



EXECUTIVE CHAMBERS

HONOLULU

NEIL ABERCROMBIE
GOVERNOR

March 6, 2014

The Honorable Nancy Sutley
Chair
Council on Environmental Quality
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Chair Sutley:

Recognizing the unique and critical threats from invasive species to the State of Hawaii's economy, environment, food security, climate change resilience, and health and safety of our citizens, my Administration has developed a *Hawaii Biosecurity Resolutions Package* of recommendations for strengthening the security of our State. Specifically, this package addresses four areas in which federal invasive species policies impact our ability to mitigate the impacts of invasive species here in Hawaii. The importance of this issue is recognized by our neighboring island states: at the 2013 Micronesian Presidents' Summit, the Presidents of the Republic of Palau, Federated States of Micronesia, and Republic of the Marshall Islands issued a communiqué declaring that with consideration to changing climates, invasive species management is a fundamental component of our environmental, social and economical adaptation efforts.


Hawaii's interagency Hawaii Invasive Species Council (HISC), a cabinet-level board modeled after the National Invasive Species Council, has worked with federal partners in Hawaii to identify priority invasive species issues for which federal action is needed to strengthen biosecurity in Hawaii and in the Pacific region. In 2012 and 2013, the HISC adopted the following four resolutions as part of its mandate to coordinate the State's position on federal invasive species issues:

- 1. Resolution 13-1: Support for federal recognition of Hawaii's unique biosecurity needs and coordination between federal and state inspection agencies, including information sharing between federal and state inspection staff and the development of joint inspection facilities:** Hawaii's ecological history as an isolated island chain has resulted in an environment distinct from that of other states. While state and federal lists of pests for quarantine differ, federal preemption under the U.S. Plant Protection Act of 2000 prevents the State from regulating foreign and interstate commerce pests that threaten Hawaii but are not federally listed. The State of Hawaii supports expedited processes for the removal of federal preemption for certain pest species, as well as the ability to share

information between federal and state inspectors.

2. **Resolution 13-2: Supporting the reauthorization of the Brown Tree Snake Control and Eradication Act of 2004:** The original authorization of the Brown Tree Snake Control and Eradication Act of 2004 appropriated funds to support detection, control, and research pertaining to the invasive brown tree snake. Brown tree snake remains a high-risk pest for Hawaii and other jurisdictions. Reauthorization of this act, with appropriations, would allow critical detection, control, and research activities to continue.
3. **Resolution 13-3: Supporting amendments to the list of injurious species under the Lacey Act:** The Lacey Act prohibits the import, export, transportation, sale, receipt, acquisition, or purchase of species listed as injurious wildlife. In 2010, the U.S. Fish and Wildlife Service recommended nine species of constrictor snakes to be added to this list. Five of these species were not added to the list despite their environmental impacts. These species include reticulated python, boa constrictor, DeSchauensee's anaconda, green anaconda, and Beni anaconda. There are no native snake species in Hawaii, but a number of these species have been recovered in our state. Continuing the listing process for injurious wildlife and adding these remaining five snake species would enhance biosecurity for Hawaii as well as other states.
4. **Resolution 12-1: Supporting the Micronesian Biosecurity Plan (MBP) review and implementation, and requesting the inclusion of Hawaii as a potential recipient of invasive species:** The U.S. Department of Defense has developed the MBP in preparation for increased military movement in the Pacific region, recognizing the potential for invasive species to be associated with these movements. This planning is unprecedented in scope and, if implemented, has the potential to greatly increase biosecurity in the Pacific through enhanced regional coordination of biosecurity protocols. These efforts will also support Hawaii and other Pacific islands in protecting biodiversity and food sustainability, and in improving ecosystem resiliency to climate change.

Hawaii's unique ecological and cultural histories necessitate unique policies to effectively protect Hawaii's environment, economy, and way of life. My Administration has committed to working with our federal partners to find solutions to invasive species issues at both the state and federal level. Please see the attached resolutions from the Hawaii Invasive Species Council as additional reference to Hawaii's position on these important issues.

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

The Honorable Nancy Sutley

March 6, 2014

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cc:

Secretary Tom Vilsak, U.S. Department of Agriculture

Secretary Sally Jewel, U.S. Department of the Interior

Secretary Chuck Hagel, U.S. Department of Defense

Secretary Anthony Foxx, U.S. Department of Transportation

Kevin Shea, Administrator, U.S. Department of Agriculture, Animal and Plant Health
Inspection Service

Senator Brian Schatz, U.S. Congress

Senator Mazie Hirono, U.S. Congress

Representative Tulsi Gabbard, U.S. Congress

Representative Coleen Hanabusa, U.S. Congress

Lori Williams, Executive Director, National Invasive Species Council

Robert Wiltshire, Chair, Invasive Species Advisory Council

James D. Ogsbury, Executive Director, Western Governor's Association

John Wichap, Coordinator, Micronesian Regional Invasive Species Council

William J. Aila, Jr., Chair, Hawaii Department of Land and Natural Resources

Scott Enright, Chair, Hawaii Department of Agriculture

Attachments: HISC Resolutions

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

SHAN TSUTSUI
LIEUTENANT GOVERNOR



HAWAII INVASIVE SPECIES COUNCIL
1151 PUNCHBOWL ST, #325
HONOLULU, HAWAII 96813

VOTING MEMBERS
WILLIAM J. AILA, JR
DEPARTMENT OF LAND & NATURAL
RESOURCES
RUSSELL KOKUBUN
DEPARTMENT OF AGRICULTURE
GARY GILL
DEPARTMENT OF HEALTH
MARIA GALLO, PhD
UNIVERSITY OF HAWAII
JESSE SOUKI
OFFICE OF PLANNING, DEPARTMENT OF
BUSINESS, ECONOMIC DEVELOPMENT &
TOURISM
DAVID RODRIGUEZ
DEPARTMENT OF TRANSPORTATION

RESOLUTION 13-1

SUPPORTING FEDERAL RECOGNITION OF HAWAII'S UNIQUE BIOSECURITY NEEDS AND COORDINATION BETWEEN FEDERAL AND STATE INSPECTION AGENCIES, INCLUDING INFORMATION SHARING BETWEEN FEDERAL AND STATE INSPECTION STAFF AND THE DEVELOPMENT OF JOINT INSPECTION FACILITIES

WHEREAS, the U.S. Plant Protection Act of 2000¹ provides for federal preemption of State regulation in foreign commerce any plant, plant pest, noxious weed, or plant product in order to prevent the introduction or dissemination of a plant pest or noxious weed; and

WHEREAS, the U.S. Plant Protection Act of 2000² provides exceptions for federal preemption only for interstate commerce when a State demonstrates a special need for additional prohibitions or restrictions based on sound scientific data or a thorough risk assessment; and

WHEREAS, the Commerce Clause of the U.S. Constitution³ provides that the U.S. Congress shall have power to regulate commerce with foreign nations and between the States; and

WHEREAS, the State of Hawaii receives foreign commerce from a variety of nations and from the mainland United States; and

WHEREAS, the environment of the State of Hawaii is distinct from other States or political subdivisions of the U.S. due to its unique ecology as an isolated volcanic island chain with high rates of endemism among its plant and animals species; and

WHEREAS, the State of Hawaii has unique biosecurity needs that are distinct from other States or political subdivisions of the U.S.; and

WHEREAS, the Hawaii Invasive Species Council shall coordinate and promote the State of Hawaii's position with respect to federal issues⁴; now, therefore

¹ 7 USC § 7756.

² 7 USC § 7756.

³ U.S. Const. art. I., § 8, cl. 3.

⁴ HRS 194-2 (a) (5)

BE IT RESOLVED that the Hawaii Invasive Species Council supports federal recognition of the State of Hawaii's unique biosecurity needs through measures including, but not limited to, expedited exemptions from federal preemption for State regulation in foreign or interstate commerce of high-risk pests that are not present in the State of Hawaii; and


BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council supports the restriction of importation of all plants in the family Myrtaceae in order to prevent the introduction of new strains of ohia rust (*Puccinia psidii*) into the State of Hawaii; and

BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council supports coordination and information sharing between federal and state inspection agencies, including but not limited to import manifests and interception data, for the purpose of identifying pests of both federal and state concern in all commerce; and

BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council supports the development of joint federal and state inspection facilities for cargo entering Hawaii as the most practical and cost-effective option for federal and state biosecurity operations; and

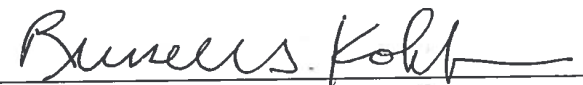
BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of Hawaii, delegates from Hawaii to the U.S. Congress, and the U.S. Secretary of Agriculture, and the chairperson of the Hawaii Board of Agriculture.

Adopted by the Hawaii Invasive Species Council on the following date: June 4, 2013


William J. Aila, Jr., Dept. of Land & Natural Resources


Gary Gill, Dept. of Health


Jesse Souki, Office of Planning, Dept of Business, Economic Development, and Tourism


Russell Kokubun, Dept. of Agriculture


David Rodriguez, Dept. of Transportation


Maria Gallo, Ph.D., University of Hawaii

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SHAN TSUTSUI
LIEUTENANT GOVERNOR



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OFFICE OF PLANNING, DEPARTMENT OF
BUSINESS, ECONOMIC DEVELOPMENT &
TOURISM
DAVID RODRIGUEZ
DEPARTMENT OF TRANSPORTATION

RESOLUTION 13-2

SUPPORTING THE REAUTHORIZATION OF THE BROWN TREE SNAKE CONTROL AND ERADICATION ACT OF 2004

WHEREAS, the brown tree snake (*Boiga irregularis*) is an invasive species outside of its native range and has severely impacted the native bird populations and quality of life on Guam; and

WHEREAS, the introduction of the brown tree snake to Hawaii has the potential to devastate Hawaii's native bird populations; and

WHEREAS, the economic impact of the introduction of brown tree snake to Hawaii related to power outages, medical costs, and impacts to tourism is estimated to be as much as \$2,140,000,000 annually¹; and

WHEREAS, the report from the House Committee on Resources accompanying the federal Brown Tree Snake Control and Eradication Act of 2004² states that the brown tree snake poses a direct, significant, and growing threat of dispersal to other areas outside its historic range, including the State of Hawaii and the mainland United States; and

WHEREAS, the Brown Tree Snake Control and Eradication Act of 2004³ authorized the establishment and sustained funding for vertebrate pest management in Hawaii and U.S. Pacific territories and positions by the federal Animal Plant and Health Inspection Service, Wildlife Services, Operations Program State Office, as well as the provision of sustained research funding for the Fort Collins Science Center of the U.S. Geological Survey related to the brown tree snake; and

WHEREAS, the Brown Tree Snake Control and Eradication Act of 2004⁴ appropriated funds for relevant detection, control and research activities through the federal Animal and Plant Health

¹ Shwiff, S. A.; Gebhardt, K.; Kirkpatrick, K. N.; Shwiff, S. S. 2010. Potential economic damage from introduction of brown tree snakes, *Boiga irregularis* (Reptilia: Colubridae), to the Islands of Hawaii. Pacific Science, vol. 64, no. 1:1-10.

² H Rep. 108-687, at 1-2 (2004)

³ 7 USC §§ 8501-8507

⁴ 7 USC §§ 8501-8507

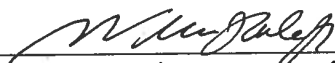
Inspection Service, the U.S. Office of Insular Affairs, and the U.S. Fish and Wildlife Service, and the U.S. Geological Survey from 2006 through 2010; and

WHEREAS, the Hawaii Invasive Species Council shall coordinate and promote the State of Hawaii's position with respect to federal issues⁵; now, therefore

BE IT RESOLVED that the Hawaii Invasive Species Council supports the reauthorization of the Brown Tree Snake Act of 2004, including new appropriations for funding related to brown tree snake coordination, detection, control, and research; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of Hawaii, delegates from Hawaii to the U.S. Congress, the U.S. Secretary of Agriculture, the U.S. Secretary of Defense, the U.S. Secretary of the Interior, the U.S. Secretary of Transportation, the chairperson of the Hawaii Board of Agriculture, and the chairperson of the Hawaii Board of Land and Natural Resources.

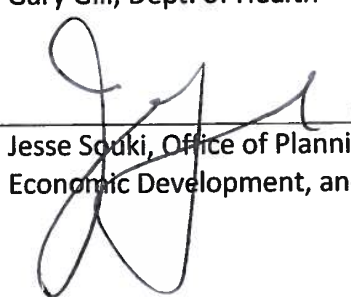
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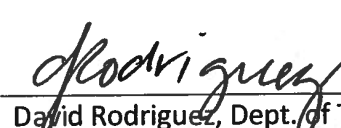
Gary Gill, Dept. of Health



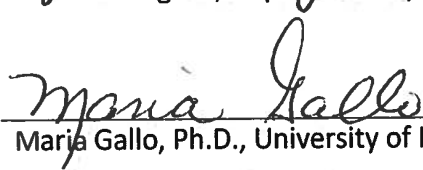
Jesse Souki, Office of Planning, Dept of Business, Economic Development, and Tourism



Russell Kokubun, Dept. of Agriculture



David Rodriguez, Dept. of Transportation



Maria Gallo, Ph.D., University of Hawaii

⁵ HRS 194-2 (a) (5)

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DEPARTMENT OF TRANSPORTATION

RESOLUTION 13-3

SUPPORTING AMENDMENTS TO THE LIST OF INJURIOUS SPECIES UNDER THE LACEY ACT

WHEREAS, the Lacey Act prohibits the import, export, transportation, sale, receipt, acquisition, or purchase of prohibited wildlife species¹; and

WHEREAS, the list of Injurious Wildlife regulated by the Lacey Act does not fully address the biosecurity needs of the States, including Hawaii, with regard to preventing the introduction of invasive vertebrate pests; and

WHEREAS, the U.S. Fish and Wildlife Service in 2010 proposed the addition of nine species of large constructor snakes to the list of Injurious Wildlife, including Indian python, Northern African python, Southern African python, yellow anaconda, reticulated python, boa constrictor, DeSchauensee's anaconda, green anaconda, and Beni anaconda; and

WHEREAS, five of these species were not subsequently added to the list of Injurious Wildlife, including the reticulated python, boa constrictor, DeSchauensee's anaconda, green anaconda, and Beni anaconda; and

WHEREAS, there are no snakes native to the State of Hawaii; and

WHEREAS, forty-two boa constrictors and two reticulated pythons have been recovered in Hawaii between June 1990 and December 2011²; and

WHEREAS, the introduction of these snake species to Hawaii poses a significant risk to Hawaii's environment, economy, and way of life; and

WHEREAS, the Hawaii Invasive Species Council shall coordinate and promote the State of Hawaii's position with respect to federal issues³; now, therefore

¹ 16 USC § 3371-3378

² Kraus, F.; Cravalho, D. 2001. The Risk to Hawaii from Snakes. Pacific Science, vol. 55, no. 4:409-417 for data between June 1990 and June 2000; unpublished Hawaii Department of Agriculture data for July 2000 to December 2011 snake recovery data.

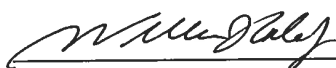
³ HRS 194-2 (a) (5)

BE IT RESOLVED that the Hawaii Invasive Species Council supports the continuation of the listing process for additions to the list of Injurious Wildlife under the Lacey Act; and

BE IT FURTHER RESOLVED that the Hawaii Invasive Species Council supports the addition to list of Injurious Wildlife under the Lacey Act of constrictor snakes including the reticulated python, boa constrictor, DeSchaunsee's anaconda, green anaconda, and Beni anaconda; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of Hawaii, delegates from Hawaii to the U.S. Congress, the U.S. Secretary of the Interior, the chairperson of the Hawaii Board of Agriculture, and the chairperson of the Hawaii Board of Land and Natural Resources.

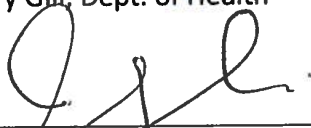
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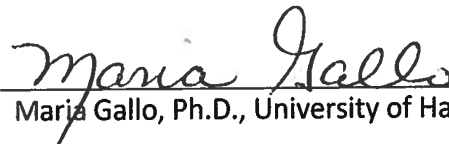
Jesse Souki, Office of Planning, Dept of Business, Economic Development, and Tourism



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David Rodriguez, Dept. of Transportation



Maria Gallo, Ph.D., University of Hawaii

NEIL ABERCROMBIE
Governor

BRIAN SCHATZ
Lieutenant Governor



Hawai'i Invasive Species Council

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RUSSELL KOKUBUN

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Richard Lim
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FEDERAL
U.S. Department of Agriculture
U.S. Department of the Interior
U.S. Department of Defense

HAWAI'I INVASIVE SPECIES COUNCIL

RESOLUTION

Resolution No. 12-1

SUPPORTING THE MICRONESIAN BIOSECURITY PLAN REVIEW AND IMPLEMENTATION, AND REQUESTING THE INCLUSION OF HAWAI'I AS A POTENTIAL RECIPIENT OF INVASIVE SPECIES.

WHEREAS, the U.S. Department of Defense has provided funding for an unprecedented regional planning model assessing the risk of invasive species introductions in Micronesia and providing biosecurity recommendations with regard to the relocation of military facilities from various points in the Pacific to Guam and the Commonwealth of the Northern Mariana Islands; and

WHEREAS, the resulting Micronesian Biosecurity Plan will be reviewed by the University of Guam and selected experts throughout the Pacific, with the intent of finalizing the plan and developing a Strategic Implementation Plan; and

WHEREAS, the military relocation to Guam and the Commonwealth of the Northern Mariana Islands will increase transportation between Micronesia and Hawai'i, thereby increasing the risk of invasive species introductions to the State of Hawai'i; and

WHEREAS, the Hawai'i Invasive Species Council is required by Chapter 194-2(a), Hawaii Revised Statutes, to "advise, consult, and coordinate invasive species-related efforts" with state, federal, and international programs and policies; now, therefore,

BE IT RESOLVED by the Hawai'i Invasive Species Council that the Council applauds the efforts of the U.S. Department of Defense in funding an unprecedented, large-scale, proactive risk assessment regarding invasive species introductions; and

BE IT FURTHER RESOLVED that the Council supports the review of the Micronesian Biosecurity Plan and the development of a Strategic Implementation Plan by the University of Guam and its partners, including experts from Hawai'i; and

BE IT FURTHER RESOLVED that the Council requests that the risks of invasive species introductions to the State of Hawai'i be included in the finalized Micronesian Biosecurity Plan and Strategic Implementation Plan, with recommendations for reducing those risks.