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**Minutes of the Board of Agriculture
October 24, 2023**

A video recording of this meeting can be found online by visiting this website:
<https://hdoa.hawaii.gov/meetings-reports/>

CALL TO ORDER – The meeting of the Board of Agriculture was called to order on October 24, 2023, at 9:14 am by Board of Agriculture Chairperson, Sharon Hurd. The meeting was conducted virtually via Zoom and in-person from:

*State of Hawaii, Department of Agriculture
Plant Quarantine Branch
1849 Auiki Street*

Members Present In-Person:

- Sharon Hurd, Chairperson, Board of Agriculture
- Mary Alice Evans, Ex-Officio Member

Members Virtually Present: Roll call/alone

- Russell Tsuji, Chairperson, Board of Land and Natural Resources, Ex Officio Member
- Diane Ley, Hawaii Member
- Vincent Mina, Maui Member
- James Gomes, Member-at-Large

Excused:

- Dr. Ania Wieczorek, Interim Dean CTAHR, Ex Officio Member
- Fred Cowell, Kauai Member
- Randy Cabral, Member-at-Large
- En Young, Member-at-Large

Deputy Attorney General Present In-Person: DAG Bryan Yee (Late arrival)

Others Present In-Person:

- Janelle Saneishi, Office of the Chair/HDOA
- Marci Clingan, Office of the Chair/HDOA
- Raenette Gee, Office of the Chair/HDOA
- Stephen Dalton, IT/HDOA
- Keith Otsuka, Commodities Branch/HDOA
- Roy Hasegawa, Agricultural Resource Management/HDOA

1 Linda Murai, Agricultural Resource Management/HDOA
2 Brandi Ah Yo, Agricultural Resource Management/HDOA
3 Kori Koike, Agricultural Resource Management/HDOA
4 Jonathan Ho, Plant Quarantine/HDOA
5 Noni Putnam, Plant Quarantine/HDOA
6 Chris Kishimoto, Plant Quarantine/HDOA
7 Lester Arita, Plant Quarantine/HDOA

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9

10 Others Virtually Present:¹

11 AGR – Kau, Brian
12 AGR – Saiki, Kirk
13 Cathy Goeggel
14 Haaheo Scranlan
15 Jess Cole
16 Ka'ikena Scranlan
17 Kelcie Nagata. Esq.
18 Lautaha
19 Mark Ladao
20 Mason
21 Nicole Galase
22 Noni Putnam
23 Romy
24 Rusty
25 Sunny
26 Tania Sadarak Mahoni
27 Ted Yamamura
28 Jodi
29 Norm Goody
30 Ann Goody
31 HDOA
32 Chris Kishimoto
33 Leo Obaldo
34 AGR Matsukawa Dean
35 Trish Kim
36 Lester Arita

37
38

39 II. APPROVAL OF MINUTES FROM 9/26/23 MEETING

40

41 Motion to Approve: Ley/Gomes

42

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

1 Vote: 6-0; Approved unanimously
2

3 III. INTRODUCTIONS
4

5 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
6

7
8 A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
9

- 10 1. Request for Approval for the Transfer of Public Lands from the
11 Department of Land and Natural Resources to the Department of
12 Agriculture, Pursuant to Act 90, SLH 2003, Codified as Chapter 166E,
13 Hawaii Revised Statutes; TMK Nos.: (3) 9-6-002:055; (3) 2-4-006:012 and
14 013; (3) 2-4-007:037; (3) 9-5-006:001; (3) 9-5-013:001; (3) 3-5-001:001;
15 (3) 2-2-056:18; (3) 1-3-002:012 and 099; (3) 6-9-001:015; (3) 2-9-002:047;
16 (3) 9-4-003:014; (3) 9-3-003:035 and 036; (3) 2-3-030:001; (3) 2-3-
17 032:001; (3) 9-5-019:002 and 017; (3) 4-1-004:031; (3) 9-5-012:018; (3) 5-
18 6-001:001; (3) 5-7-001:015; (3) 6-2-001:005; (3) 9-6-002:005, 010 and
19 013; (3) 9-5-006:001; (3) 6-5-001:006; (3) 6-5-001:020; (3) 2-4-004:012,
20 013, 021 and 022; (3) 5-5-003:013 and 019; (3) 5-8-003:007; (3) 1-8-
21 010:038, 043, 044 and 046; (3) 4-5-011:006; (3) 4-4-013:011; (3) 6-4-
22 031:007, 009 and 010; (3) 5-8-002:003; (3) 5-8-002:005; (3) 5-8-002:006;
23 (3) 6-2-001:011; (3) 5-6-001:035; (3) 5-7-001:009; (3) 9-5-019:001; (3) 1-
24 2-008:001; (3) 4-4-010:013; (3) 4-4-003:003 and 047; (3) 9-6-002:013; (3)
25 9-5-012:002; (3) 9-6-012:004; (3) 6-6-001:002 and 077; (3) 5-8-001:002,
26 005 and 006; (3) 5-7-001:004; (3) 5-7-001:010; (2) 2-7-008:015; (2) 2-7-
27 015:026; (2) 1-4-007:009 and 017; (2) 1-6-005:008; (2) 1-6-005:021, 022
28 and 023; (2) 1-7-003:032; (2) 2-9-008:018 and 024; (2) 1-1-003:070; (2) 1-
29 1-003:059; (2) 2-9-001:008 and 011; (2) 2-9-006:021, 022, 023 and 024;
30 (2) 1-6-005:002; (2) 1-6-008:008; (4) 1-9-007:005, 007, 028, 029, 030 and
31 046; (4) 1-2-002:040; (4) 1-9-001:002; (4) 1-9-002:002; (4) 4-6-005:010;
32 (4) 2-3-007:013; Islands of Hawaii, Maui, and Kauai
33
34

35 Brandi Ah-Yo, Property Manager of the Agricultural Resource Management Division
36 presented testimony as submitted.
37

38 Motion to Approve: Gomes/Ley
39

40 Discussion:

41 Nicole Galase from the Hawaii Cattlemen's Council said the council supports this action
42 and thanks the board for considering it.

1
2 Board Member Gomes said the transfer has been long overdue and wants to thank
3 DLNR and DOA for moving this along. He asked what TMKs were not transferred over
4 to DOA that met Act 90 and why? Ms. Ah-Yo said there were a number of TMKs that
5 are on the list but they weren't set up at this time for transfer because they were either
6 landlocked or their parcel was really small. Board Member Gomes asked if there are
7 more TMKs to be transferred and what would be the timeframe? Ms. Ah-Yo replied that
8 she is not aware of anymore and she is aware of only what is on the list. Board Member
9 Gomes added that Nobriga ranch, on the north shore of Maui, has three TMKs and he is
10 wondering if those would be transferred or not. Linda Murai from the Agricultural
11 Resource Management Division stepped forward to respond to Board Member Gome's
12 question. She said their leases are on the purple list which is the list that DLNR seeks to
13 retain so they are not available for DOA to transfer. Board Member Gomes asked if he
14 could have a copy of this list so he can follow-up on these. Chairperson Hurd added that
15 the lists that were deemed to be agricultural potential, included a number of categories
16 which DLNR approved to transfer. For the other groups, DLNR prefers to retain and are
17 all part of Act 90. DLNR and DOA have been discussing the next phase of which
18 parcels to look at.

19
20 Board Member Ley said thank you to staff for working through this. She asked if several
21 of these leases that are indicated as ag/residence are active in agriculture and some
22 have residence and others no residence? Ms. Murai said that the ag residence use is a
23 DLNR character of use. Those that have that designation have a dwelling on them, but
24 they are producing agriculture.

25
26 Vote: 6-0; Approved Unanimously

27
28
29 2. Request for Consent to Assignment of General Lease No. S-4456; Jules J.
30 Gervais, Jr., and Soontaree Gervais, Lessee/Assignor, to Jungle Mist
31 Orchids, LLC., Assignee; TMK: (3) 2-4-049:012, Lot 28, Panaewa Farm Lots,
32 Waiakea, South Hilo, Island of Hawaii, Hawaii

33
34 Brandi Ah-Yo, Property Manager of the Agricultural Resource Management Division
35 presented testimony as submitted.

36
37 Motion to Approve: Gomes/Ley

38
39 Discussion:
40 Board Member Ley asked if there is a structure still standing and who will be
41 responsible for the removal and disposal of the home? Ms. Ah-Yo said that was part of
42 the negotiation and a big part of the structure can be salvaged. They will try to redo the
43 damaged part and it'll be the responsibility of the buyer to take care of that.

1
2 Board Member Mina asked if Ms. Ah-Yo can define what the September 4, 2025
3 reopening means. Ms. Ah-Yo said that on September 4, 2025, an appraisal will be
4 completed to reestablish what the annual lease rent will be for the upcoming period
5 which will end in 2030.

6
7 Vote: 6-0; Approved Unanimously

8
9
10 3. Request for Consent to Assignment of General Lease No. S-4640; Mya S.
11 Paw`u and Sunny O Stewart, Lessee/Assignor to Elijah Scanlan, Assignee;
12 TMK: (3) 2-4-049:023, Lot 9, Panaewa Farm Lots, Waiakea, South Hilo,
13 Island of Hawaii, Hawaii

14
15 Brandi Ah-Yo, Property Manager of the Agricultural Resource Management Division
16 presented testimony as submitted.

17
18 Motion to Approve: Vincent/Ley

19
20 Discussion:

21
22 Board Member Mina asked if this gentleman is looking to continue with Ola Brew
23 And if his intention is to live on the land? Ms. Ah-Yo said she believes so, yes and said
24 he plans to sell a lot of his produce to Ola Brew. She said that Mr. Ka`ikena would like
25 to come forth and speak. Mr. Ka`ikena said yes, he does plan to continue with Ola Brew
26 and reside on the property. His bread-and-butter crop will be lychee and tangelo and he
27 does plan on marketing to other restaurants. The first three years will probably not be
28 showing profit because of the pruning. He mentioned that eventually vanilla will also be
29 added.

30
31 Board Member Gomes asked what condition the house is in? Mr. Ka`ikena said both of
32 the structures need repairs but it is inhabitable.

33
34 Vote: 6-0; Approved unanimously

35
36
37 4. Request for Acceptance of Annual Lease Rents as Determined by
38 Independent Appraisal for Rent Reopenings and Vacant land for Various
39 Lots Located on Oahu and Hawaii Islands; TMK Nos.: (1) 4-1-010:031; (1) 4-
40 1-027:011; (1) 4-1-027:018; (3) 2-4-049:011; (3) 5-5-003:012

41
42 Roy Hasegawa, Property Manager of the Agricultural Resource Management Division,
43 presented testimony as submitted.

1
2 Motion to Approve: Gomes/Mina

3
4 Discussion:

5 Board Member Evans asked if there are any observation or analysis on why one of the
6 non-ag park parcels doubled in value? Did the amount of gross proceeds double? Mr.
7 Hasegawa called forward the appraiser, Ted Yamamura. Mr. Yamamura said rents are
8 function of land sales. As to why the prior or current rents were at the rates that they
9 were, would be because of a number of factors. Based on the current comparable sales
10 and current rates of return, that's how we determine the new rent. As to how the prior
11 rents were set, it could have been a result of different land comparable and different
12 rates of return. Rates of return is what is expected or desired by the lessor. The higher
13 the rate or return, the greater the land rent. Board Member Evans expressed concern
14 with using rate or return as one of the instructions to the appraiser because she
15 believes the base rents for farm parcels should be based on productivity to the farmer.
16 Basing the reopened, renewed lease rental on comparable sales, and lessor's desired
17 rate or return makes it much harder for farmers to be able to make a living on Oahu.

18
19 Board Member Tsuji asked Mr. Yamamura if the grade of the land is taken into
20 consideration? Mr. Yamamura said yes, it is.

21
22 Board Member Mina asked for clarification on Alvin Kawamoto and Akamai Landscape
23 and Maintenance's rents. Mr. Yamamura said the character of use changed from
24 diversified agriculture to pasture. For the Akamai Landscape, there was a 3% increase
25 in rental value. The rent on the second property or parcel declined however, the lease
26 states it's going to be the higher of the existing rent or new rent.

27
28 Board Member Ley asked how do we approach the appraisal process and what the
29 board's authority is versus staff? A big concern is the escalating cost of these rents.
30 What is the existing lease requirements for the appraisal and how is it determined?
31 What is the general standard in the system for how appraisals are done? What is the
32 discretion of staff if it's not board discretion? Board Member Evans asked if this could
33 be included in a future BOA meeting.

34
35 Vote: 6-0; Approved Unanimously

36
37
38 5. Request for Acceptance for Annual Renewal of Revocable Permits for TMK
39 Nos.: (1) 9-4-002:080; (1) 4-1-008:071 & 072; (2) 1-1-003:028; (2) 5-2-
40 001:017; (3) 3-1-004:001; (3) 4-6-002:001; (3) 4-7-004:009; (3) 4-9-011:002;
41 (3) 5-5-007:011; (4) 1-9-002:019; (4) 1-9-003:006; (4) 1-9-003:010; (4) 1-9-
42 012:011; (4) 4-1-001:007; (4) 4-1-001:012; and (4) 4-1-009:005 & 006;
43 Statewide

1
2 Roy Hasegawa, Property Manager of the Agricultural Resource Management Division,
3 presented testimony as submitted.

4
5 Motion to Approve: Gomes/Mina

6
7 Discussion:

8 Board Member Gomes asked why are these TMK RPs not long-term leases? Mr.
9 Hasegawa said that staff is working with the permittees to turn them into long-term
10 leases, and some are landlocked.

11
12 Board Member Evans asked if Mr. Hasegawa can define what a landlock is. Mr.
13 Hasegawa said if the parcel is landlocked, there is no access to the property. To make it
14 a long-term lease, it may require easements and other things that would hold up the
15 lease process.

16
17 Vote: 6-0; Approved unanimously

18
19
20 6. Request for Consent to Assignment of General Lease No. S-6001; Siaso
21 Lautaha, Lessee/Assignor, to Romulo Aguinaldo and Rusty Arneson,
22 Assignee; TMK: (1) 5-6-006:029, Kahuku Agricultural Park, Lot 1, Koolauloa,
23 Kahuku, Island of Oahu, Hawaii

24
25 Roy Hasegawa, Property Manager of the Agricultural Resource Management Division,
26 presented testimony as submitted.

27
28 Motion to Approve: Gomes/Mina

29
30 Discussion:

31 Board Member Mina asked if this operation or lease is near this existing operation? How
32 would you deal with an electric blackout so to avoid having your fish die? The 15 acres
33 will have solar panels so if electric goes out, the solar will provide needed power to the
34 pumps. We also have two 5KWA generators.

35
36 Vote: 6-0; Approved unanimously

37
38
39 7. Request to Approve Rental Offset, General Lease No. S-3143; Jerrie J.
40 Louis, Lessee; TMK (4) 1-9-002:013, Hanapepe, Island of Kauai, Hawaii

41
42 Kori Koike, Property Manager of the Agricultural Resource Management Division
43 presented testimony as submitted.

1
2 Motion to Approve: Evans/Mina

3
4 Discussion:

5 Board Member Gomes asked what was the expense amount from the receipts? Ms.
6 Koike said that they went to Hanapepe to gather those receipts and that they exceeded
7 the amount of his lease rent. She added that they did review them before we put this
8 submittal together.

9 Board Member Gomes asked if all that land has been cleared so there will be no other
10 clearing to do? Ms. Koike said she thinks there are some portions that need to be
11 cleared. The grass does pop up aggressively, but the vast majority of the property is
12 cleared and ready to be planted. Board Member Gomes asked what kind of deterrents
13 has been added to avoid having these homeless encampments returning on this
14 property? Ms. Koike responded that they were going to fence off the property. He has
15 fee simple land adjacent to this property so they are present every day of the week.
16 They have a strong community network so they lookout for pockets of potential
17 encampments.

18
19 Board Member asked what kind of crops will they be planting? Ms. Koike said she
20 thinks they have an assortment of ulu, avocados, and other trees. Ms. Koike said they
21 have access to water.

22
23 Vote: 6-0; Approved unanimously

24
25
26 A. PLANT INDUSTRY DIVISION

27
28 Plant Quarantine Branch

- 29
30 1. Subject: (1) Request for Review of the Petition from Tiffany Leilani
31 Nerveza-Clark to Initiate Administrative Rule Making and Rule
32 Amendment to Chapter 4-71, Hawaii Administrative Rules (HAR), to
33 Change the List Placement of the hybrid Savannah cat, crosses of the
34 Serval, *Felis (Leptailurus) serval* with the domestic cat, *Felis catus*, From
35 the List of Prohibited Animals to the List of Conditionally Approved
36 Animals to enable individual possession.

37
38 Jonathan Ho, Acting Plant Quarantine Branch Manager said the petitioner emailed this
39 morning indicating that she will no longer be seeking to move forward with this petition.
40 She will rehome her cats and she will no longer pursue this issue.

41
42 Motion to Approve: None

43

1 Discussion: None

2

3 Vote: None

4

5

6 2. Request (1) Allow the Importation of up to Three (3) Plains Zebras,
7 *Equus burchelli (Equus quagga burchellii)*, Animals on the List of
8 Restricted Animals (Part B), by Permit, for Non-Commercial Use in an
9 Animal Sanctuary, by Three Ring Ranch, Inc.; and (2) Update Permit
10 Conditions for the Importation of up to Three (3) Plains Zebras, *Equus*
11 *burchelli (Equus quagga burchellii)*, Animals on the List of Restricted
12 Animals (Part B), by Permit, for Non-Commercial Use in an Animal
13 Sanctuary, by Three Ring Ranch, Inc.

14

15 Noni Putnam, Land Vertebrate Specialist Plant Quarantine Branch presented testimony
16 as submitted.

17

18 Motion to Approve: Evans/Mina

19

20 Discussion:

21 Board Member Evans clarified that her motion was to approve the permit to allow the
22 plain zebras to be imported. Board Member Mina confirmed that his motion stands.

23

24 Ann Goody, said she'd like to call attention to the letters of support from veterinarians,
25 Hawaii County Council, and State Senator Dr. Tim Richards. She added that Dr.
26 Richards has been the veterinarian for this facility for almost 25 years. She added that
27 they are a sanctuary that provides lifetime care for animals in need. It provides
28 opportunity for young people to gain experience that allows them to move forward in
29 their career. She added that they have been fully compliant with HDOA. She said in 25
30 plus years, they have never had an escape or a negative outcome with a human or
31 anything that could be considered of issue with the State of Hawaii.

32

33 Board Member Gomes asked if there any other animals on your sanctuary the students
34 can look at and do the same study besides the zebra?

35 Ms. Goody replied that when students are here at the ranch, they have a broad scope of
36 animals that they learn about and work with. She added that we have lemurs and other
37 animals which provide behavioral and physical research. 100% of students have gotten
38 into vet school.

39

40 Mr. Gomes asked if it would be easier to ship the Zebra off to a state that already has
41 zebras rather than bring in three? Ms. Goody said the request is for up to three and it
42 would depend on what need is identified by the Global Federation of Animal
43 Sanctuaries.

1
2 Board Member Ley asked if the permit is approved, how long does it stay valid?
3 Ms. Putnam said each request is case-by-case, but this permit is good for up to a year.
4 Mr. Ho added that the permits are good for a year. If she does not find a suitable animal
5 in time, reissuing the permit as is or waiting until she has the animal and then issuing
6 the permit would not be unreasonable. They would work with the applicant to manage
7 the permit.

8
9 Board Member Goody asked if she lined up another person or sanctuary to possibly
10 secure a zebra from? Ms. Goody said she had to put down a name as a placeholder.
11 She was working to place animals, including a zebra from the zoo in Puerto Rico.

12
13 Board Member Ley asked if there is an estimate of the percentage of Hawaii resident
14 students versus out-of-state students that work there. Ms. Goody replied that they give
15 priority to Hawaii students and schools and they get an extra point. She added that
16 about 15% of incoming, pre-vet students are Hawaii residents.

17
18 Board Member Ley asked what the plan is if the transition doesn't go well. Ms. Goody
19 said they have extra pasture and the capability within our bedroom areas to divide it into
20 one to four bedroom units and then allow the animals to integrate together out in the
21 larger pasture areas.

22
23 Board Member Mina asked if there is a requirement for size per animal? Ms. Goody
24 said they far exceed the standards. The minimal areas are very small.

25
26 Board Member Mina asked what is being done regarding fly and feces management?
27 Ms. Goody said the manure is picked up by an organic coffee farmer every week.
28 Manure in the pasture naturally composts down.

29
30 Vote: 6-0; Approved with Reservations (Gomes and Ley)

31
32
33 V. OLD BUSINESS

34
35 1. Update on Bell vs. Tomioka Case Regarding Shell Egg Business Operation

36
37 Keith Otsuka, Acting Manager with Quality Assurance Division presented update.

38
39 Discussion:
40 None.

41
42
43 VI. NEW BUSINESS

1 None

2

3

4 Motion to adjourn: Mina/Evans

5

6 The meeting was adjourned at 10:54 am

7

8 Respectfully submitted,

9

10

11

12 Marci Clingan

13

14