

HAWAII INVASIVE SPECIES COUNCIL REPORT FY16

JANUARY 2017

Proposal Title: Minimizing the introduction and spread of aquatic invasive species in Hawaii

Content area: Prevention

Applicant: **Current PI:** Julie Kuo, Ballast Water and Hull Fouling Coordinator, DAR,
Julie.C.Kuo@hawaii.gov

Interim: Brian Neilson (interim), DAR Biologist, brian.j.neilson@hawaii.gov

Previous: Sonia Gorgula, Ballast Water and Hull Fouling Coordinator, DAR

Updates: The Vessel Incidental Discharge Act (VIDA) Bill was not passed in 2016, but has resurfaced in 2017, a SCUBA diving vessel inspection and several remotely operated vehicle (ROV) vessel inspections were performed in coordination with NOAA, the amendments to HAR Ch. 13-76 (regulating ballast water) have been drafted with and without inter-island travels, two foreign vessels were boarded in coordination with the USCG to verify ballast water management compliance, more than 900 ballast water reporting forms have been entered into a database for analysis, the In-Water Cleaning Report has been finalized but is awaiting confirmation for publishing.

Goal 1: Complete a draft vessel biofouling bill. (In progress)

Outcome: The Vessel Incidental Discharge Act (VIDA) was not approved in 2016 thanks to the unrelenting joint-state agency efforts and the sage-grouse. Since VIDA has resurfaced again, efforts have been shifted to opposing the Vessel Incidental Discharge Act (VIDA) Bill rather than developing a draft vessel biofouling bill. The language in VIDA S.168 currently preempts state agencies from developing rules and regulating vectors of invasive species transfer such as ballast water, vessel biofouling, and hull husbandry effluent (in-water cleaning organism release). Instead, it transfers the responsibility to the USCG, a federal agency already burdened by homeland security and one that has limited experience with the complex aquatic invasive species issues we have in Hawaii. Also, this Bill prevents state agencies from regulating pollutants listed as “incidental to the normal discharge of a vessel” in the NPDES Vessel General Permit; however, some of these discharges have been scientifically proven by the EPA to be harmful to human and environmental health. Furthermore, commercial vessels <79 ft. and all fishing vessels are exempt from reporting or managing their ballast water and can freely scrub their hulls in our waterways, including near patch reefs and harbors. Therefore, more time has been spent addressing VIDA than developing a vessel biofouling bill due to the possibility of the inevitability of the Bill rendering state biofouling rules useless, if passed in Congress. Since the last FY16 report, Andrew Porter (CGAPS Legal Fellow) and Julie have contacted the Hawaii Senators regarding obvious concerns with VIDA. They have completed a redline version of VIDA S.168, revised a Fact Sheet regarding VIDA S.168, contributed to the development of a Pacific Regional version of VIDA, and acquired Chair Case’s signature on a multi-state letter (WA, OR, CA, and HI) that opposes VIDA’s current language. Additionally, Julie has attended three phone conferences with Pacific Regional state representatives to discuss options for addressing VIDA.

Goal 2: Summarize stakeholder consultation on vessel biofouling policy including the views and concerns presented and DLNR’s response. (Completed)

Outcome: Julie has met with harbor stakeholders including representatives from companies that perform vessel hull maintenance, commercial maritime industry, DOH, DOT, and US EPA.

The meeting was successful in that US EPA, DOH (CWB) and DOT (Harbors Division) representatives were open to the possibility of IWC systems operating in Hawaii waters to address vessel biofouling, but the in-water cleaning (IWC) system would have to be scientifically proven to capture and neutralize harmful chemicals and released organisms to meet a set of compliance standards. And even before that, biofouling standards to allow in-water cleaning should be developed. Furthermore, technicians operating the IWC system would have to be appropriately vetted for IWC operations and DLNR would have to provide staffing for compliance inspections.

The vessel hull maintenance companies agreed that in-water cleaning would be useful in preventing the spread of invasive species if the in-water cleaning frequency of primary biofouling (scum layer) were maintained. They were also open to the consideration of operating an IWC capture technology as long as it was economically feasible and operationally practicable.

The commercial maritime industry representatives were also open to the idea of IWC capture technology as long as it was economically feasible and operationally practicable.

The concerns for DLNR from the discussion is the availability of funds to hire compliance inspectors as well as the criteria the commercial maritime industry and hull cleaning companies would use to consider a system “economically feasible”. Another concern is the development of reasonable IWC operation effluent standards—it is a complex issue and many stakeholders will have polar ideas on the definition of “reasonable”. The positive that was visualized through these discussions is that all state agency stakeholder representatives are not opposed to IWC capture technology and representatives from the vessel hull maintenance companies and commercial industry are also not opposed to using IWC capture technology. Lastly, all stakeholders mirrored each other’s principles for protecting Hawaii’s aquatic resources by addressing biosecurity risks associated with biofouling and IWC.

Goal 3: Provide a summary of the in-water cleaning data collected in Hawaii and recommendations for managing this issue. (Completed)

Outcome:

SUMMARY: Eight companies were identified on Oahu that perform in-water cleaning of vessels, and these were the focus of DLNR’s interview attempts. To date, the volume and nature of in-water cleaning in Hawaii is still not well characterized. Based on DLNR interviews with most of the commercial operators on Oahu, it appears that ~100 vessels were cleaned in water over the past year. The biosecurity risk from IWC in Hawaii could be low if these vessels were not heavily fouled and/or all fouling was of local origin, but based on information provided by interviewees this does not appear to be the case. Some unknown percentage of vessels cleaned in the state had traveled outside of Hawaii and thus pose a potential biosecurity risk, although the extent and species composition of fouling on these vessels is not known. One way to reduce vessel biofouling biosecurity risks is through periodic in-water cleanings on primary growth (scum/algae layer). Such cleanings are relatively inexpensive compared to dry docking, are critical to safe and efficient ship operations, and reduce the risk of species transfers as ships move between ports.

RECOMMENDATIONS: DLNR may adopt one or more recommendations provided here: 1) decide to not take immediate action until more data are available, 2) institute voluntary measures, such as the development of best management practices, voluntary reporting of relevant data, and

education/outreach to vessel owners, operators, and IWC companies, 3) gather additional data on vessel biofouling and in-water cleaning events in Hawaii, 4) investigate the possibility of making debris-capture technology available to Hawaii IWC companies, and 5) institute mandatory regulations.

Goal 4: Amend DLNR's Ballast Water Management Rules and engage with the USCG to initialize a Memorandum of Understanding (MOU) for developing a ballast water inspection and compliance program. (In progress)

Outcome: Andrew has worked with Julie and Christy Martin to develop a draft of amendments for HAR Ch. 13-76, which regulates aquatic invasive species transfer through ballast water management. More than 900 forms have been archived by Brett Higgins (Ballast Water Data Specialist and Kupu Intern). Julie, Andrew, and Brett have completed two ballast water inspections in coordination with the USCG. The DLNR Ballast Water Compliance Inspection Form has been developed for data collection during inspections. Furthermore, permission has been granted to Julie, Andrew, and Brett by DOT (Harbors Division) to utilize Hawaii.portcall.com for pre-planning commercial vessel arrivals into DOT harbors.

Goal 5: Attend Pacific Regional biofouling meetings and workshops (Completed)

Outcome: Additional to the last report where attendance to Pacific Regional biofouling meetings and workshops are listed, Julie has provided edits and comments to the Western Regional Pacific (WRP) Coastal Committee white paper on biofouling and in-water cleaning. She has also submitted a proposal to the Hawaii Conservation Conference for presenting on vessel in-water cleaning biosecurity risks, benefits, and future directions.