

MAUI INVASIVE SPECIES COMMITTEE
MEETING MINUTES
December 4, 2009

ATTENDANCE: Pat Bily, Lloyd Loope, Philip Thomas, Randy Bartlett, Hank Oppenheimer, Forest Starr, Kim Starr, Chuck Chimera, Fern Duvall, Elizabeth Speith, Tricia Rodriguez, Lissa Fox, Wendy Swee, Mike Ade, Brooke Mahnken, Teya Penniman, Adam Radford, Elizabeth Anderson

ATTENDING VIA WEB-EX: Pat Chee, Joshua Fisher, Keren Gundersen, Karl Buermeyer, Mindy Wilkinson

- Randy Bartlett (MLP/MISC Chair) called the meeting to order at 9:15 am.
- Introductions were made around the table.
- Nominations were accepted from the floor for a MISC Chair. Randy Bartlett is stepping down as MISC Chair after 18 years. Randy has been the MISC Chair since MISC's beginning in 1999 and before that, he was Chair of the Melastome Action Committee, beginning in 1991. Randy intends to remain active with MISC. Pat Bily was unanimously elected as the new Chair of MISC. Fern Duvall will continue as Vice-Chair.
- Minutes from the October 9, 2009 meeting were approved. They will be posted on the web site.

INVASIVE SPECIES: REGULATION & ENFORCEMENT

- Teya: the idea for the topic of this meeting came from a recent MISC management staff retreat where we focused on both what we are doing well and what we are not doing. We agreed that addressing issues of regulation and enforcement is important in allowing us to move forward from where we are. We keep being hit with new or repeat introductions and we are to some degree chasing our tails as a result. We also have continued issues with recalcitrant landowners. CGAPS has recently undergone a strategic planning process and I pulled out the items related to regulatory and enforcement issues as a jumping off point for today's discussion.
- Adam: in the residential Maliko area there are only three properties that have coqui and they are recalcitrants. We are shooting ourselves in the foot by not being able to deal with them. The neighbors continue to get reintroductions. We also have one nursery that continues to bring in infested plant material from the Big Island and distribute that material around the island. This issue draws down our resources when they could be better used elsewhere. We also have issues with people releasing birds. We reach a point with them where they say "what are you going to do about it" and we have to say "nothing." Some residents need that extra little push to get them to do the right thing.
- Teya: one of the other things happening politically is that there is interest on the part of some of our Legislators in moving forward on this type of issue. Senator Baker has indicated interest. There is some political awareness and potential for movement right now. Forest: the fee for service model does seem easier to justify for some things. Fern: in the document that was prepared, there is nothing about recalcitrants or reinfestation. Pat Chee: the Hawaii Revised Statutes does have a provision to allow people doing invasive species work to enter private property. It hasn't been tested. Teya: it would need to be an agency. Pat Chee: it could be delegated. Teya: I would be surprised if the agency could delegate authority. Pat Chee: it would require court action.
- Teya: I prepared a shortened version of the CGAPS strategic plan for us to work from today. There are a lot of different topics and potential things that we could focus on. The items highlighted in red are federal related, the items in blue are state, and the items in green are potential county legislation. I would like to start with a discussion of which broad categories are the most important for us to address. Pat B.: #6 - *Interisland Spread of Pests* would be a high priority. Fern: another point would be enforcement - being able to go in and deal with the situation. Teya: that falls under #9 - *Early Detection and Rapid Response*. That is for the most part, what the ISCs are doing. We are working on species that can be controlled or eradicated. Forest: these two seem to be the most day-to-day MISC kind of things.

- Chuck: there has been discussion regarding how to go about applying the restricted plant list. One way would be to get taxa listed or broad categories to protect Hawaii's important dominant native genera from pests and pathogens that could come in. This would provide a broader category of protection rather than tasking inspectors to deal with specific species coming in on a case-by-case basis. I think #7 - *Address Federal Laws that Expose Hawaii to Unnecessary Risk* should be discussed. Teya: Neil Abercrombie was on Maui last weekend. There was a campaign meeting for people in conservation and he took a tour of the ASAP building. He really liked the term biosecurity and is interested in receiving information on related topics. Philip: I would like to note that the Federal laws would be the most difficult of any of these to deal with. The best way to address these topics in general is to do it by local example. If we can get Maui County to approve the new arborist list for the planting plan, that will have legal teeth. Then we go to the State baseyard and get them to buy in. We need to start at a small local scale and then build on that. Mindy: those things are not mutually exclusive. Foresters have adopted using the Weed Risk Assessment. There are possibilities for movement. Teya: Mindy is right. They don't have to be mutually exclusive. It does work to try things on Maui and then look at a wider scope. Any forum is on the table for this discussion. Mindy: the short-term issue is looking for funding for maintaining/increasing inspectors. We need a goal of additional Federal funds.

#6 INTERISLAND SPREAD OF PESTS.

VISION: *Each island will be protected from alien pests present on other islands.*

NEEDS:

- *A regulatory mechanism to impose economic sanctions for negligent transport of targeted pest species. (State or County level)*
- *Development and implementation of treatment facilities at each port. These are needed to destroy intercepted pests. (State or County level)*
- *Federal assistance to enforce state interisland quarantine regulations. (Federal level)*

IMMEDIATE ACTIONS:

- *Support planning and construction of quarantine treatment facilities to reduce the risk of interisland pest movement (State or County level)*
- *Create a working group to explore regulatory options for negligent transport of pests ((State or County level)*

- Mindy: shipments are coming from the Big Island that obviously have coqui frogs. They are getting through the HDOA inspection process. You could make a link between the arrival of infested material and the source that it is coming from and have some sort of economic hammer. Philip: I wonder whether you want to change this bullet to inter- and intransland pests. One issue is bringing things to Maui. We also need to be able to restrict them from selling the plants on island. There are two places that you can attack this problem: 1) try to keep them from getting here, and 2) keep them from getting to other locations once they are on the island. Lloyd: on the Big Island there are 15 nurseries that have little fire ant (LFA) that are selling plants. Intransland transport is an issue there as well. Forest: is the State nursery certification program for interisland or just for out of state transport? Mindy: it is just for out of state. Lloyd: In Hilo, they test shipments with peanut butter sticks, but it doesn't work very well.
- Adam: one thing to consider is how you prioritize when you have limited resources. If you know an area is infested, that is where you focus. Teya: that goes to the second bullet on development of treatment facilities. We need to focus on areas of known infestation. Adam: yes, you have a tiered inspection and treatment program. Fern: if you just do commercial properties, you are not going to catch everything. I came back from the Big Island yesterday and there was a woman with a bag of plants she was transporting to Oahu. It was not inspected. There must be something at the airports that catches everyone not just commercial enterprises. Mindy: if you move plants with soil they must be inspected, but there is no visible presence and the airport personnel need to be reminded. Fern I don't think there was a state HDOA person there to do it. Lloyd: there is a regulation that requires inspection. Homeland Security has stopped me before. Josh: the citizen has to take the initiative to get items inspected. Adam: the interisland ferries are another issue. Hank the Lanai Ferry won't take anything from Maui to Lanai without inspection. If a company like Expeditions has the right to refuse service, they might want to be a good corporate citizen. Fern: I think many people

would be compliant if they knew. There could be large signs in the airports alerting people. A lot of people would do it voluntarily. The problem is there would have to be someone there to do the inspection. Hank: could ISC staff do inspections? Teya: I suspect that would be difficult because of the need for authority to seize and destroy.

- Teya: we are looking at the non-commercial transport and whether there is a way to stop it. Education is a possibility, but there are inadequate resources for enforcement. I want to go back to commercial issues. Although individual transport is an issue, the biggest problem we face is with commercial transport. That is where we would get the most bang for our effort. Forest: preferred phytosanitary practices at the shipment point would be best and then something on this side if we weren't getting compliance. Mindy: there is interest from KISC in putting in a hot water treatment facility on Kauai. There is a commercial treatment facility on Oahu that was used while the Waimanalo facility was infested. The nursery owner uses it whenever he gets a shipment from the Big Island and he operates it as a business. It can be used for cost. HDOA put in for funding for one and it is plumbed and sitting ready. On the Big Island, Arnold Hara operates a mobile spray unit. Several nurseries have come up with individual solutions. The large volume system at the port of Hilo has never been turned on either. It is still not plumbed. There has been nothing built on Maui. I honestly think this strategy has the most promise, but there needs to be an underlying regulation. If you are in a known infested site, you must do this. It has been haphazard and it may not work 100%. If you are willing to push for things that reduce risk, this is one of the best things I know of. The question remains - who is going to staff these facilities given the HDOA cuts? Resources are the issue this year. I am opposed to staffing them with ISC staff. Forest: they could pay.
- Teya: what do people think about trying to move on something like this at the State level or County level or both? I could see Maui County saying we are spending all these funds on coqui frog control; we want to require shipments from known infested areas to be treated. Do they have that authority? That is a legal question. Would it be interfering with commerce? Fern: that needs to be looked at. Teya: coqui is a listed pest. It would be defined by an area. Shipments from known infested areas would require treatment. That would be the simplest way. Fern: a model like what was set up for tuberculosis-free areas should be looked at. There is a series of conditions that must be met and conditions on movement out of infected areas. It is a regulatory program. You could use that as a model. Lissa: does the hot water bath control other pest species? Adam: there is evidence that it controls nematodes. Pat B.: the practicality of doing this is an issue. The best-case scenario would be at the point of departure. If you let it get to the harbor, it becomes harder. In the larger context, we need to realize that the LFA and frog infestations on the Big Island are such that the potential vectors are huge. Keren: on Kauai, we are receiving coqui on non-agricultural products. The port of Hilo itself is infested. Teya: that means that the treatment needs to be here on Maui. Requiring treatment there would be hard if the requirement is coming from Maui County. Keren: it would be difficult to address non-plant modes of transport. Adam: that is an issue but there is less volume and frequency than for agricultural products. Teya: if we were to move forward, we would need to know what volume we are talking about. How much stuff do we get from the Big Island? How many containers come between the islands? We need to start by determining how much movement of commercial agricultural products there is. Forest: we need to come up with what the cost per plant would be. Teya: there may be estimates on that from previous studies that have been done.
- Forest: the authority to reject is crucial in this process. Teya: HDOA already has the authority to reject shipments infested with coqui frogs, but they are not finding them or not being able to look at everything. An ordinance or legislation needs to be feasible to work. There are businesses that rely on imports from the Big Island. We need to look at the cost to Maui businesses as well. Mindy: I think it will take a bit of education. People are focused on budget issues right now. We need to bring home the point that just because one island is infested it isn't inevitable that all islands have to be infested. I think it is politically possible to do this. It is more likely at the County level. If it is done at the County level, it will mean you need to do treatment at the Maui port rather than Hilo. A fee for service facility would be the way to go - ideally run by a private company. I don't think regulation is needed. We need adequate enforcement. Randy: so, you think even at the interisland level there is enough regulation? We just need more enforcement resources. Mindy: talk about the success you've had so far. Show that you can win. Teya: we really need to explore this at the County level since the State regulations are already in place. What are the next steps?

- Forest: you should talk to CTAHR about getting a technician to do research on interisland shipments. Lloyd: it would be nice to know if coqui treatment is effective for LFA. This would be something for CTAHR to pursue. Mindy: Arnold has some information on that already. Adam: we need to look at the whole package not just coqui. Teya: we should also look at the bovine statute for guidance. Fern: we need to get a legal opinion from Corporate Counsel since there will be a cost from running hot boxes on Maui. What about just saying “no we won’t accept a shipment from you”? Otherwise, the County is incurring the cost. We could do an import stop, otherwise we on Maui are paying. I am looking at it from an economic point of view for the County. Teya: so you are saying guilty until proven treated. Lissa: at the last POWG there was discussion regarding having a certification similar to coqui-free, but to cover other species as well. The idea was that perhaps DOT could require the certification on any of their projects. Keren: the idea wasn’t really a certification, but more like getting people to sign-on that they were following certain codes of conduct to minimize risk. Lissa: the idea was scaled back to voluntary codes of conduct. The actual certification idea is valid and shouldn’t be thrown out. Teya: businesses could pay for a pest-free certification especially if the certification was required for doing business with the State. Pat Chee: you could make the certification a requirement of the County. Keren: the idea could be expanded beyond just the nursery industry.

- Teya: do we want to talk about economic sanctions for negligent transport of targeted pests? Pat B.: I would look at what we have talked about so far as a first stage. The rest will fall into place. We need to cross this bridge first. Hank: this is the immediate need. There are a lot of things we can’t foresee yet. We need to be very cautious in the language used. We don’t want to leave any loopholes if at all possible. Fern: if the County can refuse goods, that is an economic sanction. Teya: what if they know they have pests and they just don’t care? Fern: the County should say we don’t want anything coming from your island or from specific zones of your island. Teya: there is an economic disadvantage for you to ship if you are going to be fined. Trace-back is difficult. Fern: coqui on the Big Island is so bad that we should just say no more unless you demonstrate to us that they are safe to be shipped to us. Elizabeth A.: economically that is not going to happen. We need to protect ourselves at our port-of-entry.

#7. ADDRESS FEDERAL LAWS THAT EXPOSE HAWAII TO UNNECESSARY RISK

VISION: *Hawaii will reduce the risk posed by federal laws or agreements that do not protect Hawaii.*

NEEDS:

- *A comprehensive national policy to protect Hawaii from pests arriving via domestic pathways. This protection needs to cover both intentional importation and accidental introduction through commodities and conveyances. (Federal level)*
- *Trade agreements that provide special biosecurity protections for Hawaii. (Federal level)*
- *Policy from the Federal Government that Hawaii needs special biosecurity protection at the federal level. (Federal level)*
- *Revision of Federal regulations related to foreign importation and interstate movement of pest vertebrates to provide a proactive, precautionary approach to excluding invasive vertebrates from the U.S. (Federal level)*

IMMEDIATE ACTIONS:

- *Harmonize State and Federal quarantine pest lists. (HDOA, USDA APHIS, CGAPS) (Federal level)*
- *Request from the United States Forest Service (USFS) a forest-pest risk assessment to complement the HDOA pathway risk analysis. (DOFAW) (Federal level)*
- *Utilize USDA’s Special Local Needs and Official Control procedure to apply for special Federal protection from a pest of particular concern to Hawaii. This will test the effectiveness of the system with a demonstration project. (OISC, HDOA) (Federal level)*
- *Develop the scientific case and risk assessment for a permanent rule restricting Myrtaceae imports to prevent introduction of additional strains of Puccinia psidii (ohia rust) so as to establish a precedent for adding to the State Restricted Plants List. (HDOA, TNC, CGAPS) (State level)*
- *Support efforts to revise the Lacey Act Injurious Wildlife section. (CGAPS, USFWS, ISCs, HISC) (Federal level)*
- *Request separate consideration for Hawaii in risk assessments from USDA/APHIS. (CGAPS, ISCs, HISC, USFWS) (Federal level)*

- Teya: regarding the biosecurity bullet, we could put something together for Hirono and Abercrombie. We need to provide information on this issue to Legislators. We could have MCA pull something together and get the Mayor and County Council to say this is important to us on a local level. The other thing to do would be to find out the status of these efforts. Mark Fox has been working on this. Maybe there are law students somewhere that need a project. These things take research. Josh: within our office, we have a student law intern. FWS regularly gets interns from the law school. The current term is done, but I imagine there will be more. Teya: could you look at the cost of one of those interns for us? It would be helpful to find out the current status and determine what it is we need to communicate to the Legislature. Lloyd: it seems really important to get input from HDOA. Ideally, we could have a public forum with ISCs involved. Teya: after research on the status of things, we need to generate support at the County and State level, as well as with UDSA and HDOA. Then maybe we could have a forum for a more public discourse on the topic. Philip: make sure you look at the New Zealand model. They have a well-developed biosecurity program. Pat Chee: another possibility may be once the brown tree snake bill goes up for hearing again to see if we can attach a rider to the bill. It seems like a lot of the stuff at the Federal level moves forward because it is related to the military and BTS is related. Lloyd: I wouldn't assume the BTS bill is a slam-dunk. It is very important, but be really careful. Mindy: I don't think you will get support for tacking on to the BTS bill. Teya: I think it is worth pursuing the law student idea and checking with Mark Fox regarding previous efforts to deal with the preemption issue.

9. EARLY DETECTION AND RAPID RESPONSE

VISION: Hawaii will effectively detect new incursions of pest species and launch rapid-response measures while these species are still controllable or eradicable.

NEEDS:

- *A dedicated invasive-species emergency rapid-response fund similar to the Hurricane Relief Fund. Availability of such funds will allow for immediate response to new pests as detected, thereby avoiding delays in gaining legislative authorization of new appropriations for each new pest.*
- *State authority to implement and enforce quarantine for newly discovered pests.*
- *Updated State Plant Health Emergency Plan to address non-agriculture pests.*

IMMEDIATE ACTIONS:

- *Hold a workshop with all key players to clarify agency and non-agency roles for emergency responses to new pests, and to identify current pest-detection programs, limitations, reporting needs, communication channels (from new pest detection to appropriate responders), and coordination needs.*

- Teya: recalcitrants fall into this category. The authority exists and can be implemented by any Department that is part of the HISC Council. The statute says that there are certain agencies that are part of the Council, the council has certain functions, that one agency will be designated as lead for the different functions, and that agency has the authority to implement including going onto private land. Who is the designated agency for eradication response and control? Mindy: we did that for the working groups but did not officially designate a lead for control. The first step is a legal opinion. A rule would need to be made by the HISC to enact the authorities in the statute. Pat Chee: the HISC didn't want to do rule-making. Mindy: I can give you the legal analysis that we had done. We have a course of action outlined, but it did not happen last year. Having agencies as lead on issues was not identified as necessary for action. Teya: so the rule-making would clarify the agency authority. Mindy: I don't know that it has to be the HISC making the rules. One of the agencies may be able to make the rules. The test we had was for a giant day gecko on Oahu. We did gain entry. It was not quick or clean. HDOA handed it over to DLNR and Rachel from OISC took the lead. Teya: would it be worthwhile to collectively look at that process? Mindy: we have a legal opinion, we have the Council's response, and we have an incident where it was used. A mini-workshop with the people who have been involved would be very helpful. We need a cleaner process. DLNR is moving on rules right now. We might be able to piggyback onto that. We did not bypass HDOA - it was cooperative and HDOA acknowledged that their interests were not being jeopardized. Teya: would HDOA be willing to let another agency take the lead on a plant? Forest: what is the HISC list? Teya: the HISC list pulls all the different lists together.

- Fern: what would be your take for a person who lets out parrots. There are already rules, but HDOA doesn't enforce the rules. What happens then? Mindy: that is a tough one. It has been a long process to even get them to go out with us to document these issues. If you don't have someone on island to document, it will be tough. Build your case, put together a packet of evidence, and send it to HDOA and offer to work with them. Fern: I think Keevin and Domingo are the only ones that can do it. Teya: from that perspective, we will try to have a mini-workshop and see how we can move forward. At the local level there was a class at MCC a number of years ago conducted by Frannie Coopersmith and Lee Altenberg that drafted an ordinance that would provide the County with the authority to manage invasive species. Elizabeth S.: it was modeled after the idea of fire hazards. If you don't take care of it yourself, it will be taken care of for you and you will be charged. Once an individual is warned about the presence of an invasive species on their property if they don't remove it, it will be removed for them and they will be charged. Teya: the draft ordinance contemplates creating an advisory committee on Maui. We could shake the dust off, send it around, and see what people think. I will send it around and get comments by email. Senator Baker is interested in seeing draft language on something like this as well.

BRIEF UPDATES:

Staffing

- Teya: I want to acknowledge that Elizabeth has been with MISC for 10 years. Former crewmember Chris Candito is back on the crew for four months as a temporary hire. He worked with us for a number of years on both the vertebrate and plant crews. Ashley Aquino has been working part-time with the vertebrate crew while going to MCC this semester. She will be pau at the end of the month.
- Jay: MISC did their annual all-staff trip to Lanai in November and helped out up on Lanaihale controlling guava for two days. This was our largest volunteer group ever and we got a lot of work done. I want to thank MISC again for the continued support.

Funding

- Elizabeth: we still have not received our HISC funds for FY10. We normally receive them by November and right now it is looking like they won't be available until February. This is causing problems with leases and contracts and leaving us short of funds. We are using primarily DWS and NPS funds right now.

Public Relations

- Lissa: we presented our annual Malama i ka Aina award at the Arbor Day fair to Ann Emmsley from Maui Community College. We collaborated with TNC (Pat) to take the entire junior class from Seabury Hall to Waikamoi. They did control work, helped in the nursery, and went to the boardwalk. I gave a presentation to the Upcountry Rotary Club on biocontrol. They were very interested and had a lot of questions. We have done several early detection workshops: for the County road crew and Hana firefighters, two workshops for APHIS staff, and for Pacific Whale Foundation. Recent Maui News articles have covered the Kahului quarantine facility, little fire ant, and the Melastome family.

Little Fire Ant

- Teya: control has started at the Waihee site. They are using an insect growth regulator in the colony itself and then Amdro around the edges. To date there has been no detection elsewhere on Maui. The trace-back, trace-forward process has not found anything. Forest and Kim are ready to start surveys. We will meet with Cas and Neil next week to nail down protocols and survey areas. We have \$20,000 from the County, managed by Tri-Isle, for supplies and public relations. Hank: there was a false report in the paper on Lanai. LFA has not been documented there. Lissa: we have a PR plan that includes posters on buses, PSAs, a longer video, and expanded Hoike classroom visits.

Proposed Meeting Dates for 2010: Feb 26 (miconia), April 16, June 4, Aug 6 (this date overlaps with Con Con and will be moved), Oct 8, and Dec 10

Roast & Toast: The meeting adjourned with a roast and toast and general statements of appreciation for all that Randy has done for MISC. Mahalo nui loa, Randy!