

MAR 06 2018

SENATE CONCURRENT RESOLUTION

URGING THE BOARD OF AGRICULTURE TO REVIEW PROCEDURES RELATING TO
AQUACULTURE IMPORTATION PERMIT APPLICATIONS AND TO SUBMIT A
REPORT TO THE LEGISLATURE.

1 WHEREAS, the Department of Agriculture is charged with
2 enforcing rules relating to the importation of animals that may
3 be detrimental to the agricultural, horticultural, and
4 aquacultural industries, natural resources, and environment of
5 Hawaii; and

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7 WHEREAS, section 4-71-3, Hawaii Administrative Rules,
8 establishes that "[a]ll importation of animals shall be by
9 permit"; and

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11 WHEREAS, section 4-71-4, Hawaii Administrative Rules,
12 establishes that the Board of Agriculture shall approve or
13 disapprove permit applications for the importation of animals
14 into the State; and

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16 WHEREAS, section 4-71-4.1, Hawaii Administrative Rules,
17 provides for the maximum time periods for permit approvals,
18 disapprovals, extensions, or automatic approvals for the
19 importation of animals into the State; and

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21 WHEREAS, section 4-71-4.1(c), Hawaii Administrative Rules,
22 states that notwithstanding certain exceptions, "an application
23 request for the issuance of a permit shall be given automatic
24 approval if action is not taken by the department [of
25 agriculture] within the established maximum period of time" and
26 that "[a]fter the expiration of the maximum time period is
27 brought to the attention of the department, the department shall
28 have a reasonable amount of time to issue the permit"; and

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30 WHEREAS, local farmers and others are ready and able to
31 bring additional aquaculture to the State that can assist the



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1 State in achieving local food production and sustainability
2 goals; and

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4 WHEREAS, there are reports of several incidents in which
5 those seeking to import aquaculture to the State have not
6 received permits from the Department of Agriculture within the
7 maximum time periods or within a reasonable amount of time after
8 the expiration of the maximum time periods established in the
9 Hawaii Administrative Rules; now, therefore,

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11 BE IT RESOLVED by the Senate of the Twenty-ninth
12 Legislature of the State of Hawaii, Regular Session of 2018, the
13 House of Representatives concurring, that this body urges the
14 Board of Agriculture to review its procedures for permit
15 applications relating to the importation of aquaculture to
16 determine the causes of any failure to adhere to applicable
17 Hawaii Administrative Rules; and

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19 BE IT FURTHER RESOLVED that the Board of Agriculture is
20 requested to submit a report to the Legislature, no later than
21 twenty days prior to the convening of the Regular Session of
22 2019, detailing all permit applications relating to the
23 importation of aquaculture received since 2011, including the
24 date of the application, date of approval or disapproval, date
25 of issuance of the permit if applicable, and an explanation
26 describing the reasons for the failure to issue a permit within
27 the maximum time limits or within a reasonable time thereafter,
28 pursuant to the Hawaii Administrative Rules; and

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30 BE IT FURTHER RESOLVED that a certified copy of this
31 Concurrent Resolution be transmitted to each member of the Board
32 of Agriculture.

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OFFERED BY:

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