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Hawai'i Invasive Species Council

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U.S. Department of Agriculture
U.S. Department of the Interior
U.S. Department of Defense

Hawai'i Invasive Species Council

Meeting Minutes

September 30, 2011

Rm 325, Hawai'i State Capitol

HISC voting members and participants present: Russell Kokubun (HDOA), William J. Aila, Jr. (DLNR), Jesse Souki (DBEDT), Gary Gill (DOH), Carl Evensen (UH), Senator Nishihara, Representative Hashem

Others present: Susannah Iott (OISC), Mary Ikagawa (OISC), Cathy Goeggel (Animal Rights Hawai'i), Jono Blodgett (DAR AIS), Keren Gundersen (KISC), Teya Penniman (MISC), Bob Nishimoto (DAR), Paul Conry (DLNR DOFAW), Jan Schipper (BIISC), Domingo Cravalho, Jr. (USFWS), Darcy Oishi (HDOA), Josh Fisher (USFWS), Leslie Iseke (HDOA), Keevin Minami (HDOA), Vernon Nakamoto (HDOA), Becky Azama (HDOA), Katherine Cullison (DAR AIS), Carlton Saito (Sen. Gabbard), Christy Martin (CGAPS), Rob Hauff (DOFAW), Neil Reimer (HDOA), Brian Miyamoto (HFBF), Ken Kakesako (Sen. Kahele), Angela Kieran-Vast (DOD), Janet Ashman (HFBF), Jackie Kozak Thiel (HISC), Josh Atwood (HISC), Alicia Maluafiti (HI Crop Improvement Association).

1. Call to order: 9:15 am

2. Introductions

3. Approval of minutes: Motion by Gary Gill, seconded by Russell Kokubun, minutes approved unanimously.

4. Approval of reissue for FY11 DOA funds

A funding transfer to HDOA's biocontrol program occurred too late in FY11 for the funds to be expended. Russell Kokubun moved to reissue the FY11 funds. Gary Gill seconded. Motion was unanimously approved.

5. Discussion of legislative/rule topics and timeline

- Ethics issues regarding HISC lobbying (Cindy Young, DAG)

A concern was raised that HISC members involved in drafting legislation would not be able to testify on behalf of that legislation, in light of an earlier memo from Leslie Kondo (Hawai'i State Ethics Commission) to the Mortgage Foreclosure Task Force. The memo stated that members of the task force could not lobby on foreclosure issues as paid lobbyists. Because all HISC voting members are state employees, Ms. Young advised that the memo did not apply to this situation.

- Overview of items identified by Council and network (Josh Atwood)

At the August 18th HISC meeting and in subsequent discussions with members of the HISC network, topics were identified that the group would like to see addressed by statute, rule, or other action. Topics were

separated into three categories: Long-term items, Current proposals, and Items already in progress.

Long-term items

Aquatic invasive species issues

- DAR wants to work with DOH regarding permits for pesticide use near water
- DAR is interested in having oversight for aquaculture facilities via permitting.
- Due to the breadth of topics discussed, it was determined that DLNR DAR would pursue its own statutory authority to create administrative rules pertaining to aquatic invasive species issues over the course of FY12.
- Alicia Maluafiti (HI Crop Improvement Assoc.) expressed concerned over DAR's interest in requiring an EA for GMO grown in aquaculture, as most aquatic invasives arrive through hull fouling, not aquaculture.
- Gary Gill noted that DAR's initiatives would need to be coordinated with DOH to ensure compliance with Clean Water Act.

Import and interisland movement of plants

- Enhanced capacity for interisland inspections will take more time to consider, especially with staffing shortage at HDOA. HDOA staff provided feedback that there is no point in changing statutes/rules if we can't back it up with people. It would require additional inspection staff, hot water treatments for coqui frogs, and there is difficulty in inspecting hard-to-detect items like insect eggs. Existing admin rules require inspection of propagated plants that are moving interisland.
- Carl Evensen noted that increased outreach to landscapers and the public would be beneficial.
- Darcy Oishi: HDOA is working on LFA issues relating to interisland transport. If HDOA Plant Quarantine identifies shippers or nurseries that have a problem, they will assist with that problem. There are only 3 people on the staff.
- Carol Okada: HDOA conducts a program to certify growers for shipments. Non-certified growers have to treat their products prior to shipment. Certified growers don't, but if pests are discovered then that grower becomes non-certified. They certify annually. They are modifying containers to have two hot water treatment systems on the Big Island.
- Teya Penniman expressed concern over controlling species that are continually reintroduced. We need to address interisland movement of pests, even if there isn't capacity. Recommends creating a multi-stakeholder group to deal with interisland transport of pests, including shipping, landscape industries and regulatory agencies.
- Gary Gill and Carl Evensen supported this idea, with the intent that the stakeholder group be tasked with producing legislation.
- Carol Okada indicated that this was not a good strategy due to lack of capacity and different priorities for CGAPS, which has identified red imported fire ant, 'ōh'ia rust, mosquito, and brown tree snake as priorities. There is capacity to protect the state from items coming in or moving between islands, but not both.

Pest Control Fees

- Mary Ikagawa noted that currently pest control is provided free of charge by HDOA to the public, by statute. There was a suggestion that there be a reasonable charge to the public for pest control. This was discussed as a potential item for action, but was not determined to be a priority for the 2012 legislative session.
- Mary also suggested broader wording prohibiting the release of vertebrates, stating that there shall be no release of any vertebrates into the wild.
- Mary also suggested a search for money for an outreach campaign at the state level on what invasive species mean and how difficult control is.

Current Proposals for the 2012 Legislative Session

Provision allowing emergency rules adopted in instances of imminent peril to natural resources or environmental health.

- This was a suggestion from the Council at the August 18 meeting. Under HRS 91, emergency rules can currently be adopted only under instances of imminent peril to public health, safety, morals, or to livestock and poultry health. The current proposal is to broaden those conditions to include instances of imminent peril to natural resources or environmental health.
- Gary Gill questioned what situations constituted imminent peril. William Aila stated that the process would not be taken lightly and would be similar to other emergency rule adoptions, requiring board and Governor approval.
- Carl Evensen asked if there were existing provisions to deal with brown tree snake. Russell Kokubun stated that there were, but within jurisdictions. DOA would be in charge at ports, but DLNR would be in charge for forest response.
- Russell Kokubun moved to approve. Carl Evensen seconded. Motion carried.

Items already in progress

Transport of introduced wildlife

- There was a loophole in rules and statutes that allowed introduced animals to be transported. Senator Kahele is interested in introducing legislation that would revise DLNR's statutes to prohibit interisland movement of introduced wildlife. DLNR is also revising their admin rules to prohibit inter and intra island movement. Hawaii County is introducing penalties on transport and release of axis deer on Hawaii Island.

Listing of invasive species by HISC

- HISC staff have been working with Dede Mamiya to draft admin rules to be associated with the HISC statute, HRS 194. The rules define basic procedural issues, and provide a mechanism to designate invasive species.
- HRS 194 tasks the Council to identify and record invasive species in the state. To date the only movement toward an invasive species list has been to adopt existing noxious weed and injurious wildlife lists. This process doesn't allow us to add species, or recognize species not on those lists, and updating those lists requires admin rule revisions. The new HISC rules would allow us to identify species recognized by HISC in addition to existing lists.

- A request from member of the Council or the Coordinator, accompanied with written justification would be required for the Council to consider adding a new species. Would be based on available data. The Council would review and vote on designation.
- The intent of reviewing a draft of the rules today is to make sure the content is in the direction that the Council wanted prior to sending a draft to the AG.
- Gary Gill asked whether there were additional authorities granted by HRS 194 beyond private property entry. There are not.
- Russell Kokubun noted that there are some biocontrol agents on the included lists that should not be restricted as invasive. Josh Atwood indicated that he would work with DOA staff to revise the criteria for designating as invasive based on existing lists.
- Janet Ashman (Hawaii Farm Bureau) expressed concern that the Farm Bureau was not included in the process of creating this first draft. Christy Martin clarified that two processes are getting confused here: the Farm Bureau was previously involved in an ongoing process of updating the noxious weed and restricted plant lists, as requested by the legislature in 2011. These admin rules for HISC are separate.

Dedicated funding source for HISC projects

- Emma Yuen and Guy Kaulukukui discussed plans for funding DLNR's Watershed Initiative, which could include funds for invasive species control. The current proposal was to secure a portion of the barrel tax. Russell Kokubun and Gary Gill noted that the barrel tax was intended for food and energy security, and that the departments originally identified as recipients (DOA, DBEDT, and DOH) are not all receiving the originally intended portions.
- Mark Fox (TNC) noted that dedicated funding for conservation work has always been hard to come by, and that increases to the conveyance tax or barrel tax could be considered to provide more support. Blue Planet Foundation did a survey that said most people would support a \$5 barrel tax. The Transient Accommodations Tax (TAT) is another potential source, in that we need to protect the product that we "sell" via tourism.
- The Council decided not to take a specific action on this issue at this time.

6. Announcements

- Letter from the Maui County Council Regarding Axis Deer
Maui County adopted a resolution to urge the state to consider collaboration on the established axis deer issue on Maui. Russell Kokubun commended the county of Maui for supporting invasive species work. Suggested that the HISC meet on Maui to better engage with the Maui community. William Aila agreed.

7. Public Comments

- Russell Kokubun suggested that the next HISC meeting occur prior to the 2012 legislative session, to allow departments to discuss their legislative priorities.

8. Adjournment