



Minutes of the Board of Agriculture November 29, 2022

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on November 29, 2022, at 9:13 a.m. by Board of Agriculture Chairperson, Phyllis Shimabukuro-Geiser. The meeting was conducted virtually via Zoom and in-person from the Agricultural Loan Division Conference Room and the Hale Waiolama Board Room, both located at 1428 S. King St.

Members Present:

- Phyllis Shimabukuro-Geiser, Chairperson, Board of Agriculture
Suzanne Case, Chairperson, Board of Land and Natural Resources, Ex Officio Member
Dr. Ania Wieczorek, Interim Dean CTAHR, Ex Officio Member
Mary Alice Evans, Ex-Officio Member
Diane Ley, Hawai'i Member
Vincent Mina, Maui Member
Fred Cowell, Kauai Member
Randy Cabral, Member-at-Large
En Young, Member-at-Large
James Gomes, Member-at-Large

Note: Chair Shimabukuro-Geiser and Board Members Ley, Mina, Cowell, Cabral, Gomes, and Deputy Attorney General Bryan Yee were present, in-person at the conference room located in the Agricultural Loan Division. Board Members Case, Wieczorek, Young, and Evans joined virtually via zoom.

Deputy Attorney General Bryan Yee was present in the Agricultural Loan Division's conference room.

Others Virtually Present:1

- Andy Cullison, DLNR/DOFAW
Becky Azama, DOA/PI
Brandi Ah Yo, DOA/ARMD
Chris Farmer
Chris Kishimoto, DOA/PI/PQB
ChunkB
Creighton Mow, Hawai'i Rainbow Orchids
Cynthia King, DLNR/DOFAW HIP
DHDF
Donald Garwood
Greg Takeshima, DOA/PI/PEST
Hawai'i Fish Company, Ronald Weidenbach

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

- 1 HDOA PIO
- 2 Helmuth Rogg, DOA/PI
- 3 Janet Ashman
- 4 Jillian Scheibe, DOA/AGLN
- 5 Jodi Yi, DAG
- 6 Jonathan Ho, DPA/PI/PQB
- 7 Joshua Fisher
- 8 JTK
- 9 KITV4
- 10 Kori Koike
- 11 Launnie Ginn
- 12 Matthew Loke, DOA/ADD
- 13 Michael Melzer
- 14 Milton Coleman Jr. Kumuhau Farm Lot
- 15 Morris, DOA/CHR
- 16 Nancy Jones
- 17 Nicole Ferguson, DOH
- 18 nishimotosk
- 19 Noni Putnam, DOA/PI/PQB
- 20 Public Testimony
- 21 Roy Hasegawa, DOA/ARMD
- 22 Ryan Earehart, Oko`a Farms
- 23 Steven Montgomery
- 24 Stewart Desmeules
- 25 tracyjohnson
- 26 Wayne Takamine, DOA/AGLN

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II. APPROVAL OF MINUTES FROM 10/11/22 MEETING

Motion to Approve: Gomes/Mina

Vote: Approved; 10-0

III. INTRODUCTIONS – None.

1 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

2
3 A. ANIMAL INDUSTRY DIVISION

- 4
5 1. Request for Approval of a Right-of-Entry (ROE) in favor of the US Navy to
6 Conduct a Site Survey and Utilities Toning for a Monitor Well and Laydown
7 Area on the Animal Quarantine Station Property

8
9 Dr. Isaac Maeda, AI, presented testimony as submitted.

10
11 Motion to Approve: Gomes/Cabral

12 Vote: Approved; 10-0

- 13
14 2. Request for Approval to (1) Adopt Proposed Amendments to Chapter 4-16,
15 Hawaii Administrative Rules, entitled "Cattle, Sheep and Goats" Concerning:
16 Objective, Construction of Rules, Subchapters, Definitions, Quarantine-general,
17 Quarantine area-feedlot, Quarantine area-slaughterhouse, Regulatory
18 jurisdiction on importations, Entry status on imports, Ports of entry, Carrier
19 responsibility on importations, Use of quarantine station facilities, Regulatory
20 jurisdiction on exports; Subchapter 2 Cattle, Scope, Pre-shipment entry
21 requirements, Post-shipment entry requirements, Anaplasmosis surveillance,
22 control, and eradication, Brucellosis surveillance, control, and eradication,
23 Vaccination for brucellosis prohibited; exceptions, Tuberculosis control and
24 eradication; Subchapter 3 Sheep, Scope, Pre-shipment entry requirements,
25 Post-shipment entry requirements; Subchapter 4 Goats, Scope, Pre-shipment
26 entry requirements, Post-shipment entry requirements; and (2) Submission of
27 Hearings Officers Summary of Public Hearings Testimony on Proposed
28 Amendments to Chapter 4-16, Hawaii Administrative Rules, and Hearings
29 Officers' Recommendation.

30
31 Chair announced that Board Member Gomes had decided to recuse himself from the matter.
32 Although he is no longer, he was an officer of the Hawai'i Cattleman's Council at the time of the
33 last vote. Chair reopened the matter for additional comment, discussion and revote on the
34 motion. Staff did not repeat presentation. Chair noted that the 10% provision was deleted.

35
36 Motion to Accept: Cabral/Ley

37
38 Public Testimony:

39 Ms. Inga Gibson, Pono Advocacy on behalf of the Animal Welfare Institute testified in support of
40 changes at last meeting. She asked the Board to urge the Department to move forward with
41 the heat stress study.

42
43 Dr. Lisa Wood, HI Cattleman's Council, Animal Health and Well Being committee, testified that
44 heat and stress levels as it relates to the general wellbeing of animals are valid concerns and
45 voiced support for the regulations as written.

46

1 Ms. Nicole Galase, Hawai'i Cattlemen's council stood in support of written testimony as
2 submitted.

3
4 Discussion:

5 Board Member Case reiterated her encouragement of temperature studies.

6
7 Vote:

8 Roll-call vote: Approved-9; Recused-1 (Gomes)

9

10 B. AGRICULTURAL LOAN DIVISION

11

12 1. Request for Approval of One (1) New Farmer Loan to Sigfrido Valdovinos
13 Ramos and Angela Magana Ortiz, co-borrowers.

14

15 Jillian Scheibe presented testimony as submitted.

16

17 Motion to Approve: Cowell/Gomes

18

19 Discussion:

20 In response to questions about the lease, Ms. Scheibe explained that the transaction was
21 between Mr. Tu`i and the borrowers and the lease price to Kamehameha Schools is \$1,400
22 annually.

23

24 Board Member Cabral asked how the loan would be recovered in the event of a default. Mr.
25 Morris Atta, Acting Ag Loan Administrator answered that if there was a default, the terms of the
26 lease would control. He said that permanent improvements would go to Kamehameha Schools
27 and anything else would remain to satisfy the debt. Under the mortgage, DOA would step into
28 the shoes of the lessee. DOA would be in possession of the lease and could dictate who would
29 assume the lease. He added that there was value to the lease, assuming the lease term was
30 sufficient, and a suitable assignee could be found to take over the lease.

31

32 Roll Call Vote: Approved-9; with Reservations-1 (Cabral)

33

34

35 2. Request for Approval of One (1) Emergency Loan to Jamie Shishido.

36

37 Jillian Scheibe presented testimony as submitted.

38

39 Motion to Approve: Mina/Gomes

40

41 Discussion:

42 Board Members commented on the availability of grants from Maui County and the federal
43 government to lessen the liability and Mr. Shishido's significant drop in farm income in 2021 due
44 to the inability to grow certain crops due to deer destruction. Ms. Scheibe noted that Mr.
45 Shishido intends to pay off the loan faster is he is approved for grant monies.

46

47 Vote: Approved; 10-0

- 1
2
3 3. Request that Three (3) Loans to Hali'imaile Pineapple Company, Ltd. be
4 Referred to the Attorney General's Office for Disposition and/or Collection.
5

6 Wayne Takamine presented testimony as submitted.
7

8 Mr. Atta added that there were numerous attempts to get them on a workout or forbearance
9 plan, but they failed to meet obligations and promises. They continue to seek outside investors.
10 He said that there would be more tools to close out the loans with the involvement of the
11 Attorney General's office.

12 Motion to Approve: Cabral/Mina
13

14 Discussion:

15 Board Member Mina asked about an email from Mr. Darren Strand regarding the purchase of
16 LeVecke. Mr. Takamine answered that he received the email, however, they did not receive a
17 formal business plan and were waiting for something to be presented in writing. He added that
18 they do not know the background of the company that would assume ownership of the farm and
19 whether they would qualify under the loan program.
20

21 Chair asked Mr. Atta about the email from Mr. Strand. Mr. Atta acknowledged Mr. Strand's
22 involvement. However, the information provided was not sufficient to meet the eligibility criteria.
23 He clarified a comment made by Mr. Takamine regarding LeVecke's eligibility by saying that
24 there was no conclusive position on whether LeVecke qualified for Ag Loans. The Chair at that
25 time made a determination and allowed the sale move forward. The current position is that it
26 would be imprudent to continue without getting the Attorney General's office involved to obtain a
27 viable assumption or repayment plan.
28

29 Board Member Young was concerned about the brand and the 41 jobs that could be lost. Mr.
30 Atta said that he was also torn because of the value of the brand. He said the concerns are valid
31 and probably the reason why LeVecke Corp. was allowed to take over.
32

33 Board Member Gomes asked what would happen if it went to the Attorney General's (AG) office
34 and they are still not able to pay. Mr. Atta answered that they would go after the security. The
35 State would assume control over assets but it would be optimal to find someone who can take
36 over at a reasonable price so they could recoup the monies. He commented that the AG's office
37 would have more tools available and could be more flexible and that there would be a greater
38 incentive to come-up with something concrete. The AG's office could be more flexible in any
39 concessions that can be given to the borrower. Board Member Gomes asked about the worst-
40 case scenario and if payment were not possible what were the safeguards to recoup the
41 monies. Mr. Atta explained that the loan package should assess the repayment ability and the
42 risks of nonpayment. Collateral, revenue stream, valid appraisal of collateral, history of the
43 business, sources of revenue should be reviewed in the front end. He also pointed out that as
44 lender of last resort, the State takes a higher risk than a bank.
45

46 Board Member Wiczorek voiced concern about the consequences if nothing was done. She
47 commented that it was going on for so long with no progress, and if nothing was done, a

1 precedent may be set that could have long-term negative effects as more people may consider
2 not repaying their loans.

3
4 Board Member Evans said that drought, axis deer, feral pigs and climate change were affecting
5 farmers across the state. She supported the motion but thought that underwriting criteria may
6 have to consider that farmers are dealing in a harsher natural environment and subsidies should
7 consider conditions that they don't have control over. Mr. Atta noted that because if the source
8 of funding, the inability to collect and recoup the money would deplete the total resources
9 available for loans.

10
11
12 Board Member Young asked if settlement would come back to the board. Mr. Atta
13 acknowledged that it would.

14
15 Vote: Approved 9; with reservations-1 (Mina)

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17
18 4. Request for Approval of One (1) Emergency Loan to Oko'a Farms Inc.

19
20 *Some of the Board Members had not received and reviewed the item which was a late addition*
21 *to the original packet. Chair deferred the item to later in the meeting following the ARMD*
22 *submittals. (The agenda order will be maintained for reporting of the minutes.)*

23
24 Wayne Takamine presented testimony as submitted.

25
26 Motion to Approve: Mina/Gomes

27
28 Mr. Ryan Earehart, Okoa Farms, testified that the loan would help to secure perimeter and
29 move forward.

30
31 Discussion:

32 There was discussion on the height of the fence. In addition to the fence, applicant indicated
33 that they would use trail cameras with notification to their mobile phones.

34
35 Vote: Approved; 10-0

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37
38 *The Board was in recess from 10:29 a.m. – 10:37 a.m. prior to the ARMD presentations*
39

40
41 C. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 42
43 1. Request for Acceptance of Annual Lease Rents as Determined by Independent
44 Appraisal for Rent Reopenings and Vacant Land for Various Lots Located
45 Statewide; TMK Nos.: (1) 4-1-010:005, 008, 030, 037, 038, 039, 044; (1) 4-1-
46 018:047, 051; (1) 4-1-026:015; (1) 4-1-027:011, 014; (1) 4-1-035:007, 014; (1) 5-
47 6-006:032; (1) 8-5-005:009; (1) 9-1-031:025; (2) 5-2-001:011, 012, 014, 017,

1 023, 027, 028; (4) 1-9-001:011; (4) 4-1-002:012, 018; (4) 4-3-004:001, 014, 017;
2 (4) 4-4-004:004, 051; (4) 4-5-015:008; (3) 1-5-116:001, 003, 005, 007, 012, 013,
3 015, 017, 018, 020, 028, 029, 030, 032, 033, 036, 037, 038, 039, 040, 041, 043,
4 044, 046, 047, 048, 051, 053, 054, 056, 057, 058, 059, 060, 062; (3) 1-9-
5 001:018; (3) 2-2-056:033, 046, 047, 048, 049, 050, 051, 052, 053, 054; (3) 2-4-
6 049:004, 006, 017; (3) 4-6-002:001; (3) 5-5-007:011; (3) 5-9-002:006; (3) 6-6-
7 005:028; (3) 7-3-049:017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028,
8 029, 031, 032, 033; 034, 035
9

10 Linda Murai presented testimony as submitted.

11

12 Motion to Approve: Gomes/Cabral

13

14 Discussion:

15 Ms. Kelly Stern and Mr. Paul Izak representing Yogarden, testified that the price increase would
16 be challenging and wanted to know if it could be reconsidered.

17

18 Board Member Evans asked why the lessee would not get a decrease in the lease rental when
19 the appraisal shows a decrease in the property value. Ms. Murai answered that if the appraisal
20 was lower, the rent would stay at the current higher rate based on a provision in the standard
21 form leases and the Hawai'i Administrative Rules.

22

23 Board Member Ley said that certain geographic areas have reductions in appraised values and
24 asked if the appraiser provided reports on the triggers for specific geographic areas when there
25 are significant increases or reductions. Ms. Murai said that there is a full appraisal report for
26 each rental assessment.

27

28 Board Member Mina asked Mr. Izak if he was notified about the increase. He replied that he
29 received a general email. Board Member Mina asked if there was latitude to adjust. Ms. Murai
30 explained the process for assessments, the tenant's options to contest.

31

32 Board Member Cabral said that the Board was told that the statutes dictated the rate and asked
33 if the Board had a choice. DAG Yee answered that the rate must be based on an appraisal. If
34 the lessee wanted to get their own appraisal, then an arbitrator would decide. There was further
35 discussion on the lessee challenging the lease rental amount. DAG Yee said that unless the
36 rules change, there is no other option.

37

38 Chair asked Mr. Kau to explain how rental income supports the operation of the program. Mr.
39 Kau said that the law requires the program to be 100% self-sufficient and the lease rents
40 provide 100% of the operating funds for the program. He said that it is generally a favorable
41 agreement for lease rents because they are set at unimproved, vacant lands. The reopenings
42 are spelled out in the leases and the tenants should be able to program the increases into their
43 business plans. The assignee agreed to the conditions of the original lease which included the
44 reopening provision.

45

46 Chair said that property managers are available if the lessees have any questions.

47

1 Vote: Approved-6; with reservations-4 (Evans, Gomes, Mina, Ley)
2

- 3 2. Request for Approval to Withdraw Three Encumbered Land Parcels from
4 Governor's Executive Order No. 4535 and Re-set Aside to the Department of
5 Land and Natural Resources Pursuant to Act 90, SLH 2003, Codified as Chapter
6 166E, Hawaii Revised Statutes, TMK Nos.: (1) 4-1-008:054 and 059, and (1) 4-1-
7 010:004, Island of Oahu, Hawai'i
8

9 *Deferred.*
10

- 11 3. Request Approval for Conversion of Revocable Permit No. S-6814 to a New
12 General Lease for Ronald P. Weidenbach dba Hawaii Fish Company; TMK Nos:
13 (1) 6-9-001:002, 003 and 036; Kaena, Waialua, Island of Oahu, Hawai'i
14

15 Linda Murai presented testimony as submitted.
16

17 Motion to Approve: Gomes/Mina
18

19 Ms. Janet Ashman strongly supported long-term lease.
20

21 Board Member asked if a friendly amendment could be done to change the name to Hawai'i
22 Fish Company, Inc. and to amend the term. Ms. Murai said that the name on the Revocable
23 Permit is Hawai'i Fish Company, and they could do an assignment to a corporate successor.
24 DAG Yee explained that the agenda item is the conversion of the existing RP. Then they would
25 assign the new lease to the corporation. Board Member Cabral also asked about changing the
26 term to 65-years. Ms. Murai said the maximum term could go up to 65 years, but standard
27 practice was to start with a 35-year term.
28

29 Board Members Gomes and Mina agreed to the amendment to increase the term to not more
30 than 65-years.
31

32 Vote: Approved; 10-0
33
34

- 35 4. Request to Terminate General Lease No. S-3109, Milton Coleman, Jr., Lessee;
36 Issue Cancellation Document, and Disposition of Lot; TMK: (1) 4-1-018:048,
37 Koolaupoko, Waimanalo, Island of Oahu, Hawai'i
38

39 *Deferred.*
40

- 41 5. Resubmittal - Request for Consent to Assignment of General Lease No. S-9013;
42 Launnie L. Ginn, Lessee/Assignor, Kumu Farms, LLC, Assignee; TMK: (2) 5-2-
43 001:021; Molokai Agricultural Park, Lot 12, Island of Molokai, Maui County,
44 Hawaii
45

46 Linda Murai presented testimony as submitted. She also said that there were 3 Expression of
47 Interest Forms for Molokai, 2 submitted by companies owned by the same person. She said th

1 owner added that expressions of interest forms for Molokai – 3; 2 submitted by companies
2 owned by the same person.

3
4 Motion to Approve: Mina/Gomes

5
6 Discussion:

7 Board Member Ley asked why Ms. Murai did not reach out to the person who showed interest.

8 Ms. Murai explained that if the lot was vacant, they would contact the interested parties.

9 Because this was an assignment, the Board could approve or disapprove the assignment.

10
11 Vote: Approved; 10-0
12
13

- 14 6. Request to: 1) Terminate General Lease No. S-9001, Jane Kelly LaVoie, Lessee;
15 Issue Cancellation Document, and Disposition of Lot 2; and (2) Rescind Approval of
16 Farm Dwelling; TMK: 2nd Div/5-2-001:011, Lot No. 2, Molokai Agricultural Park,
17 Hoolehua, Island of Molokai, Hawaii
18

19 *Deferred.*
20
21

- 22 7. Request to Terminate General Lease No. S-1008, Creighton Mow and Elton Mow,
23 Lessee; Issue Cancellation Document, and Disposition of Lot; TMK: (1) 8-5-
24 034:008, Waianae Agricultural Park, Lot 8, Waianae, Island of Oahu, Hawai'i
25

26 *Deferred.*
27
28

29 *Item B-4 followed the ARMD presentations.*
30

31 The meeting recessed for 5 minutes at 12:02 p.m.
32
33

34 D. AGRICULTURAL DEVELOPMENT DIVISION 35

- 36 1. Request for (1) Preliminary Approval of Proposed Adoption of Chapter
37 4-61, Hawaii Administrative Rules, entitled "Food Hub Grant Program"
38 Concerning: Rules of General Applicability, and Eligibility and Selection Process;
39 Subchapter 1 Purpose, Definitions, Purpose of Program, Grant; Purpose; Use of;
40 and Subchapter 2 Eligibility Requirements, Application Procedure, Consideration
41 and Review of Applications, Preferences and Priorities in Making Grants,
42 Maximum Grant Amount; Disbursement, and Acknowledgement and (2)
43 Authorization of the Chairperson to Schedule Public Hearings and to Appoint a
44 Hearing Officer.
45
46

47 Dr. Matthew Loke presented testimony as submitted.

1
2 Motion to Approve: Ley/Gomes

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4 Discussion:
5 Board Member Ley was not clear on what was included and wanted to know if transportation
6 was included. Dr. Loke said they are focused on construction of the facility.

7
8 Board Member Young said that Pacific Gateway has done food hubbing and may be eligible for
9 a grant, so he abstained from the vote.

10
11 Board Member Evans asked about the source of funding for the program and if it was expected
12 to be self-sustaining. Dr. Loke said that \$1.5 million was allocated for FY 22-23 to develop the
13 program. The legislature asked for annual reports and they could ask for more funds if needed.
14 Chair said that it's not part of the administration's package and the funds would lapse if not
15 encumbered by 6/30/23.

16
17 Vote: Approved-9; Abstain-1 (Young)

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19
20 E. PLANT INDUSTRY DIVISION

21
22 Pesticides Branch

23
24 1. Request that the Final Order for In the Matter of J.TEX FARM, INC. and JUSTIN
25 TEIXEIRA, Docket No. 22-PE-023, be Referred to the Attorney General for
26 Collection.

27
28 Scott Nishimoto, Case Developer, presented testimony as submitted.

29
30 Motion to Approve: Gomes/Ley

31
32 Vote: Approved; 10-0

33
34
35 2. Request that the Final Order for In the Matter of CHUAN PRODUCE, INC. and
36 PAU CUN CHI, Docket No. 20-PE-109, be Referred to the Attorney General for
37 Collection.

38
39 Motion to Approve: Cabral/Gomes

40
41 Vote: Approved; 10-0

42
43
44 Plant Quarantine Branch

45
46 3. Request to: (1) Preliminarily Review the Currently Unlisted Moth, *Euselasia*
47 *chrysippe* (Lepidoptera: Riodinidae) for Future Placement on the List of

1 Restricted Animals (Part A) As a Biocontrol Agent of *Miconia calvescens* by the
2 United States Department of Agriculture Forest Service (USDA FS);

3
4 (2) Provided the Moth, *Euselasia chrysippe* is Placed on the List of Restricted
5 Animals (Part A), Allow the Release from Laboratory Quarantine of the Moth,
6 *Euselasia chrysippe*, by Permit, For Biocontrol of *Miconia calvescens* by USDA
7 FS;

8
9 (3) Provided the Moth *Euselasia chrysippe* is Placed on the List of Restricted
10 Animals (Part A), Allow the Importation, Possession, and Release of *Euselasia*
11 *chrysippe*, by Permit, For Biocontrol of *Miconia calvescens*, by the USDA FS;

12
13 (4) Provided the Moth *Euselasia chrysippe* is Placed on the List of Restricted
14 Animals (Part A), Establish Permit Conditions for the Importation and Release of
15 *Euselasia chrysippe* As a Biocontrol Agent of *Miconia calvescens*, by the USDA
16 FS; and

17
18 (5) Authorize the Chairperson to Schedule a Public Hearing and Appoint a
19 Hearing Officer in Connection with the Proposed Amendments to Chapter 4-71,
20 HAR to Place the Unlisted Moth, *Euselasia chrysippe* on the List of Restricted
21 Animals (Part A).

22
23 Chris Kishimoto presented testimony as submitted.

24
25 Motion to Approve: Gomes/Ley

26
27 Discussion:

28 Board Member Gomes said that he would like to see the results and asked that reports be
29 generated and brought back to the board. Dr. Rogg said that it is in cooperation with multiple
30 partners in Hawai'i. They have personnel and funding restrictions but the partners should be
31 able to coordinate systematic monitoring and follow-up. They probably do not have sufficient
32 personnel but will record the impact and get sufficient data.

33
34 Board Member Mina asked if trials are being done before release to get an idea of the timetable.
35 Dr Tracy Johnson, U.S. Forest Service, said they know a little from lab tests and observations in
36 Costa Rica. They are not going to do it in an enclosed space. They will monitor consumption of
37 miconia out in the field.

38
39 Vote: Approved; 10-0

- 40
41 4. Request to Review the Request from Dr. Michael Melzer, University of Hawaii, to
42 Shorten or Exempt the Duration of Quarantine for Coffee Leaf Rust-Resistant
43 Coffee Plants, *Coffea* spp., Subject to Alternative Propagation or Import
44 Procedures, Pursuant to Chapter 4-70-6, Hawaii Administrative Rules.

45
46 Jonathan Ho Inspection Compliance section chief presented testimony as submitted.
47

1 Motion to Approve: Cowell/Gomes/Ley

2

3 Discussion:

4 Board Member Cowell clarified that they are looking at 109 plants currently in quarantine.

5 Board Member Young asked about current process. Mr. Ho said under Federal process, they
6 cannot do concurrent release because quarantined under Feds; rules give the board the ability
7 to manage the quarantine. Dr. Melzer has done the 1-year state quarantine.

8

9 Board Member Evans asked how many coffee plants were in the state and if they can use the
10 800 and create a larger number of rust resistant coffee plants for farmers. Mr. Ho said that all
11 the plants would need to go through the 18-month process. Once released from state and
12 federal quarantine, they are eligible for propagation and distribution to the farmers.

13

14 Mr. Ho clarified that this action only applies to the current batch.

15

16 Vote: Approved; 10-0

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19

5. Request to Review the Request from David Smith, Department of Land and Natural Resources, to Designate the Kahului Airport on Maui and the Lihue Airport on Kauai as Additional Ports of Entry, Pursuant to Chapter 150A-5(10), Hawaii Revised Statutes, for the Importation of the Southern House Mosquito, *Culex quinquefasciatus* Inoculated with *Wolbachia* Bacteria, for Mosquito Suppression.

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Jonathan Ho presented testimony as submitted and noted staff recommendation was to approve Kahului but not add Lihue at this time because there are only 2 inspectors on the island.

Motion to Approve: Ley/Cabral

Discussion:

Testimony in support was presented by Mr. Joshua Fisher, Fish and Wildlife Invasive species biologist, Fish and Wildlife services; Mr. Chris Farmer, Hawaii Program Director for American Bird Conservancy; Ms. Nicole Ferguson, DOH Entomologist for Maui.,

Ms. Cynthia King, DLNR-DOFAW-HIP, Entomologist testified that she understood the Kauai staffing issue. She said ultimate flexibility was important as the project moves forward. She indicated that there is a 24-hr window to pack, ship, and inspect the mosquitos and the longer they stay packed, the less fit they are.

The item relates to a DLNR application, therefore Board Member Case recused herself from the vote. She said the application request is for Kahului and Lihue and understands that staff is cautious because of the staffing issue. They will not ship mosquitos if inspectors are not available to inspect. She said that it was an urgent, time sensitive issue and having to repeat process again would create unnecessary delay.

1
2 Board Member Evans supported Chair Case's comment for friendly amendment to staff's
3 recommendation and wanted to include both Lihue and Kahului as ports of entry.
4
5 Chair proposed that reason why staff recommended what they did was staff could not get any
6 idea on the number of shipments that would go to Lihue. Because of the importance, keep them
7 separate and delegate the authority to state regulatory official, chair of plant and animal
8 advisory committee, the authority to approve Lihue. They could delegate the Division Head to
9 approve Lihue. She gave the example of the Merry Monarch Festival when they employ
10 inspectors across the state.
11
12 *Board Member Wieczorek left for next meeting at 1:04 p.m.*
13
14 Board Member Case said that it was 2 different issues. She said that this one is the approval of
15 the port of entry. Inspection on a day-to-day basis is different. She commented that it was not
16 wise to muddy board approval with question of staff capacity. DLNR is asking for approval of
17 importation, not a staffing issue.
18
19 DAG Yee said procedurally, there is a motion. There are 2 proposals, and the Board could
20 accept either or neither.
21
22 Board Member Ley said she was comfortable with Board Member Evan's proposal. Board
23 Member Cabral said that the information was not yet available from DLNR. Board Member Case
24 said that the process is underway and explained that Maui is more advanced than Kauai. The
25 process is the same, but the data is not available.
26
27 Board Members Ley and Cabral accepted the amendment to include both Lihue and Kahului as
28 ports of entry.
29
30 Mr. Ho said that if approved, the port of entry would be open. Procedurally, they would work
31 together to ensure everything is smooth. There would be no way to do an inspection if the
32 inspector is not available. He said they were not questioning the need but their ability to do it in
33 a timely fashion.
34
35 There was further discussion regarding what would happen if shipments are made when the
36 inspectors are not available. Chair summarized that the shipper is willing to take the risk that if
37 staff is not available, shipments may be compromised/sacrificed. Board Member Case agreed.
38
39 Chair withdrew her proposed amendment.
40
41 Vote on amended motion made by Board Member Evans to designate both Kahului Maui and
42 Lihue Kauai as points of entry.
43 Approved-7; w/reservations-1 (Chair); Recused-1 (Case); Excused-1 (Wieczorek)
44
45
46

1 V. OLD BUSINESS

2 None.

3

4 VI. NEW BUSINESS

5 None.

6

7 The meeting was adjourned at 1:13 pm.

8

9 Respectfully submitted,

10

11

12

13 Jan Ferrer

14

15