



**Minutes of the Board of Agriculture
September 26, 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 September 26, 2023, at 9:06 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

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

Fred Cowell, Kauai Member

Randy Cabral, Member-at-Large

En Young, Member-at-Large

James Gomes, Member-at-Large

Mary Alice Evans, Ex-Officio Member – Signed on at 9:09 am

Excused:

Dr. Ania Wieczorek, Interim Dean CTAHR, Ex Officio Member

Deputy Attorney General Present In-Person: DAG Jodi Yi

Others Present In-Person:

Dexter Kishida, HDOA/Chair's Office

Janelle Saneishi, HDOA/Chair's Office

Stephen Dalton, HDOA/IT

Roy Hasegawa, HDOA/ARM

Linda Murai, HDOA/ARM

Brian Kau, HDOA/ARM

1 Kelcie Nagata, DAG

2
3 Others Virtually Present:¹

4 18082260361

5 18084308672

6 .
7 ADMIN

8 Brandi Ah Yo, HDOA/ARMD

9 Brian Miyamoto

10 Bryan Chinaka (GSI)

11 Caroline Rossi

12 ChunKB

13 Diane

14 Janet

15 Jeff J

16 KoikeK

17 Margarete Olson

18 Pahonu Coleman

19
20
21 II. APPROVAL OF MINUTES FROM 8/22/23 MEETING

22
23 Motion to Approve: Gomes/Ley

24
25 Vote: Approved; 7-1; Abstained: Young

26
27
28 III. INTRODUCTIONS

29
30 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

31
32 A. ANIMAL INDUSTRY DIVISION

- 33
34 1. Request for Approval of a Use Occupancy Agreement (UOA) in favor of
35 the US Navy to Construct and Maintain a Monitor Well and Laydown Area
36 on the Animal Quarantine Station Property.

37
38 Dr. Isaac Maeda, Division Administrator of the Animal Industry presented testimony as
39 submitted.

40
41 Motion to Approve: Cabral/Gomes

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

1
2 Discussion:

3
4 Board Member Evans said she was reassured to hear that DAGS' potential relocation
5 site for OCCC would not be negatively impacted by this used occupancy agreement.
6 She asked if Dr. Maeda can expand on that. Dr. Maeda said Exhibit B is in the parking
7 lot and the DAGS OCCC project doesn't include that parking lot area. The OCCC
8 proposal is located across the parking lot on the east side of the property. Board
9 Member Evans said relocating OCCC is a priority of the Office of Planning and
10 Sustainable Development.

11
12 Board Member Mina asked Dr. Maeda how deep the well is going to be and what is the
13 proximity of the well to Red Hill? Dr. Maeda said it's a ways off and called forth
14 Caroline Rossi to respond. Ms. Rossi said the approximate depth of this monitoring well
15 is 140 feet below the ground surface, and it would go directly into the basal aquifer.
16 Sampling frequency would be determined by our regulators. She added that at this
17 point, we are looking at monthly sampling of ground water parameters and all of these
18 results would be made public. Board Member Mina asked at that depth, how many feet
19 of fresh water is found? He added that for every foot above the basal lens that you find
20 fresh water, there is 32 more feet of fresh water, is this correct? Ms. Rossi said Mr. Jeff
21 Johnson would be able to respond to that. Mr. Johnson said the relationship is 1:40 feet.
22 He added that they drilled in South Halawa Valley and want to expand more towards
23 West Southwest to get a better understanding of the overall hydrogeology of the area. It
24 is not expected to get into the dike system. He said they look at the geology and drill
25 through the unsaturated zone and once they get to the saturated zone in basal aquifer,
26 they look to see what conditions are present. Board Member Mina asked what happens
27 if they find hazardous materials in the well? Mr. Jeff said so far, they haven't found
28 hazardous material but if something was found that had to be handled in a certain way,
29 they would handle it in a special way in accordance with the requirements that they
30 need to meet.

31
32 Vote: Approved; 9-0

- 33
34
35 2. Request for Approval of a Right Of Entry (ROE) for GSI North America to
36 Conduct Geophysical Gravity Studies on Animal Industry Division Property in
37 Halawa for the University of Hawaii in Support of Department of Health
38 Investigations into the Fuel Release from the Red Hill Bulk Fuel Storage
39 Facility.

40
41
42 Dr. Isaac Maeda, Division Administrator of the Animal Industry presented testimony as
43 submitted.

1
2 Motion to Approve: Gomes/Evans

3
4 Discussion: None.

5
6 Vote: Approved; 9-0

7
8
9 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

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11 1. Request for Approval of Grant of Perpetual Access and Utility Easement
12 to the County of Maui, TMK: (2) 2-2-004:006 POR., Keokea, Kula, Island
13 of Maui, Hawaii

14
15 Roy Hasegawa, Property Manager of the Agricultural Resource Management Division
16 presented testimony as submitted.

17
18 Motion to Approve: Evans/Mina

19
20 Discussion:
21 Board Member Mina asked what kind of water meters do they have on that property?
22 Mr. Hasegawa said he will find out what kind of meters.

23
24 Vote: Approved; 9-0

25
26 2. Request to Terminate General Lease No. S-3109; Milton Coleman, Jr.,
27 Lessee; Issue Cancellation Document, and Disposition of Lot; TMK: (1)
28 4-1-018:048, Koolaupoko, Waimanalo, Island of Oahu, Hawaii

29
30 Roy Hasegawa, Property Manager of the Agricultural Resource Management Division
31 presented testimony as submitted.

32
33 Motion to Approve: Gomes/Evans

34
35 Discussion:
36 Pahonu Coleman, son of Milton Coleman Jr. said he opposes the termination of his
37 family's farm. He said he is a cultural practitioner, and he weaves lauhala and the farm
38 is where he gathers his materials for weaving. He added that he encourages the board
39 to vote against this termination of his family's place.

40
41 Board Member Evans said she is concerned because this small parcel was awarded to
42 the highest bid in an auction. She added that the disposition of the parcels by auction
43 can lead to a situation where the successful bidder may not be able to generate enough

1 income from the parcel to pay the lease rent. She added that it is concerning because
2 auction may not be the best way to ensure would-be farmers can get land to make a
3 living without having to be overburdened by a lease rent that is above and beyond what
4 the land can provide.

5
6 Board Member Mina said he understands how important it is to have a Native Hawaiian
7 on these agricultural lands. He added that you need to have a bread-and-butter crop for
8 your land. He said he wants to support this family for being on the land, but he wants to
9 have more information on a viable way for them to be able to do that.

10
11 Board Member Young said to make \$20,000 a year on 1.4 acres is tough. He added
12 that the testimony that persuaded him to vote against this item was from Dr. Radovich
13 which said he would help them with a farm plan. He added that Dr. Radovich is
14 knowledgeable about the community and the Waimanalo area and maybe we could give
15 them one more chance until the reopening period. If it doesn't work out, we can move
16 forward with the remedy staff suggests.

17
18 Milton Coleman, member from the public, said they have items growing on the farm that
19 include noni, ulu, kukui, mamaki, lauhala etc. which were planted by their family. He
20 said he submitted the new plan of utilization and development to the ARM division and
21 that they were very conservative in estimating that they'd be generating about \$16,000
22 in sales. The main reason for that is behind the use of invasive trees to produce model
23 canoes, which is one of his backgrounds.

24
25 Mr. Coleman showed the board an example of his model canoes that he makes using
26 the invasive trees. He added that they have calamansi, soursop, cacao etc. growing as
27 well. He also said that the two repeated plans that were provided were rejected because
28 they would need to pay \$10,000 a month. He said he resubmitted a plan of their own
29 and he kept to the plan as long as he could. He could not sign the most recent plan
30 because there was a clause included that would supersede the authority of the board
31 without their need to terminate the lease. He hopes to move forward and continue
32 making payments and follow through with their plan of utilization and development.

33
34 Board Member Ley said she appreciates the fact that the Department has processes to
35 assure equity across all lessees, but she also recognizes that some of the work of the
36 Coleman Ohana is different than the commercial crops that other lessees are engaged
37 in. She added that she wants to urge both parties to keep working towards agreements
38 that are defined and making positive progress.

39
40 Board Member Cabral asked what is in the PUD and what has been done? Mr.
41 Hasegawa responded that the lessee did update it, but the land hasn't been cleared yet
42 and not developed. He also asked whatever the option price was, does the board have
43 the authority to lower that for this current lessee? Mr. Hasegawa said yes, if the

1 appraiser rent is lower, then lessee continues to pay the current rent. If the appraisal is
2 higher, then the new rent for the next period will be the appraised rent. Board Member
3 Cabral asked if the board has the authority to lower the auction price at the time of
4 reopening. Chair Hurd said we'll need to look into that. Board Member Tsuji responded
5 that it might be problematic and maybe AG can look at that because it is not consistent
6 with HRS 171-17.

7
8 Board Member Tsuji said that sometimes the operation of the lessee may not fit the
9 normal type of ag or normal commercial type of operation. He added that he wondered
10 if it was ever explored by the lessee or consultants considering HRS 171-46.1 which
11 allows for leases to be issued to operations to get rents set by the board. He said he
12 thought that this could be a possibility if everyone believes that the purpose of this
13 lessee and what he is trying to achieve on this land is worthy to consider.

14
15 Board Member Evans withdrew her motion to approve the staff recommendation on this
16 item.

17
18 Board Member Gomes said that we should try to work this out. He asked what would be
19 the fair amount for the lessee to be paying rather than the \$12,000? The default that he
20 has, is he able to repay that or will we forgive that? He said according to the pictures
21 that were submitted, it doesn't seem like he did anything to this place. He added that we
22 should look at all of that, but he is in favor of giving this man some wiggle room but not
23 to the point where he will take advantage.

24
25 Board Member Cabral asked if 171 applies to DOA leases or is it just DLNR? Mr.
26 Hasegawa replied that it applies to DLNR leases. Board Member Tsuji added that it
27 applies to all public lands and that he doesn't think it's mandatory and it's at the
28 discretion of the board. AG Yi said we'll need to look at it. Board Member Cabral asked
29 if it was appropriate to defer this item to see if staff can work out an agreement with the
30 current lessee? AG Yi said that it would be up to staff and Mr. Coleman to work it out
31 and try to bring it back to this board a second time.

32
33 The motion to request to terminate the general lease has died.

34
35 Vote: None

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37

38 3. Request for Approval of Waiver of Waimea Irrigation System water used
39 in August 2023 for Firefighting purposes of certain Lalamilo Farm Lots on
40 August 8, 2023, Lalamilo, Waimea, Island of Hawaii, Hawaii

41

42 Brian Kau, Division Administrator, Agricultural Resource Management Division,
43 presented testimony as submitted.

1
2 Motion to Approve: Mina/Ley

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4 Discussion:

5 Board Member Mina asked if there is any statute in the law that allows water for fire
6 fighting? Mr. Kau said not that he is aware of. Chair Hurd added that only the BOA can
7 waive water rates and take action on it.

8
9 Board Member Ley asked if there is an estimate of the proposed cost to be waived? Mr.
10 Kau said yes, the estimate it is about \$500. Board Member Ley suggested that if it was
11 significant, the numbers should be reported to Hawaii County Civil Defense because
12 there are opportunities for reimbursement of up to 75% from FEMA.

13
14 Board Member Young asked if bills from other farmers are out yet? Can we see if other
15 farmers have a significant increase in water usage? Mr. Kau responded that they did
16 send out a notice to all Lalamilo farmers twice and these are the ones that contacted us.

17
18 Board Member Cabral said he certainly supports the waiver of the fees and that the
19 farmers deserve that and without them fighting the fire, who knows what could have
20 happened.

21
22 Vote: Approved; 9-0

23
24 Motion to adjourn: Mina/Gomes

25
26 The meeting was adjourned at 10:16 am

27
28 Respectfully submitted,

29
30
31
32 Marci Clingan

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