

February 24, 2026

Board of Agriculture and Biosecurity Meeting

Re: Item B Plant Industry Division
Plant Quarantine Division Item 1

Dear Board,

Please **DENY** the Request for Review and Approval of the petition from Nancy Holman, KHNP to Initiate Administrative Rulemaking to Amend Plant Quarantine Interim Rule 25-1 to Allow Gravel to be moved from Any Other Area in the State to the Island of Molokai if it Has Been Subjected to An Approved Treatment Prior to Movement

- I humbly request that the petitioner **WITHDRAW** their Request for Review and Approval to the Interim Rule.
- If KHNP does not WITHDRAW their request and the Board needs more time, DEFER. This will give the BAB more time to confer with their Corp Counsel.
- There is absolutely no existing treatment/mitigation that will **ensure** that gravel being imported from outside Molokai to Kalaupapa Peninsula will be free from Coconut Rhinoceros Beetle or any other pest. None.
- The petition from KHNP was not on the DAB website for review for the meeting today so the public and stakeholders are not aware of the details of the actual petition.
- There is no “Approved CRB Treatment Plan” submitted by the petitioner for public review on the DAB website.
- **Precautionary Principal.** No “Approval” can be given at this time without the opportunity for stakeholders, the public and beneficiaries to review any **anticipated** treatment Approval Plan. Without the review of a treatment plan **before** decision making, one cannot discern if it will work based on the plan. The unknown potential and cumulative impacts associated with the introduction of CRB, LFA and other invasive pest species via “gravel” is so great that the Board must act to protect against those negative impacts by adhering to the “Precautionary Principal” and **DENY** the petition.
- Extensive testimony at the BAB meeting of September 23, 2025 outlined in detail the justifications for an emergency rule to protect Molokai from CRB. Nothing has changed and no amendments should be made.
- In the finding from the Plant Advisory Group to BAB, they unanimously agreed that there was an emergency threat to Molokai that justified an emergency rule. Nothing has changed to revisit those findings.
- Much Threatened and Endangered Species and Special Status Species are located in very close proximity to where the gravel will be used putting those species in critical peril and violates Federal Law. Some of the species are only known to be on Molokai in that area.
- Fortuitous benefits from the current CRB Interim Rule for Molokai is that it should reduce the likelihood for introduction of Statewide Priority Invasive Species Coqui Frog and Little Fire Ant. All 3 species (CRB, LFA, Coqui Frog) have not been detected on Molokai.
- KHNP has offered no alternatives to mitigate the request for gravel from outside of Molokai.

- KHNP's own **Environmental Assessment of MAY 2023** stated ***“given the logistical challenges associated with transporting materials and equipment to the project area via barge as well as potential supply chain issues, unexpected delays are possible. Therefore, construction could take longer than one year to complete.”***
- KHNP has been well aware of their MANAGEMENT and BIOSECURITY challenges forever and has not addressed them. KHNP knew since the beginning scoping of Their GENERAL MANAGEMENT PLAN starting in 2009 that BIOSECURITY was an issue raised by the public, stakeholders, and beneficiaries and has continued over the many years to the present and that those issues have never been addressed. The failure to plan has left Kalaupapa open to arbitrary, capricious and piece meal planning.
- KHNP has no Invasive Species Plan for Kalaupapa and no plan to mitigate and treat an introduction of CRB, LFA and other Incipient Pest Species should the pest get introduced. This is egregious given what is at stake of being lost if these species are introduced to Kalaupapa.
- The potential negative effects from the introduction of CRB and other pest to Kalaupapa is so significant that it warrants further review under chapter 343, section 106, and ESA section 7.
- As a Beneficiary of the DHHL who is the landowner of where the gravel will be imported/delivered to I have a right to consultation **BEFORE** any action is taken. The BAB **CANNOT** and should not circumvent that right even if the DHHL supports KHNP's ask. Simply, the BAB **CANNOT** grant an approval today. The Programmatic Agreements between DHHL and KHNP ensures our right to consultation.
- Depending if I am testifying in person or by Zoom, I will need to state for the record that BEFORE any “Approval” is granted by the BAB It is my INTENT TO INTERVENE and move to a contested case hearing.

Please DENY this request/petition from KHNP.

Mahalo Plenty,

Lori Buchanan

Member: Hui Hoopakele Aina

Beneficiary: Department of Hawaiian Homelands

Palaau Moku Poo: Molokai Aha Kiole

Ohana: Purdy, Ritte, Buchanan, Ritte-Camara, Ritte-Hanchett,

TESTIMONY IN OPPOSITION

Request for Review and Approval of the Petition from Nancy Holman, Kalaupapa National Historic Park, to Initiate Administrative Rulemaking to Amend Plant Quarantine Interim Rule 25-1, to Allow Gravel to be Moved from Any Other Area in the State to the Island of Molokai if it Has Been Subjected to an Approved Treatment Prior to Movement.

Department of Agriculture and Biosecurity
Plant Quarantine Branch
1849 Auiki Street, Honolulu, HI

Meeting Date: February 24, 2026 at 9 am

Aloha Chair Hurd and Members of the Board of Agriculture and Biosecurity:

My name is Pauline Sato and I am testifying as an individual and part-time resident of Moloka'i. Last September, I was very pleased with the decision of the Board of Agriculture and Biosecurity (BAB) to pass the Interim Rule to Restrict the Transportation of Material to the Island of Moloka'i to Prevent the Spread of CRB. The Moloka'i community came out strong to urge the BAB to come to this wise decision.

I recently learned of the petition to initiate administrative rulemaking to amend the aforementioned interim rule to allow gravel to be moved from any other area in the State to the Island of Moloka'i if it has been subjected to an approved treatment prior to movement. This petition goes against the intent and purpose of the interim rule that was passed just six months ago. It is important to allow the rule to run its full course before making amendments to it. CRB is still a major cultural, biological, and economic threat and it is unwise to relax restrictions to protect the island of Moloka'i, which stands out as a CRB-free island.

Mahalo for your leadership and for the opportunity to provide testimony on this important matter.

Aloha,



Kaunakakai, Hawai'i