

**AGENDA**  
**BOARD OF AGRICULTURE MEETING**

**Date:** September 28, 2021  
**Time:** 9:00 a.m.  
**Place:** Virtual Videoconference Meeting – ZOOM Webinar (use link below)  
<https://zoom.us/j/99803964275>

Or One tap mobile :

US: +13462487799,,99803964275# or +16699006833,,99803964275#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

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Webinar ID: 998 0396 4275

International numbers available: <https://zoom.us/u/aVqShFPZt>

*In light of the COVID-19 pandemic, protecting the health and safety of the community is of utmost concern. Members of the public may submit written testimony via e-mail to: [HDOA.BOARD.TESTIMONY@HAWAII.GOV](mailto:HDOA.BOARD.TESTIMONY@HAWAII.GOV), via postal mail to the BOA Chairperson's Office at 1428 S. King Street, Honolulu, HI 96814-2512; or via fax to the BOA Chairperson at (808)973-9613. Please include the word "testimony" and the subject matter following the address line. All written testimony should be received no later than 4:30 pm on Monday, September 27, 2021.*

*Copies of the Board Packet will be available for on-line review at: <http://hdoa.hawaii.gov/meetings-reports/>.*

**INTERNET ACCESS:**

*To view the meeting and provide live oral testimony during the meeting, please use the above link. You will be asked to enter your name in order to access the meeting as an attendee. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., \*\*\*\*\*@\*\*\*mail.com.*

*As an attendee, your microphone will be automatically muted during the meeting unless you are providing testimony. For each agenda item you wish to testify on, please click the Raise Hand button found on your Zoom screen. Board staff will individually enable each testifier to unmute their microphone. When recognized by the Chair, please unmute your microphone before speaking and mute your microphone after you finish speaking in order to prevent audio feedback. When testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to two minutes of testimony per agenda item.*

**PHONE ACCESS:**

*If you cannot get internet access, you may get audio-only access by calling the Zoom Phone Number listed at the top on the agenda.*

*Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.*

*When the Chairperson asks for public testimony, you may indicate you want to testify by entering "#" and then "9" on your phone's keypad. After entering "#" and then "9", a voice prompt will let you know that the host of the meeting has been notified.*

*When recognized by the Chairperson, you may unmute yourself by pressing "#" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "#" and then "6" again to mute yourself.*

*For both internet and phone access, when testifying, you will be asked To identify yourself and the organization, if any, that you represent. Each testifier will be limited to two minutes of testimony per agenda item.*

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES FROM 6/22/21 MEETING
- III. INTRODUCTIONS

Dr. Helmuth Rogg, Plant Industry (PI) Administrator  
Richard Cohen, Measurement Standards (MS) Branch Manager

- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

#### A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

1. Request for Acceptance of Annual Lease Rents as Determined by Independent Appraisal for Rent Reopenings and New Leases for Various Lots Located Statewide; TMK Nos.: (1) 4-1-008:071, 072 por; (1) 4-1-018:049; (1) 4-1-027:027; (1) 4-1-035:001, 002, 004, 005, 006, 007, 008, 009, 011, 013, 014; (2) 2-2-004:001, 002, 029, 031, 066; (2) 2-2-005:047, 053; (3) 2-2-056:027, 028, 029, 030, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045; (3) 5-5-003:004, 005, 006, 5-5-005:001, 5-5-006:002, 003, 004, 015; (3) 7-3-049:002, 003, 005, 007, 008, 009, 010, 011, 012
2. Request for Approval to Sublease Between the Hamakua Agricultural Cooperative and AGE E, Inc.; General Lease No. S-7009, TMK: 3<sup>rd</sup> Div/4-3-0005:014(por), Lot No. 17, Hamakua Pohakuhaku and Kemau 1<sup>st</sup>, Hamakua, Island of Hawaii
3. Request for Approval of Termination of General Lease No. S-4432, Floral Resources-Hawaii, Incorporated, Lessee; TMK: 3<sup>rd</sup> Div/1-5-116:019, Pahoia Agricultural Park, Lot No. 19, Keonepoko Iki, Puna, Island of Hawaii
4. Request Approval for Modification of General Lease No. S-5567, Lot No. 73; Scott James Salfen, Lessee; TMK: 3<sup>rd</sup> Div/1-2-006:073, Kaimu, Puna, Island of Hawaii, Hawaii
5. Request for Approval of Extension of Lease Term, General Lease Nos. S-7000, S-7014, S-7015 and S-7016; Hawaii Beef Lease, LLC, Lessee; TMK: 3<sup>rd</sup> Div/4-3-005:002; 3<sup>rd</sup> Div/4-3-005-002-5002; 3<sup>rd</sup> Div/4-3-005-002-5003 and 3<sup>rd</sup> Div/4-3-005-002-5004, Hamakua Agricultural Park, Pohakuhaku and Kemau 1<sup>st</sup>, Hamakua District, Island of Hawaii, Hawaii

#### B. QUALITY ASSURANCE DIVISION

1. Request for (1) Preliminary Approval of Proposed Chapter 4-161.1, Hawaii Administrative Rules, entitled "Hemp Production" and (2) Authorization for the Chairperson to Schedule Public Hearings and to Appoint a Hearing Officer in connection with (1).

A summary of the proposed rules is as follows:

- A. §4-161.1-1 Definitions. Establishes definitions for hemp production rules.
- B. §4-161.1-2 Transportation. This section creates procedures and reporting requirements for the transportation of harvested hemp leaf and floral materials, and live hemp plants (1) between licensed producers, (2) between licensed producers and registered processors, or (3) for exportation.
- C. §4-161.1-3 Nuisance. Act 14 created 500 foot buffer zones around certain areas and structures, but exempted pilot program licensees who were licensed prior to August 27, 2020 from the buffer zone requirements in the areas for which they were licensed at the time. This section creates additional penalties for the violation of any nuisance, environmental, or land use regulations by licensees exempt from the buffer zone.
- D. §4-161.1-4 Inspection. Authorizes inspection and sampling by the Department of Agriculture and law enforcement to ensure compliance with Act 14 and these rules.

- E. §4-161.1-5 Violations and Penalties. This section establishes penalty provisions for violations.

A copy of the proposed rules are available at <http://hdoa.hawaii.gov/meetings-reports/>.

C. PLANT INDUSTRY DIVISION

1. Request for Review of the Petition from Anatis Bioprotection Inc. to Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71A, Hawaii Administrative Rules (HAR), to Change the List Placement of *Beauveria bassiana* strain ANT-03, a fungi on the List of Restricted Microorganisms (Part A), to Placement on the List of Nonrestricted Microorganisms to allow the importation of the Pesticide, BioCeres WP.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

None.

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*The Board may go into Executive Session pursuant to exceptions provided under Section 92-5, Hawaii Revised Statutes (HRS), including to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(4), HRS.*

*If you require special assistance or auxiliary aids or services to participate in the public hearing process, please contact staff at (808) 973-9550 at least 3 business days prior to the meeting so arrangements can be made.*

*The Hawai'i Department of Agriculture does not discriminate on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under applicable federal or state law, in administration of its programs, or activities, and, the Department of Agriculture does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.*

*If you have any questions about this notice or any of the Department's non-discrimination programs, policies, or procedures, you may contact:*

*Morris Atta, Acting Non-Discrimination Coordinator  
Hawai'i Department of Agriculture  
1428 S. King Street, Honolulu, HI 96814,  
(808) 973-9553  
[hdoa.titlevi@hawaii.gov](mailto:hdoa.titlevi@hawaii.gov)*

*If you believe that you have been discriminated against with respect to a Department of Agriculture program or activity, you may contact the Acting Non-Discrimination Coordinator identified above.*

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

*To request language interpretation for this document, please contact: LEP Coordinator located at 1428 South King Street, Honolulu, HI 96813 (Phone: 808-973-9469) Email: [hdoa.hr@hawaii.gov](mailto:hdoa.hr@hawaii.gov). Individuals may request oral interpretation services in order to request a written translation of this document.*