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HAWAII INVASIVE SPECIES COUNCIL

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VOTING MEMBERS

DAWN CHANG
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SHARON HURD
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DEPARTMENT OF TRANSPORTATION

Hawai'i Invasive Species Council

May 29, 2024; 1:00 PM

**Hawai'i Department of Land and Natural Resources, Board Room (Rm 132) 1151
Punchbowl St, Honolulu, HI, 96813**

Per Hawaii Sunshine Law guidelines, this meeting was hybrid with attendees participating virtually through a Zoom link provided by HISC Support Staff or through the HISC YouTube channel or in-person at the DLNR Board Room in the Kalanimoku Building in Honolulu, HI. Council members, legislative representatives, and HISC Resources Working Group members were provided with a Zoom link. Members of the public were able to view the meeting through the HISC YouTube Channel. A recording of the meeting can be found here: <https://youtu.be/AznHvYVS6K0>

1. Call to order

- Opening comments for the hybrid committee meeting were made by Chair Hurd at 1:03pm.

2. Introductions

List of Attendees:

- Council Voting Members:
 - Dawn Chang, Co-Chair (Department of Land and Natural Resources [DLNR]);
 - Sharon Hurd, Co-Chair [Hawai'i Department of Agriculture (HDOA)];
 - Tammy Lee on behalf of Ed Sniffen (Department of Transportation);
 - Parwinder Grewal (University of Hawaii [UH]); and
 - Matt Hurano (Department of Health)
- Legislative Non-Voting Members:
 - Representative Kristin Kahaloa (District 6).
 - Elle Cochran (District 14);
 - Melani June (Senator Gabbard's office);
 - Rebecca Crall (Senator DeCoite's Office); and
 - Lisa Marten (District 51).
- Support Staff:
 - Chelsea Arnott (HISC), Dexter Kishida (HDOA); Elizabeth Speith (HISC), Chuck Chimera (HISC); Jack Reef (HISC), Ellie Montgomery (HISC)
- Other Participants:
 - Stephanie Easley (CGAPS)

- Other Attendees:
 - Christy Martin (CGAPS); Danica Swenson; Thomas Heaton; Kimeona Kane (Waimanalo Neighborhood Council); Patrick Chee (The Wildlife Society); and Melanie Spielman (KMWP).

3. Approval of minutes from December 19, 2023 meeting

- HISC approved the minutes from December 19, 2023.
 - A motion of approval was made by Co-Chair Chang and seconded by Member Hurano.

4. Presentations: Updates on 2024 Legislative Session from the Hawai'i Department of Agriculture (HDOA) on House Bill 2619 Related to Agricultural Biosecurity and Senate Bill 572 Relating to Agriculture. (*Non-Action item*).

- a. HB 2619 Requires HDOA to lead and coordinate the State's invasive pest control and eradication biosecurity efforts. Establishes certain reporting requirements. Appropriates funds to HDOA for programs and positions in agricultural biosecurity. Appropriates funds to each county as a grant-in-aid, subject to a county match, for the implementation of feral chicken control programs.**

Dexter Kishida from HDOA provided a summary of the bill stating that it delineates the following:

- Gives HDOA the responsibility and funding to control priority pests such as Little Fire Ant (LFA), Coconut Rhinoceros Beetle (CRB), and Coqui Frog, as well as feral chickens, Rose-Ringed Parakeets, and Two-Lined Spittlebug.
 - Funding and 44 positions was provided. Staff included Environmental Health Specialists in pesticides branch, and Plant Quarantine inspectors and entomologists.
- b. SB 572 Authorizes and specifies conditions under which HDOA may declare a biosecurity emergency, during which HDOA and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms. Broadens the objectives and general actions of the Biosecurity Program.**

Dexter Kishida from HDOA provided a summary of the bill stating the following:

- The bill provides HDOA specific parameters to request the Governor to declare a biosecurity emergency regarding a significant economic or environmental problem. State resources can be commandeered, and the emergency.

Rep. Kahaloa added that HB 2546 was passed to allow fine mesh nets to protect Coconut trees from CRB. The legislature asked for additional help to protect native plants, pollinators, and animals.

5. Informational Item: Interagency Memorandum of Understanding for the prevention, rapid response, and control or eradication of high priority pests among the HDOA, DLNR, and UH. The purpose of this MOU is to document the cooperation, including the roles and responsibilities as set out in the MOU and attachments, in working together toward the shared goals of prevention, rapid

response, and control or eradication of High Priority Pests defined as coqui frog (*Eleutherodactylus coqui*), little fire ant (*Wasmannia auropunctata*), and coconut rhinoceros beetle (*Oryctes rhinoceros*) in the State of Hawai‘i signed April 19, 2024. Signed MOU and Little Fire Ant Matrix are included as reference material in a separate attachment to this meeting packet.

(No decision-making on this item)

Chelsea Arnott from DLNR/HISC presented the provisions of the MOU as follows:

- The MOU sets forth role & responsibilities to eradicate or control as appropriate the High Priority Pests of LFA, CRB, and Coqui Frog;
- MOU partners included: DLNR, HDOA, and UH and its member organizations; The island Invasive Species Committees of Kauai, O‘ahu, Maui, and Hawaii, CGAPS, Hawaii Ant Lab; and CRB Response;
- The MOU’s provisions call for the partners to engage in regular communication, data sharing, and identification of needed resources;
- HISC will receive periodic updates of the MOU;
- The MOU was signed April 19, 2024;
- Matrices detailing Roles and Responsibilities need to be drafted in three months of the signing day;
- Response Plans:
 - LFA needs to be completed by September 2024; and
 - CRB and Coqui Response Plans need to be finalized in one year, by April 2025.

The Council discussed this item as follows:

- Co-Chair Chang suggested that the milestones of the MOU be documented on the website, as an engaged community is critical in addressing invasive species;
- Co-Chair Hurd advised that neighborhood councils can be engaged, and that HDOA has attended neighborhood council meetings such as the recent hearings in Waimanalo;
- Chelsea Arnott, in response to a question by Rebecca Crall, stated that the MOU was not structured based on “jurisdictions” as the partners included the major agencies working on the issues. Partners such as DOT can be brought in as needed. Tammy Lee advised that DOT is ready to take on duties as best it can;
- Kimeona Kane asked if the Department of Defense (DOD) was in the MOU; Chelsea Arnott advised that similar to DOT, DOD can be consulted as needed.
- Rep. Kahaloa stated that biosecurity was an important topic of discussion to Hawaii’s Washington DC Congressional delegation;
- Co-Chair Chang stated that DOD provides funding through its REPI program, and that it’s the federal government’s kuleana to address invasive species in their areas, including adhering to biofouling and ballast water regulation;
- Rep. Marten stated that REPI funds for OISC to address Coqui Frogs have been delayed. In response, Chelsea Arnott advised that work is being to ensure these funds are received and disbursed as soon as possible;
- Patrick Chee from the public asked about the role of biocontrol. In response, Co-Chair Hurd stated that biocontrol can be a help, but is not always a magic bullet, including with CRB; and

- Representative Kahaloa stated that if the MOU Response Plans could be completed or in draft form by January 2025 or possibly by “cross over” in the next legislative session, then funding asks could be made to the legislature to help address the three priority pests.

6. ***Submittal*: Request for approval to initiate rulemaking proceedings, including conducting public hearings on adoption new subtitle 13-14. Hawaii Administrative Rules, to effectuate chapter 194, Hawaii Revised Statutes, including by developing a list of invasive species that could be controlled or eradicated on private and public property by the departments of the Hawaii Invasive Species Council or a county or agent thereof;**

And

Delegate authority to the DLNR Chairperson to set the dates and times for the aforementioned public hearing(s) and appoint a hearing officer for the public hearing(s).

Chelsea Arnott presented on this item as set forth below. Stephanie Easley with CGAPS was available to answer questions.

- The submittal is the first step to initiate public hearings for the approval of HISC Administrative Rules;
 - Hawaii Revised Statute 194 created HISC to address harmful invasive species, including providing HISC’s agents authority to access public and private property;
 - HISC cannot carry out its statutory authority without the administrative rules;
 - HDOA currently has this authority to gain access to property, but is limited to circumstances only when the property owner can “materially/financially” gain from the intervention;
 - The proposed HISC Administrative Rules would apply to a list of 20 invasive species for control and eradication;
 - Updating this list currently requires going through Chapter 91 public rulemaking authority;
 - The list of 20 species includes: CRB, LFA, Coqui, Fountain Grass, Miconia, and the Rapid O’hia death pathogen.
 - The rules also detail:
 - Noticing and warrant requirements; and
 - Ordering both Public and Private property owners to take eradication control actions.
- Patrick Chee provided testimony stating that the Hawaii Wildlife Society is supportive of the rules, and hopes that the included list of invasive species can be updated more quickly, rather than waiting for the lengthy public rule-making process. Chelsea Arnott stated that statutory amendments are being considered to speed up the process. Stephanie Easley advised that “emergency rulemaking” can be done temporarily for 180 days (which would simultaneously provide time for the public process to be initiated and completed);

- Representative Marten requested proposed language to provide HISC the statutory amendment authority to update the lists administratively without having to go through the public process;
- Co-Chair Hurd, Dexter Kishida and Co-Chair Chang discussed HDOA's new authority under SB 572, to enter private property and businesses;
- Chelsea Arnott advised that the list of 20 invasive species is "incomplete" but advised that a smaller list was advised to be easier to get legislative approval; Kiemona Kane stated that its better to expand this list now. The Waimanalo neighborhood Council will agendize this item in a future meeting. Co-Chair Chang advised that approval of this item today is just the start of the process, and opportunities may arise during the public hearings to amend and expand the list;
- Melanie S. with KMWP asked if Albizia could be included in the list. Chelsea Arnott advised that the list of 20 focuses on species that are not "widespread," and that albizia is considered widespread;
- Stephanie Easley, in response to a question by Co-Chair Chang, said that HISC's agents could potentially attain court approval to gain access to a property if the owner declines; and
- Chelsea advised that technical changes to the list of species is needed.

Co-Chair Chang moved to approve the item, Member Hurano seconded. The item was approved and included an action to review the proposed technical amendments for accuracy.

7. Adjournment

2:50 pm