins to grow in size. The cloacae of both hens and cocks also enlarge. The male cloacae actually evert when they are ready to breed. Female aggression towards their mates has been noted in the breeding season - to a point where females even kill their male partners. This species requires (and deserves) spacious housing to thrive and do well. However, ornithologists in Madagascar believe that the female Vasa parrots requires more than one male to raise a family.

Female Vasa parrots have been observed burying their eggs and chicks in nesting materials, as typically seen in reptiles. The female hardly exits the nest during the incubation and early chick development. When she does exit, she

calls continuously and loudly for the male(s) to feed her. While the female tends to the eggs and young chicks, the male(s) stands guard and provides food to the hen during incubation and during the feeding of the chicks. Hens also develop a pouch under the lower mandible which fills with a clear fluid when feeding young. Males have been observed using a rock to grind up shells to feed to females as a calcium supplement.

Breeding attempts of Vasa parrots is more unsuccessful than successful. Five hundred vasa were imported in 1983 and 1984. By 1993 only 200 of those remained. Only 33 chicks were successfully produced between 1983 and 1993, and 18 of those were from the same pairs. Most pairs were unsuccessful.

Temperature requirements:

Vasa parrots in Madagascar enjoy normal temperatures of 59 degrees to 79 degrees. However, at times, temperatures can dip to an unusual low of 32 degrees or as high as 97 degrees. Temperatures for Vasa parrots to be most comfortable should be kept between 59 and 79 degrees.

Natural Habitat & Native Range Greater Vasa parrots' natural habitat is the dry deciduous forest of Madagascar. Vasa parrots inhabit the forests and savannah below 1,000 meters and are more abundant at lower altitudes. Vasa parrots are dependent on the evergreen forests above 300 meters and visit the open country to feed during the day in small groups of up to 10, returning to the forest to roost in much larger groups. In Madagascar they nest during the rainy season during October and November in hollow trees, normally several meters off the ground.

Growth Rate:

Vasa Parrots hatch and fledge in about half the time of other similar sized parrots such as African Grey Parrots. Their eggs hatch in 17 days and chick's eyes open in eight days. The fledge in about seven weeks. Vasa chicks develop incredibly fast because of the great quantity of food they consume. The amount of available food for the chicks may affect the actual age of fledging. Greater babies fledge in 45 to 50 days, while cockatiels fledge in 40 days and African Grey fledge in about 84 days.

Biotic Potential:

The biotic potential of Vasa parrots in the wild is unknown. However, it appears that several factors suggest the biotic potential is quite low. Numbers

are decreasing in the wild. Wild birds that are caught tend to be very hard to breed. Of the original 500 imported to the USA, only 30 chicks were produced in the first 10 years from those 500 birds. Additionally, breeders in the USA report only being able to successful produce about one chick per year on average. Given that there are less than a half dozen breeders, it appears that Vasa parrots are growing increasingly rare.

Hand-raised males generally will not breed with females. Multiple males are needed for one female.

Size at Maturity:

50 cm (19.5 inches to the tip of tail). Weight up to 480 g. (16.8 oz)

Longevity:

One Vasa Parrot lived in captivity until age 52.

Dispersal Capabilities:

There are no reports of Vasa parrots dispersing. The University of Chicago's recent 15-year study of parrots in the USA observed every parrot EXEPT the Vasa parrot in the wild. Worldwide, there are no known reports of dispersal. In addition to the challenges breeding Vasa parrots, it appears that the Vasa parrots once fed a commercial diet will refuse to go back to their native diet, to the point it appears they would rather starve than forage as they did before being captured. There is no current explanation for this behavior, but it suggests many factors may be involved in Vasa parrots not being observed after escape from captivity.

The vasa parrot feeds on berries, fruits, nuts and seeds and also on maize, millet and rice in its host range. Host and alternate hosts are not present in Hawaii. Fruit, nuts and seeds are available in Hawaii, but even wild caught Vasa parrots have been reported as unwilling to forage after captivity and being fed a commercial diet, which may explain why it is the only parrot not observed in the wild on the mainland.

Because of the difficulty in breeding Vasa parrots, their lack of survival in the wild after captivity, the rarity of the breed, and the requirement of multiple females for on male, their unusual reproductive and hatching issues, and the requirement that males may need to supplement calcium with a highly specific way of grinding shells into calcium it is highly unlikely absent an intentional release of a very large number of vasa parrots that a colony could be

established. With hundreds of birds imported in the late 1980s to the Mainland, even attempts to intentionally breed those parrots failed to produce enough chicks was not enough to even maintain a captive population numbers, under ideal circumstances, leading to less Vasa parrots.

Vasa parrot does not have the potential to become established in Hawaii for the reasons stated in this template. It is the only parrot species that has not even been observed in the wild on the mainland and has not become naturalized anywhere outside its native habitat of Madagascar, for the reasons set forth herein.

The species is not highly domesticated, cultivated or cultured for commercial purposes.

The parrot does not have the potential to become toxic or pathogenic. It is subject to the same disease and pests associated with allowed parrots in Hawaii, no more or less than allowed parrots.

The parrot has no reported impacts to wild stocks, commercial species, aquaculture, aquarium or ornamental species, etc. in its' native range.

5. Effects on the Environment:

There are three species of vasa parrots. All are very hardy, the Lesser Vasa, Coracopis nigra, is considered a pest by the government. However, the Greater Vasa, *Coracopsis vasa*, which is the subject of this permit, is not. The Coracopis nigra will feast on crops that overtake its native habitat. However, there are no reports of *Coracopsis vasa* being damaging to the environment. Further, evidence suggest that *Coracopsis Vasa* is highly unlikely to form flocks that are able to reproduce as compared to other parrots such as the conditionally approved African Greys or any other common parrot.

There are no reports of Greater Vasa parrots forming colonies outside Madagascar. Factors that may impact this is that Vasa parrots are unpopular as pets, rare, difficult to breed even intentionally, and there are reports that even wild caught Greater vasa parrots, after eating a commercial diet, will refuse native foods and refuse to forage for native foods. It is unknown why reintroducing their natural diet is unsuccessful. Additionally, in order to reproduce, multiple males are needed for one female. Females are loud at night during breeding season.

In a 15-year study in the USA, all other parrots were observed as escaped or

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released from captivity, living in the wild. The only exception to this was the Vasa Parrot. No vasa parrots were observed in the last 15 years in the USA outside captivity.

Male hand-raised Vasa parrots are unlikely to breed, even the encounter a female Vasa parrot. Female Vasa parrots, if not enough males are available, are known to kill their mates.

Like all parrots, Vasa parrots can carry the same diseases as other parrots that are allowed. However, they have no unique threats. The same "no mosquito quarantine" prior to flying a bird to Hawaii, which is required of all conditionally approved parrots, is sufficient to address these risks.

Madson, the applicant has talked to all the major vasa parrot breeders and parrot experts around the globe, as well as scientists, including at the Hawaii Department of Agriculture and no one knows of any reason that the Greater Vasa Parrot would pose any threat to the environment of Hawaii.

Because of the above factors, the probability of establishment or spread of the requested organism, associated diseases and or pests is VERY LOW, much lower than other conditionally approved parrots.

There is a positive potential economic impact with regard to the above described projects. There are no known negative environmental consequences to importing this organism into Hawaii. There are no known negative potential impacts to native or endemic species given the quarantine requirements of all parrots. Impact is the same or much less than conditionally approved parrots. Parrot must be quarantined and not exposed to mosquitoes prior to impact to prevent the spread of West Nile, but this is true of all conditionally approved parrots.

Biosecurity:

Biosecurity is described above. Applicant has never had a parrot stolen and has had extensive security experience as a court judge. There is not a high demand for Vasa parrots. They are not often stolen, unlike other more commercially in demand parrots such as Macaws. Risk of theft is low. They are not popular as pets.

6. Alternatives:

If a permit is not provided, the alternative is for Madson to sell her property in

Hawaii and remain with the project and the parrot on the mainland. Madson's daughter and son-in-law live at the property with Madson so it has a devastating impact on the family.

7. References:

S AFA Watchbird Journal of the American Federation of Aviculture Vol 20 No 3(1993) Dave Blynn "Greater Vasa Parrot Breeding Survey"

Phone Interview with Steve Garvin, June 28, 2019, Owner of The Feather Tree, Long Beach CA 90808 (562)429-1892 feathertslg@webtv.net

Text Interview with Laurella Desborough, June 29, 2019, Laurella Desborough is an aviculturist who is passionate about the health and welfare of all living creatures.

- Education: BA from SIU, MA from UCLA.
- Professional work: Teacher – High School and College.
- Volunteer activities: Board Member and President or CEO on five boards over 20 years: AFA, ABC, MAP, Avian Research Fund, & Fountainhead Gardens Homeowners Assoc. Aviculture Microbiology Foundation, Inc. Past Legislative Vice-President for the American Federation of Aviculture.
- Author: BBOnline monthly column, articles in Bird Talk, AFA Watchbird, Bird World, World of Parrots, ASA Journal, Avizandum, and Cage Bird Magazine. Laurella wrote the legislative column for the quarterly AFA Watchbird Journal.
- Co-Author: Guide to Eclectus Parrots.
- Consultant and Lecturer.
- Aviculturist: Thirty years of researching, studying and breeding exotic birds: amazons, greys, cockatoos, brownheaded parrots, hawkheads, mini-macaws. Specializing in eclectus and vasa parrots (*Coracopsis vasa*). Also raised and raced pigeons.

Private Email from Dr Steve Pruitt-Jones, PHD, Associate Professor, Department of Ecology and Evolution, Committee on Evolutionary Biology, University of Chicago, June 3, 2019.

At The Forefront, UChicago Medicine, "Escaped Pet Parrots are now Naturalized in 23 U.S. States, Study Finds" published May 14, 2019 Written By Matt Wood.

US National Library of Medicine, National Institutes of Health, "A novel form of spontaneous tool use displayed by several captive greater vasa parrots (Coracopsis vasa)" Journal ListBiol Lettv.11(12); 2015 DecPMC4707702

Journal of Ornithology, "Status of naturalized parrots in the United States,"Uehling, J.J., Tallant, J. & Pruett-Jones, S. J Ornithol (2019). https://doi.org/10.1007/s10336-019-01658-7

The Cornell Lab of Ornithology, eBird.org data base showing no sightings of Vasa Parrots in the USA in the wild. July 1, 2019

Audubon Christmas Bird Count. Current and Historical Database Audubon.org showing no sightings of Vasa Parrots in the USA in the wild. July 1, 2019

IV. Proposed List Changes

Ms. Madson is proposing to change the placement of the Vasa Parrot, *C. vasa,* from the List of Restricted Animals (Part B), and to be placed on the List of Conditionally Approved Animals. Ms. Madson is proposing the following amendments to achieve this:

1. Section 4-71-6.5, List of Restricted Animals (Part B)

   Removes Scientific Name: "*Coracopsis vasa*" and Common Name: "Parrot, Vasa".

2. Section 4-71-6.5, List of Conditionally Approved Animals

   Adds Scientific Name: "*Coracopsis vasa*" and Common Name: "Parrot, Vasa".

STAFF REQUEST: Provided that the Board approves this request, The Plant Quarantine Branch requests authorization to schedule a public hearing and appoint a hearing officer in connection with the proposed amendments to Chapter 4-71, Hawaii Administrative Rules, "Non-Domestic Animal Import Rules," to change the list placement of the Vasa Parrot, *Coracopsis vasa*, from the List of Restricted Animals, Part B, to the List of Conditionally Approved Animals.

STAFF RECOMMENDATION: Because the PQB has not been able to obtain the recommendations and comments of the Advisory Subcommittee on Land Vertebrates and the Advisory Committee on Plants and Animals, the Plant Quarantine Branch recommends disapproval of this request.

Respectfully Submitted,

JONATHAN K. HO
Acting Manager, Plant Quarantine Branch

CONCURRED:

BECKY L. AZAMA
Acting Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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State of Hawaii
Department of Agriculture
PLANT QUARANTINE BRANCH
1849 Auiki Street, Honolulu, HI 96819-3100

July 15, 2019

Re: Madson/Vasa Parrot

Dear Madam or Sir,

Enclosed please find $2500.00 for the fee to ask that the Vasa Parrot, Coracopsis Vasa, be removed from the Restricted B List and added to the conditionally approved list.

I have inclosed the form provided from David Lingenfelser, Acting Land Vertebrate Specialist, Hawaii Department of Agriculture, Plant Quarantine Division.

My extensive research and interviews with Vasa parrot experts and scientist leads to the conclusion that Vasa parrots are less likely to have any destructive effect on any aspect of Hawaii environment, as compared to most on the conditionally approved list. Vasas are notoriously hard to breed, rare, not popular as pets (though very interesting to scientists and students), and in a 15 year study in the Mainland USA the only parrot type not observed in the wild was a Vasa parrot, again emphasizing that even if one did escape they are unlikely to survive in the wild. One specialist reported that after captivity wild caught Vasas nearly starved rather than going back to their "wild" diet.

Further, no scientist can point to any reason with today's scientific knowledge as to why Vasa parrots were on the Restricted List in the first place. I suspect there was not much known about them at the time the rule was written: That has changed, and as they are not destructive to Hawaii, I ask that this rule change be expedited.

If there are other forms I need to submit for this rule change request, please let me know as soon as possible.

Yours Gratefully,

Lise Madson

RECEIVED
JUL 22 2019
PLANT QUARANTINE BRANCH

Lise Madson [redacted] [redacted] Vasa Parrot Permit Application

State of Hawaii
Department of Agriculture
PLANT QUARANTINE BRANCH
1849 Auiki Street, Honolulu, HI 96819-3100

Dear Hawaii Board of Agriculture,

I have submitted three applications to the HDOA, 1. I submitted my application to bring a Vasa Parrot to Hawaii for private and commercial uses. 2. I submitted another application July 1, 2019 to bring the vasa parrot in for private non-pet use as an Emotional Support Animal. And finally, after talking with the HDOA, I have also submitted $2500 and a request that Vasa Parrot, Coracopsis Vasa, be removed from the Restricted B list and be placed on the conditionally approved list.

For the reasons explained in this letter, I cannot return to my home in Hawaii until I get permit approval. After five years on this project, I do not want to give up my research, my passion, my parrot, or my home in Hawaii. I am asking for your help expediting this process. This is just one male, hand-raised Vasa parrot and in no way destructive or detrimental to Hawaii, as I will show, but rather a benefit to Hawaii.

I am a disabled retired person with a degree in Environmental Law. Throughout my lifetime, I have been active in animal rescue.

When I was young, I trained as a vet tech, and worked at the Colorado State University Vet Hospital including in their raptor and bird rehabilitation areas. It was there that I fell in love with learning more about birds and caring for them. Also, early in my life, I worked in the vet area of the Denver Zoo. I studied Animal Science at the University of Massachusetts as an undergraduate. I was rancher, raised and rescued dogs, cats, parrots, cattle and horses. I earned an degree in Environmental Law from Lewis & Clark College. I served as Justice of the Peace. After becoming disabled, I began an affiliation with TTOUCH organization, founded by world famous Linda Tellington-Jones of Kailua-Kona, Hawaii. I competed in toward the 2012 Paralympics in Para Dressage, competed internationally in Para Reining. I run a social media site promoting the adoption of mustangs, and another for disabled riders, as well as promoting the TTOUCH organization.

Five years ago I rescued a vasa parrot. Grover, then named Groucher, had been hand-raised and therefore bonds to people, in particular, me, rather than other birds. He had not been out of his cage in four years, a very small cage, and he swore and bit. After five years, he has turned into a reliable and gentle creature; I used the TTOUCH methods to rehab this Vasa.

Linda Tellington-Jones has authored 22 books which have been translated into 13 languages. In association with Linda, I am writing a book on Vasa parrots and TTOUCH, and Grover in particular. Linda has worked with animals like Keiko the killer whale and helped animals from dressage horses, to tigers, around the globe.

After coming to Hawaii to help Linda with several seminars, I decided to sell my house in Oregon and move to the Big Island. After buying a property, I ran into difficulty getting a permit for Grover.

No one knows why Vasa Parrots are on the Restricted B list; it appears to be in error. Despite extensive research and consultations with scientists and aviculturalists around the globe, no one can identify any way that a Vasa parrot could be dangerous or harmful to the flora or fauna, the people or aquaculture, or the environment of Hawaii. As a matter of science, Vasas are less of a threat to the environment, people, flora and fauna of Hawaii than a common cockatiel. One thought is that since Hawaii does not routinely update their rules, which were written in 1990, and since Vasas were brought to the USA in the 1980s, that maybe just the newness of the parrot landed it on the restricted list. I believe the concern was that if large amounts of Vasa were imported they could establish a colony, like cockatoos in Australia (Cockatoos, despite this risk, are conditionally approved to come to Hawaii). The risk of the Greater Vasa proved, once more was known about them, unfounded.

The Greater Vasa parrot is less a threat than the cockatiel for the following reasons: Vasas are rare. They are unpopular as pets because they are plain grey parrots and the females loose their head feathers and look like vultures during breeding season. The male, also during breeding season, has external genitalia. And while the adaptations of the Vasa, which are from Madagascar, make it fascinating to writers and researchers, scientists and students of evolution, it makes in unpopular as a pet. Along with its rarity, the Vasa parrot has proven hard to breed. Of the first 500 to come to the USA, only 30 chicks were produced in near ten years. Only a half dozen breeders in the USA have successfully produced vasa chicks those average one chick per year; a number so low it appears Vasas are becoming more rare in captivity. The zoo at Salt Lake City tried to breed these parrots and also failed. Most people have never seen a Vasa parrot. According to the HDOA, apparently one has never been imported to Hawaii, nor has anyone petitioned as far as the employee in charge knows. Another reason that the parrot is not a threat to Hawaii is because while there are some Vasas on the mainland, in a 15 year study by the University of Chicago on observations of birds in the wild on the mainland, not a single vasa was observed; every other parrot was. This may be due to their lack of popularity, their breeding challenges, or to an inability to survive and adapt to any environment after captivity; there are reports that wild caught Vasas, after being fed a commercial diet, will refuse to eat the native diet, and appear willing to starve rather than go back to foraging. It takes three to four males to one female to breed vasas: a UK study recently found that the male vasas were observed using tools, rocks, to grind shells into a calcium supplement for the females.

Hand-raised vasas, like Grover, are imprinted on people and unlikely to be successful or happy in an institutionalized setting like a zoo. He has been habituated to people and for all practical purposes views me as his flock. Hand-raised male vasas are unlikely to breed with female vasas.

My research and writing addresses both TTOUCH in rehabbing animals but also the ethical and moral issues associated with hand-raising animals, from Vasa parrots to horses.

My research on Vasa parrots is centered on Grover, and stopping five years into my study of Grover is not an option. I attempted to have Grover cared for by others, but due to bonding issues he became overly vocal, started swearing again, and showed signs of stress. We have all seen parrots that suffer emotional and physical trauma when those they are bonded with desert them or die. This is one of the ethical issues I am addressing in my book: Parrots bond rather permanently with people if they are hand-raised, and will rip their feathers out, self-mutilate and scream, if bonds are broken.

Add to this that I, disabled, suffered a head injury and coma. This led to emotional regulation problems. Spending so much time studying Grover led me to return his bond. While perhaps not ideal for a "hard" scientist, with my degree in Environmental Law, Sociology and minor in Psychology, these are exactly the issues I am addressing in my work. Just as Grover gains support from me, I gain emotional support from Grover.

While I never wanted or intended to have an emotional support animal, which I view as a crutch and generally not needed, after my coma and head injury I found myself much better off with Grover than without. In fact, I would rather give up all my pets, my service dog and my horses, and my house in Hawaii rather than Grover. However, I am certain under the circumstances that the Board will reach the conclusion that Vasa parrots are not a threat to Hawaii, but rather can be beneficial for students to study, and enrich people's understanding of the unique ways animals evolve on islands.

Grover is not a pet. An emotional support animal is by definition, not a pet. It is more a medical or psychological device. As a research subject, Grover is also not a pet. However, I am also asking that ALL vasa parrots be reclassified as conditionally approved, under a separate petition. Because there is no reason that I can determine or that they should not be conditionally approved. Recent studies have shown that keeping parrots as companion animals may in some instances preserve a breed enough so that it can avoid extinction.

I am told that the Board takes six months to a year to process these applications. I ask that under the circumstances due to my home being in Hawaii and having to stay in a trailer, on a limited income, until the permit is granted, that it be expedited. I am optimistic that the Board will approve a permit because, frankly, there is no reason for this bird to be on the Restricted List B, scientifically.

Further, as an ESA, processing the application should be quicker and more streamlined than pet. To be clear I do not generally support exotics being ESAs. I think an ESA horse or monkey should not be allowed. However, parrots are often used for veterans with PTSD, and others with emotional regulations issues within there homes because

compared to a dog, they can be much different in there interaction with the person, and require less complicated care for a person who may not be able to venture out as often as another emotional support animal might require. As for me in particular, it would take years and suffering to transfer my emotional support to another animal. One reason parrots are ideal for this is because with excellent care, they can live as long as the human they are helping.

In this application I am asking that this Vasa be permitted for commercial and private purposes. Restricted list A is for exhibition. It would be, humbly in my opinion, arbitrary an capricious to ignore Restricted List B as a separate and broader category than exhibition. Indeed, private use is defined as "for non-commercial purposes, such as non-profit research, and does not include individual possession of an animal as a pet." Commercial purposes is not defined.

My using the bird as a medically prescribed emotional support animal is a private, non-pet use that should be recognized and permitted. Using the bird for research, even by a private individual, should meet the requirements; I believe "such as non-profit research" was intended in the admin rules as an example not as the only allowed private use, but in case of a more narrow interpretation, I am in the process of forming a non-profit corporation in Hawaii that will then clearly meet this definition. Using the bird for TTOUCH and the University of Hawaii at Hilo to teach students in the Tropical Bird Conservation and Environmental Studies programs should meet the letter of the law of the admin rules for commercial purposes, as should my writing a book.

I ask to be able to have the bird stay at my property in Mountain View, HI, and I ask to be able to use the bird at my location in Mountain View for University of Hawaii at Hilo's students, and also with TTOUCH, at the Mountain View address, including for social media, demonstrations and promoting TTOUCH.

I would as the Board to issue a permit promptly. Please ask your scientists. They will tell you what I have: A vasa parrot is less a threat than a cockatiel: they are hard to reproduce, carry no unique threats, they are merely a rare parrot of great interest to scientists and students, but unpopular as a pet.

In the meantime, in order to continue my research and because of my emotional reliance on Grover, I have a perfectly good home in Hawaii, that I am unable to live in (my daughter and her fiance live there with me so I can't just sell the house and move back to the mainland). Instead, I am living in a horse trailer in Oregon until this matter can get resolved. As a disabled person, with health issues, this is a huge burden.

I ask the the Board honors the objective of Chapter 150A of the Hawaii Revised Statutes with say that the objective is to restrict or prohibit importation of specific non-domestic animals that are detrimental to the agricultural, horticultural, and aquacultural industries, natural resources and environment of Hawaii. There is simply no scientific evidence that a Vasa parrot is detrimental. Indeed, the evidence is that by understanding the Vasa parrot, and using him for research and education that Vasas

would benefit science and understanding of natural resources and environments, directly benefiting TTOUCH students and University of Hawaii students, but also indirectly leading to better understanding of island's evolution of birds, both birds from Hawaii and other islands such as Madagascar. . .

I am asking that you expedite this matter because of this unusual situation.

Gratefully,

Lise Madson

STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST ☒ CIRCUIT	**SUMMONS** TO ANSWER FIRST AMENDED **VERIFIED COMPLAINT**	APPENDIX B

CASE NUMBER
1CCV-21-0000578

PLAINTIFF'S NAME & ADDRESS, TEL. NO.
Emily A. Gardner #6891
Emily A. Gardner, Attorney at Law, LLLC
4348 Waialae Avenue, Suite 256
Honolulu, HI 96816
Tel: (808) 348-0929

Electronically Filed
FIRST CIRCUIT
1CCV-21-0000578
11-MAY-2021
01:42 PM
Dkt. 14 SUMM

PLAINTIFF	VS.	DEFENDANT(S)
Lise Madson		Hawaii Department of Agriculture, Phyllis Shimabukuro-Geiser, In her Capacity as Chairperson of the Hawaii Board of Agriculture, DOE Defendants 1-10

TO THE ABOVE-NAMED DEFENDANT(S)

You are hereby summoned and required to file with the court and serve upon

EMILY A. GARDNER

First Amended Verified Complaint

plaintiff's attorney, whose address is stated above, an answer to the [redacted] which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.

A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.

DATE ISSUED	CLERK	CIRCUIT COURT CLERK
MAY 11, 2021	/s/ N. ANAYA	

The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http:/www.courts.state.hi.us

In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on OAHU- Phone No. 808-539-4400, TTY 808-539-4853, FAX 539-4402; MAUI- Phone No. 808-244-2929, FAX 808-244-2777; HAWAII- Phone No. 808-961-7424, TTY 808-961-7422, FAX 808-961-7411; KAUAI- Phone No. 808-482-2365, TTY 808-482-2533, FAX 808-482-2509, at least ten (10) working days prior to your hearing or appointment date.

Emily A. Gardner #6891
Emily A. Gardner, Attorney at Law, LLLC
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Honolulu, HI 96816
Tel: (808) 348-0929
Email: egardner808@gmail.com

Attorney for Plaintiff
LISE MADSON

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FIRST CIRCUIT
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Lise Madson, Plaintiff, v. Hawaii Department of Agriculture, Phyllis Shimabukuro-Geiser, in her Capacity as Chairperson of the Hawaii Board of Agriculture, DOE Defendants 1-10, Defendants.	CIVIL NO.: 1CCV-21-0000578 (Declaratory Judgment) **FIRST AMENDED VERIFIED COMPLAINT FOR DECLARATORY RELIEF**

FIRST AMENDED VERIFIED COMPLAINT FOR DECLARATORY RELIEF

COMES NOW, Lise Madson, ("Plaintiff") by and through her undersigned counsel , and brings the following allegations and claims against the State of

Hawaii Department of Agriculture and Phyllis Shimabukuro-Geiser, in her Capacity as Chairperson of the Hawaii Board of Agriculture ("Defendants"):

I.

JURISDICTION AND VENUE

1) This Court has jurisdiction and venue over the above Defendants under Hawaii Revised Statutes § 666-1(1) which provides original jurisdiction to hear and determine all claims against the State founded upon any statute of the State; or upon any regulation of an executive department.

2) Venue is proper before this Court under Hawai`i Revised Statutes § 603-36(5).

II.

PARTIES

3) Plaintiff Lise Madson is and was at all times relevant hereto a resident of the State of Hawaii who resides in Mountain View, Hawaii.

4) Defendant Hawaii Department of Agriculture is an executive department of the State of Hawaii.

5) Defendant Phyllis Shimabukuro-Geiser is the Chairperson of the Hawaii Board of Agriculture.

6) Plaintiffs have reviewed records that were made available to them in order to ascertain the true and full names and identities of all defendants in this action, but no further knowledge or information regarding the parties responsible is

available at this time and Plaintiffs are unable to ascertain the identity of the defendants in this action designated as DOE DEFENDANTS 1-10 ("Doe Defendants"). Doe Defendants are sued herein under fictitious names for the reason that their true names and identities are unknown to Plaintiffs except that they may be connected in some manner with Defendants and may be agents, attorneys, servants, employees, employers, representatives, co-venturers, co-conspirators, associates, or independent contractors of Defendants and/or were in some manner responsible for the injuries or damages to Plaintiffs and their true names, identities, capacities, activities and responsibilities are presently unknown to Plaintiffs or their attorney.

III.

FACTS

7) Plaintiff owns a Vasa parrot, *Coracopsis vasa*. She has owned the bird since 2014 but was unable to bring the bird with her when her family relocated to Hawaii in 2019 from Oregon because this species of parrot is presently listed on the Department of Agriculture's list of Restricted Animals. Plaintiff developed a strong bond with the bird as it served as her companion while she was recovering from a traumatic and serious physical injury.

8) There are roughly 350 species of parrots in the world. Of the roughly 350 species of parrots, only four currently appear on the Department of

Agriculture's list of Restricted Animals and require a private use permit for import into the State of Hawaii. The vast majority of parrot species are presently listed on the Department of Agriculture's list of Conditionally Approved Animals and do not require a private use permit for import into the State of Hawaii. Animals on the Conditionally Approved list may be imported into the State of Hawaii for individual or personal use, including for use as a pet.

9) When Plaintiff was preparing to relocate to Hawaii in 2019, she reviewed the Department of Agriculture's lists of Conditionally Approved Animals and Restricted Animals, pursuant to HAR § 4-71. Plaintiff was surprised to see that the Vasa parrot was included on the Department's list of Restricted Animals and thought it might have been a typo.

10) As a longtime owner of a Vasa parrot, Plaintiff knew the species was neither endangered or threatened and that it had certain physical and behavioral traits that make it difficult to breed, both in the wild and in captivity. The species is only found naturally in Madagascar but is sometimes kept as a pet due to the species' high intelligence. Deliberate attempts to colonize the species in other parts of the world have failed.

11) Plaintiff contacted the Department of Agriculture's Plant Quarantine Branch in early 2019 and inquired whether and how she might be able to import her bird

into Hawaii. Plant Quarantine Branch staff recommended that Plaintiff submit a petition to reclassify the bird from the Restricted to the Conditionally Approved Animal list, and import the bird for individual use/or, to apply for a private use permit to conduct scientific research with the bird as a Restricted Animal.

12) The Hawaii Agricultural Board administrative rules, HAR § 4-1-23(a), provides, in relevant part:

The adoption, amendment, or repeal of any rule of the board may be made by the board on its own motion, or by petition of any interested person or agency.

13) On July 15, 2019, Plaintiff, pursuant to Hawaii Administrative Rule (HAR) § 4-1-23(a), and the recommendation of the Plant Quarantine Branch, submitted a petition to Defendants through Defendants' Plant Quarantine Branch, to initiate rule making and rule amendment to Chapter 4-71, HAR to change the placement of the Vasa parrot, *Coracopsis vasa*, from the List of Restricted Animals (Part B) to the List of Conditionally Approved Animals. When and if the bird was reclassified from a Restricted Animal to a Conditionally Approved Animal, Plaintiff would be entitled to seek a permit to import the bird into the State for individual use.

14) Plaintiff submitted the requisite $2,500 processing fee to Defendants at the same time and along with her petition.

15) Defendants, through their Plant Quarantine Branch, acknowledged receipt of Plaintiff's petition on July 22, 2019.

16) Plaintiff's bank records establish that Defendants cashed Plaintiff's check for the $2,500 petition processing fee on January 17, 2020.

17) Defendants' Plant Quarantine Branch originally submitted Plaintiff's petition to the Agriculture Board on March 24, 2020. The submittal was signed by Jonathan K. Ho, Acting Manager of the Plaint Quarantine Branch, and stated that "Section 4-1-23(c) Hawaii Administrative Rules (HAR) requires after filing such a petition, the Board must either deny the Petition or initiate rule making." In his March 24, 2020 submittal to the Agriculture Board, Mr. Ho also stated that "Ms. Madson's Petition appears to conform to the[se] procedural prerequisites for Board consideration."

18) The Agriculture Board formally considered Plaintiff's petition to initiate administrative rule making at its April 14, 2020 meeting. The petition was presented by Plant Quarantine Branch staff. During the Board's consideration, Defendant Chairperson inquired why the Plant Quarantine Branch failed to provide a recommendation for action on Plaintiff's petition. Plant Quarantine Branch senior staff, Trenton Yasui, stated that the Branch was not able to make a recommendation due to a lack of technical information typically generated by advisory review.

19) The Plant Quarantine Branch stated that it lacked technical information to make a recommendation to the Agriculture Board for its' April 14, 2020 meeting despite the fact that the Plant Quarantine Branch had acknowledged receiving Plaintiff's petition more than eight months before and had cashed Plaintiff's check for the $2,500 processing fee, more than two months before.

20) Because the Plant Quarantine Branch failed to provide the Agriculture Board with the technical information it needed to properly consider Plaintiff's petition, the Agriculture Board voted to deny Plaintiff's petition, pending the completion of an advisory review by the Plant Quarantine Branch. Due to COVID-19, the Agriculture Board meeting was not held publicly, and Plaintiff was unable to attend.

21) Neither the Plant Quarantine Branch nor the Department, nor the Chairperson of the Agriculture Board provided Plaintiff with a written notice of its denial of Plaintiff's petition at its April 14, 2020 meeting and the reasons, therefore as required by Hawaii Revised Statutes § 91-6 and HAR 4-1-24.

22) Plaintiff's permit application to conduct private research on the bird and import it into the State of Hawaii as a Restricted Animal was considered and denied by the Agriculture Board during a subsequent meeting of the Agriculture Board on December 15, 2020. Plaintiff was provided with written notice of the

Board's decision to deny her research permit application which was dated January 15, 2021.

23) Plaintiff is not contesting the Board's decision to deny her permit application for research as a Restricted Animal. The time to do so has lapsed. Plaintiff notified the Department that she was not contesting the Department's denial of her research permit application on February 2, 2021.

24) Plaintiff had also submitted an application to the Department of Agriculture to import the bird as an emotional support animal as a Restricted Animal in July 2019. This permit application was denied by the Board Chairperson in writing on August 7, 2020. In its letter of denial, the Department stated that it viewed the use of an animal for emotional support to be "equivalent to individual possession or personal use of an animal." Plaintiff is not contesting the Board's decision to deny this permit application for use of a Restricted Animal as an emotional support animal. The come to do so has lapsed. Plaintiff notified the Department that she is not contesting the Department's denial of her permit application to import the bird as a Restricted Animal as an emotional support animal on February 2, 2021.

25) Plaintiff has notified the Department in writing that she is no longer pursuing her permit applications to import the bird as a Restricted Animal for the purpose of conducting research or as an emotional support animal, and, that she is only

continuing to pursue her petition to initiate administrative rule making and rule amendment to change the list placement of the Vasa parrot from the Restricted Animal List to the Conditionally Approved Animal list and import the bird for individual use.

26) During the December 15, 2020 Agriculture Board meeting, Plaintiff's petition to initiate administrative rule making and rule amendment to Chapter 4-71, Hawaii Administrative Rule (HAR) to change the list placement of the Vasa parrot, *Coracopsis vasa*, from the list of Restricted Animals (Part B) to the List of Conditionally Approved Animals was resubmitted to the Board.

27) Jonathan Ho, Acting Director of the Plant Quarantine Branch, notified the Agriculture Board that the Branch did not notify Plaintiff in writing within the 30-day timeframe that the Board had denied Plaintiff's petition, resulting in automatic rule making.

28) During the December 15, 2020 Agriculture Board meeting, Defendant Chairperson stated that the Board could deny Plaintiff's petition and direct the Plant Quarantine Branch to route the petition through the review process and come back to the Board at another meeting or could deny the petition consider it at another time.

29) Other Agriculture Board members expressed interest in deferring a vote at the December 15, 2020 Board meeting because there "is a lack of sufficient reasons for denial."

30) Jonathan Ho informed the Agriculture Board that the Plant Quarantine Branch could complete a full review in February 2021.

31) Upon learning that the Plant Quarantine Branch could provide a technical review in February 2021—nearly one year and seven months after it received Plaintiff's petition-- the Agriculture Board voted to further defer a decision on Plaintiff's petition to initiate rule making and rule amendment pursuant to HAR § 4-1-23.

32) Due to the Plant Quarantine Branch's repeated failure to provide an internal review of the Vasa parrot to serve as the basis for a recommendation to the Agriculture Board, Plaintiff commissioned a literature review of the species by a biologist holding a Master of Science in Wildlife Management and Conservation Biology who has significant experience in avian invasive species in island ecosystems. The biologist, Phillip Greenwell, opined that the Vasa parrot has an unusually low potential for invasiveness and posed no significant threat to the environment. On February 2, 2021, Plaintiff, through the undersigned counsel, provided the Plant Quarantine Branch with Mr. Greenwell's report to assist them with their internal review process with a letter

inquiring when Plaintiff's petition would again be considered by the Agricultural Board.

33) An Avian Ecologist and Professor of Biology at the University of Hawaii at Hilo who has been conducting research on the ecology and conservation of native Hawaiian forest birds for 30 years has reviewed Mr. Greenwell's literature review and support his conclusions that it is "highly unlikely that vasa parrots could successfully establish a breeding population in Hawaii," and "there is no good biological reason for the vasa parrot to have a 'restricted' listing while many other parrot species that have far greater potential for invasion are less restricted."

34) The Plant Quarantine Branch and the Defendant Chairperson have failed to resubmit Plaintiff's petition to the Agriculture Board, have failed to issue a letter of denial to Plaintiff, and have failed to initiate rule making and rule amendment. Defendants' actions in failing to act in a timely manner on Plaintiff's petition are not supported by Hawaii law.

35) Hawaii Revised Statutes § 91-6, Petition for adoption, amendment or repeal of rules, provides:

> Any interested person may petition an agency requesting the adoption, amendment, or repeal of any rule stating reasons therefor. Each agency shall adopt rules prescribing the form for the petitions and the procedure for their submission, consideration, and disposition. **Upon submission of the petition, the agency shall within thirty days either deny the petition in writing,**

stating its reasons for the denial or initiate proceedings in accordance with section 91-3

36) Moreover, the rules for the Agriculture Board's denial of a rule making petition , HAR § 4-1-24, Denial of Petition, provides:

> Any petition that fails to comply in any material respect with the requirements of this chapter or fails to disclose sufficient reason to justify conducting rulemaking proceedings shall not be considered by the board. **The board shall promptly notify the petitioner in writing of such denial, stating the reasons therefor.** Denial of a petition shall not prevent the board from acting on its own motion, upon any matter disclosed in the petition. The petitioner may seek judicial review of denial.

37) The language of Hawaii Revised Statutes § 91-6, Petition for adoption, amendment or repeal of rules is clear, unambiguous, and provides a specific time period within which a state agency must act.

38) The Hawaii Supreme Court has ruled that all state and county boards, commissions, departments and offices must conform to the Administrative Procedures Act when acting in a rule making capacity, and, that where language of a statute is plain and unambiguous that a specific time provision must be met it is mandatory and not merely directory. *Town v. Land Use Commission*, 53 Haw. 538.

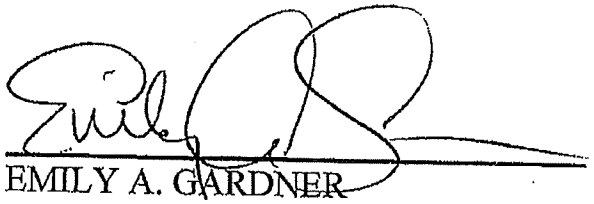
39) There is a lack of sufficient grounds to deny Plaintiff's petition, or, to continue to further defer action on Plaintiff's petition for rule making and rule amendment pursuant to HAR § 4-1-23.

40) Plaintiff is entitled to automatic rule making in accordance with the mandate of HRS § 91-6 and procedures set forth in HRS § 91-3.

WHEREFORE, Plaintiff prays for declaratory relief against Defendants and in favor of the Plaintiff as follows:

1. An order requiring Defendants pursuant to immediately initiate rule making and rule amendment to Chapter 4-71, HAR to change the placement of the Vasa parrot, *Coracopsis vasa*, from the List of Restricted Animals (Part B) to the List of Conditionally Approved Animals in accordance with the provisions of HRS 91-3;
2. Plaintiff's reasonable attorneys' fees and costs;
3. For such other and further relief as the Court may deem just and proper.

Dated: Honolulu, Hawai`i, May 11, 2021



EMILY A. GARDNER
Attorney for Plaintiff
LISE MADSON

VERIFICATION OF FIRST AMENDED COMPLAINT

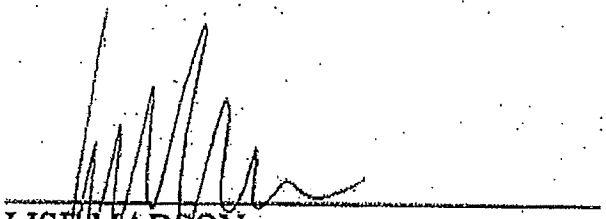
I, Lise Madson, declare as follows:

1. I have personal knowledge of the facts alleged in the First Amended Complaint and am competent to testify to the matters in the First Amended Complaint.

2. I have read the First Amended Complaint in this matter and verify and confirm that to the best of my knowledge, information and belief, the factual allegations contained in the First Amended Complaint are true and correct.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: May 11, 2021



LISE MADSON
Plaintiff

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor

APPENDIX C

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

March XX, 2021

Please Respond By:
March XX, 2021

TO: Advisory Subcommittee on Land Vertebrate Animals

PETITIONER: Lise Madson

THROUGH: David Lingenfelser, Noni Putnam
Land Vertebrate Specialists
Hawaii Department of Agriculture
Plant Quarantine Branch

SUBJECT: Request for the initiation of administrative rulemaking and rule amendment to Chapter 4-71, Hawaii Administrative Rules (HAR) to change the list placement of the Vasa Parrot, *Coracopsis vasa*, from the List of restricted Animals (Part B) to the List of Conditionally Approved Animals.

CATEGORY: The Vasa parrot, *C. vasa,* is currently on the List of Restricted Animals (Part B). Pursuant to Hawaii Administrative Rules (HAR) Chapter 4-71, *C. vasa* may be imported into Hawaii for private and commercial use, including research, zoological parks, or aquaculture production. Ms. Madson is requesting that this species be reviewed and considered for placement on the List of Conditionally Approved Animals (CA List), which is incorporated under Chapter 4-71, HAR. If the Board grants preliminary approval for future placement, pursuant to the rulemaking requirements of Chapter 91, Hawaii Revised Statutes, the CA List will be amended to include *C. vasa.* Organisms on the CA List are allowed for individual possession, businesses, government agencies, or institutions.

I. Factual Background of Ms. Madson's Petition for Rule-Making

In early 2019, Ms. Madson initially contacted the Hawaii Department of Agriculture (HDOA) PQB and inquired about importing a Vasa parrot, *C. vasa*, into Hawaii. She spoke with David Lingenfelser, who was the Acting Land Vertebrate Specialist for PQB. Mr. Lingenfelser asked Ms. Madsen what she would be using the parrot for. Ms.

Madson informed Mr. Lingenfelser that the parrot would primarily be for her individual possession. Mr. Lingenfelser informed Ms. Madson that the Vasa parrot was currently a "Restricted B" organism, and that under chapter 4-71, HAR, the PQB's Non-Domestic Animal Import Rules, importation would require a permit. Mr. Lingenfelser's initial recommendation to Ms. Madson was to seek a rule-amendment to reclassify the parrot as a "Conditionally Approved" organism, pursuant to Hawaii Revised Statutes (HRS) §91-6. Ms. Madson submitted a petition for rule-making and amendment.

At the time of Ms. Madson's initial inquiry, Mr. Lingenfelser also suggested that Ms. Madson could apply for a permit to import the parrot as a "Restricted B" organism and suggested that she provide as much detail as possible describing what the bird will be used for. Ms. Madson inquired whether the parrot could qualify as an Emotional Support Animal (ESA) and if ESA use would provide grounds to obtain a permit to import the animal under chapter 4-71 HAR. Ms. Madson has a past history of physical trauma and reports that she has developed a strong emotional bond with the parrot and that it has provided her with companionship. The bird had been incorporated into her treatment when recovering from a serious illness and in a coma. Mr. Lingenfelser relayed that ESA might potentially provide grounds for an importation permit. Based on advice she received from Mr. Lingenfelser, Ms. Madson submitted a permit application to import the parrot as an ESA under chapter 4-71 HAR in the event her petition for administrative rule-making was declined.

About the same time in 2019, Ms. Madson contacted Mr. Lingenfelser to inquire about the status of her petition for rule-making and her import permit application for ESA. Additional discussion was had regarding Ms. Madson's uses of the parrot. Ms. Madson relayed that because the parrot displays remarkable intelligence and has the ability to speak, she had been conducting anecdotal research with the parrot while it was in her possession (research involved the Tellington TTouch® Method, which seeks to increase understanding of the human-animal bond and has been recognized as an effective and valuable method to reduce stress in both humans and animals and is particularly useful in reducing stress in wildlife rehabilitation and enhance the well-being of animals in zoos. Some of Ms. Madson's research methods were modeled after Dr. Irene Pepperburg's work with Alex, the African Grey parrot). Ms. Madson further relayed that she had been receiving mentoring and advice from researchers affiliated with a commercial for-profit organization (Linda Tellington-Jones, Tellington TTouch Training) and university (Dr. Irene Pepperburg, Harvard University). Mr. Lingenfelser suggested that Ms. Madson might qualify for an importation permit for research. In his recommendation, Mr. Lingenfelser stated that "it would be best to include documentation or affiliation with a non-profit, commercial business, research group, etc., to clarify your eligibility to use the bird." Ms. Madson misconstrued Mr. Lingenfelser's recommendation to mean that she should establish her own non-profit research organization in order to obtain the importation permit for research. She later submitted an application for a permit for research using the "Vasa Project," a Hawaii-based non-profit organization that she created as her affiliated non-profit organization.

In September 2019, Ms. Putnam assumed the role of Acting Land Vertebrate Specialist for PQB and the supervision of Ms. Madson's petition for administrative rule-making, pursuant to HRS § 91-6; and her import permit applications for ESA and research, pursuant to chapter 4-71 HAR.

At the Board's April 14, 2020 meeting, Ms. Madson's petition for rule amendment and her permit applications for ESA and research were originally reviewed by the Board. At this meeting, PQB acknowledged there was a "lack of technical information typically generated by [an] advisory review" to properly advise the Board on the rule amendment request. On August 7, 2020, PQB informed Ms. Madson by letter that her permit request for the purpose of ESA was "disapproved". There was no mention in the August 7, 2020 letter from PQB regarding Ms. Madson's original request for a rule amendment or for her import permit application for research, pursuant to chapter 4-71 HAR. (Attachment 1).

Subsequently, Ms. Madson was informed of the Board's denial of her import permit application for research via email by PQB staff. The email failed to provide any mention of Ms. Madson's request for a rule amendment. At this time, due to Governor Ige's COVID-19 emergency proclamation to maintain public safety, members of the public were not allowed to attend the Board's meeting. Due to the possibility that an email did not meet administrative notice requirements, PQB requested that Ms. Madson's petition for research be reconsidered for review. The Board, on its own motion, re-heard Ms. Madson's request for a research permit at its meeting on December 15, 2020. Ms. Madson was able to attend virtually. The Board denied Ms. Madson's request to import an RB animal for scientific research at the December 15th meeting. (Attachments 2 and 3).

At its December 15, 2020 meeting, the Board expressly deferred action on Ms. Madson's request for rule-making to withdraw *C. vasa* from the RB animal list and place it on the CA list to enable PQB to complete an advisory review. Notably, Jonathan Ho HDOA/PQ represented that PQB would complete the technical review by February 2021 and also stated because PQB failed to notify Madson in writing of its decision on her petition for a rule amendment to reclassify *C. vasa* within the requisite 30-day timeframe, she had obtained the right to seek automatic rule-making on the matter. Indeed, HRS § 91-6, provides in relevant part:

> ...Upon submission of the petition, **the agency shall within thirty days either deny the petition in writing, stating its reasons for the denial or initiate proceedings in accordance with section 91-3.**

Thus, the only request of Ms. Madson's which is pending at this time is her original petition for the initiation of administrative rulemaking and rule amendment to Chapter 4-71, Hawaii Administrative Rules (HAR) to change the list placement of the Vasa Parrot, *Coracopsis vasa*, from the List of restricted Animals (Part B) to the List of Conditionally Approved Animals. Significantly, Ms. Madson has not contested the Board's August 7th

and December 15th denials of her permit applications for ESA and research and does not desire additional consideration of these permit applications. Because PQB failed to act on her petition for rule-making in a timely manner (or at all) it is bound to initiate rule-making proceedings in accordance with HRS § 91-3.

PQB NOTES: *On February 2, 2021, Ms. Madson provided a technical review in support of her request to initiate administrative rule-making and rule amendment to reclassify the Vasa parrot entitled, "Review of the potential invasiveness of the Vasa parrot (Coracopsis vasa) as compared to other species within the Psittacidae family," by Phillip Greenwell, M.S., a wildlife biologist with field experience in avian invasiveness in island ecosystems and parrot biology and behavior. In addition to the information previously provided by Ms. Madson, the review provides literature-based references and personal field experience in drawing conclusions on the possibility of establishment and threat of invasiveness when compared to other parrot species. The review supports Ms. Madson's statements as listed below, while also mentioning the low possibility of invasiveness. Please see attachment 4 for Mr. Greenwell's Review and attachment 5 for his CV.*

II. Information Provided by the Petitioner in Support of the Reclassification Petition

The vast majority of parrot species are already included in the list of Conditionally Approved animals, pursuant to HAR § 4-71-6.5:

FAMILY Psittacidae

Agapornis (all species in genus)
Alisterus· (all species in genus)
Amazona (all species in genus)
Anodorhynchus (all species in genus)
Aprosmictus (all species in genus)
Ara (all species in genus)
Aratinga (all species in genus except~- nana astec)
Bolborhynchus lineola
Cacatua (all species in genus)
Callocephalon fimbriatum
Calyptorhynchus (all species in genus)
Cyanoliseus patagonus
Cyanoramphus (all species in genus)
Deroptyus accipitrinus
Eclectus roratus
Elophus roseicapillus
Enicognathus (all species in genus)

Eunymphicus cornutus
Leptosittaca branickii
Melopsittacus undulatus
Neophema (all species in genus)
Nymphicus [holandicus) hollandicus
Pionus (all species in genus)
Platycercus (all species in genus)
Poicephalus (all species in genus)
Polytelis (all species in genus)
Probosciger aterrimus
Psephot.us · (all species in genus)
Psittacula alexandri
Psittacula cyanocephala
Psittacula·cterbiana
Psittacula eupatria
Psittacula himalayana
Psittacula roseata
Psittacus erithacus
Purpureicephalus spurius
Pyrrhura (all species in genus)
Tanygnathus (all species in genus)

Ms. Madson is not a natural scientist by trade but has graduate degree in law and was a practicing judge. While she provided information she obtained from secondary sources about the basic biology, reproductive biology and behavior, geographic distribution, potential for invasiveness, and damage to the environment in her petition for rule-making, she prefers to rely on the information included in the technical report prepared by Phillip Greenwell, M.S. (Wildlife Management and Conservation) who has field experience in the management, control, and assessment of avian invasive species in island environments and is better suited to gauge the accuracy and relevancy of the information. (Attachments 4 and 5). Ms. Madson sought Mr. Greenwell's review largely to provide PQB with the technical information it admitted it was lacking during the April 14, 2020 Board meeting to enable it to move forward with her petition for rule-making.

Of note, Mr. Greenwell's review includes a risk assessment of invasiveness for *C. vasa* in Hawaii using guidelines provided by the World Organization of Animal Health (OIE). The OIE guidelines for assessing the risk of non-native animals becoming invasive are the gold standard for evaluating the potential for a species' invasiveness around the world and are recommended for use in the Convention on Biological Diversity (CBD). Mr. Greenwell also draws elements for his review from the *Hawaiian Pacific Weed Risk Assessment*, which provides modified assessment protocols for alien plant species.

While key excerpts of Mr. Greenwell's review are provided below, PQB and the Board are urged to consider the review in its entirety. *C. vasa* is native to Madagascar. There are no known feral colonies of the species outside its native range.

- Primarily the route of establishment is very restricted. There is a limited breeding population within North America, and there have been no exports of this species from its native habitat since 1993. It is highly unlikely sufficient numbers would be imported to found a potential feral colony.

- The pathway of invasion is strictly control or restricted. All imports must pass through the Hawaiian Department of Agriculture for approval. It is possible to therefore limit both numbers and sex of the species to ensure a suitably biased demographic (i.e. all males). Health and security are also similarly governed so risk of accidental escape or the introduction of pathogens or parasites is also controlled.

- Unlike other parrot species (with the exception of one other species, the Eclectus parrot) Vasa parrots have a complex polygynandrous breeding system. To successfully rear young females depend on multiple attending males to feed her intensely across the breeding season. Unless a large founding population is simultaneously introduced then it is unlikely that the correct sex ratio will be achieved in Hawai'i. It is possible that multiple males are required to help provide the nourishment to the rapidly developing chicks (one of the fastest development times in psittacines). Lack of food of suitable quantity or quality can stunt or limit growth during this critical development time. It has been proposed that food availability might be an ecological constraint, one which applied selective pressures towards this unusual reproductive system in *Coracopsis* species.

- Unlike the other psittacines established in the state vasa parrots are obligate secondary nest cavity users. This means that birds do not excavate nests or modify/enlarge existing holes, but must find appropriately sized cavities to nest in. The other species currently feral in the state (Cockatoos, Amazons and conures) are all adept at modifying existing cavities. No gnawing/chewing behaviour has been observed in Vasa parrots, indeed they are generally a non-destructive species and one of the few larger species that may be maintained in planted flights in captivity. Therefore suitable nest sites are likely to be a limited resource for this species (particularly given the number of other psittacine species in the state competing for the nesting sites).

- Unless a large consignment of birds is released simultaneously into the habitat then smaller localised escapes of individual are unlikely to establish viable populations, given the constraints of founder population dynamics. Genetic bottlenecks and inbreeding are likely to reduce fitness in species with low founder populations. Immigration of unrelated individuals is required to sustain genetic diversity and of course this would be controlled by import permits.

- Changes to the basal metabolic rate in this species requires a greater quantity and/or quality of food to accommodate for these changes. It is possible that these changes are associated with breeding and parental behaviours, particularly as the development of the young is fast, and again can be referred to the breeding system with multiple males delivering food to the female. Given the nutritional requirements for successful reproduction, it is unlikely that in a novel habitat with unfamiliar food resources that a foundling population will find sufficient material to meet calorific and dietary needs.

- Despite the rapid development of the young birds, Vasa parrots nest only once in their native habitat. Clutch size is also small, approximately 4 eggs.

- This species was intentionally released/introduced into an alien environment (Reunion Island) and the population failed to establish. It is unknown how many individuals were released, or the processes involved, but it is important to note that they have been purposely released without success of establishment.

Mr. Greenwell concludes that the introduction of the vasa parrot does not represent a threat of invasion in the state of Hawaii, in its own right, or, when compared to other Psittacidae members. *C. vasa's* low potential for invasiveness is based on its life characteristics and other attributes. Given the species' unusual breeding system, unique dietary requirements, and obligate cavity nesting needs, it appears unlikely that a wild population could become established, even in the unlikely situation where multiple birds were imported in the future. Indeed, a review of the literature shows that the species has not ever successfully established a feral population outside its native habitat of Madagascar, even when an intentional attempt to colonize *C. vasa* was made. In addition, the species is not particularly popular in the pet trade due to what many find an undesirable appearance, and as a result, it is imported into the United States in low numbers. These factors provide strong support for the State of Hawaii to transfer *C. vasa* from the "restricted animal" to the "conditionally approved" animal list, where the vast majority of Psittacidae—several of which have a greater potential for invasiveness--are placed. The reproductive biology, social structure and unique dietary requirements of *C. vasa* are similar to that of the eclectus parrot, which is on the "conditionally approved" list of Psittacidae, providing additional support of transfer of *C. vasa.*

In reviewing Mr. Greenwell's review as a whole it does not appear there are any identifiable negative environmental consequences to importing this organism into Hawaii that are different from those associated with a large number of parrot species that are already on the Conditionally Approved list. There are no known negative potential impacts to native or endemic species given the quarantine requirements for all parrots. There is no evidence to suggest that the impact of importing the Vasa parrot is greater than that of the many Conditionally Approved parrots, and much evidence suggesting that the impact of importing the Vasa parrot would be less than that of many parrots that are already on the Conditionally Approved list.

Vasa Parrot, *Coracopsis vasa*
Madson, Lise

III. Proposed List Placement

Ms. Madson is proposing to change the placement of the Vasa Parrot, *C. vasa,* from the List of Restricted Animals (Part B), and to be placed on the List of Conditionally Approved Animals. Ms. Madson is proposing the following amendments to achieve this:

1. Section 4-71-6.5, List of Restricted Animals (Part B)

   Removes Scientific Name: "*Coracopsis vasa*" and Common Name: "Parrot, Vasa".

2. Section 4-71-6.5, List of Conditionally Approved Animals

   Adds Scientific Name: "*Coracopsis vasa*" and Common Name: "Parrot, Vasa".

IV. Advisory Subcommittee Review

May we request your recommendation and comments by **Friday, March XX, 2021**. You may fax your response to me at (808) 832-0584 or e-mail to: noniponimoi.k.putnam@hawaii.gov.

1. **I recommend approval ___ / ___ disapproval of the preliminary review of the vasa parrot, *Coracopsis vasa*, an animal on the List of Restricted Animals (Part B), for placement on the List of Conditionally Approved Animals for individual possession; Madson.**

Comments:

Signature:_____ Date:_____

Print
Name:_____

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

August 7, 2020

Ms. Lise Madson
[redacted]

Subject: **Permit Application Disapproval**

Aloha Ms. Madson,

I regret to inform you that your import permit request received on July 10, 2019 for (1) Vasa Parrot, *Coracopsis vasa*, for the purpose of emotional support is disapproved.

The Plant Quarantine Branch considers the importation of an animal for emotional support to be equivalent to individual possession or personal use of an animal. The Vasa Parrot, *Coracopsis vasa*, is currently on the Hawaii Department of Agriculture's List of Restricted Animals (Part B). Per the Hawaii Administrative Rules (HAR) §4-71-6.5(b), individual possession or personal use are not approved purposes for the importation of an animal on the List of Restricted Animals (Part B).

HAR §4-71-6.5(b) states:

> "... the introduction of animals on the lists of conditionally approved or restricted animals is allowed as follows: ...(3) Animals on Part B of the list of restricted animals, for the purposes described in subsection (b)(2) herein or for private and commercial use, including research, zoolgical parks, or aquaculture production.... ."

This letter formally closes your application. If you have any questions or concerns, please feel free to contact our Land Vetebrate Specialist at (808) 832-0566.

Sincerely,

Jonathan K. Ho
Acting Manager
Hawaii Department of Agriculture
Plant Quarantine Branch

COPY

EXHIBIT 1

Department of Agriculture
STATE OF HAWAII

DRAFT
(Unapproved)

Minutes of the Board of Agriculture
December 15, 2020

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on December 15, 2020 at 9:04 a.m. a.m. by Board of Agriculture Chairperson, Phyllis Shimabukuro-Geiser. The meeting was conducted virtually via Zoom due to the current risk of exposure to COVID-19.

Members Virtually Present:

- Phyllis Shimabukuro-Geiser, Chairperson, Board of Agriculture
- David Smith for Suzanne Case, Chairperson, Board of Land and Natural Resources, Ex Officio Member
- Dr. Nicholas Comerford, Dean of the College of Tropical Agriculture & Human Resources University of Hawaii, Ex Officio Member
- Mary Alice Evans, Ex Officio Member
- Diane Ley, Hawaii Member
- Vincent Mina, Maui Member
- Fred Cowell, Kauai Member
- Randy Cabral, Member-at-Large
- Joe Tanaka, Member-at-Large
- En Young, Member-at-Large

Others Virtually Present:[1]

- 18082697130
- 18085219500
- 18087571677
- Adrian Kamali'i
- Andrew Goff
- Anonymous (2)
- Arumugaswami
- Becky Azama, HDOA/PQ
- Brandi Ah Yo, HDOA/ARMD
- Brian Kau, HDOA/ARMD
- Bryan Yee, DAG
- Calla
- Chelsea Jensen
- Cindy Evans
- Darwin Inman
- Dave Corrigan
- Elisabeth
- EO
- Ferrell Daste
- Gail and Clarence Baber

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

EXHIBIT 2

George Nitta
Harrison Goo
Heath Williams, HDOA/Chair
James Tallman
James Toma, DOH
Janelle Saneishi, HDOA/Chair
Jodi Kimura Yi, DAG
Jonathan Ho, HDOA/PI
Joyce Wong, HDOA/ARMD
Kairee Lima
Keith Otsuka, HDOA/QAD
Kevin Hoffman, HDOA/PI
Kimberli Yoshimoto
Laksmi Abraham
Leo Obaldo, HDOA/QAD
Lise Madson
Michael Iosua
Mimi
Morris Atta, HDOA/Chair
Murakamiws
Noni Putnam, HDOA/PI
Patricia Tummons
Pegs Drewry
Peter Fay
Ray Maki
Roy Hasegawa, HDOA/ARMD
Sean Lester
Shaydee J
Shelley Choy, HDOA/QAD
Shirley Kinoshita
Stephanie Salmons
Thomas Walsh
Trenton Yasui, HDOA/PI
W Rudner
Yuki Lei Sugimura, Maui County Councilmember

II. APPROVAL OF MINUTES FROM 10/27/20 MEETING

Motion to Approve 10/27/20 Minutes: Mina/Cowell

Board Members Ley, Young and Smith were not in attendance at the 10/27/20 meeting and asked to be recused from the vote. Board Member Cabral was not in attendance when the vote was taken.

Public comments: None

Vote: Approved 6-0

III. INTRODUCTIONS

None.

IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

1. Request for Consent to Assignment of General Lease No. S-6005; Vene Luangraj, Lessee/Assignor, to Thoune Hongphao, Assignee; TMK: 1st Div/5-6-006:033; Lot 5, Kahuku Agricultural Park, Koolauloa, Kahuku, Island of Oahu, Hawaii

Roy Hasegawa, HDOA/ARMD, presented testimony as submitted.
Staff Recommendation: Approval

Motion to Approve: Evans/Cabral

Public Testimony: None

Discussion:
Board Member Mina questioned whether 3% gross proceeds would be added to the current rent. Mr. Hasegawa answered that additional rent is only due if the gross proceeds is higher than the base rent. Board Member Mina voiced concern about the economic hardship on the farmer. Mr. Hasegawa said he has a young manager and the farm is up and running.

Vote: Approved, 10-0

2. Request to (1) Rescind Prior Board Action Approving Assignment of General Lease No. S-4877; Toshio Sugita and Kenneth Y. Ibara, Lessee/Assignor, to Gail K. Okimoto, Assignee; and (2) Consent to Assignment of General Lease No. S-4877; Toshio Sugita and Kenneth Y. Ibara, Lessee/Assignor, to Glory Herb Hawaii, LLC, Assignee; TMK: 1st Div/8-5-005:009, Puea, Waianae, Island of Oahu, Hawaii

Roy Hasegawa, HDOA/ARMD, presented testimony as submitted.
Staff Recommendation: Approval

Motion to Approve: Evans/Tanaka

Public Testimony: None

Discussion:
Board Mina asked and Mr. Hasegawa confirmed that Glory Herb is certified organic. Board Member Young questioned if procedurally, when a prior action is rescinded, an agreement with

the current assignee was required. Mr. Hasegawa explained that in 2014, staff drafted the assignment to Ms. Okimoto, however, an agreement on the consideration could not be reached. Currently, Mr. Ibarra wishes to assign the lease to Glory Herb and in order to proceed, the current assignment to Ms. Okimoto must be rescinded. before the lease can be assigned to Glory Herb.

Board Member Smith asked if the current lessee was selling their position to a new lessee. Mr. Hasegawa answered in the affirmative. Ms. Cindy Evans, former Hawaii Island State Representative compared the transaction to selling a spot at the boat harbor and asked whether the State would get anything from the sale and if there had been discussion on charging for transactions like assignments of lease. Ms. Linda Murai answered that the only charge for an assignment or any kind of documented action is a $30 fee per document if the transaction closes/records. The amount is set by administrative rules. Board Member Mary Alice Evans clarified that the consideration is for improvements that the prior lessee has invested in the lot and pointed out that the difference between the boat harbor slip and the ag lease is that the current lessee has invested sweat equity and cash and the monetary consideration is for improvements or inventory that is being transferred. Mr. Brian Kau added that the division does a consideration analysis and if it shows that the assignor has invested more or equivalent to the consideration fee, the department does not take advantage of any kind of participation. However, when the tenant makes a huge profit, the department will take part of the profit to discourage land banking.

Vote: Approved, 10-0

3. Request for Consent to Assignment of General Lease No. S-5501; Doris E. Naki and Naki Farms LLC, Lessor/Assignor, to Naki Farms LLC, Assignee; TMK: 1st Div/4-1-010:029, Waimanalo Farm Lots, Koolaupoko, Waimanalo, Island of Oahu, Hawaii

Roy Hasegawa, HDOA/ARMD, presented testimony as submitted.
Staff Recommendation: Approval

Motion to Approve: Cabral/Evans

Public Testimony: None

Vote: Approved, 10-0

4. Request for Approval to Sublease Between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and Jason DeLuz, Sublessee; General Lease No. S-7008, TMK: 3rd Div/4-3-005:013(por), Lot Nos. W02, W03, W04, W06, and W07; General Lease No. S-7009, TMK: 3rd Div/4-3-005:014(por), Lot Nos. 15 and 18; General Lease No. S-7011, TMK: 3rd Div/4-3-0005:018(por), Lot Nos. W01 and W09, Hamakua Pohakuhaku and Kemau 1st, Hamakua, Island of Hawaii

Joyce Wong, HDOA/ARMD, presented testimony as submitted.
Staff Recommendation: Approval

Motion to Approve: Ley/Tanaka

Public Testimony: None

Discussion:
Board Member Mina asked who maintained the roads leading into Ag Park and if there were any issues going in and out of the area. Ms. Wong replied that she does not know of any issues and it is up to the Co-op to do the maintenance.

Vote: Approved, 10-0

5. Request for Approval to Sublease Between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and Rose Cypret, Sublessee; General Lease No. S-5551, TMK: 3rd Div/4-6-003:001, 002, and 014(por), Lot 26, Honokaia, Hamakua, Island of Hawaii

Joyce Wong, HDOA/ARMD, presented testimony as submitted.
Staff Recommendation: Approval

Motion to Approve: Ley/Mina

Public Testimony: None

Discussion:

Board Member Cabral asked how the lease rent was determined. Ms. Murai replied that lease rents for the sublessees are determined by the Co-op and lease rents for the general leases are determined by an independent appraiser.

Board Member Ley asked if there was a set percentage of pasture leases vs. vegetable and fruit crop leases. Mr. Kau answered that when the Hamakua leases were reviewed, the parcels were assessed for diversified or pastoral ability. ARMD determined the best use for the land. He added, if a person leases a diversified parcel and runs cattle, if approved, the tenant has made a choice and the division would not necessarily adjust the rent to a pasture rate if it had been determined the parcel could support diversified ag.

Vote: Approved, 10-0

6. Request for Approval of Settlement and Amendment of the Reopened Annual Rental for General Lease No. S-5586; Big Island Dairy LLC, Lessee; TMK: 3rd Div/3-9-001:0001 & 002, 3-9-002:007 & 0008, 4-1-001:006 and 4-1-005:001; O'okala, North Hilo, Island of Hawaii

Linda Murai, HDOA/ARMD, presented testimony as submitted.
Staff Recommendation: Approval

Motion to Approve: Evans/Comerford

Public Testimony: None

Discussion:

Board Member Evans questioned if the dairy was closed and if they would retain the lease until the 2028 rent reopening. Ms. Murai answered in the affirmative and added that they are in the process of selling the herd.

Board Member Ley questioned, and Ms. Murai confirmed that Big Island Dairy (BID) would continue to pay the lease even if they are no longer in business. She also questioned the nature of the disagreement on the claims. Ms. Murai answered one was the timeliness of the notice and the second was the amount of the new annual rent. She clarified the reopening amount started on 6/4/2018 but BID was not notified until 12/2019. The reason for the delay was that the appraisals are requested as a group rather than piecemeal as a cost saving measure. Board Member Ley asked about the concern over the new lease rent. Ms. Murai replied that they signed a letter of agreement which included the spreadsheet and made a payment to catch up on back rents.

Board Member Ley asked if the lessee was required to let them know that they are seeking to assign the lease. Ms. Murai explained that although not a requirement, the lessee usually informs the division that they are seeking to assign the lease. When they have a purchase agreement, the lessee will submit the application and purchase agreement to ARMD so that they can qualify the intended lessee/farmer and complete the assignment. In BID case, the division is in communication with the lessee.

Board Member Evans asked, and Ms. Murai acknowledged that BID had complied with Department of Health's Notice of Violation conditions.

Board Member Smith questioned the negotiations on the lease rents and asked why it took so long to figure out the increase. Ms. Murai again explained the appraisal process and that the result of the negotiations was the settlement which waived the lease rent. She added that delayed notification does not absolve the lessee from paying rent. Board Member Smith noted that they lost money trying to save money.

Vote: Approved, 10-0

7. Request for Approval to Award Leases to Various Awardees and Back-up Positions; TMK Nos. 1st Div/8-5-034:001, 3rd Div/1-5-116:011, 4th Div/1-9-002:001, 013, 020 and 045, Islands of Oahu, Hawaii, and Kauai S/B Big Island Dairy

Linda Murai, HDOA/ARMD, presented testimony as submitted.
Staff Recommendation: Approval

Motion to Approve: Cowell/Evans

Public Testimony: None
Discussion:

Board Member Young questioned the process for generating interest in the parcels. He voiced concern that there are so many displaced farmers and wondered why they would not want to relocate. Ms. Murai answered that they place a disposition ad in the newspaper as required by rules, which includes only the TMK. Soil analysis is not included; however, staff is available to answer questions. The division also maintains a database of interested farmers and farmers are informed when lots become available.

Board Member Young commented regarding the ARMD agenda, he respects the work done on the strategic plan document and would like to see what kind of progress is being made on the metrics per the strategic plan.

Board Member Ley acknowledged that big island staff has been helpful when connecting producers affected by lava flows with DOA staff by connecting those wanting to stop farming due to age and health with farmers who were affected by the lava flows. She encouraged looking into other sectors and to modernize communication by using press releases and social media to reach out into the community.

Board Member Mina stated that Sharon Hurd does a good job disseminating information. He also questioned the infrastructure, water meters and size of the lots. Ms. Murai was not sure but stated that the applicants must do their due diligence before signing the lease.

Board Member Young agreed with Board Member Mina and added that it should be easy and transparent for farmers to know what they are getting into. As to the designation of the lot, he said that there a lot of new containerized growing systems which do not need to adhere to the designations of pastoral or diversified ag.

Ms. Murai explained that during the award process, the applicant/awardee is given the right of entry for 6 months. They can go onto the lot and see if the conditions (water, soil, electricity) are favorable. They have no obligation to move forward with the long-term lease.

Vote: Approved, 10-0

B. PLANT INDUSTRY DIVISION

Plant Quarantine Branch

1. Request to: (1) Allow the Importation of One Vasa Parrot, *Coracopsis vasa*, an Animal on the List of Restricted Animals (Part B), by Permit, for Research, by Lise Madson; and (2) Establish Permit Conditions for the Importation of One Vasa Parrot, *Coracopsis vasa*, an Animal on the List of Restricted Animals (Part B), for Research, by Lise Madson.

Noni Putnam, HDOA/PQ, presented testimony as submitted.
Staff Recommendation: Based upon the recommendations and comments of the Advisory Subcommittee on Land Vertebrates, and the Advisory Committee on Plants and Animals' motion to move this request to the Board without a recommendation to approve or disapprove this request, in conjunction with the applicant's recent changes to the request that were not reviewed by either the Subcommittee or Committee, the PQB is not making a recommendation on this request.

Motion to approve the importation of one Vasa parrot to research purposes subject to proposed permit conditions. Evans/Smith

Public Testimony:
Ms. Lise Madson, resident of Mountain View, HI, Applicant

Discussion:
Board Member Evans asked whether the bird would be pinioned. Ms. Madson explained that pinioning is removing part of the wing including the bone and is illegal in some countries. She feels wing trimming is enough. Pinioning is done for birds who are loose. This bird is microchipped and will be kept in a locked double door system. There is a low risk of escape and no danger exists if it does escape.

Board Member Comerford asked the research value of a one animal experiment. Ms. Madson replied that it is an under-researched bird. When asked whether she would be a researcher or a research technician, she replied that under TTOUCH, she would work on a book directly in association with Linda Tellington-Jones, as a professional legacy. With Alex studies, she would collect data to be interpreted. Board Member Comerford said that it appeared she would be a research technician and when asked if she published anything, she replied, "no". Board Member Comerford asked how much is related to research and how much support animal. Ms. Madson replied 100% to both. Emotional support animal (ESA) was denied by PQB because ESA's are considered personal not private. Board Member Comerford voiced disappointment that the committee did not make a recommendation to the board.

Board Member Mina said that based on her passion and research, normally he would have a tendency to vote in favor of similar projects, but he was not supportive of bringing in an invasive species.

Board Member Tanaka asked why the animal was restricted. Mr. Ho replied that PQB was unable to find specific reference or any details as to why the bird was placed on the restrictive list Part B. Results of internet research found that the bird is rare in cultivation, does not seem to be established outside of its native range, is difficult to breed, and eats fruits and seeds in its native range.

Board Member asked how to un-restrict. Mr. Ho answered to make the change on the next request.

Chair referred to the submittal which stated that a letter/resume should contain information on the source of funding, be peer reviewed, be conducted by an approved institution, meet IACUC requirements. She questioned whether the criteria had been met. Mr. Ho replied that when the submittal was presented to committee, there was a lot of discussion regarding the research component and collaboration with University researchers.

Chair asked whether the subcommittee and review by P&A approved having research done in a residence vs. research facility. Mr. Ho said there were no specific concerns regarding the facility. Ms. Madson replied that research in a home environment provides greater security. If the animal is in a different facility, there is a need to safeguard against theft and it is cost prohibitive.

Board Member Young asked if the research would continue for the life of the parrot. Ms. Madson replied that with the Alex Foundation, the research would have to be completed, written, and peer reviewed. For the African Gray, the Alex Studies went for 30 years. When asked how long a parrot lives, she said probably 40 years. If something happened to her, conservationists would look after the bird, if not pinioned.

Board member Young commented that staff and subcommittees specialize in specific areas and asked if the Board is required to think about allowing research in terms of direct benefit to the agricultural sector. Mr. Ho replied that there is no requirement that the research be beneficial to agriculture.

Chair added that Dr. Sheila Conant stated if a bird is permitted to come in it would set a precedent for Division of Forestry and Wildlife (DOFAW). Mr. Smith commented that the DOFAW list restricts all parrots, so the entire family was put on list. He added that it looked like a pet parrot and questioned whether research was being asserted as a rationale to bypass the list banning the importation of parrots.

Board Member Mina said that he does not want to see precedent set to abuse the system.

Board Member Evans said that she did not believe that the importation of one parrot poses any threat to Hawaii agriculture.

Mr. Ho said that the DOFAW list restricts interisland movement of birds (movement of wild life). Ms. Madson's bird is not wild, therefore, they come before PQ for import purposes for research. A lot of the discussion in P&A was regarding whether the research was valid. Conditions that

PQ drafted for the Vasa Parrot would require that every other applicant come before the board for administrative approval.

Board Member Evans restated her motion: Motion to approve request to import one Vasa parrot for research purposes subject to conditions on 23-27 pages.

Vote: Failed, 2-7 (Chair did not vote)

DAG Yee advised that a motion to disapprove was required.

Motion to disapprove the request for import for research purposes: Smith/Tanaka

Board Member Young spoke in support of disapproval. He commented that it is up to DOFAW and DOA to gauge threat level of individual bird but felt that the department should be more proactive about research rather the reactive. If research is going to be allowed, the board should be able to make an informed decision by looking at the full research design and having the opportunity to look at the validity.

Board Member Smith said he is voted against the project because he felt the research component was not viable.

Vote: Approved, 9-1 (Motion to disapprove the request for import for research purposes)

2. Resubmittal of a Request for Review of the Petition from Lise Madson to Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to Change the List Placement of Vasa Parrot, *Coracopsis vasa*, From the List of Restricted Animals (Part B) to the List of Conditionally Approved Animals.

Jonathan Ho HDOA/PQ, presented testimony as submitted.

Staff did not make a recommendation as it was their understanding that the Board wants to conduct a full review and see everything going through the process before making a recommendation. Referring to Board Member Smith's prior question, ESA's are not allowed if on the restricted Part B list, however, if approved, ESA could be a conditionally approved animal—individual possession is allowed.

Board Member Evans questioned if the review had been completed and if not completed, she would recommend deferral.

Mr. Ho replied that the branch did not notify the petitioner in writing within the 30-day timeframe, resulting in automatic rulemaking. The board can initiate rulemaking immediately. The Board can deny and direct PQ to go through the review process and provide information.

Chair stated if the Board denies the petition, the Board could direct PQ to route the petition through the review process and come back to the Board at another meeting or could deny but

say the Board would consider if the petition is moved through the subcommittee and P&A review process.

Board Member Evans said she wanted to defer because there is a lack of sufficient reasons for denial.

Motion to defer making a decision and direct Branch to go through the review process and make a recommendation for or against at a subsequent Board Meeting. Evans/Tanaka

Public Testimony:

Ms. Lise Madson testified on the procedural history of her request as submitted. She encouraged moving from the Restricted Part B list to conditionally approved based on the time elapsed since initial request was made.

Board Member Cabral asked how long the review would take. Mr. Ho replied that the earliest would be February for a full review.

Vote: 10-0

V. OLD BUSINESS

1. Discussion and Decision Making on the Delegation of Authority to the Chairperson.

The Quality Assurance Division (QAD) was not able to present at the last meeting due to time limitations.

Leo Obaldo, HDOA/QAD, presented as submitted. QAD did not request any additional delegations to the Chair.

Board Member Mina asked if weights and measures of gas stations were included. Chair replied that Measurement Standards performs those duties. She added that many states consider weights and measures important to agriculture which is the reason why it falls under DOA. The farmers and consumers rely on the accuracy of the weight because it determines price.

Board Member Cabral said that he thought the discussion would be about placing items on the agenda as part of the delegation. He said he was asked by a Big Island constituent farmer for something to be placed on the agenda. Chair had indicated that it was the Chair's prerogative to approve the agenda item. The issue was whether it was in the Board's purview to place something on the agenda. Chair explained that the Board Members have the authority to request items be placed on the agenda. Sometimes, when the department is handling confidential information or is involved in a negotiation, the Chair can deny the item being placed on the agenda.

DAG Yee clarified that a Board Member can request an item be placed on the agenda. However, it is the prerogative of the Chair to approve placing the item on the agenda. Chair asked Board member Cabral if the item could be discussed at the next Board Meeting in Executive Session.

Board Member Evans said that she thought the agenda item would lead to delegating some items that were brought to the Board on a regular basis to the Chair. She questioned whether there would be a recommendation of items that could be delegated to the Chair. Chair answered that at the Board Meeting on October 27, 2020, motions to approve delegations were reflected in the minutes. For divisions that requested delegation, action was taken.

DAG Yee explained that the larger agenda items is whether items should be delegated. QAD is not recommending action.

2. Department of Agriculture's response to Coffee Leaf Rust.

Comments were made on the written report detailing the Department's response to Coffee Leaf Rust (CLR)

Board Member Cowell thanked the Department for enacting quarantine. Industry is still confused on how the quarantine is being done but they are working through it. The industry has questions regarding propagating rust resistant coffee grown in the State and will be going back to PQ. Another aspect industry is looking at is moving toward approval of systemic fungicides.

Board Member Cabral commented on the good work being done by the Department. Chair said updates would continue if Board desires.

Board Member Mina asked about research being done using beneficial fungicides. The beneficial fungal network provided by nature should be addressed and he would like the department to look at biological applications.

Dr. Hoffman said he has not heard about research using beneficial fungi but can bring it up to collaborators as an area to explore. USDA has formed a cross functional working group and they are working on mitigation strategies and guidelines on ways to respond to the disease.

Public testimony:
Mr. George Nitta Jr. (Shirley Kinoshita) testified on the benefits of Ethanol to kill the virus. He will provide contact information for staff to contact him.

3. Discussion regarding South Maui Gardens and hemp licensee updates.

Ms. Shelley Choy, HDOA/QAD presented the South Maui Gardens (SMG) Hemp Producer Update as submitted in the written presentation.

Mr. James Toma, Department of Health, Noise Section supervisor, reported on what he observed at South Maui Gardens. He stated that according to Chapter 46, Community Noise Control, allowable levels of noise control are based on the zoning of the property. The property is agriculture zoned therefore 70 db, 24/7 is allowed. Inside the property line, readings were in the high 50's. A second reading taken at night with fans running at 50% was in the low 50's; in both cases well within 70 db.

Mr. Toma said that for DOH to regulate noise, it requires specialized equipment, experience, and training. They take certification classes and the equipment must be ANSI certified, which is the standard that the industry uses. If the Department of Agriculture wanted to enforce noise rules, they would need to buy equipment and get training.

He also commented on low frequency noise and official standards to regulate noise. In reference to a statement that DOH rules are archaic, he said the rules work except when zoning is mixed or when the use of the land is not appropriate to the zoning. A lot of the information presented was based on residential zoning. There are no rules in the States regulating low frequency. The information presented was from Europe and he was not able to verify the numbers that were presented as there were no jurisdictions which enforced the levels. In terms of health effects, they have not found conclusive research that shows low frequency causes certain conditions. He said that at higher levels, 90 db+, physical conditions could result, but there is not enough research for DOH to act.

He acknowledged that the bill identifies hemp farms but stated that the reality is that if it is put into place, other people who have issues with ag may come forward and want their issues addressed. He gave the examples of coffee mills running 24/7 for months during harvest season and windmills on ag land. He stated that although the bill is specific, it might open the door for other issues in the future.

Chair reiterated that there would be no action or decision making at the meeting; information is for the board only.

Board Member Ley commented that it looked like the parties had come together to address concerns and asked if the Department could bring in mediation services.

DAG Bryan Yee asked that questions be restricted to Mr. Toma's presentation since public comments still needed to be heard.

Board Member Young asked if anything that the Department of Health regulated was also regulated by another state department. Mr. Toma said none that he could think of.

Public Comments:

Chair stated that approximately 69 written communications were received from the public.

Mr. Sean Lester, 31-year Maui resident, said he believes that SMG is not utilizing the land correctly. He voiced displeasure with Mr. Toma's comments and asked for a working group to find solutions.

Ms. Gayle Baber, hemp and food farmer in Kohala, stated that the land use issue between SMG and the neighbors is isolated and is creating an expense for existing license holders. She agreed with Mr. Toma about broader land use issues and farmers should not be penalized when most of the licensees are compliant. The Hawaii Hemp Farmers Association suggests a Hemp Advisory Board be created.

Maui Councilmember, Yuki Lei Sugimura said that the community is in her jurisdiction and she has had communication with the community and visited the site with Representative Kyle Yamashita. The community and SMG have not been able to find a solution. She asked if there was a mediator who could hear both sides. The neighbors feel sound decibels are agonizing. SMG provides jobs and must figure out how to live with the community. She felt a mediator could help.

Mr. Peter Fay commented that dbc is not regulated in Hawaii. It is regulated in England and Sweden. He stated that the 70 db limit for ag land is dba and there is no regulation for dbc noise. He added that Mr. Toma measured both dba and dbc levels. He said he believes that the community gave the board the science that they asked for.

Shaydee J, Kaneohe resident commented regarding amount of water being used for hemp.

James Tallman, Director of Hemp Division for SMG. He stated that experts were consulted as to design, rules and regulations before growing hemp. SMG grows in greenhouses as consumers want hemp grown without insects, contaminants and mold. They do not use pesticides or fungicides. Rule changes would put them out of business. They oppose 24" fans, and it would take 16-32 fans which would be louder. He could not find information on the 30 dbc frequency. Lowering db to 50 at night would cause mold issues and destroy crop.

Thomas Walsh, President of Operations, SMG was available to answer questions.

Ray Maki, President of the Hawaii Hemp Farmers Assoc., stated that it was one complaint that triggered the events. He requested that rules regarding nuisance be directly related to existing state laws.

Board Discussion:
Chair said the request for a mediator or working group would be taken up in January's meeting and that the Department would need to also consider the resource requirement.

Board Member Ley referred to the USDA funded, Hawaii Agricultural Mediation Program which could take the department out of the loop at no cost. She said they have a representative on Maui and are quasi housed under the department. Board Member Ley also questioned whether the department was planning to create a program now that USDA has superseded the State Program. Chair answered that the Board would be coming back in January because of a motion passed at the September Board Meeting. The motion stated that the Department work on addressing nuisance concerns and make recommendations to the board on any proposed changes to the interim rules adopted in September or whether to abide with the interim rules

passed in September. The request for the informational update was requested by Board Member Mina.

DAG Yee concurred that the agenda item was to present information to board for their consideration in January, to receive feedback, if any, and to inform the public of the information that exits currently. Action would be contemplated in January.

Chair noted that the Department has used Hawaii Mediation Program, sometimes at no cost, but if their budget is exhausted, then there is a fee for their services.

Board Member Mina asked if Mr. Walsh lived on the property. Mr. Walsh answered that he lives next to the greenhouse with the fans. Board Member Mina echoed the call for mediation services.

Board Member Mina questioned if the Board had until June to make changes. DAG Yee answered that the Board passed the interim rules which last for 2 years unless permanent rules are passed sooner. The January deadline for nuisance issues was self-imposed. He confirmed that the interim rules could be adjusted until June 2022.

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VI. NEW BUSINESS

None

VII. ADJOURNMENT OF MEETING

The meeting was adjourned at 1:49 p.m.

Respectfully submitted,

Jan Ferrer
Board Secretary

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

January 15, 2021

Ms. Lise Madson
[redacted]

Subject: **Hawaii Board of Agriculture Permit Application Disapproval**

Aloha Ms. Madson:

I regret to inform you that your import permit request, received on June 17, 2019, for (1) Vasa Parrot, *Coracopsis vasa*, for the purpose of research, was denied by the Hawaii Board of Agriculture (Board) at its meeting on December 15, 2020. A motion that was made to approve your request failed; 2 to 7 (Chair did not vote). A second motion to deny your request was made, and it carried; 9 to 1. The Board has discretion to allow research projects on a case by case basis, and in this instance the board determined that the proposed research plan was not sufficient to merit issuance of a permit.

The Hawaii Administrative Rules §4-1-33 allows a person whose application for the issuance of a permit that has been denied by the Board to file a written request for a contested case hearing, provided that the request for a hearing is filed with the Board within thirty days of the date of mailing of the letter informing the applicant of the denial of the application. If you wish to file a request for a contested case hearing with the Board, please mail your contested case hearing request with a return receipt request to:

Hawaii Department of Agriculture
1428 S. King Street
Honolulu, HI 96814

Also, on December 15, 2020, the Board on its own motion, rereviewed your petition received on July 22, 2019, to change the list placement of the Vasa Parrot, *C. vasa*, from the Restricted Animals List (Part B), to the List of Conditionally Approved Animals and deferred the request by a vote of 10-0. The Board directed the Plant Quarantine Branch (PQB) to go through the full review process and to bring the request back before

EXHIBIT 3

the Board to make a final determination. The PQB is currently working on your petition and will present its findings at a future Board meeting. We will keep you informed of the review progress, including the date and time of the Advisory Committee on Plants and Animals, and Board meetings, respectively, once they have been determined.

Sincerely,

Phyllis Shimabukuro-Geiser

Phyllis Shimabukuro-Geiser, Chairperson
Hawaii Board of Agriculture

Review of the potential invasiveness of the Vasa parrot (*Coracopsis vasa*) as compared to other species within the Psittaciadae family

By Phillip Greenwell[1]

Context. This review has been requested by L.M of Hawaii after her request to import one male vasa parrot (*Coracopsis vasa*) was declined, in part based on the risk of potential invasiveness of the species. Due to the author's experience across the disciplines of invasive species management and parrot biology and behaviour L.M requested a review of the Vasa parrot as a potential invasive species, particularly in comparison to other members of the parrot family (Psittacidae).

At present, in the State of Hawaii, the vast majority of parrot species are "conditionally approved" for importation under State administrative rules, Hawaii Administrative Rules §4-71-6.5 (2006), meaning they can be imported for individual possession, business, government agencies, or institutions. In contrast, the Vasa parrot, along with just three other species within the Psittacidae family, is listed as a "restricted animal" under HAR §4-71-6.5, and its importation into the State is subject to heightened restriction.

L.M. has requested a detailed analysis of the literature evaluating *C. vasa's* potential for invasiveness in its own right, and, as compared to other members of the Psittacidae family with an aim towards determining whether its current status on the Hawaii State list of restricted species is warranted, particularly when compared to almost all other Psittacidae members, which are "conditionally approved".

In performing this evaluation, the author has endeavoured to submit an unbiased review. Having worked directly with invasive alien avian species—particularly in island environments--monitored them in the wild and viewed the negative interactions first-hand, and then witnessed the subsequent reversal in the decline of endemic species once the removal of the alien avian invader is successful, he understands the need for stringent control and the use of a precautionary approach to managing potential risk species.

Upon analysis, the author finds that the Vasa parrot's potential for invasiveness is low when compared to many other parrot species (e.g. *Amazona* or *aratinga* species). As noted in detail below, *C. vasa* has been found to possess several unique reproductive and behavioral traits that would likely impede the establishment of wild populations. Significantly, and as borne out by the literature, there are no documented wild populations of *C. vasa* known to exist outside its native range of Madagascar. These findings strongly suggest that the species' potential for invasiveness is low and that heightened restriction is not warranted, particularly when

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[1] Phillip Greenwell holds a Master of Science in Wildlife Management and Conservation and a Bachelor of Science in Animal Behaviour. Mr. Greenwell has had several papers published in peer-reviewed journals on wildlife management, invasive species management, and psittacine behaviour, which are his principal areas of research. He has contributed towards the Pest Status report of an invasive parrot species in Western Australia for the Department of Conservation and Land Management, and undertook in-situ invasive avian species (*Acridotheres tristis*) control in the Seychelles. He has also acted as a reviewer for the Journal of Veterinary Behaviour. A former university lecturer, he continues to undertake guest lectures in higher education establishments on invasive species management, discussing the impacts on islands in particular, presenting case studies on brown tree snakes (*Boiga irregularis*), myna birds (*Acridotheres tristis*) and grey squirrels (*Sciurus carolinensis*) to detail the complexities of invasive species research and control. He can be reached at Lieu dit Salce, Saint Georges, France, 0033 679011669, phillgreenwell@gmail.com. *See* C/V attached, for additional details.

EXHIBIT 4

compared to other parrot species. At present the eclectus parrot genus is on the conditionally approved list; this genus possibly closest matches the complexities of the vasa parrot in regards to a complex social structure, unique dietary needs and habitat similarities. To this author there seems to be insufficient grounds to justify placing one species on the conditionally approved" "animals list and not the other.

Methodology & Structure: What follows is a detailed literature review of the species followed by a response to a set of questions recommended by the OIE (World Organisation for Animal Health) in determining invasive potential of alien species.

While it is not a full-blow risk assessment, per se, elements of this report have been drawn from the *Hawaiian Pacific Weed Risk Assessment Risk Assessment* (itself derived from the Copp, et al. (2005). *Risk identification and assessment of non-native freshwater fishes: concepts and perspectives on protocols for the UK)* modified for alien plant assessments, frameworks developed by the International Union for the Conservation of Nature (IUCN) and its affiliated partners, World Organisation for Animal Health (*Guidelines for assessing the risk of non-native animals becoming invasive*), published peer-reviewed articles and material devoted to wild or captive research of the species.

Behaviours or traits deemed relevant by the author have been clearly separated and then discussed in context both of invasive potential, control of feral populations or in relation to other members of the parrot family currently permitted into the state of Hawai'i. Source material is also listed.

Evaluation of the literature research is then discussed in the context of attributes that may or may not support the vasa parrot becoming an invasive species, particularly in relation to other psittacines.

In addition to the foregoing, the author has also reviewed HAR § 4-71-6.5, and the lists of conditionally approved animals and restricted animals.

Ecological and Biological characteristics of relevance in the evaluation of the Vasa parrot (*Coracopsis vasa*) as a potential alien invasive species.			
Attribute	**Detail**	**Relevance**	**Sources**
Distribution	No export for past 28 years from country of origin No feral populations of this species recorded. Failed introduction attempt to Reunion Island.	There have been no exports of this species from its native country since 1993, according to CITES. Trade in many species increases the risk of establishing feral populations, and an increased captive pool for breeding. The restrictions in place on the export of C. vasa will likely ensure that no country will be able to import this species in quantity, thereby reducing the risk of invasion pathway. It is important to note that this species has no known feral populations existing, unlike many of the species listed on the conditionally approved list. Low export numbers (ergo founding populations), unique breeding strategy and nutritional requirements are likely to be limiting factors. Of equal importance to note C. vasa was intentionally released on the island of Reunion, outside of its natural distribution range. Though details are lacking it appears that an intentional release of this species failed, despite similar climate and within a similar geographic region from the original habitat. Many parrot (re)introduction attempts fail for multiple reasons, despite every effort from conservation planners. In general, the extant population is in decline, and listed as Least Concern on the IUCN Red List.	https://cites.org/sites/default/files/eng/com/ac/19/E19-08-4.pdf White et al. (2012) Psittacine reintroductions: Common denominators of success. Biological Conservation; 148. BirdLife International. 2018. Coracopsis vasa. The IUCN Red List of Threatened Species 2018
Social/ Group structure	Flock size is variable, noted as between 4-15 individuals	The majority of avian invasive species form flocks numbering hundreds of individuals. Three avian species feature in the IUCNs list of Top 100 invasive species, the Common Indian Myna, European Starling and the Red-Vented Bulbul. All three species	Foreshaw, J.M.(2006). Parrots of the World: an identification guide. Princeton University Press.

		show small body size/weight, opportunistic feeding regimes, are highly gregarious and form large flocks and roost communally. The red-fronted parakeet (*Aratinga erythrogenys*) also follows this trend, currently listed as an injurious species by the HDOA. A comprehensive review of alien psittacines in Europe showed that of the majority of the 12 species established across the union, only the ring-neck parakeet was documented having a negative impact. The other species were deemed to have a neutral impact. This list included the Red-fronted parakeet, currently a species listed as invasive in Hawai'i. However it is occasionally seen in larger flocks (up to 40 individuals) during feeding, though it is data-deficient in regards to numbers. Flock size depends on whether in breeding season or not, and appears to exhibit migration within its habitat, potentially in search of food resources. Though small flocks are observed in the day, larger groups may congregate at night, with 100s of individuals recorded. There is one doctoral theses suggesting the species may be an agricultural pest species on maize and wheat in its native habitat, though this information is deficient.	Safford et al. (2015) Birds of Madagascar. Bloomsbury Press. O Martin et al. (2014) Research and conservation of the larger parrots of Africa and Madagascar: a review of knowledge gaps and opportunities. OSTRICH, 85(3): 205–233 Global Invasive Species Database, http://www.iucngisd.org White et al. (2019) Assessing the ecological and societal impacts of alien parrots in Europe using a transparent and inclusive evidence-mapping scheme. NeoBiota 48: 45-69. Bollen, A. (2004) Fruit-frugivore interactions in a Malagasy littoral forest: a community-wide approach of seed dispersal. PhD theses, University of Antwerp
Mating system (wild)	Polygynandry	For a population to become invasive, a potential breeding population must live past the process of establishment and find suitable mates. The majority of avian invasive species (where the pathways of invasion are known) are monogamous and generally derived from either large-scale escapes/introductions/releases or a slower process of smaller numbers being released (i.e. pet or zoo escapes). The observed mating system of the vasa parrot is highly unusual amongst the aves taxa and even more so in the psittacine family.	Ekstrom et al. Unusual sex roles in a highly promiscuous parrot: the Greater Vasa Parrot Caracopsis vasa Clegg et al. Genetic consequences of sequential founder events by an island-colonizing bird. Proceedings of the

		Unlike the vast majority of the psittacine family, the Vasa parrot is a polygynandrous breeder. A breeding female (in this species the female is dominant to the male) will mate with multiple males. These males feed the female and clutches of young are of mixed paternity. It is possible that the quantity of food that is delivered to the female is required to sustain the fast growth of the chicks, one of the fastest developing of the psittacine family. Males will mate with, and feed, multiple females also. The unusual sex ration of this species may also have implications on founder population dynamics. Studies on founder populations in birds tend to look at monogamous species, and in addition studies have suggested that populations needed between 30 and 100 founding individuals to ensure sufficient genetic diversity of the new population. In populations based on single founding pair, it took many generations for a group to establish, and it is only through subsequent immigrants from nearby islands that prevented inbreeding and the loss of genetic diversity/fitness.	National Academy of Sciences Jun 2002, 99 (12) 8127-8132 Grant PR et al. A population founded by a single pair of individuals: establishment, expansion, and evolution. Genetica. 2001;112-113:359-82.
Breeding behaviour	Males play no role in the incubation or feeding of the young. The female solicits feeding from multiple males. Females are relative conspicuous at the nest, calling loudly.	Multiple individuals are required to successfully rear a single clutch in the wild, possibly due to the rapid development of the chicks in the nest (see below). This would enable control of a breeding propagule easier to manage than multiple pair-groupings. Males are not able to be caught using nest-site traps, which have been used to confine the female in the nesting cavity in the wild. However no female was able to escape from this capture method, ensuring a demographically imbalanced (i.e. male only/non-breeding) population could be attained if a free living population were established (upon identification of nesting locations).	Randrianaina A.L. (2004) Contribution a l'etude bio-eco-ethologique de perroquet *Coracopsis vasa drouhardi* pendant le period de reproduction dans la region de Morondava. University of Antananarivo, Madagascar. Wilkinson, R. & Birkhead T.R. (1995) Copulation behaviour in the Vasa parrots Coracopsis vasa and C. nigra. Ibis.

	The 'song' of the females is suggested to be an indicator of fitness in the species. Longer songs attracted more males than shorter songs. Playback of songs at different volumes attracted males to the area (louder broadcasts attracted more males).	During studies on this species, of which there are few, nest sites were located with relative ease by field researchers due to the loud vocalisations emitted by the female. Given the above information of nest attendance by multiple males, monitoring and control of the species would be easier than in monogamous species. It would appear that males are attracted by artificial broadcasting of the females song, the louder the playback the greater number of males attracted. This behaviour, albeit noted during the breeding period, would appear a relatively easy way to maintain breeding populations if a feral population were to become established. Nesting occurs almost exclusively in tree hollows. Suitable nesting cavities are required by the Vasa parrots, most commonly in trees (occasionally banks/cliffsides). It appears that existing hollows are utilised, with no observation of birds constructing their own hollows or making alterations to the site. Existing trees with cavities of an appropriate depth and width are a limited resource in most environments for large bodied obligate cavity nesting birds. Females broadcast their song from highest trees in vicinity of nest. Singing from a high and exposed position, in dead or living trees, aids in the attenuation of the song into the surrounding landscape. This behaviour would aide in the easy identification of the species, particularly during the breeding period and help identify nests within the vicinity of the broadcast tree. Breeding occurs once during the wet season in Madagascar, and only a single clutch is raised during the period, unlike some smaller psittacine species which may raise two or more broods in one reproductive season. Females defend territories around nesting sites from congeners. Territories are estimated, on average, to be 10,000m2.	de la Parra-Martínez, S.M., Renton, K., Salinas-Melgoza, A. et al. Tree-cavity availability and selection by a large-bodied secondary cavity-nester: the Military Macaw. J Ornithol 156, 489–498 (2015).

Incubation, Rearing and Weaning	Approximately 3-5 eggs are recorded in the wild, average 4 in captivity. Once chicks hatch attending males make multiple hourly visits to the female at the nest. Weaning is recorded as between 6-10 weeks.	The Vasa is considered to have one of the shortest incubation periods of all the parrot family, with estimates between 17-19 days. On average 165 feeding visits from males to female were recorded **each hour** once chicks hatched with between 3-5 males bring food. It would suggest that in respect to successful raising of young, and therefore subsequent population growth, multiple males are required to feed the female. The likelihood of achieving a suitably balanced feral breeding population in Hawai'i is unlikely given the low number of this species in captivity to provide the necessary founding population.	Jordan, R. & Pattison, J. (1999) *African Parrots*. Hancock House, Surrey, U.K. Randrianaina A.L. (2004) Contribution a l'etude bio-eco-ethologique de perroquet *Coracopsis vasa drouhardi* pendant le period de reproduction dans la region de Morondava. University of Antananarivo, Madagascar.
Behaviour	Birds fly high with a conspicuous slow and deep wingbeat, similar in silhouette of a raptor. Birds are noted to remain relatively calm and approachable whilst feeding in the wild.	The large size of the species, its distinctive colour and above-canopy flight make the species easy to spot in the field. Approachability in the field would ensure control measures and observations would be easier to undertake than 'flightier' species.	Foreshaw, J.M.(2006). Parrots of the World: an identification guide. Princeton University Press.
Morphology / Physiology	Breeding individuals are easily recognised in comparison to young or non-breeding individuals by the	Females lose the feathers on their head, beak colour changes from light to dark and prolapses may be observed from the cloaca in males.	Lovegrove et al. The allometry of parrot BMR: seasonal data for the Greater Vasa Parrot, *Coracopsis vasa*, from Madagascar. *J Comp Physiol B* **181**, 1075–1087 (2011).

	physiological changes that become apparent during the breeding season. Basal Metabolism Rate changes during breeding season.	During breeding the Vasa parrot, unique amongst its tribe, exhibits up-regulation of its basal metabolic rate, having the highest recorded BMR for a bird of any size to date. It is suggested that the costs of a high summer BMR may be met by the unusual cooperative breeding system, in which groups of males feed the female and share paternity. This may also be needed to meet the nutritional requirements of fast-developing chicks. In the context of invasiveness, without multiple males attending a female it is unknown whether sufficient calories can be transferred to the female and thereby the chicks. This is further compounded by the species environmental naivety, lack of knowledge/experience of food sources of varying nutritional quality and calorific richness of Hawaiian plants. In this regard it could be considered unlikely that vasa parrots would adapt with sufficient speed to the novel environment to permit rapid expansion through breeding, and would be less likely than most of other parrot species to succeed at establishment.	
Habitat	1.5 Forest-subtropical/Tropical Dry 1.6 Forest-Subtropical/Tropical Moist Lowland 2.1 Savanna-Dry 3.5 Shrubland-Subtropical/Tropical Dry	A lowland species with an upper elevation limit of 1000 meters. This species utilises a range of habitats and is not dependent on any single one, making it a generalist in regard to habitat use. Given the anthropogenic changes within the state for urbanisation and agricultural pursuits it could be considered that this mosaic of habitat structure lends itself to potential invasion by many alien species. Similar habitat types can be found within the state of Hawaii, ensuring that at a basic level the climate and habitat is suitable for the survival of members of the parrot family in general. Recorded as scare in rainforest areas and more common in degraded, plantation and cultivated areas.	BirdLife International. 2018. Coracopsis vasa. The IUCN Red List of Threatened Species 2018: e.T22685261A131279943. O Martin et al. (2014) Research and conservation of the larger parrots of Africa and Madagascar: a review of knowledge gaps and opportunities. OSTRICH, 85(3): 205–233 Safford et al. (2015) Birds of Madagascar. Bloomsbury Press.

	4.5 Grassland-Subtropical/Tropical Dry 14.1 Artificial/Terrestrial-Arable Land 14.3 Artificial/Terrestrial - Plantations		
Diet	Recorded as granivorous & frugivorous; a possible seed disperser (*C. nigra*) and seed predator.	There is little documented in the way of the wild diet of the Vasa parrot other than a mix of grain, fruit and flowers. A study in 2004 suggested that a close relative, the lesser vasa (or black parrot) Coracopsis nigra, showed dietary flexibility and was able to sample fruits that were not at a palatable stage to other species. Both species exhibited a mixed frugivorous and granivorous diet depending on season and habitat. Despite the study recording this behaviour in the congener of the Vasa, there were no documented observations of the Vasa engaging in similar behaviours. In fact when both species were observed there appeared to be no competition between the two species for food items.	Bollen, A. (2004) Fruit-frugivore interactions in a Malagasy littoral forest: a community-wide approach of seed dispersal. PhD theses, University of Antwerp Tella et al. (no date) Parrots as overlooked seed dispersers. The Ecological Society of America Randrianaina A.L. (2004) Contribution a l'etude bio-eco-ethologique de perroquet *Coracopsis vasa drouhardi* pendant le period de reproduction dans la region de Morondava. University of Antananarivo, Madagascar.
Captivity	Rarely kept and bred in the USA, low stock	The vasa parrot has always been an avicultural rarity. Its sombre colour and low price (during the period of mass exports of parrot	Silva, T. (1991) Psittaculture: Breeding, Rearing and

	in Europe. No export from country of origin.	species) resulted in low interest by breeders and pet owners, thereby curbing the current availability of captive bred birds. Birds bred in the USA command high prices due to this rarity. The scarcity of Vasa parrots in Northern America suggests it would be highly unlikely that the vasa parrot would be imported into Hawai'i in numbers sufficient enough to cause concern of establishment. Certainly wild exports are unlikely to recommence. Anecdotal evidence suggests that vasa parrots do not readily revert to wild-type diets once raised on a commercial feed type (in the submission by LM, who spoke with breeders/owners of the species). However, Silva (1991) records that in captivity they will readily eat anything offered, with one specimen surviving for 52 years from 1830 in London Zoo, a time when parrot needs were poorly understood	Management of Parrots. Silvio Mattacchione & Co., Canada

Guidelines for assessing the risk of non-native animals becoming invasive

(from the World Organisation of Animal Health)

Prior to exploring the parameters used to develop our understanding of potential invasiveness, it is worthwhile to discuss pathways of invasion for this species. Evidently there is no risk of natural dispersion to the archipelago, nor from the mainland United States due to geographic isolation and distance from potential sources. Intentional import appears to be the sole route for this species to arrive in the state. This pathway is naturally well regulated with processes in place to prevent escape during transit, to ensure animal health and security, to reduce opportunities of escape etc. Given that the HDOA can decline or dictate import requests, it seems entirely feasible that further requested imports could be single-sex groupings only to further reduce the risk of establishment and colonisation. Species that have become invasive generally have done so through an initial large founder colony event (i.e. mass imports at one time), or a slower influx of new members (escape or release of individuals). Small founder groups are inherently at risk of loss of genetic diversity and therefore fitness.

a) Biological factors: What are the feature of the animals that may affect the probability of establishment and spread of the animals?

– history of invasiveness elsewhere; ***Coracopsis vasa*** **has not been documented as a feral or invasive species in any country. Indeed, attempted release of a non-native propagule of this species failed on the isle of Reunion, which is climatically and geographically close to the natural habitat.**

– number and size of releases or escapes (propagule pressure); **Imports are likely to be very low, within the single figures, due to the scarcity, expense and lack of interest in this species. Therefore propagule pressure can be considered very low.**

– reproductive biology and capacity (fecundity, age of sexual maturity, breeding frequency, gestation length, etc.); **In the opinion of the researcher, it is the reproductive biology of the species that limits its potential as an invasive species, requiring an unusual sex ratio for successful reproduction, appropriately sized nesting cavities, a single breeding attempt per season in its natural habitat and high dietary needs for chick development. Full-nest mortality has been observed in the wild due to lack of food resulting in starvation (cause unknown) and also stunted growth and development in captivity when protein-poor diet was accidentally withheld from a colony.**

– diet; **The vasa parrot is considered predominantly frugivorous or granivorous depending on the habitat. A congener, the smaller *Coracopsis nigra*, is able to utilise underripe fruits and tolerates high tannin levels in food items, though this has not been observed in *C. vasa*.**

– whether the animals under consideration are wild or domesticated; **As with the majority of parrot species *C. vasa* is considered a non-domesticated species, and retains much of its wild-type behaviours.**

– whether the animals under consideration are generalist or specialised species; **Based on the life history and biological traits it could be determined that *C. vasa* is a generalist species, utilising a range of habitats in the native range.**

– range of tolerance and adaptability to environment and climate; **The vasa parrot is uniquely a species of the tropics, and associated habitat structures, including dry forest and moist forest. As a large bird this species is adapted to move across different biomes but within the constraints of <1000 meters and within the associated temperatures and humidity of the tropics.**

– dispersal mode and capacity; **Able to transverse large areas across biomes to large wing span and deep flight pattern, exhibits a degree of migration in native state.**

– longevity; **Data deficient for wild individuals. In captivity several decades are feasible. No record of predator species observed feeding on this species.**

– density dependence. **Unknown/ Data deficient, though dependent on pre-existing cavities for nesting**

b) Receiving environment: What are the features of the receiving environment that may affect the probability of establishment and spread of the animals? Examples of the kind of inputs that may be required are:

– climate match with the species native environment; **Using the IUCN biome index Hawaii has several biomes that match that of *C. vasa*, though it is unknown whether humidity, precipitation etc. are also compatible. Given that other tropical parrot species have established feral populations within the state it is reasonable to assume that climate would not be a limiting factor in establishment.**

– presence of suitable food source; **Unknown, though *Coracopsis nigra* and *Coracopsis vasa* have been noted as being an agricultural pest of cereals (maize and wheat) in the natural habitat.**

– presence of suitable breeding sites; **Unknown, though with no native cavity-constructing species in the state and the fact that tree hollows are a limited natural resource in general then this may be a limiting factor in establishment success.**

– geographical and environmental characteristics; **Unknown**

– presence of predators, competitors, parasites and pathogens. **Unknown, though documented that chick mortality has been due to heavy parasite load in one observed instance in the wild.**

c) Containment factors: What are the management factors that may affect the probability of establishment and spread? **All the following suggested questions have been issued in the request to import submission by L.M, giving detail the management of the individual upon arrival. In the case of further requests then similar caveats can be placed accordingly .**

Examples of the kind of inputs that may be required are:

– security capacity for housing, handling and transportation;

– intended use of the imported animals (e.g. pets, zoological collections, live food or bait, research etc.);

– the nature and frequency of human-assisted animal movements;

– live animal disposal practices (euthanasia, release, rehoming, etc.).

Review and Evaluation

Factors that may hinder the establishment of the species in the state of Hawai'i

There are several factors that are likely to reduce the risk of vasa parrots from establishing a feral population and therefore potentially becoming an invasive species, particularly in relation to other parrot species which are either on the Conditionally Improved list or that have feral populations in the state. These are as follows:

- Primarily the route of establishment is very restricted. There is a limited breeding population within North America, and there have been no exports of this species from its native habitat since 1993. It is highly unlikely sufficient numbers would be imported to found a potential feral colony.
- The pathway of invasion is strictly control or restricted. All imports must pass through the Hawaiian Department of Agriculture for approval. It is possible to therefore limit both numbers and sex of the species to ensure a suitably biased demographic (i.e. all males). Health and security are also similarly governed so risk of accidental escape or the introduction of pathogens or parasites is also controlled.
- Unlike other parrot species (with the exception of one other species, the Eclectus parrot) Vasa parrots have a complex polygynandrous breeding system. To successfully rear young females depend on multiple attending males to feed her intensely across the breeding season. Unless a large founding population is simultaneously introduced then it is unlikely that the correct sex ratio will be achieved in Hawai'i. It is possible that multiple males are required to help provide the nourishment to the rapidly developing chicks (one of the fastest development times in psittacines). Lack of food of suitable quantity or quality can stunt or limit growth during this critical development time. It has been proposed that food availability might be an ecological constraint, one which applied selective pressures towards this unusual reproductive system in *Coracopsis* species.
- Unlike the other psittacines established in the state vasa parrots are obligate secondary nest cavity users. This means that birds do not excavate nests or modify/enlarge existing holes, but must find appropriately sized cavities to nest in. The other species currently feral in the state (Cockatoos, Amazons and conures) are all adept at modifying existing cavities. No gnawing/chewing behaviour has been observed in Vasa parrots, indeed they are generally a non-destructive species and one of the few larger species that may be maintained in planted flights in captivity. Therefore suitable nest sites are likely to be a limited resource for this species (particularly given the number of other psittacine species in the state competing for the nesting sites).
- Unless a large consignment of birds is released simultaneously into the habitat then smaller localised escapes of individual are unlikely to establish viable populations, given the constraints of founder population dynamics. Genetic bottlenecks and inbreeding are likely to reduce fitness in species with low founder populations. Immigration of unrelated individuals is required to sustain genetic diversity and of course this would be controlled by import permits.

- Changes to the basal metabolic rate in this species requires a greater quantity and/or quality of food to accommodate for these changes. It is possible that these changes are associated with breeding and parental behaviours, particularly as the development of the young is fast, and again can be referred to the breeding system with multiple males delivering food to the female. Given the nutritional requirements for successful reproduction, it is unlikely that in a novel habitat with unfamiliar food resources that a foundling population will find sufficient material to meet calorific and dietary needs.
- Despite the rapid development of the young birds, Vasa parrots nest only once in their native habitat. Clutch size is also small, approximately 4 eggs.
- This species was intentionally released/introduced into an alien environment (Reunion Island) and the population failed to establish. It is unknown how many individuals were released, or the processes involved, but it is important to note that they have been purposely released without success of establishment.

Factors that may aid in the establishment of the species in the state of Hawai'i.

Though it is far from certain the following may aid in the species becoming invasive, it could be hypothesised that there are factors or attributes that could enable them to do so. These are as follows:

- Birds have large wingspans, cover large areas and are known to locally migrate in search for food sources, similar to many macaw and cockatoo species.
- Like many parrot species, they have been observed eating agricultural crops (wheat and maize) in their native range, with a degree of dietary plasticity depending on the habitat.
- Similar habitat types are likely to exist in Hawai'i, ensuring a suitable environment and climate, applicable to most of the parrot family.

Factors which would aid in the control of an established feral or invasive population

It is in this context that the vasa parrot is present several attributes that would make control of this species relatively easy, particularly in relation to the other species currently in feral or invasive populations in the state.

- Females are very easy to find, observe and trap at suitable nest sites.
- Males can be lured with playback of female song.
- Tame and approachable when feeding.
- Sit in exposed situations in during the day.
- Roost communally at night
- Very readily identified by silhouette, flight and size.
- The species is often caught either as a caged bird or as a food item in its native habitat, suggesting that trapping or hunting does not pose great difficulty in this species.

Conclusion

It is in the opinion of this researcher that the introduction of the vasa parrot does not represent a threat of invasion in the state of Hawaii, in its own right, or, when compared to other Psittacidae members. *C. vasa's* low potential for invasiveness is based on its life characteristics and other attributes. Given the species' unusual breeding system, unique dietary requirements, and obligate cavity nesting needs, it appears unlikely that a wild population could become established, even in the unlikely situation where multiple birds were imported in the future. Indeed, a review of the literature shows that the species has not ever successfully established a feral population outside its native habitat of Madagascar, even when an intentional attempt to colonize *C. vasa* was made. In addition,

the species is not particularly popular in the pet trade due to what many find an undesirable appearance, and as a result, it is imported into the United States in low numbers. These factors provide strong support for the State of Hawaii to transfer *C. vasa* from the "restricted animal" to the "conditionally approved" animal list, where the vast majority of Psittacidae—several of which have a greater potential for invasiveness-- are placed. The reproductive biology, social structure and unique dietary requirements of *C. vasa* are similar to that of the eclectus parrot, which is on the "conditionally approved" list of Psittacidae, providing additional support of transfer of *C. vasa*.

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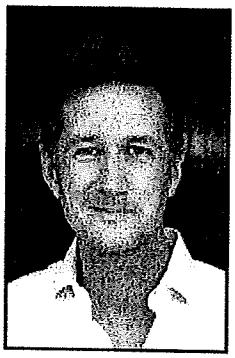

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Reviewer for the *Journal of Veterinary Behaviour*, 2018 on psittacine husbandry and welfare in zoological collections.

Education

2015 Bristol City College **Certificate in English Language Teaching (CELTA)**	Modules: -Developing teaching skills and professionalism -Planning and Resource management -Language analysis and awareness
2012-2013 University of the West of England **Postgraduate Certificate in Education (HE)**	Modules: -Learning and Teaching in Higher Education -Investigating Academic & Professional Practice in Higher Education -The Practice of Teaching in Higher Education
2008-2009 Reading University, Berkshire **MSc Wildlife Management & Conservation**	Modules: Vertebrate Pest Management; Ex-Situ Conservation; Mammal Conservation; Species & Habitat Conservation Thesis: ***Aviculture, the Pet Trade & Conservation.***
2003- 2006 Bishop Burton College, E. Yorkshire **BSc (Hons) Animal Behaviour & Training** **FdSc Animal Management & Behaviour**	Modules: Counselling & Behaviour Modification; Animal Communication, Advanced Animal Training. Dissertation: ***Plumage Maintenance and Preening Behaviour.*** Major Project: ***Impact of Introduced Rainbow Lorikeet on native flora & fauna in Western Australia.*** Project undertaken in conjunction with Dept. Environment & Conservation, Western Australia.

EXHIBIT 5

Employment

2018- Farmer of Speciality cut-flowers, St. Georges, France

-Providing sustainable, locally grown and seasonal specialty cut flowers to businesses in the Toulouse metropolitan area. Undertaking wedding and event work.

2015-2018- English Language Teacher, Self-employed, Toulouse, France

-Teaching English to business professionals. Maintaining training programmes and developing varied lesson plans and course evaluations.

2011-2015- Higher Education Lecturer & Programme Manager in Animal Behaviour & Welfare, Hartpury College campus, University of the West of England

-Programme Manager for FdSc Animal Behaviour & Welfare Students. Lecturing students in practical and theoretical skills, including: *Animal Behaviour, Management of Zoological & Aquaria Collections, Ethics & Welfare* and *Companion Animal Training & Behaviour*. Preparation of course modules, exam writing and module evaluations.

2010-2011- Higher Education and Further Education Lecturer, Askham Bryan College

-Teaching and supporting students across a range of programmes. Leading modules such as *Wildlife Management and Conservation, Animal Behaviour, Aquatics* and *Animal Training*. Preparation of course modules, exam writing and module evaluations.

2010- Environmental and Conservation Officer, Green Island Foundation, Seychelles (Contract)

-Project manager: mynah bird eradication. Assisted Seychelles Flycatcher Project Officer in monitoring and habitat surveys. Managed rat re-invasion protocol. Monitoring & supplementary feeding of Endangered Seychelles Magpie Robin. Stakeholder liaison and facilitation of conservation workshops.

2007-2008- Higher Education Lecturer, Bridgewater College

-Lecturing HE BSc students in Animal Management. Subjects include *Animal Nutrition, Biodiversity and conservation, Applied Animal Husbandry & Habitat, Aquatics* and *Environmental Enrichment*. Preparation of course modules, exam writing and module evaluations

2000-2003- Bird Section Leader, Wingham Wildlife Park

-Feeding, management, aviary landscaping and maintenance of a wide range of species, predominantly Psittaciformes and Passeriformes.
-Organising volunteers and staff, delivering education talks to visitors, school and university groups.

1997-1999- General Keeper, Penscynor Wildlife Park, South Wales

-Assisting in the husbandry of a mixed collection at a local wildlife park. Involved with zoological horticulture and design of exhibits.

References on Request

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[redacted] (Cell)

RESEARCH INTERESTS

Greater Vasa Parrots, including tool use, and evolution; TTOUCH for rehabilitation of Vasa Parrot; Bonding between Vasa Parrots and people; The Effects of the long term well-being of animals that are hand fed or bottle raised, including Vasa parrots, other parrots, horses, dogs and cattle.

EDUCATION

CERTIFICATE, University of Reno, Courts of Special Jurisdiction, 2000
JURIS DOCTOR, ENVIRONMENTAL LAW speciality, Lewis and Clark College Northwestern School of Law, 1993
BACHELOR OF SCIENCE, University of Wyoming, Major in Sociology, Minor in Psychology, 1990.
Attended University of Massachusetts, Animal Science classes, 1983-1984
Attended Bel-Rea Institute of Animal Technology, 1987

PROFESSIONAL EXPERIENCE

Assistant to Linda Tellington-Jones, TTOUCH.com, 2016 to present
Co-founder World Para-Reining, a non-profit in Texas, 2014 to present
Writer and Media: Adopt Oregon Mustangs, World Para Reining, contributor to TOUCH media 2009 to present
Justice of the Peace, 2006 to 2012, Baker County, Oregon.
Lawyer, 1993 to present.
Teaching Assistant and Instructor, University of Wyoming, 1989-1991
CSU Veterinary Teaching Hospital, 1980-1981
Denver Zoo, Volunteer, 1987

HONORS AND AWARDS

Honors Student at the University of Wyoming

Many Scholarships, including for first year of Law School

Kentucky World Para Reining Champion 2014

USPEA Paralympic Selection Trials ranked 19th overall, 2012

MEMBERSHIPS AND AFFILIATIONS

Oregon State Bar, 1993 to present
Federal Bar, 1995 to present
United State Para Equestrian Association 2009 to present
TTOUCH Community Member 2017 to Present