

State of Hawaii
Department of Agriculture
Agricultural Loan Division

August 22, 2023

Board of Agriculture
Honolulu, Hawaii

Subject: Request for Approval to Activate and Set Parameters for DOA's Emergency Loan Program to Provide Relief Relating to Wildfires in the Counties of Maui and Hawai'i

Acting Governor Sylvia Luke issued a Proclamation relating to wildfires on August 8, 2023, and Second and Third Proclamations on August 9, 2023, declaring a state of emergency with a relief period until August 31, 2023. The very dry conditions combined with strong and damaging easterly winds caused by the passage of Hurricane Dora to the south of the State caused catastrophic damage and loss of life in Maui County and caused damage in Hawaii County. The large wildfires burned thousands of acres, cut off communications, and forced closures of roads and schools, and evacuation in the Kohala Ranch, Kula and Lahaina areas. These wildfires caused damage, losses, and suffering of such character and magnitude as to affect the health, welfare, and living conditions of a substantial number of persons, and to affect the economy of the State, and has the potential to be of such a nature as to warrant rehabilitative assistance from the State.

The Governor's proclamations allow for the activation of section 155-9(e), Hawaii Revised Statutes (HRS), which provides for emergency loans to provide relief and rehabilitation to qualified farmers without limit as to purpose who have suffered great economic losses in the stricken areas. Section 155-9(e), HRS, requires that "the maximum amounts and period for such loans shall be determined by the board of agriculture; provided that the board shall require that any settlement or moneys received by qualified farmers as a result of an emergency declared under this section shall first be applied to the repayment of an emergency loan made under this chapter."

In this regard, the following loan amounts, terms, and parameters are recommended for board approval:

1. Maximum loan amount: \$350,000.00
2. Terms to be determined on a case-by-case basis as needed. Consideration will be based on historical farm performance and projected cash flow based on reasonable assumptions of revenue and expenses.

3. Interest rate: 3%
4. The credit elsewhere requirement shall be waived for loans \$150,000 or less. Loans above \$150,000.00 shall require one (1) credit denial.
5. The 3-year residency requirement for U.S. Citizens and permanent resident aliens shall not apply.
6. Collateral requirements may be modified or waived, as necessary, on a case-by-case basis. Wherever possible, the provisions of Section 155-11, Security for Loans, should be followed.
7. Emergency Loan Applications can be accepted until February 29, 2024. Pursuant to Section 4-8-15, Hawaii Administrative Rules, the scope of any loans under this program shall be limited to the emergency period (under which the losses caused by the emergency shall have taken place). However, the program may accept applications after the emergency period ends.

It is hereby requested that the Board of Agriculture approve activation of the emergency loan program with the above recommendations.



Dean M. Matsukawa
Acting Agricultural Loan Administrator

APPROVED FOR SUBMISSION:



Sharon Hurd
Chairperson, Board of Agriculture

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL LOAN DIVISION

TO: BOARD OF AGRICULTURE
FROM: AGRICULTURAL LOAN DIVISION
SUBJECT: Hikari Nursery & Landscaping, Inc.

IT IS HEREBY REQUESTED THAT SUBJECT ACCOUNT BE REFERRED TO THE ATTORNEY
GENERAL FOR DISPOSITION AND/OR COLLECTION

1. NAME: Hikari Nursery & Landscaping, Inc.
2. ADDRESS (Residence):
(Mailing): P.O. Box 4222 Hilo, Hawaii 96720

3. Account is based on the following information:

LOAN			PROMISSORY NOTE			
Number	Amount	Approved	Years	Rate	Annual Payments	Maturity
DA-5902	\$200,000.00	07/16/1992	20	5.5%	\$16,736	10/01/2012

4. Legal Instruments

Promisory Note, Security Agreement, Financing Statement, Personal Guaranty, Life Insurance Collateral Assignment

5. Loan Balances at 7/15/2023

Loan Number	LOAN BALANCES		DELINQUENT AMOUNT		PERIOD OF DELINQUENCY
	Principal	Interest	Principal	Interest	
DA-5902	\$93,553.24	\$0.00	\$93,553.24	\$0.00	10/01/2001

6. Sources checked in an attempt to furnish information herein:

Borrower files, loan accounting system and borrower provided information.

CONCLUSION AND RECOMMENDATION:

See Attached.

CONCLUSION AND RECOMMENDATION:

Background:

Lew Nakamura was born and raised in Wahiawa, Hawaii. His introduction into agriculture was working summers at Del Monte's pineapple operation in Kunia. He attended the University of Hawaii in Hilo where he earned a baccalaureate degree in tropical agriculture. After graduation, he found employment with the Soil Conservation Service in Washington State and later as a Grounds Superintendent for Maui Sheraton. Mr. Nakamura had long planned to operate his own nursery and in 1987 formed a partnership with classmate Elston Takayama. The Department of Agriculture assisted the project with financing and an agricultural park lease in Pahoia, Hawaii.

In 1992, a \$200,000 Class A loan was made to the partnership of Lew Nakamura and Elston Takayama. The loan refinanced a \$85,000 State Agricultural Loan Division (SALD) New Farmer loan used to start the nursery and provided additional monies to develop an adjacent State Agricultural Park lot. The loan was secured by a leasehold mortgage on the two 5-acre Pahoia leaseholds, personal guaranties of Mr. Nakamura and Mr. Takayama, a financing statement securing farm equipment, nursery stock and accounts. The company focused on growing high quality interior dracaena potted plants which commanded higher prices. In 1993 the partnership was dissolved and the company incorporated into Hikari Nursery & Landscaping Inc. (HNLI) with both partners having equal shares. In March 1995, the loan was extended by 1-year due to cash flow issues related to construction delays and project cost overruns. The abrupt leaving of Mr. Takayama in June 1995 left the company in a lurch as all the duties now had to be assumed by Mr. Nakamura. The responsibilities were divided with Mr. Nakamura handling the expansion while his partner handled the ongoing operation including the company's accounting. The financials were found to be in disarray with outstanding payables and receivables and there was low saleable plant inventory and sales.

In 1998, the HNLI received a \$65,000 SALD Economically Depressed Area loan (EC-10) used to expand the nursery's production volume which was considered to be the major problem at the time. The loan was secured by second mortgages on the two Pahoia leaseholds, personal guaranties of Lew and Sheila Nakamura and \$250,000 and \$50,000 life insurance policies.

The effects of 9/11/01 had a dramatic effect on the operation, soon after the terrorist act the buyers of HNLI's products cancelled all orders. The company struggled for several years and in 2003 SALD extended the loan for an additional 4-years. Since October 2001, the loans have been delinquent due to a variety issues facing the nursery including nematode issues, finding good quality plant stock, marketing issues, natural disasters including lava flows and tropical storms. The company has attempted other types of potted plans including lychee, proteas, various vegetables in an effort to increase profitability.

In 2012, the \$65,000 SALD EC-10 loan was paid in full with the sale of one of the Pahoia Ag Park leaseholds. Lew sought off-farm employment to help provide cash flow and health insurance coverage while Sheila continued the downsized nursery operation, however, Lew soon began experiencing significant personal health issues which limited his ability to work.

In August 2015, Lew was able to find less strenuous employment as an agricultural instructor at Hawaii Community College. The nursery that year continued to struggle as heavy winds tore the shadecloth necessitating replacement and repair. In 2018, due to Lew's health condition his life insurance premiums became unaffordable, and the \$250,000 policy lapsed. In April 2018, the final leasehold property was listed for sale. Sheila also began experiencing health issues and they started a hydroponic vegetable operation which did not require as much heavy lifting. The hydroponic operation was doing well until the Covid pandemic which forced some of restaurant customers to shut down and the ones that remained open did not pay their bill or paid late. In March 2022, the final leasehold parcel was sold and proceeds applied towards the loan. Since January 2018, the Nakamuras have been making regular payments of \$1027 per month. Even though they have been out of farming since the sale of the leasehold, they have continued to make their payments. They are now offering to make a lump sum payment of \$50,000 through the assistance of relatives to settle their debt.

Lew and Sheila Nakamura have worked hard and endured much throughout the years and continued to operate their nursery despite economic, natural, and personal hardships. They have made a good faith effort to repay their SALD loans including through the liquidation of collateral and from their off-farm income. It is recommended that the account be referred to the Department of the Attorney General with the recommendation to accept the lump sum payment of \$50,000 as settlement of the debt.

Date

Recommended by:

7/14/23



Dean M. Matsukawa
Acting Agricultural Loan Administrator

Date

Approved for submission:

8/3/23



Sharon Hurd
Chairperson, Board of Agriculture

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL LOAN DIVISION

TO: BOARD OF AGRICULTURE
FROM: AGRICULTURAL LOAN DIVISION
SUBJECT: Kulahaven Farms, LLC

IT IS HEREBY REQUESTED THAT SUBJECT ACCOUNT BE REFERRED TO THE ATTORNEY
GENERAL FOR DISPOSITION AND/OR COLLECTION

1. NAME: Kulahaven Farms, LLC/ John Dobovan
2. ADDRESS (Residence): 619 Polipoli Road Kula, HI 96790
(Mailing): P.O. Box 901301 Kula, HI 96799

3. Account is based on the following information:

LOAN			PROMISSORY NOTE			
Number	Amount	Approved	Years	Rate	Annual Payments	Maturity
AQLPB-63	\$150,000.00	05/31/2016	10	5.0%	\$7,500 year 1, \$21,708 annually thereafter	10/01/2012

4. Legal Instruments

Promisory Note, Security Agreement, Financing Statement, Personal Guaranty.

5. Loan Balances at 6/30/2023

Loan Number	LOAN BALANCES		DELINQUENT AMOUNT		PERIOD OF DELINQUENCY
	Principal	Interest	Principal	Interest	
AQLPB-63	\$150,000.00	\$44,547.58	\$150,000.00	\$44,547.58	6 years and 8 months

6. Sources checked in an attempt to furnish information herein:

Borrower files, loan accounting system and borrower provided information.

CONCLUSION AND RECOMMENDATION:

See Attached.

CONCLUSION AND RECOMMENDATION:

Background:

Kulahaven Farms, LLC (KFL) received a \$150,000 Class B operating loan from the State Agricultural Loan Division (SALD) on March 31, 2016. The loan was used to develop a start-up aquaponic trout/watercress farm in Kula, Maui. The loan provided funds for materials, supplies, equipment, labor, and operating costs. The loan was secured with a first position Financing statement, keyman life insurance and the personal guaranty of the sole member John Dobovan. Mr. Dobovan was the first in Hawaii to successfully raise rainbow trout in a recirculating aquaponic system.

KFL's initial plan was to locate the operation on its hatchery site but later decided to locate the operation on a new leasehold property. This required installation of new infrastructure, utility installation and rent payments for both sites which significantly increased costs. The Farm Services Agency (FSA) agreed to provide a \$50,000 loan to cover the additional costs but required subordination of the State's financing statement. The subordination request was approved to provide the necessary funds to complete the project. The operation initially consisted of 2 hatchery tanks, 6 grow-out tanks and 5 watercress beds. The watercress beds were quickly expanded from 5 to 14 beds to provide sufficient production.

In 2018, the fish died due to overheating as the company experienced chiller problems. The watercress beds also struggled due to lack of sufficient effluence from reduced fish population. In 2019 the watercress had root rot problems caused by excessive algae requiring better bio-filters. Later that year a new worker put the wrong chemical in the fish tank causing significant loss of fish. In 2020 most of the production problems seemed to be resolved, unfortunately, the Covid epidemic started which resulted in loss of markets. The company also began having issues with flea beetles causing damage to the watercress crop. By the end of 2022, the landlord terminated the lease due to lack of payment.

A review of the company's 12/31/2022 balance sheet indicated assets \$376,742, liabilities of \$681,848 resulting in negative equity of \$305,106. The company has lost money every year since inception and was not able to reduce the principal balance on its loan. The company filed for Chapter 7 bankruptcy (liquidation) on 1/2/2023. An order of discharge was received by SALD informing that the judge granted the loan discharge to John Dobovan.

It is recommended that the account be referred to the Department of the Attorney General for disposition.

Date

Recommended by:

7/14/23

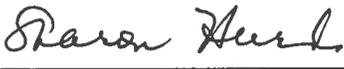


Dean M. Matsukawa
Acting Agricultural Loan Administrator

Date

Approved for submission:

8/3/23



Sharon Hurd
Chairperson, Board of Agriculture

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

August 22, 2023

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.: (3) 9-8-001:003, 006, and 013; (3) 9-6-011:002; (3) 9-8-001:011 and 012; (3) 9-8-001:009, and 010; (3) 4-4-014:002, 003, and 011; ISLAND OF HAWAII

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

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 Hawaii Island, staff verified compliance of four (4) encumbrances for approval by BOA as listed below.

B1

B2

<u>Doc. No.</u>	<u>Lessee</u>	<u>Tax Map Key (TMK)</u>	<u>Character of Use</u>	<u>Leased Area (Acreage)</u>
rp7637	KAPAPALA RANCH	(3) 9-8-001:003, 006, and 013;	Pasture	7,273.08
rp7758	KAPAPALA RANCH	(3) 9-6-011:002, (3) 9-8-001:011 and 012	Pasture	942.00
gl5374	KAPAPALA RANCH	(3) 9-8-001:009 and 010	Pasture	22,684.17
gl4475	K.K. RANCH INC.	(3) 4-4-014:002, 003, and 011	Pasture	5,105.79

RECOMMENDATION:

Staff has reviewed the list of proposed encumbrances and performed its due diligence and recommends that the Board approve the transfer of the four (4) encumbrances on Hawaii Island as listed above.

Respectfully submitted,



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

APPROVED FOR SUBMISSION



SHARON HURD
Chairperson, Board of Agriculture

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

August 22, 2023

Board of Agriculture
Honolulu, Hawaii

Subject: Subject: (1) Request for Review of the Petition from Tiffany Leilani Nerveza-Clark to Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to Change the List Placement of the hybrid Savannah cat, crosses of the Serval, *Felis (Leptailurus) serval* with the domestic cat, *Felis catus*, From the List of Prohibited Animals to the List of Conditionally Approved Animals to enable individual possession.

I. Background:

On June 23, 2023, the Office of the Chairperson received a petition from Ms. Tiffany Nerveza-Clark requesting that the Board of Agriculture (Board) review importation of savannah cats on a “case by case” basis. The Petition is attached as Attachment A. Ms. Nerveza-Clark’s petition was submitted both in Hawaiian and English. To ensure that the Board could consider the petition in its entirety, the Plant Quarantine Branch (PQB) contracted Language Services Hawaii, LLC to ensure that that both versions were interchangeable, which was confirmed.

This request was presented to the Board at its July 25, 2023, meeting, but was deferred. Since the request was placed on the Board’s Agenda, public testimony was accepted. One in-person testifier, Ms. Lori Buchanan, testified in opposition. There were 11 written testimonies submitted, all in opposition and included as Attachment B.

Savannah cats are the offspring of the Serval, *Felis (Leptailurus) serval* and a domestic cat, *Felis catus*. Beyond the F1 generation (first filial generation), Savannah cats are currently on the List of Prohibited Animals, as all hybrid animal crosses are prohibited. Animals on the List of Prohibited Animals are not allowed for importation into the State.

Ms. Nerveza-Clark’s Petition for rule amendment is brought under the Board’s Rules of Practice and Procedure, chapter 4-1, Hawaii Administrative Rules (HAR), which allows

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rulemaking to be initiated by the petition of an interested person or agency upon Board approval. (§ 4-1-23, HAR, et seq.) Section 4-1-23(c), HAR, requires that within 30 days after filing such a petition, the Board must either deny the Petition or initiate rulemaking proceedings. A procedural denial letter was emailed and mailed to Ms. Nerveza-Clark on July 18, 2023, and July 19, 2023, respectively. It is included as Attachment C. Denial of a petition does not prevent the Board from acting on the petition's subject matter on the Board's own motion at a later time (§ 4-1-24, HAR).

To be considered by the Board, a Petition for rule adoption or amendment under § 4-1-23(b), HAR, must contain certain substantive items, specifically: (1) a draft of the substance of the proposed rule or amendment or designation of the rule provisions to be repealed; (2) a statement of the petitioner's interest in the subject matter; and (3) a statement of the reasons in support of the proposed rule, amendment, or repeal. Ms. Nerveza-Clark's Petition appears to conform to these procedural prerequisites for Board consideration.

Should the Board ultimately act favorably on this Petition, the proposed amendments to the rules would occur after Advisory review then following Chapter 91, Hawaii Revised Statutes, rulemaking procedures, which include the public hearing process, Board adoption, and Governor's approval or; via the expedited amendment procedure through a Board Order, which involves an abbreviated process that is available in certain circumstances. Additionally, a permit that requires a rule amendment to accommodate the request requires a fee of \$2,500.00.

II. Summary of Proposed Amendments to Chapter 4-71, HAR

While Ms. Nerveza-Clark's petition does not specifically define the changes that she would like to see made to Chapter 4-71, HAR, the only way to allow Savannah Cats on a "case-by-case" basis is by the following proposed changes to Chapter 4-71, HAR.

1. Section 4-71-6, List of Prohibited Animals

Amends "PHYLUM Chordata (crosses with prohibited species) - animals, hybrid; (all hybrid-crosses where one of both parents are prohibited)" to add an exception for Savannah Cats, *Felis serval* and *Felis catus* crosses.

2. Section 4-71-6.5, List of Conditionally Approved Animals

Adds "Scientific Name: *Felis serval* x *F. catus* and Common Name: Cat, Savannah".

III. Staff Recommendation

The PQB recommends that the Board deny this request to initiate rulemaking as there is not enough information provided, nor was the information provided by the petitioner reviewed by the appropriate Advisory Subcommittee and Advisory Committee on Plant and Animals, prior to the Board's final decision making, as is standard procedure. However, should the Board desire to further review this request, the Board can direct PQB staff to work with the petitioner to complete the full advisory review and the request can be brought before the Board at a later date, for a complete review and decision making.

Respectfully Submitted,



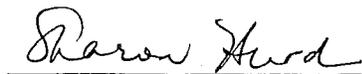
Jonathan Ho
Acting Manager, Plant Quarantine Branch

CONCURRED:



Dexter K. Kishida
Acting Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:



Sharon Hurd
Chairperson, Board of Agriculture

Tiffany L. Nerveza-Clark
 3138 Wai‘alae Ave., Unit 109
 Honolulu, Hawai‘i 96816

Hawaii Department of Agriculture
 Office of the Chairperson
 1428 S. King Street
 Honolulu, Hawai‘i 96814

Helu ‘ekahi:
 #1:

Tiffany Leilani Nerveza-Clark
 3138 Wai‘alae Ave., Unit 109
 Honolulu, Hawai‘i 96816

Kumu: HAR 4-1-23 Ka ho‘omaka ‘ana o ke ka‘ina hana o nā kulekele
 Re: HAR 4-1-23 Initiation of the Rulemaking Process

Helu ‘ekolu: He kiko‘o a i ‘ole ke kumu o ka lula i mana‘o ‘ia a i ‘ole ka ho‘ololi ‘ana a i ‘ole kahi inoa o nā ‘ōlelo o ke kānāwai e ho‘opau ‘ia.

Wahi a HAR 4-71-6, ‘a‘ole ‘ae ‘ia kekahi mau holoholona ma Hawai‘i nei. ‘O ka‘u mau pōpoki kūloko, ua hō‘ole ‘ia lāua ma muli o ke kulekele kahiko, mai ka lā 28 o Nowemapa, 2006. ‘A‘ole lāua no ka pae F1 a ‘a‘ole hiki ke hānau ‘ia nā pēpē; he pae F5 lāua. Eia na‘e, ua hō‘ea nā holoholona ‘ē e like me nā mo‘o Anole Naika Kuba a he nui lākou i kēia manawa ma ka Mokupuni ‘o O‘ahu. Puni ia mo‘o i nā manu a me nā huamoa o nā manu; pilikia lākou i ka ‘āina. Aia nō na‘e lākou ma Hawai‘i nei. ‘O kekahi mea hou, ua hō‘ea nā hese Copper Head ma kēia mokupuni, a ‘a‘ole ‘ae ‘ia ka‘u mau pōpoki kūloko. Mana‘o au, hiki ia kulekele ke ho‘ololi ‘ia ma ke ‘ano he kūlana i ke kūlana. He kanaka ‘ōiwi au, no Hawai‘i au; ‘ōlelo au i ka ‘ōlelo makuahine o kēia ‘āina a ‘ike nō au i ko‘u kuleana i ka ‘āina.

Helu ‘eha: He ‘ōlelo no ka makemake o ka mea ho‘opi‘i i ke kumuhana.

Hoihoi kēia i ia kulekele no ka mea loa‘a nā holoholona kōheoheo ma ka mokupuni nei, ‘a‘ole na‘e ‘ae ‘ia ka‘u mau pōpoki kūloko ma muli o nā kumu lā‘au a me nā manu ‘ōiwi. ‘Ike le‘a au i ka waiwai o ia mau mea, ‘oiai he Hawai‘i au; he kanaka nānā pono i ke kālaimeaoia au;

a kāko‘o piha au i ka mālama ‘ana o ka ‘āina nei. Pūlama mau au i nā mea e ho‘opuni ana a ‘a‘o pū au i nā kānaka e pili ana i ka ‘ano nui o ka pilina o ka ‘āina me ke kanaka.

‘O ka hua‘ōlelo no ka hānai ‘ana ‘o ia ka hua‘ōlelo a ka hapa nui o ka po‘e e pili ana me ka hānai keiki akā pili pū kekahi i ka hānai ‘ana a i ‘ole ka mālama ‘ana. Hiki ke mana‘o i ka mālama. ‘O Hānai pū kekahi me nā holoholona. ‘O ka hua‘ōlelo e hānai i holoholona, ‘o ia nō ka hānai a huhu.

‘O huhu ka mana‘o. Ua kapa ‘ia ka pipi he huhu a i ‘ole he mea aloha. ‘O ka mana‘o o ka "mea mālama holoholona" ‘a‘ole ia he mana‘o i lawe ‘ia ‘o ka ‘ōlelo Hawai‘i ma ke ‘ano he kuleana ma luna o nā mea a pau e ola ana me he mea lā, e like me ke ‘ano o ka mana‘o ‘āina i ko kākou mau kūpuna. ‘O ka hānai ā huhu e like me ka hana ‘ana ma ke ‘ano he makua hānai a i ‘ole ka mālama ‘ana i kahi makua aloha ‘ia ka mea i lawe ‘ia i loko o ka ‘ōlelo Hawai‘i.

He huhu ka nui o ko kakou mau kūpuna inā he pua‘a, moa, ‘īlio, manu, a me nā pōpoki hope.

Ua kaulana ‘o Kuhina nui Ka'ahumanu no kāna huhu he pua‘a. Ua loa‘a iā Kamehameha II a i ka V nā ‘īlio me ka Mō‘īwahine Liliuokalani. He mau pōpoki ka Mo'i Wahine Kapi'olani. He mau pu‘upu‘u ko ke Kamāli‘iwahine Ka‘iulani.

Nui nā ‘ohana i ka mālama ‘ana i ka huhu i nā manawa a pau, no ka mea, ua ‘ike ‘ia ka huhu i ka mālama ‘ana i ka ‘ohana a me ke a‘o ‘ana i nā ‘ōpio i ke kuleana a me ke aloha. Ua mālama ‘ia nō ho‘i ka huhu no ka mea ua ‘ōlelo ‘ia he hiki i kā lākou hana ke ‘ōlelo a‘e i nā pō‘ino kūlohelohe. Akā ho‘i, huhu ka nui o nā kupuna i ho‘omaopopo i ke ‘ano o ka huhu i hā‘awi ai i ke kāko‘o no‘ono‘o a mau nō. He kumu nui lākou, a ‘o ka‘u mau huhu he mau lālā lāua o‘u a me ka‘u ‘ohana a kāko‘o ia‘u. Me kēia palapala he leka kāko‘o e ‘ōlelo ana pehea e paepae ai ka‘u mau huhu ia‘u.

Helu ‘elima: He ‘ōlelo o nā kumu e kāko‘o ana i ke kānāwai i mana‘o ‘ia, ho‘ololi, a ho‘opau paha.

“He ali‘i ka ‘āina, he kauwā ke kanaka.” *The land is chief, man is its servant.* Ho‘omau au i kēia ‘ōlelo no‘eau a no ka‘u mau pōpoki, ‘a‘ole lāua i puka mai ka hale mai ko lāua wā pēpē.

‘O ka pololei, inā puka lāua, e pilikia ana lāua ‘oiai ‘a‘ole lāua ma‘a. Pēlā ka mana‘o a ‘a‘ole lāua e ho‘opilikia ana i nā manu ‘ōiwi me nā kumu lā‘au kekahi. Pono e na‘anā pono i nā holoholona kōheoheo i ‘ole pilikia nā kānaka ma ka mukupuni me nā manu ‘ōiwi, me nā kumu lā‘au ‘ōiwi kekahi.

Ku‘u wahi noi:

No ka‘u mau pōpoki, noho wale nō lāua ma ka hale a he mau holoholona kāko‘o hōpūpū no‘u. Ua pilipa‘a mākou ‘elua makahiki aku nei a ma muli o ko lāua ‘ano no‘u, ‘a‘ole hiki ia‘u ke ‘ai, ke hiamoe pono; ‘a‘ole hiki ia‘u ke kia ma ka hana no ka mea hopohopo nui au a no‘ono‘o pinepine au no ka pono o lāua. ‘A‘ole maika‘i ia no ko‘u ola kino. He noi ha‘aha‘a kēia e ‘ae ‘olu‘olu iā lāua i hiki nō ia‘u ke ho‘i i ko‘u iho ma‘amaui i ka‘u mau pōpoki. He ‘ōlelo ho‘ohiki ‘a‘ole lāua e puka ana i waho o ka hale a e noho wale ana nō ma ka hale no ka pono o lāua me ko Hawai‘i.

#3: A draft of the substance of the proposed rule or amendment or a designation of the provisions of the rule to be repealed.

According to HAR 4-71-6, certain breeds of animals are not allowed in Hawai‘i. My domestic Savannah cats were denied entrance into the State due to the policy dated November 28, 2006. They are spayed and are generation F5. Being so removed from generation F1, they are viewed as being domesticated by zoological professionals and do not exhibit the same traits as those of F1. The policy needs to be revisited and revised. The entire process seems inconsistent as foreign poisonous animals have found their way to this island. For example, the Cuban Knight Anole; there’s a good-sized colony of them here on O‘ahu and they have an affinity for the native birds and their eggs, making them harmful and detrimental to the ‘āina. CopperHead snakes also arrived to O‘ahu also. The cats have never exited a building, or set foot on the ground outside. Regarding a revision of the policy and viewing situations on a “case by case” basis should be considered. I am a native Hawaiian from Hawai‘i; I am fluent in the native language of Hawai‘i, and I fully understand the relevance and my responsibility to take care of the ‘āina.

#4: A statement of the petitioner's interest in the subject matter.

I am vested in the revision of this policy because the cats are my emotional support animals. They were still denied entrance because they may be detrimental to the native trees and native birds. One of the areas of study I focused on during my undergraduate was Hawaiian culture and language. I also majored in Natural Science and Biology, and I am fully aware of the importance of the native foliage and the relationships our native birds have with them. I am not only aware, but I am devoted to and perpetuate taking care of the 'āina. I teach others the importance of the relationship we have with the 'āina and how we can mālama 'āina and 'āina aloha.

The Hawaiian word for animals is 'holoholona'. The word for raise is 'hānai' which is a term most people associate with adopting a child but also refers to nourishment or provide for. It can also mean to caretake. Hānai also refers to pets. The term to raise a pet is hānai ā huhu. Huhu means to cherish. A pet was referred to as a huhu or a cherished one. The concept of being "pet owner" is not an idea conveyed in 'ōlelo Hawai'i as ownership over anything living would have seemed as alien as the concept of land ownership to our ancestors. Rather hānai ā huhu as in acting as an adopted parent or being a caretaker over a cherished one is one that is conveyed within the 'ōlelo Hawai'i.

Many of my Hawaiian ancestors had a huhu whether it was a pig, chicken, dog, bird, or cats. Kuhina nui Ka'ahumanu was famous for her pet pig. Kamehameha II to the V all had dogs along with Queen Liliuokalani. Queen Kapi'olani had cats. Princess Ka'iulani had flocks of peacocks. Many families had a tradition of keeping a huhu at all times as huhu were seen as protecting a family and teaching young ones responsibility and love. Huhu were also kept because it was said that their behavior could warn of natural disasters. *But also, many kūpuna (elders) understood how huhu provided emotional support and still do.* They are great teachers, and my huhu are part of me and my 'ohana and provide me with emotional support. Included with this document is an Emotional Support Animal Letter stating how my huhu provides support to me.

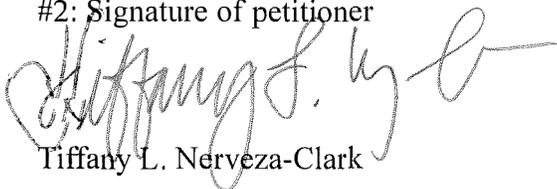
#5: A statement of the reasons in support of the proposed rule, amendment, or repeal.

“He ali‘i ka ‘āina, he kauwā ke kanaka.” *The land is chief, man is its servant.* I continue to live by this proverb and help others to understand the importance of this relationship. As for the cats, they have never stepped foot outside of a house. If they were to, they would be worse off than any other organism, as they could possibly get lost or hurt because they're not accustomed to being outside. Due to those circumstances, I assure the Board of Agriculture that the cats will remain indoors (as they are customary to) ensuring that they are not detrimental to the birds and environment. The poisonous aforementioned animals are the animals that need to be addressed. I am a responsible person that has a vested interest in the prosperity of Hawai‘i and I am not looking to be the cause of disrupting the environment.

My request:

The cats have only stayed indoors and they are my emotional support animals. We created an unbreakable bond as I was their first and only owner. Since moving here and their entrance being denied, I experienced not being able to eat, sleep, and have had a hard time focusing, increased bouts of worry, as well as the lack of motivation. This has been harmful to my health and I am humbly requesting that they be allowed to come to Hawai‘i, allowing me to return to good health. They will not exit my living quarters and they will strictly stay indoors as they have for the duration of their lives, for their well-being and the well-being of Hawai‘i. In addition, revising the policy to be flexible and assessing each situation would be worthy to consider. Should future applicants have precautions in place (e.g. organism is spayed/neutered, not allowed to exit premises, microchipped, ESA etc.) the BOA may allow previously banned organisms into Hawai‘i to responsible kanaka.

Na‘u nō me ka ha‘aha‘a,
Humbly yours,
Helu ‘elua: Pūlima a ka mea noi
#2: Signature of petitioner



Tiffany L. Nerveza-Clark

HAWAII DEPT OF AGR

2023 MAY 23 PM 4: 05

Marie Chacón, M.A., LMFT #13292169-3902

Licensed Marriage and Family Therapist
23550 Lyons Avenue, Suite #211 • Santa Clarita, CA 91321
marie.e.chacon.lmft@gmail.com • 858.356.2879 • 1.661.554.0111

Date: June 12, 2023

Expiration Date: June 12, 2024

Name: **Ms. Tiffany Nerveza-Clark**

RE: Emotional Support Animals

The individual named above (DOB: 02/07/1977) was clinically assessed by me on June 12, 2023. I am familiar with Ms. Tiffany Nerveza-Clark's history and the functional limitations imposed by her disability. Ms. Nerveza-Clark meets the requirements for an ESA under the Fair Housing Act and the Rehabilitation Act of 1973. Ms. Nerveza-Clark's disability, recognized in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) handbook, substantially limits one or more major life activities or major bodily functions.

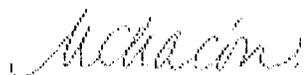
Due to this emotional disability, this individual has certain limitations. To help alleviate these difficulties, enhance her day-to-day functionality, live independently, and fully use and enjoy the dwelling unit you own or administer, I have recommended that Ms. Nerveza-Clark maintain her emotional support animals. The said animals are two Savannah female cats named Liona and Kealoha.

Both emotional support animals offer different roles that mitigate the symptoms of two separate disabilities. Ms. Nerveza-Clark reports that the presence of Liona helps her stay calm and grounded when experiencing emotional distress. Ms. Nerveza-Clark reports that the presence of Kealoha regulates her mood and motivates her to engage in daily routines. Lastly, the company of Liona and Kealoha has improved Ms. Nerveza-Clark's overall quality of life and well-being. Upon my recommendation, please allow Ms. Nerveza-Clark to live in her dwelling with her ESAs as reasonable accommodations under the Fair Housing Act.

Please note that under guidance issued by the U.S. Department of Housing and for privacy reasons, details about the diagnosis or severity of this individual's disability and medical records may not be disclosed.

I, Marie Chacon, am not responsible for the emotional support animals' behavior. Ms. Nerveza-Clark understands she is 100% liable for her emotional support animals' behavior, health, training, cleanliness, and any damage caused by her emotional support animals. I am licensed in the state of Utah to practice therapy and recommend ESAs for treatment. For verification of licensure, please visit the Utah Division of Professional Licensing website at www.dopl.utah.gov.

Sincerely,



Marie Chacon, LMFT
Licensed Marriage and Family Therapist
License Number 13292169-3902

HAWAII DEPT OF AGR

2023 MAY 23 PM 4: 06

From: [Hob Osterlund](#)
To: [HDOA BOARD TESTIMONY](#)
Subject: [EXTERNAL] Oppose rule change
Date: Friday, July 21, 2023 11:55:29 AM
Attachments: [small - Kauai Albatross Network final logo with website TRANSPARENT copy.png](#)
[small - Kauai Wildlife Coalition Circle copy.png](#)

Aloha HDOA Board,

I stand in fierce opposition to the proposed rule change to allow cat hybrids to even step foot in Hawaii. The feral cat population is already totally out of control, and these cats are putting more and more pressure on our native birds. The one thing they don't need is bigger fiercer predators roaming around. The transition of our shelters to "no kill" has made the problem exponentially worse, since these shelters have washed their hands of the feral cat issue.

I beg you to deny this rule change.

Please don't be fooled by any excuse to bring hybrid cats here.

Mahalo.

[Senior Fellow, Safina Center](#)

[Founder and Bird Guide, Kaua'i Albatross Network](#)

[Author, Holy Mōlī: Albatross and Other Ancestors \(multiple printings\)](#)

[Producer, Telly Award-winning "Kalama's Journey"](#)

[Photographer, Audubon Top 100, 2019](#)

[Recipient, Koa Conservation Leadership Award, Conservation Council for Hawai'i, 2022](#)



From: [Mele Ana Kastner](#)
To: [HDOA.BOARD.TESTIMONY](#)
Subject: [EXTERNAL] Testimony in Opposition to cat hybrids
Date: Monday, July 24, 2023 7:03:44 AM

Aloha,

I am submitting this testimony in opposition to the introduction of cat hybrids in Hawaii. We have already seen the effects that feral cats have had on our native bird population. Should we see cats crossbred with servals introduced to the islands, these cats could breed with the current feral feline population and introduce traits that improve their size and hunting efficiency.

Please do not allow these felines onto our islands.

Mahalo,

Mele Ana Kastner



Bringing back the birds

July 24, 2023

The Honorable Sharon Hurd
Hawai'i Board of Agriculture
1428 S. King Street
Honolulu, HI 96814

RE: Petition to Allow Importation of Savannah Cats

Chairperson Hurd:

On behalf of American Bird Conservancy and our members throughout Hawai'i, I am writing to express our **opposition** to the petition by Ms. Tiffany Leilani Nerveza-Clark to remove the hybrid feline known as "savannah cats" from the List of Prohibited Animals.

American Bird Conservancy is sympathetic to the needs of Ms. Nerveza-Clark regarding her specific savannah cats and recognizes her assurances of safety for the cats and the community. However, a sweeping authorization enabling the importation and possession of savannah cats throughout Hawai'i is inappropriate and would constitute a grave threat to Hawai'i's native wildlife.

Savannah cats are a hybrid feline consisting of a cross between the domestic cat (*Felis catus*) and the African serval (*Leptailurus serval*, aka *Felis serval*). Servals are considerably larger than a domestic cat and skillful predators that can leap high into the air to catch birds. Should any savannah cats escape confinement, be purposely released, or begin to breed in Hawai'i, the consequences could be disastrous.

Hawai'i is already experiencing a domestic cat crisis. In short, there are too many domestic cats for the number of homes that want pet cats, and the impacts of these animals on the landscape are vast and include the unsustainable killing of Hawai'i's native birds, as well as parasite and disease transmission to people, domestic animals, and wildlife.

Domestic cats are among the world's most harmful invasive species and instinctive predators that have contributed to the extinction of two endemic Hawaiian species, the Lāna'i Hookbill and Moho (Hawaiian Rail), and the decline of countless others. Sadly, Hawai'i is already the bird extinction capital of the world. Introducing new, hybrid felines to the mix could transform the existing domestic cat population through interbreeding and escalate the level of devastation already imposed upon Hawai'i's at-risk, native birds.

Consequently, American Bird Conservancy stands in agreement with the Plant Quarantine Board and its recommendation to deny the request to initiate rulemaking.



Bringing back the birds

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Grant Sizemore".

Grant Sizemore, M.S., CWB®
Director of Invasive Species Programs



The Wildlife Society
Hawai'i Chapter

PO Box 22192
Honolulu, Hawai'i 96823-2192

To: Hawaii Board of Agriculture

From: The Wildlife Society, Hawaii Chapter

Re: Subject: (1) Request for Review of the Petition from Tiffany Leilani Nerveza-Clark to Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to Change the List Placement of the hybrid Savannah cat, crosses of the Serval, *Felis (Leptailurus) serval* with the domestic cat, *Felis catus*, From the List of Prohibited Animals to enable individual possession.

The Wildlife Society (TWS), Hawai'i Chapter is strongly opposed to the above request to change the list placement of hybrid cats of any kind (including "Savanna cats"). Cats that are hybrids between domestic cats and other Felids including Servals (hybrids) are on the Prohibited Animals list for good reason and must remain prohibited.

TWS is composed of wildlife professionals within the State of Hawai'i and is dedicated to the conservation and preservation of flora and fauna endemic to the Hawaiian Islands.

It is well documented that Hawaii's native species are highly impacted by cats both directly through predation and through the diseases that cats carry. Hawaii's native species, including birds and marine mammals, evolved without cats in the environment and therefore do not have the behaviors, awareness, or immunity to the threats cats pose. Bringing additional cats of non-domestic hybrids in the mix would increase these cats' predatory abilities. This in turn would allow such cats to increase their impact into areas they are not currently. Some of these places which are the last refuges of these rare and endangered species.

Unfortunately, our current regulations, laws, and enforcement are not enough to protect much our native species from the impacts of outdoor domestic cats. Should there be additional non-domestic Felids introduced, even as hybrids, more of our native birds and marine mammals will be pushed towards extinction.

TWS urges the Board of Agriculture to continue to protect Hawaii's wildlife by rejecting the petitioner's request and continuing to prohibit the importation of non-domestic cats including hybrids such as the "Savanna cat".

Mahalo for the opportunity to testify on this matter. Should you have any questions regarding our testimony, please contact our Conservation Affairs Chair, Patrick Chee, at twshicac@gmail.com.

Respectfully yours,

The Wildlife Society
Hawaii Chapter



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: July 21, 2023

To: Chairperson Sharon Hurd
and Members Hawai'i State Board of Agriculture

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony with comments on Request for Review of the Petition from
Tiffany Leilani Nerveza-Clark to Initiate Administrative Rule Making and
Rule Amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to
Change the List Placement of the hybrid Savannah cat, crosses of the
Serval, Felis (Leptailurus) serval with the domestic cat, Felis catus, From
the List of Prohibited Animals to enable individual possession.
Tuesday, July 25, 2023, 9 a.m., Plant Quarantine Conference Room,
1849 Auiki St., Honolulu, HI 96819

The Hawaiian Humane Society is dedicated to promoting the human-animal bond and we are sympathetic to the hardship Tiffany Leilani Nerveza-Clark has endured in being separated from her pets. Our concerns about this petition are not personal to her situation.

Hawaiian Humane is grateful for the rules the Hawai'i Department of Agriculture has in place to prohibit the importation of exotic animals to be kept as pets. Undomesticated birds, reptiles, hedgehogs, monkeys, exotic cats and other species, whether wild caught or captive bred, are not suitable as companion animals because it is not possible to address these animals' behavioral and psychological needs in captivity. Regardless of how far removed from the Serval cat an individual Savannah cat might be, it owes its existence to wild animals that are being kept in captivity to create this line of designer pets.

Savannah cats are a lucrative business, with individual animals selling for \$20,000-\$30,000. With its rabies-free status, Hawai'i would be an attractive location for anyone wanting to breed these animals for export. The fact that wild animals are kept in captivity in these operations and that the state does not regulate animal breeders would combine to create an animal welfare disaster.

Hawaiian Humane has also invested enormous resources in the humane management of our existing Free-Roaming cat population. We implore you not to further exacerbate this already complex issue.

We defer to the department as to whether it is possible to help the petitioner reunite with her pets without opening the door to these other harms. The cats already exist, they are unable to breed and she has made a commitment to keep them indoors. We would not oppose such a solution. We strenuously oppose any broader exemption to the existing rules.

Mahalo for your consideration and please let me know if I can be of any assistance.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
FIRST DEPUTY
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND

July 25, 2023

TO: Board of Agriculture, Hawaii Department of Agriculture
FROM: Department of Land and Natural Resources, Division of Forestry and Wildlife
SUBJECT: Testimony on Plant Quarantine Branch Agenda Item #1

The Department of Land and Natural Resources, Division of Forestry and Wildlife (Division) **opposes the request from Tiffany Leilani Nerveza-Clark to initiate administrative rule-making and rule amendment to Ch. 4-71 to change the list placement of the hybrid Savannah cat, crossed of the Serval, with the domestic cat from the list of prohibited animals to enable individual possession.**

The Savannah cat is a hybrid of a domestic cat and an African serval, making the cat much larger than a normal domestic cat and retaining many of the serval's features including enhanced hunting capabilities. The hybridization with the serval cat poses major risks to native fauna. In Australia, attempts to import Serval cat hybrids have been denied because of the risk they would pose to Australia's native mammal and bird populations. An Australian study from 2019 predicted with modeling that an estimated "91% of Australia's extant terrestrial mammal fauna would likely face some risk of predation from savannah cats, including 93% of non-volant mammal species that have threatened conservation status" ([Dickman et al 2019](#)).

In Hawaii, many of our migratory and forest bird populations that still remain are already under threat from invasive species such as mosquitoes and free-roaming "domestic" cats. Free-roaming cats have been caught on game cameras preying on migratory seabirds (Image 1) and pose a major challenge for ongoing conservation efforts. They also spread toxoplasmosis to Hawaiian monk seals and birds. We have seen countless cats be abandoned into Hawaii's natural areas, parks, and public spaces where they pose an environmental and human health risk. The allowance of a new predator to Hawaii that has the potential to harm the unique fauna that is already at risk would be irresponsible and set a precedent that other harmful species could be removed from the prohibited list allowing their importation into the State for individual possession.

Mahalo for the opportunity to provide testimony in opposition.



Image 1 (DLNR) Image from game camera in 2016 where researchers discovered the bodies of six endangered Hawaiian Petrels at a remote breeding colony in Hono o Na Pali Natural Area Reserve, Kauai. All had been dragged from their breeding burrows by feral cats and partially eaten, including one incident that was caught on a monitoring camera.



Board of Agriculture
July 25, 2023
Department of Agriculture
9 a.m. Plant Quarantine Branch
1849 Auiki Street
Honolulu, Hawaii 96819

**Testimony to Oppose Amendment to Hawaii Administrative Rules, Ch 4-71
To Authorize Importation or Individual Possession of Serval Hybrids**

Aloha Chairperson and Members of the Board of Agriculture,

The Coordinating Group on Alien Pest Species (CGAPS) **opposes amendment to chapter 71, Hawaii Administrative Rules, that would allow the importation or possession of the Savannah cat, crosses of the Serval, *Felis (Leptailurus) serval* with the domestic cat, *Felis catus*.**

The chapter 71 HAR Prohibited List includes any cross between a domestic cat and a species on the chapter 71 HAR Prohibited List or Restricted List. The serval is on the chapter 71 HAR Restricted List Part A (authorized for research and exhibition only; not for individual, private, or commercial use). The Prohibited List also includes all hybrid crosses where one or both parents are prohibited. Since a hybrid of a domestic cat x serval is prohibited, any cross of that hybrid with a domestic cat or another Savannah cat would also be prohibited.

We hope the Board will maintain the Savannah cat as a prohibited species. The potential impacts of Savannah cats in Hawaii are unknown. While some Savannah cat owners will be very conscientious and ensure that their Savannah cat is never allowed outside or to mix with stray or feral cat populations, other owners may not. A pet Savannah cat could also inadvertently sneak out from even the most conscientious owner.

The exact percentage of serval genes in each Savannah cat is unknown. Even if the Savannah cat is spayed or neutered, the larger size of Savannah cats compared to domestic cats and the potential for retention of serval traits could allow a Savannah cat to predate on native species more effectively or on a wider range of species than Hawaii's current feral or stray cat populations. The potential threat to native birds, including threatened and endangered species, and other species is unknown in Hawaii.

In 2008, the Australian Government published a Final Environmental Assessment of the Suitability of the Import of the Savannah Cat (Domestic Cat x Serval Hybrid Specimens) into

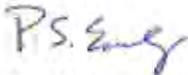
Australia.¹ That Assessment concluded, “the importation of Savannah Cats at any generation could exacerbate and increase the threat to the Australian environment.”² We hope the Department of Agriculture will thoroughly consider the risks described in that Assessment with respect to allowing importation of Savannah cats into Hawaii before making any amendment to the Savannah cat’s status in chapter 71, HAR.

Thank you for the opportunity to provide testimony on this issue.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow

¹<http://www.environment.gov.au/archive/biodiversity/trade-use/publications/pubs/savannah-cat-assessment-report.pdf> (Australian Final Environmental Assessment)

² Australian Final Environmental Assessment, p. 33.

Clingan, Marci

From: helen raine <helenraine1@gmail.com>
Sent: Thursday, July 20, 2023 5:30 PM
To: HDOA.BOARD.TESTIMONY
Subject: [EXTERNAL] testimony - hybrid cat ban

Dear Board,

As a conservation professional working in Hawai'i, I urge you in the strongest terms not to change, weaken or amend the current ban on the importation of hybrid cats to our island state. I see first hand on a regular basis the devastation that existing domestic cats cause to threatened and endangered wildlife in Hawai'i- allowing the importation of a potentially more deadly predator into the islands will continue to put pressure on native birds that are already close to extinction, with species such as the 'alae 'ula and koloa maoli numbering less than 1000 birds each globally. We have a responsibility to protect these native Hawaiian birds from predators - introducing new predators in the form of hybrid cats moves us further away from that goal. Moreover, I do not believe that the vast majority of local people would support the wishes of a small minority of people to bring these non native species into Hawai'i, given the appalling consequences of previous introductions on our unique wildlife.

I appreciate your consideration of this request and am happy to discuss this further.

Thanks and regards

Helen Raine
Biologist.

Clingan, Marci

From: Jessica Miller <jmiller@marstel-day.com>
Sent: Thursday, July 20, 2023 3:39 PM
To: HDOA.BOARD.TESTIMONY
Subject: [EXTERNAL] Testimony for Hybrid Cats in Hawaii

Hi,

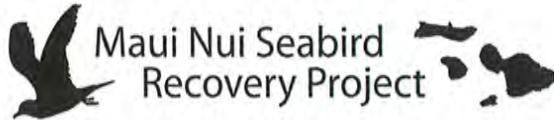
I would like to provide a testimony against the petition to change the list placement of the hybrid Savannah cat from the list of prohibited animals to enable individual possession. Feral cats are already a significant issue in Hawai'i as they predate on threatened and endangered species that are critical to the ecosystem. The possibility for hybrid cats to escape or be released from their enclosed quarters poses unnecessary risk to current and future wildlife. I believe it is more appropriate to dedicate our time and resources to effectively addressing the current feral cat issue before introducing new and more dangerous cats to Hawai'i.

Thank you for your time and consideration.

Best,
Jessica Miller
Climate Resilience and Natural Resource Partnerships Planner
<http://www.marstel-day.com>
(540) 498-8365

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Maui Nui Seabird
Recovery Project

P.O. Box 903, Makawao, HI 96768
808.572-3500 – mauinuiseabirds@gmail.com
www.mauinuiseabirds.org

July 20, 2023

To: Hawai'i Board of Agriculture

From: Jay F. Penniman
Manager, Maui Nui Seabird Recovery Project

Subject: Subject: (1) Request for Review of the Petition from Tiffany Leilani Nerveza-Clark to Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to Change the List Placement of the hybrid Savannah cat, crosses of the Serval, *Felis (Leptailurus) serval* with the domestic cat, *Felis catus*, From the List of Prohibited Animals to enable individual possession.

Please note my absolute opposition to approval of the above referenced Request for Review to change List Placement for these or any other *Felis species*.

I manage the Maui Nui Seabird Recovery Project, a project of the Pacific Cooperative Studies Unit (PCSU) of the University of Hawai'i at Manoa, in close cooperation with the Hawai'i Division of Forestry & Wildlife. Our mission is to restore and protect Hawaiian native seabird populations.

Feral cats are one of the most invasive alien mammals that impact our native wildlife. They have no place on the landscape of the Hawaiian Islands. Before human occupation of the archipelago there were two mammals present; ilio-holo-i-ka-uaua (*Monachus schauinslandi*, Hawaiian monk seal) and 'Ōpe'ape'a (*Lasiurus cinereus*, Hawaiian hoary bat). Neither of these species predates Hawaiian avian species; seabirds, forest birds, or water birds. Therefore all of our native avifauna has evolved with no mammalian predator adaptation. Our birds are uniquely vulnerable to alien mammal predation. All *Felis species* are obligate carnivores; they are genetically programmed to hunt and present an insurmountable threat to our native wildlife. In addition, for the parasitic protozoan, *Toxoplasma gondii*, Felids are the only known definitive host in which the parasite may undergo sexual reproduction. The disease caused by this organism, Toxoplasmosis, may be passed to any mammal and has also infected nene (*Branta sandvicensis*, Hawaiian goose) and alala (*Corvus hawaiiensis*, Hawaiian crow).

Conservation biologists in Hawai'i are working to develop means to remove existing feral cats and maintained cats on the landscape. These mammals have no place free ranging on our islands. Adding the potential to increase the diversity of *Felids* in Hawai'i must be rejected. It seems that regulations requiring cats to be kept indoors or on leashes are routinely opposed by the cat care community. People regularly abandon pet cats, believing that the cats will be able to survive on their own and ignoring the fact that cats predate native wildlife and when freely roaming, have exposure to disease, and accidents when not kept as controlled pets.

Please reject this request and join in efforts to further regulate cats that are already held as pets. All cats should be treated as pets in the same way as dogs are. Cats should be licensed to individuals, be kept indoors and on leashes when outdoors. These requirements are best for the health and well being of the cats themselves as well as for protection of our native wildlife.

Mahalo nui for your attention,

A rectangular image showing a handwritten signature in black ink on a light-colored background. The signature is stylized and appears to read "Jay F. Penniman".

Jay F. Penniman

jayfp@hawaii.edu

808-280-4114

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 25, 2023

TO: Board of Agriculture, Hawaii Department of Agriculture
FROM: Department of Land and Natural Resources, Division of Aquatic Resources
SUBJECT: Testimony on Plant Quarantine Branch Agenda Item #1

The Department of Land and Natural Resources, Division of Aquatic Resources (DAR) **opposes the request from Tiffany Leilani Nerveza-Clark to initiate administrative rule-making and rule amendment to Ch. 4-71 to change the list placement of the hybrid Savannah cat, crossed of the Serval cat with the domestic cat, on the list of prohibited animals to enable individual possession.**

The introduction of such a cat will increase the already known impacts of the large abundance of feral cats and cats at large (outdoor pet cats) in the Hawaiian islands. There are an estimated 300,000 feral cats on O'ahu alone. At present, Humane Societies across the state are at full capacity and are unable to handle cats brought in for adoption—feral or domestic—so cannot assist with removing cats from the landscape.

Cats are the only known species that spreads *Toxoplasma gondii* eggs into the environment. *Toxoplasma gondii* is a single-celled protozoan parasite with a variety of host organisms. Cats are the definitive host, where the parasite can complete its life cycle and reproduce, making cats the only species that can shed infective oocysts (parasite eggs). Cats can shed millions of oocysts in their feces throughout the watershed, mauka to makai. The oocysts can live at least two years in freshwater, salt water and soil. In wildlife, *Toxoplasma gondii* causes organ damage in multiple organs (including the brain), reproductive failure, and death. In humans, *Toxoplasma gondii* can cause serious illness; if pregnant women are infected, *Toxoplasma gondii* can cause stillbirth, or hydrocephaly, microcephaly, neurological damage, or blindness in the baby. To date, there are 15 known Hawaiian monk seal deaths due to toxoplasmosis, likely an underestimate because many seals die undetected or found in advanced decomposition. In Hawai'i, two spinner dolphins have died of the disease and recently, a bottlenose dolphin. Toxoplasmosis is also a threat to endangered native bird species including the nene and 'ala'ala.

To diminish the threat of toxoplasmosis to Hawai'i's native wildlife, the input of oocysts into the environment must be reduced, requiring the reduction of feral and pet cats that shed oocysts into the environment. DAR cannot allow the introduction of a hybrid cat species with unknown genetic and behavioral predispositions and disease transmission potential to Hawai'i.

Mahalo for the opportunity to provide testimony in opposition.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



ATTACHMENT C
SHARON HURD
Chairperson, Board of Agriculture

CAROL LEI OKADA
Deputy to the Chairperson

State of Hawai'i
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July 17, 2023

Ms. Tiffany L. Nerveza-Clark
3138 Waialae Avenue
Honolulu, Hawaii 96816

Subject: Procedural Denial of Petition to the Board of Agriculture to Initiate
Administrative Rulemaking to Allow the Importation of Savannah Cats.

Dear Ms. Nerveza-Clark,

Thank you for your petition received on June 23, 2023, which appears to request the Board of Agriculture (Board) to enact a rule amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to allow the importation of Savannah cats, crosses of the Serval, *Felis (Leptailurus) serval* and a domestic *cat, Felis catus*.

Pursuant to §4-1-23(c), HAR, the Board is required to either deny a petition or initiate rulemaking proceedings within 30 days after the filing of a petition for rulemaking. Due to a scheduling conflict, the Board is unable to have a meeting within the 30-day timeframe and this letter serves as a procedural denial of your petition to satisfy the requirement above. Please note §4-1-24, HAR does not prevent the Board from acting on its own motion upon any matter disclosed in a denied petition, and the Board will be considering your petition at its next meeting, tentatively set for July 25, 2023.

Should you have questions regarding this matter, please contact Mr. Jonathan Ho, Acting Plant Quarantine Branch Manager at 808-832-0566 or jonathan.k.ho@hawaii.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Hurd".

Sharon Hurd
Chairperson, Board of Agriculture

