

HAWAII INVASIVE SPECIES COUNCIL
Dept. of Land and Natural Resources
DLNR Board Room
October 29, 2003

M I N U T E S

Members Present:

Peter Young, Co-Chair, Dept. of Land and Natural Resources
Sandra Lee Kunimoto, Co-Chair, Department of Agriculture
Sam Callejo for Evan Dobelle, University of Hawaii (UH)
Major General Robert Lee, Dept. of Defense
Larry Lau for Dr. Chiyome Fukino, Dept. of Health
Mark Recktenwald, Dept. of Commerce & Consumer Affairs
Jan Yagi Buen, County of Maui
Bill Spitz, County of Kauai

Others Present:

Mike E. Pitzler, USDA-APHIS-Wildlife Services
Mark Ono, USDA-APHIS-Wildlife Services
Jeff Burgett, U. S. Fish & Wildlife Services
Earl Campbell, U. S. Fish & Wildlife Services
Andi Shluker, The Nature Conservancy of Hawaii (TNC)
Mark Fox, The Nature Conservancy of Hawaii (TNC)
Suzanne Case, The Nature Conservancy of Hawaii (TNC)
Christy Martin, Coordinating Groups on Alien Species (CGAPS)
Carol Russell, USDA-APHIS-PPQ, CGAPS
Lyle Wong, Department of Agriculture
Larry Nakahara, Department of Agriculture
Nilton Matayoshi, Department of Agriculture
Penny Lewin, Hawaii Army National Guard
Teya Penniman, Maui Invasive Species Committee (MISC)
Randy Bartlett, Maui Invasive Species Committee (MISC)
Michael Buck, Div. of Forestry & Wildlife, DLNR
Mindy Wilkinson, Div. of Forestry & Wildlife, DLNR
Boone Kaufmann, USDA For. Serv., Inst. of Pac. Islands Forestry (IPIF)
Linda Chow, Dep. Atty. General, Attorney General's Office

CALL TO ORDER – INTRODUCTIONS

The meeting was called to order at 1:40 p.m. by Co-Chairperson Peter Young. Peter announced that a record of the last gathering was circulated and also circulated was the letter of appointment by the Governor, which happens to be dated after our last

gathering. Also, copies of a letter from Cathy Gogell (dated 8/15/03) and Peter Young's response letter (dated 9/4/03) were circulated. Peter said this is the "official" first meeting of the Hawaii Invasive Species Council (HISC).

AMENDMENT TO AGENDA – (Deletion of Item #4)

Peter said he wanted to propose an amendment to the Agenda, to delete Item #4 (Approval in Concept of a HISC Budget Request). There were no objections to this.

APPROVAL OF HISC WORKING GROUPS

Mike Buck (Administrator of DOFAW) introduced himself, and also Lyle Wong, his counterpart at DOA. He said there were only 4 states that have invasive species councils. He said this council has much higher level of responsibility than other states. He thanked the council for providing leadership. Mike briefed the council on the working group structure. The five working groups are: Interagency Working Group, Resources Working Group, Working Group on Established Pests (*Early Detection, Rapid Response, and Control*), Working Group on Pests Not Present in Hawaii (*Prevention*), and the Public Outreach Working Group.

He mentioned that a lot of the work is already presently being done by CGAPS, and a lot of agencies (Federal, state, private) are already working with this. Specific tasks were gleaned from existing work, plans, and legislation that already exists. Mike recommended to the council to adopt the Working Groups, along with the lead staff for the specific Working Groups. He emphasized that when each group meets, they can feel free to change, edit and re-prioritize.

Lyle said that he and Mike have spent a lot of time on this, and Dept. of Agriculture feels comfortable with these Working Groups, as a reasonable way to proceed. He encouraged the HISC to approve the Working Groups.

Peter said he has spoken with the directors that are suggested as the lead members of the Working Groups. They were initially concerned with the tasks (staff time, resources), but were in agreement. Peter said if the proposed Working Groups are approved, we encourage the chairs (of the Working Groups) to be as inclusive as possible, with participants as well as the broader community and organizations. There is interest by others to participate in the Working Group process. He mentioned that at the initial meeting(s) of the Working Groups, it would be good for them to set their goals first, rather than just jumping into specific tasks.

Discussion:

Larry Lau asked if Working Group #3 (Working Group on Est. Pests) will review their own tasks. Peter said this was not an exhaustive list of all the things that need to be done, but just a start on compiling tasks from existing plans and suggestions from the Coordinating Group on Alien Pest Species (CGAPS).

Sam Callejo asked why UH was not included in the Working Group on Established Pests. Mike Buck (& Peter) said they would be happy to include UH in this working group. Jan Yagi Buen asked if the counties could be included in the Working Groups. Sandra Kunimoto asked if the counties would like to be named on each one of these groups. Jan was in agreement with this. Peter said there is a lot of room for community and organizational involvement with the Working Groups.

Bill Spitz mentioned that the NGO's were already active in public outreach activities. Mike Buck replied that HISC was set up not to duplicate work. The HISC will be dealing with tough policy issues and/or leadership issues that come up.

Earl Campbell said it wasn't explicitly stated but encouraged to have federal involvement. Peter Young was in agreement with this. He noted that we circulated the letter that has gone for the Governor's approval to all the members. Also, Earl's letter is still pending at the Governor's Office.

MOTION: Larry Lau made a motion to adopt the proposed working group structure, with the addition of the counties as members in each working group, and with the addition of UH as a member of the established Working Group on Established Pests. Sam Callejo seconded the motion and the motion was unanimously approved.

RED IMPORTED FIRE ANT INFORMATIONAL BRIEFING

Mike Buck introduced Ms. Ellen Van Gelder, Invasive Species Specialist with USGS. Ellen gave us an informational briefing on the red imported fire ant. She said the ant has been in the U. S. for quite a while (since the 1930's), but mainly in the southern region. She showed the council (with her power point presentation) the damage it has done, especially in California. Mike commented that due to the budget crisis in California, they are thinking of stepping back from this eradication effort. Ellen said what is needed to implement the plan (here in Hawaii) is: (1) a full-time coordinator, (2) risk assessment, (3) HDOA authority to inspect non-agricultural items, and (4) develop and implement an early detection system. The cost to implement this plan would be about 1.2 million dollars.

Discussion:

Sam - Ellen you mentioned giving HDOA authority. Would this be by rule-making or authority? Ellen deferred to Lyle Wong of DOA.

Lyle said what we could do would be a "blitz" (of the containers), but specifically for agricultural items. He said we cannot inspect the containers on the pier. Would have the look at the pathways.

Larry Lau – Would like to emphasize looking at other pests (i.e., West Nile virus) from DOH'S perspective, also. DOT will probably be getting involved. Lyle said it would probably cost more than a million dollars if we are going to include other pests. Would

have to look at the pathways; but how we do it with our existing resources, has to be looked at. There's no doubt that this is the "hottest" pest right now.

APPROVAL OF A PROCESS FOR HISC INPUT TO FEDERAL INVASIVE SPECIES LEGISLATION

Mike Buck explained to the Council that this was a process in which the HISC could deal with federal legislation. He said we already have existing expertise with CGAPS' input, two CGAPS members belonging to the National Invasive Species Committee, and also the Hawaii Congressional delegation. Mike Buck said there are about 20-30 existing federal bills right now. Senators Akaka, Inouye and Case have introduced bills in support of federal invasive species legislation, benefiting the State of Hawaii.

Mike said this process would authorize the Co-Chairs to provide written testimony on behalf of the Council, regarding relevant pro-active (new) legislation and also reactive (upcoming) legislation. It will enable them to respond to legislation in a timely manner. The 6 federal legislation policies listed, are to give overall guidance and direction to the Council.

Peter just wanted to note that as of today there is a bill that will be introduced soon regarding the Brown Tree Snake. Lyle said Rep. Abercrombie, Case and a delegate from Ohio had worked on this Brown Tree Snake (Eradication Act) in the House of Representatives.

Peter said not knowing for sure the frequency of our meetings, is one of the reasons for this proposal. It will eliminate the need to call special meeting(s) expressly for that purpose. It is hoped that working in this manner with the cooperation of the members, will provide timely testimony.

MOTION: Lawrence Lau moved to adopt this process for the HISC to provide input to Federal invasive species legislation and policies. Sam Callejo seconded the motion and the motion was unanimously approved.

Discussion:

Lawrence Lau brought up the need to have the word "relevant" HISC members on page 2, last paragraph, first line, of the Legislative Review Action Item. He recommended that we should broadcast to all the members.

Peter said he received clarification today from the Attorney General. She stated that members (of HISC) are those listed in the legislation. Thought it was important to expand and include the state, federal, and county level to get participation. Would encourage everyone to participate not only in federal legislation, but on other council matters.

AMENDMENT TO MOTION: Lawrence Lau moved to amend his motion to include the deletion of the word “relevant” HISC members, on page 2, last par., first line, of the Legislative Review Action Item. Sam Callejo seconded the motion and the motion was unanimously approved.

Peter said due to it not being specifically on the Agenda and also because of the Sunshine Law, they would not be taking any action today on the Brown Tree Snake legislation. It will be taken up at a future council meeting.

**APPROVAL OF AN INITIAL LIST OF INVASIVE SPECIES
BASED ON EXISTING DEPARTMENTAL RULES**

Michael Buck said last year S. B. 1505 and S. B. 552 had established provisions for government agencies to enter a private landowner's property for invasive species control, with limited liability to the landowner. To utilize these provisions, the HISC needs to identify what species are invasive. There has been lots of ongoing dialogue on the lists in other fora. They have taken the existing lists (Injurious Wildlife - DLNR) and (Prohibited Animals & Noxious Weeds – DOA) and will use them to start off with. Mike said the purpose today is to adopt the three proposed existing lists, and then assign the Working Group on Established Pests to take the lead responsibility.

Discussion:

Larry Nakahara said we should define what the list(s) should look like first. He recommended that the Working Group on Established Pests work on the lists.

Earl Campbell recommended that we should adopt the lists as is. He said there are two lists: one list – DOA laws, and another – DLNR laws. Earl stated that it does need to go through committee to work on the lists. He said, it would be good to just approve the lists for now, as a practical matter.

Sam asked Linda Chow (Dep. Attorney General) if we have the authority under the present law to adopt this list? She replied, that we do.

Peter suggested to the council to approve a quick short list, or just adopt the list and narrow it down later. Mike Buck suggested spending a couple of minutes with his staff, in order to present the council with a shorter list.

Lawrence Lau said DOH is very concerned about the West Nile virus. He asked if we could put this on the list, or did we need to identify vectors? Larry was having trouble finding a definition of invasive species.

Linda Chow said invasive species was not defined in the Act that set up this council. However, it was defined in the sister Act, (Act 86) from last year. This act limits landowners' liabilities with regard to control or eradication of invasive species.

She read the definition of invasive species from that Act. (“Invasive species means any plant, plant pest, noxious weed, microorganism, biological control organism, or animal that can directly or indirectly injure or cause damage to the environment or to the interests of agriculture, horticulture, aquaculture, animal or public health, native species, natural resources, irrigation, or navigation.”) She said it does address this.

Lyle said he is not sure what impact it has on state quarantine. On DOA’s list it allows entry (for an animal), but not sure of invasive species.

Peter asked Linda for clarification regarding the Council’s adoption of the lists. Linda replied that any adoption of the list(s) by the council, does not affect DOA’S or DLNR’S individual lists.

Earl Campbell said there is some value in having a DLNR list and a DOA list. Covering the liability issue enables them to use volunteers in the process (for eradication, prevention, control). There are reasons for DOA’s and DLNR’s list. He encouraged the council to adopt both lists, and said they should be considered both for their own merits.

Peter encouraged the Council to adopt the lists. This would enable the Working Group to work with the existing lists, and also provide for volunteers to continue their hard work.

Teya Penniman (Maui Invasive Species Committee – MISC), said this is a very important rule. She stated the MISC is very flexible in having the Council adopt a broad list. She assured the Council that MISC would not interpret it broadly, but would be very selective. Thea encouraged the Council to adopt a broad list, with the understanding that it is to be used judiciously, in order to gain access.

Mark Recktenwald said he is hearing that there is a narrow purpose of identifying these species, that would allow entry on private land and protect liability. He said to be sure that the motion just addresses this, and doesn’t pre-judge the broader issue (e.g., what is or isn’t an invasive species). Peter commented that is clearly the intent.

Lawrence Lau said in summary we have the choice of adopting these very long lists, which gives the agency/volunteers very broad authority, or to take the narrow approach and try to adopt a small list. He recommended that Attachment B should be the 5 pages starting with Acacia mearnsii (black wattle), from the List of Plant Species Designated as Noxious Weeds for Eradication or Control Purposes by the Hawaii Department of Agriculture.

Mark recommended the adoption of the lists, and to have the Working Groups refine the lists.

Larry Nakahara said the liability issue extends to the property owner. He said they (DOA) have been working with the Big Island Invasive Species Committee on a miconia issue. They (DOA) still have to go through the legal necessities in order to gain access to the property (e.g., getting the judge to issue a search warrant.)

Linda suggested to Mike to refer to *HISC Departments*, rather than HISC Agencies. Larry suggested that we delete the words, “*or other relevant staff*” in (number 2) of the proposed recommendation.

MOTION: Lawrence Lau made a motion that the Council adopt the staff recommendation as modified. That the HISC: (1) Adopt the three proposed existing lists of invasive species (attached as Attachments A, B, & C); Attachment B to be the 5 pages beginning with the term, black wattle on the list, dated June 18th, 1992, as the initial list of invasive species recognized by the HISC, for the limited purpose of HISC Departments and cooperating partners to gain access to property and reduce private property liability for invasive species prevention and control. (2) Assign the Working Group on Established Pests to take the lead responsibility in developing a mechanism for updating the list of invasive species, officially recognized by the HISC in a timely manner. The motion was seconded and unanimously approved.

ACKNOWLEDGEMENT

Peter acknowledged that The Nature Conservancy had worked on a Aquatic Invasive Species Management Plan that was circulated to all the members. He said he believes this is the only Tropical Aquatic Invasive Species Management Plan in the country. He expressed the Council’s appreciation for that activity.

Andi Shluker emphasized that The Nature Conservancy put the Plan together, along with a Steering Committee. This steering committee was comprised of 14 people from the state, federal and county, many of whom were represented in the room. It was really a collaborative effort. Once it is approved, Hawaii will be eligible for a grant; the first of hopefully many funding opportunities. Andi said it is very likely we will receive this grant for invasive species. Lyle said the initial thing is that the state of Hawaii will benefit from this grant; will provide for a full-time position (from the USFWS)

PUBLIC TESTIMONY

Suzanne Case, Director of The Nature Conservancy, thanked the Council for their efforts, and said it was a great discussion. She said the fire ant presentation is a classic example of how every agency has tremendous issues on invasive species and can work together.

Teya Penniman told the Council that their role as agency directors is absolutely vital to the protection of Hawaii’s resources, and tourism-based economy. She said the Council is not alone in this work, as CGAPS has been working on these issues for over 8 years. CGAPS has already been working to identify significant gaps in invasive species legislation. Speaking on behalf of CGAPS, Teya applauded the Council, and said she is looking forward to working cooperatively with them on these issues

CONCLUDING REMARKS

Peter said we should be hearing from the administration soon, with regards to discussions on the environment and funding for invasive species. Unfortunately we haven't received the final position yet; it is close, and we should expect some significant enthusiasm shortly. (He mentioned that this was the reason for deleting Item #4 from the agenda today.)

ADJOURNMENT

Peter Young adjourned the meeting at 3:20 p.m.

Respectfully submitted,

DARYL JEAN L. WONG

