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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 (HFBB), Ken Kakesako (Sen. Kahele), Angela Kieran-Vast (DOD), Janet Ashman (HFBB), Jackie Kozak Thiel (HISC), Josh Atwood (HISC), Alicia Maluafiti (HI Crop Improvement Association).

AGENDA:

1. *Call to order*
2. *Introductions*
3. *Approval of minutes*
4. *Approval of reissue for FY11 DOA funds*
5. *Discussion of legislative/rule topics and timeline*
 - a. *Ethics issues regarding HISC lobbying*
 - b. *Overview of items identified by Council and network*
 - i. *Longer-term items (not targets for 2012 session):*
 1. *Aquatic invasive species issues*
 2. *Import and interisland movement of plants*
 3. *Pest control fees*
 - ii. *Current proposal for 2012 legislative session:*
 1. *Provision allowing emergency rules adopted in instances of imminent peril to natural resources or environmental health*
 - iii. *Items already in progress:*
 1. *Transport of introduced wildlife*
 2. *Discussion of draft rules to clarify HISC procedure and process for listing invasive species*
 3. *Dedicated funding source for HISC projects*

6. *Announcements*
7. *Public comments*
8. *Adjournment*

MINUTES SUMMARY:

- Approval of reissue for FY11 DOA funds: The Council approved the reissue of DOA's unspent FY11 funds alongside their FY12 funds.
- Ethics issues regarding the HISC: Cindy Young, DAG, explained that there is no ethical conflict in HISC members lobbying for legislation that arises from HISC discussions, as Council members are state employees and not paid private sector lobbyists.
- HISC topics for legislative or rule consideration:
 - Aquatic invasives: DAR staff will work on new statutes and rules for their division over the coming year.
 - Interisland transport of plant pests: The Council directs the Prevention Working Group to look into a multi-stakeholder process for addressing this issue, and to identify legislative options for the future.
 - Pest Control Fees: Not a legislative priority at this time.
 - Emergency rule adoption: The Council approved a proposal to amend HRS 91 to allow adoption of emergency related to threats to the environment.
 - Interisland transport of wildlife: HISC staff are working with DLNR staff on administrative rule revisions prohibiting introduced wildlife transport. DLNR staff are working with Senator Kahele on legislative solutions.
 - Invasive Species Designation: HISC staff are working on an early draft of new administrative rules for the HISC, allowing the HISC to fulfill its mandate of identifying species as "invasive."
 - Dedicated Funding Source: DLNR is submitting a barrel tax proposal for the 2012 session that may benefit invasive species management. The complexity of the barrel tax and other options were discussed.
- The HISC discussed a letter from the Maui County Council regarding axis deer and supports a future meeting on Maui to better understand the problem.

FULL MINUTES:

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**

\$47,804.54 was awarded to HDOA's biocontrol exploration program in FY11, but the funding transfer occurred too late in FY11 for the funds to be expended. The funds were returned to DLNR (acting as the administrative body for the HISC). Russell

Kokubun moved to reissue the FY11 funds along with the FY12 funds that were awarded to the HDOA biocontrol exploration program. 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. However, 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)

The August 18, 2011 meeting of the Council was primarily to approve the FY12 budget, but through discussion a number of topics arose which the Council would potentially like to see addressed through statutory or rule changes. Following this meeting, the HISC Coordinator contacted the broader HISC network (project leaders and interested parties) for additional topics they would like to see on a discussion list. On September 8, 2011, a meeting of branch managers and division administrators was held to discuss which topics were feasible to address by rule or by statute on the short time-table available before the 2012 legislative session. Based on the relevance of the suggested topics to the purviews of their branches, the branch managers and division administrators of DLNR DOFAW, DLNR DAR, HDOA PQB, HDOA PPC, and DOH Vector Control were invited to this meeting, along with other interested staff. Paul Conry (DLNR DOFAW), Bob Nishimoto (DLNR DAR), Neil Reimer (HDOA PPC), and Kate Cullison (DLNR DAR) were present at this meeting, with written input from Lynn Nakasone (DOH). HISC and CGAPS staff were also present. Based on the discussion at this meeting, topics from the Council and HISC network were separated into three categories: Long-term items, Current proposals, and Items already in progress.

- **Long-term items**

- Aquatic invasive species issues

A number of aquatic invasive species issues were discussed, including permitting for pesticide use near water and oversight for aquaculture facilities. 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. DAR staff present indicated that this work would be pursued over the course of FY12. Development of DAR statutes or rules will need to be done in collaboration with HDOA and DOH staff, as issues relating to aquaculture and clean water are governed by existing statutes and rules within those departments.

- Carl Evensen: Would this apply broadly to land-based and open-ocean aquaculture?

- Jono Blodgett: We would have to look into that more in terms of what that would entail.
- Alicia Maluafiti: A red flag for us in the biotech field is the requirement of an EA for GMOs. A science-based approach to this requirement would be appropriate. If we are talking about invasive species, a study showed that 90% of marine invasives arrived via hull fouling. If 90% arrive via that pathway, I am concerned about an EA requirement that could affect biotech, and why it would be necessary at this time. With the current economic crisis, I'm not sure if this is a good use of resources. What is the impetus? I would like to register this concern and request clarification on why that direction is necessary?
- Jesse Souki: We may share the same concern. A lot of times environmental issues are put under the HRS 343 umbrella. We might want to consider a different model. For the ag biotech side, we are one of the most regulated industries in the country.
- William Alia: This concern can be part of the discussion as well.
- Russell Kokubun: HDOA dealt with algae before. I like the more proactive approach about how we can address this issue without it going to litigation and enforcement.
- Gary Gill: There is some overlap with DOH. Whether it is a fish farm or cage in the ocean or shrimp farm that discharges, we have Clean Water Act issues at DOH. As the discussion goes on here, we want to make sure that we structure whatever regulation to consider the existing frameworks. For shellfish, it is a whole other issue. If you are going to do oyster and clams, certification of the water is necessary. All of that requires an FDA lab before the industry can market its products to the public. We don't have a shell fish industry that we can support due to FDA staff shortages. Need to highlight cross agency issues.
- William Aila: Does that still apply to closed system aquaculture?
- Gary Gill: If there is no discharge, they don't need the permit, but I am not aware of any commercial set ups like that.
- Russell Kokubun: I am assuming that as you are going through this collective process that we are always considering capacity.
- Josh Atwood: I think that this will be taken up by the Division of Aquatic Resources itself; HISC staff will be available to help.

- Russell Kokubun: The capacity issue is very important with all of these agencies involved. I don't want to set goals, try to implement, and not have the capacity.

- Import and interisland movement of plants

Council members and HISC network participants expressed interest in enhanced capacity for interisland inspections and updates to the Noxious Weed List. These fall under Title 4 of HDOA. They are fairly complex statutes that regulate interisland movement. This will take more time to consider, especially with staffing shortage at HDOA. Some feedback that we received from HDOA, is that there is no point in changing statutes/rules if can't back it up with people. First it would require additional inspection staff, hot water treatments for coqui frogs. There is difficulty in inspecting hard-to-detect items like insect eggs. Capacity would have to be considered. Existing administrative rules require inspection of propagated plants that are moving interisland. There is already a mechanism that is in place to inspect plants. This is an issue that needs to be worked on but requires a lot of consideration. PQB staff did not attend the Sep 8 meeting, and a decision was made not to discuss further statutory or rule options without PQB staff present.

- Gary Gill: I am not understanding, is there a timeline for resolving these things? We all agree this is complex. Do we have a path forward?
- Josh Atwood: We don't have a timeline on how to move the longer-term problems forward. Something we need is more in-depth discussions with HDOA staff on what is realistic, and then direction from the Council.
- Gary Gill: The point of your presentation is things we are not ready to move on with the legislature this year.
- Josh Atwood: Correct.
- Carl Evensen: I think the first step would be educational efforts with the horticultural industry. No one is moving these species intentionally. So it is either out of ignorance or neglect of attention.
- Josh Atwood: The Landscape Industry Council of Hawai'i (LICH) has been very active in the past. I don't know if they are doing anything on this particular issue.
- Carl Evensen: I am a board member with the LICH.
- William Aila: Maybe we can ask for a presentation from LICH in the future.
- Christy Martin: I am a board member with the LICH. We work very closely with the LICH. They have taken the lead on voluntary initiatives. But not everyone belongs to these associations. Out of 90 nurseries on Hilo side of BI, only a

handful belong. It will require broader outreach than to just these groups.

- 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, and there are limitations with the pesticide registrations. We are trying to resolve that with the Plant Pest Control and Pesticides branches. We have been participating in the LICH conference, giving presentations on invasive species for early detection so people can become more educated in the landscape industry on how to respond and what steps they can take themselves. Arnold Hara from CTAHR is also working with the industry, and we collaborate with him.
- Jesse Souki: I used to work with USDA PPQ, have you guys considered the programs that they have?
- 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 have to treat, but if pests are discovered then that grower becomes non-certified. We certify annually. We have pest management programs funded by Farm Bill. We work with most troublesome areas in production. We are modifying containers to have two hot water treatment systems on the Big Island and the idea is to move to each neighbor island.
- Jesse Souki: Are we able to have a certification for things moving in?
- Carol Okada: Every state has one and it means different things. We fall under the National Plant Program; we work with various state departments directly. We don't have protection from the mainland. We protect the mainland.
- Jesse Souki: Can we implement this?
- Carol Okada: We are working with our congressional delegation to work on having a more fair relationship on the federal level. Hopefully if a continuing resolution is made, as it concerns invasive species, it is moving more towards prevention. Homeland security and USDA are looking at how this impacts HI. We are federally preempted from taking action on a pest that is not a pest to mainland agriculture. But we have a different climate zone. We want to mitigate that obstacle. We are asking them to move the line so that we are protected too.

- Teya Penniman: I am disappointed that there is no plan on moving forward. I consider this the most important issue. We are wasting our money and efforts. I understand the issues of moving these things forward, in terms of political will and capacity. I hope that the Council doesn't say that since we don't have capacity so we are not going to address it. I was happy to hear Carol talk about treatment facilities. But my understanding is that it is not requiring plants go through it. So there won't be legislation this year, but I have a solution that I would like the council to consider. I recommend a resolution to have a multi-stakeholder group to deal with interisland transport of pests, including shipping, landscape industries and regulatory agencies. I allocated our Maui budget to this sort of a process, working with Peter Adler to bring these diverse people together. We have already had initial meetings with him, I shelved it after the last HISC meeting when I thought we would move forward. Sometimes what you need is a push to get stakeholders together, it could be pending legislation on regulations and penalties. That is why things are moving, there is no stick and no incentive. If we could bring stakeholders together we might be able to find a solution that has a consensus on how to move forward on this issue. I would ask the Council for a resolution or legislation that calls for a working group.
- Josh Atwood: Is there interest in having HISC staff draft a resolution for the Council to review?
- Gary Gill: I share the concerns of the testimony in this question. From my own experience we have been talking about the one way treatment of ag products at airports. Feds don't seem concerned with our ag. I think some initiative to call stakeholders together with a time-certain recommendation for action is a good idea. Could be an agenda item for next meeting. I also agree there needs to be an impetus for people to take it seriously. That people could be liable for the "clean up" or eradication of a species that a company introduces to the state or another island. Could get attention of folks. We have a two pronged approach: an initiative to call people together, and an intent to introduce legislation.
- Carl Evensen: I like Teya's recommendation. I think it is important to involve those who have the technical knowledge, those who make the impact, and those who would be doing the work. One question that I did have is with the scope of

these activities: while we are obviously dealing with invasive species, many of them would relate to other pests.

- Russell Kokubun: it is a good point. One of the recommendations was for the landscape industry to come before the council. I think we need a broader presentation. Have HDOA address these issues given the current structure of rules and law. We can focus in on where the pukas and gaps are. Maybe from that point we can figure out where we want to go. I don't have a problem with proposing a working group, but I want to make sure that they have the facts/baseline of information.
- Josh Atwood: One of the items that I wanted to discuss was convening working group meetings. This could be the focus of a working group meeting about what a multi-stakeholder group would look like. DOA is the chair of the Prevention Working Group, and they could come up with a plan for the Council.
- Paul Conry: The Council can say if there are things that they want as high priority. The council can direct staff to move immediately.
- Gary Gill: What do you mean by that? I would support the issue being addressed at the legislature even if it wasn't out of the HISC.
- Josh Atwood: We have a Prevention WG that Carol is the Chair of. You could direct that Working Group to begin working on that. The direction is to look at what a multi-stakeholder group would look like and potential legislation.
- Russell Kokubun: Anytime you try to organize a Working Group like this, you need resources. Let's make sure we have the resources. I think that is why we need legislative approval for this, if it rises to that level. It will provide avenues for resources.
- Carol Okada: We have stayed away from this in the past. We have two organizations: CGAPS and HISC. I am chair of CGAPS. For CGAPS priority pests it is Red Imported Fire Ant, mosquito, brown tree snake, and 'ōhi'a rust. We have 60 guys, smaller than DAR or DOCARE, to cover all of the cargo. If there is a shift towards coqui, it will affect mosquito. I can't do both a safety net around islands or between islands. We have to choose if it is around or between. The state has to do mosquito. Because they have RIFA throughout US, they are not super alarmed. I am getting very concerned about what

the priority is going to be as we move forward. This is where the Council can advise us.

- Gary Gill: I am cognizant of resource limitations and relate. Every agency has those same limitations that we have to make. The most difficult task is deciding what we are not going to do. Whether you are a single inspector in field or permit writer. Your input is important and should be factored in as we consider action forward. It is pretty clear in my work that the old method of permit, inspection, and enforcement is very labor intensive is not the model we are going to move forward on. There are other models that we can consider to cast our net wider. These are issues that we need to confront. But I think we need to go through process of really setting these priorities and where to apply resources and look at new tools.
- Josh Atwood: Speaking as HISC staff, I support whatever HDOA thinks they are able to do. We will definitely consider capacity in the working group process.

- Pest Control Fees

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 Ikagawa: Through research I've been reviewing statutes regarding pest management and comparing them to other countries. The section in question is HRS 141-3, which states that HDOA will provide pest control free of charge. To me this is a guarantee that we will never have the resources to do what needs to be done, and it provides a disincentive for HDOA to update their pest list. I think we should remove the words "free of cost to individuals" from the statute. A host of issues that we're dealing with now are a result of statutes and rules being cobbled together year after year, and now we're trying to fill in the gaps. A better way would be to follow a model like Queensland, to have the working groups meet for the next year and use another model to gradually eliminate or replace what we have so we can get rid of the contradictory language that works against us. Other places also have an informed and engaged public. Another priority for this year would be to get money for an outreach campaign where the state says that invasive species are costing us a lot of money and that the public has to be involved. My suggestion for this year would be to remove that language from 141-3, to have a

statute that says there shall be no release of any vertebrates into the wild, and finally a search for money for an outreach campaign at the state level on what invasive species mean and how hard control really 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.

- William Aila: This seems to be a relatively simple fix.
- Gary Gill: What is the process for promulgating an emergency rule?
- William Aila: Publishing at a land board meeting, having land board approval, and then there's a period for public comment. It takes about a month.
- Gary Gill: I would imagine that "imminent peril to the environment" would also apply to HDOA and DOH?
- Russell Kokubun: We have those provisions in place now.
- Gary Gill: I would support this, but if this power is granted, it can't be abused. We would have to clarify what is considered an emergency, and where the line is drawn.
- Josh Atwood: Declaring an emergency would be decided by the board. They would have to have justification.
- William Aila: There have only been three emergency rules adopted by the land board in its history. It is not done lightly.
- Neil Reimer: We respond to coqui and LFA. You are exactly right: we have provisions in place to address that. We don't take it lightly. If a situation like that happened, there are procedures that we go through. For coffee berry borer we demonstrated that it is a serious situation. The problem is that sometimes it is very difficult when you have a single coqui and the landowner doesn't want you to come on his property. What kind of mechanism can we put in place to deal with that?
- Carol Okada: An emergency rule is only needed when there is an immediate danger. It is a high standard because you are bypassing HRS 91. To put in a rule amendment, quickest turn around is 3 months. But there is always existing ability to set up quarantine.
- Gary Gill: How does this help HDOA?

- William Aila: The justification for environmental impacts is for DLNR.
- Gary Gill: So DOH has done an emergency rule, and HDOA doesn't really need this amendment to take quick action. What is DLNR anticipating to use this for?
- William Aila: The situation of axis deer on Hawaii Island is one example. We don't have any admin rules to do it.
- Gary Gill: And having the authority to make emergency rules would allow you to do what?
- William Aila: It could allow us to go on private property for axis deer.
- Carl Evensen: If brown tree snake were established on an island, would there be provisions to deal with that?
- Russell Kokubun: Yes, but there are jurisdictions. If it is in the forest, that would be DLNR. So the ability for DLNR to have the ability to adopt emergency rules would be helpful in a situation like that.
- Gary Gill: This isn't something that an agency can do in and of itself.
- William Aila: No, the board and the governor would need to sign off.
- Russell Kokubun: Move to approve proposal.
- Carl Evensen: Seconded. Motion carries.
- Russell Kokubun: I'm looking at the justification sheet. Be careful when you submit language to the legislation. It currently says, "repeatedly transferred," but we can't submit evidence of that.
- Josh Atwood: I will revise that part of the justification sheet.
- **Items already in progress**
 - Transport of introduced wildlife

This was an issue brought up in relation to axis deer. 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 regarding wildlife. His intent is to prohibit interisland movement of introduced wildlife. DLNR is also revising their admin rules for injurious and introduced wildlife, another mechanism that would prohibit inter and intra island movement. A third option, county regulation by Hawaii County, involves pursuing regulations and penalties on transport and release of axis deer on Hawaii Island. HDOA has been considering an interim rule, but it requires evidence of deer sighting. That will have to be worked out with DOA. The intent of this summary is that there are three or four avenues that the same loophole is being targeted that will hopefully prohibit and penalize movement of introduced wildlife.

- 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. A draft is in your package. The rules define who is in council, office hours if public would like to correspond, where correspondence should be addressed, conduct of meetings, basic procedural issues, and states that the Council can delegate tasks of report and other items to the Coordinator.

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 those lists require that change go through an administrative rule process. The new HISC rules would allow us to identify species recognized by HISC in addition to existing lists. We could consider new species. A request from member of the Council or the Coordinator, accompanied with written biological report would be required for the Council to consider adding a new species. We would have some data to back up species that are being considered. The Council would review and vote on designation. This process would allow us to maintain a list that is easier to update than existing lists. It fulfills our mandate to ID species, and gives our partners a list to refer to when justifying control work. It would be a useful outreach tool. It would allow us to fulfill another legislative mandate, which is the delegation of authority for entering private property. The HRS gives HISC departments authority to enter property if the Council deems the species invasive. This authority has not been used to date because there has been no formal process for Council to ID species. This property statute could be used for more effective control and eradication. The council would take time to consider justifications, as well as if a department wanted to use the authority to enter property.

The intent of reviewing a draft of the rules today is to make sure the content is in the direction that the Council wanted, and can then refer approved draft to AG.

- Gary Gill: I get the procedural things, I think where the rubber hits the road is, we would adopt everyone else's list and could add our own. The two things we could do is talk about how bad they are and go onto property. Is there no other authority [in the HISC statute]?
- Josh Atwood: That is correct.
- Gary Gill: The question that would arise is should we pursue additional authority. That is if there is a universe of authorities out there I would be interested in pursuing over time other authorities to seek, such as those granted by the other lists.

- Josh: The intent of the statute is to form the Council in such a way that it is an interagency opportunity to identify the species, and then the authority of, say, import restrictions would fall to one of the member agencies (e.g., HDOA).
- Gary Gill: It is something that I would like to explore.
- Russell Kokubun: Was this done by Attorney General's office?
- Josh Atwood: No, to date it has been Dede, Paul, Christy, and I.
- Russell Kokubun: There are some biocontrol agents that we don't want to see restricted through this list, if they happen to fall into the invasive characterization, we may be precluded from using that. There are a lot of gray areas on which our guys could provide input to you, Paul, and Christy.
- Josh Atwood: I will work with Neil and Carol to go over the rules.
- Jesse Souki: There are some things to go over with AGs, such as certified mail, TMKs, whether that level of detail should be in the rules.
- Carl Evensen: I think that it is a good idea to update and augment lists so that they are current. I haven't read this thoroughly yet, so I don't know if there is provision in here for someone to dispute a species to the list. The reason to add to the list would be scientific evidence, but people may bring other evidence to dispute. I am wondering if in the interest of transparency if that will be included as well.
- Josh Atwood: The designation would be at a public meeting of the Council. The way that it is written now, there is not a way to dispute it after it is listed, so we may want to consider adding that.
- Carl Evensen: It should be adequately advertised. The listing should not be done lightly. Give people ability to dispute.
- Janet Ashman: The Farm Bureau has a few concerns. We are caught off guard with this proposal, we have been involved in ongoing discussions. Because there were discussions in the past with the large group of stakeholders, and during the last legislative sessions, we thought there was an agreement to hold off on the Myrtaceae rule, so we thought there would be more discussion before rules pursued. This has to be discussed in terms of risk and benefit. These rules only look to the Council, no other stakeholders. It says that the decision "may consider," but doesn't have criteria for assessment. We would like to suggest continued discussion with stakeholder groups and that this right now gets put on hold because it has not been vetted. We can't look at these lists in a vacuum, even though intent is for access to private property, but as Gary said you are looking for more

authority, but if you don't have that list fully vetted, it is a slippery slope we are not prepared for.

- Gary Gill: Thanks for your testimony. I appreciate that you are paying close attention. You mentioned that some species that are being discussed in regards to the Farm Bureau?
- Janet Ashman: I am referring to the 'ōhi'a rust issue. It isn't the Farm Board, it's HDOA.
- Gary Gill: What is your concern?
- Janet Ashman: The decision was that once that process was finalized, we could move on to think about how we can consider other listings. We didn't expect actual language to review, certainly not this quickly. The stakeholders were not involved in drafting it, and they should be.
- Gary Gill: Stakeholders should have access to reviewing these rules before they are adopted?
- Janet Ashman: More than that. They should be involved in drafting.
- Gary Gill: The rule making process has to start somewhere. There is a public commenting period. Are you saying that you want your stakeholder group to draft the rules?
- Janet Ashman: We should get everyone to the table.
- Gary Gill: Who are these stakeholders?
- Janet Ashman: It's on the first page of my testimony.
- Christy Martin: There is a piece of the puzzle missing here. We have had stakeholder meetings on plant rules. That was done by Leslie and Carol at HDOA. What arose out of that was a decision that we're so far away from designating invasive plants, let's do something achievable, which is the Myrtaceae rule. Now that rule is moving along. In the meantime, we've talked to legislators, who passed a resolution saying that stakeholder groups should look at the noxious weed list. On a third track, we have the HISC rules, which are about how we utilize our private property access authority. I apologize that it is a surprise, but we can discuss this with the stakeholders.
- Mary Ikagawa: I want to go back to what Gary said about where this is going down the road. Again from looking at other places around the world and states that are further along than we are, the situation of having a clear line of authority, comes not from having lists in different departments with different authorities. It would be a good move for the HISC to be the biosecurity authority that does the listing and works with the different agencies and the stakeholders to simplify things. Whatever you do as you are moving forward, the department heads make sure that your staff

knows this process is ongoing so they aren't surprised by this. It is not trying to step on toes, but working towards model that is more efficient.

- Dedicated funding source for HISC projects

There is a lot of interest in identifying a funding source. This is also a longer-term item, but there is a proposal that is on the table that we wanted to talk about today. This is from DLNR regarding the barrel tax. Emma Yuen will discuss the summary in detail. In summary, 60 cents of the barrel tax goes to general fund, and the proposal is to reduce that part and divert to watershed partnerships and invasive species control. HISC is not specifically mentioned, but the intention is that it would be an option to support HISC. Recognizing that the barrel tax is controversial and has a lot of interests from different departments, we want to consider the Council's perspective.

- William Aila: We understand at department levels that we can have competition for funding.
- Emma Yuen: This is part of DLNR's mission to increase water supply and threats from invasive species for availability of water, and predictions of climate change will result in further reductions, which also affect agriculture. Act 73 had three main purposes: to increase food security, energy security, and our resiliency to climate change. Because forested watersheds are the natural source for our ground water and reduce flooding, protecting forested areas was identified as a key strategy to increasing our resilience to climate change. Protecting forested areas can also mitigate greenhouse gas emissions.
- Guy Kaulukukui: DLNR is currently spending \$1.25M annually on watershed protection and restoration. We're looking to increase that to \$11M annually as a minimum of dedicated funding. That number is based on budgets of Watershed Partnerships. The Kohala WP was spending \$1M/yr, and that's the scale we need to work at. \$1M/yr puts 13-15 people to work in the field full time. \$1.25M puts 3-5 people in the field. We're not making a dent at that level. If we obtain \$0.30 of the barrel tax, that is estimated to produce \$8M annually. As the bill is written, the majority of the funding would go to watershed protection activities. Invasive species control is one of the watershed mitigations, after fencing and ungulate removal. We wanted to ensure that it was explicit in the legislation that money would be spent on invasive species control.
- Emma Yuen: Currently 20% of the conveyance tax is directed toward the Natural Area Reserve Fund. That funds the watershed program and has been used for the invasive species committees.
- Russell Kokubun: [Referring to the original intent of the barrel tax] Food and energy security were at the top of this list and the climate change issue is important. There needs to be more exploration of

other funding sources. We [HDOA] are getting 15 cents. It was originally supposed to be 45 for HDOA, 45 for DBEDT, and 10 for DOH. So, as you heard earlier today, if invasive species are important to combat, the capacity of HDOA to address invasive species is important. It is almost like we are taking money from one pocket to the other. Having been a legislator, I think it is something we need to engage the legislators on to see if there is a willingness to explore other options. Would it be increasing the conveyance or barrel tax? Trying to chip away at a fund that has some very pointed goals is the wrong way to go. I would favor looking at other options.

- Gary Gill: I appreciate your continued guidance of looking at other sources, and that you support the importance of climate change/watersheds. The only point that I would like to make looking at the Act is that it doesn't have preference of one of the areas. The interpretation has preferred food and energy. We also recognize the importance of growing the capacity of HDOA. There is going to be a way to carve the pie to be mutually beneficial. In the beginning, when the barrel tax was first initiated, the barrel fee was a penny. It was a penny to do oil spill response. It was DOH's. It was raised to a nickel 15 years ago. The legislature expanded the purpose of the fund, but it is a rainy day fund for environmental disasters. Then it was increased to support good stuff like food and energy. Our fund has decreased, and so our capacity to respond to emergencies is not very good, we don't have the money to respond to something like the mercury spill in Kalihi. The nickel no longer is able to support the programs. The income is also going down from the tax. This is an administrative task that will come before the legislature on how to divide up the pie, and it will be a diminishing resource as we reduce our dependency on oil. Really, we are looking at a short term funding source. With that said, I need another nickel.
- Mark Hashem: Looking at the Legacy Land Conservation Program, does that go hand in hand with what you are trying to do?
- Guy Kaulukukui: Not directly, but indirectly. There are aspects of that program that could be tailored to focus on watershed management. The funding to that program is 2 million annually, so it wouldn't be on a scale large enough to make a dent. We need to take a big swing at this.
- Mark Fox: I would like to add to Chair Kokubun's comments. Dedicated funding for invasive species has been a challenge, we have made progress in other areas, thanks to leadership from Sen. Kokubun in his prior role. Conveyance tax collections are at a record level again, yet here we are again saying that there is not enough money for natural resource programs. But that is because general funds are down. The beneficiaries of the conveyance tax have

increased enormously. The barrel tax made a correct priority for energy and food. The conveyance tax was to expand that source to protect open space and watershed protection. Not just a source of funding to run the bureau. The legislature also spent a lot of time in the preamble in that bill talking about the impacts on burning fossil fuels on Hawai'i's environment. We need to get ourselves off fossil fuels, and they also said we need to adapt our communities and natural resources to climate change. The function of our natural environment is deliver water, fish, etc. If we need to raise the barrel tax to give what we need to DOH, more than 15 cents for food and energy, I think we need to think about what we can do to support each other. Blue Planet Foundation did a survey that said most people would support a \$5 barrel tax. I also think we should consider looking at the Transient Accommodations Tax (TAT), protecting the product that we "sell" via tourism. The Lt. Governor was interested in Palau's green fee. Put all of these things on the table, figure out what is fair, and then support each other. What can the public handle, what does the general fund need, and what do these different, equally important priorities do to support each other. One of the things that made it so unique and successful to ask legislature to raise the conveyance tax, of which Russell was a champion, was that both affordable housing and conservation came together as partners. Unlikely partners, but with good reasons for collaboration and broad constituent support. It is that kind of thing that we need to do together.

- Josh Atwood: I would ask the Council if they would like to take an action on this issue.
- Council does not take action at this time.

6. Announcements

- Letter from the Maui County Council Regarding Axis Deer

Talks about their resolution to urge the state to consider state, federal, and county collaboration on the established axis deer issue on Maui. The letter asks HISC to consider collaborative solutions. Would the HISC like to have a specific discussion on this request? Most of our discussions to date have been about axis deer on the Big Island, but this is also an issue on Maui.

- Russell Kokubun: The support that the county of Maui provides for invasive species work is really outstanding. Through their budget process they provide a lot of money. I don't think any other county does the same. If we talk about this from a county perspective, we need to enlarge that discussion to include reps from the counties. Hawai'i Island has provided some funding towards coqui in the past. I think it would be important to involve counties in that overall discussion. It will go a long way of garnering additional support and increasing awareness. I know funding is limited, but is

there an opportunity for the HISC to go to another island? I think we could cover our own expenses. I think it would be important for the neighbor islanders to address those issues on their turf.

- William Aila: I agree, and if we knew far enough in advance we could piggyback other meetings.
- County Representation on the HISC
 - Josh Atwood: In addition to this increased involvement from Maui County, we have a representative from Kaua'i County with us today, Gary Heu. We want to continue to build county support. Having the HISC meet on a neighbor island would help build that support.

7. Public Comments

- Teya Penniman: We would be happy to host the Council on Maui.
- Josh Atwood: The date for the next meeting is up to the Council. We have already met the mandated requirement on the number of meetings this year.
- Russell Kokubun: with the session coming up, it would be a good opportunity for each of the departments to talk about their priorities in regards to invasive species.
- Josh Atwood: The suggestion is to meet before the start of the session.
- Russell Kokubun: Let's try to fit it in the beginning of January.
- Josh Atwood: We will also work on scheduling Working Group meetings in the coming months.

8. Adjournment