STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

October 11, 2022

Board of Agriculture
Honolulu, Hawaii

Subject:	REQUEST FOR 1) CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4762; JACK L. BRANCO, LESSEE/ASSIGNOR; SCOT AIONA, ASSIGNEE; AND 2) APPROVAL TO AMEND GENERAL LEASE NO. S-4762; TMK: 3rd DIV/2-2-056:041, LOT 15, PANAEWA AGRICULTURAL PARK, WAIAKEA, SOUTH HILO, ISLAND OF HAWAII, HAWAII
Authority:	Section 166-7 Hawaii Revised Statutes, (HRS), and Sections 4-153-33(a)(6)(B) and (C) and 4-153-33(c), Hawaii Administrative Rules (HAR)
Lessee/Assignor:	Jack L. Branco
Assignee:	Scot Aiona
Land Area:	20.650 acres
Tax Map Key:	3rd Div/2-2-056:041 (Exhibit "A")
Lease Term:	55-years, January 1, 1982, through December 31, 2036
Land Status:	Encumbered by Governor's Executive Order No. 3378, dated February 26, 1988, to the Department of Agriculture for Agricultural Park Purposes
Annual Base Rent:	$5,570.00 per year
Character of Use:	Macadamia Orchard
Consideration:	$10,000.00

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BACKGROUND:

The Board of Land and Natural Resources (BLNR) awarded General Lease No. S-4762 to Martin J. Branco and Rita C. Branco, commencing on January 1, 1982. At its meeting held on May 24, 1985, BLNR consented to the assignment of lease from Martin and Rita Branco to Jack L. Branco. The subject property was transferred to the Department of Agriculture by Governor's Executive Order No. 3378, dated February 26, 1988.

Since taking over the lease in 1985, Mr. Branco has been growing macadamia nut trees. Due to physical disabilities and extreme economic hardship, Mr. Branco is requesting the assignment of General Lease S-4762 to Scot Aiona. Pursuant to the terms of General Lease No. S-4762 and Section 4-153-33(a)(6)(B) and (C), HAR, an assignment of lease is permitted due to physical disability and extreme economic hardship.

Scot Aiona worked on his family farm, Polynesian Farms, Inc. for over 15 years, growing Apple and Williams bananas and dryland taro. Scot's experience involves, land clearing and plowing, soil amendments, propagating from banana keiki, fertilizing, harvesting, pest control and shipping produce to the outer islands.

Scot Aiona qualifies as a bona fide farmer, with more than two (2) years of full-time farming experience and satisfies the eligibility requirements pursuant to Sections 4-153-1 and 13, HAR.

There is a consideration of $10,000.00 for the assignment of lease. Staff does not recommend an adjustment of the annual rental rate.

The current lease language limits the "Character of Use" to macadamia orchard. In his plan of utilization, the assignee is requesting to grow a variety of plant crops, such as, avocados, ulu, cacao and dwarf coconuts in addition to macadamia nuts. Therefore, pursuant to 4-153-33(c) HAR, staff requests approval to amend lease provision Paragraph 12. Character of Use from "macadamia orchard" to "Diversified Agriculture", which will allow the lessee an opportunity to grow a variety of crops.

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RECOMMENDATIONS:

That the Board of Agriculture:

1. Consent to the assignment of General Lease S-4762 from Jack L. Branco, Lessee/Assignor, to Scot Aiona, Assignee.

2. Approve the consideration amount of $10,000.00 for the Assignment of General Lease S-4762 to be paid by the Assignee.

3. Approve the amendment of General Lease S-4762, Paragraph 12. Character of Use to "Diversified Agriculture."

All related documents are subject to the review and approval as to form by the Department of the Attorney General, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

BRIAN KAU, P.E.
Administrator and Chief Engineer,
Agricultural Resource Management Division

Attachments - Exhibit "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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EXHIBIT "A"

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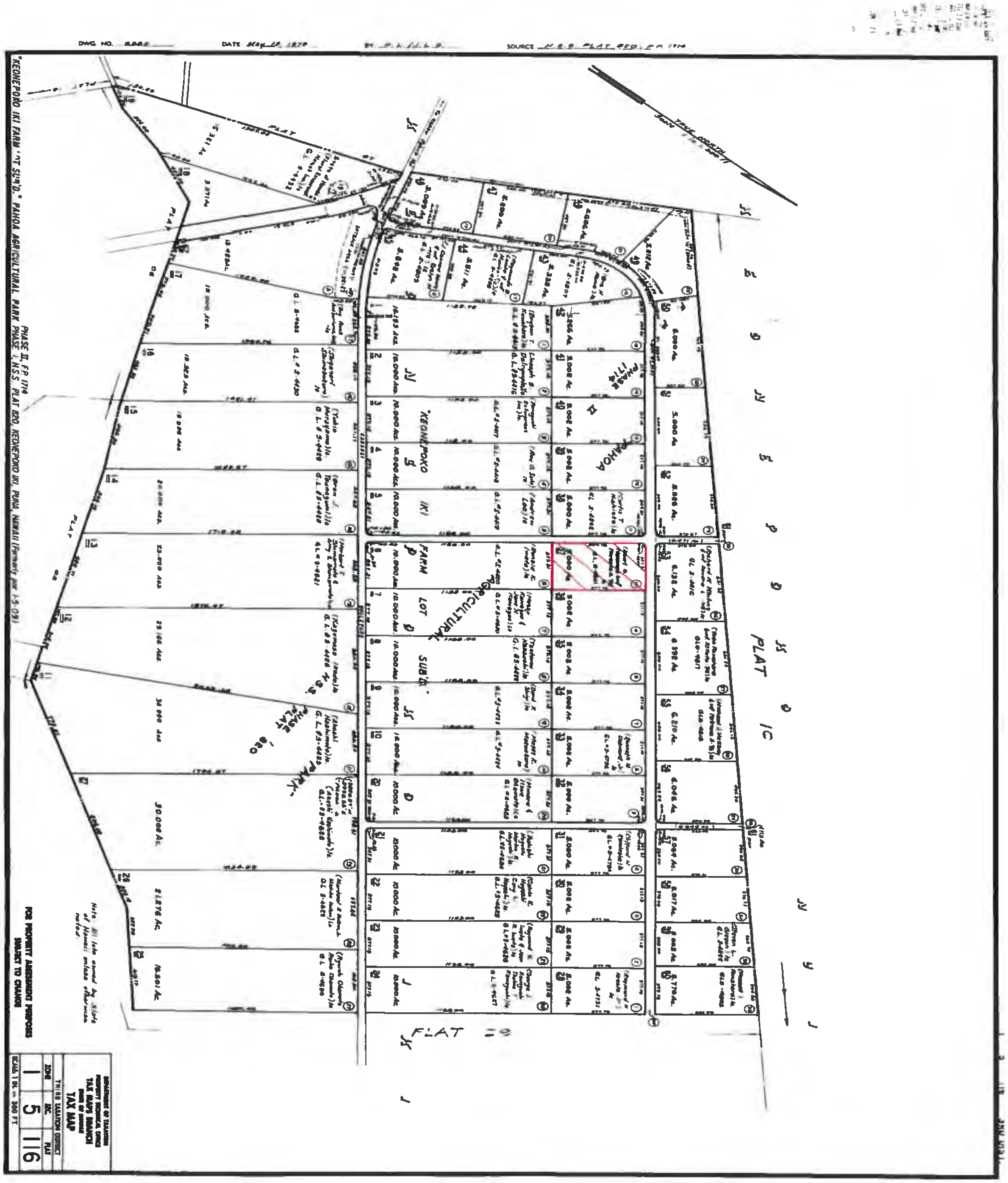

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

October 11, 2022

Board of Agriculture
Honolulu, Hawaii

Subject:	REQUEST FOR APPROVAL FOR FARM DWELLING, GENERAL LEASE NO. S-6012; OUDOM PIASOURAPANYA, LESSEE; TMK: (1) 5-6-006:040; LOT 12, KAHUKU AGRICULTURAL PARK, KOOLAULOA, KAHUKU, ISLAND OF OAHU, HAWAII
Authority:	Section 166-9, Hawaii Revised Statutes, (HRS), and Section 4-153-32(c), Hawaii Administrative Rules (HAR)
Lessee:	Oudom Piasourapanya
Land Area:	Approximately 5.394 gross acres
Tax Map Key:	(1) 5-6-006:040 (see Exhibit "A")
Land Status:	Encumbered by Governor's Executive Order No. 3867 to the Department of Agriculture for Agricultural Park purposes dated April 26, 2001
Annual Base Rent:	$2,140.00 per year until rental re-opening (April 1, 2024)
Lease Term:	45 years, April 1, 1999 to March 31, 2044
Character of Use:	Diversified agriculture purposes

BACKGROUND:

Oudom Piasourapanya acquired General Lease No. S-6012 through public drawing in 1999 as husband of Bouabanh Piasourapanya, tenant-in-severalty. Mr. Piasourapanya and his family have developed the lot into a successful farm that produces ornamental flowers and ti plants.

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There is an existing farm dwelling on the premises for which final building permits were obtained from the City and County of Honolulu in 2003. Corresponding information documenting the permits for this dwelling is in the lessee's file. Board approval has yet to be obtained and the lessee is requesting after-the-fact Board approval. Staff reviewed the construction plans and dwelling for suitability of the improvement for appropriate agricultural use and recommends after-the-fact approval pursuant to Section 4-153-32(c), HAR, and lease provision paragraph "14. Dwelling restrictions." The 3-bedroom, 2-bathroom, 1,350 square foot dwelling is occupied by the lessee's family to provide security for crops, supplies and equipment on the premises. There have been numerous incidences of trespassing and theft of crops, farm tools and equipment from the premises. Other lessees of the Kahuku Agricultural Park have reported similar incidences of theft, vandalism and illegal trespassing.

The lessee is in compliance with the terms and conditions of General Lease No. S-6012.

RECOMMENDATION:

Staff recommends that the Board of Agriculture approve Lessee, Oudom Piasourapanya's request for after-the-fact approval of a farm dwelling on the premises of General Lease S-6012, subject to other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State, and subject to the following condition: The Lessee shall indemnify, defend and hold harmless the Lessor from and against any claim or demand for loss, liability, or damage including claims for property damage, personal injury, or wrongful death, arising out of Lessee's use of said improvements and appurtenances.

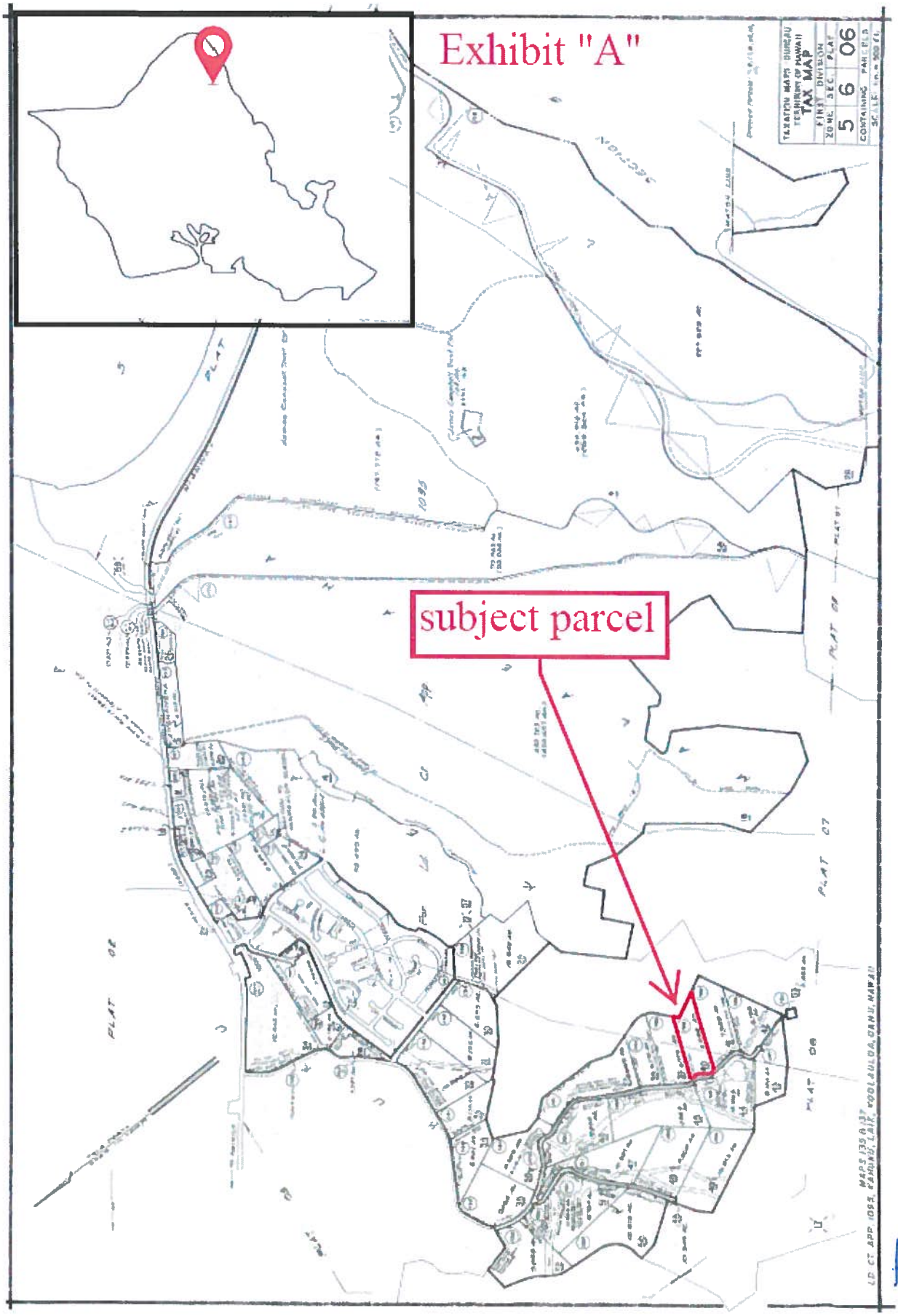
Respectively submitted,

BRIAN KAU, P.E.
Administrator and Chief Engineer,
Agricultural Resource Management Division

Attachments – Exhibits "A" and "B"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture



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A-8

Exhibit "B"

Photo of dwelling taken on 9/13/2022

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

October 11, 2022

Board of Agriculture
Honolulu, Hawaii

Subject:	REQUEST FOR: 1) CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4933; ALVIN M. TSURUDA, LESSEE/ASSIGNOR, AHIKI ACRES, LLC, ASSIGNEE; AND 2) APPROVAL TO AMEND GENERAL LEASE NO. S-4933; TMK: (1)4-1-035:012; LOT 12, WAIMANALO AGRICULTURAL PARK, KOOLAUPOKO, WAIMANALO, ISLAND OF OAHU, HAWAII
Authority:	Sections 166-7 and 166-9, Hawaii Revised Statutes (HRS), and Sections 4-153-33(a)(6)(B) and 4-153-33(c), Hawaii Administrative Rules (HAR)
Lessee/Assignor:	Alvin M. Tsuruda
Assignee:	Ahiki Acres, LLC
Land Area:	5.771 gross acres
Tax Map Key:	(1)4-1-035:012 (see Exhibit "A")
Land Status:	Encumbered by Governor's Executive Order No. 3464 to the Department of Agriculture for Agricultural Park purposes
Annual Rental:	$12,885.00
Lease Term:	55 years, August 1, 1986 through July 31, 2041
Character of Use:	Nursery
Consideration:	$100,000.00

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BACKGROUND:

General Lease No. S-4933, dated November 14, 1986, was issued to Alvin M. Tsuruda and Gail N. Y. Tsuruda, as Tenants by the Entirety, by the Board of Land and Natural Resources. Governor's Executive Order No. 3464, dated August 22, 1990, transferred the Waimanalo Agricultural Park lands to the Department of Agriculture for management purposes. The Lessee's nursery business produced primarily exotic varieties of anthuriums. In 2014, Mrs. Tsuruda passed away. Due to a recent accidental injury and declining health, Mr. Tsuruda is physically unable to maintain his business and requests that the lease be assigned to Ahiki Acres, LLC pursuant to Section 4-153-33(a)(6)(B), HAR.

Ahiki Acres, LLC, co-owned by Haley Miyaoka and Matthew McKinnon since 2019, provides fresh produce to Oahu restaurants and farmers markets produced on a one-acre vegetable farm located in Waimanalo. Both Ms. Miyaoka and Mr. McKinnon graduated from the GoFarm Hawaii training program in 2019. To meet the demand in the marketplace, Ahiki Acres, LLC plans to expand their business to include breadfruit, cacao, banana, and citrus. The lease may be assigned to Ahiki Acres, LLC, which qualifies as an agricultural entity with at least 75 percent of its members who qualify as bona fide farmers and meet residency eligibility requirements. Ms. Miyaoka and Mr. McKinnon qualify as bona fide farmers with more than two years of fulltime farming experience and meet the eligibility requirement for Agricultural Parks pursuant to Sections 4-153-1 and 13, HAR.

A purchase agreement has been executed between Mr. Tsuruda and Ahiki Acres, LLC. There is a consideration of $100,000.00 for the assignment of lease. In accordance with Paragraph 13. Assignments, etc. of General Lease No. S-4933, staff recommends that the annual rent rate not be increased.

The current lease language limits the "Character of Use" to nursery. So that Ahiki Acres, LLC may also farm vegetables and fruits in addition to performing nursery activities, staff requests approval to amend lease provision Paragraph 12. Character of use from "Nursery" to "Diversified Agriculture," which also includes nursery pursuant to 4-153-33(c), HAR.

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RECOMMENDATION:

That the Board of Agriculture: (1) consent to the assignment of General Lease No. S-4933 from Alvin M. Tsuruda, Lessee/Assignor, to Ahiki Acres, LLC, Assignee; (2) approve the consideration amount of $100,000.00 for the Assignment of General Lease No. S-4933 to be paid by the Assignee; and (3) approve the amendment of General Lease No. S-4933, Paragraph 12. Character of use to "Diversified Agriculture." All documents shall be subject to review and approval as to form by the Department of the Attorney General, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

Attachment – Exhibit "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

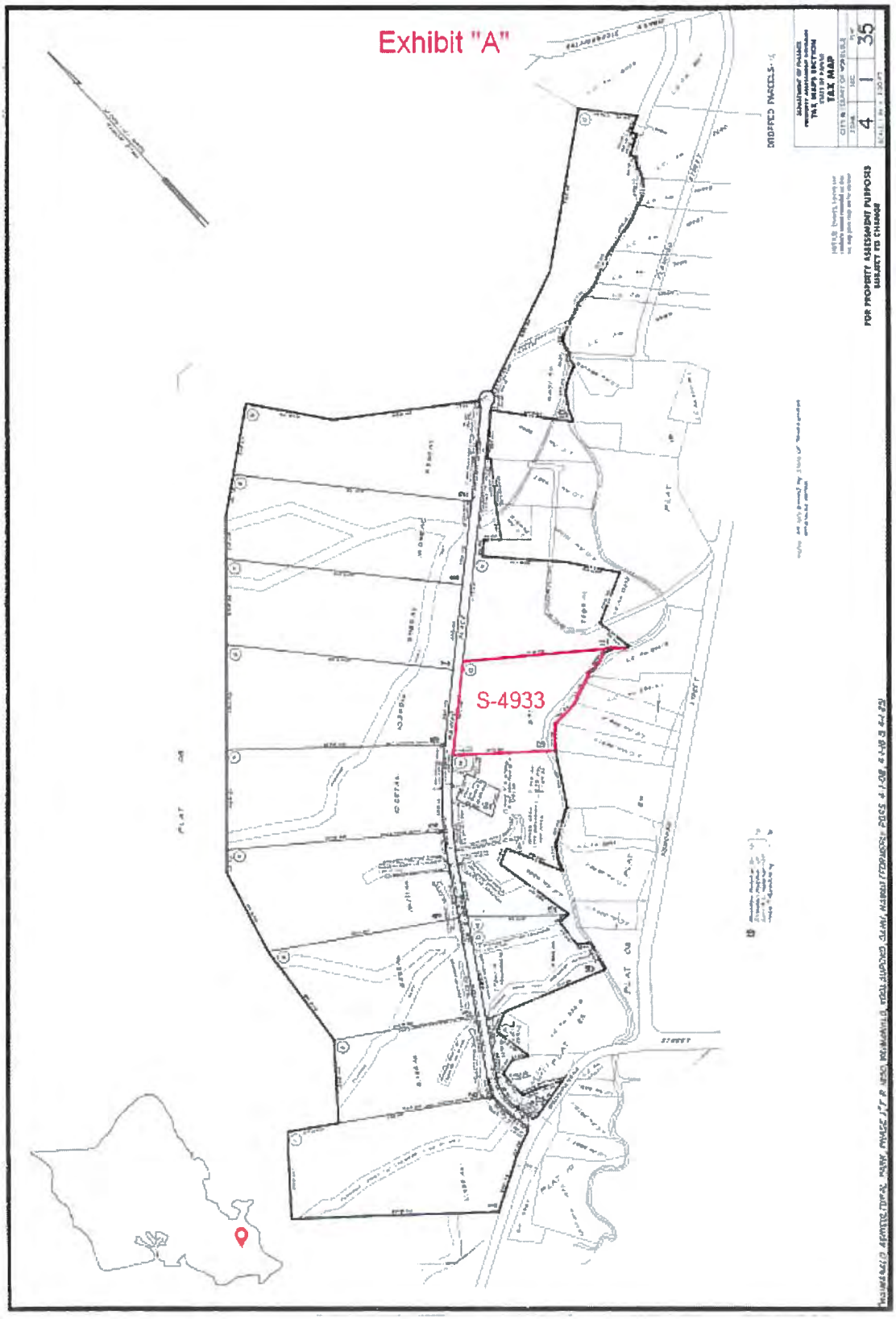
Exhibit "A"
S-4933

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

October 11, 2022

Board of Agriculture
Honolulu, Hawaii

Subject:	REQUEST FOR CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-9013; LAUNNIE L. GINN, LESSEE/ASSIGNOR, KUMU FARMS, LLC, ASSIGNEE; TMK: (2) 5-2-001:021; MOLOKAI AGRICULTURAL PARK, LOT 12, ISLAND OF MOLOKAI, MAUI COUNTY, HAWAII
Authority:	Section 166-6, Hawaii Revised Statutes (HRS), and Sections 4-153-33(a)(6)(C), and 4-153-1 and 13, Hawaii Administrative Rules (HAR)
Lessee/Assignor:	LAUNNIE L. GINN
Assignee:	KUMU FARMS, LLC
Land Area:	42.422 Acres
Tax Map Key:	(2) 5-2-001:021, Lot No. 12 (see Exhibit "A")
Land Status:	Encumbered by Governor's Executive Order No. 3696 to the Department of Agriculture for Agricultural Park purposes in 1996
Annual Base Rental:	$ 2,757.43 per year
Lease Term:	June 1, 1999 through May 31, 2034
Character of Use:	Diversified agriculture
Consideration:	$16,000.00

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BACKGROUND:

General Lease No. S-9013 dated April 4, 2003 was awarded to Launnie L. Ginn. Subsequently, due to family related issues, Mr. Ginn moved to the mainland and entered into a license agreement with Agrigenetics Molokai, LLC to operate a seed farm on the premises. He had intended to return to Molokai to resume farm operations, however, those plans did not materialize. In 2018, Agrigenetics closed down its seed production operations at the Molokai Agricultural Park and the license with Mr. Ginn was cancelled. Mr. Ginn is unable to resume farming as he has significant physical disabilities, therefore, he may assign the lease pursuant to Paragraph 16 of the lease and 4-153-33(a)(6)(C), HAR with Board approval.

An agreement to assign General Lease No. S-9013 to Kumu Farms, LLC was executed. Grant Schule is the sole member of Kumu Farms, LLC and he owns and operates a successful farming business on Molokai and Maui. He currently holds title to five leases at the Molokai Agricultural Park on which he produces primarily organic Sunrise papaya, a variety of vegetable crops and herbs including but not limited to kale, beets, beans, bananas, fennel, etc. which he sells locally on Molokai and exports to the neighbor islands. Mr. Schule will expand his papaya production on Lot 12.

Kumu Farms, LLC qualifies as an agricultural company with 75 percent of the interest in the company owned by members individually qualified as bona fide farmers. The sole member of the company, Grant Schule, has more than two years of farming experience, qualifies as a bona fide farmer and meets eligibility requirements pursuant to 4-153-1 and 13, HAR.

There is a consideration of $16,000.00 for the assignment of the lease. In accordance with Paragraph 16 of the lease, staff does not recommend an adjustment of the base annual rent. The next rental reopening is set for June 1, 2024.

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RECOMMENDATION:

That the Board of Agriculture consent to the assignment of General Lease No. S-9013 from Launnie L. Ginn, Lessee/Assignor, to Kumu Farms, LLC, Assignee. All documents shall be subject to review and approval as to form by the Department of the Attorney General, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

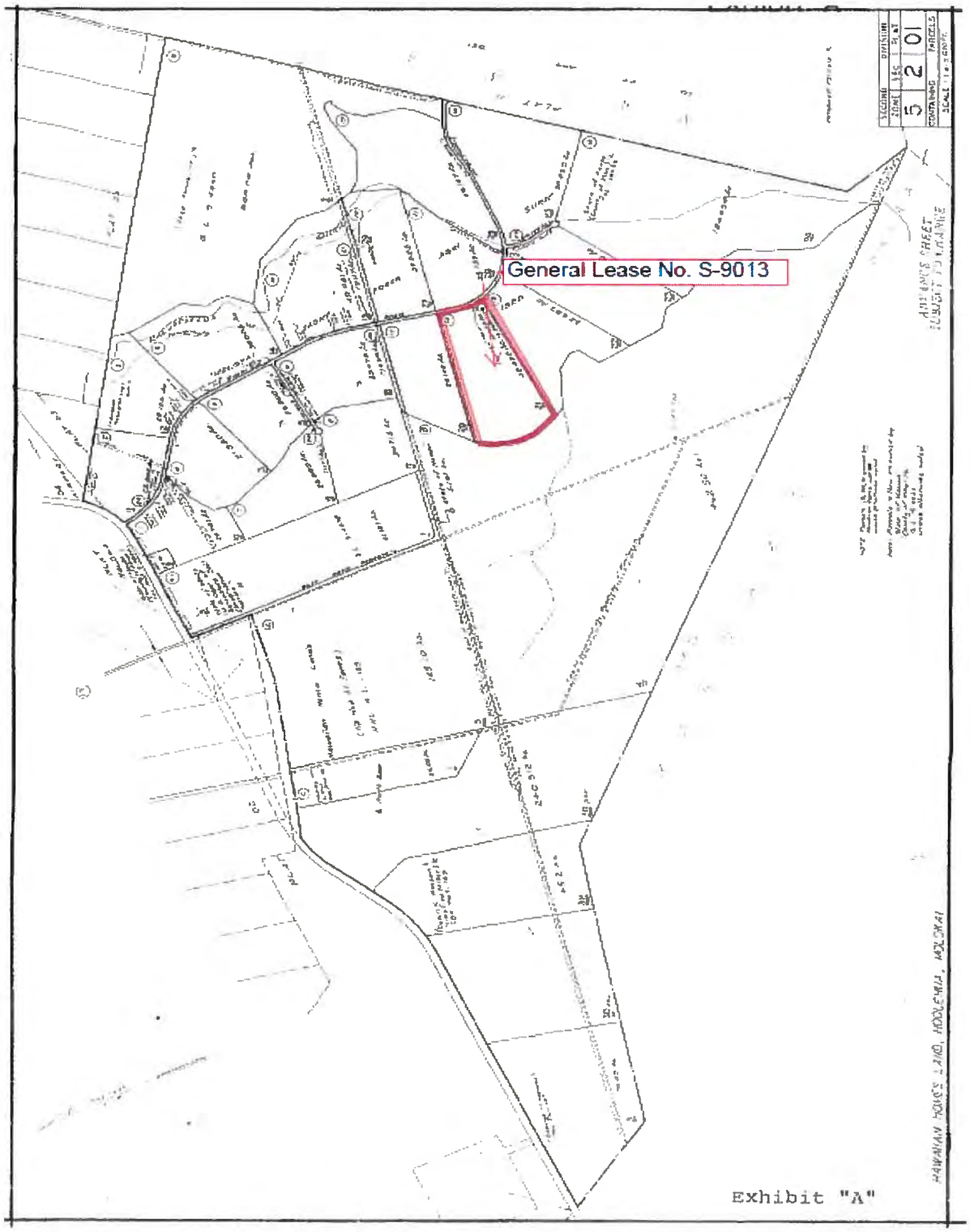
BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

Attachments – Exhibit "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

EXHIBIT "A"



STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

October 11, 2022

Board of Agriculture
Honolulu, Hawaii

SUBJECT: DISCUSSION AND ACTION ON SENATE CONCURRENT RESOLUTION NO. 76 REQUESTING THE BOARD OF AGRICULTURE TO PROHIBIT UNAPPROVED RESIDENTIAL USE OF FARM DWELLINGS IN AGRICULTURAL PARKS

REMARKS

The Senate Thirty-First Legislature, State of Hawaii, Regular Session of 2022, passed Senate Concurrent Resolution No. 76, certified copies of which were sent by the Hawaii State Legislature on June 6, 2022.

Senate Concurrent Resolution No. 76 requests that the Board of Agriculture: (1) establish a prohibition on unapproved residential uses of farm dwellings in agricultural parks; and (2) prepare and submit a report of its findings and recommendations, including actions taken, progress made, and any proposed legislation to the Legislature no later than thirty days prior to the convening of the Regular Session of 2023.

RECOMMENDATION

That the Board:

1. Establish a prohibition on unapproved residential dwellings in agricultural parks, and
2. Assign the Agricultural Resource Management Division the task of preparing a report of findings and recommendations, including actions taken, progress made, and any proposed legislation in response to Senate Concurrent Resolution No. 76.

Respectfully submitted,

BRIAN KAU, P.E.
Administrator and Chief Engineer,
Agricultural Resource Management Division

Attachments - Exhibit "A"

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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EXHIBIT "A"

THE SENATE
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

S.C.R. NO. 76

SENATE CONCURRENT RESOLUTION

REQUESTING THE BOARD OF AGRICULTURE TO PROHIBIT UNAPPROVED RESIDENTIAL USE OF FARM DWELLINGS IN AGRICULTURAL PARKS.

WHEREAS, agricultural parks are an essential component of the State's agricultural industry; and

WHEREAS, the primary purpose of agricultural parks is for agricultural production, not residential use; and

WHEREAS, residential use of farm dwellings on agricultural parks can produce noise, dust, and other nuisances that disrupt nearby communities; and

WHEREAS, there have been numerous complaints from communities in or near agricultural parks regarding dust, noise, and other nuisances from the residential use of agricultural parks; and

WHEREAS, a prohibition on certain residential uses of agricultural parks would mitigate or eliminate the production of noise, dust, and other nuisances in agricultural parks; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2022, the House of Representatives concurring, that the Board of Agriculture is requested to establish a prohibition on unapproved residential uses of farm dwellings in agricultural parks; and

BE IT FURTHER RESOLVED that the Board of Agriculture is requested to prepare and submit a report of its findings and recommendations, including actions taken, progress made, and any proposed legislation to the Legislature no later than thirty days prior to the convening of the Regular Session of 2023; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Chairperson of the Board of Agriculture.

OFFERED BY: _____

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
ANIMAL INDUSTRY DIVISION
99-941 HALAWA VALLEY STREET
AIEA, HAWAII 96701

October 11, 2022

Board of Agriculture
Honolulu, Hawaii

SUBJECT:	Request for Approval of Amendments to the Right-of-Entry ("ROE") in favor of the Board of Water Supply to Install Monitoring Wells on the Animal Quarantine Station Property, Previously Approved by the Board on August 23, 2016.
AUTHORITY:	Sections 141-1 (3) and (5), Hawaii Revised Statutes.
TAX MAP KEY:	(1) 9-9-010:058 (the "Property").
LAND STATUS:	Encumbered by Governor's Executive Order No. 4396 for animal quarantine, animal welfare and general commercial purposes.
TERM:	20 years.
BASE RENTAL:	None.
CHARACTER OF USE:	The Board of Water Supply ("BWS") has requested permission from Animal Industry Division ("Division") to enter the Property to 1) inspect and survey for installation of two (2) monitoring wells; 2) construct, install and maintain two (2) monitoring wells and appurtenant works; and 3) take samples from the monitoring wells at a monthly, or a greater or lesser frequency as determined by BWS.

I. Background

The Board of Agriculture ("Board") approved an ROE in favor of the Board of Water Supply at its April 2016 meeting to access a site located in the rear portion of the Animal Quarantine Station property located at 99-951 Halawa Valley Street, Aiea, HI 96701. That approved ROE that allowed the BWS to site a monitoring well on the property and conduct groundwater sampling, was subsequently amended at the request of BWS at the August 23, 2016 meeting (refer to amended ROE, Exhibit 1). The BWS is presently requesting to construct two (2) monitoring wells in the front portion of the Animal

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Quarantine Station between the H-3 freeway and Halawa Valley Street and additional amendments to the ROE listed in Section II below (refer to Amended and Restated ROE, Exhibit 2).

II. Amendments

The proposed amendments include:

1. In Paragraph 4, the frequency of maintenance and sampling of the monitoring well is changed to: "Water sampling from weekly to every six (6) months at the discretion of Entrant, depending on the results of the analysis of collected samples. Sampling shall be conducted by Entrant's personnel or appropriately trained water quality professionals contracted by Entrant."

2. In Paragraph 4 "Construction, installation, and maintenance of a monitoring well and appurtenant works" is changed to "Construction, installation, and maintenance of two (2) monitoring wells and appurtenant works."

3. In Paragraph 4, the following activities are added:

    a. The land area required for both monitoring wells shall be twenty (20) feet wide by thirty-five (35) feet long. Protective bollards shall be installed within the 20-foot x 35-foot area around the monitoring wells to protect them from traffic and vehicles.

    b. During the construction of the monitoring wells, an area of approximately 320 to 500 square feet shall be required to accommodate the drill rig and other construction equipment.

    c. Each monitoring well shall extend approximately three (3) feet above the surface of the ground and shall be protected by an 8-inch diameter steel casing. As an option, if the owner so desires, the monitoring wells can be installed flush to the ground. In this case, a 12-inch diameter manhole shall be installed over each monitoring well within a 2-foot x 2-foot concrete pad to provide access to the monitoring wells.

The Animal Industry Division recommends that the Board approve the request for the Division to execute the amended and restated ROE in favor of BWS to Install Monitor Wells on the Animal Quarantine Station Property so that they may install, maintain and sample monitoring wells at the Animal Quarantine Station located at 99-951 Halawa Valley, Street, Aiea, HI 96701.

Isaac Maeda, DVM
Administrator, Animal Industry Division

APPROVED FOR SUBMISSION:

Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

Attachments

EXHIBIT 2

AMENDED AND RESTATED RIGHT OF ENTRY AGREEMENT

1. Date of this Agreement:

   October 30, 2021

2. Parties to this Agreement:

   Owner: State of Hawaii Department of Agriculture
   Animal Industry Division
   99-941 Halawa Valley Street
   Aiea, Hawaii 96701

   Contact: Isaac Maeda, D.V.M., Administrator
   Animal Industry Division

   Entrant: Board of Water Supply
   City and County of Honolulu
   630 South Beretania Street
   Honolulu, Hawaii 96843

   Contact: Michael Matsuo, P.E., Land Administrator

3. Property: TMK: (1) 9-9-010:058

4. Activities to be Conducted on the Property:

   Entrant has requested permission from Owner to enter the Property to conduct the following activities:

   a. Inspection and survey for installation of up to two (2) monitoring wells.

   b. Construction, installation, and maintenance of up to two (2) monitoring wells and appurtenant works. Refer to Exhibit A.

      - The area required once both monitoring wells are constructed shall be 20 feet wide by 35 feet long. Protective bollards shall be installed within the 20-foot x 35-foot area around the monitoring wells to protect them from vehicles and other equipment.

      - During the construction of the monitoring wells, an area of approximately 300 square feet shall be required to accommodate the drill rig and other construction equipment.

- Each monitoring well shall extend approximately 3-feet above the surface of the ground and shall be protected by an 8-inch diameter steel casing. As an option, if the Owner so desires, the monitoring wells can be installed flush to the ground. In this case, a 12-inch diameter manhole shall be installed over each monitoring well within the 2-foot by 2-foot concrete pad to provide access to the monitoring well.

c. Water sampling, varying from weekly to every 6 months at the discretion of BWS, depending on the results of the analysis of collected samples. Sampling shall be conducted by BWS personnel or appropriately trained water quality professionals contracted by BWS.

5. Term of this Agreement:

The term of this Agreement shall begin on the date of this Agreement set forth above and shall terminate twenty (20) years thereafter unless sooner terminated pursuant to the terms set forth in this paragraph 5 or in other provisions of this Agreement. The Entrant or Owner may sooner terminate this Agreement, with or without cause, after furnishing to the other party one hundred eighty (180) days prior written notice of such.

6. Permission to Enter Property:

Owner hereby gives Entrant permission to enter the Property to conduct the activities listed in paragraph 4 above, subject to the terms and conditions contained in this Agreement.

7. Conditions for Entry:

Entrant may enter the Property subject to the following conditions:

a. Entrant shall conduct only those activities listed in paragraph 4 above and no other activities and shall follow the protocols and procedures as listed on the attached Exhibit "A".

b. Entrant shall not interfere with or disrupt any of Owner's or Owner's lessees' or tenants' activities on the Property.

c. Entrant shall exercise due care for public and private safety on the Property.

d. The activities conducted on the Property by the Entrant shall be conducted in a manner that is unobtrusive and blends in with the surroundings to the extent possible.

e. Entrant shall maintain the monitoring wells installed and any fencing, posts, barbed wire, personnel gates, and locking devices.

f. Upon expiration or earlier termination of this Agreement, Entrant shall remove all equipment, appurtenant works, and other items of Entrant's, which shall include the proper abandonment of the monitoring wells in accordance with all applicable State and City ordinances, laws, rules and regulations, and shall restore the Property to the same condition existing prior to Entrant's entry on the Property to the extent reasonably possible.

g. Prior to exercising the rights granted under this Agreement, the Entrant shall give the Owner at least forty-eight (48) hours prior written notice of the desire to exercise the rights granted under this Agreement, which notice shall indicate the dates of the intended access and use of the Property pursuant to the terms of this Agreement.

8. Indemnification:

Entrant agrees to indemnify Owner and tenants occupying the Property, against all loss, damage, costs, expenses, charges, reasonable attorneys' fees, and liability for injury to property or persons, including wrongful death, arising out of or caused by any accident on or in connection with activities as described above in paragraph 4, or the entry or use of Entrant, of the Property and improvements thereon, or arising out of failure of Entrant to observe and perform any term, covenant or condition herein contained and on the part of Entrant to be observed and performed, or caused by Entrant in the exercise of the rights and duties granted hereunder. The term "Entrant" as used in this Agreement shall mean and include the Entrant and its employees, agents, consultants, and contractors who enter the Property to exercise the rights granted under this Agreement.

9. Self-Insurance:

Notwithstanding anything to the contrary that may be contained in this Agreement, the insurance required to be carried by Entrant under this Agreement or any part or portion thereof, may be carried under any plan or plans of self- insurance.

If Entrant shall maintain such plan or plans of self-insurance, Entrant shall furnish to Owner a letter by a duly authorized signatory of Entrant certifying: 1) the plan or plans of self-insurance meet or exceed the insurance coverage required to be maintained by Entrant pursuant to this Agreement and 2) the procedure for Entrant to report any claims under such plan or plans of self-insurance.

10. Preservation of Historic and Archaeological Sites:

Entrant shall take every reasonable precaution to preserve and leave unaltered all places, if any, of historic and/or archaeological interest, including without limitation structures and sites listed on the Hawaii State Register of Historic Places and/or the National Register of Historic Places, ponds, reservoirs, heiau, altars, agricultural terraces, lo'i, walls, auwai, house platforms, imu, petroglyph sites, cemeteries; and all objects, if any, of historic and/or archaeological interest, including without limitation antiquities and specimens of Hawaiian or other ancient art or handicraft which may be found in or on the Property. Upon the discovery of such objects or of any human remains in or on the Property, the Entrant shall leave the same untouched and shall immediately notify the Owner and the Historic Preservation Division of the State of Hawaii, Department of Land and Natural Resources, of the type and location of such discovery.

11. No Assignment:

Entrant shall not assign or transfer any right under this Agreement.

12. Termination of Agreement:

Notwithstanding anything to the contrary that may be contained in this Agreement, in the event that Owner, in Owner's judgment, determines that any of the terms or conditions contained in this Agreement have been breached, or upon the condemnation of the Property or any portion thereof, Owner shall have the right to terminate this Agreement without having to furnish Entrant prior notice.

13. No Real Property Interest:

Entrant agrees that Entrant does not and shall not claim at any time any real property interest in the Property. THIS AGREEMENT IS NOT A LEASE OR A GRANT OF AN EASEMENT.

14. Compliance with Law:

Entrant shall comply with all federal, state, and county laws, ordinances, and regulations associated with the exercise of Entrant's rights under this Agreement and shall indemnify and hold Owner harmless from and against any and all violations by Entrant of such laws, ordinances, and regulations.

15. Insurance:

Entrant shall procure and maintain throughout the term of this Agreement worker's compensation insurance on all of Entrant's employees and shall provide Owner with certificates of insurance evidencing such worker's compensation insurance. Entrant shall secure for the term of this Agreement liability insurance for all operations directly or indirectly connected with Entrant's operations contemplated under this Agreement including, but not limited to, if applicable, the transportation of Entrant to the Property with limits of not less than $1,000,000 per each occurrence for bodily injury, and $2,000,000 in the aggregate with $100,000 for property damage and excess general liability coverage of $3,000,000. Before commencement of Entrant's operations under this Agreement, Entrant shall file with Owner certificates of insurance acceptable to Owner showing Owner as an additional insured. All certificates to be provided to Owner under this Agreement shall contain a provision that the coverage afforded under the policies will not be canceled or materially changed until at least ten (10) days prior written notice has been given to Owner.

16. No Offensive Use:

Entrant shall not suffer, make, commit, or permit any waste or strip or unlawful or improper or offensive use of the Property or any part thereof. Entrant shall ensure that any and all material such as, but not limited to, paper products, soda cans, etc., brought onto the Property by Entrant shall be removed from the Property each day of Entrant's exercise of the rights granted under this Agreement.

17. Operation and Control:

Entrant shall be responsible for the actions and activities of its employees, agents, consultants, and contractors acting in the course of their employment and operations pursuant to this Agreement. Entrant's operations shall be conducted in a professional, workmanlike and orderly manner.

18. No Warranties and Assumption of Risk:

The Owner makes no representations as to the present or future condition of the Property. Entrant assumes all risks of personal injury or damage to Entrant, its employees, agents, consultants, and contractors in connection with the operations contemplated under this Agreement.

19. Attorney's Fees and Costs:

Should any litigation be commenced between the parties concerning this Agreement between them or the rights and duties of either in relation thereto, the prevailing party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum for its attorney's fees and costs for litigation which shall be determined by the Court.

20. Amendments:

This Agreement may not be amended or modified in any respect except by an instrument in writing executed by the parties.

21. Notices:

Any notice under this Agreement shall be sufficient if sent by U.S. mail, first- class postage, prepaid, to the party at the address given below or such other address as either party may designate from time to time by notice similarly given:

To Owner: State of Hawaii
Department of Agriculture
Animal Industry Division
99-941 Halawa Valley Street
Aiea, Hawaii 96701

Attention: Isaac Maeda, D.V.M.

To Entrant: Board of Water Supply
City and County of Honolulu
630 South Beretania Street
Honolulu, Hawaii 96843

Attention: Michael Matsuo, Land Division

22. Counterparts:

This Agreement may be executed in one or more counterparts, and when so executed each counterpart shall be deemed to be an original, and said counterparts together shall constitute one and the same instrument.

23. No Party Deemed Draftsperson:

Since all parties to this Agreement have had their respective legal counsel review this Agreement or have had an opportunity to have such legal counsel review the Agreement for purposes of construing the terms and conditions of this Agreement, no party shall be deemed the draftsperson of this Agreement.

24. Section Headings:

Headings at the beginning of each section of this Agreement are solely for the convenience of the parties and are not a part of this Agreement.

25. Governing Law:

This Agreement shall be governed by the laws of the State of Hawaii and any question arising hereunder shall be construed or determined according to such law.

[Remainder of page left intentionally blank; signatures appear on next page.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

APPROVED AS TO FORM

Deputy Attorney General

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE

Phyllis Shimabukuro-Geiser, Chairperson
Board of Agriculture

APPROVED AS TO CONTENTS:

Board of Water Supply

BOARD OF WATER SUPPLY
City and County of Honolulu

Earnest Y. W. Lau, P.E.
Manager and Chief Engineer

APPROVED AS TO FORM:

Deputy Corporation Counsel

Exhibit A

Entrant shall be allowed ingress to and egress from the Property during normal hours of operation, which are Monday through Friday from 7:00 a.m. to 5:00 p.m.; and Saturday, Sunday and State Holidays from 6:00 a.m. to 4:30 p.m., when the gate is open. The ingress and egress route through the property that the Entrant will use shall be as depicted below.

Requests for variation from the time periods indicated above have to be approved no less than 24 hours prior by the Owner's officer-in-charge.

Entrant shall check in at the Animal Quarantine Station office with the Owner's officer-in-charge before entering the Property. For the purpose of this Agreement, the Owner's officer-in-charge shall be Mary Tashiro, Quarantine Station Operations Supervisor, Isaac Maeda, Administrator or their designate.

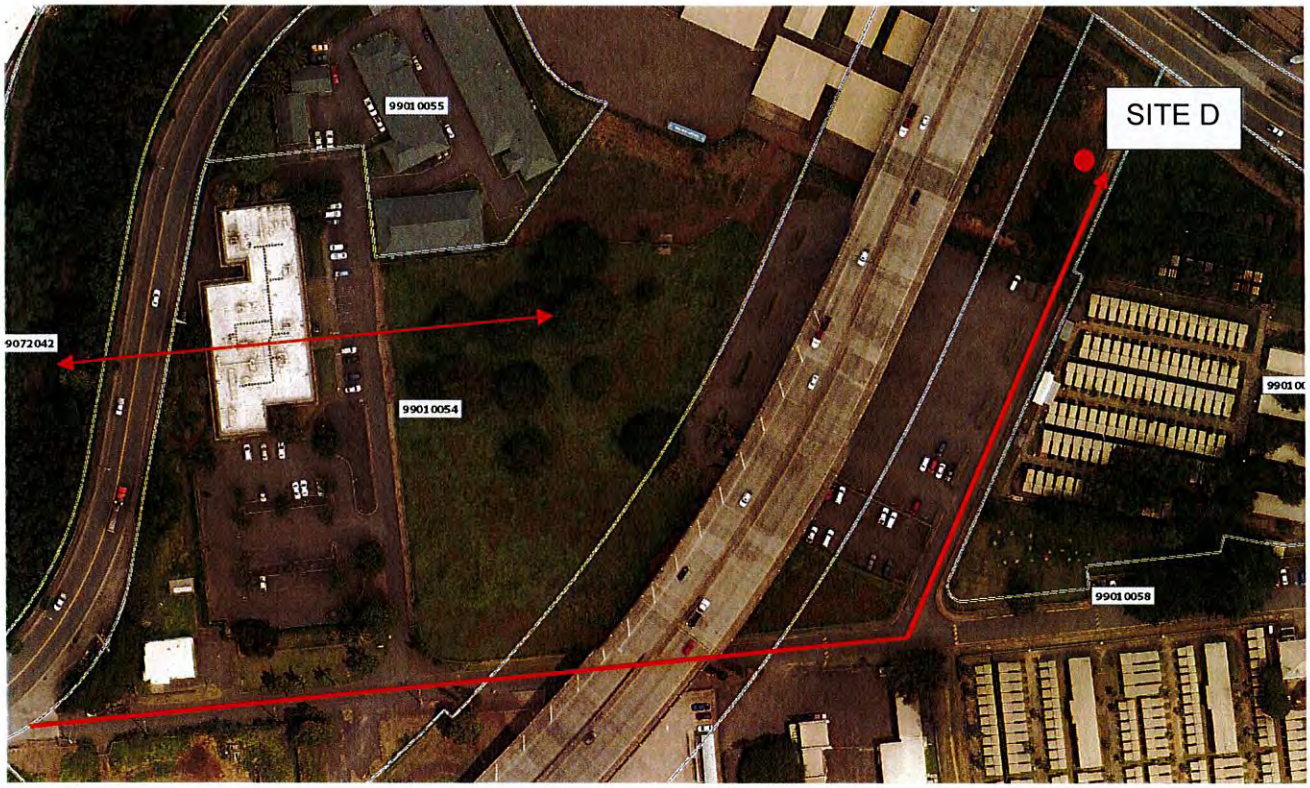

EXHIBIT 1

RIGHT OF ENTRY AGREEMENT

1. Date of this Agreement:

   August 23, 2016

2. Parties to this Agreement:

   Owner: State of Hawaii
   Department of Agriculture
   Animal Industry Division
   99-941 Halawa Valley Street
   Aiea, Hawaii 96701

   Contact: Isaac Maeda, D.V.M.

   Entrant: Board of Water Supply
   City and County of Honolulu
   630 South Beretania Street
   Honolulu, Hawaii 96843

   Contact: Michael Matsuo, P.E., Land Administrator

3. Property: TMK: (1) 9-9-010:046, (1) 9-9-010:054, (1) 9-9-010:055, (1) 9-9-010:057, and (1) 9-9-010:058

4. Activities to be Conducted on the Property:

   Entrant has requested permission from Owner to enter the Property to conduct the following activities:

   - Inspection and survey for installation of a monitoring well.
   - Removal of one (1) Ficus species tree.
   - Construction, installation and maintenance of a monitoring well and appurtenant works.
   - Quarterly sampling of the monitoring well.

5. Term of this Agreement:

   The term of this Agreement shall begin on the date of this Agreement set forth above and shall terminate twenty (20) years thereafter, unless sooner terminated pursuant to the terms set forth in this paragraph 5 or in other provisions of this Agreement. Entrant or Owner may sooner terminate this Agreement, with cause, after furnishing to the other party one hundred eighty (180) days prior written notice of such.

6. Permission to Enter Property:

Owner hereby gives Entrant permission to enter the Property to conduct the activities listed in paragraph 4 above, subject to the terms and conditions contained in this Agreement.

7. Conditions for Entry:

Entrant may enter the Property subject to the following conditions:

a. Entrant shall conduct only those activities listed in paragraph 4 above and no other activities and shall follow the protocols and procedures as listed on the attached Exhibit "A".

b. Entrant shall not interfere with or disrupt any of Owner's or Owner's lessees' or tenants' activities on the Property.

c. Entrant shall exercise due care for public and private safety on the Property.

d. The activities conducted on the Property by Entrant shall be conducted in a manner that is unobtrusive and blends in with the surroundings to the extent possible.

e. Entrant shall maintain the monitor well installed and any fencing, posts, barb wire, personnel gates and locking devices.

f. Upon expiration or earlier termination of this Agreement, Entrant shall remove all equipment, appurtenant works and other items of Entrant's, which will include the proper abandonment of the monitoring well in accordance with all applicable State and City ordinances, laws, rules and regulations, and shall restore the Property to the same condition existing prior to Entrant's entry on the Property to the extent reasonably possible.

g. Prior to exercising the rights granted under this Agreement, the Entrant shall give the Owner at least forty-eight (48) hours prior written notice of the desire to exercise the rights granted under this Agreement, which notice shall indicate the dates of the intended access and use of the Property pursuant to the terms of this Agreement.

8. Indemnification:

Entrant agrees to indemnify Owner and tenants occupying the Property, against all loss, damage, costs, expenses, charges, reasonable attorneys' fees and liability for injury to property or persons, including wrongful death, arising out of or caused by any accident on or in connection with activities as described above in

paragraph 4, or the entry or use of Entrant, of the Property and improvements thereon, or arising out of failure of Entrant to observe and perform any term, covenant or condition herein contained and on the part of Entrant to be observed and performed, or caused by Entrant in the exercise of the rights and duties granted hereunder. The term "Entrant" as used in this Agreement shall mean and include the Entrant and its employees, agents, consultants and contractors who enter the Property to exercise the rights granted under this Agreement.

9. Self-Insurance:

Notwithstanding anything to the contrary that may be contained in this Agreement, the insurance required to be carried by Entrant under this Agreement or any part or portion thereof, may be carried under any plan or plans of self-insurance.

If Entrant shall maintain such plan or plans of self-insurance, Entrant shall furnish to Owner a letter by a duly authorized signatory of Entrant certifying: 1) the plan or plans of self-insurance meet or exceed the insurance coverage required to be maintained by Entrant pursuant to this Agreement and 2) the procedure for Entrant to report any claims under such plan or plans of self-insurance.

10. Preservation of Historic and Archaeological Sites:

Entrant shall take every reasonable precaution to preserve and leave unaltered all places, if any, of historic and/or archaeological interest, including without limitation structures and sites listed on the Hawaii State Register of Historic Places and/or the National Register of Historic Places, ponds, reservoirs, heiau, altars, agricultural terraces, lo'i, walls, auwai, house platforms, imu, petroglyph sites, cemeteries; and all objects, if any, of historic and/or archaeological interest, including without limitation antiquities and specimens of Hawaiian or other ancient art or handicraft which may be found in or on the Property. Upon the discovery of such objects or of any human remains in or on the Property, the Entrant shall leave the same untouched and shall immediately notify the Owner and the Historic Preservation Division of the State of Hawaii, Department of Land and Natural Resources, of the type and location of such discovery.

11. No Assignment:

Entrant shall not assign or transfer any right under this Agreement.

12. Termination of Agreement:

In the event that Owner, in Owner's judgment, determines that any of the terms or conditions contained in this Agreement have been breached, or upon the condemnation of the Property or any portion thereof, Owner shall have the right to terminate this Agreement without having to furnish Entrant prior notice.

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Animal Industry Division
99-941 Halawa Valley Street
Aiea, Hawaii 96701

Attention: Isaac Maeda, D.V.M.

To Entrant: Board of Water Supply
City and County of Honolulu
630 South Beretania Street
Honolulu, Hawaii 96843

Attention: Michael Matsuo, Land Division

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[Remainder of page left intentionally blank; signatures appear on next page.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

APPROVED AS TO FORM

Deputy Attorney General

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE

Scott E. Enright, Chairperson
Board of Agriculture

APPROVED AS TO CONTENTS:

Board of Water Supply

BOARD OF WATER SUPPLY
City and County of Honolulu

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

APPROVED AS TO FORM:

Deputy Corporation Counsel
JEFF A. LAU

B-4

Exhibit A

Entrant shall be allowed ingress to and egress from the Property during normal hours of operation, which are Monday through Friday from 7:00 a.m. to 5:00 p.m.; and Saturday, Sunday and State Holidays from 6:00 a.m. to 4:30 p.m., when the gate is open. The ingress and egress route through the property that the Entrant will use shall be as depicted below.

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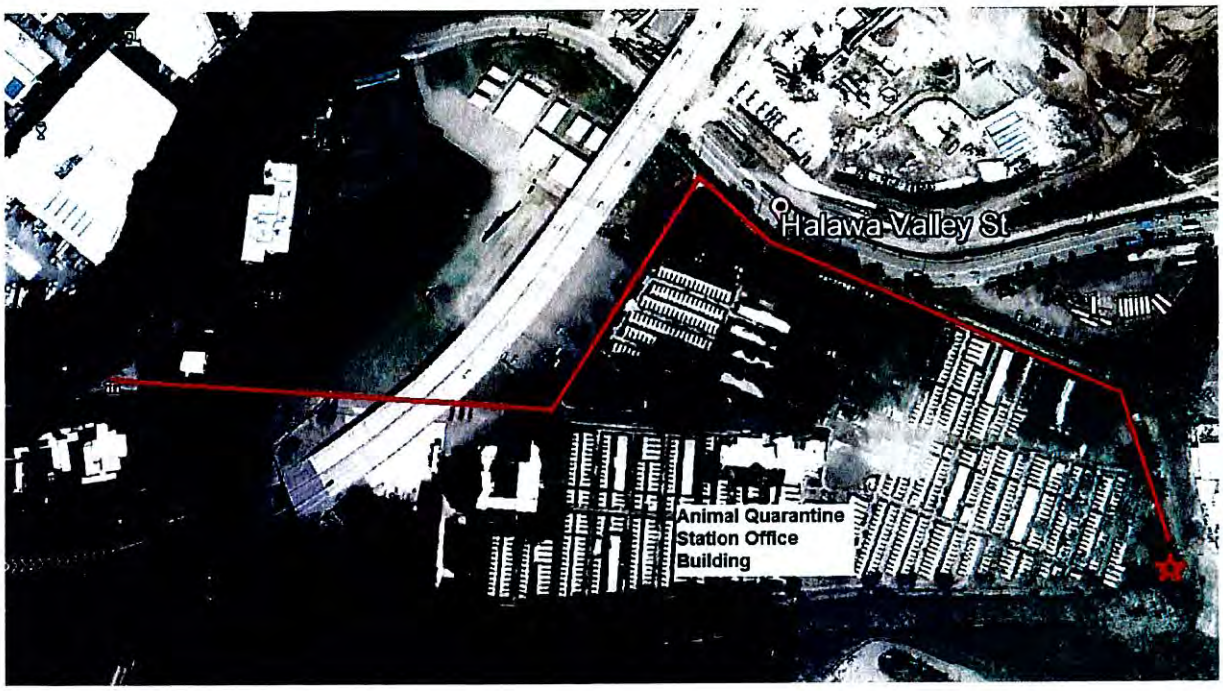
Entrant shall check in at the Animal Quarantine Station office with the Owner's officer-in-charge before entering the Property. For the purpose of this Agreement, the Owner's officer-in-charge shall be Mary Tashiro, Quarantine Station Operations Supervisor, Isaac Maeda, Program Manager or their designate.



STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
ANIMAL INDUSTRY DIVISION
ANIMAL DISEASE CONTROL BRANCH
99-941 HALAWA VALLEY STREET
AIEA, HAWAII 96701
October 11, 2022

Board of Agriculture
Honolulu, Hawaii

Subject: (1) Request for Approval to Adopt Proposed Amendments to Chapter 4-16, Hawaii Administrative Rules, entitled "Cattle, Sheep and Goats" Concerning: Objective, Construction of rules, Subchapters, Definitions, Quarantine-general, Quarantine area-feedlot, Quarantine area-slaughterhouse, Regulatory jurisdiction on importations, Entry status on imports, Ports of entry, Carrier responsibility on importations, Use of quarantine station facilities, Regulatory jurisdiction on exports; Subchapter 2 Cattle, Scope, Pre-shipment entry requirements, Post-shipment entry requirements, Anaplasmosis surveillance, control, and eradication, Brucellosis surveillance, control, and eradication, Vaccination for brucellosis prohibited; exceptions, Tuberculosis control and eradication; Subchapter 3 Sheep, Scope, Pre-shipment entry requirements, Post-shipment entry requirements; Subchapter 4 Goats, Scope, Pre-shipment entry requirements, Post-shipment entry requirements; and (2) Submission of Hearings Officers Summary of Public Hearings Testimony on Proposed Amendments to Chapter 4-16, Hawaii Administrative Rules, and Hearings Officers' Recommendation.

I. Background

The primary reasons for amending Chapter 4-16, Hawaii Administrative Rules are to amend and clarify definitions and carrier responsibility; add Bison, Water Buffalo and Camelid requirements, revise entry requirements; amend and clarify use of state quarantine station and fees; and update the chapter to reflect current science and terminology.

Proposed Amendments include:
(1) Add Bison, Water Buffalo and Camelid species to the Chapter. (2) Change definitions by: (a) simplifying the definitions Board", Chairperson", "Department", "Division Head"; (b) amending "Official vaccinate" "State veterinarian"; (c) adding the definitions "APHIS", "Certificate of Veterinary Inspection" or "CVI", "Contact", "Entry", "Hold order", "Polymerase Chain Reaction" or "PCR", "Premise"; (d) clarifying "Carrier", "Effects", "Health certificate", "Quarantine", "Shipmaster's Declaration" and "Vaccine; (e) expanding the definition of

"Animals", "Domestic animals", "Inspector"; and (f) deleting "Premises" and "Provisional quarantine." (3) Add "population of animals" as a group quarantine can be applied to. (4) Clarify movement for quarantine area feedlot and slaughterhouse. (5) Adding regulatory jurisdiction on importations of Bison, Water Buffalo and Camelids, entry status and add plant quarantine permitting for Bison and water buffalo. (6) Clarify ports of entry for added Bison, Water Buffalo and Camelids species. (7) Update and clarify carrier responsibility on importation and intrastate transport by sea. (8) Amend animal owner responsibility for use of quarantine station facilities. (9) Certificate of veterinary inspections issued in Hawaii for export is clarified. (10) Clarify import permitting, Trichomoniasis testing is added and Certificate of veterinary inspection clarified pertaining to Pre-shipment entry requirements. (11) Detail "Quarantine site" and "symptoms" is replaced with "signs" to correct terminology regarding post shipment entry requirements. (12) Amend Anaplasmosis and Brucellosis testing and management. (13) Clarify Tuberculosis control and eradication procedures and update test reactor management. (14) Add new section for Trichomoniasis control and eradication. (15) Add a new section covering disease investigation. (16) Add Scrapie entry requirements and clarify entry requirements for sheep and goats. (17) Specify the object in sheep post entry requirements by replacing "they" with "animals" (18) Add "camelids" to "goats" in subchapter 4. (19) Specify ectoparasite treatment, replace "health certificate" with "Certificate of Veterinary Inspection" for clarity, and add "official USDA" to "eartag" to specify acceptable tags in Pre-shipment entry requirements for goats. (20) Other changes are proposed throughout Chapter 4-16 for clarity, simplification or to correct format, grammar and punctuation.

II. Hearing Officer's Summary of the Public Hearing Testimony

The proposed amendments to chapter 4-16, HAR, as preliminarily approved by the Board on November 30, 2021, were taken to public hearings on May 9, 2022 (Kauai), May 10, 2022 (Oahu), May 11, 2022 (Maui), May 12, 2022 (Kailua-Kona), and May 13, 2022, (Hilo). Thirteen individuals attended in-person or via video conferencing. In total, 62 individual written and oral testimonies were received and summarized. A summary sheet and the written testimonies from public hearings, facsimile transmissions, and postal and electronic mail are attached to this submittal.

A total of seven individuals testified in-person or via video conference at the public hearing at Lihue, Kauai, Honolulu, Oahu, Kahului, Maui, and Kona and Hilo, island of Hawaii. In addition, the Department's proposed amendments received 62 written and email testimonies of which 17 testimonies (27.4%) were in support of the proposed amendments, and none were received in opposition. (refer to Appendix 2) Testimony was in support of the rule amendments by all individuals/groups identifying themselves as the Hawaiian Humane Society, ranchers, handlers, cattle industry organizations such as the Hawaii Cattleman's Council, Hawaii Cattle Producers Cooperative Association, a veterinary hospital and a veterinarian.

The Hawaii Cattleman's Council (HCC) is the largest livestock industry organization in the State that represents most of Hawaii's cattle production. HCC submitted written testimony (refer to Appendix 2) that supported the proposed rule amendments and commented specifically:

a) Support updating the carrier responsibility.
b) The requirement for a Shipmaster's declaration to "better track livestock movement and control movement of disease" and ensure the safety of livestock during transport.
c) That animals "...not be stowed in a manner that prevents natural ventilation," placement of shipping containers in areas that allow for natural airflow, and prevent placement where ventilation is restricted.
d) Limiting time livestock spend on board by loading animals "last-on" at departure and "first-off" at the destination.
e) Use shipping load densities using the Interisland Livestock Shipping Standards and not deviating by more than 10%. HCC also commented the standards have proven to be successful, as transporting livestock interisland.
f) Access to food and water must be provided for livestock transported over 24 hours.
g) Animal welfare has always been and remains the foundation of our operations.

Nine other testimony in support, contained similar comments as HCC.

Forty-two testimonies (67.7%) did not specifically support or oppose the proposed rule changes but contained similar comments and were sent via thesoftedge.com government relations and advocacy software. Three of these 42 testimonies varied by: one testimony had watched "...cows arriving at O'ahu's slaughterhouses in the shipping containers..." and described the animals as being in fear; one testimony stated to "...treat animals with as much respect as possible, regardless of their final destination," and one testimony stating "These are living things. You don't take it lightly. Please change procedures and be extremely careful."

The other 39 of those 42 testimonies were identical aside from email subject. Three subject titles used by these 39 testimonies were: Keep cattle and Goats Safe During Transport, Amend Proposed Transport Regulations to Protect Animals, and Protect Animals at Sea.

These 42 testimonies included comments on: amending the regulations to ensure that animals do not experience heat stress, that they have adequate ventilation, and that they be fit for travel, improving loading practices; requiring carriers to provide animals with food, water, and access to shade; and to restrict cow container locations on ships so that animals are not placed in areas with excessive heat. Additional comments were to disallow transportation of animals that are not fit to travel, and conditions listed as unfit were: lame, weak, or fatigued, blind in both eyes, females that have given birth within 48 hours, pregnant females within the final 10% of their gestation, newborns with unhealed navels, or animals with unhealed wounds. The testimony(s) also referred to an incident in 2019 where 21 cattle died on a barge traveling from Honolulu to Kauai. These testimonies stated that the "... proposed regulations rely on standards that have proved woefully inadequate..."

The Animal Welfare Institute (AWI) submitted detailed testimony in written format. That testimony included "AWI is dedicated to reducing animal suffering and advancing the welfare of all animals, including those raised for food. As part of our mission, we work to improve conditions for farm animals, including during transport. AWI has over a decade of experience advocating on behalf of animals transported by sea vessel. Refer to Appendix 2 for AWI testimony.

AWI's testimony supported the proposed amendments to Chapter 4-16, which "will, if approved, provide legally mandated standards for interisland shipment of certain animal species." Their testimony specifically supported requirement of the Shipmaster's Declaration, "...the acknowledgement of the importance of adequate ventilation" and the "...inclusion of rules related to the condition of animal containers..."

AWI also testified that the proposed rule amendments "...codifies the same standards that gave rise to the circumstances that highlighted the rule's necessity. In 2019, 21 cows perished on a barge due to a lack of adequate ventilation on a ship that purportedly complied with the Hawaii Cattlemen's Council standards for the transport of cattle on sea vessel" and that "*...the proposal makes no improvements to this standard in adopting it in regulation.*"* AWI testified to "...include minimum space requirements and/or maximum loading densities for cattle. sheep and goats. pigs, and horses. Ensure calculations are based on the correct internal dimensions of shipping containers. Decrease the "maximum number to load" as indicated (in an attached document). Remove any provision to exceed the maximum loading densities specified in the regulations."

*HDOA investigation of this 2019 incident indicated that the death loss was a result of human error that resulted in ventilation inadequacy, and not related to the cattle's condition, container design or load density. Our investigation concluded that the container was stowed in a position with no ventilation because the assumption was that the container was empty and did not contain livestock. Per Young Brothers' SOP containers with livestock are placed in locations that ensure adequate ventilation and that was not the case in the 2019 incident. The container was stowed in a manner that empty containers are stowed, which allowed no ventilation. Proposed amendments to 4-16-11(c) requires adequate ventilation and is a significant change and improvement from not having any requirements for ventilation.

AWI testified that load densities should be revised specifically because external and not internal container measurements were used to determine the load densities. HDOA initially utilized the Hawaii Cattlemen Council "Interisland Livestock Shipping Standards" that HDOA had previous participated with developing. Those standards allowed for more room, lower density than industry standards for the ground transportation of livestock. Those HCC standards were developed by an HCC task force made up of livestock veterinarians and livestock shippers with years of experience shipping livestock interisland. The group used references and standards for ground transportation recommended by the American Association of Bovine Practitioners (AABP) in conjunction with input from Dr. Temple Grandin. Dr. Grandin is a prominent proponent for the humane treatment of livestock and the author of more than 60 scientific papers

on animal behavior. The duration of the Intrastate movement of livestock in Hawaii is most closely aligned with the interstate ground transportation of livestock by trucks and trailers on the Mainland US. Densities recommended by the HCC task force also took into account the many decades of experience of successful inter-island shipping by the livestock shippers on the task force. Given that the densities recommended by the HCC guidelines is already lower than those recommended by AABP/Grandin, and have resulted in many decades of successful inter-island livestock shipments we believe the proposed densities with a 10% maximum deviation will continue to provide for successful and humane transport of livestock by inter-island barges. However, with the proposed mandatory Shipmaster's Declaration requirement proposed to be put in place HDOA will be able to more closely monitor and evaluate these shipments going forward.

Testimony by AWI also included the following specific comments:

a) That "...the proposal should be revised to limit loading density and ensure placement and loading practices minimize heat stress." Specific comments were that pigs and horses are not included, the load density tables for sheep and goats are deleted, and that the proposed load densities are not correct for cattle sheep and goats.

b) That "...regulations should thus be amended to ensure that animals are not placed in a location that prevents cross-ventilation for animals, or in locations that produce excessive heat. Examples of such locations include nearby engine boiler rooms, fuel oil storage walls, the ceiling on the uppermost deck, or the sides of the vessel."

c) "The proposed rule should be amended to include practices to minimize time onboard by requiring carriers to implement loading practices that ensure that animals are the last on and first off a docked vessel."

d) "HDOA's proposal should be revised to incorporate fitness for transport standards." Conditions are listed that would deem animal unfit for travel were "Animals that are injured, obviously ill, unable to bear weight on all 4 limbs, are likely to give birth during transport, or those that have not been weaned and are traveling separate from the mother should not be transported. Aggressive animals should be transported separately."

e) That food and water be required for animals when transport or holding exceeds 12 – 24 hours.

Testimony was also received that did not comment on the proposed amendments. For example, one testimony received was related to mosquitoes. Other testimony were not directly related to the proposed rule amendments and included loading and staging area conditions, and comments on species other than cattle sheep and goats (such as horses and pigs).

In written testimony submitted during the public comment period on the amendments to chapter 4-16, the Animal Industry Division proposed to include the space requirements section of the Interisland Livestock Shipping Standards for Sheep and Goats that was inadvertently not included with the rest of that table in the proposed rules and changing the title "Exhibit B" with "Exhibit A" for correctness. That section of the Exhibit A table appears below.

*These space requirements only pertain to Hawaii interisland transportation and do not pertain to interstate shipping.					
AVG. BODY WEIGHT (lbs)	*AREA PER ANIMAL (ft^2)*	*HEIGHT (ALL SPECIES)*	*20' CONTAINER (max number to load)*	*40' CONTAINER (max number to load)*	*40'X2 DOUBLEDECKER (max number to load)*
60	2.4	Stand comfortably, ensure head clearance	67	133	203
80	2.7		59	119	181
100	3		53	107	163
120	3.6		44	89	136

The Division's testimony is included in Appendix I. The specific recommended changes to chapter 4-16 are provided in section III below.

III. Specific Changes Recommended

Specific changes proposed to Chapter 4-16, HAR, from the amendments approved by the Board are:

(Bracketed material is removed; Underlined material is added)

1. Amend punctuation in the following sections by adding hyphen to pre-shipment.

Section 4-16-15 Pre-shipment entry requirements.
Section 4-16-22 Pre-shipment entry requirements
Section 4-16-25 Pre-shipment entry requirements.

2. Amend Exhibit A to correct: a) an omission in Section 4-16-11 Carrier responsibility for sheep and goats; b) space requirements listed; and c) clarify the space requirements only pertain to Hawaii interisland transportation and do not pertain to interstate shipping.

a) Exhibit A is amended to add space requirements section of the Interisland Livestock Shipping Standards for Sheep and Goats that was inadvertently not included with the rest of that table in the proposed rules.
b) Space requirements are changed in Exhibit A for cattle, and sheep and goats.
c) Statement added: this only pertain to Hawaii interisland transportation and do not pertain to interstate shipping.

Exhibit A

Required Interisland Livestock Shipping Standards | CATTLE

SHIPPING METHOD	Trailers, 20' containers, 40' containers, shipping pens. Must be 4-sided, structurally sound and without protruding objects that could injure animals. Must have four sided forklift pockets to ensure container cannot shift or tip off the fork lift during lifting.
LEAK PROOF	All shipping trailers/containers shall be watertight up to a level of 2" and nonslip flooring is required.
SIDES	Sides shall be solid up to the level of the animals' backs or window guards shouldbe indented to prevent discharge.
WINDOWS	Escape proof. Must contain entire animal. Tall enough to be above the backs of the animals or with 6" indented bars to prevent fecal discharge and allow proper airflow* *Window openings should be at least 7% of the area of the side panel surface to ensure proper ventilation
ROOF	Must have a solid roof to protect from the sun, rain, and contain the animal entirely.
WATER	Not required for trips < 24hrs; must have some form of watering system in case of transit delay. Please bring your own water when possible.
FEED	Not required for trips < 24hrs.
SPACE	*See table.
TRAILERS DELIVERING LIVESTOCK	All livestock trailers entering into the harbor must be constructed to contain animalfecal matter and urine.
TRANSFER AREA & STAGINGAREA	In secured DOT designated area only. Water should be available nearby.
TRANSFER PROCESS (TRAILERTO CONTAINER)	Trailer with slide or inward opening gate abut flush to container with slide orinward opening gates.
OR TRANSFER PROCESS(DOT CHUTE)	Secure chute gates to trailer and container, if DOT chute is available.
SPILLAGE	All spillage must be cleaned up and removed from harbor. To comply with EPA, nowater should be used to clean, the shipper must bring shovel, broom, etc to clean area. All shipping containers that remain in the harbor must be cleaned out and material hauled away. A fine/fee will be imposed if spillage is not cleaned.

*These space requirements only pertain to Hawaii interisland transportation and do not pertain to interstate shipping.

AVG. BODY WEIGHT (lbs)	AREA PER ANIMAL (ft²)	HEIGHT (ALL SPECIES)	20' CONTAINER (max number to load)	40' CONTAINER (max number to load)	40'X2 DOUBLEDECKER (w/ feeders and water units) (max number to load)
400	6.4	Stand comfortably,ensure head clearance	23	46	70
500	7.5		20	40	61
600	8.5		17	36	54
800	10.4		14	29	Over height limit
1,000	13		11	23	Over height limit
1,200	14.7		10	21	Over height limit
1400	18		8	17	Over height limit

Exhibit A

Required Interisland Livestock Shipping Standards | SHEEP & GOATS

SHIPPING METHOD	Trailers, 20' containers, 40' containers, shipping pens. Must be structurally sound and without protruding objects that could injure animals. Must have four sided forklift pockets to ensure container cannot shift or tip off the fork lift during lifting.
LEAK PROOF	All shipping trailers/containers shall be watertight up to a level of 2" minimum absorptive bedding and nonslip flooring is required.
SIDES	Sides shall be solid up to the level of the animals' backs.
WINDOWS	Escape proof. Must contain entire animal. Tall enough to be above the backs of the animals or with 3" indented bars to prevent fecal discharge.
ROOF	Must have a solid roof to protect from the sun, rain, and contain the animal entirely.
WATER	Not required for trips < 24hrs; must have some form of watering system in case of transit delay. Please bring your own water when possible.
FEED	Not required for trips < 24hrs.
SPACE	*See table.
TRAILERS DELIVERING LIVESTOCK	All livestock trailers entering into the harbor must be constructed to contain animal's fecal matter and urine. and contain bedding material.
TRANSFER AREA & STAGINGAREA	In DOT designated area only. Water should be available nearby.
TRANSFER PROCESS (TRAILERTO CONTAINER)	Trailer with slide or inward opening gate abut flush to container with slide or inward opening gates
OR TRANSFER PROCESS(DOT CHUTE)	Secure chute gates to trailer and container , if DOT chute is available. Block space between trailer back gate floor and ground.
SPILLAGE	All spillage must be cleaned up and removed from harbor. To comply with EPA, no water should be use to clean, the shipper must bring shovel, broom, etc to clean area. All shipping containers that remain in the harbor must be cleaned out and material hauled away. A fine/fee will be imposed if spillage is not cleaned.

*These space requirements only pertain to Hawaii interisland transportation and do not pertain to interstateshipping.

AVG. BODY WEIGHT (lbs)	*AREA PER ANIMAL (ft^2)*	*HEIGHT (ALL SPECIES)*	*20' CONTAINER (max number to load)*	*40' CONTAINER (max number to load)*	*40'X2 DOUBLEDECKER (w/ feeders and water units) (max number to load)*
60	2.2	Stand comfortably, ensure head clearance	67	137	240
80	2.5		59	121	211
100	2.8		53	107	189
120	3.4		44	89	156

3. Other change proposed in section 4-16-11 to remove "unless ventilation with large industrial type fans is provided"

Carriers are to place livestock in areas where ventilation is adequate at all times. Industry does not experience shipments of livestock demonstrating heat

stress at harbors and airports and on aircraft, ocean vessels and barges when adequate natural ventilation is provided. There are concerns that generators on barges to run fans may generate more heat and fans may end up blowing hot air.

(c) Carriers shall ensure that cattle, bison, water buffalo, camelids, sheep, and goats are provided adequate ventilation. Animals shall not be stowed during transportation or staged prior or subsequent to transportation in a manner that prevents natural ventilation

4. Change proposed in section 4-16-11 to add paragraph requirements for loading and unloading.

New paragraph g) is added in response to testimony from industry and AWI stipulating loading and unloading practices to minimize heat stress.

(g) Ocean carriers, baring harbor logistical limitations, shall implement loading practices that strive to ensure animals are the last on and first off a docked vessel. Carriers shall restrict animals from being loaded into locations that produce excessive heat, have restricted ventilation and are placed in locations that may flood containers with ocean water. Carriers shall ensure that livestock staging areas within harbors have access to clean water and adequate ventilation.

5. Change proposed in section 4-16-11 to add paragraph on types of animal conditions prohibited from transport.

A new paragraph (h) is added in response to testimony that addresses the health status of animals that are allowed to be shipped.

(h) No animal shall be transported via ocean vessel that is injured, ill, has unhealed wounds or is unable to bear weight on all

four limbs; is blind in both eyes; is likely to give birth during transport or has given birth in the past 48 hours and traveling without their offspring; or is not weaned and traveling separate from the mother. Aggressive animals shall be transported separately.

4. **Other changes are proposed throughout Chapter 4-16 to correct format and punctuation.**

No additional changes are recommended.

In addition to the hearing officers' summary and recommendation, this submission includes Appendix I, "Division Testimony" Appendix II, "Copies of Written Testimonies Received" and Appendix III, Summary of proposed changes and copy of proposed Chapter 4-16, HAR in Ramseyer format.

The Animal Industry Division recommends that the Board approve to adopt the attached proposed amendments to chapter 4-16, HAR, entitled "Cattle, Bison, Water Buffalo, Camelids, Sheep and Goats," including Hearings Officers' Summary of Public Hearings Testimony on Proposed Amendments to chapter 4-16, and Hearings Officer's Recommendations.

The Animal Industry Division recommends that the Board approve to adopt the attached proposed amendments to chapter 4-16, HAR, entitled "Cattle, Bison, Water Buffalo, Camelids, Sheep and Goats," including Hearing Officers summary of Public Hearings Testimony on Proposed Amendments to chapter 4-16, and Hearings Officer's Recommendations.

JASON D. MONIZ, DVM
Program Manager
Animal Disease Control Branch

CONCURRED:

ISAAC M. MAEDA, DVM
Administrator,
Animal Industry Division

APPROVED FOR SUBMISSION:

PHYLLIS SHIMABUKURO-GEISER,
Chairperson
Board of Agriculture

Summary of Specific Changes Recommended to Chapter 4-16, HAR:

1. Chapter 4-16 title is amended by adding "Bison, Water Buffalo, Camelids." Subchapter 2 title is amended by adding "'Bison, Water Buffalo." Subchapter 4 title is amended by adding "Camel ids."

2. Section 4-16-1, Objective. ·'Bison, Water Buffalo, Camelids" is added and section simplified.

3. Section 4-16-3, Subchapters is amended to add "bison, water buffalo, camelids."

4. Amending Section 4-29-2 "Definitions"

   a. Expand definition of "Animals."
   b. The definition "APHIS" is added
   c. The definition "Board" is simplified.
   d. The definition "Carrier" is clarified.
   e. The definition "Certificate of Veterinary Inspection" or ·'CVI" is added.
   f. The definition "Chairperson" is simplified.
   g. The definition "Contact" is added.
   h. The definition "Department" is simplified.
   i. The definition "Division head" is simplified.
   j. The definition "Domestic animals" is expanded
   k. The definition "Entry is added.
   l. The definition "Hold order" is added.
   m. The definition "Health Certificate" is clarified and relocated according to alphabetization.
   n. The definition "Inspector" is expanded.
   o. The definition "Official vaccinate" is updated.
   p. The definition "Polymerase chain reaction" or "PCR" is added.
   q. The definition "Premises" is replaced with "Premise'.
   r. The definition "Provisional quarantine" is deleted.
   s. The definition "Quarantine" is clarified.
   t. The definition "Shipmaster's declaration" is clarified.
   u. The definition "State veterinarian" is updated.
   v. The definition "Vaccine" is clarified.

5. Amending Section 4-16-5 Quarantine-general by adding "population of animals" and deleting "his."

6. Amending Section Section 4-16-6 Quarantine area-feedlot . Clarifies newborn management

7. Amending Section Section 4-16-7 Quarantine area-slaughterhouse by clarifying movement.

8. Amending Section 4-16-8 Regulatory jurisdiction on importations. Bison, Water Buffalo and Camelids are added.

9. Amending Section 4-16-9 Entry status on imports. Bison, Water Buffalo and Camelids are added and permitting requirement for Plant Quarantine branch added.

10. Amending Section 4-16-10 Ports of entry. Ports are clarified by species and Bison, Water Buffalo, Camelids species are added.

11. Amending Section 4-16-11 Carrier responsibility on importation.

    a. Section title is simplified by eliminating "on importation"

    b. Bison, Water Buffalo and Camelids are added.

    c. Intrastate transport requirements are added for loading, unloading, ventilation, food and water, shipping container standards and density.

    d. Correct an omission in a portion of the table for in Exhibit A for Interisland Livestock Shipping Standards for Sheep and Goats and is added back.

12. Amending Section 4-16-12 Use of quarantine station facilities. Bison, Water Buffalo and Camelids are added and responsibilities of owner clarified.

13. Amending Section 4-16-13 Regulatory jurisdiction on exports. Livestock certificates of veterinary inspection issued in Hawaii is clarified.

14. Amending Subchapter 2 title "Cattle" is amended to add "'Bison, Water Buffalo"

15. Amending Section 4-16-14 Scope. Adding Bison and Water buffalo is proposed.

16. Amending Section 4-16-15 Pre-shipment entry requirements.

    a. Import permitting is clarified.
    b. Trichomoniasis requirements are added.
    c. Certificate of veterinary inspection details are clarified.

17. Amending Section 4-16-16 Post-shipment entry requirements. Amendments are proposed to:

    a. Specify post-shipping testing.
    b. Detail quarantine site.
    c. Correct terminology changing "symptoms" to "signs".

18. Amending Section 4-16-17 Anaplasmosis surveillance, control and eradication.is amended to clarify Anaplasmosis testing and management.

19. Amending Section 4-16-18 Brucellosis surveillance, control, and eradication is amended to clarify testing and case management.

20. Amending Section 4-16-19 Control of Vaccination for Brucellosis is clarified.

21. Amending Section 4-16-20 Tuberculosis control and eradication procedures are clarified and test reactor management updated.

22. A new Section 4-16-20.1 Trichomoniasis control and eradication is proposed to address import and management requirements for this disease.

23. A new Section 4-16-20.2 Diseases and investigation is proposed to detail disease investigations and subsequent case management.

24. Amending Section 4-16-22 Pre-shipment entry requirements is updated to add Scrapie and clarify entry requirements.

25. Amending Section 4-16-23 Post-shipment entry requirements is corrected by replacing "they" with "animals".

26. Amending Subchapter 4 title "Goats" is amended to add "Camelids".

27. Amending Section 4-16-24 (a) Scope is amended to add "and Camelids".

28. Amending Section 4-16-25 Pre-shipment entry requirements.

    a. "Camelids" is added to "Goats" in the section.

    b. "Health certificate" is replaced with "Certificate of Veterinary Inspection" for clarity.
    c. "Scrapie" is added to the list of diseases an imported animal's herd of origin may not be under quarantine for.
    d. "official USDA" is added to "eartag" to specify acceptable tags.
    e. Ectoparasite treatment is specified.

29. Other changes are proposed throughout Chapter 4-16 for clarity. simplification or to correct format, grammar and punctuation.

APPENDIX I

Department of Agriculture
Animal Industry Division
99-941 Halawa Valley Street
Aiea, Hawaii 96701
May 17, 2022

To: Phyllis Shimabukuro-Geiser, Chairperson
Board of Agriculture

From: Isaac Maeda, DVM, Administrator
Animal Industry Division

Subject: Testimony on Proposed Amendments to Chapter 4-16 "Cattle, Sheep, and Goats" with regards to Required Interisland Livestock Shipping Standards | SHEEP & GOATS."

The Board approved chapter 4-16, HAR "Cattle, Sheep, and Goats" for public hearings in November 30, 2021. Upon review, the division requests that the proposed amendments to section 4-16-11 (f) be changed by replacing "Exhibit B" with "Exhibit A" for correctness. The reason for the change in the Exhibit title is because the Board of Agriculture submission in November 2021 included a summary of proposed changes titled "Exhibit A" along with the "Required Interisland Livestock Shipping Standards | SHEEP & GOATS" that was titled "Exhibit B." Chapter 4-16 does not include a BOA summary Exhibit A therefore Exhibit B is more appropriately termed Exhibit A. The following displays the change.

f) Ocean carriers for the intrastate movement of livestock shall ensure that the Interisland Livestock Shipping Standards by species , attached as [Exhibit B] Exhibit A are followed. Load densities shall not deviate by greater than 10% of the maximum load densities listed in interisland space requirements by species listed.

Furthermore, the division requests to include the space requirements section of the Interisland Livestock Shipping Standards for Sheep and Goats that was inadvertently not included with the rest of that table in the Exhibit B of the proposed rules. That section of the table appears below; and the entire Exhibit "A" with the tile change and the added section appears on the following page.

*These space requirements only pertain to Hawaii interisland transportation and do not pertain to interstateshipping.

AVG. BODY WEIGHT (lbs)	*AREA PER ANIMAL* (ft^2)	*HEIGHT* (ALL SPECIES)	*20' CONTAINER* (max number to load)	*40' CONTAINER* (max number to load)	*40'X2 DOUBLEDECKER* (max number to load)
60	2.4	Stand comfortably, ensure head clearance	67	133	203
80	2.7		59	119	181
100	3		53	107	163
120	3.6		44	89	136

[EXHIBIT B] EXHIBIT A

Required Interisland Livestock Shipping Standards | SHEEP & GOATS	
SHIPPING METHOD	Trailers, 20' containers, 40' containers, shipping pens. Must be structurally sound and without protruding objects that could injure animals. Must have four sided forklift pockets to ensure container cannot shift or tip off the fork lift during lifting.
LEAK PROOF	All shipping trailers/containers shall be watertight up to a level of 2" minimum absorptive bedding and nonslip flooring is required.
SIDES	Sides shall be solid up to the level of the animals' backs.
WINDOWS	Escape proof. Must contain entire animal. Tall enough to be above the backs of the animals or with 3" indented bars to prevent fecal discharge.
ROOF	Must have a solid roof to protect from the sun, rain, and contain the animal entirely.
WATER	Not required for trips < 24hrs; must have some form of watering system in case of transit delay. Please bring your own water when possible.
FEED	Not required for trips < 24hrs.
SPACE	*See table.
TRAILERS DELIVERING LIVESTOCK	All livestock trailers entering into the harbor must be constructed to contain animal's fecal matter and urine. and contain bedding material.
TRANSFER AREA & STAGINGAREA	In DOT designated area only. Water should be available nearby.
TRANSFER PROCESS (TRAILERTO CONTAINER)	Trailer with slide or inward opening gate abut flush to container with slide or inward opening gates
OR TRANSFER PROCESS(DOT CHUTE)	Secure chute gates to trailer and container , if DOT chute is available. Block space between trailer back gate floor and ground.
SPILLAGE	All spillage must be cleaned up and removed from harbor. To comply with EPA, no water should be use to clean, the shipper must bring shovel, broom, etc to clean area. All shipping containers that remain in the harbor must be cleaned out and material hauled away. A fine/fee will be imposed if spillage is not cleaned.

*These space requirements only pertain to Hawaii interisland transportation and do not pertain to interstateshipping.

AVG. BODY WEIGHT (lbs)	*AREA PER ANIMAL (ft^2)*	*HEIGHT (ALL SPECIES)*	*20' CONTAINER (max number to load)*	*40' CONTAINER (max number to load)*	*40'X2 DOUBLEDECKER (max number to load)*
60	2.4	Stand comfortably, ensure head clearance	67	133	203
80	2.7		59	119	181
100	3		53	107	163
120	3.6		44	89	136

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Friday, May 6, 2022 10:35 AM
To: Maeda, Isaac M; Moniz, Jason D
Cc: Alvarado, Kristy S
Subject: FW: Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats
Attachments: LivestockShippingTestimony5-10-22.pdf

Importance: High

Hi,
Forwarding. Is this for your public hearing? She has the date wrong.

Thank you,
Gayle

From: Stephanie Kendrick <skendrick@hawaiianhumane.org>
Sent: Thursday, May 5, 2022 4:03 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

Please see our attached testimony in support of the proposed rule amendments.

Mahalo,

Steph Kendrick (she/her/hers) | Director of Community Engagement
Hawaiian Humane Society
808.356.2217
HawaiianHumane.org

Hawaiian Humane Society
People for animals. Animals for people.

P.S. - Microchipping your pet helps you reunite with them quickly if they get lost. Learn more HERE!

Hawaiian Humane Society
People for animals. Animals for people.
2700 Waialae Avenue Honolulu Hawaii 96826
808 356 2200 • HawaiianHumane.org

Date: May 6, 2022

To: Chairman Phyllis Shimabukuro-Geiser
and Members Hawaii State Board of Agriculture

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of proposed amendments to HAR Chapter 4-16: "Cattle, Sheep, and Goats"
Monday, May 10, 2022, 10 a.m., Department of Agriculture, Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819

The Hawaiian Humane Society supports the proposed changes to Department of Agriculture rules governing the transport of animals by sea vessels.

Hawaiian Humane advocates for the enforcement and strengthening of current laws and the implementation of humane standards for animals in every phase of animal-based food production. All long-distance transportation of animals should include adequate opportunity for rest, adequate food and water, space, temperature control and clean shipping conditions. All efforts should be made to minimize stress, transport time and time awaiting shipment.

While the changes proposed represent progress in the treatment of livestock shipped between our islands, additional regulations are needed to protect animals from suffering.

Hawaiian Humane supports the amendments to the proposed rules suggested by the Animal Welfare Institute. AWI lays out a compelling case for implementing fitness to transport standards for all animals, including horses and pigs, which are neglected by the current draft. Its proposed amendments would also better ensure that heat stress is prevented by revising load density requirement, improving loading and holding practices, and requiring food and water for animals when the combination of transport and holding times exceed 12 to 24 hours.

We urge the board to incorporate AWI's suggestions and amend HAR Chapter 4-16 to prevent animal suffering and risks to human health.

Mahalo for your consideration and please let me know if I can be of assistance.

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Tuesday, May 10, 2022 8:50 AM
To: Maeda, Isaac M; Moniz, Jason D; Wong, Raquel L
Cc: Alvarado, Kristy S
Subject: FW: Proposed Amendments to Administrative Rules for Animal Disease Control Program
Attachments: HCC Letter - Interstate livestock shipping standards public hearing .pdf

Importance: High

Forwarding. I wasn't aware that testimony was going to be send to my Board email.
Few more coming.

Thank you.

From: Nicole Galase <nicole@hicattle.org>
Sent: Monday, May 9, 2022 7:36 AM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Proposed Amendments to Administrative Rules for Animal Disease Control Program

Aloha,
Please see the attached testimony on the Proposed Amendments to Administrative Rules for Animal Disease Control Program on behalf of the Hawaii Cattlemen's Council.

Thank you for the opportunity to weigh in on this important matter.

Nicole Galase | Managing Director

Hawaii Cattlemen's Council, Inc.

Hawaii Beef Industry Council

Mailing Address P.O. Box 934 | Hilo, HI 96721

Located Honolulu, Hawaii

Phone: (808) 209-0820

nicole@hicattle.org ; www.HICattle.org

Hawaii Cattlemen's Council, Inc.

Proposed Amendments to Administrative Rules
for Animal Disease Control Program

May 10, 2022, at 10:00 a.m.
Department of Agriculture, Plant Quarantine Conference Room
1849 Auiki Street, Honolulu, Oahu
And via Zoom

To the Hawaii Department of Agriculture,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

HCC supports the proposed amendments to Chapter 4-16. These changes are necessary to clarify and update the rules to today's needs. These changes will allow the state to better track livestock movement and control movement of disease, which will protect the livestock industry from unwanted disease outbreaks. Additionally, the following will help ensure the safety of livestock during transport:

- Updating the carrier responsibility to specify that animals should not be stowed in a manner that prevents natural ventilation.
- Working with transportation partners to limit time livestock spend on board vessels by implementing "last-on, first-off" practices.
- Addressing load densities using the Interisland Livestock Shipping Standards and stipulating that densities shall not deviate by more than 10%.
- Ensuring livestock transported over more than a 24 hour period have access to feed and water.

The Interisland Livestock Shipping Standards that the rules refer to were vetted and updated in 2020 by livestock shipping experts and veterinarians. Further, these standards have proven to be successful, as transporting livestock interisland has resulted in very few losses.

Many of the proposed changes are currently in practice by our producers. Animal welfare has always been and remains the foundation of our operations. The thoughtful and responsible management of our livestock is an ongoing process. It is the result of collaborative efforts between our producers, health experts, transportation partners and regulatory agencies. Ultimately, it is to serve the people of Hawai'i by providing safe, wholesome and nutritious local food.

Nicole Galase
Managing Director

P.O. Box 934 • Hilo, HI 96721 • (808) 333-6755 • www.hicattle.org • office@hicattle.org

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Tuesday, May 10, 2022 8:50 AM
To: Maeda, Isaac M; Moniz, Jason D; Wong, Raquel L
Cc: Alvarado, Kristy S
Subject: FW: [EXTERNAL] Proposed amendments to chapter 4-16, Hawaii Administrative Rules, entitled "Cattle, Sheep, and Goats."
Attachments: HCC ltr for DOA shipping regulations final.docx

Importance: High

From: lbwood451@aol.com <lbwood451@aol.com>
Sent: Monday, May 9, 2022 11:06 AM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Proposed amendments to chapter 4-16, Hawaii Administrative Rules, entitled "Cattle, Sheep, and Goats."

To the Board of Agriculture,

Please accept attached testimony in favor of proposed amendments.

Feel free to contact me if you have any additional questions or concerns.

Thank you,
Lisa Wood

L. B. Wood, DVM
Veterinary Associated, Inc.
PO Box 839
Kamuela, HI 96743
(808) 885-7941

Proposed Amendments to Administrative Rules for Animal Disease Control Program

May 10, 2022, at 10:00 a.m.
Department of Agriculture, Plant Quarantine Conference Room
1849 Auiki Street, Honolulu, Oahu
And via Zoom

To the Hawaii Department of Agriculture,

My name is Lisa Wood and I am a practicing veterinarian on the Big Island. I have worked with Hawai'i's cattle producers for over 30 years and currently serve as chair of the Animal Health and Well-being committee for Hawai'i Cattlemen's Council (HCC).

I strongly support the proposed amendments to Chapter 4-16 as presented.

The recent COVID 19 pandemic has placed a stark spotlight on the Hawaii's vulnerability to food insecurity. Our agricultural community must be able to sustain and expand their operations to ensure that Hawai'i moves towards more locally sourced food. Since cattle were first introduced to Hawai'i in 1793, the people of Hawai'i have always found innovative ways to get their goods to market. From preserving salted meat in barrels to shipping in modified livestock containers, our production methods have evolved over the last 200+ years to meet the current challenges of the everchanging agricultural landscape. Many of the proposed changes reflect the current practices of our Hawaii producers and we welcome the formal amendments.

Whether our animals are marketed locally or on the mainland, interisland shipment will always be a key factor in the success of our producers.

The proposed changes represent a statewide effort among livestock shippers to collaborate with each other and our transportation partners to ensure the humane treatment and well-being of not only cattle but other livestock species including goats, sheep and horses. In addition, industry has been in open dialogue with animal activists and while not all their recommendations can be practically implemented, we continue to work together to improve overall shipping standards.

Below are proposed changes that HCC's Animal Welfare committee strongly supports;

1. The need for mandatory reporting of losses that may occur enroute. This improved reporting allows for producers, veterinarians, and others to respond more quickly to adverse events and gather information in a more timely manner.
2. The essential need for adequate ventilation during transit - placement of shipping containers in areas that allow for natural airflow and prevent placement where ventilation is restricted.
3. As live cargo, transportation partners should be obligated to limit time livestock spend on board vessels by implementing "last-on, first-off" practices.
4. Loading densities based off the Interisland Livestock Shipping Standards that have been developed in cooperation with industry and University of Hawaii's Cooperative Extension Services. These standards shall be followed with no more than a 10% deviation and are modeled after those published by the American Association of Bovine Practitioners.
5. Access to food and water must be provided for livestock transported over 24 hours.

These amendments support our continued commitment to animal care and to thoughtful and responsible livestock management.

Thank you for the opportunity to testify in favor of these changes. We are grateful to the support and leadership HDOA has given to our industry over the many years.

Sincerely,

LB Wood, DVM

Veterinary Associates, Inc

Hawaii Cattlemen's Council, Animal Health and Well-being, Chair

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Tuesday, May 10, 2022 8:51 AM
To: Maeda, Isaac M; Moniz, Jason D; Wong, Raquel L
Cc: Alvarado, Kristy S
Subject: FW: [EXTERNAL] Proposed Amendments to Administrative Rules for Animal Disease Control Program

Importance: High

-----Original Message-----
From: wcinkona@usa.com <wcinkona@usa.com>
Sent: Monday, May 9, 2022 6:48 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Proposed Amendments to Administrative Rules for Animal Disease Control Program

My name is _____Woody Child of _____Kaapahu ranch and I support the proposed amendments to Chapter 4-16. These changes are necessary to clarify and update the rules to today's needs. These changes will allow the state to better track livestock movement and control movement of disease, which will protect the livestock industry from unwanted disease outbreaks. Additionally, the following will help ensure the safety of livestock during transport:

- Updating the carrier responsibility to specify that animals should not be stowed in a manner that prevents natural ventilation.
- Working with transportation partners to limit time livestock spend on board vessels by implementing "last-on, first-off" practices.
- Addressing load densities using the Interisland Livestock Shipping Standards and stipulating that densities shall not deviate by more than 10%.
- Ensuring livestock transported over more than a 24 hour period have access to feed and water.

The Interisland Livestock Shipping Standards that the rules refer to were vetted and updated in 2020 by livestock shipping experts and veterinarians. Further, these standards have proven to be successful, as transporting livestock interisland has resulted in very few losses.

Many of the proposed changes are currently in practice by Hawaii's producers. Animal welfare has always been and remains the foundation of our operations. The thoughtful and responsible management of our livestock is an ongoing process. It is the result of collaborative efforts between producers like myself, health experts, transportation partners and regulatory agencies. Ultimately, it is to serve the people of Hawai'i by providing safe, wholesome and nutritious local food.

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Tuesday, May 10, 2022 8:51 AM
To: Maeda, Isaac M; Moniz, Jason D; Wong, Raquel L
Cc: Alvarado, Kristy S
Subject: FW: [EXTERNAL] Proposed Amendments to Administrative Rules for Animal Disease Control Program

Importance: High

-----Original Message-----
From: Alex Franco <afrancokaupo@gmail.com>
Sent: Tuesday, May 10, 2022 7:34 AM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Proposed Amendments to Administrative Rules for Animal Disease Control Program

My name is Alex Franco, I support the proposed amendments to Chapter 4-16. These changes are necessary to clarify and update the rules to today's needs. These changes will allow the state to better track livestock movement and control movement of disease, which will protect the livestock industry from unwanted disease outbreaks. Additionally, the following will help ensure the safety of livestock during transport:

- Updating the carrier responsibility to specify that animals should not be stowed in a manner that prevents natural ventilation.
- Working with transportation partners to limit time livestock spend on board vessels by implementing "last-on, first-off" practices.
- Addressing load densities using the Interisland Livestock Shipping Standards and stipulating that densities shall not deviate by more than 10%.
- Ensuring livestock transported over more than a 24 hour period have access to feed and water.

The Interisland Livestock Shipping Standards that the rules refer to were vetted and updated in 2020 by livestock shipping experts and veterinarians. Further, these standards have proven to be successful, as transporting livestock interisland has resulted in very few losses.

Many of the proposed changes are currently in practice by Hawaii's producers. Animal welfare has always been and remains the foundation of our operations. The thoughtful and responsible management of our livestock is an ongoing process. It is the result of collaborative efforts between producers like myself, health experts, transportation partners and regulatory agencies. Ultimately, it is to serve the people of Hawai'i by providing safe, wholesome and nutritious local food.

Sent from my iPad

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Monday, May 16, 2022 2:13 PM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] Testimony submittal
Attachments: HCC producer template for transportation rule changes.pages

Importance: High

From: Willie-Joe Camara <wjcvai@yahoo.com>
Sent: Tuesday, May 10, 2022 8:34 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Testimony submittal

Willie-Joe Camara
Veterinary Associates INC.
(808)-885-7941 Phone
(808)-885-3418 Fax

Proposed Amendments to Administrative Rules for Animal Disease Control Program

May 10, 2022, at 10:00 a.m.
Department of Agriculture, Plant Quarantine Conference Room
1849 Auiki Street, Honolulu, Oahu
And via Zoom

To the Hawaii Department of Agriculture,

My name is Willie-Joe Camara and I work in the local beef industry.
As a responsible cattle producer, one of the foundations of my business is animal welfare.
I am particularly concerned about the welfare of animals that are shipped interisland to various markets.

I strongly support the proposed amendments to Chapter 4-16 as presented by Hawaii Department of Agriculture.

Movement of animals between islands is vital to our industry. As cattle stewards, our industry is dedicated to the welfare of our animals and this serves as a foundation of our operations. Whether in pasture, in the corrals or during transport, we support responsible and reasonable cattle management.

The proposed changes are the result of meetings between livestock producers and shippers to ensure the humane treatment and well-being of not only cattle but other livestock species including goats, sheep and horses.

As a local producer, these amendments support my continued commitment to animal care and to providing customers with healthy, wholesome beef.

Thank you for the opportunity to testify in favor of these changes.

Sincerely,

Willie-Joe Camara

TESTIMONY

Subject: Proposed Amendments to Administrative Rules
For Animal Desease Control Program

Date:May 10, 2022

Place: DOA Plant Quarantine
1849 Auiki St.
Honolulu, Oahu

To The Hawai'i Department of Agriculture

As a longtime Livestock Hauler, Shipper, Tender and Owner I fully support the proposed Amendments to Chapter 4-16.

Working towards our "Best Practices", for the Health, Safety, and Well Being of all Livestock, with other longtime shipper and veterinarians, has brought about these positive changes for our industry for disease control and safety with in Hawai'i.

Hawaii's unique island shipping standards have brought together many ideas for those "Best Practices" we as Livestock Owners and Shippers strive for. With these amendments our Industry will accomplish the goals we have worked so long and hard to achieve.

Submitted by

Kea Among
657 Ululani St.
Kailua, HI 96734
keaamong@aol.com

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Monday, May 16, 2022 2:14 PM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] HCPCA Testimony Proposed Amendments 4-16
Attachments: 051022 HCPCA Testimony to Dept of Ag re Prop Amend Admin Rules 4-16.doc

Importance: High

From: Betty Spence <bspence@hawaiiranchers.com>
Sent: Wednesday, May 11, 2022 8:26 AM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] HCPCA Testimony Proposed Amendments 4-16

Aloha,
Please find attached HCPCA's Testimony for the Proposed Amendments to Administrative Rules 4-16.

Any questions, please do not hesitate to me.
Thank you for your time.

Thank you,
Betty Spence
Hawaii Cattle Producers Cooperative
Ph: 808-885-5599

HAWAII CATTLE PRODUCERS COOPERATIVE ASSOCIATION

PO Box 437199 Kamuela Hi 96743 Phone: 808.885-5599 Fax: 808.887-1607

Proposed Amendments to Administrative Rules 4-16
For Animal Disease Control Program

May 12, 2022, at 10:00 am
Kona Civic Center Conference Room
82-6130 Mamalahoa Hwy., Bldg 2
Capt Cook, Hawaii

To the Hawaii Department of Agriculture,
The Hawaii Cattle Producers Cooperative Association is a statewide cooperative operating under the provisions of the Agricultural Cooperative Act (Chapter 421 Hawaii Revised Statutes). HCPCA provides to its members goods, services, and marketing opportunities which maximize the benefits of the cooperatives economies of scale, operational efficiencies, and industry partnerships, hereby providing a positive ranching return that creates longevity for generations to come.

HCPCA members represent cow-calf operations where calves are shipped to mainland feed lots for grow out and processing. HCPCA arranges for the shipment of calves to the mainland via Coop owned cowtainers, tended by Coop stockers during the ocean voyage. Each year, HCPCA arranges for the transport of member owned cattle providing economies of scale and efficiency for its members.

The welfare and safety for livestock and its employees is of the utmost importance to the cooperative membership. The coop continually monitors all shipments for various analysis factors and take action as required with the focal point always being the welfare of livestock and transported and employees accompanying shipments. Coop stocktenders monitor constantly the environment and processes and are always on site with the loading and unloading for the voyages. It also takes seriously the communication and relationships necessary to achieve the safe transport of livestock. Logistics planning includes implemented safety measures and an awareness of changes.

HCPCA continuously works with its carrier, Matson Navigation Co, as well as all transportation partners to place the very highest priority on animal welfare.

HCPCA supports the proposed amendments to Chapter 4-16. HCPCA works closely with Department of Agriculture with review and implementation of the administrative rules.

HCPCA Board of Directors
HCPCA Membership

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of jdancer@kula.us
Sent: Thursday, May 12, 2022 9:08 AM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

John Naylor
PO Box 1749
Makawao, HI 96768-1749

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of suyin@hawaii.edu
Sent: Thursday, May 12, 2022 9:14 AM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Suyin Phillips
4168 Huanui St.
Honolulu, HI 96816

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of jbcristo@hawaii.edu
Sent: Thursday, May 12, 2022 9:16 AM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Josephine Cristobal
2555 Dole St
Honolulu, HI 96822-2328

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Melissa Singson <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 9:40 AM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Melissa Singson
94-1104 Eleu St
Waipahu, HI 96797

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of stephenfaes@hotmail.com
Sent: Thursday, May 12, 2022 9:40 AM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Stephen Faes
3800 PAPALINA Rd
Kalaheo, HI 96741

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of TERR7 AKANA <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 10:34 AM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

TERR7 AKANA
91-1053 MAULOHIWAWA ST
96707, HI 96707

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Gillian Bell <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 10:56 AM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Gillian Bell
3908 Maunaloa Ave
Honolulu, HI 96816

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of lwhillock@hawaiiantel.net
Sent: Thursday, May 12, 2022 11:06 AM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Laurel Whillock
71-1437 Puu Kamanu Ln.
Kailua Kona, HI 96740-8331

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Lani H <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 11:32 AM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Lani H
RR 3, Box 1256
Pahoa, HI 96778-7560

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Melina Keawe <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 11:34 AM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Melina Keawe
12-4645 puni st
pahoa, HI 96778

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Lenianne cooke <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 11:36 AM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Lenianne cooke
1212 Punahou
honolulu, HI 96826

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of patrick growe <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 11:42 AM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

patrick growe
400 Hobron
Honolulu, HI 96815

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Elle Cook <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 11:44 AM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Elle Cook
425 Ena Rd
Honolulu, HI, HI 96815

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of cpuna@webtv.net
Sent: Thursday, May 12, 2022 12:16 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

cheryl carocci
p.o box 572
P?hoa, HI 96778

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Leigh Wales <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 12:32 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

I can't believe this happened to these poor cows. Precautions should have been taken before shipping them. These are living things. You don't take it lightly. Please change procedures and be extremely careful. These animals have feelings and they suffer like humans suffer. Please make changes.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Leigh Wales
2556, KINOOLE STREET
HILO, HI 96720

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of michele@danismaui.com
Sent: Thursday, May 12, 2022 12:32 PM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Michele Hondo
230 S ALU RD, 96793
Wailuku, HI 96793-1512

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Monday, May 16, 2022 2:14 PM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: Test Ch 14 Shipping Lvstk.docx
Attachments: Test Ch 14 Shipping Lvstk.docx

Importance: High

From: Keoki Wood <woo.k@pri-hi.com>
Sent: Thursday, May 12, 2022 1:51 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Test Ch 14 Shipping Lvstk.docx

Aloha

Pls find attached my testimony in support of the proposed amendments to Chpt 4-16 as presented. Thank you

Hawaii Cattlemen's Council, Inc.

Proposed Amendments to Administrative Rules for Animal Disease Control Program

May 10, 2022, at 10:00 a.m.
Department of Agriculture, Plant Quarantine Conference Room
1849 Auiki Street, Honolulu, Oahu
And via Zoom

To the Hawaii Department of Agriculture,

My name is Keoki Wood, I've been employed in the Hawaii Cattle industry for over 40 years and am currently Chairperson of the Hawaii Cattlemens Council Transportation Committee.

I strongly support the proposed amendments to Chapter 4-16 as presented.

The Dept of Agriculture has sought input from various shippers and has addressed the concerns regarding the welfare of the animals. As a result, these amendments help to insure that all parties involved in the interisland transportation of livestock understand their role in the safe movement of livestock from one island to the next.

Thank you for the opportunity to testify in favor of these changes. We are grateful to the support and leadership HDOA has given to our industry over the many years.

Sincerely,

Keoki Wood, Chair Transportation Committee

P.O. Box 934 • Hilo, HI 96721 • (808) 333-6755 • www.hicattle.org • office@hicattle.org

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of mn4@hawaiiiantel.net
Sent: Thursday, May 12, 2022 12:52 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Michael Newman
2161 KALIA RD APT 1312
Honolulu, HI 96815-1966

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Lory Ono <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 2:28 PM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Allowing animals to endure this stressful transport across the ocean, especially causing their deaths, is completely unacceptable and extremely upsetting. Please do not allow these poor creatures to suffer this cruelty.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Lory Ono
44-022 Nohokai Place
Kaneohe, HI 96744-2543

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of ajarneson@hotmail.com
Sent: Thursday, May 12, 2022 4:02 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Andrew Arneson
73-1306 Onaona Dr. Unit 7F
Kailua Kona, HI 96740-8644

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Danielle Spitz <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 4:24 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Danielle Spitz
62-2482 Anekona Place
Kamuela, HI 96743

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Michelle Jorgensen <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 4:32 PM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Michelle Jorgensen
4897 n Ashland
Chicago, IL 60640

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of makaliiginger@hotmail.com
Sent: Thursday, May 12, 2022 7:24 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Nan Hart
103 22nd Ave SW
Olympia, WA 98501

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Kelly Deese <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 7:34 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Kelly Deese
1556 Magazine St.
honolulu, HI 96822

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of eric voorhies <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 9:40 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

eric voorhies
6171 Olohena Rd
Kapaa, HI 96746

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of RAWIL ISMAIL <mailagent@thesoftedge.com>
Sent: Thursday, May 12, 2022 10:20 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

RAWIL ISMAIL
75-6060 KUAKINI HWY APT G23
KAILUA KONA, HI 96740

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of alessandra@veganaloha.com
Sent: Friday, May 13, 2022 8:10 AM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Alessandra Rupar
16-476 Napua St.
Keaau, HI 96749

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of kori olaso <mailagent@thesoftedge.com>
Sent: Friday, May 13, 2022 1:00 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

kori olaso
94-1053 waiolina st.
waipahu, HI 96797

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Robin Swanson <mailagent@thesoftedge.com>
Sent: Friday, May 13, 2022 1:40 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Robin Swanson
748 Isenberg Street
Honolulu, HI 96826

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Adrienne Stofko <mailagent@thesoftedge.com>
Sent: Friday, May 13, 2022 8:06 PM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

I appreciate the difficult transportation logistics the beautiful islands present, however, it matters how that particular cow was treated from birth to harvest. Hawaiian culture reminds us that spirits are found in non-human beings and objects such as other animals, the waves, and the sky. Let's treat animals with as much respect as possible, regardless of their final destination in their physical life.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Adrienne Stofko
1977 Lawrence Rd
Kailua, HI 96734

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Lauren Butcher <mailagent@thesoftedge.com>
Sent: Saturday, May 14, 2022 1:16 PM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Lauren Butcher
45-677 Kaao Rd
Honokaa , HI 96727

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Tina@kiheiice.com
Sent: Sunday, May 15, 2022 11:50 AM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Tina Wildberger
2710 Kauhale st
Kihei, HI 96753

Alvarado, Kristy S

From: Erin Sutherland <erin@awionline.org>
Sent: Thursday, May 19, 2022 4:53 AM
To: HDOAAI
Subject: [EXTERNAL] FW: Comment on DOA Animal Transport Regulations
Attachments: Comment to HDOA re Sea Transport Regs_FINAL.pdf

Hello, I'd like to confirm that this comment was received?

Sincerely,
Erin

From: Erin Sutherland
Sent: Monday, May 16, 2022 11:58 AM
To: hdoaai@hawaii.gov
Cc: Inga Gibson <ponoadvocacy@gmail.com>; cathyg (cathyg@animalrightshawaii.org) <cathyg@animalrightshawaii.org>; Dena Jones <dena@awionline.org>
Subject: Comment on DOA Animal Transport Regulations

Hello,

Please see attached for a comment submitted on behalf of the Animal Welfare Institute and the following undersigned organizations: Aloha Animal Advocates, Aloha Lokahi Association, Animal Rights Hawai'i, Kauai Humane Society, Maui Humane Society, Animal Legal Defense Fund, Animal Outlook, Mercy For Animals, and The Humane Society of the United States.

Please contact me should you have any questions.

Best,
Erin

Erin Sutherland
Staff Attorney, Farm Animal Program
Animal Welfare Institute
(202) 446-2147

Animal Welfare Institute
900 Pennsylvania Avenue, SE, Washington, DC 20003

May 16, 2022

Hawaii Department of Agriculture
Animal Industry Division
1428 S. King Street
Honolulu, HI 96814

Via email to hdoaai@hawaii.gov

Re: Hawaii Department of Agriculture Proposed Rule Amendments Regarding the Transport of Farm Animals by Sea

Dear Chairperson Shimabukuro-Geiser:

On behalf of the Animal Welfare Institute (AWI)[1] and the undersigned organizations, the following comments are submitted in response to the Hawaii Department of Agriculture's (HDOA) proposed amendments to its regulations governing the transport of animals by sea vessels.

Our organizations support the proposed amendments to Chapter 4-16, which will, if approved, provide legally mandated standards for interisland shipment of certain animal species. These long-awaited changes are essential to mitigating the risk of suffering and untimely death of animals during transport.

Specifically, we welcome the requirement that carriers of animals submit to the HDOA a Shipmaster's Declaration that includes the number of animals shipped and the number of animals that died or were injured, with details describing the circumstances and nature of these events. We also appreciate the acknowledgement of the importance of adequate ventilation. Finally, we applaud the inclusion of rules related to the condition of animal containers, including requirements that they have a solid roof, be structurally sound without protruding objects that could injure animals, and include nonslip flooring.

However, the HDOA's proposal largely codifies the same standards that gave rise to the circumstances that highlighted the rule's necessity. In 2019, 21 cows perished on a barge due to a lack of adequate ventilation on a ship that purportedly complied with the Hawaii Cattlemen's Council standards for the transport of cattle on sea vessel.[2] The HDOA's proposal makes no improvements to this standard in adopting it in regulation.

In its commitment to promulgate these rules, the HDOA agreed to develop regulations consistent with 9 C.F.R. pt. 91 (federal live animal export regulations), and to include protections for all species. Our organizations were disappointed to find that the HDOA's proposal fails to meet this commitment. Key

[1] The Animal Welfare Institute, founded in 1951 and headquartered in Washington DC, is dedicated to reducing animal suffering and advancing the welfare of all animals, including those raised for food. As part of our mission, we work to improve conditions for farm animals, including during transport. AWI has over a decade of experience advocating on behalf of animals transported by sea vessel.

[2] Daysog, R. (2019). Critics: Deaths of 21 cattle on barge bound for Kauai 'cruel and inhumane.' *Hawaii News Now*. https://tinyurl.com/2apsjyy6.

provisions to prevent heat stress, prohibit the transport of unfit animals, and provide access to food and water are missing, and the proposal does not include protections for pigs and horses. Our organizations have thus prepared comments asking that HDOA meet its commitment by revising its proposal and by extending these protections to pigs and horses. Suggested in-text revisions are attached to this document.

Preventing Excessive Heat Stress Aboard Shipping Vessels

As written the HDOA's proposal fails to ensure that heat stress is prevented during transport. As such, the proposal should be revised to limit loading density and ensure placement and loading practices minimize heat stress.

Heat stress occurs when the body is exposed to and cannot get rid of excess heat. The tissues and organs of the body can only function within a relatively narrow range, so severe heat stress can result in debilitation, suffering, and death. Under natural conditions, livestock have many mechanisms for thermoregulation, which allow them to tolerate a range of temperature and humidity levels. However, these mechanisms are largely thwarted under transport conditions. Dehydration, which is likely to develop in transported livestock deprived of water for up to 24 hours, diminishes an animal's ability to deal with heat stress through evaporative cooling via panting or sweating.[3, 4]

Farm animals being transported by sea in containers are particularly susceptible to heat stress, which has been identified in multiple studies as a major contributor to poor welfare during transport by ship.[5, 6] Excessive heat stress is a common cause of livestock mortality during transport by sea, especially in sheep.[7] The American Veterinary Medical Association emphasizes the importance of protecting animals from environmental extremes during transport.[8] The primary species of cattle raised in Hawaii is *Bos taurus*, which is more susceptible to heat stress than the *Bos indicus* species.[9, 10]

In addition to the metabolic heat generated by the animals in the container, heat can radiate from hot metal surface and from nearby engine or boiler rooms, fuel oil storage walls, the ceiling on the

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[3] Hogan, J. P., Petherick, J. C., & Phillips, C. J. (2007). The physiological and metabolic impacts on sheep and cattle of feed and water deprivation before and during transport. *Nutrition reseorch reviews, 20*(1), 17–28.

[4] EFSA Panel on Animal Health and Welfare (AHAW). (2011). Scientific Opinion concerning the welfare of animals during transport. *EFSA Journal, 9*(1):1966.

[5] Caulfield, M. P., Cambridge, H., Foster, S. F., & McGreevy, P. D. (2014). Heat stress: a major contributor to poor animal welfare associated with long-haul live export voyages. *Veterinary journal (London, England: 1997), 199*(2), 223–228.

[6] Phillips, C. J., & Santurtun, E. (2013). The welfare of livestock transported by ship. *Veterinary journal (London, England: 1997), 196*(3), 309–314. 7

[7] Collins, T., Hampton, J. O., & Barnes, A. L. (2018). A Systematic Review of Heat Load in Australian Livestock Transported by Sea. *Animals: an open access journal from MDPI, 8*(10), 164.

[8] American Veterinary Medical Association. (n.d.). Transport, sale yard practices, and humane slaughter of hoofstock and poultry. *AVMA policies*. https://tinyurl.com/mkkxzr2k.

[9] Fukumoto, G.K. & Kim, Y.S. (2007). Carcass Characteristics of Forage-Finished Cattle Produced in Hawai'i. Food Satety and Technology. https://www.hicattle.org/Media/HICattle/Docs/fst-25.pdf

[10] Sullivan, K. F., & Mader, T. L. (2018). Managing Heat Stress Episodes in Confined Cattle. *The Veterinary clinics of North America. Food animal practice, 34*(2), 325–339. https://doi.org/10.1016/j.cvfa.2018.05.001

uppermost deck, and the sides of the ship.[11] Placing livestock containers too close together can impede ventilation such that excessive heat stress results.

Loading Density

Because of the metabolic heat generated by animals in shipping containers, ensuring that loading density is appropriate is essential to preventing excessive heat stress. It also ensures animals have room to brace themselves and shift their footing to keep their balance in the face of continuous floor motion due to waves. High loading densities increase the risk that animals who lose their balance will be unable to stand back up and will be trampled, potentially creating a domino effect in which additional animals go down as they trip on the fallen animals underfoot.[12]

For several reasons, the HDOA's current proposal to regulate loading density is inadequate. First, the document referenced as Exhibit B has several sections removed and includes space requirements only for cattle. All information related to pigs and horses has been removed. In the Sheep and Goats section, the standard entitled *Space* states "*See table," however the accompanying table for load densities has been deleted.[13]

Second, the chart on cattle space requirements that is referenced by the proposal fails to account for the actual internal dimensions of shipping containers used to transport animals. This chart lays out the area (sq. ft.) each animal of a given weight class should be allotted as well as the loading density for each size of container, expressed as maximum number of animals to load per container. Unfortunately, as described below, the chart assumes a larger internal area for shipping containers than is the case; as a result, both the "Area per Animal" and loading density figures are incorrect.

It appears that the creators of the Space Requirement chart in the Interisland Transportation Space Requirements used the *external* dimensions of 40-ft. and 20-ft. containers (40 ft. x 8 ft. and 20 ft. x 8 ft., respectively) in their calculations; however, it is the *internal* dimensions that need to be used when calculating space allowance per animal and loading density per container. The internal dimensions of 40-ft. and 20-ft. containers are consistent across a range of references.[14-15]

The following equations, in conjunction with the internal dimensions of the respective container, can be used to determine the actual space allowance provided to each animal, and what the maximum loading density would need to be to provide the reported space allowance:

Area (sq. ft.) = Length (ft.) x Width (ft.)

Space Allowance (sq. ft./animal) = Area (sq. ft.) ÷ # of animals

Correct Loading Density to Achieve Reported Space Allowance

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[11] Anonymous. (2021). Heat Stress. *Veterinary Handbook*. https://tinyurl.com/2p83z63p.

[12] Schwartzkoft-Genswein, K. & Grandin, T. (2019) Cattle Transport in North America. In T. Grandin (Ed.), *Livestock Handling and Transport* (5th ed., pp. 153-183). CAB International.

[13] The complete version of the document is available on the Hawaii Cattlemen's Council website. Hawaii Cattlemen's Council, Inc., *Interisland Livestock Shipping Standards Checklist All Species* (2020) https://tinyurl.com/yc483duz.

[14] K & K Global, *Container Dimension* https://tinyurl.com/3avmkdek; https://tinyurl.com/2p8hah98.

[15] *What is the internol dimensions of a 40FT contoiner? Leonieclaire.* (2020). https://tinyurl.com/2p8fmnjy.

= Actual Area (sq. ft.) ÷ Reported Space Allowance (# animals/sq. ft.)

We noted these calculation errors in the Space Requirement charts for all species and weight classes in the complete Interisland Livestock Shipping Standards document. Here are some examples:

For a 40 ft. Container:

Reported Space Allowance = **19 sq. ft. per 1,500-lb. cow**, if loaded at **17 cattle/container**

Actual Area = 39.46 ft. x 7.71 ft. = 304.24 sq. ft.

Actual Space Allowance = 304.24 sq. ft. ÷ 17 cattle = **17.9 sq. ft. per 1,500-lb. cow**

Correct Loading Density to Achieve Reported Space Allowance

= 304.24 sq. ft. ÷ 19 sq. ft/1,500-lb. cow = **16 cattle/container**

For a 20 ft. Container:

Reported Space Allowance = **11 sq. ft. per 800-lb. cow**, if loaded at **15 cattle/container**

Actual Area[16] = 18.67 ft. x 7.67= 143.2 sq. ft.

Actual Space Allowance = 143.2 sq. ft. ÷ 15 cattle = **9.55 sq. ft. per 800-lb. cow**

Correct Loading Density to Achieve Reported Space Allowance

= 143.2 sq. ft. ÷ 11 sq. ft./800-lb. cow = **13.01 cattle/container**

Third, for most of the weight classes, the space requirement described in the chart falls significantly short of space allowances recommended in the available scientific literature and provide significantly less space allowance than federal regulations regarding export of animals via ocean vessel.

For example, calves being shipped often need to lie down due to fatigue, negative energy balance, and dehydration. Sheep also need to lie down after approximately four hours.[17] For short duration transportation, use of the following equation is recommended to determine the minimum area necessary to permit all animals to lie down simultaneously:[18]

area (m^2) = $0.027W^{0.66}$, where W = liveweight (kilograms)

[16] Young Brothers. (n.d.) YB Equipment Available for Use: 20-Foot Dry Container – Internal Dimensions. https://tinyurl.com/4wh5xfpv

[17] Knowles, T.G. & Warriss, P. D. (2009). A comment on Space allowances for confined livestock and their determination from allometric principles. *Applied Animal Behaviour Science, 120*(1), 117–118. https://doi.org/10.1016/j.applanim.2009.06.005

[18] Petherick, J.C., Phillips, C.J.C. (2009) Space allowances for confined livestock and their determination from allometric principles. *Applied Animal Behaviour Science*, 117, (1–2):1-12.

Utilizing this equation, a 400 lb. (181.8 kg) calf should receive a minimum of 9 sq. ft., rather than 7 sq. ft., and a 40' container should be loaded with no more than 33 calves, rather than 46, as indicated by the chart in the Interisland Livestock Shipping Standards.

A study that examined the effect of space allowance on simulated sea transport concluded that 0.26 sq. meter (2.8 sq. feet) for a 28 kg (61.6 lb.) sheep – a space allowance slightly *higher* than that in the complete version of Interisland Livestock Shipping Standards – was "likely to be inadequate" because of the promotion of pushing and aggression between the animals and failure to permit lying behaviors.[19] A subsequent study found that increasing space allowance to 0.52 sq. meters (5.6 sq. ft.) per 25 kg (55 lb.) sheep improved animal welfare, particularly by providing more opportunity for them to step to keep their balance.[20] This space allowance is more than twice that in the Interisland Livestock Shipping Standards.

It is widely recognized that loading densities based on the physical dimensions of the animals alone are inappropriate because this will not permit effective thermoregulation.[21] For example, both United States regulations and the European Commission require greatly increasing space allowance for unshorn sheep.[22-23]

Given that the space requirements under the Interisland Livestock Shipping Standards are already inadequate to ensure animal welfare and effective thermoregulation, it is extremely concerning that HDOA is proposing to allow for these loading densities to be exceeded by up to 10%. This virtually guarantees that severe heat stress and associated animal welfare issues will develop, thus, this provision should be deleted.

The following measures are recommended to correct the problems associated with loading density in the current proposal:

- Include minimum space requirements and/or maximum loading densities for cattle, sheep and goats, pigs, and horses. Ensure calculations are based on the correct internal dimensions of shipping containers.
- Decrease the "maximum number to load" as indicated in the attached document. Remove any provision to exceed the maximum loading densities specified in the regulations.
- Ensure that space requirements are not based on the animals' physical dimensions alone. Space requirements should consider the physiologic status of animals, such as whether sheep are shorn or unshorn, whether animals have horns, and whether animals need to lie

[19] Navarro, G., Col, R., & Phillips, C.J.C. (2018). Effects of space allowance and simulated sea transport motion on behavioural and physiological responses of sheep. *Applied Animal Behaviour Science*, 208: 40-48.
[20] Navarro, G., Col, R., & Phillips, C. (2020). Effects of Doubling the Standard Space Allowance on Behavioural and Physiological Responses of Sheep Experiencing Regular and Irregular Floor Motion during Simulated Sea Transport. *Animals: an open access journal from MDPI*, *10*(3), 476.
[21] Consortium of the Animal Transport Guides Project. (2017). Guide to good practices for the transport of cattle. Revision May 2018. https://tinyurl.com/cnxvj59s.
[22] Consortium of the Animal Transport Guides Project. (2017). Guide to good practices for the transport of sheep. Revised 2018. https://tinyurl.com/4sc9d3k4.
[23] Animal and Plant Health Inspection Service. (2020). Program Handbook: Exportation of Live Animals, Hatching Eggs, and Animal Germplasm from the United States. https://tinyurl.com/3asjusn3.

down during the journey. Consider decreasing maximum loading density when temperature and humidity are high and thermoregulation is more difficult.

Loading Practices and Placement of Animals Onboard

While we are pleased that the proposal includes a requirement for adequate ventilation, additional amendments should be made to ensure that the loading practices and placement of animals onboard ensure adequate ventilation to protect from heat stress.

The proposed rule should be amended to include practices to minimize time onboard by requiring carriers to implement loading practices that ensure that animals are the last on and first off a docked vessel. Prioritizing animals in this way will ensure that animals are not exposed to the elements and stresses of transport for unnecessary durations, minimizing the potential for negative health and welfare outcomes.

Further, ventilation is essential to the welfare of animals transported by ship, as it mitigates heat stress, provides fresh air (including oxygen) and removes noxious fumes from accumulated urine and feces. The regulations should thus be amended to ensure that animals are not placed in a location that prevents cross-ventilation for animals, or in locations that produce excessive heat. Examples of such locations include nearby engine boiler rooms, fuel oil storage walls, the ceiling on the uppermost deck, or the sides of the vessel. Carriers should also be prohibited from placing animals in a location in which water intrusion may occur, such as on the sides of barges used for interisland transport.

Conditions in Loading and Staging Areas

Access to Food and Water

We also note that the proposed amendment includes only a very minimal requirement regarding the provision of food and water to transported animals, requiring that they not be deprived of food or water for longer than 24 hours (§ 4-16-11(f)). This is in contrast to the complete version of the Interisland Livestock Shipping Standards which requires pigs and horses not be deprived of water for longer than 12 hours and requires that horses have continuous access to feed.

Calves and other young animals are at particular risk of adverse health effects from food and water deprivation. Depending on their age, unweaned calves with free access to the dam feed an average of 12 times per day, or every two hours. The transport process increases energy expenditure above baseline. This means that calves who do not receive food and water for 24 hours experience prolonged hunger and thirst, develop significant dehydration, and may become hypoglycemic.[24, 25, 26] They may also be more likely to develop enteric infections after arrival at their destination.[27] Their risk of dying or becoming nonambulatory during shipment and their risk of becoming sick and dying during the

[24] Roadknight, N., Mansell, P., Jongman, E., *et al.* (2021). Invited review: The welfare of young calves transported by road. *Journal of dairy science*, *104*(6), 6343–6357.
[25] Marcato, F., van den Brand, H., Kemp, B., *et al.* (2020). Effects of pretransport diet, transport duration, and type of vehicle on physiological status of young veal calves. *Journal of dairy science*, *103*(4), 3505–3520.
[26] González, L. A., Schwartzkopf-Genswein, K. S., Bryan, M., *et al.* (2012). Factors affecting body weight loss during commercial long haul transport of cattle in North America. *Journal of animal science*, *90*(10), 3630–3639.
[27] Hogan, J. P., *supra* note 3.

immediate post-transport period is likely to increase if subjected to 24 hours of food and water deprivation.[28, 29]

Similarly, weaned pigs become dehydrated and fatigued when transported for more than 12 hours without feed or water, and with dehydration worsening the longer the transport continues.[30] Clinical dehydration and thirst are considerable in weaned pigs transported for 24 hours, and significant weight loss and markedly elevated blood stress markers (neutrophil:lymphocyte ratio) are noted in pigs transported without water for 32 hours.[31-32]

At high temperatures, evaporative cooling is the primary way that cattle and many other species dissipate heat.[33] For this reason, water requirements increase with increasing temperature and water availability during time of heat stress risk is crucial.[34]

For these reasons, we suggest that the standard be revised to ensure that animals are not allowed to go without food or water for more than 24 hours during transport *including hold times*. It is essential that the carrier ensure clean water is accessible at the port and that the responsible party provide animals with this water if holding-plus-shipping time exceeds 24 hours or as indicated by the temperature-humidity conditions and evidence of heat stress.

We also suggest that the limit on water deprivation be decreased to 12 hours for pigs and horses, as indicated in the complete Interisland Livestock Shipping Standards, and for calves 3 months of age and younger.

Access to Shade

Currently, a major challenge for preventing dangerous levels of heat stress among livestock on interisland journeys is the lack of shade in loading and staging areas. While vessel movement may improve airflow at sea, stationary containers are subject to rapid increases in temperature-humidity index due to poor airflow.[35] Under these circumstances, solar radiation is a major component of heat load, and shade to mitigate this heat load is essential.[36]

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[28] Roadknight, N., *supra* note 24.

[29] Schwartzkoft-Genswein, K. & Grandin, T. *supra* note 12.

[30] Sutherland, M. A., Backus, B. L., & McGlone, J. J. (2014). Effects of Transport at Weaning on the Behavior, Physiology and Performance of Pigs. *Animals (Basel)*, *4*(4), 657–669.

[31] EFSA Panel on Animal Health and Welfare (AHAW), *supra* note 4.

[32] Garcia, A., Sutherland, M., Pirner, G., *et al.* (2016). Impact of Providing Feed and/or Water on Performance, Physiology, and Behavior of Weaned Pigs during a 32-h Transport. *Animals: an open access journal from MDPI*, *6*(5), 31.

[33] Blackshaw, J.K., Blackshaw, A.W. (1994). Heat stress in cattle and the effect of shade on production and behaviour: a review. *Aust J Exp Agric, 34,* 285–295.

[34] Sullivan, K. F., *supra* note 10.

[35] Fisher, A. D., Stewart, M., Duganzich, D. M., Tacon, J., & Matthews, L. R. (2005). The effects of stationary periods and external temperature and humidity on thermal stress conditions within sheep transport vehicles. *New Zealand veterinary journal*, *53*(1), 6–9.

[36] Blackshaw, J.K., *supra* note 33.

In hot weather, cattle and other livestock are highly motivated to seek shade, and when prevented from doing so, they show signs of physiological and behavioral stress and may even engage in aggressive behaviors to gain access to shade. [37, 38]

Shade can reduce the heat load from solar radiation by 30 to 45 percent or more.[39, 40] Providing shade is considered the most effective method of reducing morbidity and mortality due to heat stress, reducing heat load by 1,400kJ/hour.[41] Its importance is even greater in water-restricted animals. Research shows that shading cattle in hot weather improves physiologic indicators, such as rumination times, and indicators of heat stress, such as body surface temperatures and respiratory rate.[42] While the containers in which livestock are shipped are typically roofed, this does not provide sufficient shade for mitigating heat stress. Because the roof is only slightly above the heads of the animals, it serves to decrease the airflow needed to dissipate metabolic heat generated by the animals' bodies. In addition, the heat absorbed by the roof and sides of the container is transmitted to the animals. While animals may technically be shaded by the roof when the sun is directly overhead, they will still experience direct solar radiation at other times of day. In addition, solar radiation is reflected from the ground and other surfaces adjacent to the container, further increasing heat load.

A variety of materials are available for providing shade, and effectiveness for mitigating heat stress varies widely. To ensure the shade structure constructed succeeds in providing an acceptable microclimate underneath the covered area, we recommend careful deliberation prior to selecting the shade material. While trees are often the most effective shade structure, providing beneficial cooling as moisture evaporates from their leaves, they are unlikely to be an effective solution under port conditions. Numerous resources are available for comparing the relative utility of differently types of shade materials, such as painted aluminum, shade cloths of different colors and light-excluding abilities, thatch, and other materials.[43, 44, 45] Slats and other shade materials that only provide interrupted shade are considerably less effective and are not recommended.

Construction of shaded areas should take into consideration several factors including: (1) the orientation and slope of the shade structure, (2) the height of the shade structure, and (3) the length-to-width ratio

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[37] Kamal, R., Dutt, T., Patel, M., Dey, A., Bharti, P. K., & Chandran, P. C. (2018). Heat stress and effect of shade materials on hormonal and behavior response of dairy cattle: a review. *Tropical animal health and production*, *50*(4), 701–706. https://doi.org/10.1007/s11250-018-1542-6

[38] Mitlöhner, F. M., Morrow, J. L., Dailey, J. W., Wilson, S. C., Galyean, M. L., Miller, M. F., & McGlone, J. J. (2001). Shade and water misting effects on behavior, physiology, performance, and carcass traits of heat-stressed feedlot cattle. *Journal of animal science*, *79*(9), 2327–2335. https://doi.org/10.2527/2001.7992327x

[39] Blackshaw, J.K., *supra* note 33.

[40] Kamal, R., *supra* note 37.

[41] Blackshaw, J.K., *supra* note 33.

[42] Reis, N. S., Ferreira, I. C., Mazocco, L. A., Souza, A., Pinho, G., da Fonseca Neto, Á. M., Malaquias, J. V., Macena, F. A., Muller, A. G., Martins, C. F., Balbino, L. C., & McManus, C. M. (2021). Shade Modifies Behavioral and Physiological Responses of Low to Medium Production Dairy Cows at Pasture in an Integrated Crop-Livestock-Forest System. *Animals: an open access journal from MDPI*, *11*(8), 2411. https://doi.org/10.3390/ani11082411

[43] Blackshaw, J.K., *supra* note 33.

[44] Brown-Brandl, T. M., Chitko-McKown, C. G., Eigenberg, R. A., Mayer, J. J., Welsh, T. H., Davis, J. D., & Purswell, J. L. (2017). Physiological responses of feedlot heifers provided access to different levels of shade. *Animal: an international journal of animal bioscience*, *11*(8), 1344–1353. https://doi.org/10.1017/S1751731116002664

[45] Kamal, R., *supra* note 37.

of the shade structure.[46] It is important to ensure air movement is not inhibited by excessive width (>12 meters (39 ft.), unless several continuous roof openings are provided for air circulation. It is also important that sufficient shade be provided such that the entire container is shaded throughout the entire day and areas around the containers are shaded to decrease the container's heat load from solar radiation reflected by the ground. Under feedlot conditions, 3.7-5.6 square meters (40-60 sq. ft.) of shade are recommended per animal. [47, 48]

Ensuring Fitness for Transport

HDOA's proposal should be revised to incorporate fitness for transport standards. This can be achieved by incorporating the Hawaii Cattlemen's Council's fitness to travel provisions from its Interisland Livestock Shipping Standard and by further limiting the transport of vulnerable animals to be consistent with international standards.

Transporting animals involves the potential risk of death or injury, and the physiological and physical condition of an animal determines his or her "fitness for transport," or ability to cope with transport stressors.[49] Both within the United States and internationally, it is recognized that animals must be fit for transport, both to ensure animal welfare and to reduce risk of disease dissemination.[50, 51, 52] This requirement is even more crucial for animals transported by ship, because of the additional challenge of maintaining balance in the face of constant floor motion due to waves.

In fact, although the version of the Interisland Livestock Shipping Standards included as Exhibit B was truncated to remove it, the complete version of this document includes a statement regarding fitness for transport:[53]

> Animals that are injured, obviously ill, unable to bear weight on all 4 limbs, are likely to give birth during transport, or those that have not been weaned and are traveling separate from the mother should not be transported. Aggressive animals should be transported separately.

In addition to the fitness criteria described in the complete version of the Interisland Livestock Shipping Standards, the regulations should adopt fitness criteria included in federal export regulations and in international standards.[54] The HDOA should forbid the transport of animals that are injured, ill, have unhealed wounds, or are unable to bear weight on all four limbs; are blind in both eyes; are likely to give birth during transport or have given birth in the past 48 hours and traveling without their offspring; or are not weaned and traveling separate from the mother. Aggressive animals should be transported separately.

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[46] Blackshaw, J.K., *supra* note 33.
[47] *Id.*
[48] Sullivan, K. F., *supra* note 10.
[49] Schwartzkoft-Genswein, K. & Grandin, T., *supra* note 12.
[50] American Veterinary Medical Association, *supra* note 8.
[51] World Org. for Animal Health (OIE). Chapter 7.2. Transport of Animals by Sea, https://tinyurl.com/5y22pusf.
[52] Government of Canada. (2013). Guide to Assessing Fitness for Transport. https://tinyurl.com/yn9pav8b.
[53] Interisland Livestock Shipping Standards Checklist All Species, *supra* note 13.
[54] World Org. for Animal Health, *supra* note 51.

Conclusion

In sum, AWI and the undersigned organizations generally support the adoption of the proposal but believe that several changes to the standard are necessary for ensuring that the circumstances that gave rise to the rule's promulgation are not codified. HDOA should implement fitness to transport standards for all animals and ensure that heat stress is prevented by revising its load density requirement, improving loading and holding practices, and requiring food and water for animals when transport/holding exceed 12 to 24 hours. Thank you for the opportunity to comment on the proposed amendments and for your thoughtful consideration of our concerns.

Respectfully Submitted,

Gwendy Reyes-Illg, DVM, MA
Veterinary Advisor
Animal Welfare Institute

Erin Sutherland
Staff Attorney, Farm Animal Program
Animal Welfare Institute

Hawaii Supporters

Aloha Animal Advocates
Aloha Lokahi Association
Animal Rights Hawai'i
Kauai Humane Society
Maui Humane Society

National Supporters

Animal Legal Defense Fund
Animal Outlook
Mercy For Animals
The Humane Society of the United States

Attachments: Proposed Amendments to Hawaii Livestock Shipping Standards

Animal Welfare Institute
900 Pennsylvania Avenue, SE, Washington, DC 20003

Proposed Amendments to Hawaii Livestock Shipping Standards

Proposed amendments are indicated in red font.

4-16-11 Carrier responsibility ~~{on importations}~~

(a) Carriers transporting cattle, bison, water buffalo, camelids, sheep, or goats . . .

. . .

(c) Carriers shall ensure that cattle, bison, water buffalo, camelids, sheep, and goats are provided adequate ventilation. Carriers shall not place or stack containers in a manner that prevents cross-ventilation for animals. Animals shall not be stowed during transportation or staged prior or subsequent to transportation in a manner that prevents natural ventilation unless ventilation with large industrial type fans is provided.

. . .

(e) Ocean carriers for the intrastate movement of ~~livestock~~ cattle, bison, water buffalo, camelids, sheep, and goats shall ensure that the Interisland ~~Livestock~~ Animal Shipping Standards by species, attached as Exhibit B are followed. ~~Load densities shall not deviate by greater than 10% of the maximum load densities listed in interisland space requirements by species listed.~~

(f) It shall be the responsibility of the carrier, owner, and stock tender of ~~livestock~~ animals being transported interstate and intrastate to ~~(1)~~ provide provisions ~~for the livestock~~ during transport and not allow ~~livestock~~ animals to go without feed or water for a period exceeding a total of 24 hours ~~at any time~~ including transport and holding time. Water deprivation for pigs, horses, and calves 3 months of age or younger shall not exceed 12 hours including transport and holding time.

(g) Ocean carriers shall implement loading practices that ensure animals are the last on and first off a docked vessel. Carriers shall restrict animals from being loaded into locations that produce excessive heat, such as nearby engine boiler rooms, fuel oil storage walls, the ceiling on the uppermost deck, or the sides of the vessel (except interstate ships with no water intrusion). Carrier practices shall minimize staging, loading, and off-loading area wait time for animals. Carriers shall ensure that staging areas have access to clean water and shade (constructed or natural) for animals.

(h) No animal shall be transported via ocean vessel that is injured, ill, has unhealed wounds or is unable to bear weight on all four limbs; is blind in both eyes; is likely to give birth during transport or has given birth in the past 48 hours and traveling without their offspring; or is not weaned and traveling separate from the mother. Aggressive animals shall be transported separately.

. . .

Exhibit B

Other standards contained in Exhibit B shall be revised to be consistent with above revisions (e.g., ventilation, water/food access, loading practices) for all animals.

Interisland Transportation Space Requirements – Cattle					
Avg. Body Wt. (lbs.)	Area per Animal (ft^2)	Height	20' container (max number to load)	40' container (max number to load)	40' x 2 Double Decker (max number to load)
400	7	Stand comfortably, ensure 12 inches of clearance above head	~~23~~ 20	~~46~~ 43	~~70~~ Over height limit
500	8		~~20~~ 17	~~40~~ 38	~~61~~ Over height limit
600	9		~~18~~ 15	~~36~~ 33	~~54~~ Over height limit
800	11		~~15~~ 13	~~29~~ 27	Over height limit
1,000	14		~~11~~ 10	~~23~~ 21	Over height limit
1,200	15.5		~~10~~ 9	~~21~~ 19	Over height limit
1,500	19		~~8~~ 7	~~17~~ 16	Over height limit

Interisland Transportation Space Requirements – Sheep & Goats					
Avg. Body Wt. (lbs.)	Area per Animal (ft^2)	Height	20' container (max number to load)	40' container (max number to load)	40' x 2 Double Decker (max number to load)
60	2.4	Stand comfortably, ensure 12 inches of clearance above head	59	126	Consistent with load density calculation. Must ensure 12 inches of clearance above head for each level.
80	2.7		53	112	
100	3		47	101	
120	3.6		39	84	

Interisland Transportation Space Requirements – Pigs					
Avg. Body Wt. (lbs.)	Area per Animal (ft^2)	Height	20' container (max number to load)	40' container (max number to load)	40' x 2 Double Decker (max number to load)
50	1.8	Stand comfortably, ensure 12 inches of clearance above head	79	168	Consistent with load density calculation. Must ensure 12 inches of clearance above head for each level.
100	2.8		51	108	
150	3.5		40	86	
200	4.2		34	72	
250	5.1		28	59	
300	6		23	50	
350	6.6		21	46	

Interisland Transport Space Requirements – Horses					
Avg. Body Wt. (lbs.)	Area per Animal (ft^2)	Height	20' container (max number to load)	40' container (max number to load)	40' x 2 Double Decker (max number to load)
300-1100	20 (2.5 x 8ft)	Stand comfortably, ensure 12 inches of clearance above head	6	13	Over height limitation

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Tuesday, May 17, 2022 4:55 PM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: Proposed Amendments to Administrative Rules for Animal Disease Control Program

From: Kristin Mack <km@urmaui.com>
Sent: Tuesday, May 17, 2022 1:30 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Proposed Amendments to Administrative Rules for Animal Disease Control Program

My name is Kristin Mack Almasin and I work in the local beef industry as a Livestock Manager for Ulupalakua Ranch on Maui.

As a responsible cattle producer, one of the foundations of our business is animal welfare. Without healthy and content livestock, we don't have a business at all.
We are particularly concerned about the welfare of animals that are shipped interisland to various markets. Movement of animals between islands is vital to our industry. For instance, shipping interisland is important to our ability to access slaughter capability and to meet the needs of the Oahu local beef markets.

I strongly support the proposed amendments to Chapter 4-16 as presented by Hawaii Department of Agriculture.
As cattle stewards, we are dedicated to the welfare of our animals and this serves as a foundation of our operations. Whether in pasture, in the corrals or during transport, we support responsible and reasonable cattle management.

The proposed changes are the result of meetings between livestock producers and shippers to ensure the humane treatment and well-being of not only cattle but other livestock species including goats, sheep and horses.
As a local producer, these amendments support my continued commitment to animal care and to providing customers with healthy, wholesome beef.

Thank you for the opportunity to testify in favor of these changes.

Sincerely,
Kristin Mack Almasin
Ulupalakua Ranch, Inc
Maui. HI
(808) 269-4092

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Tuesday, May 17, 2022 4:55 PM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

From: Taurie Kinoshita <taurie@hawaii.edu>
Sent: Tuesday, May 17, 2022 2:15 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

To Chairman Phyllis Shimabukuro-Geiser and Members Hawaii State Board of Agriculture,

My name is Taurie Kinoshita and I am writing in strong support of proposed amendments to HAR Chapter 4 - 16, concerning cattle, sheep and goats.

All long-distance transportation of animals should include adequate opportunity for good rest, food, water, space, temperature control and clean shipping conditions. Efforts to minimize stress, transport time and time awaiting shipment are crucial. Protecting animals from needlessly suffering is ethical and vital for the greater good.

I urge the board to please amend HAR Chapter 4-16 and prevent animal suffering and risks to human health caused by their suffering.

Thank you for your consideration.

Mahalo, Taurie
Kinoshita (*she, her, hers*)
Theatre Lecturer,
Windward Community
College,
University of Hawaii
Education Director,
Hawaii Shakespeare
Festival
Play Development
Committee, Kumu
Kahua Theatre
(808) 779 - 3456
taurie@hawaii.edu
taurie@crueltheater.com

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Tuesday, May 17, 2022 4:56 PM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

From: Natalie Graham-Wood <ngrahamwood@hotmail.com>
Sent: Tuesday, May 17, 2022 2:30 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

Please vote to accepting the addition of the three mosquitos, named in the proposed administrative rules.

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Tuesday, May 17, 2022 4:56 PM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

From: Torun Almer <starfire.retreat@gmail.com>
Sent: Tuesday, May 17, 2022 3:26 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

Please upport the amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats. Thank you for your consideation.
Sincerely, Torun and David Almér
84-5142 Keala O Keawe Road
Captain Cook, HI. 96704-8418

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Wednesday, May 18, 2022 9:26 AM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

From: mhussenbux <mhussenbux@btinternet.com>
Sent: Tuesday, May 17, 2022 11:38 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

Chairwoman Ms Phyllis Shimabukuro-Geiser and members of the Hawai'i State Board of Agriculture – aloha!

I write on behalf of The Animal Interfaith Alliance, an international alliance of faith groups founded in Britain concerned about the welfare of animals. Our member organisations and individual members include Buddhists, Christians, Hindus, Jains, Jews, Muslims and Sikhs. We are all united by our common concern for animals, based on our various faiths. Our member organisations are listed below.

Via our close connection with the *Hawai'ian Humane Society,* we regularly support animal welfare legislation passed at the State Capitol, and feel privileged to do so.

We would like to support the amendments to your regulations for the long distance inter-island transport of animals. We have a history of concern about, and lobbying for, animals transported live, both from Britain, in and beyond the EU, and from Australia.

All animals should receive adequate rest, food, water and space, and cleanliness and temperature control should be monitored and appropriate for the animals' welfare. Length of time waiting and on board should be minimised to avoid stress.

In common with the *Hawai'ian Humane Society*, we support the extra recommendations of the *Animal Welfare Institute*, viz:

Fitness for travel of all animals must be assessed, including that of horses and pigs – density on board should be minimised to avoid stress – handling on board and awaiting loading should be improved, again to minimise stress, and food and water must be provided when the whole operation exceeds 12-24 hours.

May we add that the control of temperature is crucial. We wrote to the Agriculture Chief Veterinarian in Puerto Rico in March, asking him not to license the entry of horses from Florida, as 8 had died in the hot metal containers in 2019.

Mahalo for considering our submission from overseas.

Best regards,

Marian Hussenbux. Secretary International Campaigns
Animal Interfaith Alliance
www.animal-interfaith-alliance.com

Faiths Working Together for Animals

Member Organisations *(in alphabetical order):-*

The Anglican Society for the Welfare of Animals
Animals in Islam
Bhagvatinandji Education and Health Trust
Catholic Concern for Animals
Christian Vegetarians and Vegans UK
The Christian Vegetarian Association US
Dharma Voices for Animals
The Institute of Jainalogy

The International Ahimsa Organisation

The Jewish Vegetarian Society
The Mahavir Trust
The Oshwal Association of the UK
Pan-Orthodox Concern for Animals
Quaker Concern for Animals
The Rameera Foundation
The Sadhu Vaswani Centre
The Young Jains

In partnership with The Interfaith Vegan Coalition

President - Dr Richard D. Ryder. **Vice President** - Dr Deborah Jones.

Patrons (in alphabetical order) - Rev. Christa Blanke, Rabbi Prof. Dan Cohn-Sherbok, Joyce D'Silva, Kay, Duchess of Hamilton, Faizan Jalil, Satish Kumar, Nitin Mehta MBE, Dr Andre Menache, Fr Simon Nellist, Dr Alpesh Patel, Dr Matthieu Ricard, Anant Shah OBE, Ajit Singh MBE, Charanjit Singh, Mohammad Safa, Rabbi Jonathan Wittenberg.

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Wednesday, May 18, 2022 9:27 AM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] Proposed Amendments to Administrative Rules for Animal Disease Control Program

From: ranchgirl808@aol.com <ranchgirl808@aol.com>
Sent: Wednesday, May 18, 2022 8:14 AM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Proposed Amendments to Administrative Rules for Animal Disease Control Program

My name is Theresa Thompson of Thompson ranch, Maui and I support the proposed amendments to Chapter 4-16.

These changes are necessary to clarify and update the rules to today's needs. These changes will allow the state to better track livestock movement and control movement of disease, which will protect the livestock industry from unwanted disease outbreaks. Additionally, the following will help ensure the safety of livestock during transport:
• Updating the carrier responsibility to specify that animals should not be stowed in a manner that prevents natural ventilation.
• Working with transportation partners to limit time livestock spend on board vessels by implementing "last-on, first-off" practices.
• Addressing load densities using the Interisland Livestock Shipping Standards and stipulating that densities shall not deviate by more than 10%.
• Ensuring livestock transported over more than a 24 hour period have access to feed and water.
The Interisland Livestock Shipping Standards that the rules refer to were vetted and updated in 2020 by livestock shipping experts and veterinarians. Further, these standards have proven to be successful, as transporting livestock interisland has resulted in very few losses. Many of the proposed changes are currently in practice by Hawaii's producers. Animal welfare has always been and remains the foundation of our operations. The thoughtful and responsible management of our livestock is an ongoing process. It is the result of collaborative efforts between producers like myself, health experts, transportation partners and regulatory agencies. Ultimately, it is to serve the people of Hawai'i by providing safe, wholesome and nutritious local food.

Mahalo,
Theresa Thompson, Maui

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Wednesday, May 18, 2022 9:27 AM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

From: Bill Dixon <bill.r.dixon@gmail.com>
Sent: Wednesday, May 18, 2022 8:41 AM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

I support the Agriculture Department's proposed amendments to HAR Chapter 4-16. I also join the Hawaiian Humane Society and the Animal Welfare Institute in supporting further amendments to implement fitness to transport standards and other protections for all animals.

Taken together, these proposed amendments will provide common-sense guidance for the treatment of agricultural animals in Hawaii. The result will be a reduction in animal suffering and mortality from preventable factors such as excess heat, noxious fumes, food and water deprivation, trampling, conflict and infirmity.

I urge the Board to approve the proposed rules along with the amendments recommended by the Humane Society and AWI.

--

Bill Dixon
45-031 Lilipuna Road, Kaneohe, HI 96744

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Wednesday, May 18, 2022 9:28 AM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

From: Stacey Arnold <staceyjanearnold@gmail.com>
Sent: Wednesday, May 18, 2022 8:44 AM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

Please make the amendments to HAR Chapter 4-16 which are recommended by the Animal Welfare Institute and Hawaiian Humane Society. Animals are sentient beings who deserve to be treated as such. Thank you.
Jane Arnold
1763 Iwi Way
Honolulu, HI 96816

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of suyin@hawaii.edu
Sent: Wednesday, May 18, 2022 11:08 AM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Suyin Phillips
4168 Huanui St.
Honolulu, HI 96816-4717

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Michiyo Sato <mailagent@thesoftedge.com>
Sent: Wednesday, May 18, 2022 11:40 AM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Michiyo Sato
2255 mahalo street
Honolulu , HI 96817

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Shan Tanaka <mailagent@thesoftedge.com>
Sent: Wednesday, May 18, 2022 12:06 PM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Shan Tanaka
1257 Honokahua street
Honolulu, HI 96825

From: mailagent@thesoftedge.com on behalf of Jessica Palomino <mailagent@thesoftedge.com>
Sent: Wednesday, May 18, 2022 12:16 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

I have personally watched the cows arrive to O'ahu's slaughterhouses in the shipping containers. It's horrific to see the fear in their eyes and hear their terrified cries. This is cruel and must stop.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Jessica Palomino
59-215 Ke nui rd apt f
Haleiwa , HI 96712

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of John Rang <mailagent@thesoftedge.com>
Sent: Wednesday, May 18, 2022 4:50 PM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Sending animals on transport ships is the most inhumane thing for animal welfare. This needs to end.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

John Rang
2612 Kaaha St Apt 6
Honolulu , HI 96826

Alvarado, Kristy S

From: HDOA.BOARD.TESTIMONY
Sent: Wednesday, May 18, 2022 5:04 PM
To: Maeda, Isaac M; Moniz, Jason D; Alvarado, Kristy S
Subject: FW: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

From: Stephanie McLaughlin <smclaughlin808@gmail.com>
Sent: Wednesday, May 18, 2022 2:21 PM
To: HDOA.BOARD.TESTIMONY <hdoa.board.testimony@hawaii.gov>
Subject: [EXTERNAL] Support of amendments to HAR Chapter 4-16: Cattle, Sheep, and Goats

I support this. I encourage the board to also support this important bill.

--
Stephanie McLaughlin
"Be the change you wish to see in the world."

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Brittany Higa <mailagent@thesoftedge.com>
Sent: Wednesday, May 18, 2022 6:44 PM
To: HDOAAI
Subject: [EXTERNAL] Keep Cattle and Goats Safe During Transport

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

The rules should be amended to incorporate provisions to protect animals from heat stress, including limitations on load density; improvements to loading practices; requiring carriers to provide animals with food, water, and access to shade; and restrictions on cow container locations on ships so that animals are not placed in areas with excessive heat.

The HDOA should also revise its proposal to disallow transportation of animals that are not fit to travel because they are (1) lame, weak, or fatigued, (2) blind in both eyes, (3) females traveling without young that have given birth within the previous 48 hours, (4) pregnant females within the final 10% of their gestation period at the planned time of unloading, (5) newborns with unhealed navels, making them prone to infection, or (6) animals with unhealed wounds from recent procedures such as dehorning, castration, tail docking, or branding.

Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Brittany Higa
Po box 4265
Waianae , HI 96792

Alvarado, Kristy S

B-114

From: mailagent@thesoftedge.com on behalf of Tadashi Kishimoto <mailagent@thesoftedge.com>
Sent: Wednesday, May 18, 2022 11:34 PM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Tadashi Kishimoto
1641 Young St.
Honolulu, HI 96826

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Martha Bergner <mailagent@thesoftedge.com>
Sent: Thursday, May 19, 2022 12:08 PM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Martha Bergner
6849 East Camino Del Dorado
Tucson, AZ 85715

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Judy Sweatland <mailagent@thesoftedge.com>
Sent: Thursday, May 19, 2022 6:26 PM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Judy Sweatland
P. O. Box 977
Volcano, HI 96785-0977

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Pat Borge <mailagent@thesoftedge.com>
Sent: Friday, May 20, 2022 2:32 PM
To: HDOAAI
Subject: [EXTERNAL] Amend Proposed Transport Regulations to Protect Animals

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Pat Borge
Box 25096
Honolulu, HI 96825

Late

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Tamara G <mailagent@thesoftedge.com>
Sent: Saturday, May 21, 2022 4:46 AM
To: HDOAAI
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Tamara G
4011 Burma Spur
Fallbrook, CA 92028

Late

Alvarado, Kristy S

From: mailagent@thesoftedge.com on behalf of Kris Steinke <mailagent@thesoftedge.com>
Sent: Sunday, May 22, 2022 12:48 PM
To: HDOAA
Subject: [EXTERNAL] Protect Animals at Sea

Dear Chairperson Shimabukuro-Geiser:

Thank you for the opportunity to comment on the proposed regulations for animal transport by sea vessel between the Hawaiian Islands. I urge you to amend the regulations to ensure that animals do not experience heat stress during their journeys, that they have adequate ventilation, and that they be fit for travel.

Animals are extremely vulnerable during transport due to stress and environmental factors that can exacerbate existing conditions. The proposed regulations rely on standards that have proved woefully inadequate in preventing animals from suffering and dying: In 2019, 21 cattle died on a barge that was traveling from Honolulu to Kauai. The only animal care standards in use at the time were the voluntary standards of the Hawaii Cattlemen's Council, which are what the proposal is largely based upon. These standards are inadequate, as they did not keep those cows safe then and will not keep them safe going forward.

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Thank you for considering my comment and for working to improve the welfare of animals transported on ships in Hawaii.

Sincerely,

Kris Steinke
PO Box 218
Papaikou, HI 96781

APPENDIX III

Summary of Specific Changes Recommended to Chapter 4-16, HAR:

1. Chapter 4-16 title is amended by adding "Bison, Water Buffalo, Camelids." Subchapter 2 title is amended by adding "'Bison, Water Buffalo." Subchapter 4 title is amended by adding "Camel ids."

2. Section 4-16-1, Objective. ·'Bison, Water Buffalo, Camelids" is added and section simplified.

3. Section 4-16-3, Subchapters is amended to add "bison, water buffalo, camelids."

4. Amending Section 4-29-2 "Definitions"
   a. Expand definition of "Animals."
   b. The definition "APHIS" is added
   c. The definition "Board" is simplified.
   d. The definition "Carrier" is clarified.
   e. The definition "Certificate of Veterinary Inspection" or ·'CVI" is added.
   f. The definition "Chairperson" is simplified.
   g. The definition "Contact" is added.
   h. The definition "Department" is simplified.
   i. The definition "Division head" is simplified.
   j. The definition "Domestic animals" is expanded
   k. The definition "Entry is added.
   l. The definition "Hold order" is added.
   m. The definition "Health Certificate" is clarified and relocated according to alphabetization.
   n. The definition "Inspector" is expanded.
   o. The definition "Official vaccinate" is updated.
   p. The definition "Polymerase chain reaction" or "PCR" is added.
   q. The definition "Premises" is replaced with "Premise'.
   r. The definition "Provisional quarantine" is deleted.
   s. The definition "Quarantine" is clarified.
   t. The definition "Shipmaster's declaration" is clarified.
   u. The definition "State veterinarian" is updated.
   v. The definition "Vaccine" is clarified.

5. Amending Section 4-16-5 Quarantine-general by adding "population of animals" and deleting "his."

6. Amending Section Section 4-16-6 Quarantine area-feedlot . Clarifies newborn management

7. Amending Section Section 4-16-7 Quarantine area-slaughterhouse by clarifying movement.

8. Amending Section 4-16-8 Regulatory jurisdiction on importations. Bison, Water Buffalo and Camelids are added.

9. Amending Section 4-16-9 Entry status on imports. Bison, Water Buffalo and Camelids are added and permitting requirement for Plant Quarantine branch added.

10. Amending Section 4-16-10 Ports of entry. Ports are clarified by species and Bison, Water Buffalo, Camelids species are added.

11. Amending Section 4-16-11 Carrier responsibility on importation.
    a. Section title is simplified by eliminating "on importation"
    b. Bison, Water Buffalo and Camelids are added.
    c. Intrastate transport requirements are added for loading, unloading, ventilation, food and water, shipping container standards and density.
    d. Correct an omission in a portion of the table for in Exhibit A for lnterisland Livestock Shipping Standards for Sheep and Goats and is added back.

12. Amending Section 4-16-12 Use of quarantine station facilities. Bison, Water Buffalo and Camelids are added and responsibilities of owner clarified.

13. Amending Section 4-16-13 Regulatory jurisdiction on exports. Livestock certificates of veterinary inspection issued in Hawaii is clarified.

14. Amending Subchapter 2 title "Cattle" is amended to add "'Bison, Water Buffalo"

15. Amending Section 4-16-14 Scope. Adding Bison and Water buffalo is proposed.

16. Amending Section 4-16-15 Pre-shipment entry requirements.
    a. Import permitting is clarified.
    b. Trichomoniasis requirements are added.
    c. Certificate of veterinary inspection details are clarified.

17. Amending Section 4-16-16 Post-shipment entry requirements. Amendments are proposed to:
    a. Specify post-shipping testing.
    b. Detail quarantine site.
    c. Correct terminology changing "symptoms" to "signs".

18. Amending Section 4-16-17 Anaplasmosis surveillance, control and eradication.is amended to clarify Anaplasmosis testing and management.

19. Amending Section 4-16-18 Brucellosis surveillance, control, and eradication is amended to clarify testing and case management.

20. Amending Section 4-16-19 Control of Vaccination for Brucellosis is clarified.

21. Amending Section 4-16-20 Tuberculosis control and eradication procedures are clarified and test reactor management updated.

22. A new Section 4-16-20.1 Trichomoniasis control and eradication is proposed to address import and management requirements for this disease.

23. A new Section 4-16-20.2 Diseases and investigation is proposed to detail disease investigations and subsequent case management.

24. Amending Section 4-16-22 Pre-shipment entry requirements is updated to add Scrapie and clarify entry requirements.

25. Amending Section 4-16-23 Post-shipment entry requirements is corrected by replacing "they" with "animals".

26. Amending Subchapter 4 title "Goats" is amended to add "Camelids".

27. Amending Section 4-16-24 (a) Scope is amended to add "and Camelids".

28. Amending Section 4-16-25 Pre-shipment entry requirements.

    a. "Camelids" is added to "Goats" in the section.
    b. "Health certificate" is replaced with "Certificate of Veterinary Inspection" for clarity.
    c. "Scrapie" is added to the list of diseases an imported animal's herd of origin may not be under quarantine for.
    d. "official USDA" is added to "eartag" to specify acceptable tags.
    e. Ectoparasite treatment is specified.

29. Other changes are proposed throughout Chapter 4-16 for clarity. simplification or to correct format, grammar and punctuation.

DEPARTMENT OF AGRICULTURE

Amendment and Compilation of Chapter 4-16

Hawaii Administrative Rules

October 11, 2022

Summary

1. Chapter 4-16 title; is amended

2. §4-16-1 is amended

3. §§4-16-3 to 4-16-13 are amended

4. Subchapter 2 title is amended

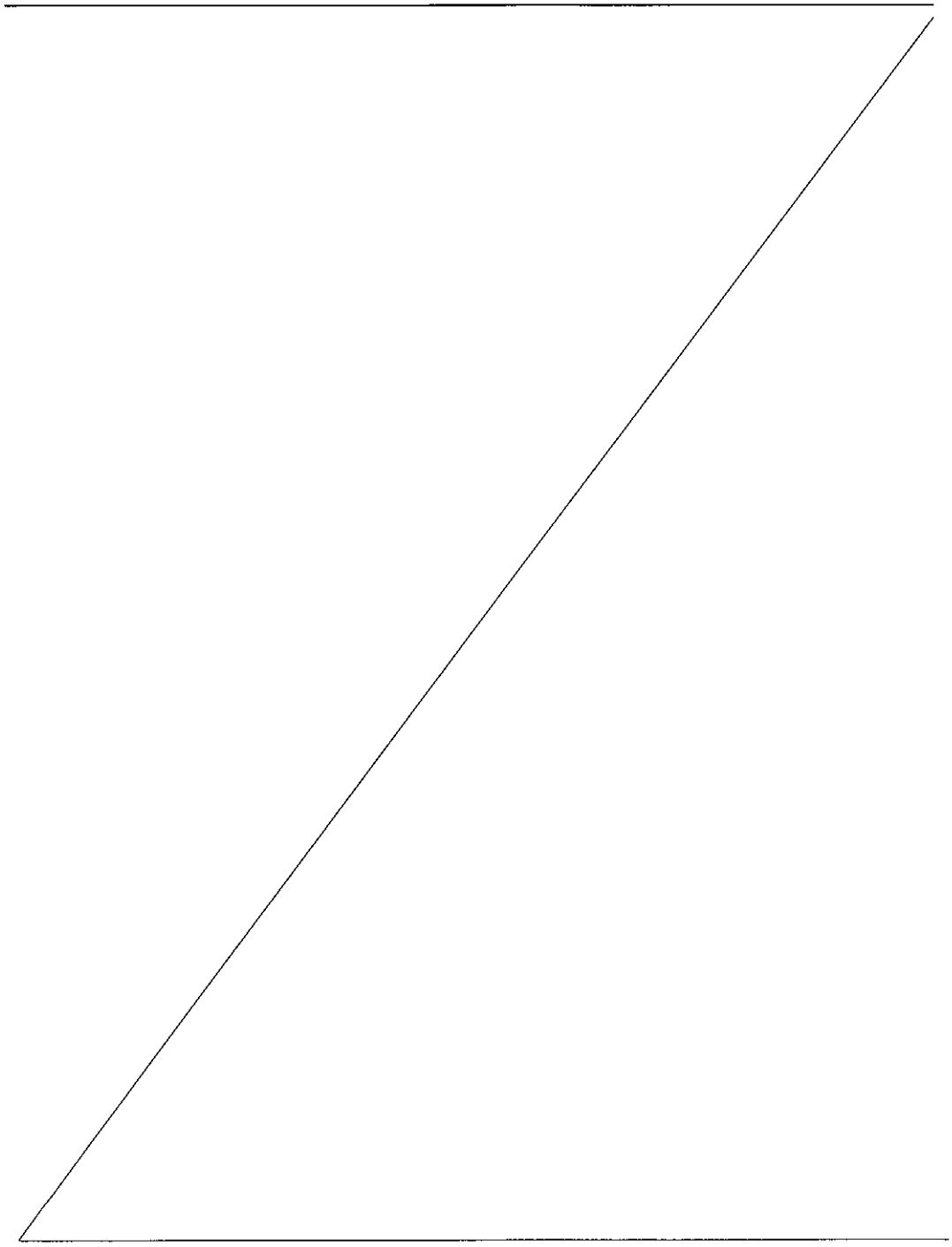
5. §§4-16-14 to 4-16-20 are amended

6. §§4-16-22 to 4-16-23 are amended

7. Subchapter 4 title is amended

8. §§4-16-24 to 4-16-25 are amended

9. Chapter 4-16 is compiled.



TITLE 4

DEPARTMENT OF AGRICULTURE

SUBTITLE 3

DIVISION OF ANIMAL INDUSTRY

CHAPTER 16

CATTLE, BISON, WATER BUFFALO, CAMELIDS, SHEEP, AND GOATS

Subchapter 1 General Provisions

Subchapter 2 Cattle, Bison, Water Buffalo

Subchapter 3 Sheep

Subchapter 4 Goats and Camelids

Historical Note: This chapter is based substantially upon Regulation 1 entitled "Definition of Terms, Etc."

[Eff. 9/26/49; am 9/29/55; am 7/25/57; am 6/26/58; am 8/15/68;am 5/19/72; am 10/31/74; am 8/16/77; am 8/21/80; R 10/5/81]; Regulation 2 entitled "Permits for Importation" [Eff. 9/26/49; am 9/29/55; am 7/24/70; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 3 entitled "Inspection and Quarantine" [Eff. 9/26/49; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 4 entitled "Landings and Entry into Territory" [Eff. 9/26/49; am 4/29/54; am 8/15/68; am 6/26/70; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 6 entitled "Importation of Cattle" [Eff. 9/26/49; am 8/26/54; am 10/28/54; am 9/29/55; am 8/15/68; am 7/30/73; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 105 entitled "Relating to Use of Facilities at the Animal Quarantine Station, Honolulu" [Eff. 9/26/49; am 6/26/70; am 2/18/72; am 7/30/73; am 2/26/76; am 8/16/77; 7/17/80; am 8/21/80; R 10/5/81]; Regulation 106 entitled "Quarantine of Premises, Animals and Effects" [Eff. 9/26/49; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 107 entitled "Official Vaccination of Calves with Brucella Vaccine, Identification of Vaccinates and Record of Vaccination" [Eff. 11/10/55; am 10/31/74; am

8/21/80; R 10/5/81]; Regulation 108 entitled "Anaplasmosis Control and Eradication" [Eff. 10/24/55; am 9/29/55; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 109 entitled "Brucellosis Control and Eradication" [Eff. 8/31/57; am 6/26/58; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 110 entitled "Tuberculosis Control and Eradication" [Eff.7/31/58; am 10/31/74; am 8/21/80; R 10/5/81] Regulation 107 entitled "Penalty" [Eff. 9/26/49; am and ren Regulation 200 9/29/55; am 7/25/57; am 6/26/58; am 10/31/74; am 8/21/80; R 10/5/81]

SUBCHAPTER 1

GENERAL PROVISIONS

§4-16-1 Objective. [~~This chapter shall govern the procedures of the department of agriculture pertaining to the prevention, control, and eradication of cattle, sheep, and goat diseases in the State.~~] The objective of this chapter is to prevent the introduction of pests and diseases of cattle, sheep, goats, bison, water buffalo and camelids into the State, and to control diseases of these species found in the state. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3); [am and comp](Auth: HRS §142-2)(Imp: HRS §142-3)

§4-16-2 Construction of rules. This chapter shall be construed to effectuate the purposes of chapter 142, Hawaii Revised Statutes. [Eff. 10/5/81; comp](Auth: HRS §142-2)(Imp: HRS §142-3)

§4-16-3 Subchapters. (a) Each subchapter sets forth special rules applicable to the type of proceeding described in the caption.

(b) This subchapter sets forth general rules applicable to proceedings governing cattle, bison, water buffalo, camelids, sheep, and goats. [Eff. 10/5/81]; am and comp] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-4 Definitions. As used in this chapter, unless context otherwise requires:

"Accredited veterinarian" means a veterinarian certified by federal and state animal health authorities to participate in cooperative disease control activities, including execution of health certificates for the interstate and international movement of animals[~~,~~].

"Animals" includes wild animals, feral animals, domestic animals, aquaculture animals, poultry, birds, and hatching eggs[~~,~~].

"APHIS" means Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Approved disinfectant" means a germicidal agent approved for use in a specific state-federal animal disease control and eradication program[~~,~~].

"Approved pesticide" means a chemical agent approved for use against external parasites[~~,~~].

"Board" means the state board of agriculture;[~~the board of agriculture, State of Hawaii,~~].

"Carrier" means [~~any ship, vessel, airplane, or other conveyance used to transport animals; or its master, commanding officer, owner, local manager, or agent;~~]any person or company engaged in the activity of transporting animals, by land, sea, or air including any ship, vessel, airplane, or other conveyance used to transport animals; or its master,

commanding officer, owner, local manager, broker or agent.

"Certificate of veterinary inspection" or "CVI" means an official state or federal certificate issued by an accredited veterinarian or state or federal veterinary officer providing all information and test results required for animals to enter Hawaii, to move interstate and certifying that the animals being transported are free of symptoms of transmissible disease.

"Chairperson" means the chairperson of the state board of agriculture. [~~the chairperson of the board of agriculture, department of agriculture, State of Hawaii~~] [~~,~~].

"Contact" means any physical union or touching between animals.

"Department" means the [~~department of agriculture, State of Hawaii,~~] state department of agriculture.

[~~"Health certificate" means an official document issued by an accredited veterinarian certifying that the animals being shipped are free from external parasites and symptoms of transmissible disease and providing all other information and test results required for acceptance by the State,~~]

"Division" means the division of animal industry, department of agriculture[~~,~~].

"Division head" means the [~~chief or senior officer~~] administrator of the division of animal industry[~~,~~].

"Domestic animals" includes horses, mules, asses, cattle, sheep, goats, swine, dogs, cats, poultry, rabbits, llamas and alpacas, [~~and other animals~~] including camelid, maintained in the domestic state; includes poultry and hatching eggs[~~,~~].

"Effects" includes ropes, halters, harnesses, buckets, stalls, crates, pens, stables, feed, feed bags, and other equipment used to handle, confine, maintain, or transport animals[~~,~~].

"Entry" means the release of animals into the State after completion of all requirements set forth in this chapter.

"Health certificate" means an official document in English, issued by an accredited veterinarian certifying that the animals being shipped are free from external parasites and symptoms of transmissible disease and providing all other information and test results required for acceptance by the State, also known as "Certificate of Veterinary Inspection".

"Hold order" means an order issued by the state veterinarian restricting the movement of all animals, effects, and implements at a premise undergoing a disease investigation, for a maximum period of ninety days for each hold order issued.

"Inspector" means [~~a veterinarian or livestock inspector in the division of animal industry or United States Department of Agriculture;~~] a veterinarian, livestock inspector, or any officer or employee of the department of agriculture or USDA, authorized or designated by the state veterinarian to enforce the provisions of this chapter.

"Official vaccinate" means a female bovine animal that has been vaccinated with an approved brucellosis vaccine and identified with the required tattoo and official identification [~~or "V" brand;~~].

"Polymerase Chain Reaction" or "PCR" means a laboratory test to detect genetic material from a specific organism, such as a virus and protozoa.

"Premise" means [~~"Premises" means a piece of real property, including any structure on it;~~]a property, including any structure on it.

[~~"Provisional quarantine" means temporary or conditional quarantine;~~]

"Quarantine" means [~~the isolation of an animal or animals on premises or areas specified by the division; the designation given such premises or areas;~~] the secure isolation and confinement of animals on a premise or premises, or in an area

designated by the state veterinarian. No animal may be removed from or added to these premises or areas except as permitted by the state veterinarian.

"Shipmaster's declaration" [~~means an official state form which shall be completed and submitted by a carrier providing information on animals and birds transported;~~] means an official state form that shall be completed and submitted by a carrier and provides information on animals transported including the name of the importer.

"State veterinarian" means [~~a qualified veterinarian in the division of animal industry, department of agriculture, designated by the board of agriculture;~~] the veterinary program administrator of animal industry division, department of agriculture.

"Transmissible disease" means any contagious, infectious, or communicable disease of animals[~~,and~~].

"Vaccine" means [~~a suspension of live, attenuated, or killed microorganisms such as bacteria and viruses used for the prevention or treatment of infectious diseases~~] a biological agent composed of live, attenuated, genetically modified, or killed microorganisms such as bacteria and viruses, or their DNA or RNA used for the prevention or treatment of diseases. [Eff. 10/5/81; am and comp]
(Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-5 Quarantine-general. (a) The department is authorized to place a quarantine on any [~~animal,~~] herd, population of animals, premises, district, or island whenever in its opinion such action is necessary to prevent the spread of a transmissible disease.

(b) No animals shall be removed from or be added to such herds, premises, or areas except by permit from the department.

(c) This quarantine shall remain in effect until rescinded by the chairperson or [~~his~~] authorized representative. [Eff. 10/5/81]; am and comp] Auth: HRS §142-2) (Imp: HRS §§142-6 and 142-9)

§4-16-6 Quarantine area-feedlot. (a) All commercial feed yards which receive and feed animals from more than one herd are hereby declared quarantine zones.

(b) No animals shall be moved from these quarantine areas except to a licensed slaughterhouse or another commercial feedlot.

(c) Newborn animals [~~are exempt and~~] may be moved to other premises only when under permit from the division. [Eff. 10/5/81]; am and comp] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-7 Quarantine area-slaughterhouse. (a) All pens on slaughterhouse premises are hereby declared quarantine zones.

(b) Animals taken to these pens shall remain there until slaughtered, except that they may be removed [~~for slaughter at another slaughterhouse~~] only when under permit issued by the division. [Eff. 10/5/81]; am and comp] (Auth: HRS §142-2)Imp: HRS §142-3)

§4-16-8 Regulatory jurisdiction on importations. (a) Importations of cattle, bison, water buffalo, camelids, sheep, and goats from areas under the jurisdiction and control of the United States are subject to the rules of the department.

(b) Importations of cattle, bison, water buffalo, camelids, sheep, and goats from foreign countries, besides complying with department

requirements, shall not violate any federal regulations. [Eff. 10/5/81]; am and comp] (Auth: HRS §142-2)(Imp: HRS §§142-4, 142-5, and 142-8)

§4-16-9 Entry status on imports. [~~No cattle, sheep, or goats shall be allowed entry into the State unless accompanied by a health certificate and all entry requirements have been met.~~] No cattle, bison, camelids, water buffalo, sheep, or goats shall be transported to the State or allowed entry into the State unless accompanied by a valid import permit issued by the division before arrival, a valid certificate of veterinary inspection and all pre-entry and entry requirements have been met. Bison and water buffalo in addition to being issued a pre-arrival import permit by the division shall also be required to obtain a permit to possess issued by the Hawaii Board of Agriculture through the department's Plant Quarantine Branch prior to importation. Landing or removal of animals from a carrier for purposes of inspection or quarantine shall not constitute entry into the State for any purpose whatsoever. No effects of animals, likewise, shall be brought into the State unless so authorized by an inspector of the division of animal industry or USDA. [Eff. 10/5/81]; am and comp](Auth: HRS §142-2) (Imp: HRS §§142-4 and 142-5)

§4-16-10 Ports of entry. (a) Cattle, bison, and water buffalo shall [~~be entered~~] enter through a port or airport [~~in Hilo or Honolulu~~] on the islands of Oahu, Hawaii [~~and~~]or Maui where permanent state livestock quarantine facilities are provided.[~~They may, however, be entered~~] Cattle, bison, and water buffalo may also enter through other ports in the State if adequate temporary quarantine facilities are made available by the importer and approved in writing by the [~~department~~] division.

(b)[~~Sheep and goats may be entered~~] Sheep, goats, and camelids shall enter through any official port or airport in the State with prior approval from the division.[Eff. 10/5/81]; am and comp] (Auth: HRS§142-2) Imp: HRS §§142-3, 142-4, and 142-5)

§4-16-11 Carrier responsibility [~~on importations~~]. (a) Carriers transporting cattle, bison, water buffalo, camelids, sheep, or goats interstate or intrastate through or from any port or airport in the State or landing these animals at any port or airport within the State shall, immediately on arrival, submit a shipmaster's declaration to the department providing the following information:

(1) Name and address of owner, importer, consignor, consignee, and port of origin of the animals;

(2) Number of animals on board, including those born en route; and

(3) Number of animals which have died or have been injured en route, with the circumstances of the deaths or injuries.

(b) Carriers shall be responsible for securely confining cattle, bison, water buffalo, camelids, sheep, or goats for entry into the State at the pier or airport until movement is authorized by an inspector. Cattle, bison, water buffalo, camelids, sheep, or goats in transit to ports beyond Hawaii shall not be off-loaded for any purpose unless authorized by the state veterinarian or [~~an~~] designated agent.

(c) Carriers shall ensure that cattle, bison, water buffalo, camelids, sheep, and goats are provided adequate ventilation. Animals shall not be stowed during transportation or staged prior or subsequent to transportation in a manner that prevents natural ventilation.

[e](d) Carriers transporting animals into the state shall not off-load and dispose of manure except under the supervision of an inspector. [Eff. 10/5/81; am and comp] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-4, 142-5 and 142-8)

(e) Ocean carriers for the intrastate movement of livestock shall ensure that the Interisland Livestock Shipping Standards by species, attached as Exhibit A are followed. Load densities shall not deviate by greater than 10% of the maximum load densities listed in interisland space requirements by species listed.

(f) It shall be the responsibility of the carrier, owner, or stock tender of livestock being transported interstate and intrastate to [~~(1)~~] provide provisions for the livestock during transport and not allow livestock to go without feed or water for more than [~~a period exceeding~~] 24 hours while in [at any time during] transport.

(g) [~~Carriers of animals shall within reasonable operational practices load them last and unload them first to reduce the duration of their stowage on the transportation vessel. Carriers shall restrict animals from being stowed in locations that produce heat, restrict ventilation or are prone to receive ocean water. Carrier practices shall strive to minimize staging time in loading and off-loading areas. Carriers shall ensure that staging areas have access to clean water and adequate ventilation.~~]

Ocean carriers, barring harbor logistical limitations, shall implement loading and unloading practices that strive to ensure animals are the last on and first off a docked vessel. Carriers shall restrict animals from being loaded into locations that produce excessive heat, have restricted ventilation or are placed in locations that may flood containers with ocean water. Carriers shall ensure that livestock staging areas within harbors have access to clean water and adequate ventilation.

(h)[~~Carriers shall not transport animals that are non-ambulatory, or ambulatory animals that are blind in both eyes, have visible open wounds, are ill, are not weight bearing on four limbs, are likely to give birth during transport, have distended udders that cause pain or ambulatory issues and young animals with unhealed umbilicus.~~]No animal shall be transported via ocean vessel that is injured, ill, has unhealed wounds or is unable to bear weight on all four limbs; is blind in both eyes; is likely to give birth during transport or has given birth in the past 48 hours and traveling without their offspring; or is not weaned and traveling separate from the mother. Aggressive animals shall be transported separately. [Eff. 10/5/81; am and comp] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-4, 142-5 and 142-8)

§4-16-12 Use of quarantine station facilities. (a) Owners of cattle, bison, water buffalo, camelids, sheep, or goats held at an official or authorized quarantine [~~station~~] facility for any reason shall:

(1) Provide feed and care for stock;

(2) Clean pens after removal of the animals; and

(3) Promptly remove any dead animals from the quarantine station grounds when directed to do so by the state veterinarian.

(b) If, for any reason, the owners fail to fulfill the requirements in subsection (a), the [~~quarantine station~~] state ~~[shall]~~ may assume these responsibilities, and all costs involved shall be charged to the owner. [Eff. 10/5/81; am and comp](Auth: HRS §142-2) (Imp: HRS §§142-3 and 142-6)

§4-16-13 Regulatory jurisdiction on exports.

(a) Shipments to other U.S. areas shall comply with entry requirements of the state of destination.

(b) Shipments outside the U.S. [~~come~~] are under federal jurisdiction.

(c) Hawaii certificates of veterinary inspection, issued by accredited veterinarians for the interstate movement of livestock, shall be submitted to the division for review within seven (7) days of being issued.[Eff. 10/5/81; am and comp] (Auth: HRS §142-2) (Imp: HRS §142-3)

SUBCHAPTER 2

CATTLE, BISON, WATER BUFFALO

§4-16-14 Scope. (a) This subchapter governs special rules pertaining to importation of cattle, bison, or water buffalo into the State.

(b) Applicable general provision rules in subchapter 1 should be read in conjunction with this subchapter.

(c) In any conflict between a special rule in this subchapter and a general provision rule in subchapter 1, the special rule shall govern. [Eff. 10/5/81]; am comp] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-15 Pre-shipment entry requirements. (a) [~~Cattle for entry shall be accompanied by a health certificate issued by an accredited veterinarian, or a state or federal veterinary officer, within seven days before shipment. The health certificate shall give a description of each animal, including age, sex, breed, and either a national uniform eartag number,~~

~~individual tattoo, or brand number, and shall certify that the animals described:~~]
Cattle, bison, and water buffalo for entry shall possess a valid import permit issued by the division prior to importation.

(b) Cattle, bison, and water buffalo for entry shall possess a certificate of veterinary inspection issued by an accredited veterinarian, or a state or federal veterinary officer, within ten days before shipping to the state. The certificate of veterinary inspection shall contain a description of each animal, including age, sex, breed, and either an official eartag number, or official identification and shall certify that the animals described:

(1) Are free from external parasites and symptoms of transmissible diseases and have not had recent exposure to these diseases;

(2) Have originated in a herd that is not under quarantine for any reason; [~~for tuberculosis and have been found negative to an intradermal tuberculin test conducted by a state, federal, or accredited veterinarian within thirty days before shipment;~~]

(3) [~~Have originated in a herd that is not under quarantine for brucellosis and have been tested by a state, federal, or accredited veterinarian and found to be negative to an official test for brucellosis performed in a USDA-approved laboratory within thirty days beforeshipment;~~] Are negative to an intradermal tuberculin test conducted by a state, federal, or accredited veterinarian within thirty days before shipment;

(4) Have been tested by a state, federal, or accredited veterinarian and found to be [~~free of anaplasmosis by a complement-fixation test performed in a state or federal laboratory within thirty days before shipment; and~~] negative to an official test

for brucellosis performed in a USDA-approved laboratory within thirty days before shipment;

(5) [~~Have been dipped or completely sprayed under the supervision of a state, federal or accredited veterinarian with one-half of one percent water solution of malathion within seven days before shipment, or one-half of one percent emulsion concentrate of Ciodrin within forty-eight hours before shipment, or any other USDA-approved pesticide.~~] Have been tested by a state, federal, or accredited veterinarian and found to be free of anaplasmosis by an ELISA test performed in a state or federal approved laboratory within thirty days before shipment;

(6) All non-virgin bulls and all bulls eighteen months of age and older shall be tested negative to a PCR test for trichomoniasis within thirty days before shipment. Pooled samples from up to five bulls may be tested at diagnostic laboratories that approve pooled PCR testing. Tested bulls shall remain separate from female cattle over [~~6~~] six months of age prior to ten days before testing and until arrival in Hawaii; and

(7) Have been dipped or completely sprayed under the supervision of a state, federal, or accredited veterinarian with an EPA approved pesticide to kill ticks on cattle within seven days before shipping to Hawaii.

(c) Official laboratory test charts for all required pre-entry testing shall be attached to the certificate of veterinary inspection. [Eff. 10/5/81; am and comp](Auth: HRS §142-2) (Imp: §§142-3 and 142-4)

§4-16-16 Post-shipment entry requirements. (a) Cattle for entry shall be transported to and held in the quarantine station or a quarantine site approved by the division to be inspected and tested for [~~tuberculosis, brucellosis, anaplasmosis, and~~] any [~~other~~] transmissible disease that the state veterinarian may require. While in quarantine, [~~they~~] animals shall be sprayed or dipped with [~~a USDA-approved~~] an EPA approved pesticide approved by the state veterinarian. The cattle, bison, and water buffalo may be refused entry or quarantined for any deficiency in the ~~[health certificate covering]~~ certificate of veterinary inspection for the shipment or signs of disease.

(b) Cattle, bison, and water buffalo found to be negative to [~~the testing procedures~~] test requirements, [~~are~~] free of external parasites, and show no [~~symptoms~~] signs of transmissible diseases may be released from the quarantine station or approved quarantine site under [~~provisional~~] quarantine at premises approved by the state veterinarian, during which time they shall be retested for [~~anaplasmosis.~~] tuberculosis, brucellosis, anaplasmosis and other diseases required by the state veterinarian sixty to ninety days after arriving in the State. The owner, importer, or consignee shall furnish the inspector with information on where each animal in the shipment will be held.

c) All expenses in connection with the examination, testing, treating, or destruction and disposal of cattle, bison, and water buffalo while in quarantine, shall be borne by the owner, importer, or consignee.

(d) No indemnity shall be paid for reactors found on entry testing. [Eff. 10/5/81]; [am and comp](Auth: HRS §142-2) (Imp:HRS §142-4)

§4-16-17 Anaplasmosis surveillance, control and eradication. (a) [Blood] Upon direction of the state veterinarian, blood samples shall be collected at slaughter from all cattle [~~three~~] two years of age and older and shall be forwarded to the veterinary laboratory of the division for anaplasmosis testing.

(b) When reactors are found in tests conducted under subsection (a), the entire herd shall be quarantined and retested for anaplasmosis. The herd shall remain under quarantine and be retested at sixty[-] to ninety-day intervals until two consecutive negative tests have been obtained.

(c) All testing of cattle in compliance with requirements shall be done in a safe manner. Cattle shall be stanchioned or otherwise securely restrained to the satisfaction of the veterinarian conducting the test.

(d) All positive reactors to the anaplasmosis test shall be [~~branded on the left jaw with the letter "A" and~~] identified with a reactor tag affixed to the left ear by the state veterinarian or [~~his deputy~~.] designee. All reactors shall be slaughtered under permit issued by the state veterinarian within thirty days after official notification in writing of the reaction. The owner shall give advance notice to the state veterinarian of the time and place of slaughter of the reactors.

(e) All cattle slaughtered as identified positive reactors to the anaplasmosis test shall be appraised prior to slaughter and the owner [~~shall be~~] indemnified in accordance with the provisions of section 142-22, Hawaii Revised Statutes.

(f) No indemnity shall be paid [~~unless~~] when the owner [~~has complied~~] does not comply with all rules and instructions issued by the division pertaining to the control and eradication of anaplasmosis.[Eff. 10/5/81; am and comp](Auth: HRS §142-2)(Imp: HRS §§142-3, 142-6, 142-9 and 142-22)

§4-16-18 Brucellosis surveillance, control, and eradication. (a) [~~Blood~~] Upon direction of the state veterinarian, blood samples shall be collected at slaughter from all cattle [~~three~~] two years age and older and forwarded to the veterinary laboratory of the department for brucellosis testing.

(b) [~~Samples~~] Upon direction of the state veterinarian, samples of milk produced in licensed dairies shall be collected and forwarded to the veterinary laboratory for brucellosis testing as often as deemed necessary by the state or federal veterinarian to maintain surveillance of brucella infection within the herd.

(c) Whenever laboratory test results indicate infection, the herd of origin shall be quarantined and tested within thirty days following official notification of the infection.

(d) When reactors are found in tests conducted under subsection (a), the entire herd shall be quarantined and [~~be tested for brucellosis. The herd shall remain under quarantine and be retested, as~~] subject to the conditions required in the current USDA APHIS Uniform Methods and Rules for the Eradication of Brucellosis, until eligible for release from quarantine.

(e) All testing of cattle in compliance with requirements of this section shall be done in a safe manner. Cattle shall be stanchioned or otherwise securely restrained to the satisfaction of the veterinarian conducting the test.

(f) All reactors to the brucellosis test shall be [~~branded on the left jaw with the letter "B" and~~] identified with a reactor tag affixed to the left ear by the state veterinarian or [~~his deputy~~] designee. All reactors shall be slaughtered under direction of the state veterinarian within fifteen days after official notification in writing of the reaction. The owner shall give advance notice to the state

veterinarian of the time and place of slaughter of the reactors.

(g) All cattle slaughtered as [branded,] identified reactors to the brucellosis test shall be appraised prior to slaughter and the owner shall be indemnified in accordance with the provisions of Title 9 of the code of Federal Regulations [~~section 142-23, Hawaii Revised Statutes.~~]

(h) No indemnity shall be paid unless the owner has complied with all rules and instructions issued by the division pertaining to the control and eradication of brucellosis.

[~~(i) Following removal of reactor animals, the premises shall be disinfected with an approved disinfectant under the supervision of the state veterinarian or his agent.~~] [Eff. 10/5/81; am and comp](Auth: HRS §142-2) (Imp: HRS §§142-3, 142-6, 142-9, and 142-23)

§4-16-19 Control of vaccination for Brucellosis. (a) [~~A permit~~] Approval from the division is required for [~~vaccinating cattle with any~~] sale and distribution of [~~live~~] brucellosis vaccine.

(b) Each animal vaccinated [~~under permit issued by the division~~] shall be permanently identified as [~~a vaccinate~~ required by the USDA APHIS Uniform Methods and Rules for the Eradication of Brucellosis. [~~by one of the two following methods:~~

~~(1) A tattoo, which shall be applied in the right ear, shall include the "U.S. Registered Shield and V. "The Shield and V shall be preceded by a number indicating the quarter of the year in which the vaccination is made and followed by the last number of the year of vaccination; or~~

~~(2) A "V" brand shall be applied to the right jaw with the open end facing either up, forward, down, or toward the back, depending~~

~~on the year in which the vaccination is conducted. In 1979, the "V" should be placed with the open end facing up and, in succeeding years, should proceed clockwise. The fifth year repeats the first year.~~

~~(c) It shall be unlawful for any person other than the permittee to so tattoo or brand cattle.~~

~~(d) Herds in which vaccination for brucellosis is permitted under subsection (a) shall be quarantined, and no animals shall be moved from the premises, except on permit issued by the division~~

[~~(e)~~] (c) The division is authorized to rescind [~~permits~~] approval issued under subsection (a) whenever in its judgment such action is warranted. [Eff. 10/5/81]; am and comp](Auth: HRS §142-2)(Imp: HRS §§142-3 and 142-6)

§4-16-20 Tuberculosis control and eradication. (a) All herds of cattle in which reactors to the tuberculin test have been found and all herds from which tuberculous animals have been found at slaughter shall be designated as infected herds and shall be quarantined.

(b) All herds of cattle that have been in contact with herds in which tuberculin test reactors or tuberculous animals have been found shall be designated as exposed herds and shall be quarantined.

(c) Owners of herds quarantined under subsection (a) and (b) shall, within thirty days after official notification in writing, implement a program to lift the quarantine through either complete herd depopulation via slaughter or through testing procedures, as prescribed by the state veterinarian.

(d) All testing of cattle for tuberculosis shall be done in a safe manner. Cattle shall be stanchioned or otherwise securely restrained to the satisfaction of the veterinarian conducting the test. The owner of

the cattle shall provide all facilities necessary for the safe restraint of the cattle for testing.

(e) All positive reactors to the tuberculosis test shall be [~~branded on the left jaw with the letter "T" and~~] identified with an official [~~state~~] reactor tag affixed to the left ear by the state veterinarian or [~~his agent~~] designee. All reactors shall be slaughtered within fifteen days after official notification in writing of the reaction. The owner shall give advance notice to the state veterinarian of the time and place of slaughter of the reactors. A Permit for the Movement of Restricted Animals (VS FORM 1-27) shall be issued prior to movement by the State or Federal Veterinarian.

(f) All cattle identified as positive reactors to the tuberculosis test shall be appraised prior to slaughter and the owner shall be indemnified in accordance with the provisions of 9 CFR § 50.3 [~~section 142-19, Hawaii Revised Statutes~~].

(g) No indemnity shall be paid unless the owner has complied with all rules and instructions issued by the division pertaining to the control and eradication of tuberculosis.

(h) Following removal of reactors or depopulation of the herd, the premises shall be cleaned and disinfected within fifteen days, as prescribed in the USDA APHIS Uniform Methods and Rules.[Eff. 10/5/81; am and comp] (Auth: HRS §142-2)(Imp: HRS §§142-3, 142-6, 142-9, 142-17, 142-18, 142-19, 142-20 and 142-21)

§4-16-20.1 Trichomoniasis control and eradication. (a) All herds of cattle in which reactors to the PCR trichomoniasis test have been found shall be designated as infected herds and shall be quarantined.

(b) All herds of cattle that have been in contact, comingled, or had fence contact with infected

herds shall be designated as exposed herds and placed under a hold order until all bulls twelve months and older have been tested negative for Trichomoniasis and any positive bulls are removed under permit from the division for slaughter.

(c) Within sixty days after official notification in writing, owners of herds quarantined or placed on hold orders under subsections (a) and (b) shall test their entire bull battery or slaughter all bulls under permit issued by the State Veterinarian.

(d) All testing of bulls for trichomoniasis shall be done after bulls have been isolated for ten days from female cattle and shall be tested by veterinarians accredited at the II level in Hawaii that have undergone training for trichomoniasis testing of bulls. The owner of the bulls for testing shall be responsible for gathering the bulls and providing all facilities necessary for the safe restraint of the bulls for testing.

(e) All positive reactors to the PCR trichomoniasis test shall be reported by the accredited veterinarian to the state veterinarian within seventy-two hours of receiving test results.

(f) All bulls that test positive shall remain under quarantine and remain isolated from all cattle until slaughtered within [~~30~~]thirty days of testing positive under permit issued by the state veterinarian.

(g) All bulls tested for trichomoniasis shall be identified at the time of testing with an official 840 USDA identification tag. The tag number shall correspond to the bull's test sample and listed on the test submission and result forms.

(h) Samples for trichomoniasis PCR testing shall be tested at an ISO/IES 17025 or AAVDL approved laboratory and may be pooled in accordance with the diagnostic laboratory's testing protocol.

(i) Herds placed under quarantine for trichomoniasis shall be tested annually and remain

quarantined until passing a complete negative test of the herd's bull battery one year after removal of the last infected bull from the herd.
[Eff.];(Auth: HRS §142-2)

§4-16-20.2 Diseases and investigation. The State Veterinarian is authorized to investigate the disease status of cattle in the State showing clinical signs of disease or poor health.

(a) When an investigation by the State Veterinarian determines that a regulated or reportable disease or disease of high economic consequence is suspected or diagnosed, the State Veterinarian is authorized to take actions as provided in HRS §142-6.

(b) When no infectious disease is suspected or diagnosed and adverse physical state is determined to involve animal husbandry related causes, the division may advise the owner or refer the owner to university extension agents or private veterinarians for assistance. In the event that the owner refuses to take recommended corrective actions, the State Veterinarian may refer the case to the humane agencies for the county. [Eff.];(Auth: HRS §142-2)

SUBCHAPTER 3

SHEEP

§4-16-21 Scope. (a) This subchapter governs special rules pertaining to importation of sheep into the State.

(b) Applicable general provision rules in sections 4-16-1 through 13 should be read in conjunction with this subchapter.

(c) In any conflict between a special rule in this subchapter and a general provision rule in

sections 4-16-1 through 13, the special rule shall govern.[Eff. 10/5/81; comp](Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-22 Pre-shipment entry requirements. Sheep for entry shall be accompanied by a [~~health~~] certificate of veterinary inspection issued by an accredited veterinarian or a state or federal veterinary officer in the state of origin, within seven days before shipment. The [~~health~~] certificate of veterinary inspection shall give a description of each animal, including age, sex, breed, and official USDA eartag number, and shall certify that the animals described:

(1) Are free from external parasites and symptoms of transmissible diseases and have not had recent exposure to these diseases;

(2) Have originated in a [~~state or area officially declared to be free of scabies for the twelve-month period preceding date of shipment~~] herd that is not under quarantine for Scrapie; and

(3) Have been dipped or completely sprayed under the supervision of a state, federal, or accredited veterinarian with a pesticide approved for killing ticks on sheep [~~one-half of one percent water solution of malathion, or other USDA-approved pesticide,~~] within seven days before shipment.

(4) Is officially identified with an USDA-APHIS approved method for identification of sheep.

[Eff. 10/5/81; am and comp]; (Auth: HRS §142-2)(Auth: HRS §142-2) (Imp: HRS §§142-3 and 142-4)

§4-16-23 Post-shipment entry requirements.(a) Imported sheep shall be inspected by a state

veterinarian or an agent before being granted entry into the State. Any indication of transmissible disease at the time of inspection shall be sufficient reason to quarantine any or all of the sheep in the shipment at premises approved by the state veterinarian. [~~They~~] Animals shall not be released [~~and be~~] or permitted entry into the State until the state veterinarian is satisfied that they are free of symptoms of transmissible diseases and external parasites.

(b) All expenses in connection with the segregation and treatment or destruction and disposal of the quarantined animals shall be borne by the owner, importer, or consignee.[Eff. 10/5/81; am and comp] (Auth: HRS §142-2) (Auth: HRS §142-2) (Imp: HRS §142-4)

SUBCHAPTER 4

GOATS and CAMELIDS

§4-16-24 Scope. (a) This subchapter governs special rules pertaining to importation of goats and camelids into the State.

(b) Applicable general provision rules in sections 4-16-1 through 13 should be read in conjunction with this subchapter.

In any conflict between a special rule in this subchapter and a general provision rule in sections 4-16-1 through 13, the special rule shall govern. [Eff. 10/5/81; am and comp] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-25 Pre-shipment entry requirements.(a)Goats and camelids for entry shall be accompanied by a

[~~health~~] certificate of veterinary inspection issued by an accredited veterinarian or a state or federal veterinary officer within seven days before shipment. The [~~health~~] certificate of veterinary inspection shall give a description of each animal, including age, sex, breed, and official USDA eartag number, and shall certify that the animals described:

(1) Are free from external parasites and symptoms of transmissible diseases and have not had recent exposure to these diseases;

(2) Have originated in a herd that is not under quarantine for scrapie or tuberculosis and have been found negative to an intradermal tuberculin test by a state, federal, or accredited veterinarian within thirty days before shipment; and

(3) [~~Have originated in a herd that is not under quarantine for brucellosis and have been tested by a state, federal, or accredited veterinarian and found to be negative to a USDA-approved test for brucellosis performed in an official laboratory within thirty days before shipment; and~~] Have been treated under the supervision of a state, federal, or accredited veterinarian with an approved pesticide for killing ticks on goats or camelids, within seven days before shipment.

[~~(4) Have been dipped or completely sprayed under the supervision of a state, federal, or accredited veterinarian with one-half of one percent water solution of malathion, or other APHIS-approved pesticide, within seven days before shipment.~~]

(b) Goats have originated in a herd that is not under quarantine for Scrapie. [Eff. 10/5/81; am and comp](Auth: HRS §142-2)(Imp: HRS §§142-3 and 142-4)

§4-16-26 Post-shipment entry requirements. (a)Imported goats shall be inspected by [~~the~~]a state veterinarian before being granted entry into the State. Any indication of transmissible disease at the time of inspection shall be sufficient reason to quarantine any or all of the goats in the shipment at premises approved by the state veterinarian. They shall not be released and be permitted entry into the State until the state veterinarian is satisfied that they are free from symptoms of transmissible diseases and external parasites.

(b) All expenses in connection with the segregation and treatment or destruction and disposal of the quarantined goats shall be borne by the owner, importer, or consignee. [Eff. 10/5/81; am comp](Auth: HRS §142-2)(Imp: HRS §142-4)

EXHIBIT A

Required Interisland Livestock Shipping Standards | CATTLE

SHIPPING METHOD	Trailers, 20' containers, 40' containers, shipping pens. Must be 4-sided, structurally sound and without protruding objects that could injure animals. Must have four sided forklift pockets to ensure container cannot shift or tip off the fork lift during lifting.
LEAK PROOF	All shipping trailers/containers shall be watertight up to a level of 2" and nonslip flooring is required.
SIDES	Sides shall be solid up to the level of the animals' backs or window guards shouldbe indented to prevent discharge.
WINDOWS	Escape proof. Must contain entire animal. Tall enough to be above the backs of the animals or with 6" indented bars to prevent fecal discharge and allow proper airflow* *Window openings should be at least 7% of the area of the side panel surface to ensure proper ventilation
ROOF	Must have a solid roof to protect from the sun, rain, and contain the animal entirely.
WATER	Not required for trips < 24hrs; must have some form of watering system in case of transit delay. Please bring your own water when possible.
FEED	Not required for trips < 24hrs.
SPACE	*See table.
TRAILERS DELIVERING LIVESTOCK	All livestock trailers entering into the harbor must be constructed to contain animalfecal matter and urine.
TRANSFER AREA & STAGING AREA	In secured DOT designated area only. Water should be available nearby.
TRANSFER PROCESS (TRAILER TO CONTAINER)	Trailer with slide or inward opening gate abut flush to container with slide orinward opening gates.
OR TRANSFER PROCESS (DOT CHUTE)	Secure chute gates to trailer and container, if DOT chute is available.
SPILLAGE	All spillage must be cleaned up and removed from harbor. To comply with EPA, nowater should be used to clean, the shipper must bring shovel, broom, etc to clean area. All shipping containers that remain in the harbor must be cleaned out and material hauled away. A fine/fee will be imposed if spillage is not cleaned.

[~~Interisland Transportation Space Requirements* | CATTLE~~] *These space requirements only pertain to Hawaii interisland transportation and do not pertain to interstateshipping.

AVG. BODYWEIGHT (lbs)	AREA PER ANIMAL (ft^2)	HEIGHT (ALL SPECIES)	20' CONTAINER (max number to load)	40' CONTAINER (max number to load)	40'X2 DOUBLEDECKER (w/ feeders and water units) (max number to load)
400	[~~7~~] 6.5	Stand comfortably, ensure head clearance	23	46	70
500	[~~8~~] 7.5		20	40	61
600	[~~9~~] 8.5		[~~18~~] 17	36	54
800	[~~11~~] 10.4		[~~15~~] 14	29	Over height limit
1,000	[~~14~~] 13		11	23	Over height limit
1,200	[~~15.5~~] 14.7		10	21	Over height limit
[~~1,500~~] 1400	[~~19~~] 18		8	17	Over height limit

Required Interisland Livestock Shipping Standards | Sheep/ Goats

SHIPPING METHOD	Trailers, 20' containers, 40' containers, shipping pens. Must be structurally sound and without protruding objects that could injure animals. Must have four sided forklift pockets to ensure container cannot shift or tip off the fork lift during lifting.
LEAK PROOF	All shipping trailers/containers shall be watertight up to a level of 2" minimum absorptive bedding and nonslip flooring is required.
SIDES	Sides shall be solid up to the level of the animals' backs.
WINDOWS	Escape proof. Must contain entire animal. Tall enough to be above the backs of the animals or with 3" indented bars to prevent fecal discharge.
ROOF	Must have a solid roof to protect from the sun, rain, and contain the animal entirely.
WATER	Not required for trips < 24hrs; must have some form of watering system in case of transit delay. Please bring your own water when possible.
FEED	Not required for trips < 24hrs.
SPACE	*See table.
TRAILERS DELIVERING LIVESTOCK	All livestock trailers entering into the harbor must be constructed to contain animal's fecal matter and urine. and contain bedding material.
TRANSFER AREA & STAGINGAREA	In DOT designated area only. Water should be available nearby.
TRANSFER PROCESS (TRAILERTO CONTAINER)	Trailer with slide or inward opening gate abut flush to container with slide or inward opening gates
OR TRANSFER PROCESS(DOT CHUTE)	Secure chute gates to trailer and container , if DOT chute is available. Block space between trailer back gate floor and ground.
SPILLAGE	All spillage must be cleaned up and removed from harbor. To comply with EPA, no water should be use to clean, the shipper must bring shovel, broom, etc to clean area. All shipping containers that remain in the harbor must be cleaned out and material hauled away. A fine/fee will be imposed if spillage is not cleaned.

*These space requirements only pertain to Hawaii interisland transportation and do not pertain to interstateshipping.

AVG. BODY WEIGHT (lbs)	*AREA PER ANIMAL* (ft^2)	*HEIGHT* (ALL SPECIES)	*20' CONTAINER* (max number to load)	*40' CONTAINER* (max number to load)	*40'X2 DOUBLEDECKER (w/o feeders and water units)* (max number to load)
60	[~~2.4~~] 2.2	Stand comfortably, ensure head clearance	67	[~~133~~] 137	2[~~03~~]40
80	[~~2.7~~] 2.5		59	[~~119~~] 121	[~~181~~]211
100	[~~3~~] 2.8		53	107	[~~163~~] 189
120	[~~3.6~~] 3.4		44	89	[~~136~~] 156

State of Hawaii
Department of Agriculture
Plant Industry Division
Plant Quarantine Branch
Honolulu, Hawaii

October 11, 2022

Board of Agriculture
Honolulu, Hawaii

Subject: Request for Preliminary Review and Approval of the Petition from the Hawaii Department of Land and Natural Resources, Division of Aquatic Resources, to Initiate Administrative Rule Making and Rule Amendment to Chapter 4-71, Hawaii Administrative Rules, to Place the Unlisted Northern Largemouth Bass, *Micropterus salmoides salmoides,* on the List of Restricted Animals (Part A) for ecosystem and fishery impact research for the Wahiawa Public Fishing Area.

I. Background:

On August 31, 2022, the Office of the Chairperson received a petition from the Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) requesting the Hawaii Board of Agriculture (Board) add the Northern Largemouth Bass, *Micropterus salmoides salmoides* to the List of Restricted Animals, Part A. The DLNR DAR petition is included as Appendix A.

The Northern Largemouth Bass, *Micropterus salmoides salmoides,* is currently an unlisted animal. Animals not found on any list are considered prohibited until placed on a list. Species on the List of Restricted Animals (Part A) are available for research by universities and government agencies, exhibition in municipal zoos and government-affiliated aquariums, and for other institutions for medical and scientific purposes as determined by the Board.

DLNR DAR is requesting list placement of the unlisted Northern Largemouth Bass, *Micropterus salmoides salmoides* to comply with Act 223, Session Laws of Hawaii (SLH) 2021, to establish a pilot project to enhance and support recreational fishing in the Wahiawa Public Fishing Area. A copy of Act 223, SLH 2021 is included as Attachment 1.

Provided the Board acts favorably on this petition for list placement of the Northern Largemouth Bass, *Micropterus salmoides salmoides*, it is listed in the rules after Advisory review then following Chapter 91, Hawaii Revised Statutes, rulemaking procedures, which include the public hearing process, Board adoption, and Governor's

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approval or; via the expedited amendment procedure through a Board Order, which involves an abbreviated process that is available in certain circumstances.

II. Summary of Petitioner's Proposed Additions to the List of Restricted Animals, Part A

The DLNR DAR petition is requesting the following addition to the List of Restricted Animals (Part A) in Chapter 4-71, Hawaii Administrative Rules (HAR):

§4-71-6.5, HAR, List of Restricted Animals (Part A)

Adds Scientific Name: "*Micropterus salmoides salmoides*" and Common Name "Northern Largemouth Bass".

Respectfully Submitted,

Becky Azama
Acting Manager, Plant Quarantine Branch

CONCURRED:

Helmuth Rogg

Helmuth Rogg, Ph.D.
Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:

Phyllis Shimabukuro-Geiser
Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

August 31, 2022

Hawaii Department of Agriculture
Attn: Board of Agriculture Chairperson
1428 South King Street
Honolulu, HI 96814

Subject: Petition to the Board of Agriculture to place the Northern Largemouth Bass (*Micropteris salmoides salmoides*) on the List of Restricted Animals – For Research (Chapter 71, AR-71RA) for a one-time importation to research the fishery and ecosystem impacts of introducing new largemouth bass genetics into the Wahiawa Public Fishing Area.

The Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR), is requesting a proposed rule amendment to place the Northern Largemouth Bass (*Micropteris salmoides salmoides*) on the List of Restricted Animals – For Research (Chapter 71, AR-71RA) for a one-time importation to research the fishery and ecosystem impacts of introducing new largemouth bass genetics into the Wahiawa Public Fishing Area.

DAR's interest is based on Act 223 (SLH 2021), which requires DAR to establish a pilot project to restock the Wahiawa Reservoir with northern largemouth bass and/or butterfly peacock bass to help improve the recreational fishery in the Wahiawa Public Fishing Area.

The 2021 Legislature enacted Act 223 for the purpose of restocking the Wahiawa Reservoir with new stocks of northern largemouth bass and butterfly peacock bass to refresh the genetic diversity of these populations. The Legislature found that the Board of Agriculture can allow the importation of butterfly peacock bass and establish appropriate permit conditions, since it is already on the list of conditionally approved animals and is eligible for importation. The Legislature also found that DLNR will need to request the Board of Agriculture to place the northern largemouth bass on the list of restricted animals that require a permit for both import into the State and possession, pursuant to section 150A-6.2, Hawaii Revised Statutes. The purpose of Act 223 is to establish a pilot project within DLNR to work with a public or private organization to import live northern largemouth bass and butterfly peacock bass for the purpose of enhancing and supporting the pre-existing populations for continued recreational fishing in Hawaii.

Brian Neilson, Administrator
1151 Punchbowl Street, Rm# 330
Honolulu, HI 96813
(808) 277-7677

Signature _____ Date Aug 31, 2022

David Sakoda, Fisheries Program Manager
1151 Punchbowl Street, Rm# 330
Honolulu, HI 96813
(808) 265-0629

Signature _____ Date Aug 31, 2022

Glenn Higashi, Aquatic Biologist
1151 Punchbowl Street, Rm# 330
Honolulu, HI 96813
(808) 722-7363

Signature Glenn Higashi Date Aug 31, 2022

Rodney Young, Fisheries Technician
1309 Sand Island Parkway
Honolulu, HI 96819
(808) 348-1138

Signature Rodney Young Date Aug 31, 2022

ACT 223 S.B. NO. 1313

A Bill for an Act Relating to Sport Fish.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the northern largemouth bass and butterfly peacock bass, also known as tucunare, are some of the most popular gamefish in the United States, with northern largemouth bass existing in the State's artificial reservoirs since 1896, and butterfly peacock bass existing since 1957. More than 828,000 jobs nationally are directly supported in some way by bass fishing and more than $48,000,000,000 in retail sales are directly attributed to bass fishing activities. Arkansas, Illinois, Kentucky, Michigan, Mississippi, Missouri, New Hampshire, and Vermont all recognize bass fishing as a high school sport.

The legislature further finds that based upon fishing licenses issued by the department of land and natural resources to fish for northern largemouth bass and butterfly peacock bass, bass fishing in the State is far less popular than in other states. One reason for the small number of anglers fishing for bass is the lack of a diverse population of these sport fish in Hawaii's artificial reservoirs. Restocking the reservoirs with new stocks of northern largemouth bass and butterfly peacock bass will refresh the genetic diversity of these fish populations. The legislature further finds that the board of agriculture can allow the importation of butterfly peacock bass and establish appropriate permit conditions, since it is already on the list of conditionally approved animals and is eligible for importation. The legislature also finds that the department of land and natural resources will need to request the board of agriculture to place the northern largemouth bass and butterfly peacock bass on the list of restricted animals that require a permit for both import into the State and possession, pursuant to section 150A-6.2, Hawaii Revised Statutes.

The purpose of this Act is to establish a pilot project in the department of land and natural resources to work with a public or private organization to import live northern largemouth bass and butterfly peacock bass for the purpose of enhancing and supporting the pre-existing populations for continued recreational fishing in Hawaii.

SECTION 2. No later than January 1, 2023, the division of aquatic resources of the department of land and natural resources shall establish a pilot project to restock northern largemouth bass, butterfly peacock bass, or both, in the Wahiawa public fishing area in central Oahu; provided that the board of agriculture has placed the northern largemouth bass and the butterfly peacock

bass on the list of restricted animals that require a permit for import into the State maintained pursuant to section 150A-6.2, Hawaii Revised Statutes. The division of aquatic resources shall apply to the board of agriculture for the permit to import the northern largemouth bass and butterfly peacock bass and may work with another public entity or partner with a private entity to accomplish the pilot project.

SECTION 3. This Act shall take effect on July 1, 2021.

(Approved July 6, 2021.)

State of Hawaii
Department of Agriculture
Plant Industry Division
Plant Quarantine Branch
Honolulu, Hawaii

October 11, 2022

Board of Agriculture
Honolulu, Hawaii

SUBJECT: Resubmittal of a Request to: (1) Preliminarily Review the Currently Unlisted Beetle, *Syphraea uberabensis* (Coleoptera: Chrysomelidae) for Future Placement on the List of Restricted Animals (Part A) As a Biocontrol Agent of *Tibouchina herbacea* and Other Related Species in the Family Melastomataceae, by the United States Department of Agriculture Forest Service (USDA FS);

(2) Provided the Beetle *Syphraea uberabensis* is Placed on the List of Restricted Animals (Part A), Allow the Release from Laboratory Quarantine of the beetle *Syphraea uberabensis*, by Permit, For Biocontrol of *Tibouchina herbacea* and Other Related Species in the Family Melastomataceae by USDA FS;

(3) Provided the Beetle *Syphraea uberabensis* is Placed on the List of Restricted Animals (Part A), Allow the Importation and Release of the Beetle *Syphraea uberabensis*, by Permit, For Biocontrol of *Tibouchina herbacea* and Other Related Species in the Family Melastomataceae, by the USDA FS;

(4) Provided the Beetle *Syphraea uberabensis* is Placed on the List of Restricted Animals (Part A), Establish Permit Conditions For the Importation and Release of the Beetle *Syphraea uberabensis* As a Biocontrol Agent of *Tibouchina herbacea* and Other Related Species in the Family Melastomataceae, by the USDA FS; and

(5) Provided the Beetle *Syphraea uberabensis* is Placed on the List of Restricted Animals (Part A), Authorize the Chairperson to Schedule a Public Hearing and Appoint a Hearing Officer in Connection with the Proposed Amendments to Chapter 4-71, HAR.

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I. Summary Description of the Request

PQB NOTES: *The Plant Quarantine Branch (PQB) submittal for requests for import or possession permits, as revised, distinguishes information provided by the applicant, Dr. Matthew Tracy Johnson, from procedural information and advisory comment and evaluation presented by PQB. With the exception of PQB notes, hereafter "PQB NOTES," the text shown below in section III from page 4 through page 9 of the submittal was taken directly from the applicant's application and subsequent written communications provided by the applicant. For instance, the statements on pages 6 through 8 regarding effects on the environment are the applicant's statements in response to standard PQB questions and are not PQB's statements. This approach for PQB submittals aims for greater applicant participation in presenting import requests in order to move these requests to the Board of Agriculture (Board) more quickly, while distinguishing applicant provided information from PQB information. The portion of the submittal prepared by PQB, including the procedural background, environmental assessment, advisory review, and proposed permit conditions, are identified as sections II, IV, V, and VI of the submittal, which start at pages 3, 9, 10, and 19 respectively.*

COMMODITY: Various shipments of the beetle, *Syphraea uberabensis* (Coleoptera, Chrysomelidae, Galerucinae, Alticini).

SHIPPER: M. Vitorino
Universidade Regional de Blumenau
Rua Antonio da Veiga, 140 89012-570 Blumenau
Santa Catarina, Brazil

IMPORTER: Dr. Matthew Tracy Johnson
USDA Forest Service
Hawaii Volcanoes National Park Quarantine Facility
Kilauea Research Station, Building 34
Volcano, HI 96718

CATEGORY: *Syphraea uberabensis* is currently an unlisted animal. Animals not found on any list are considered prohibited until placed on a list. Additionally, Chapter 4-71, Hawaii Administrative Rules (HAR), allows importation of unlisted animals into Hawaii under special permit for the purpose of remediating medical emergencies or ecological disasters, or conducting scientific research that is not detrimental to agriculture, the environment, or humans by special permit, on a case-by-case basis, as approved by the Board.

PQB NOTES: *The applicant is requesting that the Board place Syphraea uberabensis on the List of Restricted Animals (Part A) for import and release for biological control of Tibouchina herbacea and other related weed species in the family Melastomataceae.*

Syphraea uberabensis was originally brought into the Hawaii Volcanoes National Park Quarantine Facility from Brazil in July 2005 for biocontrol research and host range testing. The applicant is not currently requesting a special permit at this time.

In January 2020, a draft environmental assessment was submitted to the Office of Environmental Quality Control (OEQC) with an Anticipated Finding of No Significant Impact. The draft was published in OEQC's Environmental Notice on January 23, 2020 (See Attachment 2).

II. Procedural Background

USDA FS has requested that one of the lists in Chapter 4-71, Hawaii Administrative Rules (HAR), be amended to include the beetle, *Syphraea uberabensis*. The species may be placed on the List of Conditionally Approved Animals, List of Restricted Animals (Part A or B), or the Prohibited List. Species on the Restricted and Conditionally Approved Lists may enter the State of Hawaii under permits with conditions approved by the Board. Until placement on a list, species are considered prohibited except as provided by Section 150A-6.2(c), Hawaii Revised Statutes (HRS).

Species on the List of Restricted Animals (Part A) are available for research by universities and government agencies, exhibition in municipal zoos and government-affiliated aquariums, and for other institutions for medical and scientific purposes as determined by the Board. All species listed for import require a permit for entry into the State. Based on the Board's decision, species preliminarily reviewed for future list placement on a specific list will be compiled in-house for a future rule amendment. The Board's action to preliminarily place a species on a list has no legal effect until the rule has been changed. This procedure is solely for administrative ease in preparation for amendments to the various lists.

Provided the Board acts favorably on this request for future list placement, at a future date, the proposed amendments will be brought to the Board for preliminary approval to go to public hearings. A species is listed in the rules only after: (1) following Chapter 91, HRS, rulemaking procedures, which include the public hearing process, Board adoption, and Governor's approval: or (2) alternatively, the expedited amendment procedure through Board orders, which involves an abbreviated process available in certain circumstances. Generally speaking, once a species has been placed on a respective list, it is eligible for import and/or possession. PQB can then process a permit application by having the Board approve the future importation and establishment of appropriate permit conditions for the organism and proposed purpose.

III. Information Provided by the Applicant in Support of the Application

PURPOSE:

Syphraea uberabensis, a small beetle native to Brazil, has been selected and evaluated as a new biological control for managing invasive melastome weeds in Hawaii. It is a narrowly host-specific leaf-feeding beetle intended for statewide field release to cause suppression of non-native plants in the genera of *Tibouchina*, *Melastoma* (designated as noxious weeds), and *Pterolepis*. The beetle is expected to cause severe defoliation of targeted weeds, without affecting any native or otherwise valued plants. Suppression of these weeds will benefit forest watersheds statewide.

DISCUSSION:

1. Person Responsible:

Dr. Matthew Tracy Johnson, Institute of Pacific Island Forestry, USDA FS, Pacific Southwest Research Station, Mailing address: P.O. Box 236, Volcano, HI 96785

2. Safeguard Facility and Practices:

Initial quarantine will be at USDA Forest Service, Hawaii Volcanoes National Park Quarantine Facility, Kilauea Research Station, Bldg. 34. The *Syphraea uberabensis* colony will originate from insects collected from southern Brazil and shipped under USDA Plant Protection and Quarantine permit P526P-20-02009 to the Volcano quarantine, for rearing and screening to eliminate associated natural enemies. Tracy Johnson will positively identify the insects and determine them to be free of natural enemies in preparation for release.

3. Method of Disposition:

Any unused material will be autoclaved within the quarantine facility. Roughly 30 insects at a time will be removed from quarantine as newly pupated adult beetles, independent of host plant material and other potential contaminants. Adults will be used to establish colonies reared in petri dishes at USDA and Hawaii Department of Agriculture insectaries in Volcano, Hilo, and Honolulu. Offspring from rearing colonies will be used for environmental releases at selected locations statewide.

4. Abstract of Organism:

Syphraea uberabensis is a small beetle that has been evaluated in its native Brazil between 1993 and 2009 and in containment in Hawaii between 2005 and 2015.

Adults and larvae feed externally on foliage and soft stems of *Tibouchina herbacea*, causing enough damage to kill small plants. *Syphraea uberabensis* is host specific to a subset of species within the melastome family, which contains no native taxa in Hawaii.

Taxonomy:
Syphraea uberabensis Bechyné is a flea beetle, classified under the tribe Alticini and the leaf beetle family Chrysomelidae. Flea beetles are similar to other leaf beetles but are characterized by having enlarged hind legs, which afford them the ability to leap/spring when disturbed, hence the common name. Flea beetles are herbivores that feed on various parts of the plant; some flea beetle species are important agricultural pests. They do not bite humans or animals. The genus *Syphraea* Baly (1876) includes more than 100 species and is found throughout South and Central America (Scherer 1983).

Description of Adults:
Body elongated, slightly broader posteriorly; robust legs; thorax, abdomen, legs and antennae covered with fine short hairs; coloration deep metallic blue, females 3.3 mm and males 3.0 mm in length, on average (Souder 2008).

Description of Larvae:
Mature larva. Length: 4.4–6.30 mm; width of pronotum: 0.75–1.41 mm. Eruciform, general integument cream/yellowish with brown head; antennae, maxillae and legs partially membranous; thorax and abdomen with setous sclerotized plates or setous sclerotized tubercles, brown or yellowish-brown, clearer to apex direction; ventral tubercles clearer than dorsal. Segments separated by transverse grooves forming plicae. Setae club-like, whitish, wide with widened apex; ventral setae narrower than dorsal (Casari and Teixeira 2011).

Distribution:
Syphraea uberabensis is native to southern Brazil. The distributional range of the species is not well studied.

Life History:
A life history study conducted in the quarantine facility in Hawaii showed that *S. uberabensis* reared on *T. herbacea* had an adult life span ranging from 2 to 127 days and averaged 78.2 days. *Syphraea uberabensis* samples of the quarantine colony had a sex ratio close to 1:1. Males and females developed and emerged at similar rates (Souder 2008).

Survival and development of *S. uberabensis* was evaluated in the laboratory at five constant temperatures ranging from 12 to 28 °C. No egg or larval development occurred below 16 °C. Complete development to adulthood was only seen at 20 and 24°C. Mean time for development from egg to adult was 50.5 days at 20°C and 31.5 days at 24°C, fitting the expected pattern for insects in general: faster development at increasing temperatures. Although development was slightly faster

at 28°C than at 24°C, beetle survivorship was reduced and no adults developed at 28°C. Reduced development and increased mortality of beetle larvae at 16 and 28°C is an indication that the minimum and maximum temperature thresholds were being approached (Souder 2008).

Habitat/Ecology:
Syphraea uberabensis is tolerant of cool and moderate temperatures and is not expected to be restricted in range by temperatures in Hawai'i, except perhaps in exceptionally warm habitats (Souder 2008). However, the potential of *S. uberabensis* as a biological control could be limited by humidity at the microhabitat level. In Brazil, *S. uberabensis* is found with its melastome hosts in boggy soils, similar to the areas where Tibouchina and Pterolepis thrive in Hawaii. On the other hand, Melastoma in Hawai'i can grow in relatively drier areas, such as young lava flows. *S. uberabensis* could be less effective against Melastoma in the drier parts of its range, because its externally feeding larvae appear to be susceptible to drying out (Raboin et al. 2009).

Natural Enemy:
There is very little information regarding the natural enemies of *S. uberabensis*. Two unidentified generalist Hemipterans were observed attacking the adult insects in its native range (Wikler and Souza 2008). Under laboratory conditions, larvae and pupae were reported to succumb to a ubiquitous entomopathogenic fungus, *Beauveria bassiana*.

Effect on Target Weed:
Syphraea uberabensis was selected to be used in the control of *T. herbacea* due [to] the extensive damage it caused to the target plant in Brazil. Both larvae and adults feed on the leaves as well as the soft exterior of young stems. *Tibouchina herbacea* demonstrated little regenerating capacity after attack of *S. uberabensis*, drying after a period of 2 weeks of insect feeding, both in the field and in the laboratory. The leaves were skeletonized, leaving only the stem and vein structures. Plant growth was reduced, and flowering and consequently seed production were prevented (Wikler and Souza 2008).

5. Potential Effects on the Environment and Health:

Specificity tests indicated the host range of *Syphraea uberabensis* is restricted to a few melastome species, all non-native and considered invasive in Hawaii. The results of no-choice starvation tests and multi-choice testing consistently identified the potential Hawaiian hosts as: *Tibouchina herbacea, Tibouchina longifolia, Pterolepis glomerata, Melastoma septemnervium* and *Melastoma sanguineum*.

Potential host preferences were evaluated on a total of 58 plant species in 30 families. Test plants were selected based on the centrifugal phylogenetic method proposed by Wapshere (1974). The test list included six plant species requested

by the U.S. Fish and Wildlife Service because of their ecological importance, as well as a variety of species with economic significance in Hawaii (see attached host specificity results for plant species lists and more information).

Testing revealed *Syphraea uberabensis* to be narrowly host-specific within the family Melastomataceae and able to complete development on only the five plant species listed above. Larvae and naïve adults showed a somewhat broader range of feeding compared to mature adults in tests lasting a few days, however low levels of feeding outside the normal host range is a common result of no-choice tests, in which insects are unable to seek out preferred hosts (Heard 2002). Longer test periods demonstrated that only a few melastome species support survival to maturity and oviposition. Choice tests demonstrated the same few melastome species to be highly preferred over other related plants.

The preferred melastome hosts of *S. uberabensis* are all considered serious weeds in Hawaii (HDOA 1992, Jacobi and Warshauer 1992, Almasi 2000, Motooka et al. 2003). Of these plants, *T. longifolia* has the most limited distribution and appears least likely to have significant ecological interaction with the potential biocontrol agent. If *T. herbacea* and *M. septemnervium* can maintain substantial populations of *S. uberabensis*, these might help suppress *T. longifolia* and prevent it from spreading. The species *T. herbacea* and *M. septemnervium* overlap geographically across large areas, which could facilitate establishment and impacts of *S. uberabensis* generally. *M. sanguineum* is ecologically similar to *M. sanguineum* but less widely distributed. Impacts of biocontrol by *S. uberabensis* would likely be swifter and more severe on *T. herbacea* than *M. septemnervium* and *M. sanguineum*, which grow to large woody shrubs. Increased herbivory of *M. septemnervium*, which has been targeted but not adequately impacted by past introductions of other biocontrols (Conant et al. 2013), would have potential benefit to extensive forest watersheds in Hawaii (Jacobi and Warshauer 1992). The final host, *P. glomerata*, is a less prominent invader but broadly distributed in wet forests and pastures, including mountain areas on the island of Oahu where it has limited overlap with the other melastome hosts. Although *P. glomerata* appears to be equally suitable as a host for *S. uberabensis*, longer development times on this plant might delay the impacts of biocontrol (Souder 2008).

S. uberabensis is tolerant of cool and moderate temperatures and is not expected to be restricted in range by temperatures in Hawaii, except perhaps in exceptionally warm habitats (Souder 2008). However, the potential of *S. uberabensis* as a biological control could be limited by humidity at the microhabitat level. In Brazil, *Syphraea* is found with its melastome hosts in boggy soils, similar to the areas where *Tibouchina* and *Pterolepis* thrive in Hawaii, so these hosts should be highly susceptible. On the other hand, *Melastoma* in Hawaii can grow in relatively drier areas – such as young lava flows. *S. uberabensis* could be less effective against *Melastoma* in drier habitats, because its eggs and larvae appear to be susceptible to drying when humidity is not high.

In conclusion, our testing indicates that *S. uberabensis* is narrowly host specific and will not feed or survive on any native or otherwise important plants in Hawaii. Given that Melastomataceae are entirely alien to Hawaii, and the host range of *S. uberabensis* includes only five weedy melastome species here, this flea beetle appears to hold great potential benefit and minimal environmental risk as a future biological control agent.

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IV. Environmental Assessment (EA):

Pursuant to a May 2008 Hawai'i Intermediate Court of Appeals decision ('Ohana Pale Ke Ao v. Board of Agriculture, 118 Haw. 247 (Haw. App. 2008), the Department of Agriculture's (Department's) import permit process is subject to the requirements of the Hawai'i Environmental Protection Act, chapter 343, Hawai'i Revised Statutes (HRS). Under this decision, the requirement for an EA as a condition of the import permit or related authorization applies in those circumstances where the underlying permit activity for the importation initiates a "program or project" and where the use of state or county funds or state or county lands is involved. When those circumstances are present, as they appear to be when a new organism is used in a new program or project located at a facility located at the University of Hawaii (state lands), an EA is required to determine whether the proposed project or program is likely to have a significant impact on the environment. However, certain activities may be eligible for "exemption" under provisions established through the Environmental Advisory Council, provided that the project or program is determined to have little or no impact on the environment.

Analysis of Application re EA: Under the above-cited court decision, the EA requirement is triggered under certain circumstances, including when an applicant proposes an action on state lands that requires agency approval and is not specifically exempted under Chapter 343, HRS. That is the case here. The applicant's request in this instance involves the field-release of *Syphraea uberabensis* for research and biocontrol of *Tibouchina herbacea* and related species in the family Melastomaceae in the environment. So, agency approval is required for the applicant's proposed action/activity on state lands or sensitive habitats. As PQB understands the court's analysis in the 'Ohana Pale decision, the activity proposed under this permit application would initiate a project that may use state lands and/or sensitive habitats, initially triggering the EA requirement.

Dr. Johnson submitted a Draft EA prepared by the Hawaii Department of Land and Natural Resources (DLNR) with an Anticipated Finding of No Significant Impact, published in the Office of Environmental Quality Control's Environmental Notice on January 23, 2020. The final EA with a Finding of No Significant Impact (FONSI) was published in the Environmental notice on September 23, 2022 (Attachment 2) and a

transmittal letter of the FONSI from DLNR to the Environmental Review Program (formerly the Office of Environmental Quality Control) has also been submitted (Attachment 3).

V. Advisory Review

ADVISORY SUBCOMMITTEE REVIEW: This request was submitted to the Advisory Subcommittee on Entomology for its review and recommendation. Advisory Subcommittee recommendations and comments are as follows:

1. **I recommend Approval ___/___Disapproval of future placement of the unlisted beetle, *Syphraea uberabensis* (Coleoptera: Chrysomelidae) on the List of Restricted Animals (Part A) as a biocontrol agent for the noxious weed *Tibouchina herbacea* and related weed species in the family Melastomataceae.**

   Dr. Peter Follett: Recommends Approval

   Comments: This flea beetle is highly specific to several melastomes, all of which are invasive and weedy, and should pose no risk to the environment if released. The benefits of release may be significant if the target weed and relatives are controlled or suppressed. The risk of nontarget or negative environmental effects is negligible.

   Dr. Daniel Rubinoff: Recommends Approval

   Comments: This is a badly needed biocontrol agent that has been well researched and poses no threat to Hawaiian ecosystems and agriculture.

   Mr. Darcy Oishi: Recommends Approval

   Comments: For full disclosure, the *Syphraea* project is a partner project of the Plant Pest Control Branch (PPC) and the US Forest Service (FS) per the existing MOU between the two agencies. As such, comments to the subcommittee, advisory committee on plants and animals and the Board of Agriculture by myself or the entomologists of PPC should be viewed as full partners of the project.

   I recommend approval for future placement of *Syphraea uberabensis* on the List if Restricted Animals part A. Evaluations done in the native range and in containment by the USDA FS indicate placement on the restricted list is prudent and will be a welcome tool in the management of Melastomes in Hawaii.

   Dr. Mark Wright: Recommends Approval

Dr. Jesse Eiben: Recommends Approval

Comments: Listing the taxon for restricted importation is the appropriate action to ensure no subsequent possibly contaminated new individuals of this species are imported.

Dr. Francis Howarth: No Response

2. **I Agree___/___Disagree that the release of *Syphraea uberabensis* as a biocontrol agent of *Tibouchina herbacea* and related weed species in the family Melastomataceae by the USDA FS poses no significant negative impact on the environment.**

Dr. Peter Follett: Agrees

Comments: This flea beetle is highly specific to several melastomes, all of which are invasive and weedy, and should pose no risk to the environment if released. The benefits of release may be significant if the target weed and relatives are controlled or suppressed. Overall, this is a good piece of research.

Dr. Daniel Rubinoff: Agrees

Comments: This is a very good bet to at least help limit the spread of some serious weeds at very little risk.

Mr. Darcy Oishi: Agrees

Comments: After reviewing the documentation supplied by the applicant, there is no significant concerns with the statewide release of this organism.

Dr. Mark Wright: Agrees

Comments: Convincing data indicates extremely narrow host range is presented.

Dr. Jesse Eiben: Agrees

Commenrts: Host specificity tests were appropriate. Attack of Melastome plants is an ecological benefit.

Dr. Francis Howarth: No Response

3. **Provided *Syphraea uberabensis* is placed on the List of Restricted Animals (Part A), I recommend Approval___/___Disapproval to Allow the importation and release of *Syphraea uberabensis*, by permit, for biological control of *Tibouchina herbacea* and related weed species in the family Melastomataceae by USDA FS.**

Dr. Peter Follett: Recommends Approval

Comments: It should be made clear if new beetles will be imported or if the releases will be existing beetles used in host specificity testing. In the latter case, beetles will have passed through more than two genereations and should have no contaminants.

***PQB Note*:** Permit condition #5 addresses Dr. Follett's concern.

Dr. Daniel Rubinoff: Recommends Approval

Comments: As long as imported material is confirmed to be free of parasitoids and other organisms, the importation of additional *Syphraea uberabensis* material would be important to ensure adequate genetic diversity in the biocontrol agent.

Mr. Darcy Oishi: Recommends Approval

Comments: As a partner project, I recommend this species for importation and release. Dr. Johnson has a well-established track record for the prudent and careful evaluation of insects for release as a potential biocontrol agent. Exploration by PPC Staff identified this species as a viable agent for the control of *Tibouchina*. Non-target testing and evaluation is well thought out and considered and is comprehensive in nature. I similarly concur that it is unlikely that unanticipated non-target impacts will occur with this species. As such I recommend approval for importation and release.

Dr. Mark Wright: Recommends Approval

Comments: This insect appears to be a host-specific natural enemy of a significant invasive plant species.

Dr. Jesse Eiben: Recommends Approval

Dr. Francis Howarth: No Response

4. **Provided *Syphraea uberabensis* is placed on the List of Restricted Animals (Part A), I recommend Approval___/___Disapproval to establish permit conditions for the import and release of *Syphraea uberabensis* as a**

biocontrol agent of *Tibouchina herbacea* and related weed species by USDA FS.

Dr. Peter Follett: Recommends Approval

Comments: The researchers should be encouraged to write up the host range testing data and submit to a scientific journal for peer-review. Souder (2008) is a Master's thesis from UH but otherwise unpublished; likewise Raboin (2009) is unpublished. USFS (2013) is unpublished. Reviewers with weed biocontrol expertise may see ways to improve the methodology, host list, and discussion of the literature. For example, a reference should be provided for the Centrifugal Phylogenetic Method. Certain ecological aspects are not discussed such as the seed bank, e.g. how long are the target's seeds viable in the soil. This may directly impact the overall success of the biocontrol agent. Does the target weed exhibit compensatory growth after feeding by the flea beetle? Etc. These are the types of comments that might surface during peer-review.

> Dr. Johnson's Response: I intend to publish these *Syphraea* studies in the scientific literature. Regarding Dr. Follett's question about how long *T. herbacea* seeds are viable in soil, I don't know of any studies on seed longevity of *T. herbacea* or its close relatives. There has also not been any extended studies of impacts of *Syphraea uberabensis* herbivory on whole plants. Only a brief study with caged plants lasting a few weeks showing that severe defoliation is possible. Given that a mature plant typically dies back to near the ground in an annual cycle (especially in the native range), addressing compensatory growth experimentally is very challenging. Since the plant is adapted for annual regrowth, we can expect that long term suppression by biocontrol will depend on repeated severe defoliations year after year.

Dr. Daniel Rubinoff: Recommends Approval.

Comments: The research on this agent has been long and thorough and it's ready to be released.

Mr. Darcy Oishi: Recommends Approval

Comments: The permit conditions presented here are consistent with permit conditions for a restricted article that is being imported and shipped from a source outside of Hawaii not with how biological control agents for classical biological control exist within the quarantine framework of Hawaii. Per 150A-5.5(b), addresses what constitutes importation. The language states that importation of "articles quarantined in the biocontrol containment facilities of the department or of other government agencies engaged in joint projects… may be released upon issuance of a permit approved by the board." This statement

therefore states IMPORTATION occurs when articles are removed from the biocontrol containment facilities with a permit from the Board of Agriculture. As such, this creates a conflict with permit condition 5 which states screening will occur after importation. This means the insect will be outside of the bounds of the containment facility therefore negating the protection these facilities inherently offer to prevent unintentional impacts. This permit condition should be changed and reflect the need for screening prior to importation or release from the containment facility. Suggested language is "Upon entry into the state, the restricted article(s) shall be screened for other species, predators, parasites, parasitoids, or hyperparasitoids for a minimum of two generations in the USDA approved Insect Containment Facility, USDA FS, Hawaii Volcanoes National Park Quarantine Facility, Kilauea Research Station, Building 34, Volcano, HI 96718 prior to release from containment. A report shall be submitted to PQB detailing the discovery of any organisms found other than the restricted article(s)" Note: as written, this will only allow screening to occur at the Volcano facility and does not include the potential to use the King St. Facility for screening and ultimately release.

Similarly, permit condition 11 is fraught with issues. HRS §150A-5(10) refers to specific ports by which entry into the state can be made. From a regulatory standpoint, biological control agents are inspected by APHIS PPQ as the first port of entry in the United States. Material is inspected by USDA at a Plant Inspection Station under a permit. For Hawaii, this port of entry is at the Port of Honolulu. There can be exceptions if the first port of US entry is NOT Honolulu. However, permit condition 11 requires importation to be the port of Honolulu. Entrance into the state and importation are two separate issues. Importation of a biocontrol agent could be removal from an approved containment facility or importation of material from other sources under permit which would mean importation and entrance would be the same. Limiting importation to the port of Honolulu creates a situation that is impractical and does not reflect reality. Requiring all shipments to ENTER through the port of Honolulu is do-able. The permit condition should be reframed to state: "All parcels containing the restricted article(s) shall be subject to inspection by the PQB prior to entering the State. Entry should be through the port of Honolulu as designated by the Board. Entry into Hawaii through another port is prohibited". This permit condition should also be listed as permit condition 5 as entrance occurs prior to importation and release.

PQB NOTE: *PQB has consulted with legal counsel and it has been determined there is no requirement for Syphraea uberabensis to be transported back to Honolulu after the issuance of a permit if the Board so approves.*

Permit condition #11 has been amended to comply with Chap. 150A-5.5(b).

Dr. Mark Wright: Recommends Approval

Comments: As indicated above, I believe the petitioner has provided convincing evidence that *Syphraea uberabensis* does not pose threats to native Hawaiian plant species and shows promise a biological control agent of *T. herbacea*.

Dr. Jesse Eiben: Recommends Approval

Comments: As always, it is nice to see the specimens imported will be reared for potential parasitoids or other natural enemies before release from the lab colonies.

Dr. Francis Howarth: No Response

ADVISORY COMMITTEE REVIEW: This request was submitted to the Advisory Committee on Plants and Animals (Advisory Committee) at its meeting on May 20, 2022, held online via Zoom.

PQB Entomologist Christopher Kishimoto provided a synopsis of the request.

Chairperson Darcy Oishi said he would like to recuse himself from voting noting he was notified that he would be serving as the Chairperson of this meeting after he provided commentary as a member of the Advisory Subcommittee on Entomology. Chairperson Oishi noted the Plant Pest Control Branch (PPC) normally **does not** comment on biocontrol submittals from the U.S. Department of Agriculture Forest Service (USDA FS) as this proposal is deemed as a partner project as it relates to an existing MOU between the USDA FS and HDOA.

Committee member Ken Matsui expressed concern that he may have to recuse himself. He said he presented his situation to the ethics commission, and Keith Campbell said that he probably did not need to recuse himself. He said his basis for concern is that this beetle attacks the leaves of the Catappa plant (*Terminalia catappa*). He said the Catappa plant is found around Oahu especially Waimanalo, noting it surrounds the baseball field at the Waimanalo Park. He said it is in his friend's yard along the ocean in Waimanalo and this tree protects her yard from being consumed by the ocean. Mr. Matsui also said that he uses the Catappa leaves as a water conditioner for aquarium fish.

Chairperson Oishi asked for a motion.

Committee member Robert Hauff wanted to ask a couple of questions to PQB and the applicant. Mr. Hauff asked about the requirement in permit condition 5 to rear *Syphraea uberabensis* out two generations. He wanted to know if it is a standard

condition or is it being applied to this specific organism because of its biology. Mr. Kishimoto said it is a standard condition with biocontrol agents that go into quarantine, but it could also vary on the biology of the organism. He said close attention is paid to an organism's life cycle and PQB will try to alter that permit condition if required.

Committee member Hauff had a question about permit condition 1 with the intention that this project will eventually be implemented statewide. He didn't know how well this organism is going to disburse on its own and there will likely need additional efforts made to ensure it hits populations of all the target species. Mr. Hauff was concerned the way permit condition 1 was written, it sounded like the applicant would have to do all those releases and they would not be able to hand it off to partners. He said it's clear the initial releases will be conducted by Dr. Johnson, but as it becomes operational and could be used as a management tool, what does an agency like DLNR, or a partner, or non-partner that might want to help to control a target weed need to do to be able to acquire the agent and release it?

Mr. Kishimoto said for permit condition 1, because HDOA is a partner agency and also has a quarantine facility of their own in Honolulu, they can help with the release. Regarding transfers to other partners like DLNR or non-government agencies, we might have to ask our DAG for clarification as it wasn't requested in this permit request. He said maybe it is something that we can try and address before it gets to the Board. Mr. Hauff stated he was thinking about the long-term implementation – what will be done if this passes and with the board approval.

Mr. Kishimoto said in the future, once the existing population is at a level where it can be field collected, then partner agencies outside of USDA FS and HDOA wouldn't be prohibited from collecting and redistributing *Syphraea uberabensis* throughout the state. He said HDOA has facilities statewide on all the islands and initial releases can be done by HDOA staff.

Committee member Thomas Eisen said the condition says that the transfer can be approved by the Board, so the Board would need to allow for it either at a future point or maybe as part of the current review to factor in the transition to allow the transfer of *Syphraea uberabensis* to other entities for release. Chairperson Oishi said the permit application is for the actual release into the environment and those releases will be conducted both by the USDA FS and HDOA PPC. He said the intent of the application is for field release into the natural environment and the permit is only governing the activities up until establishment. He noted this is the traditional interpretation of this permit condition for our prior biocontrol releases.

Committee member Matsui asked, once it becomes established, would it be considered on the conditionally approved list? Mr. Kishimoto said it will always be on the restricted list. Chairperson Oishi said restricted list placement means any new attempts to import this species would trigger this review process and ensures that not anyone can import

this. Mr. Matsui asked if he picked a leaf that has a beetle on it could he not use that leaf or would he have to leave it as it is? Chairperson Oishi said once it is considered established, it can be moved around. PQB Inspection and Compliance Section Chief Mr. Jonathan Ho said Mr. Kishimoto is correct that placement of *Syphraea uberabensis* will be for the Restricted A list and the intent is for release and once established it is still on the Restricted A list. Placement on the restricted list prohibits individual possession, however PQB does not take action against possession of organisms that are established and widespread. He said the intent is to manage things that are controllable, with the focus on introduction and spread. This process is controlling how that it is being done. Committee member Hauff said that was helpful.

Mr. Ho noted that Mr. Matsui may have been disconnected. Mr. Ho commented that the high restriction level of *Syphraea uberabensis* is placed to manage risk and distribution to agencies whose mission is to do that field release work. He said once establishment occurs and the organism is widespread, then additional agencies are free to do what needs to be done.

Chairperson Oishi asked if the permit condition also relates to what Dr. Johnson can do with it prior to establishment, which is he cannot give it or transfer it or conduct any of these activities without express permission from the Board of Agriculture? Mr. Ho agreed.

Chairperson Oishi asked if there were any other questions?

Mr. Hauff indicated he wanted to ask questions of the applicant, Dr. Tracy Johnson. Dr. Johnson introduced himself to the Committee members.

Committee member Hauff asked Dr. Johnson if he felt the permit conditions were workable for implementing the project as they sounded like reasonable precautions to take but he wanted to make sure if this project is able to be implemented. Dr. Johnson noted that they were rearing a couple of generations and that there were corrections on whether it needed to go through Honolulu or not. He said he didn't think he had any problems with the permit conditions PQB had created.

Dr. Johnson commented on Mr. Matsui's comments about Catappa. He said Catappa is a common coastal tree and is not a viable host plant for *Syphraea uberabensis*. He said in the testing there was some really minor feeding and when he put the insects on the plants for an extended period without offering them anything else to eat, they can't survive.

Chairperson Oishi asked for additional questions from the committee for the applicant or PQB. He noted that Mr. Matsui returned and asked him if he had additional questions.

Committee member Matsui asked to what extent will the leaves of the Catappa tree plant be removed by the beetle. Dr. Johnson replied his expectation is zero removal of any leaf material by this insect on Catappa. Mr. Matsui asked why the report showed

that the beetle damaged leaves. Dr. Johnson said the report shows when you put insects in a small cage or container with a variety of different plants, sometimes the insects will take a bite to figure out if they can eat it, so you get a little leaf damage but that's common in this kind of testing. Dr. Johnson said the damage isn't sustained because the insects don't recognize the plant as one they can eat and they don't survive on it to be able to live a long time and reproduce.

Committee member Matsui asked to what extent will the Catappa plant be decimated by their absence of leaves because the beetles are eating them. Dr. Johnson responded that basically the beetles are not going to eat the Catappa at all. Mr. Matsui said that is not what the research showed.

Chairperson Oishi explained that this type of testing is called a no choice test which basically determines will an insect feed and survive on a particular plant, or will it die. He said in some of these tests, sometimes the organisms will taste the leaves, that counts as feeding damage, but it's not impacting the plant and the insect will not actually carry out its life cycle. He noted in the natural environment, *Syphraea uberabensis* would be laying its eggs on proper hosts, not necessarily Catappa Mr. Hauff noted the range of Catappa and the target host plants do not overlap so you are not going to find these plants together, anyway.

Chairperson Oishi asked if there are any other question and concerns. Hearing none, asked if anyone would make a motion. Committee member Hauff made a motion to recommend that the Board approval of all parts of USDA FS's request. Committee member Haws seconded the motion.

Chairperson Oishi asked for any comments or questions from the public. Ms. Christy Martin, representing the Coordinating Group on Alien Pest Species, said she is in strong support of this proposal. She said Dr. Johnson's work has been stellar and his work and tests over the past several years show no non-target impacts from the release of *Syphraea uberabensis*. She said that *Tibouchina* and other host species will continue to exist in the forest but at a lower and less vigorous level. This would give our native species some chance to compete. She urged the Committee to approve this request.

Chairperson Oishi asked for any other public testimony or further discussion by the Committee. Hearing none, he called for a vote. He reiterated that he would be abstaining from the vote.

Vote: 5 approvals, with 1 abstention (Oishi)

Motion Carries.

VI. Proposed Permit Conditions

1. The restricted article(s), *Syphraea uberabensis*, which includes progeny, shall be used for field release and research, a purpose approved by the Board of Agriculture (Board), and shall not be sold, given away, or transferred in Hawaii, except as approved by the Board.

2. The permittee, Dr. Matthew Tracy Johnson, U.S. Department of Agriculture (USDA) Forest Service (FS), Hawaii Volcanoes National Park Quarantine Facility, Kilauea Research Station, Building 34, Volcano, HI 96718, shall be responsible and accountable for all restricted article(s) imported, from the time of their arrival until their final disposition.

3. The restricted article(s) shall be safeguarded and maintained at the USDA approved Insect Containment Facility, USDA FS, Hawaii Volcanoes National Park Quarantine Facility, Kilauea Research Station, Building 34, Volcano, HI 96718 or the Hawaii Department of Agriculture Plant Pest Control Branch Containment Facility, 1428 South King Street, Honolulu, Hawaii 96814, sites approved by the Plant Quarantine Branch (PQB), by trained or certified personnel designated by the permittee.

4. Upon request by the PQB, the permittee shall submit samples of the restricted article(s) prior to importation to the PQB.

5. Upon entry into a PQB approved containment facility, the restricted article(s) shall be screened for other species, predators, parasites, parasitoids or hyperparasitoids for a minimum of two generations in the USDA approved Insect Containment Facility, USDA FS, Hawaii Volcanoes National Park Quarantine Facility, Kilauea Research Station, Building 34, Volcano, HI 96718 or the Hawaii Department of Agriculture Plant Pest Control Branch Containment Facility, 1428 South King Street, Honolulu, Hawaii 96814. A report shall be submitted to PQB detailing the discovery of any organisms found other than the restricted article(s).

6. In the event the restricted article(s) become parasitized or infected by disease, the permittee shall:

   a. Destroy the entire lot of the restricted article(s) by freezing;

   b. Autoclave all insects, dietary and oviposition media; and

   c. Subject all used cages and equipment to autoclaving or treatment with a bleach solution containing at least 0.5% sodium hypochlorite concentration.

7. At least 48 hours prior to shipping any parcel containing the restricted article(s), the permittee shall notify the PQB Chief in writing and provide the following information:

   a. Expected arrival date;

   b. Waybill, bill of lading, and/or tracking number;

   c. Name and address of the shipper;

   d. Name and address of the importer or importer's agent in the State of Hawaii;

   e. Number of packages;

   f. Description of contents of each package (including scientific name); and

   g. Port of entry into the State.

8. At least four sides of all parcels containing the restricted article(s) imported into the State shall be clearly and legibly marked: "**This parcel may be opened and delayed for agricultural inspection in Hawaii**" in 2-inch minimum sized font.

9. The restricted article(s) shall be shipped in sturdy PQB-approved containers designed to be escape-proof and leak-proof.

10. Each shipment of the restricted article(s) shall be accompanied by a complete copy of the PQB permit for the restricted article(s) and an invoice, packing list or other similar PQB-approved document listing the scientific and common names of the restricted article(s), the quantity of the restricted article(s), the shipper, and the permittee(s) for the restricted article(s).

11. All parcels containing the restricted article(s) shall be subject to inspection by the PQB prior to entering the State and shall be imported through the port of Honolulu except as designated by the Board. Entry into Hawaii through another port is prohibited unless designated by the Board.

12. The approved site, restricted article(s), progeny, records, and any other document pertaining to the restricted article(s) and progeny under this permit, may be subject to post-entry inspections by the HDOA, PQB. The permittee shall make the site, restricted article(s), progeny, and records pertaining to the restricted article(s) available for inspection upon request by a PQB inspector.

13. It is the responsibility of the permittee to comply with any applicable requirements of municipal, state, or federal law pertaining to the restricted article(s).

14. The permittee shall submit to the PQB Chief a copy of all valid licenses, permits, certificates or their equivalent required for the restricted article(s) or for their import, possession, movement, or transfer. The permit issued by the PQB Chief may be cancelled upon revocation, suspension, or termination of any of the aforementioned documents.

15. The permittee shall submit an annual report to the PQB no later than January 31st of the following year, of the results of post release monitoring programs, and shall include the following:

    a. Amount of the restricted article(s) released and number of releases for the year;

    b. Establishment and current field populations of the restricted article(s);

    c. Effect of the restricted article(s)on *Tibouchina herbacea* and other species in the family Melastomataceae; and

    d. Effect of the restricted article(s) on native plant and animal species.

16. The permittee shall adhere to the use, facility, equipment, procedures, and safeguards described in the permit application, and as approved by the Board and the PQB Chief.

17. The permittee shall have a biosecurity manual available for review and approval by the PQB, at the time of the initial site inspection and any subsequent post-entry inspection(s), which identifies the practices and procedures to be adhered to by the permittee to minimize or eliminate the risk of theft, escape, or accidental release of the restricted article(s), including the risk of introduction and spread of diseases and pests associated with the restricted article(s) to the environment. The permittee shall adhere to all practices and procedures as stated in this biosecurity manual.

18. The permittee shall immediately notify the PQB Chief verbally and in writing under the following circumstances:

    a. If any escape, theft, accidental release, parasitoid, hyperparasitoid, or other pest or disease outbreaks involving the restricted article(s) under this permit occurs.

    b. Prior to any changes to the approved site, facility and/or procedures regarding the restricted article(s) being made, the permittee shall also submit a written report documenting the specific changes to the PQB Chief for approval.

c. If a shipment of the restricted article(s) is delivered to the permittee without a PQB "Passed" stamp, tag or label affixed to the article, container, or delivery order that indicates that the shipment has passed inspection and is allowed entry into the State, then the permittee shall not open or tamper with the shipment and shall secure, as evidence, all restricted article(s), shipping container(s), shipping document(s) and packing material(s) for PQB inspection.

d. If the permittee will no longer import or possess the restricted article(s) authorized under this permit.

19. The permittee shall be responsible for all costs, charges, or expenses incident to the inspection, treatment, or destruction of the restricted article(s) under this permit, as provided in Act 173, Session Laws of Hawaii 2010, section 13, including, if applicable, charges for overtime wages, fixed charges for personnel services, and meals.

20. Any violation of the permit conditions may result in citation, permit cancelation, and enforcement of any or all of the penalties set forth in HRS §150A-14.

21. A cancelled permit is invalid and upon written notification from the PQB Chief, all restricted article(s) listed on the permit shall not be imported. In the event of permit cancelation, any restricted article(s) imported under permit may be moved, seized, treated, quarantined, destroyed, or sent out of State at the discretion of the PQB Chief. Any expense or loss in connection therewith shall be borne by the permittee.

22. This permit or conditions of this permit are subject to cancellation or amendment at any time due to changes in administrative rules restricting or disallowing import of the restricted article(s) or due to Board action disallowing a previously permitted use of the restricted article(s).

23. These permit conditions are subject to amendment by the PQB Chief in the following circumstances:

a. To require disease screening, quarantine measures, and/or to place restrictions on the intrastate movement of the restricted article(s), as appropriate, based on scientifically validated risks associated with the restricted article(s), as determined by the PQB Chief, to prevent the introduction or spread of disease(s) and/or pests associated with the restricted article(s); or

b. To conform to more recent Board approved permit conditions for the restricted article(s), as necessary to address scientifically validated risks associated with the restricted article(s).

24. The permittee(s) shall agree in advance to defend and indemnify the State of Hawaii, its officers, agents and employees for any and all claims against the State of Hawaii, its officers, agents, employees, or Board of Agriculture members that may arise from or be attributable to any of the restricted article(s) that are introduced under this permit. This permit condition shall not apply to a permittee that is a federal or State of Hawaii entity or employee, provided that the State or federal employee is a permittee in the employee's official capacity.

STAFF RECOMMENDATION: Based on the favorable recommendations and comments of the Advisory Subcommittee on Entomology and the Advisory Committee's (5-0 with 1 abstention) recommendation to approve this request, the Plant Quarantine Branch recommends approval this request with the proposed permit conditions.

Respectfully Submitted,

BECKY L. AZAMA
Acting Manager, Plant Quarantine Branch

CONCURRED:

Helmuth Rogg

HELMUTH W. ROGG
Administrator, Plant Industry Division

APPROVED FOR SUBMISSION:

Phyllis Shimabukuro-Geiser

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

C 27

ATTACHMENT 1

PQ-7 (01/04)

State of Hawaii
Department of Agriculture
PLANT QUARANTINE BRANCH
1849 Auiki Street, Honolulu, HI 96819-3100
Phone: (808) 832-0566, FAX: (808) 832-0584

For Office Use Only

Fee: $_____ Receipt No. _____

☐ Approve Permit No._____ Date: _____
☐ Disapprove ☐Other _____

Processed by: _____ Date: _____

PERMIT APPLICATION FOR RESTRICTED COMMODITIES INTO HAWAII

Date: *April 30, 2021*

In accordance with the provision of Chapter 342 , Hawaii Administrative Rules of the Division of Plant Industry, Department of Agriculture, a permit is requested for the following commodities:

Please type or print clearly.

Quantity	Commodity	Scientific Name
300	flea beetle for biological control of melastome weeds	Syphraea uberabensis (Coleoptera; Chrysomelidae)

Name and address of shipper: USDA Forest Service, Hawaii Volcanoes National Park Quarantine Facility
Original source: M. Vitorino, Universidade Regional de Blumenau, Santa Catarina, Brazil

(Mainland or Foreign address)

Approximate
date of arrival: _____

Mode of Shipment: ☐ Mail ☐ Air Freight ☐ Boat

Type of Permit:
--- Import
☐ one time only ☑ multi-shipments
--- Intrastate shipment
☐ one time only ☑ multi-shipments
☐ Possession

Object of importation:
☐ Kept caged at all time
☑ Used for propagation
☐ Imported for exhibition
☑ Imported for liberation
☐ Other purposes - specify field release of biocontrol agent from quarantine facility

Please type or print clearly.

Applicant's Name M. Tracy Johnson

Company Name USDA Forest Service
(if applicable)

Hawaii Mailing Address PO Box 236
Volcano HI 96785

Telephone number 808-967-7122

Facsimile number 808-967-7158

Fee Amount Enclosed (cash, check or mail order) $_____

(complete reverse side)

PLEASE COMPLETE THE FOLLOWING INFORMATION (attach extra sheet if necessary)

1. State in detail the reasons for introduction (include use or purpose).

Syphraea uberabensis from Brazil has been selected and evaluated as a new biological control for managing invasive melastome weeds in Hawaii. It is a narrowly host-specific leaf-feeding beetle intended for statewide field release to cause suppression of alien Tibouchina, Melastoma (designated as noxious weeds) and Pterolepis species. The beetle is expected to cause severe defoliation of targeted weeds, without affecting any native or otherwise valued plants. Suppression of these weeds will benefit forest watersheds statewide. See attached results.

2. Person responsible for the organism (include name, address and phone number).

Dr. M. Tracy Johnson
Institute of Pacific Islands Forestry
USDA Forest Service, Pacific Southwest Research Station
P.O. Box 236
Volcano, HI 96785
tel: 808-967-7122

3. Location(s) where the organism will be kept and used (include address, contact and phone number).

USDA Forest Service, Hawaii Volcanoes National Park, Magma House, Bldg 34
M. Tracy Johnson 808-967-7122

Hawaii Dept of Agriculture, Plant Pest Control Branch, Biocontrol Section
16 E. Lanikaula Street, Hilo; 1428 S. King Street, Honolulu
Stacey Chun 808-974-4140; Darcy Oishi 808-973-9524

4. Method of disposition.

Syphraea uberabensis will be removed from a source colony maintained at the Hawaii Volcanoes National Park Quarantine Facility. This colony will originate from insects collected from southern Brazil and screened in quarantine to eliminate associated natural enemies. Roughly 30 insects at a time will be removed from quarantine as newly pupated adult beetles, independent of host plant material and other potential contaminants. Adults will be used to establish colonies reared in petri dishes at USDA and HDOA insectaries in Volcano, Hilo and Honolulu. Offspring from rearing colonies will be used for environmental releases at selected locations statewide.

5. Give an abstract of the organism with particular reference to potential impact on the environment of Hawaii (include impact to plants, animals and humans).

Syphraea uberabensis (Coleoptera: Chrysomelidae), a flea beetle native to Brazil, is proposed for biological control of invasive weeds in the family Melastomataceae. Adult beetles, 3-4 mm long, feed and lay eggs on leaves and soft stems of host plants. Larvae also feed on leaves. The host range of S. uberabensis is restricted to species in the tribe Melastomeae, all non-native and invasive in Hawaii. Testing consistently identified the potential Hawaiian hosts as: Tibouchina herbacea, Tibouchina longifolia, Pterolepis glomerata, Melastoma septemnervium and Melastoma sanguineum. This beetle thrives in moist habitats, similar to the areas where Tibouchina and Pterolepis occur in Hawaii, which should allow for maximal impact, including severe defoliation. Impacts may be lower on Melastoma, which can occur in drier habitats, where S. uberabensis eggs and larvae may be susceptible to drying.

****

I request permission to import the articles as listed on the permit application and further, request that the articles be examined by an authorized agent of the Department of Agriculture upon arrival in Hawaii.

I agree that I, as the importer, will be responsible for all costs, charges or expenses incident to the inspection or treatment of the imported articles.

I further agree that damages or losses incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, by an authorized agent of the Department of Agriculture, shall not be the basis of a claim against the department or the inspectors for the damage or loss incurred.

Signature _____ **Date** May 4 2021

(Applicant)

Final Environmental Assessment

Statewide Field Release of the Brazilian Beetle *Syphraea uberabensis* for Biological Control of the Noxious Weed Cane Tibouchina *Tibouchina herbacea* and Related Weeds

Prepared For:

Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl St., Room 325
Honolulu, Hawai‘i 96813

Prepared By:

Garcia and Associates
146 Hekili St., Suite 101
Kailua, Hawai‘i 96734

GANDA Report No. 2327-1

GANDA

August 2022

This Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) was prepared by the DLNR Division of Forestry and Wildlife and submitted to the Environmental Review Program, State of Hawaii Office of Planning and Sustainable Development, to comply with the provisions of Hawaii Revised Statutes, Chapter 343, Environmental Impact Statements. Appendix C of this FEA contains public comment in the form of eighteen letters of correspondence, all of which were supportive of the field release of *Syphraea uberabensis*. As a result, this FEA is unchanged from the draft EA.

PROJECT SUMMARY

Project Name: Statewide Field Release of the Brazilian Beetle *Syphraea uberabensis* for Biological Control of the Noxious Weed Cane Tibouchina *Tibouchina herbacea* and Related Weeds

Proposing Agency: Department of Land and Natural Resources, Division of Forestry and Wildlife State of Hawai‘i

Project Location: Statewide

Property Owner: State of Hawai‘i

State Land Use Classification: Not Applicable

Agency Determination: Finding of No Significant Impact (FONSI)

Agencies, Organizations, and Other Stakeholders Consulted:

FEDERAL AGENCIES

- US House of Representatives, Representative Tulsi Gabbard
- US House of Representatives, Representative Colleen Hanabusa
- US Senate, Senator Mazie Hirono
- US Senate, Senator Brian Schatz
- National Park Service, Hawai‘i Volcanoes National Park
- National Park Service, Haleakalā National Park
- Natural Resources Conservation Service, Pacific Islands Area
- US Army Garrison, Commander Col. Stephen E. Dawson
- US Army Garrison, Environmental Division
- US Army Garrison, Natural Resource Section
- US Fish & Wildlife Service
- US Fish & Wildlife Service, O‘ahu National Wildlife Refuge Complex
- US Geological Survey, Pacific Island Ecosystems Research Center

STATE AGENCIES

- Aha Moku Councils
- BLNR O‘ahu Member
- Department of Business, Economic Development & Tourism
- Department of Hawaiian Homelands
- Department of Health
- Department of Health, Office of Environmental Quality Control

- DLNR Division of Forestry & Wildlife
- DLNR Division of State Parks
- DLNR Land Division
- DLNR Office of Conservation & Coastal Lands
- DLNR State Historic Preservation Administration
- DLNR Watershed Partnership Program
- Land Use Commission
- Natural Area Reserves System Commission
- Office of the Governor
- Office of Hawaiian Affairs
- University of Hawai‘i, College of Tropical Agriculture and Human Resources
- University of Hawai‘i, Environmental Center
- University of Hawai‘i, Pacific Cooperative Studies Unit

CITY AND COUNTY AGENCIES

- Honolulu City Council
- City & County of Honolulu, Office of the Mayor
- City & County of Honolulu, Board of Water Supply
- City & County of Honolulu, Planning Department
- Hawai‘i County Council
- Hawai‘i County, Office of the Mayor
- Hawai‘i County, Department of Water Supply
- Hawai‘i County, Department of Planning
- Kaua‘i County Council
- Kaua‘i County, Office of the Mayor
- Kaua‘i County, Department of Planning
- Kaua‘i County, Department of Water Supply
- Maui County Council
- Maui County Office of the Mayor
- Maui County, Department of Planning
- Maui County, Department of Water Supply

ORGANIZATIONS

- Big Island Invasive Species Committee
- Bishop Museum
- Conservation Council of Hawai‘i

- Environment Hawai‘i Inc.
- Hawai‘i Audubon Society
- Hawai‘i Cattlemen’s Council
- Hawai‘i Conservation Alliance
- Hawai‘i Forest and Trail
- Hawai‘i Forest Industry Association
- Hawaiian Botanical Society
- Hawaiian Trail and Mountain Club
- KAHEA
- Kamehameha Schools
- Kaua‘i Invasive Species Committee
- Ko‘olau Mountains Watershed Partnership
- Maui Invasive Species Committee
- Moloka‘i Invasive Species Committee
- Native Hawaiian Advisory Council
- Native Hawaiian Legal Corporation
- O‘ahu Invasive Species Committee
- Pig Hunters Association of O‘ahu
- Plant Extinction Prevention Program
- Sierra Club, O‘ahu Chapter
- The Nature Conservancy of Hawai‘i

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PROJECT SUMMARY DESCRIPTION

The Hawai‘i Department of Agriculture and the Hawai‘i Department of Land and Natural Resources propose the field release on State lands in Hawai‘i of a beetle from Brazil, *Syphraea uberabensis* (Coleoptera, Chrysomelidae, Galerucinae, Alticini), for biological control of cane tibouchina, *Tibouchina herbacea* (Melastomataceae).

Tibouchina herbacea is a noxious weed native to Southern Brazil, Uruguay, and Paraguay. In Hawai‘i, it naturalized and is locally abundant in disturbed mesic to wet forest on the islands of Hawai‘i, Lāna‘i, Maui, Moloka‘i, and O‘ahu. It is able to invade native forest through abundant production of tiny, easily dispersed seeds. Once established it forms dense stands and displaces native vegetation.

Syphraea uberabensis is a natural herbivore of *T. herbacea* in the plant's native range in Brazil. Of the potential natural control agents evaluated in Brazil, *S. uberabensis* demonstrated the most potential for successful control of cane tibouchina. Further testing has shown that *S. uberabensis* is narrowly host-specific to *T. herbacea* and a few closely related plants that are also weeds in Hawai‘i.

Release of the biocontrol agent is currently proposed on State lands on all islands where *T. herbacea* has naturalized. Populations of *S. uberabensis* are expected to increase to effective levels on the target plant within a few years at release sites. Spread of the insect from the initial release sites will occur naturally and artificially via redistribution efforts by state and federal agencies involved in management of cane tibouchina and related weeds. Within several years of initial release, *S. uberabensis* is expected to range statewide in all areas infested by cane tibouchina and four related weed species. The state and federal agencies responsible for biocontrol introductions and weed management will closely monitor the establishment of the beetle and its effectiveness for long term weed control.

The proposed action requires Plant Protection and Quarantine permits from the US Department of Agriculture, Animal and Plant Health Inspection Service; a permit for import and liberation of restricted organisms from the Hawai‘i Department of Agriculture, Plant Quarantine Branch; and a permit for release and monitoring of the insect on State forest land from the Hawai‘i Department of Land and Natural Resources, Division of Forestry and Wildlife.

An alternative to the proposed action considered in this assessment is no action. Under this alternative *S. uberabensis* would not be released on State forest land, and management of cane tibouchina would be limited to mechanical and chemical controls, solutions which are applicable only to relatively small areas.

Because *S. uberabensis* is specialized on a few species of melastomes, all of which are invasive, the environmental consequences of its release are expected to be beneficial to the native forests and agricultural economy of Hawai‘i, and adverse effects are expected to be negligible. Therefore, the determination from this Final Environmental Assessment is an Finding of No Significant Impact (FONSI).

1.0 INTRODUCTION

This Final Environmental Assessment (EA) supports a proposed field release of a small beetle, *Syphraea uberabensis*, in the State of Hawai‘i for biocontrol of *Tibouchina herbacea* and related weeds in the melastome family. The proposing agency for this program is the State of Hawai‘i Department of Land and Natural Resources Division of Forestry and Wildlife (DLNR DOFAW).

The proposed action of releasing the biological control agent has the potential to impact the local environment and involves the use of state and federal funds and approval of permits. Therefore, in accordance with the Hawai‘i Revised Statutes (HRS) Chapter 343, Hawai‘i Environmental Policy Act, and the National

Environmental Policy Act, the proposing agencies are conducting an Environmental Assessment (EA) of the proposed project.

This Environmental Assessment identifies proposed and alternative actions of the project; describes the affected physical, biological, cultural, and socioeconomic environments; and analyzes potential environmental impacts to the existing environment resulting from the proposed action.

1.1 Purpose and Need

The Hawai‘i Department of Agriculture defines “noxious weeds” in HRS Chapter 152 as “any plant species which is, or which may be likely to become, injurious, harmful, or deleterious to the agricultural, horticultural, aquacultural, or livestock industry of the State and to forest and recreational areas and conservation districts of the State, as determined and designated by the department from time to time.” The criteria for designating noxious weeds, and the list of species currently designated as such, are available in Hawai‘i Administrative Rules (HAR) Chapter 68.

The Hawai‘i Department of Agriculture’s Plant Pest Control Branch is responsible for limiting plant pest populations that have the potential to cause significant economic damage in the state. This is achieved through statewide programs using chemical, mechanical, biological, and integrated control measures to eradicate or control plant pests, including insects and mites, molluscs, weeds, and plant pathogens.

1.1.1 Biocontrol

Biological control, or biocontrol, has a long history of managing pests. Classical biocontrol involves the use of natural enemies that act as herbivore, predator, pathogen, or parasite of pests in order contain, reduce, or otherwise suppress the pests’ populations and their negative impacts. There are three basic types of biological pest control strategies: conservation, augmentation, and importation. Conservation involves taking measures, such as providing food or improving habitats, to increase naturally occurring natural enemies. Augmentation involves breeding and releasing locally available natural enemies to improve control. Importation (also known as classical biological control) involves the importation and release of an organism outside its natural range for controlling a pest species. The current proposed biocontrol is through importing a natural enemy from the invasive weed’s native range.

When introduced to a new location, a species often arrives without the natural enemies that controlled it in its native range. Lack of top-down control from the natural enemies can contribute to the successful colonization and unusually high population size of invasive species. The Enemy Release Hypothesis has been used to explain the success of invasive plants (Keane and Crawley 2002). Because natural enemies evolved with the pests in their native range, they can be among the most specific and effective ways of controlling the pests.

The use of biocontrol agents for invasive weeds in natural areas has important advantages over mechanical or chemical control. Mechanical and chemical controls are often less selective and tend to cause unintended impact to the environment. In contrast, biocontrol agents can be selected to target a very specific set of pests. While mechanical and chemical control methods may be cost prohibitive for remote or large areas, biocontrol can provide a long-term, cost-effective, and environmentally-friendly solution (Howarth 1991; Mack et al. 2000).

The major concern for biological control is the potential adverse effects on non-target species. If care is not taken, it can have significant and irreversible adverse effects, perhaps even leading to biological extirpation (Howarth 1991; Simberloff and Stiling 1996). The risks of non-target effects from biocontrol can be minimized by extensive testing of host specificity and selecting agents and targets that have the least environmental risk and the most predicted effectiveness (Markin et al. 1992; Louda et al. 2003).

1.2 Primary Target Species: *Tibouchina herbacea* - Cane Tibouchina

Figure 1. Cane tibouchina (*Tibouchina herbacea*); Photo by Forest & Kim Starr

Taxonomy: *Tibouchina herbacea* (DC.) Cogn. (Synonyms: *Arthrostemma herbacea* DC.; *Arthrostemma hirsutissimum* DC.; *Pterolepis herbacea* (DC.) Triana) belongs to the pantropical melastome family (Melastomataceae). *Tibouchina* Aubl. is a genus containing about 350 species ranging from Mexico, West Indies, to northern Argentina. The center of diversity is in southeastern Brazil. *Tibouchina* is classified in the tribe Melastomeae, which contains several related genera (e.g. *Arthrostemma*, *Dissotis*, *Melastoma*, and *Pterolepis*) that also have naturalized in Hawai‘i (Wagner et al. 1999). A phylogenetic study indicates that *Tibouchina* is a well-supported phylogenetic group (clade), although several derived genera nest within the clade (Michelangeli et al. 2012).

Description: *Tibouchina herbacea* is a semi-woody upright shrub (Figure 1 and Figure 2). Young stems angled, hairy. Leaves opposite, 3 inches long by 1.4 inches wide, hairy, with 5–7 prominent veins. Flowers pink, 4 petals, bright yellow anthers. Fruit cuplike, small, 0.2 inches long by 0.2 inches wide. Seeds very small, numerous (Motooka et al. 2003). Many of the hairs covering leaves, stems and fruits are gland-tipped, so that plants leave an oily, scented residue when touched. The growth form is notably different between the populations in Brazil and Hawai‘i. In Brazil, it rarely grows above l m in height and dies back each year. In Hawai‘i, it can grow up to 3–4 m and the previous year’s stems can survive the dormant period forming rank sprawling stems from which new shoots arise the following year. It forms dense thickets that are difficult to traverse and smother adjacent vegetation, gradually increasing the size of the infestation (Almasi 2000; Smith 2002).

Distribution: *Tibouchina herbacea* is native to South America, including Brazil, Argentina, Paraguay, and Uruguay. *Tibouchina herbacea* was introduced to Hawai‘i as an ornamental (Motooka et al. 2003) and was first collected in Hawai‘i Island in 1977. It subsequently colonized Maui by 1982. It is widely established on Hawai‘i and Maui and has been found on Lāna‘i, Moloka‘i, and O‘ahu (Wagner et al. 1999; Wysong et al. 2007; Imada 2012). Attempts at eradication have continued since its discovery in 2008 at Poamoho on O‘ahu (Neville 2020).

Habitat: *Tibouchina herbacea* is found in swamps, meadows, and forests in its native range (Wagner et al. 1999). It naturalized in mesic and wet areas between 100 m and 1600 m in Hawai‘i (SPREP 2000). A habitat modeling study in Kohala Mountain indicates that *T. herbacea* is most frequently found in partially-shaded wet forests above 300 m and is positively associated with feral pig disturbance (Purell 2006).

Reproduction and Dispersal: This invasive plant spreads by prolific production of seeds that are the size of grains of sand, as well as vegetatively. Each multi-stemmed plant can produce hundreds of 5-mm wide seed capsules (fruiting hypanthia), with each capsule producing up to 700 seeds that fall or blow distances up to several meters (Almasi 2000). The tiny seeds can be transported by birds, rats, pigs, water, and human foot and vehicular traffic. Plants also can reproduce vegetatively by growing roots along leaf nodes or producing new shoots from rhizomes (Almasi 2000). Rats and birds are claimed to be dispersers in Hawai‘i, despite the fact that the plant does not produce fleshy fruit (Almasi 2000; Motooka et al. 2003). Pigs likely spread the seeds externally and could conceivably spread stem fragments, as areas disturbed by pigs are often completely taken over by this plant (Buddenhagen 2013).

Impact: *Tibouchina herbacea* invades wet and mesic forests that are disturbed (especially by pigs and landslides), though it can grow in shaded areas. It forms dense stands in pastures and disturbed forests, out-competing native species. It is listed amongst the invasive plants that are considered the most serious habitat modifying species (Medeiros and Loope 2013). Along with other *Tibouchina* species, it has been placed on the Hawaii State Noxious Weed List (HAR 68), and it has a Weed Risk Assessment rating of 24. Visit http://www.hpwra.org for more information on Weed Risk Assessments.

Figure 2. *Tibouchina herbacea* growing along Waihe‘e Ridge Trail, Maui; Photo by Forest & Kim Starr

Management: Various herbicide applications have been reported to control *T. herbacea*. These include application of 1) undiluted triclopyr ester to the stem base; 2) triclopyr amine in foliar sprays with a surfactant and in cut-stump treatments; 3) glyphosate at 2% product in water in foliar spray; and 4) 10% Garlon 3A as a foliar spray. Based on work with other melastomes, *T. herbacea* is probably sensitive to 2,4-D, dicamba, triclopyr, and metsulfuron (Motooka et al. 2003; Loh et al. 2014). Mechanical removal is not effective as the cut plants will sprout and the broken pieces can root and form new plants if left in place. Because of its wide distribution and ability to invade remote areas, the use of chemical and mechanical controls is economically prohibitive for controlling advanced infestation, therefore biocontrol is considered the only sustainable control method at the landscape scale.

Natural Enemies: Exploration for potential biological control agents was conducted in the native range of *T. herbacea* in southeastern Brazil. Surveys in the 1990s yielded several insects and plant diseases that were considered in initial screening for potential biocontrol agents. Plant diseases found to infect *T. herbacea* include *Cryphonectria cubensis*, a canker disease affecting a wide range of hosts including *Eucalyptus* spp. (Seixas et

al. 2004); and leaf spots caused by cercopsoroid fungi (asexual stage of Mycosphaerellaceae), including *Cercospora apii*, *Passalora tibouchinae*, *Pseudocercospora subsynnematosa*, *Pseudocercospora tamonae*, *Pseudocercospora tibouchina-herbaceae*, and *Pseudocercospora tibouchinicola* (Killgore 2002; Parreira et al. 2014). Insects found to feed on *T. herbacea* include a flea beetle, *Syphraea uberabensis* (Coleoptera, Chrysomelidae, Alticini); a weevil, *Anthonomus partiarius* (Coleoptera, Curculionidae); a moth, *Schreckensteinia* sp. (Lepidoptera: Schreckensteiniidae); and another flea beetle, *Margaridisa* sp. (Coleoptera: Chrysomelidae). The proposed biological control agent *Syphraea uberabensis* is considered the most suitable after extensive studies of its effectiveness and its potential host range in Hawai‘i.

1.3 Biocontrol Agent: *Syphraea uberabensis*

Syphraea uberabensis is the insect that is proposed for release for biocontrol of *T. herbacea* and related weeds in Hawai‘i. *Syphraea uberabensis* is a small beetle that has been evaluated in its native Brazil between 1993 and 2009 and in containment in Hawai‘i between 2005 and 2015. Adults and larvae feed externally on foliage and soft stems of *T. herbacea.*, causing enough damage to kill small plants. *Syphraea uberabensis* is host specific to a subset of species within the melastome family, which contains no native taxa in Hawai‘i.

Taxonomy: *Syphraea uberabensis* Bechyné is a flea beetle, classified under the tribe Alticini and the leaf beetle family Chrysomelidae. Flea beetles are similar to other leaf beetles but are characterized by having enlarged hind legs, which afford them the ability to leap/spring when disturbed, hence the common name. Flea beetles are herbivores that feed on various parts of the plant; some flea beetle species are important agricultural pests. They do not bite humans or animals. The genus *Syphraea* Baly (1876) includes more than 100 species and is found throughout South and Central America (Scherer 1983).

Description of Adults: Body elongated, slightly broader posteriorly; robust legs; thorax, abdomen, legs and antennae relatively covered with fine short hairs; coloration deep metallic blue, females 3.3 mm and males 3.0 mm in length, on average (Souder 2008).

Description of Larvae: Mature larva. Length: 4.4–6.30 mm; width of pronotum: 0.75–1.41 mm. Eruciform, general integument cream/yellowish with head brown; antennae, maxillae and legs partially membranous; thorax and abdomen with setous sclerotized plates or setous sclerotized tubercles, brown or yellowish-brown, clearer to apex direction; ventral tubercles clearer than dorsal. Segments separated by transverse grooves forming plicae. Setae club-like, whitish, wide with widened apex; ventral setae narrower than dorsal (Casari and Teixeira 2011).

Distribution: *Syphraea uberabensis* is native to southern Brazil. The distributional range of the species is not well studied.

Life History: A life history study conducted in the quarantine facility in Hawai‘i showed that *S. uberabensis* reared on *T. herbacea* have an adult life span ranging from 2 days to 127 days and averaged 78.2 days. *Syphraea uberabensis* samples of the quarantine colony had a sex ratio close to 1:1. Males and females developed and emerged at similar rates (Souder 2008).

Survival and development of *S. uberabensis* was evaluated in the laboratory at five constant temperatures ranging from 12 to 28 ºC. No egg or larval development occurred below 16 ºC. Complete development to adulthood was only seen at 20 and 24ºC. Mean time for development from egg to adult was 50.5 days at 20ºC and 31.5 days at 24ºC, fitting the expected pattern for insects in general: faster development at increasing temperatures. Although development was slightly faster at 28ºC than at 24ºC, beetle survivorship was reduced and no adults developed at 28ºC. Reduced development and increased mortality of beetle larvae at 16 and 28ºC is an indication that the minimum and maximum temperature thresholds were being approached (Souder 2008).

Habitat/Ecology: *Syphraea uberabensis* is tolerant of cool and moderate temperatures and is not expected to be restricted in range by temperatures in Hawai‘i, except perhaps in exceptionally warm habitats. (Souder 2008). However, the potential of *S. uberabensis* as a biological control could be limited by humidity at the microhabitat level. In Brazil, *S. uberabensis* is found with its melastome hosts in boggy soils, similar to the areas where *Tibouchina* and *Pterolepis* thrive in Hawai‘i. On the other hand, *Melastoma* in Hawai‘i can grow in relatively drier areas, such as young lava flows. *S. uberabensis* could be less effective against *Melastoma* in the drier parts of its range, because externally feeding larvae appear to be susceptible to drying (Raboin et al. 2009).

Natural Enemy: There is very little information regarding the natural enemies of *S. uberabensis*. Two unidentified generalist Hemipterans were observed attacking the adult insects in its native range (Wikler and Souza 2008). Under laboratory conditions, larvae and pupae were reported to succumb to a ubiquitous entomopathogenic fungus, *Beauveria bassiana*.

Effect on Target Weed: *Syphraea uberabensis* was selected to be used in the control of *T. herbacea* due the extensive damage it caused to the target plant in Brazil. Both larvae and adults feed on the leaves as well as the soft exterior of young stems. *Tibouchina herbacea* demonstrated little regenerating capacity after attack of *S. uberabensis*, drying after a period of 2 weeks of insect feeding, both in the field and in the laboratory. The leaves were skeletonized, leaving only the stem and vein structures (Figure 3). Plant growth was reduced, and flowering and consequently seed production were prevented. (Wikler and Souza 2008)

Figure 3. Adults and larvae of *Syphraea uberabensis* feeding on *Tibouchina herbacea*

1.3.1 Host Specificity

Understanding host specificity is critical for identifying potential direct effects of a candidate biocontrol agent on non-target species. Host specificity depends upon acceptability and suitability of plants to insects. Acceptability can be evaluated in terms of willingness of larvae and adult beetles to feed and deposit eggs on test plant species. Suitability of potential host plants can be evaluated by the ability of larvae to survive and develop to adulthood, and adults to survive and reproduce.

Host specificity of *S. uberabensis* has been tested on a wide variety of native and non-native plants both in Brazil and in Hawai‘i to identify its ability to feed and reproduce on potential target and non-target plants. The Centrifugal Phylogenetic Method was used for selecting the plants to be tested. This method is based on the knowledge that host specificity usually correlates with phylogenetic affinity/proximity. In other words, a plant that is closely related to a known host is more likely to be a suitable host than a distantly related plant. Using this

method, sampling of potential hosts starts from closely related species, usually within the same genus, then centrifugally expanding to higher taxonomic ranks, for example species in the same family, order, etc.

Results of host specificity studies indicate that *S. uberabensis* does not have the capacity to colonize native or economic plants in Hawai‘i, and the host range is limited to *T. herbacea* and several melastomes in the tribe Melastomeae in the melastome family, specifically *Tibouchina longifolia, Pterolepis glomerata*, *Melastoma septemnervium*, and *Melastoma sanguineum*. All *Tibouchina* and *Melastoma* species are listed as noxious weeds in the state, and *Pterolepis glomerata* has invaded native habitats and been targeted for eradication or control in conservation areas. Results of the host specificity studies are summarized below; more information can be found in the cited literature.

Wikler and Souza (2008): Tests were conducted on 20 plant species across ten families in Brazil, including two *Tibouchina* species in the Melastomataceae, eight species from another three families in the order Myrtales, and ten more species outside the Myrtales, including a monocot. The results showed that among the 20 species tested *S. uberabensis* only fed and reproduced on the two *Tibouchina* species (*T. herbacea* and *T. cerastifolia*).

Souder (2008): Host specificity tests were carried out in the quarantine facility in Hawai‘i. No-choice tests (also known as starvation tests) were conducted on 35 plant species found in Hawai‘i, including 12 native species that are considered significant components of native plant communities. Feeding by beetles was mainly, but not completely, restricted to the family Melastomataceae (Figure 4 and Figure 5). Larvae and young adult beetles fed at very low levels on a few introduced non-melastomes, mainly *Terminalia catappa* (Combretaceae) and *Cuphea* species (Lythraceae). Persistence of beetle populations on these plants did not appear to be possible, because they did not support larval development to adulthood, and they were not accepted by mature beetles for oviposition (

Table 1 and Figure 5). High levels of mature beetle feeding and oviposition occurred only on four melastomes: *Tibouchina herbacea*, *Melastoma septemnervium* (syn. *M. candidum*), *Tibouchina longifolia*, and *Pterolepis glomerata*. Less suitable potential hosts (all belonging to melastome family) were *Heterocentron subtriplinervium*, *Dissotis rotundifolia*, and *Tetrazygia bicolor*. When exposed over a long period, *S. uberabensis* did not persist on these four melastomes. Although occasional non-target feeding may occur on some non-melastomes, no plants outside this family are expected to experience significant damage from this insect. Native and endemic plants appear very unlikely to experience direct adverse effects from *S. uberabensis*.

Raboin et al. (2009): Multi-choice testing with *S. uberabensis* adults began in early 2009 as a follow-up to the Souder (2008) study. Multi-choice tests used a subset of 12 plants from Souder’s tests to determine the relative preferences in a setting that better resembles the composition of the natural environment. The results indicate that *S. uberabensis* is unlikely to impact the weeds *Tibouchina urvilleana*, *Miconia calvescens*, and *Clidemia hirta*, and showed significant preferences for feeding and egg laying on *Tibouchina herbacea, T. longifolia*, *Pterolepis glomerata*, and *Melastoma septemnervium*, all of which are invasive weeds in Hawai‘i (Figure 6).

Additional no-choice testing conducted by USFS in 2013 with leaves exposed for two days to adult *S. uberabensis* in 10 cm petri dishes included *Tibouchina herbacea, Melastoma sanguineum, Melastoma septemnervium*, *Heterocentron subtriplinervium*, and 24 other common Hawaiian plants, most of which were not previously tested. Results again demonstrated high specificity of *S. uberabensis* in feeding and egg-laying for *Tibouchina* and *Melastoma* species (Figure 7).

Extensive host specificity testing of *S. uberabensis* for the biological control of *T. herbacea* has been performed to ensure that it poses minimal risk to other plants in Hawai‘i. The above studies demonstrated that *S. uberabensis* is host-specific to a subset of melastomes. It is highly unlikely to attack native and introduced plants outside of the melastome family.

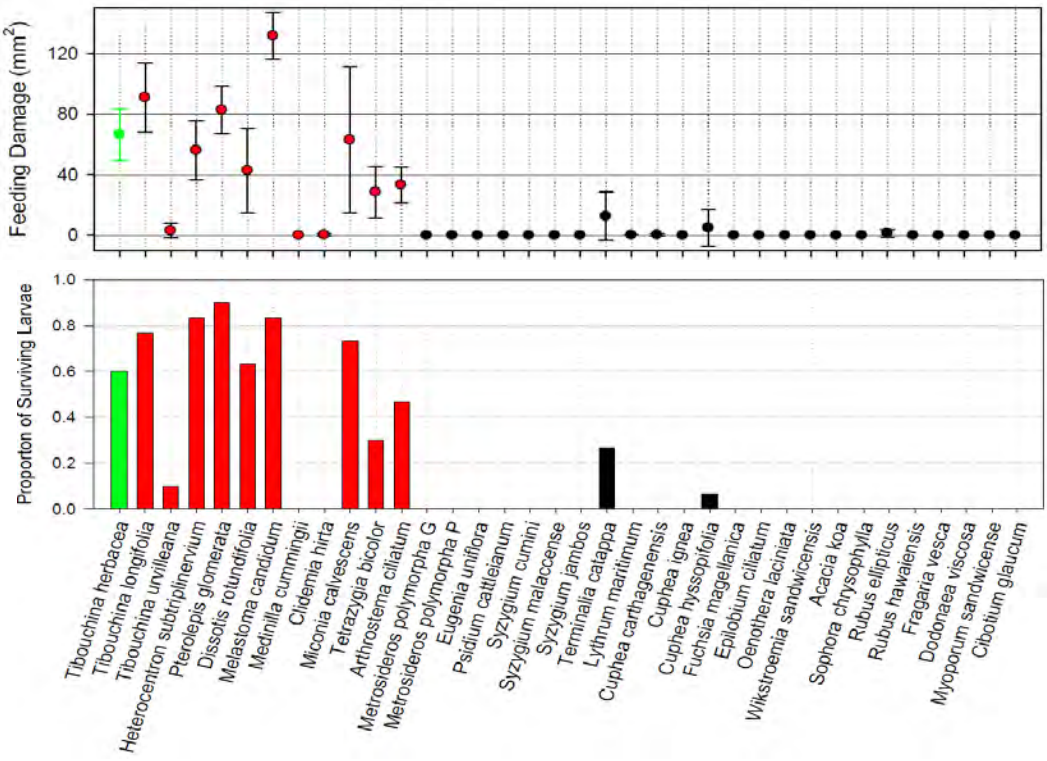

Figure 4. Feeding damage and survival of young larvae after 7 days of no-choice test. Green plot represents the target weed and red plots represent members of the family Melastomataceae. Phylogenetic relationship to the target weed decreases from left to right. Two forms of *Metrosideros polymorpha* were tested: G for glabrous, P for pubescent (Souder 2008).

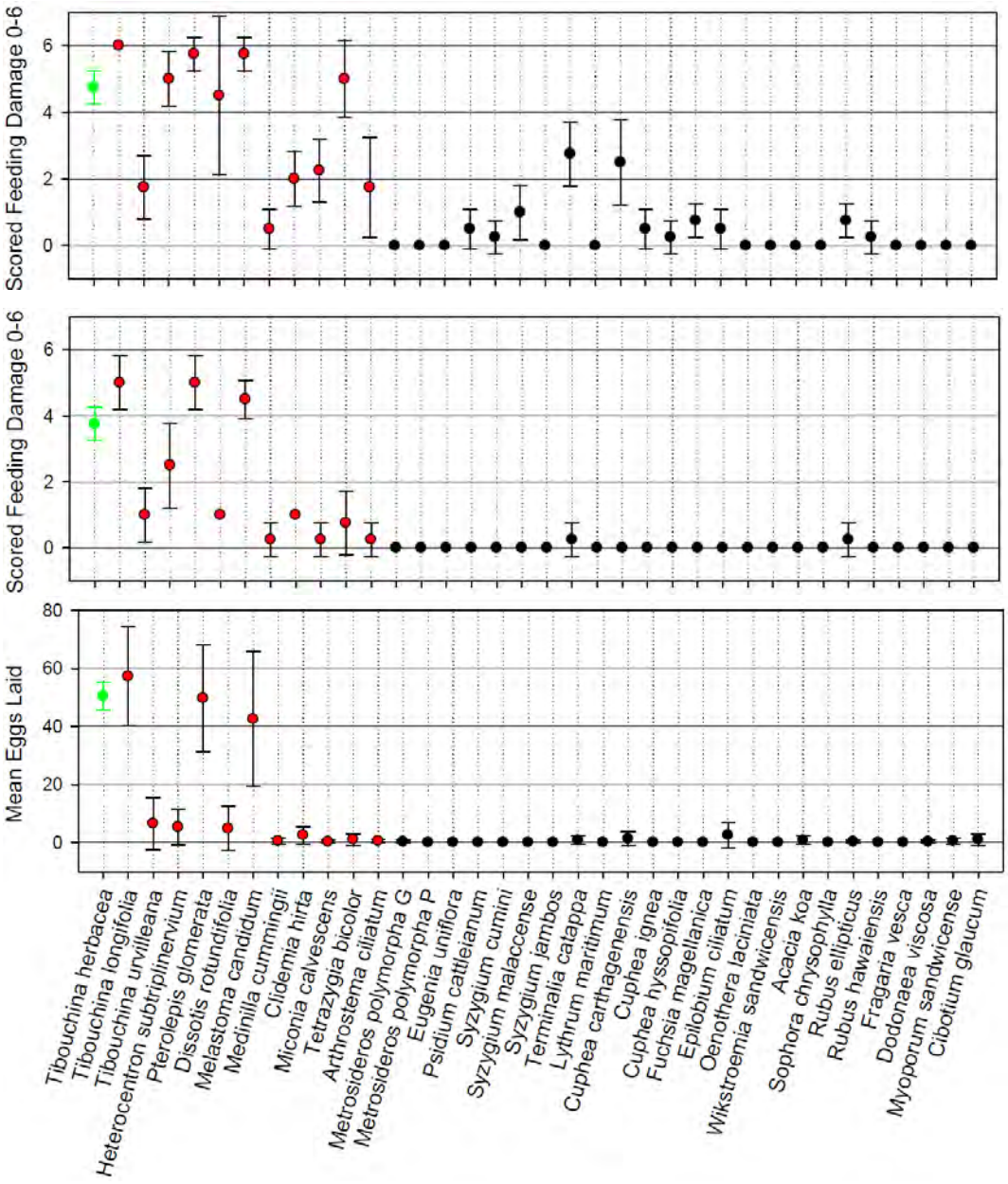

Figure 5. Results of specificity tests with adult *Syphraea uberabensis*. Feeding damage was assessed for young adults (upper graph) and mature adults (middle graph) on a scale of 0 (no damage) to 6 (>4 cm^2 of leaf area damaged). Oviposition tests recorded number of eggs laid by two mature females in 4 days (Souder 2008).

Table 1. Survival on Test Plant Species that Experienced Feeding Damage in No-Choice Larval Test*

	Number Alive				
Test Plant	**1st Instar**	**2nd Instar**	**3rd Instar**	**Pupa**	**Adult**
Tibouchina herbacea	40	32	28	27	23
Tibouchina longifolia	40	33	31	30	25
Tibouchina urvilleana	40	0	-	-	-
Heterocentron subtriplinervium	40	20	12	10	6
Pterolepis glomerata	40	36	34	32	27
Dissotis rotundifolia	40	17	11	7	5
Melastoma candidum	40	33	30	27	25
Medillina cummingii	40	0	-	-	-
Clidemia hirta	40	0	-	-	-
Miconia calvescens	40	15	9	0	-
Tetrazygia bicolor	40	13	7	4	0
Arthrostema ciliatum	40	0	-	-	-
Terminalia catappa	40	6	0	-	-
Cuphea carthagenensis	40	0	-	-	-
Cuphea hyssopifolia	40	0	-	-	-

* Larvae were evaluated in 100 x 100 x 15 mm petri with leaf cuttings. This test was replicated four times with 10 beetles each replicate (Souder 2008).

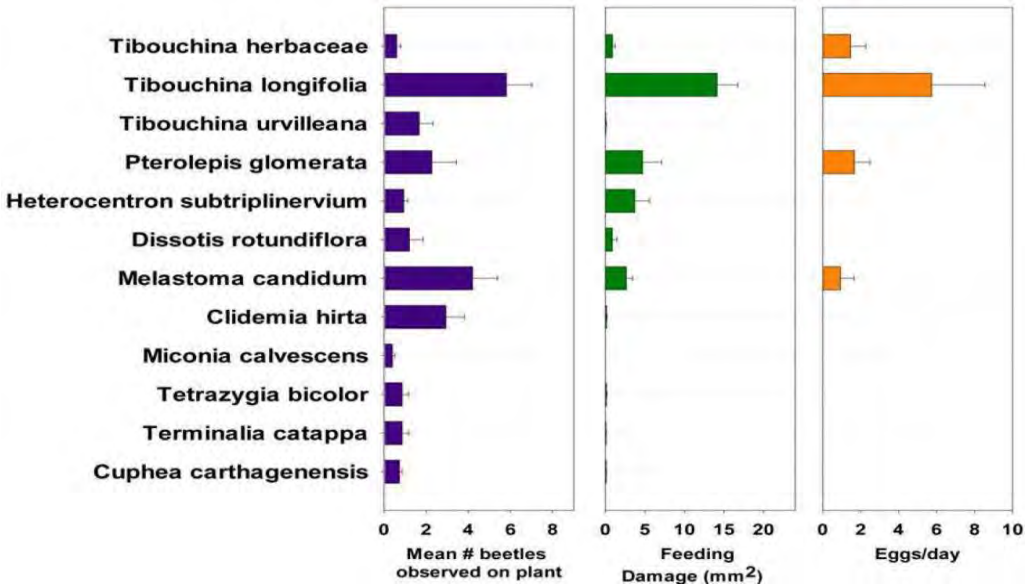

Figure 6. Results of multi-choice host preference tests with adult *Syphraea uberabensis* (Raboin et al. 2009).

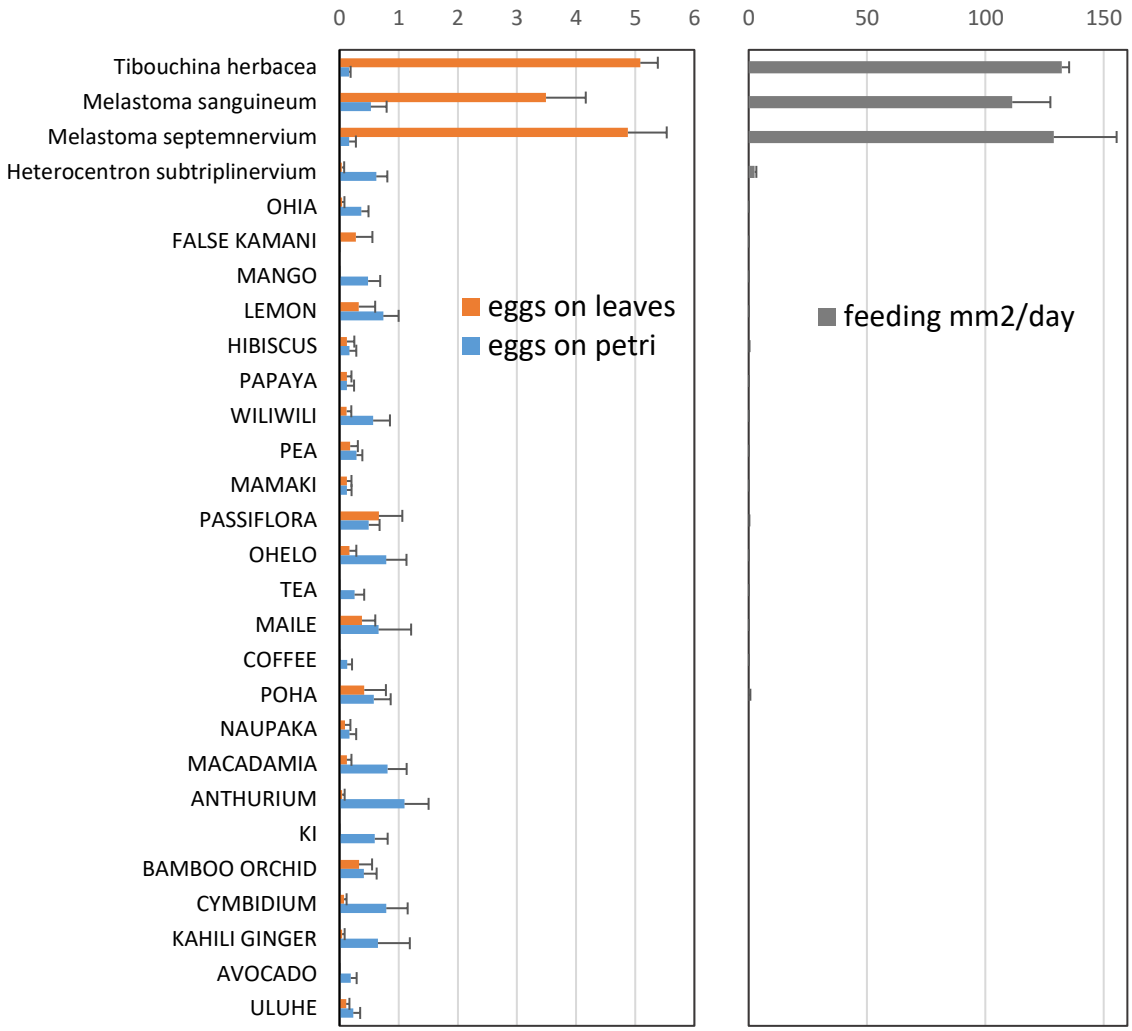

Figure 7. Results of no-choice specificity tests with adult *Syphraea uberabensis* exposed to leaves in small petri dishes for two days. Tests were replicated 4 times per plant species. Egg laying on all but three host plants occurred at negligible levels below or near the rate of egg laying on petri dish surfaces. The same three host plants were accepted equally for feeding, while non-hosts were consistently rejected (USFS unpublished data).

1.4 Secondary Target Species: Related Weeds in Melastomataceae

During host specificity tests, it was found that *S. uberabensis* fed and successfully developed and reproduced on several invasive melastomes that are suitable targets for the proposed release of *S. uberabensis* (Souder 2009; Raboin et al. 2009). These include *Tibouchina longifolia*, *Pterolepis glomerata*, *Melastoma sanguineum*, and *Melastoma septemnervium*, all of which have invaded native wet forest habitats in Hawai‘i. *Melastoma septemnervium*, in particular, is widely distributed on Hawai‘i Island, where it has been recognized as a threat for many years (Jacobi and Warshauer 1992). Each of these melastome species is likely to increase in population and expand in range in the absence of additional management attempts such as biocontrol by *S. uberabensis*.

1.4.1 *Melastoma septemnervium* - Asian melastome

Figure 8. Asian melastome (*Melastoma septemnervium*); Photo by Forest & Kim Starr

Taxonomy: *Melastoma septemnervium* Lour. belongs to the tribe Melastomeae and the genus *Melastoma* L., which comprises 22 species centered in Southeast Asia and extending to India, South China, Japan, northern Australia, and Oceania. *Melastoma septemnervium* was previously known in Hawaii by the synonyms *Melastoma candidum* D. Don and *Melastoma malabathricum* auct. non L.: Sims.

Description: Shrubs or small trees 2-5 m tall; young branches quadrangular, densely covered with appressed brown scales (Figure 8). Leaves elliptic to ovate, 4–11 by 2–6 cm, 7 nerved but marginal nerves sometimes inconspicuous, upper surface rough with bristly hairs, lower surface with fine hairs but also with scales on the nerves like those of the young branches, margins entire, apex acute, base obtuse to rounded, petioles 5-12 mm long. Inflorescences 2-7 flowered, petals usually 5, purple to pink, 2.5-3.2 cm long, 1.5-2.3 cm wide; anthers of larger stamens 10-11 mm long, anthers of smaller stamens 8.5-10 mm long; fruit a bell-shaped, 5-celled, fleshy capsule, 8–12 by 7–10 mm, densely covered with scales. (Wagner et al. 1999; Meyer 2001).

Distribution: Native to northern Vietnam, southern China, and Taiwan (Meyer 2001). In Hawai‘i, it is naturalized on Kaua‘i (Wahiawa Bog), O‘ahu (Kalihi, Maunawili Valleys), and Hawai‘i Islands. One individual was found on the island of Maui in 2002 and removed (Penniman et al. 2011).

Reproduction and Dispersal: The fruit is a bell-shaped fleshy capsule roughly 1 cm in diameter, which ruptures at maturity, exposing red-black pulp and yellow seeds (Meyer 2001). Fruits are dispersed by birds (Smith 1985).

Impact: *Melastoma septemnervium* was cultivated and is now naturalized in mesic to wet areas and bog margins from sea level to 700 m in Hawai‘i. (Wagner et al. 1999). It forms dense stands up to 2 m tall shading out understory (Smith 1985; Jacobi and Warshauer 1992)

Management: Sensitive to hormone-type herbicides 2,4-D, dicamba, and triclopyr at 1 lb./acre, and to metsulfuron at 0.45 oz./acre. Sensitive to basal bark and stump bark applications of 2,4-D and triclopyr at 4% product in diesel (Motooka et al. 2003). The HDOA conducted a biological control program on *M. septemnervium* in 1957–1965. Three moth species were released; two of which became established: *Ategumia*)

(=*Bocchoris*) *fatualis* (Lederer) (Crambidae) and *Rhynchopalpus brunellus* Hampson (= *Selca brunella*) (Noctuidae) (Krauss 1965; Conant and Hirayama 2001). *Rhynchopalpus burnellus* is considered partially effective, occasionally causing severe damage to the plant (Conant and Hirayama 2001).

1.4.2 *Melastoma sanguineum* - fox-tongued melastoma

Figure 9. Fox-tongued melastoma (*Melastoma sanguineum*); Photo by Forest & Kim Starr

Taxonomy: *Melastoma sanguineum* Sims has three recognized varieties: *M. sanguineum* var. *sanguineum*, var. *laevifolium,* and var. *ranauense* (Meyer 2001). *Melastoma sanguineum* var. *sanguineum* is known to hybridize with *M. candidum* in southeastern China (Liu et al. 2014).

Description: Shrubs or small trees 2-4 (up to 8) m tall; quadrangular young branches and petioles sparsely covered with spreading, smooth hairs 5-15 mm long, and appressed, smooth, awl-shaped hairs approximately 1 mm long; leaves lanceolate-elliptic, 10-20 cm long, 2-6 cm wide, surface rough or smooth; nerves 5 or 7, the marginal nerves inconspicuous, covered with appressed or semi-erect scales, nerves often red; petiole 10-30 mm long, with red bristles, 5–9 mm long, margins entire, apex tapering to a point, base obtuse to rounded (Figure 9). Inflorescences 2-7-flowered, petals usually 6, purplish pink, 2.5-4.7 cm long, 2.7-3.5 cm wide; anthers of larger stamens 12-15 mm long, anthers of smaller stamens 9-11 mm long; fruits bell-shaped, 6-celled, fleshy capsules, 8–19 by 8–18 mm, covered with spreading or incurved, basally flattened hairs. (Wagner et al. 1999; Meyer 2001).

Reproduction and Dispersal: Like *M. septemnervium*, the fruit is a fleshy capsule which splits open exposing yellow pulp with orange seeds, which are bird-dispersed.

Distribution: In China, it occurs on open slopes, thickets, grasslands, woodland margins on low hills, trailside; below 400 m (Chen and Renner 2007). In Hawai‘i, it was once cultivated and has naturalized since at least 1957, occurring on the Island of Hawai‘i in Keaukaha and along the highway between Volcano and Hilo. One individual was found on the island of Maui in 2004 and removed (Penniman et al. 2011).

Impact: Although *M. sanguineum* has not dispersed on the same scale as *M. septemnervium,* it is thought to have similar potential to form dense monotypic thickets and crowd out native vegetation (Penniman et al. 2011).

1.4.3 *Pterolepis glomerata* - false meadowbeauty

Figure 10. False meadowbeauty (*Pterolepis glomerata*); Photo by Gerald Crank

Taxonomy: *Pterolepis glomerata* (Rottb.) Miq. belongs to a genus of 15 herbs and small shrubs with center of diversity in Brazil (Renner 1994; Almeda and Martins 2015). Taxonomic treatment of the Hawaiian population of *P. glomerata* by Wagner et al. did not include sub-specific ranking, which the authors considered weakly defined (Wagner et al. 1999). *Pterolepis* is closely related to the old world Melastomeae, which diverged around 11–12 million years ago (Renner and Meyer 2001).

Description: Erect, basally woody herbs or subshrubs up to 0.5 m tall; young branches somewhat squared, with stiff hairs (Figure 10). Leaves ovate to elliptic, 1.4–4.5 cm long, 0.6–1.6 cm wide, 3-nerved, both surfaces sparsely to moderately bristled, petioles 1–5 mm long. Flowers usually 3–5 in terminal tight clusters; 4 petals white, pink or violet, 10–15 mm long, 10–14 mm wide; larger anthers pink, 3–4 mm long, smaller anthers yellow, 2.5–3.5 mm long. Fruiting hypanthium 4–6 mm long, 2–5 mm wide, covered with simple and branched hairs. Seeds ca. 0.5 mm long (Wagner et al. 1999).

Distribution: *Pterolepis glomerata* occurs from the Dominican Republic (Hispaniola) and Puerto Rico over the Lesser Antilles and Trinidad to Venezuela, the Guianas, and south to Santa Catarina in Brazil; reaching adjacent Paraguay and Bolivia (Renner 1994; Wagner et al. 1999). In Hawai‘i, it naturalizes on Kaua‘i, O‘ahu, Moloka‘i, Lāna‘i, and Hawai‘i Islands (Imada 2012). It was first collected on O‘ahu in 1949 (Wagner et al. 1999).

Reproduction and Dispersal: *Pterolepis glomerata* reproduces by seeds and vegetative fragmentation. About 500 seeds can be found in a capsule. The seeds are dispersed by birds and water (Ramirez and Brito 1988; Wagner et al. 1999).

Habitat/Ecology: In Hawai‘i, the species is not cultivated, but weedy and locally naturalized in mesic to wet disturbed sites and trail margins (Wagner et al. 1999). It is considered among the invasive plants that threaten many endangered plants on O‘ahu (USFWS 2012).

Management: Control efforts in the Waianae Mountains of O‘ahu were carried out by the O‘ahu Army Natural Resources Program. It was suggested that a pre-emergent herbicide, such as ‘Oust’, should be used to achieve eradication (OANRP 2010).

Natural Enemies: *Rhynchopalpus brunellus*, a moth introduced to Hawai‘i from Malaysia for biocontrol of *Melastoma septemnervium*, is known to feed on *P. glomerata.* Foliar damage to the population of *P. glomerata* in the observed site (Waiakea Timber Management Area in the Waiakea Forest Reserve off of Stainback Highway, Island of Hawai‘i) was light overall, but heavy on certain plants (Conant and Hirayama 2001).

1.4.4 *Tibouchina longifolia*

Figure 11. *Tibouchina longifolia*; Photo by Forest & Kim Starr

Taxonomy: *Tibouchina longifolia* (Vahl) Baill. ex Cogn. (Synonyms: *Rhexia longifolia* Vahl.) belongs to the pantropical melastome family (Melastomataceae). *Tibouchina* Aubl. is a genus containing about 350 species ranging from Mexico, West Indies, to northern Argentina (Wagner et al. 1999). The center of diversity is in southeastern Brazil. *Tibouchina* is classified in the tribe Melastomeae, which contains several related genera (e.g. *Arthrostemma*, *Dissotis*, *Melastoma*, and *Pterolepis*) that also have naturalized in Hawai‘i (Wagner et al. 1999). A phylogenetic study indicates that *Tibouchina* is a well-supported phylogenetic group (clade), although several derived genera nest within the clade (Michelangeli et al. 2012).

Description: *Tibouchina longifolia* is a weedy shrub 0.5-2 m tall (Figure 11). Leaves are narrowly elliptic to lanceolate with dense smooth hairs, 3.5-11.5 cm long and 1-3 cm wide. Flowers are white and approximately 0.5 inches in diameter with 5 petals 5-7 mm long and 2.5-4 mm wide. Anthers 1.5-2 mm long, fruiting hypanthium 4-4.5 mm long and 3-4 mm wide. Seeds are very small, typically 0.25-0.5 mm long (Wagner et al. 1999).

Distribution: *Tibouchina longifolia* is native to the Neotropics and widespread from Mexico and the West Indies to Bolivia and Brazil (Wagner et al. 1999). It was first collected in Hawai‘i in 1983 in the Puna District and is now established in the wild (Wagner et al. 1999).

Reproduction and Dispersal: In Hawai‘i, *T. longifolia* is now naturalized in native ‘ōhi‘a forests on Hawai‘i Island. It has been propagated by cuttings and cultivated by humans in the past, however it is now recognized as

a noxious weed. Mechanisms for natural dispersal are not documented but are likely the same as for related species. (USGS, 2003).

Management: Methods for control of *T. longifolia* are not documented. Its distribution appears to be limited with no active spread beyond some locations in East Hawaii (USGS 2003). It has not been the target of active management.

1.5 Proposed Action

The HDOA Plant Pest Control Branch will submit an application to the HDOA Plant Quarantine Branch for a permit to release a beetle species, *Syphraea uberabensis* (Coleoptera: Chrysomelidae: Alticini), into the environment of the State of Hawai‘i under the provisions of HRS Chapter 141, Department of Agriculture, and Chapter 150A, Plant and Non-Domestic Animal Quarantine. *Syphraea uberabensis* will be released into the environment to control infestations of *Tibouchina herbacea* and related weeds (*Melastoma sanguineum*, *M. septemnervium*, *Tibouchina longifolia* and *Pterolepis glomerata*) in the melastome family.

The US Department of Agriculture (USDA) Forest Service has planned detailed monitoring of the impacts of the biocontrol after establishment. This effort will focus on selected sites, following up on pre-release measurements of invasive weeds already obtained in collaboration with the University of Hawai‘i.

1.5.1 Project Cost

Although rearing of *S. uberabensis* requires specialized knowledge, the costs for distributing the insect for management will be relatively low after it is approved for release. Facilities, equipment, and personnel needed for rearing the insect are simple and minimal. Establishing self-sustaining populations in field sites statewide likely can be accomplished within one year with a few staff working only part-time (estimate: $40,000 for 1 FTE technician over one year). Agencies contributing to this effort are expected to include the USDA Forest Service, HDOA, and State of Hawai‘i Department of Land and Natural Resources. Invasive species committees, watershed partnerships, and others involved in weed management are expected to be active partners in identifying release sites and helping to monitor initial establishment at some release sites.

The pre-release study was conducted over two years with $75,000 of Forest Service funding. A similar investment will likely cover costs of post-release monitoring. Long-term monitoring of the status of the targeted weeds, to determine whether the biocontrol is ultimately successful, will likely require a partnership of researchers and managers. The potential to utilize remote sensing technology for this purpose is high, although it has not yet been applied to this project’s target weeds.

1.6 Affected Area

The proposed release of *S. uberabensis* will be statewide. Although initial release of the beetle will focus on locations of high-density infestation, the beetle has the potential to expand its range throughout the state in suitable environments where the target weeds occur.

The first stage of release will focus on the locations of *T. herbacea* infestations on Maui and Hawai‘i, as well as locations of *P. glomerata* infestation on O‘ahu, where that host plant is most abundant. Once successfully established, the beetle may expand its range to other locations or islands both naturally and by additional releases.

1.7 Sources of Primary Environmental Impact

Primary impacts are defined in HAR §11-200-1 as “effects which are caused by the action and occur at the same time and place.” Primary impacts from the release of a biocontrol agent are the damages directly caused by the biocontrol agent; for example, feeding damages on non-target species. The potential impacts of this action are analyzed in Section 2.

1.8 Sources of Secondary Environmental Impact

Secondary impacts are defined in HAR §11-200-1 as "effects which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." The principal sources of secondary impact may include the long-term and indirect effects such as change of vegetation composition after successful control of *T. herbacea*.

1.9 Agency Identification

The Hawai'i Department of Agriculture is the proposing agency assuming responsibility for the proposed action in accordance with HRS Chapter 343 and the National Environmental Protection Act.

1.10 Required Approvals

The proposed action requires the following permits and approvals:

- Plant Protection and Quarantine permit from the USDA, Animal and Plant Health Inspection Service;
- a permit for import and liberation of restricted organisms from the HDOA Plant Quarantine Branch upon review and approval by the Hawai'i Board of Agriculture; and
- a permit for access for release and monitoring of the insect on State forest land from the State of Hawai'i Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife (DOFAW).

1.11 Alternatives Considered

The no action alternative and preferred alternative (proposed action) are discussed below. Table 2 summarizes the advantages and disadvantages of each alternative.

1.11.1 No Action Alternative

No action alternative is not to issue permits for the release of *S. uberabensis* in the State of Hawai'i for biocontrol of *Tibouchina herbacea* and the four related weeds (*Melastoma sanguineum, M. septemnervium*, *Tibouchina longifolia*, and *Pterolepis glomerata*) in the melastome family.

Under the no action alternative, *S. uberabensis* will not be released for biocontrol of the target weeds. Control of the target weeds will be limited to mechanical and chemical control methods. For incipient infestations that are easily accessible and limited in size, mechanical or chemical control can be a preferred method as these have the advantage of short response time and minimal initial resource investment required. However, for infestations in large areas or remote locations, mechanical and chemical controls are infeasible or economically prohibitive, and likely will lead to continued population increase and range expansion of the target weeds (Helen Spafford personal communication).

Environmental impacts associated with mechanical and chemical controls may include impacts on native biota, soil, and water quality. Given the current extent of infestation, the environmental impacts required to achieve adequate control of the target weeds will be unacceptable. For the No Action Alternative, the environmental impacts caused by the target weeds will continue and likely increase, as the weeds will continue to invade suitable habitats and islands that are not currently colonized. The main environmental consequence of the No Action alternative is continued degradation of the native forests, which harbors large numbers of native plants and animals, including threatened and endangered species that rely on the ecosystem to survive and recover.

The "No Action" alternative is considered undesirable for this project.

1.11.2 Proposed Action (Preferred Alternative)

Proposed action is to issue permits for the release of a beetle species, *Syphraea uberabensis*, in the State of Hawai‘i for biocontrol of *Tibouchina herbacea* and the four related weeds (*Melastoma sanguineum, M. septemnervium*, *Tibouchina longifolia,* and *Pterolepis glomerata*) in the melastome family.

The preferred alternative has the advantage of providing long-term control of the target weeds and is the only economically sustainable option for controlling the target weeds at a landscape scale. Although the initial investment in research and development is often high for biological control, as compared to conventional mechanical and chemical controls, the costs in this case have been invested in the past few decades and are ready for use. Benefits of successful biocontrol can accrue for many decades into the future, with benefits amounting to many times the cost. For example, estimates of benefit:cost over 100 years of weed biocontrol efforts averaged 23:1 including all projects, even those that were not successful. (McFadyen 2008)

Although field release will be permanent and there is risk of non-target effects, the extensive host range tests have shown that the biocontrol agent has a very limited host range within the Melastome family, of which all naturalized species in Hawai‘i are considered noxious weeds.

Table 2. Summary of Alternatives Considered and Their Associated Advantages/Disadvantages Compared to the Proposed Action

	Actions	Advantages	Disadvantages
No Action	Not releasing *S. uberabensis*; Management of *T. herbacea* and the related weeds will rely on mechanical and chemical controls.	1. Effective for incipient infestations if response is timely. 2. Low developmental investment required. 3. Short-term negative effects are likely reversible.	1. Only provide short-term control; continual efforts required. 2. Economically prohibitive for widespread infestation. 3. Not able to reach inaccessible areas. 4. Given the resources available, the environmental impact of the invasive plants will worsen.
Proposed Action	Field release of the beetle *Syphraea uberabensis* in the State of Hawai‘i for biocontrol of *Tibouchina herbacea* and the related weeds in the melastome family.	1. Provide long-term control. 2. Ecological and economic benefits accrue permanently. 3. Able to reach areas that are infeasible by mechanical and chemical controls.	1. Require significant investment in research and monitoring. 2. Irreversible once established. 3. Risk of non-target effects exist.

2.0 AFFECTED ENVIRONMENT AND IMPACT ASSESSMENT

This section presents an overview of baseline physical, biological, socio-economic, and cultural environments that the project may affect and the assessment of potential impacts and mitigation measures, when negative impacts are anticipated.

2.1 Biological Environment

The proposed action will have its foremost effect on the biological environment. The biological environment affected by the proposed action is expected to include all ecosystems that are currently occupied by the target weeds.

The introduction of a natural enemy to control target weeds involves direct interaction between the biological control agent and the target weeds. In addition to the direct effects, complex indirect interactions

between other biological and physical components of the environment will both affect and be affected by the direct effects of the proposed action.

Due to these complexities, the end outcome of a biological control release is often difficult to predict, but would fall between no effect (if the biological control agent fails to establish) and widespread suppression of the target species. There is risk for a biological agent to affect non-target species, however, rigorous tests on the host range can minimize this risk.

2.1.1 Direct Effect on the Target Species

The direct effect on the target weeds is the reduction of abundance through herbivory. *Syphraea uberabensis* feeding has the potential to significantly reduce the abundance and distributional range of the target weeds wherever the insect and the plants interact. The level of control, however, will likely depend on the physical and biological environments and is expected to vary by location.

If *S. uberabensis* successfully establishes at release sites, it is expected to disperse and expand its range throughout each island over time. Unaided dispersal between islands is unlikely, however, human-mediated dispersal of *S. uberabensis*, especially as eggs or larvae along with the host plants, is possible. Therefore, the effect is expected to occur on all the main Hawaiian Islands.

2.1.2 Direct Effect on Non-Target Species

Extensive studies have demonstrated that the host range of *S. uberabensis* is limited to a subset of genera (*Tibouchina*, *Melastoma*, and *Pterolepis*) within the melastome family. *Syphraea uberabensis* is not expected to attack plants outside of the melastome family. Because there are no native melastomes and all naturalized melastome species are considered noxious weeds in Hawai‘i, non-target plant use is unlikely to directly affect any native or economically important plants of Hawai‘i.

2.1.3 Indirect Effect on Flora

If *S. uberabensis* successfully controls the target species, the sites previously occupied can become available to other plants. In the less degraded wet forest, native plants may benefit from the natural resources previously occupied by the target species. In more degraded plant communities, the target species are more likely be replaced by other non-native species present nearby. Controlling existing populations of *T. herbacea* will help to prevent spread to new locations and between islands. If biological control is successful, its effects are likely to develop gradually over a period of years, allowing time for appropriate management responses.

2.1.4 Indirect Effect on Fauna

Native fauna is expected to benefit from the proposed action after the successful control of the target species, which pose threats to the remaining native ecosystems. There is no evidence that native fauna use the target species to an appreciable degree. A small number of native fauna might be indirectly affected by the proposed action if the target weeds are utilized for food or shelter. However, the effect is expected to be insignificant, as the native fauna that adapted to use the introduced species would be generalists, capable of using alternative plant species. Successful control or elimination of the target weeds will not threaten the existence of these generalist species.

The release of *S. uberabensis* has the potential to affect predator or pathogen populations and indirectly affect alternative prey or host species. However, the effect is expected to be insignificant. The family of insects to which *S. uberabensis* belongs, Chrysomelidae, is not native to Hawai‘i and is represented by relatively few introduced species. Although there are a few pest chrysomelids in Hawai‘i, they have not been actively targeted for biocontrol. Therefore, there is not a known threat of specialized natural enemies affecting *S. uberabensis*. Its populations can be expected to be subject to predation by some generalist predators and diseases that affect

beetles broadly. These natural enemies may increase in abundance where populations of *S. uberabensis* grow large, but such interactions are expected to be localized and temporary given the fluctuating nature of the beetle populations on their host plants.

Indirect effects on pollinating insects is a potential concern, in the event that biocontrol successfully reduces target weeds serving as a food source for pollinators. Native yellow-faced bees in the genus *Hylaeus* (Hymenoptera: Colletidae) can be found across the state, in sea level to sub-alpine habitats that include the invasive plants targeted for biocontrol with *S. uberabensis*. *Hylaeus* species are adapted to forage on pollen and nectar resources from a diversity of native plants, and rarely use non-native floral forage (Daly et al. 2003). Native yellow-faced bees have not been observed to forage on invasive melastomes, and any use of the targeted plants would be peripheral to their primary foraging on native species (K. Magnacca, personal communication). The seven *Hylaeus* species which are currently listed as T/E are known from dry to mesic forest habitats. Their range does not overlap significantly with the range of *Tibouchina herbacea* or other targeted melastomes, which are invasive predominantly in wet to mesic forests. Controlling the spread of invasive melastomes is likely to benefit rare, but yet unlisted, yellow-faced bees which inhabit wet forests, as they are known to suppress the growth of native plants that the bees prefer, and homogenize the composition of native wet forest habitat. The effect of the proposed action is expected to be beneficial for native pollinators.

2.1.5 Uncertainty of Non-Target Effect

There is no action that has consequences that are completely predictable, and thus there is uncertainty associated with any proposed action, including this one. Uncertainty must be weighed against potential benefits of an action and adverse impacts that are likely to occur if an action is not undertaken. In this case, there is a consensus among biologists in Hawai‘i that tibouchina and related melastomes are deleterious to local ecosystems and that the severity of ecosystem damage is continually increasing. The uncertainty associated with this biocontrol introduction appears to be low due to the rigorous testing of this biocontrol agent and the general success of biocontrol projects in Hawai‘i. Balanced against the certainty of the damage posed by the continued spread of tibouchina and related melastomes, the magnitude of their threat to Hawai‘i’s endangered species and ecosystems, and the urgent need for more effective methods for protecting these resources at risk, the levels of uncertainty associated with the proposed action appear acceptable.

2.2 Physical Environment

In general, a biological control program would have minimal impact on the physical environment as the action is based on the herbivore-host interaction between the biological control agent and the target species and not directly on the physical environment. The proposed action will have no or negligible effects on geology and topography, air-quality, noise, hazardous substance, and natural hazards. The results of the biocontrol, however, may indirectly affect the physical environment by altering the ecological functions that may affect the physical environment. Most importantly, successful biological control of invasive plants can change composition of the vegetational communities, which consequently can alter local microclimate, transpiration rate, and soil characteristics. The following assesses potential impacts on the elements of physical environment that may be affected by the proposed action.

2.2.1 Climate

The proposed action will have no to negligible effect on long-term or regional climate patterns. The proposed action may affect microclimates that are influenced by the invasive vegetation. Successful control of the invasive weeds is expected to enable the native vegetation to recolonize the invaded area, which will reduce the negative effect of the invasive weeds on the microclimates and should be beneficial to native biota.

2.2.2 Hydrology

Although the proposed action will not directly affect hydrology, the successful control of the target weeds has the potential to indirectly affect hydrology. The successful control of the invasive weed is expected to benefit watershed function of the invaded wet forests which plays an important role in the hydrological cycle. Specifically, forest composition can affect evaporation-transpiration rates and water input from interception of mist and fog.

A study conducted in a lowland wet forest in Hawai‘i demonstrated that native trees are more conservative in overall water use than invasive trees (Cavaleri et al. 2014). This study involves the most dominant native wet forest species, ‘ōhi‘a lehua (*Metrosideros polymorpha*), and one of the target weeds, *Melastoma septemnervium.* The study shows that the wet forest sites dominated by ‘ōhi‘a lehua that are mixed with invasive species has higher transpiration rates (i.e., water loss) compared to the sites where invasive species were removed.

2.2.3 Soils

Soil erosion is not expected due to the slow acting nature of biocontrol and the ability of other native and non-native plants to fill in areas where *T. herbacea* cover might be reduced. The successful establishment of *S. uberabensis* and control of *T. herbacea* and other melastomes is expected to decrease the abundance of the invasive weeds. In the mesic to wet environments where the target weeds occur, other plant species are expected to grow rapidly to replace their decreasing densities. The proposed action, therefore, will not have significant impact on soils.

2.2.4 Wildland Fires

The proposed action is expected to have negligible effects on wildland fire. The biocontrol has the potential to create small amounts of dead biomass of *T. herbacea* or related melastomes. However, the affected area is usually in mesic to wet environments, where the biomass is expected to decompose at a high rate and fire hazard is generally low. The proposed action is unlikely to significantly increase wildland fire hazard.

2.3 Cultural Resources

ASM Affiliates Hawai‘i, a Heritage and Cultural Resource Management firm, prepared a Cultural Impact Assessment (CIA) for the proposed action, which is attached as Appendix B and summarized below. The CIA report was prepared in adherence with the Office of Environmental Quality Control (OEQC) *Guidelines for Assessing Cultural Impacts*, adopted by the Environmental Council, State of Hawai‘i, on November 19, 1997 and pursuant to Act 50, approved by the Governor on April 26, 2000.

In general, CIA studies are intended to inform environmental studies that are conducted in compliance with HRS Chapter 343. The purpose of a CIA is to gather information about the practices and beliefs of a particular cultural or ethnic group or groups that may be affected by the actions subject to HRS Chapter 343.

The primary focus of the report is on understanding the cultural and historical context of *T. herbacea* and other weedy melastomes with respect to Hawai‘i’s host culture. It includes a cultural-historical context of the settlement of the Hawaiian Islands by early Polynesian settlers and the transformation of their beliefs and practices associated with the land following western contact, an overview of the history of biocontrol in Hawai‘i, and a discussion of the introduction of *T. herbacea* to the Hawaiian Islands. It also includes a discussion of potential impacts as well as appropriate actions and strategies to mitigate such impacts.

2.3.1 Location

Conventional CIAs assess the potential impacts on cultural practices and features within a geographically defined “project area,” which are often defined by an established Tax Map Key number or numbers. However,

CIAs conducted for biocontrol projects differ in that the assessment must consider statewide impacts with emphasis on areas where the target species can be found in abundance. In Hawai‘i, *T. herbacea* and related melastomes are naturalized and locally abundant in disturbed mesic to wet forest on the islands of Hawai‘i, Lāna‘i, Maui, Moloka‘i, and O‘ahu.

2.3.2 Consultation

As stated in the OEQC Guidelines for Assessing Cultural Impacts, the goal of the oral interview process is to identify potential cultural resources, practices, and beliefs associated with *Tibouchina* and related melastomes and the habitats they occupy. Gathering input from community members with genealogical ties and long-standing residency or relationships to the anticipated area of impact or to the target species is vital to the process of assessing potential cultural impacts on resources, practices, and beliefs.

In an effort to identify individuals knowledgeable about traditional cultural practices and/or uses associated with the subject affected environment, a public notice was submitted by ASM Affiliates to the Office of Hawaiian Affairs (OHA) for publication in the May 2019 issue of their monthly newspaper, *Ka Wai Ola.* While no responses were received from the public notice, 45 individuals were contacted via email and/or phone regarding the preparation of the CIA report. A list of those individuals is available upon request. Of the 45 individuals contacted, 20 responded to the request with either brief comments, referrals, or acceptance of the interview request (see Table 3). ASM Affiliates conducted a total of eight interviews, the summaries of which can be found in the CIA.

The interviewees were asked a series of questions regarding their background, and their experience and knowledge of the target species. Additional questions focused on any known cultural uses, traditions, or beliefs associated with any of the target species. The interviewees were then asked about their thoughts on the cultural appropriateness of using biocontrol agents and whether they were aware of any potential cultural impacts that could result from the use of biocontrol and whether they had any recommendations to mitigate any identified cultural impacts or any other thoughts about the proposed action.

Table 3. Persons that responded to request for consultation.

Name	***Affiliation, Island***	***Initial Contact Date***	***Comments***
Shalan Crysdale	The Nature Conservancy, Ka‘ū Preserve, Hawai‘i	3/6/2019	See summary in CIA
John Repogle	Retired from The Nature Conservancy, Ka‘ū Preserve, Hawai‘i	3/6/2019	See summary in CIA
Nohealani Ka‘awa	The Nature Conservancy, Ka‘ū Preserve, Hawai‘i	3/6/2019	See summary in CIA

Arthur Medeiros	Auwahi Forest Restoration Project, Maui	3/7/2019	Responded via email on March 11, 2019, stating "Thank you for your valuable work supporting this essential action to attempt to slow the loss of Hawaiian biota."
Jen Lawson	Waikōloa Dry Forest Initiative, Hawai‘i	4/3/2019	See summary in CIA
Robert Yagi	Waikōloa Dry Forest Initiative, Hawai‘i	4/3/2019	See summary in CIA
Wilds Brawner	Ho‘ola Ka Manaka‘ā at Ka‘ūpūlehu, Hawai‘i	4/9/2019	See summary in CIA
Sam ‘Ohu Gon III	The Nature Conservancy, O‘ahu	4/22/2019	Responded to interview request but was unable to provide input on this project.
Mike DeMotta	National Tropical Botanical Gardens, Kaua‘i	4/22/2019	See summary in CIA
Wili Garnett	Cultural practitioner, Moloka‘i	5/7/2019	Responded via email stating "I have mostly been involved with Erythrina gall wasp parasite release and monitoring, but experience watching *Tibouchina* and *Schinus* degrade watershed on many islands, including Molokai and even cultural resources at Kalaupapa."
Emily Grave	Laukahi Network, O‘ahu	5/7/2019	Responded via email stating that she was not aware of cultural uses of this plant.
Kim Starr	Starr Environmental, Maui	5/9/2019	See summary in CIA
Forest Starr	Starr Environmental, Maui	5/9/2019	See summary in CIA
Manaiakalani Kalua	Cultural practitioner, Hawai‘i	5/30/2019	See summary in CIA
Talia Porter	Honolulu Botanical Gardens, O‘ahu	6/3/2019	Responded to interview request but was unable to secure an interview.

Robert Keano Kaʻupu	Cultural practitioner, Oʻahu	6/16/2019	Responded via phone that he has been interested in learning about the cultural uses of *wiliwili* but was not aware of any uses or of anyone else who used the wood for cultural purposes. Did not address *T. herbacea*
Hinaleimoana Wong-Kalu	Cultural practitioner, Oʻahu	7/16/2019	Responded to interview request but was unable to secure an interview.
Pelehonuamea Harman	Cultural practitioner, Hawaiʻi	7/31/2019	Referred ASM staff to Dennis Kanaʻe Keawe.
Dennis Kanaʻe Keawe	Cultural practitioner, Hawaiʻi	8/12/2019	See summary in CIA
Iliahi Anthony	Cultural practitioner, Hawaiʻi	8/30/2019	See summary in CIA

2.3.2 Summary of Findings, Identification of Cultural Impacts, and Proposed Mitigative Measures

A review of the cultural-historical background in addition to the consultation efforts has yielded no reported cultural use for *T. herbacea* nor is there any historical evidence to suggest that this plant is crucial to any particular ethnic groups' cultural history, identity, practices, or beliefs, nor does it meet any of the significance criteria outlined in the CIA. Although *T. herbacea* does not meet any of the significance criteria, what is culturally significant is the wet forest habitat in which it thrives. Hawaiʻi's wet forest habitat could be considered significant as a traditional cultural property under Criterion E, as it contains many culturally important indigenous and endemic taxa, which are still utilized in certain Hawaiian cultural practices. Some of these wet forest resources are also associated with certain Hawaiian cultural beliefs.

Based on the information derived from the cultural-historical background and from the insight shared by the consulted parties, it is the assessment of this study that the release of the proposed biocontrol agent, *Syphraea uberabensis*, will not result in impacts to any valued cultural, historical, or natural resources. Conversely, if no action is taken to further reduce remaining populations of *T. herbacea* and other highly invasive melastomes from claiming more of Hawaiʻi's wet forest habitat, impacts to this valued resource would be anticipated.

While no specific cultural impacts were identified through the CIA, the consulted parties shared valuable insight, concerns, and recommendations that could reduce the potential for any future impacts and improve public transparency regarding the effectiveness of biocontrol as a conservation management strategy. Several key themes emerged from the consultation efforts, all of which are further described in the CIA:

1) maintain stringent pre and post-release testing and monitoring;
2) improved community transparency and input;
3) active and ongoing public outreach and education;
4) improve efforts to limit the introduction of potentially harmful invasive species.

While the consulted parties did not explicitly oppose the use of biocontrol, especially to aid in the recovery of Hawaiʻi's native forest habitat, they all shared a sense of concern and spoke about the risks inherent in biocontrol activities.

The CIA recommends that conducting background research, consulting with community members, and taking steps toward mitigating any potential cultural impacts is done in the spirit of *Aloha ʻĀina*, a contemporary movement founded on traditional practices and beliefs that emphasize the intimate relationship that exists between Native Hawaiians and the *ʻāina* (land).

2.4 Socio-economic Environment

The release of the any biocontrol agent poses a risk to socioeconomic environment when the biocontrol agent causes negative effects on non-target species that are socio-economically important. This may be caused by direct predation, competition, or secondarily when the results of the action cause socio-economic impact.

The action is not expected to negatively affect the socio-economic environment. The successful control of invasive weeds will benefit the environment and can release the resources used in chemical and mechanical control efforts for other purposes.

2.4.1 Population

The proposed action is expected to have negligible effect on population. The target species are of minimum economic value and the locations of the biocontrol are largely uninhabited natural areas with no existent population. The successful control of the invasive weeds is not expected to cause significant socio-economic changes that would affect population.

2.4.2 Existing Land Use

The proposed locations of biocontrol release will largely consist of conservation areas that are mainly used for watershed protection, conservation of native flora and fauna, and public recreation. A small part of the affected areas may be used for agriculture or the harvest of forest resources. The proposed action will not significantly change the land use of the affected areas. The successful control of the invasive weeds, however, is expected to benefit the intended uses. The results of successful control of the invasive weeds would improve the integrity of the native forest, which is crucial to the conservation of biodiversity as well as watershed value.

2.4.3 Recreation

Recreational use of the affected area is expected to benefit from the proposed action. The target species are environmental weeds that can degrade the recreational value of natural areas. The invasive weeds colonize areas including trails and forests, which can decrease the value of the natural areas for recreational use. Therefore, the proposed action is expected to benefit recreation.

2.4.4 Scenic and Visual Resources

The proposed action is expected to have negligible effect on scenic and visual resources. The effect of successful biocontrol will take place gradually over the span of years to decades. The change in scenic or visual value of the invaded area, therefore, will not dramatically change in a short time period. The areas of infestation are expected to be replaced by other vegetation and have minimal visual change at landscape level. The proposed action will have insignificant effect in scenic value and visual resources.

2.4.5 Household Nuisance

Syphraea uberabensis lives and feeds on its host plants as adults and larvae and pupates in the soil under these host plants. Although populations of the insects may grow large, these populations are expected to remain localized on and near the host plants, and populations will decline as the leaves of their host plants are consumed. Due to this intimate association with its host plants, which are not cultivated and grow mainly in wild environments and unmanaged areas, humans are unlikely to come into contact with *S. uberabensis*. This insect and its relatives are not known to be a nuisance elsewhere, for example, by exhibiting attraction to lights or mass migration or aggregation. *S. uberabensis* is unlikely to become nuisance to residents and visitors.

2.5 Consistency with Government Plans and Policies

The proposed action is consistent with all government plans and policies, especially those that call for conservation of natural resources.

2.5.1 Hawai‘i State Plan

The *Hawai‘i State Plan* was adopted in 1978. It was revised in 1986 and again in 1991 (HRS Chapter 226, as amended). The Plan establishes a set of goals, objectives, and policies that are meant to guide the State's long-run growth and development activities. The proposed project is consistent with State goals and objectives that call for increases in employment, income and job choices, and a growing, diversified economic base extending to the neighbor islands.

Chapter 226-4 sets forth goals associated with the *Hawai‘i State Plan*:

1. A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawai‘i's present and future generations.

2. A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.

3. Physical, social, and economic well-being, for individuals and families in Hawai‘i, that nourishes a sense of community responsibility, of caring, and of participation in community life.

The aspects of the plan most pertinent to the proposed classification are the following:

Chapter 226-11 *Objectives and policies for the physical environment—land-based, shoreline, and marine resources*. Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of prudent use of Hawai‘i's land-based, shoreline, and marine resources and effective protection of Hawai‘i's unique and fragile environmental resources. To achieve the land-based, shoreline, and marine resource objectives, it shall be the policy of the State to:

- Exercise an overall conservation ethic in the use of Hawai‘i's natural resources.
- Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.
- Take into account the physical attributes of areas when planning and designing activities and facilities.
- Manage natural resources and environs to encourage their beneficial and multiple uses without generating costly or irreparable environmental damage.
- Consider multiple uses in watershed areas, provided such uses do not detrimentally affect water quality and recharge functions.
- Encourage the protection of rare or endangered plant and animal species and habitats native to Hawai‘i.
- Pursue compatible relationships among activities, facilities, and natural resources.
- Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational, and scientific purposes.

The proposed action is consistent with the goals, objectives and policies of the *Hawai‘i State Plan*. Specifically, it will encourage the protection of rare or endangered plant and animal species and habitats through the control of the invasive weeds.

2.5.2 Hawai‘i County General Plan

The County of Hawai‘i’s General Plan is the policy document expressing the broad goals and policies for the long-range development of the Island of Hawai‘i. The plan was adopted by ordinance in 1989 and amended in 2005. The chapter of Natural Resources and Shoreline are the most relevant to the proposed project and include the following goals and policies.

Natural Resources and Shoreline – Goals:

- Protect and conserve the natural resources from undue exploitation, encroachment, and damage.
- Protect rare or endangered species and habitats native to Hawai‘i.
- Protect and effectively manage Hawai‘i’s open space, watersheds, shoreline, and natural areas.

Natural Resources and Shoreline – Policies:

- Coordinate programs to protect natural resources with other government agencies.
- Encourage public and private agencies to manage the natural resources in a manner that avoids or minimizes adverse effects on the environment and depletion of energy and natural resources to the fullest extent.
- Encourage an overall conservation ethic in the use of Hawai‘i’s resources by protecting, preserving, and conserving the critical and significant natural resources of the County of Hawai‘i.
- Encourage the protection of watersheds, forest, brush, and grassland from destructive agents and uses.
- Work with the appropriate State, Federal agencies, and private landowners to establish a program to manage and protect identified watersheds.

The proposed action would help to protect and conserve native species and habitats and is consistent with the policies for encouraging conservation ethics, watershed protection, and interagency coordination for the management of natural resources.

2.5.3 Kaua‘i County General Plan

The General Plan for the County of Kaua‘i is the document expressing the broad goals and policies for the long-range development and resource management for the Island of Kaua‘i. First adopted in 1971, the Plan was revised in 1984 and 2000. The General Plan is thematically arranged, discussing issues including management of public facilities, preservation of rural character, and caring for land, water, and culture, among others. The General Plan also includes a chapter entitled “*Vision for Kaua‘i 2020”* that states:

> In 2020, management of development, agriculture, and other activities on Kaua‘i is based on the related principles of ahupua‘a and watershed. Land is developed and used in ways that conserve natural streams and streamflows; conserve habitat for native species of plants and animals, both on land and in the ocean; and preserve sandy beaches and coral reefs. Best management practices used by government agencies, agricultural companies, other businesses, and individuals are effective in avoiding increases in floodwaters downstream; preventing beach loss; and minimizing pollution of ocean waters. All of Kaua‘i’s waters are fishable and swimmable.

The proposed action is consistent with the vision of the Kaua‘i County General Plan, specifically the successful control of the target weeds would contribute to conserving habitat for native plants and animals.

2.5.4 Maui County General Plan

The Maui County General Plan is a long-term, comprehensive blueprint for the physical, economic, environmental development, and cultural identity of the county. The Countywide Policy Plan, adopted on March 24, 2010, provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. Furthermore, this Countywide Policy Plan provides the policy framework for the development of the Maui Island Plan and nine Community Plans. The Countywide Policy Plan is the outgrowth of and includes the elements of the earlier General Plans of 1980 and 1990. The portions of the plan pertaining to the Protection of the Natural Environment are the most relevant to the proposed project and include the following goals and objective.

Goals: Maui County's natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.

Objective: Improve the opportunity to experience the natural beauty and native biodiversity of the islands for present and future generations. Policies to achieve the objective include:

- Perpetuate native Hawaiian biodiversity by preventing the introduction of invasive species, containing or eliminating existing noxious pests, and protecting critical habitat areas.
- Preserve and reestablish indigenous and endemic species' habitats and their connectivity.
- Restore and protect forests, wetlands, watersheds, and stream flows, and guard against wildfires, flooding, and erosion.
- Expand coordination with the State and nonprofit agencies and their volunteers to reduce invasive species, replant indigenous species, and identify critical habitat.

The proposed action is consistent with the goal, objective, and policies of the Maui County General Plan for the protection of natural environment through the control of the target weeds to conserve and restore native ecosystems and watersheds.

2.5.5 City and County of Honolulu General Plan

The City and County of Honolulu General Plan (1992 edition, amended in 2002) is a comprehensive statement of objectives and policies which sets forth the long-range aspirations of O‘ahu's residents and the strategies of actions to achieve them. It is the focal point of a comprehensive planning process that addresses physical, social, economic, and environmental concerns affecting the City and County of Honolulu. This planning process serves as the coordinative means by which the City and County government provides for the future growth of the metropolitan area of Honolulu.

The policies most relevant to the proposed action are in the section of Natural Environment with the objective to protect and preserve O‘ahu's natural environment including:

- Seek the restoration of environmentally damaged areas and natural resources.
- Protect plants, birds, and other animals that are unique to the State of Hawai‘i and the Island of O‘ahu.
- Increase public awareness and appreciation of O‘ahu's land, air, and water resources.

The proposed action is consistent with the objective and policies concerning the natural environment of the plan. Specifically, the proposed action would contribute to the restoration of natural environment and protection of native plants and animals through the control of the invasive weeds.

2.5.6 Hawai‘i’s State Wildlife Action Plan

The 2015 edition of Hawai‘i’s State Wildlife Action Plan (SWAP) details the strategy and plans of the Department of Land and Natural Resources and its partners to address the conservation needs of over 10,000 species native to Hawai‘i. This is an update of the Comprehensive Wildlife Conservation Strategy 2005 plan and outlines a statewide strategy for conserving native wildlife species.

The SWAP identified the major threats to Hawai‘i’s native wildlife which include:

- Loss and degradation of habitat resulting from human development, alteration of hydrology, wildfire, recreational overuse, natural disaster, and other factors;
- Invasive species (e.g., habitat-modifiers, including weeds, ungulates, algae and corals, predators, competitors, disease carriers, and disease);
- Ecological consequences of climate change;
- Limited information and insufficient information management;
- Uneven compliance with existing conservation laws, rules, and regulations;
- Overharvesting and excessive extractive use;
- Management constraints; and
- Inadequate funding.

The SWAP sets goals to guide conservation efforts across the state to ensure protection of Hawai‘i’s Species of Greatest Conservation Need and the diverse habitats that support them. The following seven objectives have been identified as elements necessary for the long-term conservation of Hawai‘i’s native wildlife:

- Maintain, protect, manage, and restore native species and habitats in sufficient quantity and quality to allow native species to thrive;
- Combat invasive species through a three-tiered approach combining prevention and interdiction, early detection and rapid response, and ongoing control or eradication;
- Develop and implement programs to obtain, manage, and disseminate information needed to guide conservation management and recovery programs;
- Strengthen existing and create new partnerships and cooperative efforts;
- Expand and strengthen outreach and education to improve understanding of our native wildlife resources among the people of Hawai‘i;
- Support policy changes aimed at improving and protecting native species and habitats; and
- Enhance funding opportunities to implement needed conservation actions.

The target weeds of the proposed biological control are invasive plants that pose threats to the native ecosystem. The proposed project will address the threat of invasive species and provide a tool for the resource managers to combat invasive species that would otherwise not be feasible due to management constraints and inadequate funding. The proposed project is consistent with the goals of SWAP by providing a cost-effective tool for resource managers to combat the invasive weeds targeted by the project. The project will also contribute to maintain, protect, manage, and restore native species and habitats.

2.5.7 Hawai‘i’s Interagency Biosecurity Plan

The 2017-2027 Hawai‘i Interagency Biosecurity Plan (HIBP) is the State’s first multi-agency, comprehensive biosecurity plan that includes coordinated strategies to protect Hawaii’s agriculture, environment, economy and health from invasive species. The HIBP identifies gaps in the current biosecurity system which consists of a

network of state agencies and partners working within the areas of preborder, border, and postborder as well as public engagement. The plan creates a shared path forward to address these gaps through 147 actions.

This project is consistent with the actions identified in the HIBP related to biological control which is an essential tool to address widespread invasive species that are difficult to control through conventional methods. Those actions are:

- Increase funding and staffing for Hawai‘i’s biological control programs;
- Hiring a biological control program coordinator, doubling the size of HDOA’s Biological Control Section Staff; and
- Building state-of-the-art biocontrol facilities equipped to develop effective biocontrol for high-impact target species.

2.5.8 Hawai‘i Forest Action Plan

The 2016 Hawai‘i Forest Action Plan (FAP) is an update to the original assessment and strategy produced in 2010 called the Hawai‘i Statewide Assessment of Forest Conditions and Trends. The Department of Land and Natural Resource Division of Forestry and Wildlife is the lead agency in the development of the FAP, which covers all forest land ownerships (state, private, and federal) and enables DOFAW to continue to seek funding for landscape-scale management and to integrate the many programs the division administers through one planning document. The plan identifies nine priority areas for Hawai‘i’s forests including:

- Water quality and quantity;
- Forest health, invasive species, insects and disease;
- Wildfire;
- Urban and community forestry;
- Climate change and sea level rise;
- Conservation of native biodiversity;
- Hunting
- Nature-based recreation; and
- Tourism.

The target weeds of the proposed biological control are invasive plant species and pose threats to other priority areas such as water quality and quantity and conservation of native biodiversity. The FAP identifies plants that are non-native, invasive, and habitat-modifying as one of the current, most pervasive threats to native biodiversity in Hawai‘i and discusses the negative impacts that invasive plants can have on the hydrological processes of forested watersheds.

The proposed project in consistent with the goals of the FAP, which supports and suggests a substantial increase in resources for biocontrol as a necessary tool in invasive species management and identifies biocontrol as one of the management approaches in the FAP.

3.0 DETERMINATION

Section 11-200-12 of the HAR sets forth the criteria by which the significance of environmental impacts shall be evaluated. The following discussion restates these criteria individually and evaluates the project's relation to each.

1. *The project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.*

The proposed action involves specific interactions between the biological control agent and the target weeds and is not expected to involve irrevocable commitment or loss or destruction of any natural or cultural resources.

2. *The project will not curtail the range of beneficial uses of the environment.*

The proposed action involves specific interactions between the biological control agent and the target weeds and is not expected to curtail any beneficial uses of the environment.

3. *The project will not conflict with the State's long-term environmental policies.*

The proposed action is expected to benefit the environment by reducing the negative impact caused by the target weeds. This is in line with the State's long-term environmental policies.

4. *The project will not substantially affect the economic or social welfare of the community or State.*

The proposed action involves specific interactions between the biological control agent and the targeted noxious weeds. The proposed action is not expected to affect the economic or social welfare of the community or State.

5. *The project does not substantially affect public health in any detrimental way.*

The proposed action involves specific interactions between the biological control agent and the targeted noxious weeds, both are not public health concerns.

6. *The project will not involve substantial secondary impacts, such as population changes or effects on public facilities.*

The proposed action involves specific interactions between the biological control agent and the targeted noxious weeds and is not expected to cause substantial secondary impacts.

7. *The project will not involve a substantial degradation of environmental quality.*

The proposed action involves specific interactions between the biological control agent and the target weeds and is expected to improve environmental quality by reducing the negative impact caused by the noxious weeds.

8. *The project will not substantially affect any rare, threatened, or endangered species of flora or fauna or habitat.*

The proposed action is expected to benefit many rare, threatened, or endangered species of flora or fauna by reducing the negative impact caused by the noxious weeds to the ecosystems.

9. *The project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.*

The proposed action does not involve a commitment for larger actions. The cumulative effect is expected to be beneficial by reducing the overall impact of invasive species to the native ecosystems.

10. The project will not detrimentally affect air or water quality or ambient noise levels.

The proposed action involves specific interactions between the biological control agent and the target weeds and is not expected to affect air or ambient noise levels. Although the proposed action has the potential to reduce vegetation cover and affect water quality, the effect is expected to be temporary and off-set by reducing the long-term impact on watershed integrity caused by the noxious weeds.

11. The project will not affect or will not likely be damaged by being located within an environmentally sensitive area such as flood plains, tsunami zones, erosion-prone areas, geologically hazardous lands, estuaries, fresh waters or coastal waters.

The proposed action involves specific interactions between the biological control agent and the target weeds. In some cases these interactions may take place within environmentally sensitive areas, however impacts in these areas are expected to be beneficial, decreasing the detrimental effects of invasive plants, and not subject to damage by being located within these areas.

12. The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.

The proposed action may temporarily reduce vegetation cover in natural areas but is not expected to substantially affect scenic vistas and viewplanes.

13. The project will not require substantial energy consumption.

The proposed action involves specific interactions between the biological control agent and the target weeds and will not require substantial energy consumption.

3.1 Conclusion

For the reasons above, and in consideration of comments received during early consultation, the State of Hawai‘i Department of Agriculture, with support from the State of Hawai‘i Department of Land and Natural Resources, Division of Forestry and Wildlife, has concluded that the proposed project will not have a significant impact in the context of HRS Chapter 343 and Section 11-200-12 of the HAR, and has determined a Finding of No Significant Impact with the Final Environmental Assessment.

4.0 AGENCIES, ORGANIZATIONS, AND INDIVIDUALS CONSULTED

The following legislators, agencies, advisory commissions, and educational institutes received a letter inviting their participation in the preparation of the Final Environmental Assessment. The information and issues raised were considered and included in the Final Environmental Assessment. Comments received during early consultation are provided in Appendix A.

Federal Agencies

- US House of Representatives, Representative Tulsi Gabbard
- US House of Representatives, Representative Colleen Hanabusa
- US Senate, Senator Mazie Hirono
- US Senate, Senator Brian Schatz
- National Park Service, Hawai‘i Volcanoes National Park
- National Park Service, Haleakala National Park

- Natural Resources Conservation Service, Pacific Islands Area
- US Army Garrison, Commander Col. Stephen E. Dawson
- US Army Garrison, Environmental Division
- US Army Garrison, Natural Resource Section
- US Fish & Wildlife Service
- US Fish & Wildlife Service, Oʻahu National Wildlife Refuge Complex
- US Geological Survey, Pacific Island Ecosystems Research Center

State Agencies

- Aha Moku Councils
- BLNR Oʻahu Member
- Department of Business, Economic Development & Tourism
- Department of Hawaiian Homelands
- Department of Health
- Department of Health, Office of Environmental Quality Control
- DLNR Division of Forestry & Wildlife
- DLNR Division of State Parks
- DLNR Land Division
- DLNR Office of Conservation & Coastal Lands
- DLNR State Historic Preservation Administration
- DLNR Watershed Partnership Program
- Land Use Commission
- Natural Area Reserves System Commission
- Office of the Governor
- Office of Hawaiian Affairs
- University of Hawaiʻi, College of Tropical Agriculture and Human Resources
- University of Hawaiʻi, Environmental Center
- University of Hawaiʻi, Pacific Cooperative Studies Unit

City and County Agencies

- Honolulu City Council
- City & County of Honolulu, Office of the Mayor
- City & County of Honolulu, Board of Water Supply
- City & County of Honolulu, Planning Department
- Hawaiʻi County Council
- Hawaiʻi County, Office of the Mayor
- Hawaiʻi County, Department of Water Supply
- Hawaiʻi County, Department of Planning

- Kaua‘i County Council
- Kaua‘i County, Office of the Mayor
- Kaua‘i County, Department of Planning
- Kaua‘i County, Department of Water Supply
- Maui County Council
- Maui County Office of the Mayor
- Maui County, Department of Planning
- Maui County, Department of Water Supply

Organizations

- Big Island Invasive Species Committee
- Bishop Museum
- Conservation Council of Hawai‘i
- Environment Hawai‘i Inc.
- Hawai‘i Audubon Society
- Hawai‘i Cattlemen’s Council
- Hawai‘i Conservation Alliance
- Hawai‘i Forest and Trail
- Hawai‘i Forest Industry Association
- Hawaiian Botanical Society
- Hawaiian Trail and Mountain Club
- KAHEA
- Kamehameha Schools
- Kaua‘i Invasive Species Committee
- Ko‘olau Mountains Watershed Partnership
- Maui Invasive Species Committee
- Moloka‘i Invasive Species Committee
- Native Hawaiian Advisory Council
- Native Hawaiian Legal Corporation
- O‘ahu Invasive Species Committee
- Pig Hunters Association of O‘ahu
- Plant Extinction Prevention Program
- Sierra Club, O‘ahu Chapter
- The Nature Conservancy of Hawai‘i

5.0 DOCUMENT PREPARERS

This EA was prepared for the State of Hawai‘i, DLNR DOFAW. Agencies, firms and individuals involved included the following:

Garcia and Associates (Consultant):

Michael Desilets, M.A., R.P.A., Principal Investigator
M.A., 1995, Western Washington University, Anthropology
B.A., 1990, University of Vermont, Anthropology and History

Huang-Chi Kuo, Ph.D., Project Manager
Ph.D., 2010, University of Hawai‘i at Mānoa, Botany/ EECB
M.S., 1996, National Taiwan University, Botany
B.S., 1994, National Taiwan University, Botany

State of Hawai‘i Department of Land and Natural Resources, Division of Forestry and Wildlife:

Robert Hauff, State Protection Forester
Master of Forestry, 1998, Yale University;
B.A. International Relations, 1993, University of Washington

Cynthia King, Entomologist, Native Ecosystem Protection and Management, Hawai‘i Invertebrate Program.
M.S. Entomology, 2008, University of Hawaii at Manoa;
B.S. Environmental Science Policy and Management, 2001, University of California, Berkeley

USDA Forest Service, Pacific Southwest Research Station:

Tracy Johnson, Research Entomologist, Institute of Pacific Islands Forestry.
Ph.D. Entomology, 1995, M.S. Entomology, 1990, North Carolina State University;
A.B. Biology, 1984, University of California - Berkeley

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APPENDIX A: COMMENTS RECEIVED DURING EARLY CONSULTATION

17913

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

UHM/College of Tropical Agriculture & Human Resources

DEC 2 6 2017

Office of the Dean and Director

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

December 13, 2017

ATTN: Interested Agencies and Organizations

RE: Early Consultation on Environmental Assessment for the state-wide release of the flea beetle *Syphraea uberabensis* for biological control of the noxious weed *Tibouchina herbacea* and related weeds

The co-proposing agencies, Hawaii State Department of Agriculture (HDOA) and Hawai'i State Department of Land and Natural Resources (DLNR), are preparing an Environmental Assessment (EA) in support of the field release of the flea beetle *Syphraea uberabensis* in the state of Hawai'i for biological control of the noxious weed *Tibouchina herbacea*. This letter is to share information about the project and to solicit your input regarding potential environmental impacts that may be associated with proposed project actions.

Overview

Cane tibouchina (*Tibouchina herbacea*) is an herbaceous plant in the melastome family (Melastomataceae) and aggressively spreads in mesic and wet areas in Hawai'i. It is widely established on Hawai'i and Maui islands and is also naturalized on Lāna'i, Moloka'i, and O'ahu. This invasive plant spreads by prolific production of bird-dispersed seeds, as well as vegetatively. It forms dense stands in pastures and undisturbed forests, out-competing other species. The entire genus of *Tibouchina* is listed as noxious weed in the state.

Syphraea uberabensis is a small South American beetle (Chrysomelidae; Alticini) whose adults and larvae feed externally on foliage and soft stems of *Tibouchina spp.*, causing enough damage to kill small plants. *S. uberabensis* has been evaluated in containment facilities in Hawai'i as a potential biological control agent for *T. herbacea* with encouraging results. Tests have been conducted on a variety of native and non-native plants to identify the beetle's potential host range. Results indicate that it does not have the capacity to impact native or economic plants in Hawai'i and the host range is limited to *T. herbacea* and closely related weeds within the melastome family.

The proposed action of releasing the biological control agent involves the use of state land and funds as well as approval of permits. Therefore, in accordance with the Hawai'i Revised Statutes Chapter 343 or Hawaii Environmental Policy Act (HEPA) the proposing agencies are conducting an Environmental Assessment of the proposed project to evaluate potential environmental impacts.

Project Actions

State-wide release of the *S. uberabensis* for *T. herbacea* biocontrol will be the primary action considered in the Environmental Assessment. Activities associated with the project include:

1. State-wide field release of *S. uberabensis* on state lands where infestation of *T. herbacea* and related weeds in the melastome family (*Pterolepis glomerata, Melastoma septemnervium and M. sanguineum*) occurs.
2. Monitoring of *S. uberabensis* populations and the impact on *T. herbacea* population in selected release sites.

Public Input Needed

The EA will address topics including but not limited to: biological resources; cultural resources; and socioeconomic impacts. If you would like to contribute input regarding this project, or would like clarification on any aspect, please contact me at Robert.D.Hauff@hawaii.gov. Please send your comments on the project to me by **Friday, January 12th, 2018**. Thank you very much for your time.

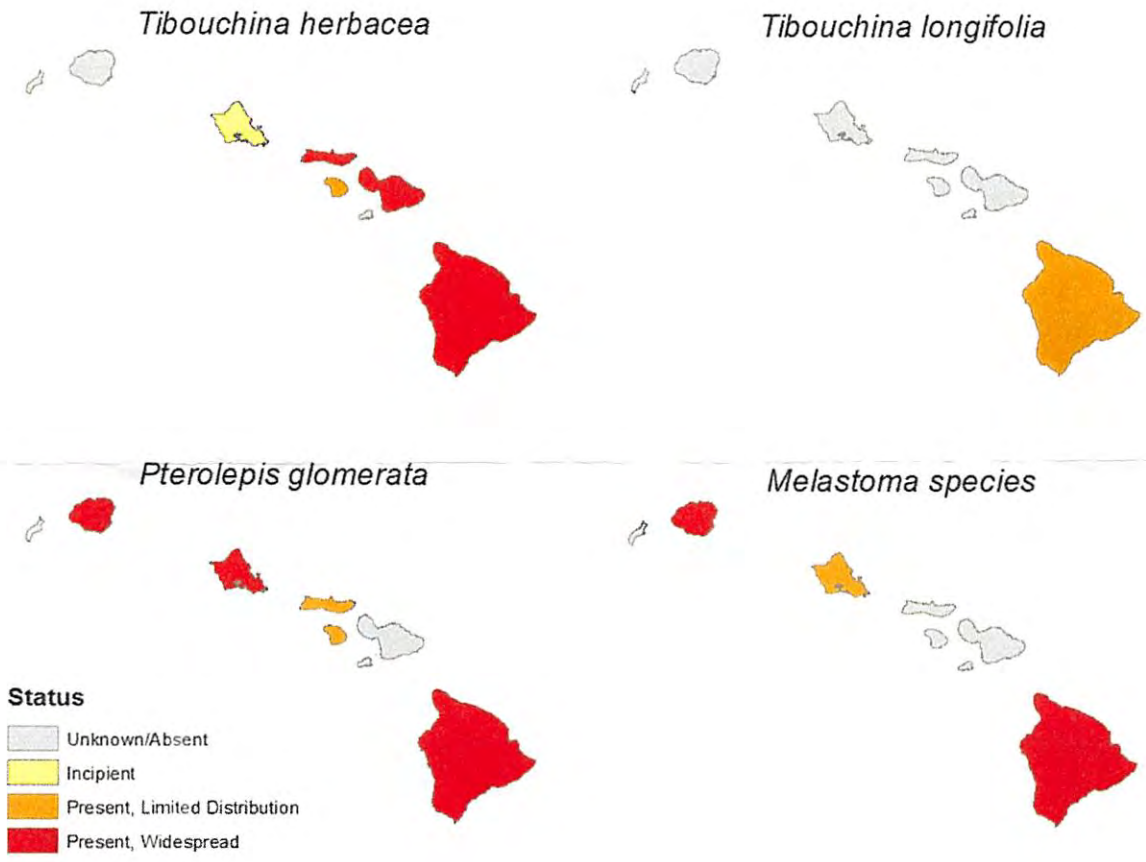
Sincerely,

Robert Hauff

State Protection Forester

Cane Tibouchina Growing in Hawaii

Status of invasion by *Tibouchina herbacea* and relatives across the State of Hawaii



Feeding damage by adults and larvae of *Syphraea uberabensis* on the host plant *Tibouchina herbacea*.

O'AHU INVASIVE SPECIES COMMITTEE

Robert Hauff
State Protection Forester
Department of Land and Natural Resources/Division of Forestry and Wildlife
1151 Punchbowl Street Rm. 325
Honolulu, HI 96813

December 27, 2017

Dear Mr. Hauff,

The O'ahu Invasive Species Committee (OISC) strongly supports the field release of the flea beetle *Syphraea uberabensis* as a natural enemy of the ecosystem-changing weed *Tibouchina herbacea.* OISC, the Koʻolau Mountain Watershed Partnership and DLNR/DOFAW's Native Ecosystems Protection & Management, have been attempting to eradicate this species from the Poamoho summit, where an isolated population was introduced into intact native forest. However, the challenges of finding this weed in thick underbrush over extremely steep terrain has made this difficult to accomplish, despite the species' relatively small footprint.

Unlike many invasive plants, *T. herbacea* does not require prior disturbance to establish in native forests. A study done in Hawaiʻi in 2000 found that *T. herbacea* can germinate and grow even in dense native underbrush. Once germinated, it grows quickly and outcompetes native plants, including tree seedlings. These traits give *T. herbacea* the ability to convert a forest of native trees into a carpet of alien weeds.

T. herbacea currently occurs along a fork of the Helemano stream and around the summit of the Poamoho trail. However, two immature plants were found along the 'Aiea Ridge Trail in 2015 and 2016 and OISC removed a single immature plant from Halawa in 2007. All these sites were surveyed thoroughly, but no additional plants were found. Our data suggest that Poamoho is the only place on the island with reproductive *T. herbacea,* but this species' history on Oʻahu shows that it can jump watersheds and islands. Releasing the flea beetle will reduce the damage that *T. herbacea* can do if it moves into new areas.

Climate change in Hawai'i may cause hotter, drier summers and wetter winters with less rainfall that will be delivered during intense storm events according to a 2014 University of Hawaiʻi report. Healthy forests that can direct that rainfall into the aquifer and prevent erosion will be a crucial part of Hawai'i's ability to withstand these climate shifts. Reducing the threat of invasive weeds using a species' natural enemies will help keep Hawai'i's forest healthy.

T. herbacea is one of the most damaging invasive weeds in Hawaiʻi's forests. Reducing the density of *T. herbacea* and limiting the damage it does to native forests will help Hawaiʻi stay resilient to climate change. Letting the flea beetle destroy plants that field crews would otherwise have to will free up funds for other invasive species projects. For these reasons, we support the field release of this natural enemy. Mahalo for the opportunity to comment.

Sincerely,

Rachel Neville

Rachel Neville
OISC Manager

743 Ulukahiki Street • Kailua, Hawaii 96734 • Ph: (808) 266-7994 Fax: (808) 266-7995
www.oahuisc.org

United States Department of the Interior

NATIONAL PARK SERVICE
Hawai'i Volcanoes National Park
Post Office Box 52
Hawai'i National Park, Hawai'i, 96718

IN REPLY REFER TO:

HAVO I.D. (L7619)

December 28, 2017

Mr. Robert Hauff
Dept. of Land & Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Dear Mr. Hauff,

The National Park Service (NPS), Hawai'i Volcanoes National Park, received your letter requesting input regarding the proposed state-wide release of the flea beetle *Syphraea uberabensis* for biological control of the noxious weed *Tibouchina herbacea* and related weeds. Hawai'i Volcanoes National Park also has some populations of *T. herbacea* that we control in our Special Ecological Areas. We are supportive of safe effective methods to control invasive plants and look forward to further details in the environmental assessment.

We appreciate the opportunity to provide input during early consultation. Please include us on the Environmental Assessment distribution list. If you have any questions, please contact Danielle Foster, Environmental Protection Specialist at danielle_foster@nps.gov or 808-985-6073.

Sincerely,

Cynthia L. Orlando
Superintendent

cc: Robert.D.Hauff@hawaii.gov

Huang-Chi Kuo

From: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Sent: Friday, January 19, 2018 12:53 PM
To: Huang-Chi Kuo
Subject: FW: Proposed release of biological control agent for Tibouchina

From: Helen Spafford [mailto:hspaffor@hawaii.edu]
Sent: Wednesday, January 03, 2018 12:41 PM
To: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Cc: CTAHR Dean <dean@ctahr.hawaii.edu>
Subject: Proposed release of biological control agent for Tibouchina

Dear Rob,

A graduate student and I have been evaluating the population of Tibouchina herbacea in Hawaii over the last two years. We found the numbers and size of plants to be increasing at all locations and across all elevations on two islands. This plant, and its relatives, are significant weeds. Given the accessibility issues related to the current and expanding areas of infestation, biological control of tibouchina is the only reasonable option for management.

The proposed agent is not host-specific, i.e. it does not feed only on Tibouchina herbacea. However, its host range is limited to melastomes all of which are weeds in Hawaii. If there is any non-target feeding in Hawaii it will be on another weed. This is actually a positive outcome and will ensure that populations of the agent will be sustained over time and can disperse to new patches of the invasive plants.

I highly support the release of the biological control agent.

The sites that we have been monitoring over the last two years could also be used as release sites. The data we have collected can be used for assessment of post-release impact and effectiveness of the biological control agent, should it establlsh.

--
Regards,

Helen Spafford, Ph.D.
Associate Professor of Applied Entomology
Department of Plant and Environmental Protection Sciences
University of Hawaii, Manoa

Website

Huang-Chi Kuo

From: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Sent: Friday, January 19, 2018 12:53 PM
To: Huang-Chi Kuo
Subject: FW: DEADLINE ITEM: Early Consultation on Environmental Assessment
Attachments: D000260 DLNR Early Consultation on Environmental Assessment re Release of Flea Beetle.pdf

From: Daniel Rubinoff [mailto:rubinoff@hawaii.edu]
Sent: Thursday, January 04, 2018 11:30 AM
To: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Subject: Fwd: DEADLINE ITEM: Early Consultation on Environmental Assessment

Hi Rob,
I am writing in strong support of the release. It's overdue and badly needed. If there comes a time that a letter like that from me would be helpful, please just let me know!

Aloha,

Dan
---------- Forwarded message ----------
From: **Koon-Hui Wang** <koonhui@hawaii.edu>
Date: Tue, Jan 2, 2018 at 4:24 PM
Subject: Fwd: DEADLINE ITEM: Early Consultation on Environmental Assessment
To: "Pulakkatu-Thodi, Ishakh" <ishakpt@gmail.com>, "Gutierrez, Rosemary" <gr6@hawaii.edu>, Ethel M Villalobos <emv@hawaii.edu>, Paul Krushelnycky <pauldk@hawaii.edu>, "Borth, Wayne" <borth@hawaii.edu>, Julian Dupuis <jrdupuis@hawaii.edu>, Meng Mao <mengm@hawaii.edu>, Shizu Watanabe <shizuw@gmail.com>, Mohammad Arif <arif@hawaii.edu>, Zhiqiang Cheng <cheng241@hawaii.edu>, Steve Ferreira <stephenf@hawaii.edu>, "Hamasaki, Randall" <rth@hawaii.edu>, John Hu <johnhu@hawaii.edu>, "'Michael Kawate' (mkawate@hawaii.edu)" <mkawate@hawaii.edu>, Mike Melzer <melzer@hawaii.edu>, Daniel Rubinoff <rubinoff@hawaii.edu>, "Shimabuku, Robin" <ShimabukuR@ctahr.hawaii.edu>, Brent Sipes <sipes@hawaii.edu>, "Spafford, Helen" <helen.spafford@hawaii.edu>, "Sugano, Jari" <SuganoJ@ctahr.hawaii.edu>, Miaoying Tian <mtian@hawaii.edu>, Janice Y Uchida <juchida@hawaii.edu>, "Valenzuela, Hector" <hector@hawaii.edu>, Koon-Hui Wang <koonhui@hawaii.edu>, "Mark G. Wright" <markwrig@hawaii.edu>, "Graham, Jason" <jrgraham@hawaii.edu>, Camiel Doorenweerd <cdoorenw@hawaii.edu>, Christina Mogren <cmogren@hawaii.edu>, "Comerford, Nicholas" <ComerfordN@ctahr.hawaii.edu>

Dear all,

Please see an Early consultation for environmental assessment of a new biological control agent to be released for weed management from HDOA. Please send your comments if you have to Robert Hauff and Dean Comerford by Jan 12.

Thanks
Koon-Hui

---------- Forwarded message ----------
From: **Debbie Wong** <wongdebo@hawaii.edu>
Date: Tue, Jan 2, 2018 at 3:02 PM

Subject: DEADLINE ITEM: Early Consultation on Environmental Assessment
To: Catherine Chan-Halbrendt <chanhalb@hawaii.edu>, Koon-Hui Wang <koonhui@hawaii.edu>

Good afternoon Cathy & Koon-Hui,

The attached is being forwarded on behalf of Dean Comerford as you and your faculty may wish to email comment by Jan. 12, 2018 to Robert Hauff (Robert.D.Hauff@hawaii.gov). Please cc the Dean (dean@ctahr.hawaii.edu) on all comments submitted.

Thank you!

Debbie

Deborah Wong, Secretary
Office of the Dean and Director for Research and Cooperative Extension
College of Tropical Agriculture & Human Resources
3050 Maile Way, Gilmore Hall 202
University of Hawai`i at Mānoa
Honolulu, HI 96822

Telephone: (808) 956-8234

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Koon-Hui Wang, Associate Professor
University of Hawaii
CTAHR Dept. Plant and Environmental Protection Sciences
http://www.ctahr.hawaii.edu/WangKH/index.html
~~~~~~

Huang-Chi Kuo

From: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Sent: Friday, January 19, 2018 12:52 PM
To: Huang-Chi Kuo
Subject: FW: Early Consultation on EA for the state wide release of the flea beetle

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From: Susan A. Foley [mailto:Susan.Foley@mauicounty.us]
Sent: Friday, January 05, 2018 1:37 PM
To: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Subject: RE: Early Consultation on EA for the state wide release of the flea beetle

Aloha Robert,

Thank you for sending the correspondence regarding the proposal to release the flea Beetle Syphraea uberabensis in the State of Hawai'i for biological control of the noxious weed Tibouchina Herbacea to Kelly King's County Council office.

We have a few questions:

- Are there other successful examples of this project that you could share with us?
- Are we right to understand that as of this date there have only been studies in containment facilities and any not open air tests?
- What are the known negative side-effects of introducing the flea beetle into a new environment, if any?
- How much will the project cost?

Mahalo for your time and consideration,

Thanks,
Susan

Susan Foley
Executive Assistant
808.270.7108
susan.foley@mauicounty.us

Huang-Chi Kuo

From: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Sent: Friday, January 19, 2018 12:50 PM
To: Huang-Chi Kuo
Subject: FW: DEADLINE ITEM: Early Consultation on Environmental Assessment

From: Christina Mogren [mailto:cmogren@hawaii.edu]
Sent: Friday, January 05, 2018 4:48 PM
To: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Cc: dean@ctahr.hawaii.edu; Koon-Hui Wang <koonhui@hawaii.edu>
Subject: Re: DEADLINE ITEM: Early Consultation on Environmental Assessment

Robert,

I just wanted to share some thoughts on your EA for the *Tibouchina herbaceae weed*. As a pollinator ecologist, a concern that comes to mind is that widespread removal of this flowering plant may impact pollinator communities, despite it's weedy and noxious status. I would be less concerned about honey bees (since they are also introduced and capable of foraging elsewhere), but more concerned about potential impacts to native *Hylaeus*.

It may be useful to document any visitation to the flowers of *T. herbaceae* by native bees, and have a plan in place to replace stands with native flowering plants that are also utilized by these bees, if needed. An alternative could be that death of these plants results in new nesting habitat in dried out stems, and thus killed stands should be left in place. These types of plant-pollinator interactions are unfortunately not well understood in the state, so a study to see if any native pollinators are impacted would be beneficial on multiple fronts.

If these plants were originally introduced as ornamentals, then it is likely homeowners throughout the state may have them on their property. A campaign to educate citizens and landscaping companies about voluntary removal could help reduce or eliminate reintroduction, particularly in suburban areas.

I hope these comments are helpful. If you have questions, please do not hesitate to reach out!

Dr. Chrissy Mogren, PhD
Assistant Researcher/Professor
University of Hawaii, Mānoa
College of Tropical Agriculture and Human Resources
Plant and Environmental Protection Sciences
3050 Maile Way, Gilmore 310
Honolulu, HI 96822

Office: Gilmore 608

cmogren@hawaii.edu
408-421-5747 (cell)
808-956-6745 (office)

On Tue, Jan 2, 2018 at 4:24 PM, Koon-Hui Wang <koonhui@hawaii.edu> wrote:

> Dear all,

Please see an Early consultation for environmental assessment of a new biological control agent to be released for weed management from HDOA. Please send your comments if you have to Robert Hauff and Dean Comerford by Jan 12.

Thanks
Koon-Hui

---------- Forwarded message ----------
From: **Debbie Wong** <wongdebo@hawaii.edu>
Date: Tue, Jan 2, 2018 at 3:02 PM
Subject: DEADLINE ITEM: Early Consultation on Environmental Assessment
To: Catherine Chan-Halbrendt <chanhalb@hawaii.edu>, Koon-Hui Wang <koonhui@hawaii.edu>

Good afternoon Cathy & Koon-Hui,

The attached is being forwarded on behalf of Dean Comerford as you and your faculty may wish to email comment by Jan. 12, 2018 to Robert Hauff (Robert.D.Hauff@hawaii.gov). Please cc the Dean (dean@ctahr.hawaii.edu) on all comments submitted.

Thank you!

Debbie

Deborah Wong, Secretary
Office of the Dean and Director for Research and Cooperative Extension
College of Tropical Agriculture & Human Resources
3050 Maile Way, Gilmore Hall 202
University of Hawai`i at Mānoa
Honolulu, HI 96822

Telephone: (808) 956-8234

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Koon-Hui Wang, Associate Professor
University of Hawaii
CTAHR Dept. Plant and Environmental Protection Sciences
http://www.ctahr.hawaii.edu/WangKH/index.html
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DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 10, 2018

State of Hawaii
Department of Land and Natural Resources
Division of Forestry and Wildlife
Attention: Mr. Robert Hauff
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

via email: Robert.D.Hauff@hawaii.gov

Dear Mr. Hauff:

SUBJECT: Early Consultation on Environmental Assessment for the state-wide release of the flea beetle *Syphraea uberabensis* for biological control of the noxious weed *Tibouchina herbacea* and related weeds

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the (a) Engineering Division and (b) Land Divisions – Oahu District and Hawaii District on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

'17 DEC 20 AM 11:49 ENGINEERING

December 20, 2017

MEMORANDUM

TO:

DLNR Agencies:
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_ Engineering Division
___Div. of Forestry & Wildlife
___Div. of State Parks
_X_ Commission on Water Resource Management
___Office of Conservation & Coastal Lands
_X_ Land Division – ODLO/HDLO/MDLO/KDLO
_X_ Historic Preservation

FROM

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Early Consultation on Environmental Assessment for the state-wide release of the **flea bettle *Syphraea uberabensis*** for biological control of the **noxious weed *Tibouchina herbacea*** and related weeds
LOCATION: State-wide
APPLICANT: State Departments of Agriculture and Land and Natural Resources

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments by **January 10, 2018.**

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

( ) We have no objections.
(✓) We have no comments.
( ) Comments are attached.

Signed: _____

Print Name: Carty S. Chang, Chief Engineer

Date: 1/2/18

Attachments
cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 20, 2017

MEMORANDUM

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_Engineering Division
___Div. of Forestry & Wildlife
___Div. of State Parks
_X_Commission on Water Resource Management
___Office of Conservation & Coastal Lands
_X_Land Division – ODLO/HDLO/MDLO/KDLO
_X_Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Early Consultation on Environmental Assessment for the state-wide release of the **flea bettle *Syphraea uberabensis*** for biological control of the **noxious weed *Tibouchina herbacea*** and related weeds
LOCATION: State-wide
APPLICANT: State Departments of Agriculture and Land and Natural Resources

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments by **January 10, 2018**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

(✓) We have no objections.
( ) We have no comments.
( ) Comments are attached.

Signed: Darlene Bryant-Takamatsu

Print Name: Darlene Bryant-Takamatsu
Date: 12/21/17

Attachments
cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 20, 2017

MEMORANDUM

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_ Engineering Division
___Div. of Forestry & Wildlife
___Div. of State Parks
_X_ Commission on Water Resource Management
___Office of Conservation & Coastal Lands
_X_ Land Division – ODLO/HDLO/MDLO/KDLO
_X_ Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Early Consultation on Environmental Assessment for the state-wide release of the **flea bettle *Syphraea uberabensis*** for biological control of the **noxious weed *Tibouchina herbacea*** and related weeds
LOCATION: State-wide
APPLICANT: State Departments of Agriculture and Land and Natural Resources

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments by **January 10, 2018.**

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

(✓) We have no objections.
( ) We have no comments.
( ) Comments are attached.

Signed: _____

Print Name: GORDON C. HEIT
Date: 1/4/18

Attachments
cc: Central Files

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

FILE
scanned

KIRK CALDWELL
MAYOR

KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

2017/ELOG-2574 (mw)
1548785

January 10, 2018

Suzanne D. Case
Chairperson
Board of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813
Attn: Robert Huff, Division of Forestry
and Wildlife

Dear Chairperson Case:

Thank you for your letter dated December 13, 2017, regarding "Early Consultation on Environmental Assessment for the state-wide release of the flea beetle...". We have reviewed the project and have the following comments:

1. The environmental assessment (EA) should fully explain how damaging the noxious weed cane tibouchina is, compared to other invasive species such as the water plant salvinia.

2. The EA should also fully disclose your findings and expectations on your ability to control the flea beetle population.

3. The EA should discuss both State and County policies on controlling invasive species. The General Plan of the City and County of Honolulu has two partially relevant policies under its Natural Environment chapter: "Protect plants, birds, and other animals that are unique to the State of Hawaii and the Island of Oahu", and "Seek the restoration of environmentally damaged areas and natural resources." (Objective A, Policies 8 and 2).

Should you have any questions, please contact Mike Watkins, of our staff, at 768-8044.

Very truly yours,

Eugene H. Takahashi
Acting Division Chief
Planning Division

EHT:bkg

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

January 11, 2018

Mr. Robert Hauff
State Protection Forester
Department of Land & Natural Resources
Division of Forestry & Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Dear Mr. Hauff:

Subject: Early consultation on Environmental Assessment for the statewide release of the flea beetle Syphraea uberabensis for biological control of the noxious weed Tibouchina herbacea and related weeds.

Thank you for the opportunity to review this project. We have no comments to offer. Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

Patti Kitkowski

Patti Kitkowski
District Environmental Health Program Chief

c EPO

Huang-Chi Kuo

From: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Sent: Friday, January 19, 2018 12:51 PM
To: Huang-Chi Kuo
Subject: FW: Syphraea uberabensis

From: Clifford Smith [mailto:cliff@hawaii.edu]
Sent: Thursday, January 11, 2018 1:01 PM
To: Hauff, Robert D <robert.d.hauff@hawaii.gov>
Cc: Joby <jobyrohrer@gmail.com>; Jane Beachy <beachy@hawaii.edu>; Smith, Paul F IV CIV USARMY IMCOM PACIFIC (US) <paul.f.smith133.civ@mail.mil>
Subject: Syphraea uberabensis

State-wide release of *Syphraea uberabensis* for biological control of *Tibouchina herbacea* and related species.

OANRP welcomes the preparation of an Environmental Assessment supporting the release of *Syphraea uberabensis* and would be willing to assist in monitoring the release and its impacts on *Pterolepis glomerata* in particular. UH's PCSU sponsored the earlier surveys for control agents against *Tibouchina herbacea* in Parana State, Brazil in the early 1990s as well as the life history studies by Dr. Charles Wikler at the University of Irati, Parana.

Tibouchina herbacea. The negative impacts of this species were documented on West Maui initially, which led to sponsorship of the biological investigations in Brazil. It was later found on East Maui and Hawaii. Though only an incipient infestation occurs in one valley in the Koolau range, it does not reach the stature that it attains on Maui and Hawaii. It is not a major weed needing control in Army lands at present though it could soon threaten the endangered *Gardenia mannii* habitat in Poamoho in the next few years. *Syphraea,* once established, should keep this species under control on Oahu.

Tibouchina longifolia. Essentially confined to the Big Island. However, some seedlings were found on a load of cinder from the Big Island used in our horticulture program at Schofield. Its potential to spread to the other islands is high.

Pterolepis glomerata. This species is widespread in the Koolau range. We are finding it increasingly in the Waianae range particularly along trails and fencelines. It is spreading

out from there. Its preference for disturbed areas means that it will likely spread significantly in years to come. It is considered more a nuisance and generally overgrown by shrubs and trees. Knocking it back and preventing further spread by *Syphraea* would be welcome as it appears to exacerbate pig damage by colonizing wallows.

Melastoma species. If the insect attacks any of the other established *Melastoma* species it will be welcomed by the conservation community as an important component of the fight against members of the family.

Cliff Smith

January 12, 2018

Mr. Robert Hauff, State Protection Forester
State of Hawaii
Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Dear Mr. Hauff:

SUBJECT: EARLY CONSULTATION COMMENTS IN PREPARATION OF A DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED STATEWIDE RELEASE OF THE FLEA BEETLE SYPHRAIA UBERABENSIS FOR BILOGICAL CONTROL OF THE NOXIOUS WEED TIBOUCHINA HERBACEA AND RELATED WEEDS ON ISLAND OF MAUI, MOLOKAI AND LANAI, HAWAII (RFC 2017/0124)

The County of Maui Department of Planning (Department) is in receipt of the above-referenced document for early consultation on an EA to consider the release of the Flea Beetle, *Syphraea Uberabensis*, to control the noxious weed, *Tibouchina Herbacea,* and related weeds throughout the State of Hawaii. The Department understands the proposed action includes the following:

> Co-proposing agencies, the Hawaii State Department of Agriculture (HDOA) and Hawaii State Department of Land and Natural Resources (DLNR), are planning the field release of the Flea Beetle, *Syphraea Uberabensis,* in the State of Hawaii in geographic areas where infestation of the noxious weed, *Tibouchina Herbacea,* and related weeds in the melastome family (*Pterolepis glomerata, Melastoma septemnervium*, *and M. sanguineeum)* occurs and are currently soliciting early consultation from Maui County regarding the project action's potential environmental impacts. Monitoring of *Syphraea Uberabensis* populations and the impact on *Tibouchina Herbacea* populations in selected release sites will also occur.

Based on the foregoing, the Department provides the following comments in preparation of the Draft EA:

1. The project area includes selected sites where infestation has occurred within the entire State of Hawaii. The Department has jurisdiction over actions affecting the islands of Maui County, which includes Maui, Lanai, Molokai, Kahoolawe, and Molokini islet. We will constrain our analysis to

these geographic boundaries but will exclude Kalawao County over which Maui County does not have jurisdiction. Maui County also does not have jurisdiction over the State Conservation District; however, we note that the proposed action is regional in nature and thus may affect areas that cross over from the State Conservation District into the State Agriculture, Rural, or Urban Land Use District boundaries.

As such, please define the geographic location(s) of the initial release and subsequent beetle releases and provide a digital copy of the boundaries of the release sites to our office. Please thoroughly discuss all phases of the project including the project's scope, scale, timing, and phases.

2. The Draft EA should include a discussion of how the proposed action will address the relevant sections of Section 11-200-17, HAR, and the regulatory and policy framework of the State Land Use Districts, Maui County General Plan, Title 19 of the Maui County Code (MCC), the Coastal Zone Management Act, and the Special Management Areas (SMA) of Maui County. The Draft EA should address:

   a. State Land Use Districts

      - Agriculture
      - Rural
      - Urban

   b. Countywide Policy Plan

      Please include a discussion on how the project will address the goals, objectives, policies and implementation actions of the Countywide Policy Plan.

   c. Maui Island Plan

      Please include a thorough discussion on how the project will address the goals, objectives, policies and implementation actions of the Maui Island Plan with particular attention given to:

      - Chapter 2, Heritage Resources (Section 2 through Section 5);
      - Chapter 4, Economic Development;
      - Chapter 6, Infrastructure and Public Facilities;
      - Chapter 7, Land Use;
      - Chapter 8, Directed Growth;
        The potential impacts to the Maui Island's Sensitive Lands (please see Table 8-2 on page 8-5) and the Protected Areas described within each community plan district; and

- Chapter 9, Monitoring and Evaluation
  Provide indicators such as those found in Table 9-2 on pages 9-5 to 9-8 of the Maui Island Plan that can be useful over time to assess the effect and success of the proposed action.

d. Community Plans

Please address how the project will implement the goals, objectives, policies and implementation actions of the Community Plans of Maui County. Please also discuss how the project conflicts with any goals, objectives, policies and implementation actions of the Community Plans and how the Applicant intends to resolve or mitigate the conflicts.

e. County Zoning

Please include a discussion on how the project will comply with Title 19 of the MCC.

f. SMA

Please include a discussion of the project's potential effects upon the Special Management Areas of each of Maui County's islands and the measures the Applicant will consider in mitigating any negative effects.

3. Please discuss the proposed strategy and methods for how the Flea Beetle, *Syphraea Uberabensis,* will effectively biologically control and/or eradicate the noxious weed, *Tibouchina Herbacea,* and related weeds.

4. Please provide relevant scientific research and technical studies that have been used to determine all potential, beneficial, and adverse impacts of the project and that your offices are relying upon to determine the viability of the project. Please discuss the rationale for proceeding with the project and the effect of not proceeding with the project. Please include a discussion of all potential adverse effects, particularly effects that are irreversible.

5. Please provide a discussion of all alternatives being considered that could attain the objectives of the action, regardless of cost, in sufficient detail to determine the basis for evaluating the best alternative to pursue. Please include a thorough alternative analysis and research that has been completed or relied upon to determine any and all potential unintended consequences, and a description of all irreversible and irretrievable commitments of resources. Please identify unavoidable impacts.

6. Please include a thorough discussion on the anticipated population growth of the Flea Beetle, *Syphraea Uberabensis*, and how population growth or unintended proliferation of the biocontrol will be managed.

7. Please include a thorough discussion of the impacts that the biocontrol will have biological resources, including animal and plant populations, including sensitive, rare, threatened, or endangered species, or their habitats.

8. Please include a thorough discussion of the predators of the Flea Beetle, *Syphraea Uberabensis*, and how the associated predatory populations will be affected and any related effects of these changes as a result of the introduction of the biocontrol.

9. Please include a thorough discussion of how the Flea Beetle may migrate into habitable areas of Maui County, and the extent to which the Flea Beetle may be a nuisance and can be controlled by residents and visitors.

10. Please discuss how the populations of the biocontrol will be managed by HDOA and DLNR. Please discuss measures that will be implemented to prevent any anticipated negative impacts.

Thank you for the opportunity to comment. Please include the Department on the distribution list of the Draft EA or Draft Environmental Impact Statement (EIS). Should you require further clarification, please contact Staff Planner Simone Bosco, by email at simone.bosco@mauicounty.gov or by phone at 808-270-5780.

Sincerely,

WILLIAM SPENCE
Planning Director

xc: Clayton Yoshida, AICP, Planning Program Administrator (PDF)
Jeff P. Dack, Current Planning Supervisor (PDF)
Simone Bosco, Staff Planner (PDF)
Robert Hauff, DLNR-Division of Forestry & Wildlife (PDF)
Project File

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DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII

JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

January 19, 2018

Robert Hauff, State Protection Forester
Department of Land and Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Rm. 325
Honolulu, Hawaii 96813

Dear Mr. Hauff:

Subject: Early Consultation on Environmental Assessment for the state-wide release of the flea beetle *Syphraea uberabensis* for biological control of the noxious weed *Tibouchina herbacea* and related weeds

Mahalo for the notice and opportunity for early consultation on this matter.

Tibouchina herbacea and other invasive plants in the Melastome family are rapidly invading native ecosystems and replacing native flora across Hawaii. Melastomes tend to have shallow root systems that do not adequately prevent erosion and soil loss which has a negative effect on water quality in Hawaiian streams and rivers. Member of this plant family are difficult to control because of their prolific, precocious seed production and ease of dispersal.

A biological control agent has the potential to be a cost effective, long term solution for invasive plant control that reduces reliance on chemical herbicides as well as mechanical and manual control methods. To be effective and safe to use, adequate studies must confirm that 1.) the biological control agent effectively controls the target specie(s), and 2.) The biological control agent will not inadvertently spread to and negatively affect non-target species such as indigenous or endemic Hawaiian plants and important agricultural crops.

We look forward to reviewing the Draft Environmental Assessment for this biological control release and commend the

Hawaii State Department of Agriculture (HDOA) and the Department of Land and Natural Resources (DLNR) for being proactive in investigating solutions to the continued spread of invasive plant species. If the proposed biological control agent is found to be effective and safe to use, it will benefit many land owners and resource managers including the Department of Hawaiian Homes Lands and improve the health and resilience of our native forests, streams and nearshore waters.

If you have any questions, please contact Kualii Camara, at 808.933.3480 or via email at joseph.k.camara@hawaii.gov.

Aloha,

Jobie M. K. Masagatani
Chairman
Hawaiian Homes Commission

APPENDIX B: CULTURAL IMPACT ASSESSMENT FOR THE PROPOSED STATEWIDE RELEASE OF A BEETLE (*SYPHRAEA UBERABENSIS*) AS BIOCONTROL FOR *TIBOUCHINA HERBACEA* (MELASTOMATACEAE) AND RELATED WEEDS

A Cultural Impact Assessment for the Proposed Statewide Release of a Beetle (*Syphraea uberabensis*) as Biocontrol for *Tibouchina herbacea* (Melastomataceae)& Related Weeds

FINAL

State of Hawai‘i

Photo courtesy of Forest and Kim Starr

Prepared By:
Lokelani Brandt, M.A.

Prepared For:

Department of Land and Natural Resources, Division of Forestry and Wildlife
1151 Punchbowl Street, #325
Honolulu, HI 96813

October 2019

ASM affiliates
Archaeology • History • Anthropology • Architectural History
Hilo Office: (808) 969-6066 Fax: (808) 443-0065
507-A E. Lanikaula Street, Hilo, HI 96720
Honolulu Office: (808) 439-8089 Fax: (808) 439-8087
820 Mililani Street, Suite 700, Honolulu, HI 96813

ASM Project Number 31270.00

A Cultural Impact Assessment for the Proposed Statewide Release of a Beetle (*Syphraea uberabensis*) as Biocontrol for *Tibouchina herbacea* (Melastomataceae)

State of Hawai‘i

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1. INTRODUCTION

At the request of the Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) and Hawai‘i Department of Agriculture (HDOA), referred to hereafter as the State of Hawai‘i, ASM Affiliates (ASM) has prepared this Cultural Impact Assessment (CIA) for the proposed statewide release of a small beetle (*Syphraea uberabensis*) native to South America as a biocontrol agent targeting cane tibouchina (*Tibouchina herbacea*) as well as other weedy Melastomes (Melastomataceae) including *T. longifolia, Pterolepis glomerata*, *Melastoma sanguineum*, and *M. septemnervium*. Native to portions of South America, *T. herbacea* was first discovered on Saddle Road on Hawai‘i Island in 1977. Since then it has spread to Maui, Moloka‘i, Lāna‘i, and O‘ahu. In 1992, under Hawai‘i Administrative Rules, Chapter 68, *T. herbacea* along with other highly invasive species of the Melastome (Melastomataceae) family were officially listed as a noxious weed in the State of Hawai‘i and since then efforts to limit its spread have been undertaken (Medeiros et al. 1997). In the State of Hawai‘i the term “invasive species” is any “alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health” (Invasive Species Advisory Committee 2006:1). To control the spread of *T. herbacea*, the State of Hawai‘i is proposing to release a natural enemy, a small beetle (*S. uberabensis*).

The current CIA is intended to supplement an Environmental Assessment (EA) conducted in compliance with Hawai‘i Revised Statutes (HRS) Chapter 343. This CIA was prepared in adherence with the Office of Environmental Quality Control (OEQC) *Guidelines for Assessing Cultural Impact*, adopted by the Environmental Council, State of Hawai‘i, on November 19, 1997. As stated in Act 50, which was proposed and passed as Hawai‘i State House of Representatives Bill No. 2895 and signed into law by the Governor on April 26, 2000, “environmental assessments . . . should identify and address effects on Hawaii’s culture, and traditional and customary rights . . . native Hawaiian culture plays a vital role in preserving and advancing the unique quality of life and the ‘aloha spirit’ in Hawai‘i. Articles IX and XII of the state constitution, other state laws, and the courts of the State impose on governmental agencies a duty to promote and protect cultural beliefs, practices, and resources of native Hawaiians as well as other ethnic groups.”

The primary focus of this report is on understanding the cultural and historical context of *T. herbacea* with respect to Hawai‘i’s host culture. This CIA is divided into four main sections, beginning with an introduction of the proposed action followed by a physical description of *T. herbacea* and the proposed biocontrol agent *S. uberabensis*. Section two of this report provides a cultural-historical context of the settlement of the Hawaiian Islands by early Polynesian settlers and the transformation of their beliefs and practices associated with the land following Western contact. An overview of the history of biocontrol in Hawai‘i is also provided, and this section concludes with a detailed discussion of the introduction of *T. herbacea* into the Hawaiian Islands; all of which combine to provide a geographical and cultural context in which to assess the proposed action. The results from the consultation process are then presented, along with a discussion of potential impacts as well as appropriate actions and strategies to mitigate any such impacts.

PROPOSED ACTION

DOFAW has been working cooperatively with HDOA and the United States Forest Service (USFS) to control the harmful impacts of certain widespread invasive plant or pest species through the use of biological control (also referred to as biocontrol). Biocontrol is the strategy of using an invasive species' natural enemies from its native range to reduce the impacts of the invasive species. Biocontrol projects typically require years of research and survey work to find potential candidates that are subjected to a host of tests. Only those candidates that are host-specific, meaning they can only complete their life cycle on their intended invasive species host and shown to only negatively impact the growth and abundance of the target invasive species are considered for release. Once testing has been successfully completed, agencies must comply with national and state regulatory requirements for the release of the biocontrol agent. As such, the proposed action involves the use of state lands and funds, which necessitates compliance with Hawai'i Revised Statutes (HRS) Chapter 343, also known as the Hawai'i Environmental Policy Act (HEPA). The proposing agencies are conducting an Environmental Assessment (EA) of the proposed action to evaluate potential environmental impacts and this CIA is an essential component of the EA to ensure compliance with HRS Chapter 343.

TIBOUCHINA HERBACEA AND THE PROPOSED BIOLOGICAL CONTROL AGENT

Native to the tropical and subtropical regions of South America, *T. herbacea* and other weedy Melastomes thrive in wet to mesic forests, wetlands, wet pastures, and disturbed areas (Figures 1 and 2). In its native range, *T. herbacea* is variable and typically grows to a height of 1.5 meters, however, in Hawai'i, *T. herbacea* can reach heights of four meters and flowers after a year of being established (Almasi 2000). *T. herbacea* produces viable seeds which are spread by avian populations and rodents and is known to "reproduce vegetatively by growing roots along its leaf nodes, or by producing new shoots from rhizomes" (ibid.:220). It is also known to grow epiphytically on tree ferns (CABI 2018). The young branches of *T. herbacea* are square-shaped and typically covered with gland-tipped hairs, which can be a skin irritant (Figure 3). The leaves are oval-shaped and measure 3.0-7.5 centimeters long and 1.3-3.5 centimeters wide and contain 5-7 parallel veins (see Figure 3). The inflorescences extend from 10-20 centimeters long with fruiting capsules that measure 4-5 millimeters long and 3.5-5 millimeters wide (Figure 4) (CABI 2018). A distinguishing feature of this species is its purple-pink four-petaled flower with large yellow anthers that emerge from the flower's center (ibid.) (Figure 5). While the other species of Melastomes (i.e. *T. longifolia, Pterolepis glomerata*, *Melastoma sanguineum*, and *M. septemnervium*; Figures 7, 8, and 9) share similar attributes with *T. herbacea*, particularly the leaf veination, they differ in growth with the latter two typically forming bush like thickets.

T. herbacea is one of several species of the Neotropical Melastome family that "are among the most aggressive invaders of the Hawaiian and other Pacific islands" (Baruch et al. 2000:107). This shrub germinates easily in the shade and can quickly establish significant populations in forests with an intact canopy (CABI 2018). Although this plant dies back annually, new sprouts will emerge from the old roots which can create thickets that evenrually consume habitat for native species (Figure 6) (Strohecker 2018). *T. herbacea* as with other species of the Melastome family are known to clog waterways and infest wet forests and upland pastures (ibid.). The reproductive vigor, small seed size, dispersion capacity, and lack of natural predators have contributed to the rapid spread of this highly invasive plant in Hawai'i (Baruch et al. 2000; Wikler and Souza 2008). In 1992, under HRS Chapter 68, *T. herbacea*, along with other highly invasive species of the Melastome family, was officially listed as a noxious weed in the State of Hawai'i (Medeiros et al. 1997). Since 1998, a biological research program to combat *T. herbacea* has developed in southern Brazil, which has led to the identification and evaluation of potential biocontrol agents. Among the identified biocontrol agents for *T. herbacea* was a flea beetle, *Syphraea uberabensis*, native to South America. The adults and larvae of *S. uberabensis* were observed feeding externally on foliage and soft stems of certain *Tibouchina spp.* in Brazil, in some cases causing enough damage to kill small plants. Wikler and Souza describe the characteristics of *S. uberabensis* as:

> …oval, compact, small black or blue-black flea beetles…[that] are 3-4mm in length and have a dark blue color. The antennas have robust articles from the base to the apex compared with the anterior tibia; the elytra have simple and very fine punctuations. (Wikler and Souza 2008:340)

On July 15, 2005, specimens of *S. uberabensis* were exported from Brazil and received at the Volcano quarantine facility, where a colony was maintained and studied by Steven Souder (Johnson 2006). *S. uberabensis* has been evaluated in containment facilities in Hawai'i as a potential biological control agent for *T. herbacea*. Tests have been conducted on a variety of native and non-native plants to identify the beetle's potential host range. Results from these studies indicate that the host range is limited to *T. herbacea* and other closely related weeds within the Melastome family, and . *S. uberabensis* does not have the capacity to impact native or economically important plants in Hawai'i.

Figure 1. Growth of *T. herbacea* at the end of the Waiheʻe Ridge Trail, Maui Island. Photo courtesy of Forest and Kim Starr.

Figure 2. *T. herbacea* growing through a thicket of *uluhe* (*Dicranopteris linearis*) along the Waiheʻe Ridge Trail, Maui Island. Photo courtesy of Forest and Kim Starr.

Figure 3. Close up of leaves and stem of *T. herbacea* in Kahikinui, Maui Island covered in fine gland-tipped hairs. Photo courtesy of Forest and Kim Starr.

Figure 4. Flowers and seed pods of *T. herbacea* found in West Maui. Photo courtesy of Forest and Kim Starr.

Figure 5. Close up of *T. herbacea* flower with large yellow anthers. Photo courtesy of Forest and Kim Starr.

Figure 6. New growth of *T. herbacea* at Kapunakea Preserve in West Maui emerging from former roots. Photo courtesy of Forest and Kim Starr.

Figure 7. *Tibouchina longifolia*. Photo courtesy of Forest and Kim Starr.

Figure 8. *Melastoma sanguineum*. Photo courtesy of Forest and Kim Starr.

Figure 9. *Melastoma septemnervium*. Photo courtesy of Forest and Kim Starr.

2. BACKGROUND

The following section contains a cultural-historical context of the settlement of the Hawaiian Islands by early Polynesian settlers and the transformation of their beliefs and practices associated with the land following Western contact. An overview of the history of biocontrol in Hawai‘i is also provided and this section concludes with a detailed discussion of the introduction of *T. herbacea* to the Hawaiian Islands and its impacts to Hawai‘i’s wet forests.

GEOGRAPHICAL AND CULTURAL CONTEXT OF HAWAI‘I

The Hawaiian Islands are located within the vast and remote Pacific Ocean, situated more than 3,200 kilometers (2,000 miles) from the nearest continent (Juvik and Juvik 1998). The 16,640 square kilometers (6,425 square miles) of land consists of eight main large volcanic islands, Hawai‘i, Maui, Kaho‘olawe, Lāna‘i, Moloka‘i, O‘ahu, Kaua‘i, and Ni‘ihau and 124 smaller islands, reefs, and shoals (ibid.) (Figures 10 and 11). Due to its geographical placement in the middle of the vast Pacific Ocean, coupled with its diverse climatic conditions, the Hawaiian Islands boasts the highest levels of endemism in both native plants and animals, with over 10,000 species found nowhere else in the world (Cannarella 2010).

While the question of the timing of the first settlement of Hawai‘i by Polynesians remains unanswered, several theories have been offered that derive from various sources of information (i.e., archaeological, genealogical, mythological, oral-historical, radiometric). However, none of these theories are today universally accepted. What is more widely accepted is the answer to the question of where Hawaiian populations came from and the transformations they went through on their way to establish a uniquely Hawaiian culture. More recently, with advances in palynology and radiocarbon dating techniques, Kirch (2011) and others (Athens et al. 2014; Wilmshurst et al. 2011) have convincingly argued that Polynesians arrived in the Hawaiian Islands, sometime between A.D. 1000 and A.D. 1200 and expanded rapidly thereafter (c.f., Kirch 2011). The initial migration to Hawai‘i is believed to have occurred from Kahiki (the ancestral homelands of Hawaiian gods and people) with long distance voyages occurring fairly regularly through at least the 13th century. It has been generally reported that the sources of the early Hawaiian populations originated from the southern Marquesas Islands (Emory in Tatar 1982). In these early times, Hawai‘i’s inhabitants were primarily engaged in subsistence-level agriculture and fishing (Handy and Handy 1991). This was a period of

great exploitation and environmental modification when early Hawaiian farmers developed new subsistence strategies by adapting their familiar patterns and traditional tools to their new environment (Kirch 1985; Pogue 1978). According to Fornander (1969), the Hawaiians brought from their homeland certain Polynesian customs and belief: the major gods Kāne, Kū, Lono, and Kanaloa; the *kapu* system of law and order; the *pu'uhonua* (places of refuge), the *'aumakua* concept, and the concept of *mana*.

For generations following initial settlement, communities were clustered along the watered, windward (*Ko'olau*) shores of the Hawaiian Islands. Along the *ko'olau* shores, streams flowed and rainfall was abundant, and agricultural production became established. The *ko'olau* region also offered sheltered bays from which deep-sea fisheries could be easily accessed, and nearshore fisheries, enriched by nutrients carried in the fresh water, could be maintained in fishponds and coastal waters. It was around these bays that clusters of houses where families lived could be found (McEldowney 1979). In these early times, Hawai'i's inhabitants were primarily engaged in subsistence-level agriculture and fishing (Handy and Handy 1972). Following the initial settlement period, areas with the richest natural resources became populated and perhaps crowded, and by about A.D. 1200, the population began expanding to the Kona (leeward side) and more remote regions of the island (Cordy 2000).

As the population continued to expand so did social stratification, which was accompanied by major socioeconomic changes and intensive land modification. Most of the ecologically favorable zones of the windward and coastal regions of all major islands were settled and the more marginal leeward areas were being developed. During this expansion period, additional migrations to Hawai'i occurred from Tahiti in the Society Islands. Rosendahl (1972) has proposed that settlement at this time was related to the seasonal, recurrent occupation in which coastal sites were occupied in the summer to exploit marine resources, and upland sites were occupied during the winter months, with a focus on agriculture. An increasing reliance on agricultural products may have caused a shift in social networks as well; as Hommon (1976) argues, kinship links between coastal settlements disintegrated as those links within the *mauka-makai* settlements expanded to accommodate the exchange of agricultural products for marine resources. This shift is believed to have resulted in the establishment of the *ahupua'a* system sometime during the A.D. 1400s (Kirch 1985), which added another component to an already well-stratified society. The implications of this model include a shift in residential patterns from seasonal, temporary occupation, to the permanent dispersed occupation of both coastal and upland areas.

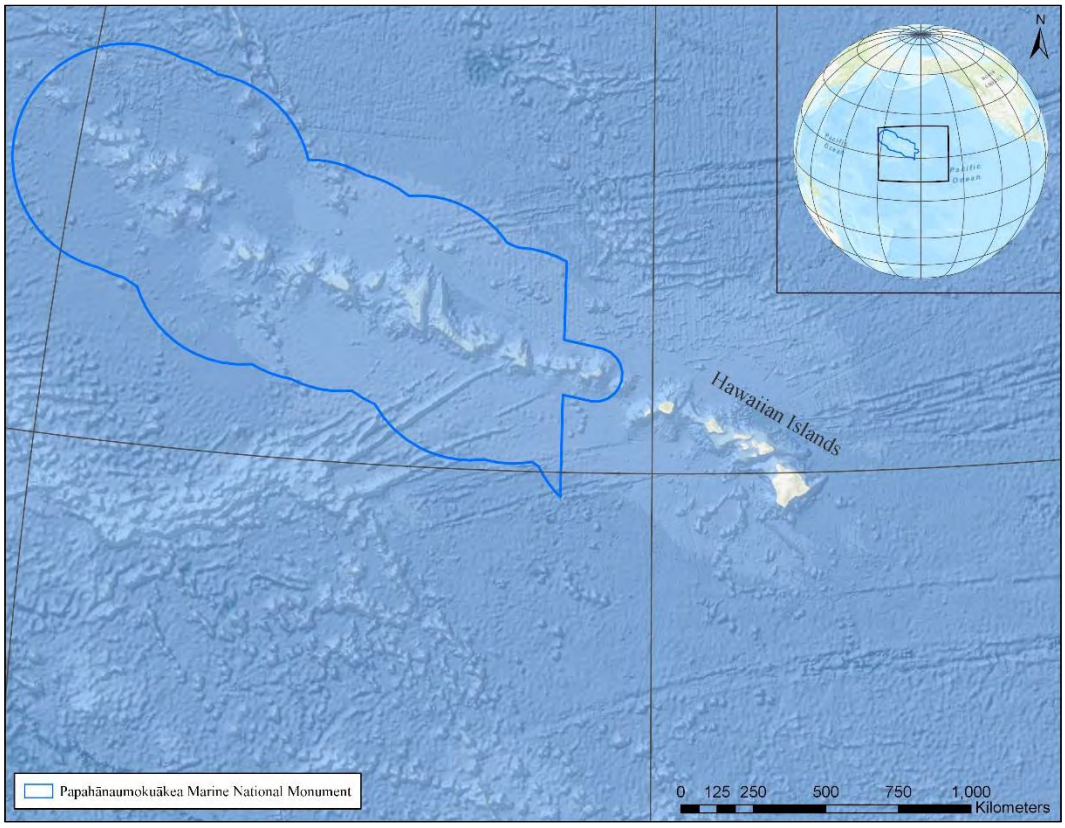

Figure 10. Map of the Hawaiian archipelago.

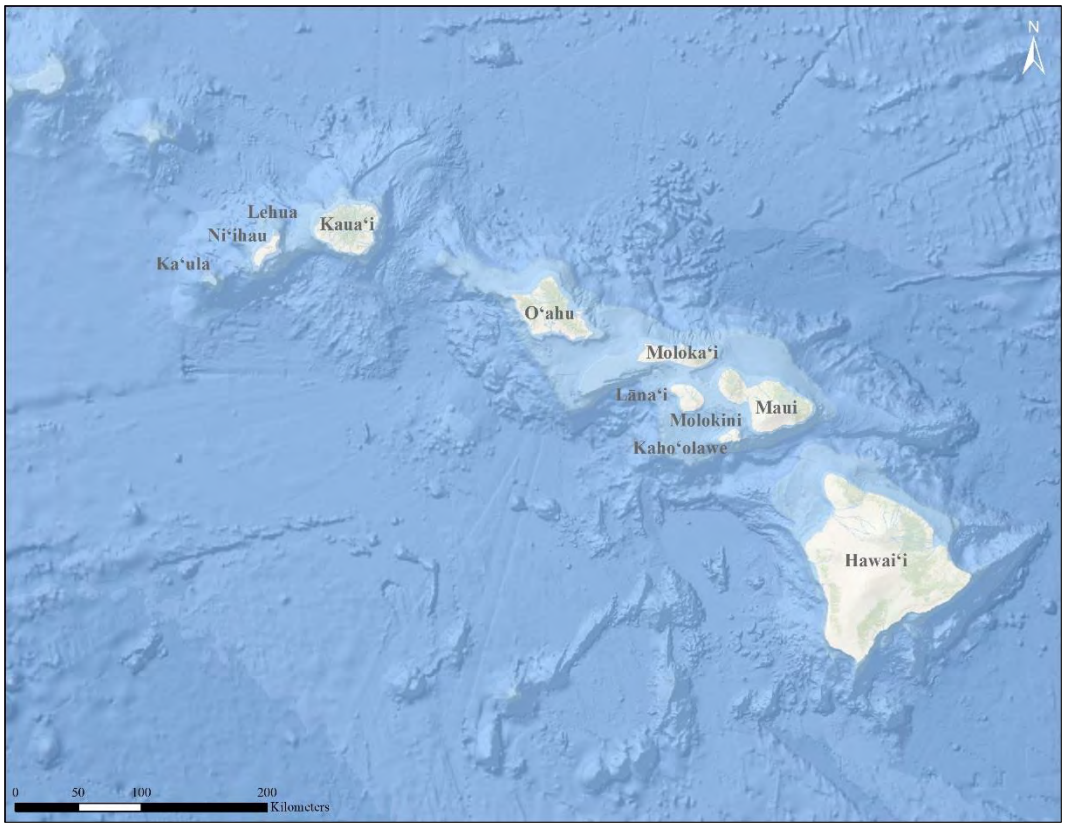

Figure 11. Map of the main Hawaiian Islands.

Adding to an already highly-complex society was the development of the traditional land division system, which included the *ahupua'a*—the principle land division that functioned for both taxation purposes and furnished its residents with nearly all of the fundamental necessities. *Ahupua'a* are land divisions that typically incorporated all of the eco-zones from the mountains to the sea and for several hundred yards beyond the shore, assuring a diverse subsistence resource base (Hommon 1986). Although the *ahupua'a* land division typically incorporated all of the eco-zones, their size and shape varied greatly (Cannelora 1974). The *hoa'āina* (native tenants) and *'ohana* (families) who lived on the land had rights to the gather resources for subsistence and for tribute (Jokiel et al. 2011). As part of these rights, the *ahupua'a* residents were also required to supply resources and labor that supported the royal community of regional and/or island kingdoms. The *ahupua'a* became the equivalent of a local community, with its own social, economic, and political significance and served as the taxable land division during the annual *Makahiki* procession (Kelly 1956). During this annual procession, the highest chief of the land sent select members of his retinue to collect *ho'okupu* (tribute and offerings) in the form of goods from each *ahupua'a*. The *hoa'āina* (native tenants) who resided in the *ahupua'a* brought their share of *ho'okupu* to an *ahu* (altar) that was symbolically marked with the image of a *pua'a* (pig). *Ahupua'a* were ruled by *ali'i 'ai ahupua'a* or chiefs who controlled the *ahupua'a* resources; who, for the most part, had complete autonomy over this generally economically self-supporting piece of land (Malo 1951). *Ahupua'a* residents were not bound to the land nor were they considered the property of the *ali'i*. If the living conditions under a particular *ahupua'a* chief were deemed unsuitable, the residents could move freely in pursuit of more favorable conditions (Lam 1985). This structure safeguarded the well-being of the people and the overall productivity of the land, lest the chief loses the principle support and loyalty of his or her supporters. *Ahupua'a* lands were in turn, managed by an appointed *konohiki* or lesser chief-landlord, who oversaw and coordinated stewardship of an area's natural resources (ibid.). In some places, the *po'o lawai'a* (head fisherman) held the same responsibilities as the *konohiki* (Jokiel et al. 2011). When necessary, the *konohiki* took the liberty of implementing *kapu* (restrictions and prohibitions) to protect the *mana* of the area's resources from physical and spiritual depletion.

Many *ahupua'a* were further divided into smaller land units termed *'ili* and *'ili kūpono* (often shortened to *'ili kū*). *'Ili* were created for the convenience of the *ahupua'a* chief and served as the basic land unit to which the *hoa'āina*, retained for often long periods of time (Jokiel et al. 2011; MacKenzie 2015). As the *'ili* themselves were typically passed down in families, so too were the *kuleana* (responsibilities, privileges) that were associated with it. The right

to use and cultivate *ʻili* was maintained within the *ʻohana*, regardless of any change in title of the *ahupuaʻa* chief (Handy and Handy 1991). Malo (1951), recorded several types of *ʻili*: the *ʻili paʻa,* a single intact parcel and the *ʻili lele*, a discontinuous parcel dispersed across an area. Whether dispersed or wholly intact, the *ʻili* land division required a cross section of available resources, and for the *hoaʻāina*, this generally included access to agriculturally fertile lands and coastal fisheries. While much of the same resource principles applied to the *ʻili kūpono*, these land units were politically independent of the *ahupuaʻa* chief. This designation was applied to specific areas containing resources that were highly valued by the ruling chiefs, such as fishponds (Handy and Handy 1991).

The *aliʻi* who presided over the *ahupuaʻa* (*aliʻi-ʻai-ahupuaʻa*), in turn, answered to an *aliʻi ʻai moku* (chief who claimed the abundance of the entire *moku or* district) (Malo 1951). Although *moku* (districts) were comprised of multiple *ahupuaʻa*, they were considered geographical subdivisions with no explicit reference to rights in the land (Cannelora 1974). This form of district subdividing was integral to Hawaiian life and was the product of resource management planning that was strictly adhered to. As knowledge of place developed over the centuries and passed down intergenerationally by direct teaching and experience, detailed information of an area's natural cycles and resources were retained and well-understood. Decisions were based on generations worth of highly informed knowledge and sustainably adapted to meet the needs of a growing population. This highly-complex land management system mirrors the unique Hawaiian culture that coevolved with these islands.

Evolution of Hawaiian Land Stewardship Practices and the Impacts on Hawaiʻi's Native Forests

Ancient and ingrained philosophy of life tied Hawaiians to their environment and helped to maintain both natural, spiritual, and social order. In describing the intimate relationship that exists between Hawaiians and *ʻāina* (land), Hawaiian historian and cultural specialist, Kepā Maly writes:

> In the Hawaiian context, these values—the "sense of place"—have developed over hundreds of generations of evolving "cultural attachment" to the natural, physical, and spiritual environments. In any culturally sensitive discussion on land use in Hawaiʻi, one must understand that Hawaiian culture evolved in close partnership with its' natural environment. Thus, Hawaiian culture does not have a clear dividing line of where culture and nature begins.
>
> In a traditional Hawaiian context, nature and culture are one in the same, there is no division between the two. The wealth and limitations of the land and ocean resources gave birth to, and shaped the Hawaiian world view. The *ʻāina* (land), *wai* (water), *kai* (ocean), and *lewa* (sky) were the foundation of life and the source of the spiritual relationship between people and their environs. (Maly 2001:1)

The Hawaiian *ʻōlelo noʻeau* (proverbial saying) "*Hānau ka ʻāina, hānau ke aliʻi, hānau ke kanaka*" (Born was the land, born were the chiefs, born were the commoners), conveys the belief that all things of the land including *kanaka* (humans) were literally born (*hānau*), and are thus connected through kinship links that extend beyond the immediate family (Pukui 1983:57). *ʻĀina* or land, was perhaps most revered, as another *ʻōlelo noʻeau* notes, "*He aliʻi ka ʻāina; he kauwā ke kanaka,*" which has been translated by Pukui (1983:62) as "The land is a chief; man is its servant." The lifeways of early Hawaiians, which were derived entirely from the finite natural resources of these islands, necessitated the development of sustainable resource management practices. Over time, what developed was an adaptable management system that integrated the watershed, freshwater, nearshore fisheries, all of which are connected through the many unique ecosystems that extend from the mountains to the sea (Jokiel et al. 2011).

Kilo or astute observation of the natural world became one of the most fundamental stewardship tools used by the ancient Hawaiians. The vast knowledge acquired through the practice of *kilo* enabled them to observe and record the subtlest changes, distinctions, and correlations in their natural world. Examples of their keen observations are evident in Hawaiian nomenclature, where numerous types of rains, clouds, winds, stones, environments, flora, and fauna, many of which are geographically unique, have been named and recorded in centuries-old traditions such as *oli* (chants), *mele* (songs), *pule* (prayers), *inoa ʻāina* (place names), *ʻōlelo noʻeau* (proverbial sayings), all of which were transmitted orally through the ages. Other traditional Hawaiian arts and practices including, (but not limited to) *hula* (traditional dance), *lapaʻau* (traditional healing), *lawaiʻa* (fishing), *mahiʻai* (farming) further reinforced knowledge of and connection to the natural environment.

Their exclusive dependency on a thriving natural environment led Hawaiians to develop a sophisticated and comprehensive system of land stewardship that was reinforced through the strict adherence to practices that maintained and enhanced the *kapu* and *mana* of all things in the Hawaiian world. In Hawaiian belief, all things natural, places, and even people, especially those of high rank, possesses a certain degree of *mana* or "divine power" (Pukui et al. 1972; Pukui and Elbert 1986:235). *Mana* is believed to be derived from the plethora of Hawaiian gods (*kini akua*) who were embodied in elemental forces and natural resources, such as the land, mountains, plants, animals, water and certain material objects and persons (Crabbe et al. 2017). Buck (1993) expanded on this concept noting that *mana* was

associated with "the well-being of a community, in human knowledge and skills (canoe building, harvesting) and in nature (crop fertility, weather, etc.)" (in Else 2004:244). Hawaiian cultural practitioner and conservation biologist, Sam Gon III adds that this belief "imposes familial responsibilities on people, and engenders respect and care for native plants and animals" (Gon III 2010:1–2)

To ensure the *mana* of the resources, certain places, and people remained protected from over-exploitation and defilement, *kapu* of various kinds were implemented and strictly enforced. According to Elbert and Pukui (1986:132) *kapu* are defined as "taboo, prohibitions; special privilege or exemption..." Kepelino (1932) notes that *kapu* associated with the gods applied to all social classes, while the *kapu* associated with the chiefs were applied to the people. As the laws of *kapu* dictated social relationships, it also provided "environmental rules and controls that were essential for a subsistence economy" (Else 2004:246). Juxtaposed to the concept of *kapu* was *noa*, translated as "freed of taboo, released from restrictions, profane, freedom" (Pukui and Elbert 1986:268). Some *kapu*, particularly those associated with maintaining social hierarchy and gender differentiation were unremitting, while those *kapu* placed on natural resources were applied and enforced according to seasonal changes. The application of *kapu* to natural resources ensured that such were resources remained unspoiled and available for future use. When the *ali'i* or the lesser chiefs (including *konohiki* and *po'o lawai'a*) determined that a particular resource was to be made available to the people, a decree was proclaimed indicating that *kapu* had been lifted, thereby making it *noa*. Although transitioning a resource from a state of *kapu* to *noa* allowed for its use, people were still expected to practice sustainable harvesting methods and pay tribute to the ruling chief and the gods and goddesses associated with that resource. *Kapu* were strictly enforced and violators faced serious consequences including death (Jokiel et al. 2011). Violators who managed to escape death sought refuge at a *pu'uhonua*, a designated place of refuge or sometimes were freed by the word of certain chiefs (Kamakau 1992). After completing the proper rituals, the violator was absolved of his or her crime and allowed to reintegrate back into society.

This ancient and ingrained way of life underwent serious transformations following the arrival of Captain James Cook in 1778. This year marks the end of what is often referred to as Hawai'i's Precontact Period and the beginning of the Historic Period. While this time mark signifies an important date in Hawaiian history, it is vital to note that throughout the early Historic Period, even with Western influences, the Hawaiian chiefs still held outright rule over the land and its resources and maintained strict adherence to the *kapu* system—the very system from which their power was derived. For many Hawaiian historians, the abrogation of the *kapu* system in 1819, also marked significant socio-religious changes. Some scholars have argued that the abolishment of the *kapu* system undermined the very foundation upon which traditional Hawaiian society was built, ultimately altering the relationship between the chiefs and the people as well as their relationship to the land (Else 2004; Kame'eleihiwa 1992). At the outset of the Historic Period, there was a continued trend toward craft and status specialization, intensification of agriculture, *ali'i* controlled aquaculture, the establishment of upland residential sites, and the enhancement of traditional oral history. The veneration of traditional gods and the strict observation of the *kapu* system were at their peaks (Kent 1983; Kirch 1985). With the influx of foreigners, many of whom were quick to introduce the idea of trade for profit, Hawai'i's traditional culture, and the socio-political economy began to shift to meet the growing demands of the foreign populations.

The Arrival of Foreign Plants and Animals and the Transformation of the *Kapu* System

By the time Kamehameha had conquered O'ahu, Maui, and Moloka'i, in 1795, Hawai'i saw the beginnings of a market system economy and the work of the native tenants shifted from subsistence agriculture to the production of foods and goods that could be traded with early explorers and whalers (Kent 1983). Introduced fruit trees and garden vegetables, often grown for trade with Westerners included yams, coffee, melons, Irish potatoes, Indian corn, beans, figs, oranges, guavas, and grapes (Wilkes 1845). Animals such as goats, sheep, pigs, cattle, horses, and turkeys that were left by Cook and other early visitors between 1778 and 1803 were allowed to roam freely (Kuykendall 1938). Of all the foreign introductions, cattle had the most profound impact. Setting the foundations of Hawai'i's livestock industry, in 1793, Captain George Vancouver, who had visited the islands during Cook's 1778 voyage, gifted the first cattle to Kamehameha. The lack of quality cattle feed proved to be detrimental to the animals. To combat this, Kamehameha, at the demand of Captain George Vancouver, enforced a *kapu*, which lasted until the 1830s that prohibited the killing of the animals (Bergin 2004; Kuykendall 1938). The first head of steer and sheep that were gifted by Vancouver were driven into the upland plains of Waimea on Hawai'i Island and allowed to roam and multiply (Barrera 1983). The unrestrained populations of cattle had increased significantly and by the 1830s had become a nuisance to native farmers. Additionally, the environmental degradation of the native forests had become apparent to Kamehameha's sons and heirs who began to take steps to control the ravenous cattle population. In an effort to protect their crops, and to reduce the risk of encountering the large and often dangerous animals, native farmers began constructing taller enclosures to prevent the animals from plundering their gardens and destroying their homes. On Hawai'i Island, where

cattle populations are said to have numbered in the tens of thousands, tall rock walls that stretched for miles were built around the more densely populated areas (Bergin 2004). While the introduced plants and animals contributed to the development of Hawai‘i’s early market economy, the exportation of native hardwoods, particularly *‘iliahi* or sandalwood compounded the preexisting environmental degradation and wreaked havoc on the native lifeways.

The *‘iliahi* or sandalwood (*Santalum ellipticum*) trade established by Euro-Americans in 1790 quickly turned into a viable commercial enterprise (Oliver 1961). By 1810, and with the backing of Kamehameha and other chiefs, this industry flourished, as farmers and fishermen were ordered into the mountains of their district to cut sandalwood and carry it to the coast. Although the laborers were compensated with *kapa* (material), food and fish (Kamakau 1992), the neglect of their personal subsistent duties lead to food shortages and famine. The harsh working conditions coupled with lack of nutrition severely degraded the health and *mana* of the native people, ultimately contributing to a population decline. This industry also began to erode the relationship between the *ali‘i* and the common people (Else 2004). Kamakau (ibid.:204) described the collapse of a traditional subsistence system and the industry’s detrimental effects on the people: “…this rush of labor to the mountains brought about a scarcity of cultivated food . . . The people were forced to eat herbs and tree ferns, thus the famine [was] called Hi-laulele, Haha-pilau, Laulele, Pualele, ‘Ama‘u, or Hapu‘u, from the wild plants resorted to.” Once Kamehameha realized the dire effects this industry on his people, he “declared all the sandalwood the property of the government and ordered the people to devote only part of their time to its cutting and return to the cultivation of the land” (ibid.: 1992:204). Kamehameha also proclaimed sustainable harvesting strategies as noted by Kamakau, who wrote, “He ordered the sandalwood cutters to spare the young trees and, not to let the felled trees fall on the saplings” (ibid.:209-210).

On May 8th, 1819, Kamehameha, who had seen the onset of impacts brought about by foreign introductions, died at his royal residence at Kamakahonu in Kailua-Kona and named his son ‘Iolani Liholiho heir to his kingdom (Kamakau 1992). By May 21st ‘Iolani Liholiho (Kamehameha II) at the age of twenty-one began his rule. As traditional custom dictated and to allow for all people to rightfully mourn the loss of their chief, all *kapu* were relaxed following the death of a chief (ibid.). It was the responsibility of the new ruler to conduct the proper rituals and ceremonies to reinstate all *kapu.* However, Liholiho’s attempts to reinstate the long-standing *kapu* system was futile and the future of the *kapu* system stood in a state of uncertainty. *Kuhina Nui* (Premier), Ka‘ahumanu (the wife of Kamehameha and the *hānai* (adopted) mother of Liholiho) and his biological mother Keōpūolani lured the young chief back to Kona and the *kapu* system was symbolically abolished when Liholiho ate in the presence of his mothers. While Liholiho, his mothers and other chiefs favored the complete abolishment of the *kapu* system, others including Kekuaokalani and his followers prepared to wage war, determined to have the ancient laws reinstated. After several failed attempts at negotiation, Liloliho’s army led by Kalaimoku went head-to-head against the forces of Kekuaokalani in the Battle of Kuamo‘o (Fornander 1918–1919). Western weaponry had already permeated traditional Hawaiian warfare and Kekuaokalani, who stood behind the ancient laws of the land was killed by gunfire on the battlefield alongside his wife Manono, thereby extinguishing the last public display of resistance. The abolishment of the *kapu* system in 1819, began to undermine the very foundations upon which traditional Hawaiian culture was formed. Adding to an already socio-politically fractured society was the arrival of Protestant missionaries who sought to fill the spiritual void of the Hawaiian people.

In October of 1819, just five months after the death of Kamehameha, the first American Protestant missionaries aboard the Brig. *Thaddeus* left Boston, Massachusetts and by March 30th, 1820, sailed to Kawaihae on the northwest coast of Hawai‘i Island (Hawaiian Mission Children’s Society 1901). Having heard of the overturning of the ancient *kapu* system, these early missionaries formed close alliances with some of Hawai‘i’s royalty, including Ka‘ahumanu who held a tremendous amount of political power. Starting in 1823, these early missionaries, one of which included William Ellis (1917) set out into the remote parts of the islands in search of suitable locations for future mission stations and within a few short years, mission stations were being constructed outside of the main town centers. Christian beliefs quickly spread and soon established a firm foothold in the islands. The missionaries quickly discovered that many Hawaiians were selective about what aspects of Christianity they were willing to adopt. In striving for complete conversion, the missionaries with the help of the *ali‘i* implemented laws that enforced Euro-American beliefs on the Hawaiian people. To an extent, this furthered the efforts of the missionaries. Despite these massive cultural changes, many Hawaiians continued to hold to their ancient beliefs, especially those associated with their relationship to the land. Throughout the remainder of the 19th century, introduced diseases and global economic forces continued to degrade the traditional life-ways of the Hawaiian people.

Private Property and Its Effects on Traditional Concepts of Land and Land Use Practices

By the mid-19th century, the ever-growing population of Westerners in the Hawaiian Islands forced socioeconomic and demographic changes that promoted the establishment of a Euro-American style of land ownership. By 1840, the first Hawaiian constitution had been drafted and the Hawaiian Kingdom shifted from an absolute monarchy into a

constitutional government. Convinced that the feudal system of land tenure previously practiced was not compatible with a constitutional government, the *Mō'ī* Kauikeaouli and his high-ranking chiefs decided to separate and define the ownership of all lands in the Kingdom (King n.d.). The change in land tenure was further endorsed by missionaries and Western businessmen in the islands who were generally hesitant to enter business deals on leasehold lands that could be revoked from them at any time. The push for exclusive private property rights culminated in the *Māhele 'Āina* of 1848 and the subsequent *Kuleana* Act or Enabling Act of 1850.

While the formalization of private property rights was a success for many Westerners, this ultimately led to the displacement of many Hawaiians from their ancestral lands—lands that they had come to know so intimately. In general, although many Hawaiians were awarded lands during this period, it was realized that the parcels they were awarded were insufficient to sustain their traditional subsistence lifestyles. Additionally, access to resources that were once a part of the now fragmented *ahupua'a* system further curtailed traditional subsistence activities. As many Hawaiian continued to migrate to the populated centers around the islands and even elsewhere, large tracts of land that were once dotted with small communities and extensive traditional agricultural fields were being prospected for large scale commercial agriculture and ranching. Although these industries added to the cultural tapestry of the islands, such operations required vast amounts of land and water. The mass acquisition of land and the diversion of water from their natural courses during the 19th and 20th centuries resulted in numerous court battles between Western businessmen competing to increase their operations and native Hawaiians who willfully held to their traditional lifeways. Such issues continue to be vetted in Hawai'i courtrooms.

Formerly forested lands were being grazed down and, in some places, planted with introduced species of grass and various shrubs to form natural fencing and to be used as livestock feed (Henke 1929). In the drier leeward area of Hawai'i, the planting of *kiawe* or algaroba (*Prosopis robusto*) proved to be useful for the cattle and apiary industry (ibid.). By the mid-19th century, the apparent destruction of native forest habitat had severely diminished the water supply of islands, ultimately prompting action by the Hawaiian Kingdom government. In 1876, the Kingdom legislature under the administration of King David Kalākaua passed "An Act for the Protection and Preservation of Woods and Forests" (Planters' Labor and Supply Company 1887:438)." Between 1876-1910, uncoordinated efforts between the government and various agricultural sectors were undertaken to remedy the loss of native forests and to increase water supply (Cannarella 2010). Wild ungulates were removed from some native forests habitats—an effort that began in the 1830s—and efforts to fence off sections of intact forests set the foundation for Hawai'i's forest reserves. To replenish severely degraded forests, a large number of non-native species were experimentally planted, including, *paina* or ironwood (*Casuarina equisitifolia*), silver oak (*Grevillea robusto*), wind acacia, sour plum, and a number of other species (Henke 1929). Efforts to diversify the Kingdom's economy and the long-standing trend of introducing exotic plant and animal species to the islands continued to mount.

The introduction of large-scale planting of sugar cane during the mid- to late-19th century resulted in massive land clearing efforts around the islands. The success and growth of the sugar industry within the more arid parts of the islands was highly dependent upon an ample supply of irrigation water (Wilcox 1996). Occasional wildfires and pests such as the leafhopper threatened the burgeoning sugar industry (Campbell and Ogburn 1990). To ensure economic prosperity, these sugar companies invested in experimental agriculture. New varieties of cane collected from various parts of the world were introduced without restraint and tested to meet the climatic challenges of growing cane in Hawai'i. By the 1890s, under the administration of King David Kalākaua, efforts to regulate plant and animal imports, many of which carried pests that were unknown to the islands, had become a priority for the Hawaiian Kingdom government.

HISTORY OF BIOCONTROL IN THE HAWAIIAN ISLANDS

The use of classical biocontrol, "the suppression of pest populations by introduction and liberation of natural enemies," has been actively undertaken in the Hawaiian Islands for roughly 130 years with varying degrees of success (Funasaki et al. 1988:105; Lai 1988). Throughout the latter half of the 19th century, as the Hawaiian Islands became an agricultural hotspot for sugarcane and other crops, many new plant species, some carrying insect pests, were introduced without restraint. In 1890, the Hawaiian Kingdom Government, under the administration of King David Kalākaua established the Commissioners of Agriculture to prevent unwanted immigrant pests from entering the islands, and to control those that had already been introduced. The duties of the Commissioners were detailed in Chapter II of *Session Laws of 1890*. Chapter II titled "An Act Relating to the Suppression of Plant Disease, Blight, and Insect Pests" reads:

> SECTION 2. It shall be the duty of such Commissioners to seek to prevent the introduction into this Kingdom of any plant disease, blight, or insect pests injurious to any tree or trees, plant or plants,

> or vegetation; and to seek to exterminate any such diseases, blight or insect pests now existing or hereafter introduced.
>
> They shall have the power to enter upon any premises where they have reason to believe there is any tree, plant, or vegetation affected with any disease, blight, or insect pest; and to take all reasonable and proper steps to prevent the spread of any such disease, blight or insect pest, and if after due trial (such trial to be not longer than ten days) it is found by said Commissioners, or one of them, that the trees, plants or vegetation cannot be cured, or the blight destroyed, that then an in such case he or they may order the same destroyed. (Kalakaua 1890:4–5)

The initiation of the 1890 laws was in response to unregulated efforts to control pests—an act that prior to 1890 was being initiated by private citizens. The earliest accounts of the unregulated use of biocontrol can be traced back to 1865, when Dr. William Hillebrand, a physician, and naturalist brought the mynah bird (*Acridotheres tristis*) from India to Hawai‘i to control armyworms that were infesting Hawai‘i’s pastures (Funasaki et al. 1988). Because of the mynah bird’s appetite for rotting and decomposed things, and for its use of garbage as nesting material, the bird was given the Hawaiians name of “*manu-‘ai-pilau,*” which can be translated as the bird that consumes rotten things (Pukui and Elbert 1986:486). The mynah bird is also known in Hawaiian as “*piha‘ekelo”*, literally translated as “full of ‘ekelo sound,” a name given because of its raucous nature (ibid.:326). The debate over whether the introduction of the mynah bird was successful in controlling army worms spilled over into local newspapers. Proponents of the mynah bird emphasized its success, however, others alleged that such comments poorly represented the birds’ impacts to agriculture and to the people. An article published in *The Pacific Commercial Advertiser* in 1876 challenged some of the alleged successes:

> THOSE CATERPILLARS.—The *Gazette* says that owing to the large increase of *mynah birds*, “not a caterpillar is to be seen in this regions,” (Honolulu) while at points outside of this favored range of the birds the grass has been destroyed. This would be a very pretty and pleasing statement in favor of the usefulness of the *mynahs*, if it were true, as unfortunately it is not. Right here and now, in the immediate neighborhood of the city, on the plains and elsewhere the birds abound, caterpillars do much more abound,—in such immense quantities that it would be simply impossible for the former to make any perceptible impressions on the mass. No doubt the *mynah* would not refuse a fat caterpillar now and again; but we don’t believe they prefer them as a regular diet, for the bird is something of an epicure and delights to range from stolen beefsteak to a nest of pigeon’s or dove’s eggs. Chickens are very good at destroying the vermin, so far as their capacities go; and turkeys are better. But the plague is usually of but brief duration. (The Pacific Commercial Advertiser 1876:3)

Complaints of the mynah bird attacking people and livestock filled the local newspapers throughout the late 19th century. The noisy mynah bird had become such a nuisance to the residents of Honolulu that some people took to the city with guns to exterminate the birds. The mynah bird proponents fired back and proposed a law that would prevent the killing of the birds. An article written in the November 9th, 1894, issue of *The Hawaiian Star* blamed the mynah bird and the dove for aiding in the spread of another noxious introduction, *Lantana camara*, which was brought to the islands from “tropical America in the year 1858” (The Hawaiian Star 1894:3).

During Hawai‘i’s sugar plantation era, rats had become a serious pestilence to sugar plantation owners and considerable attempts to bring Hawai‘i’s rat population under control were being actualized. An article published in the March 31, 1883, edition of *The Pacific Commercial Advertiser* details the proposed introduction of the infamous mongoose (*Herpestes javanicus*), a native of India to Hawai‘i’s cane fields:

> THE Planters’ Monthly has lately been proposing the introduction of a little animal from India called the mongoose, as a destroyer of rats. He is a famous ratter, surpassing the cat or the ferret. He is described as a lively little urchin, about the size of a weasel, as having a snaky body, vicious looking claws, a sharp nose, a villainous eye and looks like “murder incarnate.” In speaking of his action in capturing rats, it is said that he crawls sinuously up to his victim until within easy distance for a rush, and then strikes with unerring aim, snapping rats just at the base of the brain. The rat has not time even to squeak, so sudden and deadly is the onslaught. Wherever the rat can enter the mongoose can follow. Thus as a ratter this lively little Indian is incomparable, but the trouble is he will not confine his operations to what is deemed his legitimate business. Some writers have endeavored to save his credit as a poultry destroyer, but a naturalist, who has carefully observed his characteristics, says that he is a general destroyer, not only of everything under, but of many creatures over his size. When in a cage the sight of a small living creature made him frantic and whenever he escaped, as he sometimes did, he made a sensation in the poultry house. The mongoose is not content with marauding forays in the yard, but he seems to pervade the house when domesticated…The rat is

> unquestionably a great pest of the cane and rice planter and grain cultivator in all parts of the world. The rat pest was deemed so serious here some fifty years ago that an enlightened and enterprising Commissioner of the Hawaiian Government, sent inquest of Chinese…to procure a species of snake famed as a destroyer of rats; but the Hawaiian people, whose sacred soil had been kept free from snakes and toads by some patron saint equal in influence to St. Patrick, conceived a holy terror of the snake, notwithstanding his possible utilities, and passed a decree that Hawaii would have no snake in her plantations. The destruction of rats in the cane-fields was hardly deemed a sufficient compensation to the Hawaiian mind for the probable presence every now and then of his snakeship in the thatch of the Hawaiian *hale pili*…(The Pacific Commercial Advertiser 1883:2)

By September of 1883, Mr. William H. Purvis, a plant collector and investor in the Pacific Sugar Mill at Kukuihaele on Hawai‘i Island, imported seven mongooses, fowls, and exotic plants from Australian colonies (Daily Honolulu Press 1883). The imported mongooses were "…intended for the damp lands of the Kukuihaele plantation at Hamakua…" (ibid.:4). A number of *‘iole manakuke* or mongooses, were liberated in the cane fields of both Hilo and Hāmākua (Funasaki et al. 1988; Pukui and Elbert 1986). Subsequently, in 1885, mongooses were released on Maui, Moloka‘i, O‘ahu, and Kaua‘i. While mongoose populations had quickly established themselves on Maui, Moloka‘i, and O‘ahu, to date, the mongoose has not established itself on Kaua‘i. Both introductions rapidly multiplied and spread beyond their intended target species. While the introduction of the mongoose appears to have some success in combatting the rodents, their impacts were highlighted in newspaper editorials as early as 1886, from writers complaining that the mongooses were becoming a pest in their own. One such article read:

> The mongoose is a useful little creature for the destruction of rats. He was brought here for that purpose, and, we believe, had done his work thoroughly well on several plantations. But the mongoose does not confine himself to rats, and complaints come from some quarters that ducks and chickens are being destroyed by wholesale. The mongoose may ultimately prove to be a greater nuisance than a benefit. (The Daily Bulletin 1886:2)

By the late 19th-century, the mongoose had become a sort of cultural symbol. A review of newspaper articles published in Hawai‘i during this period reveals that the mongoose was often used metaphorically to refer to people or things that exhibited wild behavior and for people who came to the islands without having any intent to leave. However useful these introductions were in controlling its intended target, over time, their unintended impacts had become obvious. In its wake, the mongoose destroyed livestock, the eggs of native bird species, and the noisy mynah bird is associated with aiding in the proliferation of the noxious weed, *Lantana camara* (Funasaki et al. 1988). These early and poorly thought out introductions are what Funasaki et al. (1988:106) described as a classic example of "biological control gone astray." Funasaki et al. (ibid.) emphasize that:

> However, it must be realized that prior to 1890, planning and evaluation before the introduction of any organism were nonexistent simply because they were not required. There were no laws or regulations restricting or prohibiting the importation of any plant or animal from other geographical areas into Hawaii.

While these early introductions appear to have been a practical solution to a growing problem, ultimately, the lack of regulation, adequate pre-release testing protocols, and post-release monitoring created even more problems for Hawai‘i’s environment and people. In response to these ill-fated early and unregulated releases, Hawai‘i’s government leaders began to formalize a plan that would limit the introduction of unwanted pest species and control those that had already been introduced.

Regulated Efforts to Control Unwanted Pest in Hawai‘i

By the late 19th century, efforts to study the natural enemies of unwanted pests that were impacting Hawai‘i’s agricultural industry were being formalized. In 1893, the year of the unlawful overthrow of Queen Lydia Lili‘uokalani, the provisional government of the Republic of Hawai‘i appointed Albert Koebele as the entomologist to biologically control the many species of immigrant pests (Funasaki et al. 1988). Koebele is credited with being "one of the first, if not the very first entomologist, to engage in the introduction of natural enemies as a method of combating insect pests" (Giffard et al. 1925:340). Between 1893 and 1910, Koebele spent much of his time traveling to places like Australia, Fiji, Japan, China, Ceylon (modern-day Sri Lanka), Mexico, and California where he studied various insects that he thought would be beneficial to combat pests that were introduced to the islands. In 1893, Koebele successfully used biocontrol to combat the cottony cushion scale (*Icerya purchasi*) . In summarizing Koebele's biological introductions to the Hawaiian Islands, Giffard et al. (1925:342) remarked:

> He made the beginning in this line of work, and much of the time was working alone, yet seventeen species of lady beetles were successfully introduced by him and have become valuable factors in

> keeping reduced such pests as scale insects, mealybugs, plant lice and leaf mites. At least six other lady beetles were introduced and became established, but after a few years disappeared. The eight lantana insects were introduced by him, and about the same number of miscellaneous parasites of Diptera and Lepidoptera, etc. Following Mr. Koebele in this line of work, the other entomologists have introduced a larger number of beneficial insects, and some of them have produced more spectacular and valuable results, but this should not in any way lessen the credit to be given to him who was the pioneer in Hawaii in this important branch of entomological work.

Encouraged by Koebele's successes, in 1903, the Territorial Government (formalized in 1898), enacted laws to create the Board of Commissioners of Agriculture and Forestry (the precursor to the Hawaii Department of Agriculture (HDOA)). These early laws provided for facilities and materials "to obtain, propagate, study, and distribute beneficial species of insects to control pest species of insects and weeds" (Funasaki et al. 1988:107). Additionally, a quarantine system to prevent new immigrant pests from entering the islands was also created. Another early organization responsible for the release of a number of biological control agents was the Hawaiian Sugar Planters' Association (HSPA), founded in 1895. In 1904, HSPA instituted an Entomology branch and from its founding to about 1942, this branch aided in combatting a variety of pests that were plaguing Hawai'i's cane fields and threatening the economic promise of the sugar industry (ibid.). Throughout the early to mid-20th century, as Hawai'i's agricultural interest grew to include pineapple and other tropical fruit, additional institutions were organized to study and combat its share of pests. Such organizations included the United States Bureau of Entomology and Plant Quarantine's Fruit Fly Laboratory (now U.S. Department of Agriculture's Tropical Fruit and Vegetable Research Laboratory), Experiment Station of the Pineapple Producers Cooperative Associations, HSPA's Experiment Station, Hawaii Agricultural Experiment Station of the University of Hawaii's College of Tropical Agriculture, the California Agricultural Experiment Station of the University of California, and the Hawaii Department of Health (ibid.). By the 1940s and 1950s, the creation and introduction of chemical pest control had become the favored alternative (Howarth 1983). While chemical pest control still maintains its place in managing unwanted pests, the environmental and health risks associated with its use has led to the adoption of stricter regulations and a push towards finding more natural and low-cost alternatives (ibid.).

Collectively, the laws passed in 1890 to regulate unwanted immigrant pests set the foundation for what is known today as Hawai'i Revised Statutes (HRS) Chapter 141, which governs the State of Hawai'i, Department of Agriculture (HDOA)—the state agency responsible for protecting and diversifying Hawai'i's agricultural industry. HDOA's Plant Industry Division maintains three branches: Pesticides Branch, Plant Pest Control Branch, and the Plant Quarantine Branch that collectively work "to protect Hawaii's agricultural industries, environment, and [the] general public by preventing the introduction and establishment of harmful insects, diseases, illegal non-domestic animals, and other pests…" (Department of Agriculture 2016). In 2003, under Hawai'i Revised Statutes (HRS), Chapter 194, the State of Hawai'i legislature authorized the creation of the Hawai'i Invasive Species Council (HISC), the agency responsible for coordinating efforts between various local, state, federal, and international agencies and organizations to stop the introduction and spread of invasive species in the islands (State of Hawai'i 2005). Since the creation of the HISC, millions of dollars have been allocated to various local councils and government departments and programs to combat invasive species. Efforts have been directed at prevention, response and control, research and technology, and outreach (ibid.). There are four invasive species committees that represent each of the four counties (Kaua'i, O'ahu, Maui, and Hawai'i Island) in addition to an aquatic invasive species team (ibid.).

Historically, Hawai'i's biological control programs were aimed at controlling weeds and pests that were adversely impacting the agricultural industry. During the 1970s and 1980s, the heightened interest in native and endemic taxa, fueled by the passing of federal legislation to protect endangered plants coupled with the growth of native-plant organizations has led to greater consideration of the potential risk of introduced biological control agents on endemic taxa (Pemberton 2004). Hawai'i as a "hub for tourism, trade, and military transport" and the state's continued reliance on globally imported goods perpetuates the ongoing assault of introduced foreign species (Messing and Wright 2006). Funasaki et al. (1988:108) report that "more biological control projects against immigrant species of insect pests have been conducted in Hawaii than anywhere else in the world" and nearly a third of the introduced species (roughly 200 pest species) are known to be established. Reimer (2002:86) reports that "many of these introductions appear to have been successful in that the pest populations eventually did drop to acceptable levels, although scientific evaluations of the effectiveness of these introductions have been virtually non-existent." The lack of natural enemies to combat such pests has propelled state agencies, namely HDOA to continue to identify the pests' natural enemies and to develop stringent host-range testing protocols for the study and release of such agents. Although the application of classical biocontrol in Hawai'i has, at times proven to be economically successful, it is recognized that environmental risks are inherent in biological control programs (Holland et al. 2008; Howarth 1983; Pemberton 2004).

Historically, several individuals and agencies have participated in the study and release of biocontrol agents in the Hawaiian Islands. Today, the U.S. Department of Agriculture-Animal Plant Health Inspection Service-Plant Pest Quarantine (USDA-APHIS-PPQ) and the HDOA regulates the importation of biocontrol agents (Reimer 2002). While these agencies have distinct mandates and jurisdictions, there is some overlap with respect to the regulated use of biocontrol. Efforts to improve pre-release testing has resulted in a federal and state permitting process which includes an environmental review. In summarizing this process, Reimer (ibid.:87) writes:

> All biocontrol agents imported for weed control attack plants and are by definition plant pests. They are, therefore, regulated by USDA.
>
> The USDA requires separate permits for
>
> 1) Importation of a plant pest into the U.S.;
>
> 2) Movement of a plant pest between States; and
>
> 3) Release of a plant pest into the environment.
>
> The federal permitting process requires the submission of PPQ Form 526 (Application for Release) that is forwarded to the HDOA for review and recommendations. All applications to date, for which HDOA has recommended rejection, have also been denied by the USDA. If approval is recommended by HDOA, USDA then reviews the application. This process usually involves review by the Technical Advisory Group; however, Hawai‘i applications are exempt from TAG review due to the thoroughness of the HDOA review process. A draft environmental assessment (EA) is requested from the applicant for any requests for the release of weed biocontrol agents. The USDA prepares the final EA. If endangered or threatened species potentially are affected by the release of a biocontrol agent then the application is sent to the U.S. Fish and Wildlife Service for review. A release permit is issued if the evaluation of the EA produces a finding of no significant impact (FONSI).

While there are some similarities between the federal and state process, Chapter 150A of the Hawai‘i Revised Statutes (HRS) regulates the importation of any plant or animal into the State of Hawai‘i whether or not it is a plant pest (Reimer 2002). HRS 150A strictly prohibits the importation of all non-domestic animals and microorganisms unless approval is obtained by the Board of Agriculture. The review process for a state importation permit application involves six steps. Reimer (ibid.:88-89) provides a synthesis of the six-step process:

> First, the application is submitted to the HDOA with all of the required and pertinent information, including information on host specificity, distribution, preferred habitat, temperature requirements, etc. Host specificity studies may be carried out either in the country of origin or in one of the three approved containment facilities in Hawai‘i. The Advisory Subcommittee then reviews the application. The recommendations from this subcommittee are passed on to the Plants and Animals Committee for their recommendations to the BOA. The BOA either approves or disapproves the application. If approved, the application is submitted to a public hearing process. Comments from the public are brought back to the BOA for discussion, followed by final approval or disapproval of the application. If approved, a State permit is issued. The organism may be imported and released if both State and Federal permits have been issued and permit conditions are met by the importers.
>
> The HDOA review process for the introduction of biocontrol agents has evolved into an effective system that screens agents for host specificity and potential negative impacts on other species. None of the agents introduced since the review process was initiated in 1975 have attacked any native or beneficial plant or animal species. This was not the case before 1975.

Additionally, efforts to improve public transparency following the decision rendered by the Hawai‘i Intermediate Court of Appeals (*Ohana Pale Ke Ao v. Board of Agriculture, State of Hawaii*, 118 Hawaii 247, 249-50, 188 P.3d 761, 763-64 [Hawaii Ct. App. 2008]) has made the HDOA recognize that such biocontrol activities are subject to Chapter 343, Hawai‘i Revised Statutes (Hawai‘i Environmental Policy Act, HEPA) (Holland et al. 2008). Between 1890 and 1999, a total of 708 natural enemies have been released in Hawai‘i, of which 286 have become established and the majority (237) of the introduced agents have contributed to the control of the target pest species (Reimer 2002). Prior to 1944 (before the formalization of the BOA), only 54% of the introduced agents were host-specific. This percentage has increased over the years with 77% host specificity being reported between the years 1944-1975. Since 1975, host specificity for all released biocontrol agents increased to 100% (ibid.). While stricter regulations have been adopted and modified over the years to reduce the environmental risk associated with the use of biological control agents, continued field research and open dialogue remains as a critical component to improving our understanding and mitigating the environmental, economic, and cultural risks associated with such actions.

INTRODUCTION OF *TIBOUCHINA HERBACEA* TO THE HAWAIIAN ISLANDS

While it is not known whether *T. herbacea* was intentionally or accidentally introduced to the islands, it was recorded first in 1977, growing on Saddle Road on Hawai‘i Island—an important route connecting east and west Hawai‘i. In 1982, the first specimens were collected at Lanilili in West Maui and at the Ko‘olau Forest Reserve in East Maui (Almasi 2000). Infestations of *T. herbacea* were also found in Kīpahulu Valley between the 600-5,500 foot elevation. Nearly ten years later, populations of *T. herbacea* were reported on Lāna‘i Island, and in 2003, this plant was observed at Hīpuapua Falls in Hālawa Valley on the east end of the island of Moloka‘i. In 2008, a few plants were discovered by the O‘ahu Army Natural Resources Program at Poamoho in the Waialua District along the leeward side of the Ko‘olau Mountain Range on the island of O‘ahu (Frohlic and Lau 2007). Several plants were also found growing above the H-3 tunnel in Hālawa Valley, “which was apparently landscaped after construction of the tunnels” (ibid.:10). It is believed that seeds of *T. herbacea* arrived on infested *hāpu‘u* (*Cibotium spp.*) ferns that were transported from an off-island area, which were used to landscape the tunnel entrance (ibid.). These plants were removed after their discovery. Of the five islands in which this plant is known, it has become naturalized on the islands of Hawai‘i and Maui where it forms dense thickets and is now beyond the scope of eradication (O‘ahu Invasive Species Committee 2016).

Ecological and Cultural Impacts of *T. herbacea*

T. herbacea is known to threaten critical watershed habitat where numerous endemic and highly vulnerable plants and animals are found. On the islands of Maui and Hawai‘i, this highly invasive plant is known to form dense thickets that crowd out and suppress native plant growth, including the *‘ōhi‘a* (*Metrosideros polymorpha*) (O‘ahu Invasive Species Committee 2016). On the island of Maui, *T. herbacea* is scattered through some 50,000 acres of ecologically important watershed land in West Maui (Strohecker 2018). It can be found from sea level to the summit of Pu‘u Kukui and thrives in the wet windward regions between 2,000-4,000 feet elevation (ibid.). The steep and treacherous terrain has made control of this plant nearly impossible on Maui (ibid.). At Poamoho in the northern Ko‘olau Mountains Range of O‘ahu, where populations of *T. herbacea* remain somewhat manageable, this plant continues to threaten many animals and plants many of which have a federal protection status. In their 2016 report, the O‘ahu Invasive Species Committee (OISC) informed that *T. herbacea*:

> …poses a major threat to Ko‘olau forests, especially the near-pristine summit regions, as it thrives in wet forest conditions, produced hundreds of tiny seeds and is spread by broken stems or via wind, birds, and pigs. We suspect that the population at Poamoho was accidentally introduced by hikers that had recently been hiking on Maui or Hawai‘i Island. Plant material capable of reproducing can be carried on shoes, clothes, and backpacks. (O‘ahu Invasive Species Committee 2016:1)

Since its discovery near the summit area of Poamoho, continued monitoring led to the discovery of this plant’s spread downstream from its known historical point. In 2015, with additional funds, OISC was able to increase its control efforts at Poamoho. With the increased manpower to survey and control populations of *T. herbacea* at Poamoho, the OISC field crew has discovered more plants in the Punalu‘u watershed area. The steep terrain of this area, however, makes access and control of this plant very difficult. The OISC attributes the continued spread of this plant to hikers who may be inadvertently spreading seeds. OISC has more recently begun to undertake aerial surveys using helicopters to identify naturalized populations of *T. herbacea*. Although a significant amount of land can be surveyed using helicopters in comparison to pedestrian surveys, the cost associated with renting a helicopter means fewer surveys can be undertaken in a year (ibid.). The OISC continues to rely on ground surveys to monitor and control populations of *T. herbacea*.

Aerial and ground-level monitoring continue to play an important role in helping to manage existing infestations and detecting new populations of *T. herbacea*. However, despite these long-standing efforts, concerted attempts to educate the public about limiting the spread of invasive species has been a critical component in managing Hawai‘i’s invasive species problem. As part of the public outreach efforts, the four invasive species councils emphasize the importance of thoroughly washing and cleaning hiking boots and gear between hikes. Efforts to increase public knowledge in the identification of invasive species have also been ramped up in recent decades and access to this information has been streamlined through virtual media. The invasive species councils on Kaua‘i, O‘ahu, Maui, and Hawai‘i all depend on the public to report new infestations. Hiking and trails groups across the state have also contributed to these management efforts by leading organized hikes focused on the removal of invasive species.

The spread of *T. herbacea* throughout the native wet forest habitat in the Hawaiian Islands is both an ecological and cultural concern. Hawai‘i’s wet forest habitat, which is a culturally valued resource has maintained a significant role in perpetuating the life-ways and traditions of the Hawaiian people. Continued encroachment upon this habitat

by highly invasive species such as *T. herbacea* and other Melastomes poses an ecological threat that has significant cultural ramifications.

Cultural Uses of Native Wet Forest Habitat in Hawai‘i

The use of native wet forest plants in traditional Hawaiian culture is both extensive and well-documented (see Abbott 1992; Buck 1957; Krauss 1993). The flowers, fruits, woods, roots, and bark of many native plants found in the wet forests of the Hawaiian Islands have been and continue to be extensively used in many Hawaiian cultural practices. Although plants were held in high esteem and celebrated in traditional lore, plants were also valued as a collective whole for its ability to attract diverse wildlife, such as birds and insects. Endemic Hawaiian birds were highly valued for their colorful plumages which were extensively used in creating spectacular feathered garbs, headdresses, *lei*, and other insignia that were worn or displayed traditionally by Hawaiian nobility. The task of collecting birds was undertaken by the *po‘e kia manu* (bird catchers), who held a profound understanding of avian behavior and the forest resources, including what plants to use to attract and capture the birds.

The plethora of plants found in Hawai‘i’s wet forest was and remains an integral component of many traditional Hawaiian cultural practices. Large trees provided a variety of hardwoods from which canoes, houses, *ki‘i* (carved images), fishing accessories, and various utilitarian and recreational implements were made. Aerial roots of the climbing *‘ie‘ie* (*Freycinetia arborea*) were harvested and plaited together to form tightly stitched *‘ie* (baskets). Ferns were collected from the forest floor and woven into *lei* or tucked into *kapa* (bark cloth) as a scenting agent. Flowers and fruits were collected for *lei*, natural dyes, and sometimes mixed together with other plants to make medicinal concoctions. Additionally, plots in the wet forests were cleared to cultivate *olonā* (*Touchardia latifolia*), an endemic plant that was purposefully grown and from which cordage of the finest quality was made. Hawaiian ethnobotanist, Beatrice Krauss notes:

> The finest cordage made by the ancient Hawaiian—in fact, the finest cordage made in the Pacific basin—was made from *olonā*. *Olonā* was cultivated in patches of two or three acres primarily in wet, upland areas. Young shoots or layered cuttings were used for planting material; the latter were obtained by bending down a branch and covering the portion touching the ground with soil so that roots emerged from it. The rooted section, with its terminal leaves, was severed and this became a rooted cutting. Planting was close to prevent side branches from growing. *Olonā* patches were kept free of weeds, especially fom [*sic*] creeping vines, which were abundant in surrounding areas; these would otherwise have choked the *olonā* plants. The stalks were ready for harvest at the end of a year or eighteen months. (Krauss 1993:27–28)

The forest itself also holds profound spiritual implications as various plants found in the wet forest were considered *kinolau* (embodiments) of named deities, many of whom took specific plant forms of the deity Kū. Such examples include but are not limited to Kūka‘ōhi‘alaka, Kūpulupulu, Kūmokuhāli‘i, and Kūalanawao (Fornander 1919–1920; Handy and Handy 1991; Kamakau 1976). While Kū is considered the activating energy associated with the forest, other deities are also recognized including Kāne, who is embodied in the sun and in freshwater; Lono who is connected to winds, storms, and fertility; and Laka who is associated with transpiration (Edith Kanaka‘ole Foundation n.d.). Therefore, the Hawaiian forest, at a minimum, represents the dynamic interplay between Hawaiian deities.

These forested spaces also filled an important spiritual and utilitarian need for Hawaiian *hula* dancers, healing practitioners, and artisans, all of whom rely heavily on Hawai‘i’s forest resources (Stewart 2003). *Hula* practitioners have long valued Hawai‘i’s rich forest, which continues to be extensively used in making adornments, implements, and in furnishing the *kuahu* (altars). In describing the *kuahu*’s association with the forest, Emerson (1909:19) explained that “the wildwoods of Hawaii furnished in great abundance and variety small poles for the framework of the kuahu, the altar, that holy place of the halau, and sweet-scented leaves and flowers suitable for its decoration.” In detailing the thoughtful process of greening a *kuahu*, Emerson adds:

> It was necessary to bear in mind that when one deflowered the woods of their fronds of *ie-ie* and fern or tore the trailings lengths of *maile*—albeit in honor of Laka herself—the body of the goddess was being despoiled, and the despoiling must be done with all tactful grace and etiquette.
>
> It must not be gathered from this that the occasion was made solemn and oppressive with weight of ceremony, as when a temple was erected or as when a tabu chief walked abroad, and all men lay with their mouths in the dust. On the contrary, it was a time of joy and decorous exultation, a time when in prayer-song and ascriptions of praise the poet ransacked all nature for figures and allusions to be used in caressing the deity. (Emerson 1909:16)

Other plants utilized in greening a *kuahu* included *ʻieʻie* (*Freycinetia arborea*), *halapepe* (*Pleomele sp.*), *ʻōhiʻa lehua* (*Metrosideros polymorpha*), *ʻekaha* (*Asplenium nidus*), *maʻo hau hele* (*Hibiscus brackenridgei*), *hau* (*Hibiscus tiliaceus*), *kī* (*Cordyline fruticosa*), *ʻilima* (*Sida fallax*), and *lama* (*Diospyros sandwicensis*) (Emerson 1909).

While historical literature enumerates many different types of *kahuna* (esteemed and highly specialized experts), the *kahuna* whose practice involved the extensive use of both cultivated and wild plants was the *kahuna lāʻau lapaʻau*. These *kahuna* treated the sick using highly tailored plant-based recipes that were accompanied by rituals and ceremonies. With the change in landscape and the arrival of non-native plants to the islands, Krauss (ibid) notes that many "Precontact prescriptions have been altered by addition or substitution of postcontact-introduced plants." Krauss provides a succinct summary of the meticulous preparation of traditional plant-based medicines:

> Different parts of a plant were used for medicine: roots, stems, leaves, flowers, bark, fruits, and seeds. These were prepared for use by brewing, pounding and extracting the juice or sap, pounding and making an infusion, or the part to be used was chewed and swallowed without any preparation. Plant material was pounded in special stone mortars with stone pestles made for this purpose only. In cases where leaves were used, dosages consisted of a specific number of leaves; specific handfuls of leaves; or the quantity of leaves that, when rolled together, fitted within the circle formed when the tips of the thumb and forefinger were joined. When bark was used, a strip of a designated width and length was prescribed. For berries, flowers, flower buds, and the like specific numbers determined the dosage. The "magic" numbers in prescribing dosages, times and, duration of treatment were one, three, and five; four and five; five and six; or five only, according to different sources. Pounded material was strained through or squeezed out with cleaned fabriclike sheath at the base of coconut fronds (*ʻaʻa niu*) or with the fibers of the native sedge *makaloa.* Medicinal herbs were usually administered in formulations that almost always included salt and red clay, *ʻalaea*. (Krauss 1993:101)

The adaption of cultural traditions is an important aspect of any living culture. While many artisans continue to utilize Hawaiʻi's forest plants in a more traditional manner, it is common today to see many Native Hawaiian (and non-Hawaiian) artisans incorporate or draw inspiration from native plants to create contemporary clothing, home furnishings, musical implements, accessories, art, and many other utilitarian and decorative items. The restoration and revitalization of native plant habitat is crucial to sustaining Hawaiian traditions, beliefs, cultural practices well into the future whether that be in a traditional or more contemporary manner.

3. CONSULTATION

Gathering input from community members with genealogical ties and long-standing residency or relationships to the study area is vital to the process of assessing potential cultural impacts to resources, practices, and beliefs. It is precisely these individuals that ascribe meaning and value to traditional resources and practices. Community members often possess traditional knowledge and in-depth understanding that are unavailable elsewhere in the historical or cultural record of a place. As stated in the OEQC Guidelines for Assessing Cultural Impacts, the goal of the oral interview process is to identify potential cultural resources, practices, and beliefs associated with the affected project area. It is the present authors' further contention that the oral interviews should also be used to augment the process of assessing the significance of any identified traditional cultural properties. Thus, it is the researcher's responsibility to use the gathered information to identify and describe potential cultural impacts and propose appropriate mitigation as necessary.

INTERVIEW METHODOLOGY

In an effort to identify individuals knowledgeable about traditional cultural practices and/or uses associated with *T. herbacea* or the habitat in which this plant is found, a public notice was submitted to the Office of Hawaiian Affairs (OHA) for publication in their monthly newspaper, *Ka Wai Ola*. The notice was submitted via email on April 9th and was subsequently published in the May 2019 issue of *Ka Wai Ola* (2019:21) (Appendix A). As of the date of the current report, no responses have been received from the public notice. Although no responses were received as a result of the *Ka Wai Ola* publication, ASM staff contacted forty-five individuals/organizations via email and/or telephone regarding the preparation of the current CIA. These individuals/organizations were selected because they were either recognized cultural practitioners, plant experts, or Native Hawaiian organizations who utilize Hawaiʻi's forest resources for cultural purposes or were believed to have cultural knowledge about the target species or other plants found within the target species habitat. Of the forty-five individuals contacted, twenty individuals responded to our request with either brief comments, referrals, or accepted the interview request. The names and affiliation of these twenty individuals are listed in Table 1 below. Of the twenty respondents, ASM staff successfully conducted

interviews with nine individuals (see summaries below). A complete list of all persons contacted for consultation is available upon request.

The interviewees were asked a series of questions regarding their background, and their experience and knowledge of the target species. Additional questions focused on any known cultural uses, traditions, or beliefs associated with any of the target species. The interviewees were then asked about their thoughts on the cultural appropriateness of using biocontrol control agents and whether they were aware of any potential cultural impacts that could result from the use of biocontrol control. The interviewees were then asked whether they had any recommendations to mitigate any identified cultural impacts as well as share any additional thoughts about the proposed action.

As part of the interview process and with the consent of the interviewees, some of the interviews were audio-recorded for note-taking purposes only (audio files not available). Where audio recordings were not permitted, ASM staff recorded notes throughout the interview process. Upon completion of the interview, ASM staff prepared an interview summary, which was emailed to the interviewees for review. The interviewees were given the opportunity to review the summary for accuracy and allowed to make any necessary edits. With the approval of the interviewees, the finalized version of the summaries is presented below.

Table 1. Persons contacted for consultation.

Name	*Affiliation, Island*	*Initial Contact Date*	*Comments*
Shalan Crysdale	The Nature Conservancy, Kaʻū Preserve, Hawaiʻi	3/6/2019	See summary below
John Repogle	Retired from The Nature Conservancy, Kaʻū Preserve, Hawaiʻi	3/6/2019	See summary below
Nohealani Kaʻawa	The Nature Conservancy, Kaʻū Preserve, Hawaiʻi	3/6/2019	See summary below
Arthur Medeiros	Auwahi Forest Restoration Project, Maui	3/7/2019	Responded via email on March 11, 2019, stating "Thank you for your valuable work supporting this essential action to attempt to slow the loss of Hawaiian biota."
Jen Lawson	Waikōloa Dry Forest Initiative, Hawaiʻi	4/3/2019	See summary below
Robert Yagi	Waikōloa Dry Forest Initiative, Hawaiʻi	4/3/2019	See summary below
Wilds Brawner	Hoʻola Ka Manakaʻā at Kaʻūpūlehu, Hawaiʻi	4/9/2019	See summary below
Sam ʻOhu Gon III	The Nature Conservancy, Oʻahu	4/22/2019	Responded to interview request but was unable to provide input on this project.
Mike DeMotta	National Tropical Botanical Gardens, Kauaʻi	4/22/2019	See summary below
Wili Garnett	Cultural practitioner, Molokaʻi	5/7/2019	Responded via email stating "I have mostly been involved with Erythrina gall wasp parasite release and monitoring, but experience watching *Tibouchina* and *Schinus* degrade watershed on many islands, including Molokai and even cultural resources at Kalaupapa."

Table 1 continues on next page

Table 2. continued.

Name	*Affiliation, Island*	*Initial Contact Date*	*Comments*
Emily Grave	Laukahi Network, Oʻahu	5/7/2019	Responded via email stating that she was not aware of cultural uses of this plant.
Kim Starr	Starr Environmental, Maui	5/9/2019	See summary below
Forest Starr	Starr Environmental, Maui	5/9/2019	See summary below
Manaiakalani Kalua	Cultural practitioner, Hawaiʻi	5/30/2019	See summary below
Talia Porter	Honolulu Botanical Gardens, Oʻahu	6/3/2019	Responded to interview request but was unable to secure an interview.
Robert Keano Kaʻupu	Cultural practitioner, Oʻahu	6/16/2019	Responded via phone that he has been interested in learning about the cultural uses of *wiliwili* but was not aware of any uses or of anyone else who used this wood for cultural purposes.
Hinaleimoana Wong-Kalu	Cultural practitioner, Oʻahu	7/16/2019	Responded to interview request but was unable to secure an interview.
Pelehonuamea Harman	Cultural practitioner, Hawaiʻi	7/31/2019	Referred ASM staff to Dennis Kanaʻe Keawe
Dennis Kanaʻe Keawe	Cultural practitioner, Hawaiʻi	8/12/2019	See summary below
Iliahi Anthony	Cultural practitioner, Hawaiʻi	8/30/2019	See summary below

End of Table 1

SHALAN CRYSDALE, JOHN REPLOGLE, AND NOHEA LANI KAʻAWA

On March 6th, 2019, Lokelani Brandt and Matt Clark interviewed Shalan Crysdale, John Replogle (retired from the Nature Conservancy), and Nohea Kaʻawa of The Nature Conservancy (TNC) Kaʻū Preserve regarding DOFAW's proposed action and to gather any known cultural knowledge of *T. herbacea*. The crew from TNC indicated that they were not aware of any known cultural uses of *T. herbacea*, but commented that this plant is widespread in portions of the TNC Kaʻū preserve. Shalan described past efforts to control *T. herbacea* but noted that the manpower and chemicals needed were costly, time-consuming, and not entirely effective at managing this highly invasive plant. Shalan explained that *T. herbacea* is effective at shading out native understory species. Both Shalan and John have observed an abundance of *T. herbacea* growing along the forest preserve fence lines. Based on their observations, Shalan and John firmly believe that birds have aided in the widespread dispersal of this plant, especially along the length of the fence lines where the canopy cover is less abundant and where birds frequent. Shalan believes that if *T. herbacea* is removed, it may lend to the recovery of many native understory species.

While Shalan and John were not entirely against the use of biological control agents, they did share some of their concerns. Shalan, John, and Nohea stressed the importance of trial testing to ensure that the release of any proposed biological control agent does not adversely impact other native species as well as other valued crops. They spoke about the limitations of laboratory trial testing that may not account for all the variables that are present in the natural habitat. They strongly recommended that extensive trial testing be conducted prior to any proposed field release and they hope to see more post-release field monitoring to safeguard against the spread beyond the intended target species.

WILDS PIHANUI BRAWNER

Wilds Brawner, Site Manager of the non-profit organization, Hoʻōla Ka Makanaʻa at Kaʻūpūlehu Dryland Forest, was interviewed by Lokelani Brandt on April 18th, 2019. Since 2008, Wilds has worked at the 70-acre Kaʻūpūlehu Dryland Forest preserve performing a variety of duties including management and education.

When asked about his knowledge of *T. herbacea*, Wilds indicated that in his years of work, he has not encountered *T. herbacea* populations in the leeward side of Hawai‘i Island, but was aware of its impacts to the wet forest of Hawai‘i Island and elsewhere. Wilds indicated that he was not aware of any known past cultural uses of this plant.

When asked about any potential cultural impacts that could result from the use of biocontrol, Wilds emphasized that utilizing biocontrol has “great potential” and that it may be a solution to help manage unwanted pests under the condition that there has been extensive research, lab and field testing, and controlled releases. He emphasized that extensive research should consider every possible factor that could potentially result in negative impacts, especially to other endemic taxa. He also stressed that public education should be a key component in this process, as it will create opportunities for the public to learn and provide input. He believes that public input can help assess the possible risks and identify steps to manage those risks. Wilds strongly recommended that all future biological control efforts integrate public input and that it should move towards a community-based resource management structure. Wilds suggested that ways to promote biocontrol are through responsible action, extensive and evidence-based testing and research, and if these pre-release efforts are successful, biocontrol “can be the silver bullet” to managing pests. He concluded that although the process has the potential to control invasive species, the idea and use of the word “control,” as opposed to “management,” is very loaded and attaches unrealistic expectations to the effort. As with any forest, Wilds believes that with proper “management”, the results will net a positive cultural impact. New forest growth produces more flowers and seed and ultimately creates more opportunities for people to interact with these forests through place-based learning. He emphasized that when people interact and participate in caring for our “beloved” resources and when the *mo‘olelo* of these resources are shared, it can then become a living cultural resource for the people.

MIKE DEMOTTA

On April 24th, 2019, Lokelani Brandt conducted an interview with Mike DeMotta, the Head Curator of the living collections for the National Tropical Botanical Gardens (NTBG) on Kaua‘i. Mike manages the center’s plant inventory database, which includes a large collection of native plants. He has also been tasked with developing ways to improve their native plant populations by creating spaces for a thriving living collection. Through his work, Mike has been heavily involved with native plant restoration from the coastal dry areas on Lehua Island to the pristine native forests in Limahuli Valley on Kaua‘i’s north shore.

When asked about any traditional cultural uses of *T. herbacea*, Mike stated that he was unaware of any cultural importance or uses for any part of this plant. While no specific information about any known past or current cultural uses of this plant was shared he did offer insights into the proposed use of biological control to aid in conservation efforts. Mike believes that with proper research, biocontrol could preserve or rescue native forests. With his strong involvement with restoration, Mike strongly believes biocontrol will assist in opening up spaces for the regeneration of native forests and proposed that drastic measures are imperative to control or eradicate the aggressive nature of invasive species. Although he is genuinely concerned about the possibility of a collateral loss of one or two native species, Mike reasoned that the overwhelming threat to native forests from invasive species had lent to his advocacy for biocontrol. He argued that the manpower needed to control these threats are not feasible and are unrealistic. He is particularly pleased that the focus has shifted to conservation and that there is a growing awareness that we are losing pristine forests to these invasive species.

JEN LAWSON AND ROBERT YAGI

On April 26, 2019, Lokelani Brandt and Aoloa Santos met with Executive Director, Jen Lawson and Preserve Manager, Robert Yagi of the Waikoloa Dry Forest Initiative. The Waikoloa Dry Forest Initiative manages 275 acres of dryland forest located near the Waikoloa community. When asked about any known cultural uses of *T. herbacea,* Jen and Robert were not aware of any known past or current uses of this plant. While no specific information about *T. herbacea* was obtained, they did offer their insights into the proposed use of biological control to aid in management strategies.

Although Jen is a proponent of biocontrol, she explained that the proper research must be conducted, and that dissemination of that research should be provided to the affected communities. She expressed that one of the main challenges will be garnering public support for the proposed action because of preconceived notions that are heavily influenced by the historical and unsuccessful application of biocontrol. Although Jen was aware of the extensive research that is conducted prior to the release of any biocontrol agent, she remarked that such research is not always effectively shared with the communities. She added that the lack of public information and transparency only exacerbates misconceptions thereby making community support difficult to establish. In light of this, Jen recommended that DOFAW and other associated agencies restructure informational public meetings to be engaging

and inclusive of community input as she believes this may improve trust between the affected communities and the agencies. Additionally, she strongly advocates for a more collaborative partnership between the DOFAW and its agencies as a way to promote a more open dialogue between the agencies and community groups who work closely with some of these invasive species. Jen and Robert also recommended that more consistent post-release monitoring be conducted and that such efforts should be done in conjunction with established community groups.

FOREST AND KIM STARR

On May 31st, 2019, Lokelani Brandt and Aoloa Santos met with Forest and Kim Starr at their home in Olinda, Maui. Born and raised on Maui, Forest always enjoyed nature. He later moved to New York to attend Cornell University and in 1992 met his now wife and business partner, Kim, who is of Hawaiian descent but was *hānai* (adopted and raised) by a Japanese-Italian family. Since then they have done numerous volunteer and contract work in the conservation field. They currently co-own Starr Environmental and serve as biologists and environmental consultants for developers and federal and state agencies. Forest and Kim have extensive experience in botanical and environmental restoration work in the Hawaiian Islands. Forest shared that they have assisted in prior biocontrol releases but they primarily focus on the early detection of introduced species.

When asked about any known cultural uses for *T. herbacea*, Forest and Kim stated they are not aware of any cultural uses of this plant. They both expressed that this plant is considered rare in its homeland because of its numerous threats but is highly invasive in Hawai‘i because it has no natural predators. Forest stated that in West Maui, specifically at Kapilau ridge and Waikapū, *T. herbacea* is widespread.

Forest described much of the vegetation that dominates the islands as a “rag-tag assemblage of pantropical invasive species” and opined that this sort of global homogenization of the islands’ plant life is exacerbating the spread of really aggressive species. Adding to this, Forest expressed that changes in the environment are inevitable and noted that these changes are difficult for many to accept. Forest and Kim believe that biocontrol is a method that can help mitigate or slow the growth of species but “it never eradicates, it just reduces the numbers” and cited the example of the Erythrina Gall Wasp and the panini cactus (*Opuntia ficus-indica*) which have had biocontrol agents released against them. Both Forest and Kim explained that over the course of many years they have seen limited success where biocontrol has resulted in complete eradication.

When asked about their thoughts on the cultural appropriateness of biocontrol, Forest and Kim shared that they have witnessed the culture and traditions of these islands evolve within an inevitable changing environment. Forest emphasized that the mixed-culture of Hawai‘i has been able to co-exist with the changing environment and they have seen various cultures including Hawaiian culture utilize introduced plants in place of rare or extinct native plants in order to perpetuate their traditional cultural practices. In spite of these cultural adaptations, they feel that biocontrol can be useful in protecting native plant habitats which are both ecologically and culturally important and remain open-minded to these types of undertakings.

Based on their knowledge of the efficacy of former biocontrol efforts, Forest and Kim shared that generally, the way a biocontrol agent is introduced is not very effective and that for the most part, in order for the biocontrol to be entirely successful a large number of biocontrol agents must be introduced. Kim stated that although the purpose of biocontrol is to introduce an organism that is specific to a target plant, the efficacy is oftentimes underwhelming and as a result, there have been a few unintentional consequences. Kim shared that although biocontrol agents are introduced with good intentions, “the unknown,” meaning its potential to cause unforeseen impacts to a non-target species is the main factor that contributes to the general resistance to implement biocontrol. Additionally, Forest and Kim both stated that once a biocontrol agent is released there is very limited and often times no follow-up by the agencies that have invested in the pre-release studies. In light of this, Forest and Kim recommended that post-release monitoring should be held to the same standard as the pre-release of a biocontrol agent. Forest described that “mother nature is so crafty” and that changes are often muted or other factors become more significant than the release, therefore on-going post-release monitoring is a crucial component to this process. Forest also stated that misinformation has been detrimental to these biocontrol efforts and believes that more should be done to effectively communicate these types of undertakings to the public.

MANAIAKALANI KALUA

On June 6th, 2019, Lokelani Brandt conducted an interview with Manaiakalani “Manai” Kalua, a *kumu hula* and life-long Hawaiian cultural practitioner. Born and raised in the Hawaiian homestead community of Keaukaha, Manai has dedicated his life to *hula* and because of this, he has had extensive interactions with Hawai‘i’s native plant life, which is a fundamental element to traditional *hula* practices.

When asked about any known cultural uses for *T. herbacea*, Manai was not aware of any known traditional cultural uses of this plant but recalled seeing it when gathering foliage for *hula* and for other ceremonies. Manai, however, spoke at length about the ways in which invasive species are changing traditional cultural practices specific to *hula*. He explained that within his *hula hālau* he teaches about the proper way to harvest plants in addition to practices that will help limit the spread of invasive species. He now stresses the importance of cleaning all clothing, equipment, and cars after every visit to the forest. He stated that invasive species are a serious problem that has major environmental and cultural implications and cited the example of Rapid ʻŌhiʻa Death (ROD), which has significantly impacted *hula* practices. He noted that culturally, *ʻōhiʻa* is an important part of *hula* adornments and rituals, since becoming aware of ROD, he no longer gathers *ʻōhiʻa* nor does he condone the gathering of this plant. He explained that not being able to utilize *ʻōhiʻa* has required him to be more creative with his cultural practices.

When asked about his thoughts on the cultural appropriateness of utilizing biocontrol, Manai explained that historically we have a long history of unsuccessfully utilizing biocontrol and cited examples including the introduction of the mongoose to control rats and the scale insect to control strawberry guava. Manai expressed concern for the idea of introducing other foreign insects which may adversely impact its intended target but whose impacts are somewhat unknown to the many other species that grow in the same habitat as the target species. He questioned, what will happen to the introduced biocontrol once the target species is eliminated, and what are the long-term impacts of utilizing biocontrol? He noted that we are still living with the repercussion of previous biocontrol choices that we still cannot manage. Although Manai is not a proponent of utilizing biocontrol, he understands that the shift to use biocontrol suggests that all other methods for controlling these invasive species have been exhausted. He was aware that utilizing biocontrol is a much slower process and stated that the government does not have the means to manually eradicate Hawaiʻi's invasive species. He stated that there are also risks associated with the manual removal of invasive species.

While Manai remains skeptical of the effectiveness of biocontrol, he believes that the government must develop stricter laws and policies to stop the introduction of invasive species. He noted that in his travels to other parts of the world, including Japan and New Zealand, their customs process is far more thorough and intensive. He believes that these countries and exemplary models where the emphasis is placed on stopping the introduction instead of trying to combat its spread. He also advocates for a more rapid response to known invasive species and cited the example of the coqui frog, which on Hawaiʻi Island is now so widespread and nearly unmanageable. He believes that rapidly responding to invasive species, especially when populations are far more contained, could be far more effective.

DENNIS KANAʻE KEAWE

On August 13, 2019, Aoloa Santos conducted an interview with Dennis "Kanaʻe" Keawe, a retired Commercial Services Consultant for Hawaiian Electric Light Company (HELCO) and former lecturer at the University of Hawaiʻi at Hilo (UH Hilo). Born and raised on Oʻahu, Kanaʻe moved to Hawaiʻi Island in November of 1974, to help his father with his coffee farm in Hōnaunau, Kona. Following his retirement from HELCO at age 55, he was asked to teach a Hawaiian studies ethnobotany course at the UH Hilo. Kanaʻe stated that when he was asked to teach the course, his botanical vocabulary and knowledge was appropriate for teaching young children and therefore acknowledged that in order to instruct at the university level, he needed to expand and develop his botanical nomenclature. Through this process, Kanaʻe learned that many varieties of Hawaiʻi's native plants "exists within the tropical belt around the world" and by having in-depth knowledge of scientific names and identifiers allowed him to effectively communicate with people well-versed in similar plants of those regions. Additionally, Kanaʻe is a renowned Hawaiian artisan and cultural practitioner endearingly referred to by many as "the all-around guy." He has been recognized for his expert-crafted oeuvres, such as *hula pahu* (drum), *kapa* (bark cloth), *iʻe kuku* (*kapa* beater), and feather crafts. As a result of his artisanship, he has been afforded opportunities and invitations to visit communities and institutions around the world, notably the Smithsonian Museum, an institution that houses a large collection of Hawaiian antiquities.

When asked about any traditional cultural uses of the *T. herbacea*, Kanaʻe stated that he was unaware of any cultural importance or uses for any part of this plant but suggests that it perhaps may have medicinal properties and noted that this claim would have to be substantiated with proper research. While no specific information about any known past or current cultural uses of this plant was shared, he did offer thoughts on the use of biocontrol. Kanaʻe expressed his support of its use and did not foresee any major cultural impacts if extensive study and testing is done prior to its release. He added that although there are unknown variables to this method, humans can only do so much, especially in the current state of our environment and the rapid growth of invasive species.

ILIAHI ANTHONY

On September 3rd, 2019, Lokelani Brandt interviewed Iliahi "Ili" Anthony, a *hula* dancer, *lauhala* weaver, *lei* maker, and natural dye expert. Ili is also an art teacher at Ka ʻUmeke Kāʻeo Hawaiian Immersion Public Charter School and

has a background in designing furniture and exhibit spaces. Ili grew up in the community of Keaukaha and has been dancing *hula* since the age of four. As a life-long *hula* dancer for Hālau O Kekuhi, Ili explained that her knowledge of Hawai‘i plant life comes from years of gathering foliage (primarily indigenous and endemic species) and other natural resources for their *‘a‘ahu* (costume), *lei*, and *hula* implements. Ili recalled as a child being accompanied by her *kumu hula* and family members into their gathering areas where they taught her about the Hawaiian cultural significance of the plants, gathering protocols, how to identify them in the forest, and how to sustainably gather and prepare them to be used in the context of *hula*. She emphasized that as a small kid, she learned about these practices by watching and listening to her *kumu* and relatives and stated that when you are that young, you're not keenly aware of what it is they are teaching you, but as an adult, those teachings remain and are better understood. Ili openly stated that although she is not of Hawaiian ancestry, she has been raised by native Hawaiians and has learned about many of the traditional practices and customs. She expressed that although she chooses to remain respectful when it comes to Hawaiian issues and matters, she is willing to share her knowledge when asked and feels that she has something to offer.

Ili explained that as a *hula* dancer, she has learned to depend on other cultural practices to help her with gathering certain natural resources needed in *hula*. She described going on expeditions with her brother, who is a hunter, to gather *maile*. Ili explained that her brother knows the trails very well and is very particular about how they cut *maile*, and how much they take from any one plant. She added that although her brother is not necessarily a *lei* maker, he knows this plant and forest resources very well. She explained that she also relies on her father who is a woodcarver to help her make certain *hula* implements. Ili also described gathering with other *hula* dancers, some of whom have a background in native plants and botany, and shared that when she gathers with them, they often teach her about the names and can point out the subtleties that are not obvious to her. Ili believes that this demonstrates the interconnectedness of cultural practices and stated that even people who we think may not use plants, such as hunters and fishers, do often know a lot about native plant life. She stressed that as a *hula* practitioner and in terms of plant resources, she relies greatly on other practices that are not necessarily defined as *hula*.

With respect to learning about and identifying plants, whether native or non-native, Ili shared that unless someone shares that knowledge with her, then she would most likely not know about it. She expressed that when she has gone to get gathering permits from DLNR, she recalled seeing various informational posters in their office which she finds useful for learning about Hawai‘i's plant life and invasive pests.

When asked about her knowledge regarding any cultural uses for *T. herbacea*, Ili stated that she was not aware of this plant nor of any cultural uses. While Ili supports the removal of invasive species, especially if they are directly impacting native plants or native plant habitat, she cautioned that some plants that have been dubbed "invasive" are utilized for various traditional and contemporary cultural purposes. Ili opined that today, people utilize various "rubbish plants" to make adornments such as *lei* and that such plants if properly arranged can be turned into something beautiful and wearable. She also noted that weedy plants such as *laukahi* (*Plantago major*) and the introduced guava (*Psidium guajava*) have become incorporated into Hawaiian *lā‘au lapa‘au* (plant healing) practices. While she believes that finding a cultural purpose for an invasive plant is not a strong reason to halt invasive species management efforts, she cautioned that people have come to rely on certain invasive species to perpetuate select cultural practices because they are easily accessible and abundant. Adding to this, Ili expressed that people have and will continue to adapt to living with invasive species. Ili also worries that if invasive species, particularly those that are used for cultural purposes become less abundant and available, then people will likely have to find a more readily available substitute, which could result in people gathering indigenous or endemic species. She stated that people tend to use invasive species because they are abundant and easily accessible.

Ili shared that over the years she has observed an increasing number of pests on native plants and made specific reference to *‘a‘ali‘i* (*Dodonaea viscosa*), which now seems to be infested with spiders. She shared that as a *lei* maker, she often brings these plants into her home and disposes of her *hakina* (scrap pieces) in her yard. Although she has not seen those spiders move onto the plants at her home, Ili expressed a sense of uncertainty with gathering and possibly transporting unknown pest.

Ili also spoke about the need to improve our understanding of the ecological relationships that may exist between native and non-native species. She shared that some native plants such as *‘iliahi* (sandalwood; *Santalum ellipticum*) is semi-parasitic and relies on a host plant to thrive. She added that we know that native plants have adapted to each other and wonders if native species may have adapted or are adapting to living amongst non-native species as well. She pondered on the idea of removing invasive species and the possibility of causing indirect impacts to native species that have come to rely on them for some life-giving element.

When asked about her thoughts on the cultural appropriateness of using biocontrol, Ili opined that this is a difficult question to answer and lightheartedly stated that "basically, you're introducing another culture into the culture." She

asked, what things have we introduced in the past that actually worked? Ili added that she feels there have been more things in the past that have been introduced that haven't worked in comparison to those that have actually worked. Ili stated that introducing more foreign species to the islands is a scary thought and wondered what the future would look like. She asked, will we have to continually introduce more foreign species to combat those we previously introduced? Additionally, she wondered what would take the place of these invasives once they are removed?

When asked about her thoughts and recommendations about the proposed action, Ili believes the state could do more in terms of educating the public about identifying invasive species and the ways in which everyone can help limit the spread. She stated that there is a general lack of awareness and believes that providing more information to those who are obtaining gathering permits may be one way to improve awareness. She stressed that the information needs to be presented in a reasonable manner that would not deter people from obtaining a gathering permit. Ili shared that since the events taking place on Mauna Kea, she believes there is growing alertness amongst the people about land and culture-related issues. She has noticed an increasing awareness in schools where teachers are working with students to better understand and to seek solutions to these issues. She believes that the state should improve support to the schools so that the information is more accessible to students and teachers. Ili explained that many teachers want to do more of these kinds of projects with their students but there are many challenges that hinder their ability to execute such projects, including accessibility, funding, time, and finding a good resource person that can connect them to specific places and resources. She expressed that teachers can only guide and facilitate these kinds of projects, but they are not plant experts. She believes that education can be a key component in improving public awareness. She also added that while there may be a robust amount of scientific information about the potentially positive aspects of biocontrol, it needs to be condensed and expressed in layman's terms to that the general population can actually understand and connect to what scientists are discovering. She lamented that otherwise, people won't listen or hear what is being said because they can't connect to or understand what the scientists are saying. Ili made reference to the tremendous educational efforts that were put into improving public awareness about Rapid ʻŌhiʻa Death and noted that their outreach team was doing big and small things such as community talks, stickers, hats, and being present at various local community events. She believes that more of these kinds of efforts could be undertaken for other invasive species.

Ili also shared that many scientists are not practitioners and opined that these two groups, although they may share an affinity for preserving plants, both have two completely different relationships with the resource. She believes that the relationship between scientists and practitioners should also be improved because both groups can help to elevate and improve each other's practices if they are willing to work collaboratively. While she feels that this dynamic has been changing, she thinks its especially important as we move towards the possibility of using biocontrol in native plant habitats.

4. IDENTIFICATION AND MITIGATION OF POTENTIAL CULTURAL IMPACTS

The OEQC guidelines for assessing cultural impacts identify several possible types of cultural practices and beliefs that are subject to assessment. These include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs. The guidelines also identify the types of potential cultural resources associated with cultural practices and beliefs that are subject to assessment, which "may include traditional cultural properties or other types of historic sites, both man made and natural, including submerged cultural resources"(Office of Environmental Quality Control (OEQC) 1997:1). The origin of the concept of traditional cultural property is found in National Register Bulletin 38 published by the U.S. Department of Interior-National Park Service (Parker and King 1998). A traditional cultural property can be generally defined as:

> …one that is eligible for inclusion in the National Register because of its association with cultural practices and beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. (Parker and King 1998:1)

This definition also implies that any identified traditional practices and beliefs of an ethnic community, or members of that community, exceeds fifty years. "Traditional" as defined in the National Register Bulletin 38 "refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practices (ibid.). Whereas, "Culture" refers to "a system of behaviors, values, ideologies, and social arrangements" in addition to "tools and expressive elements such as graphic arts" (ibid.). The

use of the term "Property" defines this category of resource as an identifiable place. Traditional cultural properties are not intangible, they must have some kind of boundary; and are subject to the same kind of evaluation as any other historic resource, with one very important exception. By definition, the significance of traditional cultural properties should be determined by the community that values them.

It is however with the definition of "Property" wherein there lies an inherent contradiction and corresponding difficulty in the process of identification and evaluation of potential Hawaiian traditional cultural properties because it is precisely the concept of boundaries that runs counter to the traditional Hawaiian belief system. The sacredness of a particular landscape feature is often cosmologically tied to the rest of the landscape as well as to other features on it. To limit a property to a specifically defined area may actually partition it from what makes it significant in the first place. However offensive the concept of boundaries may be, it is nonetheless the regulatory benchmark for defining and assessing traditional cultural properties. As the OEQC guidelines do not contain criteria for assessing the significance for traditional cultural properties, this study will adopt the state criteria for evaluating the significance of historic properties, of which traditional cultural properties are a subset. To be significant the potential historic property or traditional cultural property must possess integrity of location, design, setting, materials, workmanship, feeling, and association and meet one or more of the following criteria:

a Be associated with events that have made an important contribution to the broad patterns of our history;

b Be associated with the lives of persons important in our past;

c Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value;

d Have yielded, or is likely to yield, information important for research on prehistory or history;

e Have an important value to the native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts—these associations being important to the group's history and cultural identity.

While it is the practice of the DLNR-SHPD to consider most historic properties significant under Criterion d at a minimum, it is clear that traditional cultural properties by definition would also be significant under Criterion e. A further analytical framework for addressing the preservation and protection of customary and traditional native practices specific to Hawaiian communities resulted from the *Ka Pa'akai O Ka 'Āina* v Land Use Commission court case. The court decision established a three-part process relative to evaluating such potential impacts: first, to identify whether any valued cultural, historical, or natural resources are present; and identify the extent to which any traditional and customary native Hawaiian rights are exercised; second, to identify the extent to which those resources and rights will be affected or impaired; and third, specify any mitigative actions to be taken to reasonably protect native Hawaiian rights if they are found to exist.

Summary of Findings, Identification of Cultural Impacts, and Proposed Mitigative Measures

A review of the culture-historical background information reveals that *T. herbacea* was first discovered in 1977, growing along the Saddle Road on Hawai'i Island and by 1982, specimens were found at locations in both east and west Maui. By the 1990s, *T. herbacea* was discovered on the island of Lāna'i and in the 2000s, it was found growing in Hālawa Valley in east Moloka'i and at several locations on the island of O'ahu. It is now naturalized on both the islands of Maui and Hawai'i. A review of the culture-historical background in addition to the consultation efforts has yielded no reported cultural use for this plant nor is there any historical evidence to suggest that *T. herbacea* is crucial to any particular ethnic groups' cultural history, identity, practices, or beliefs, nor does it meet any of the significance criteria outlined above. Although *T. herbacea* does not meet any of the significance criteria, what is culturally significant is the wet forest habitat in which it thrives. Hawai'i's wet forest habitat could be considered significant as a traditional cultural property under Criterion e, as it contains many culturally important indigenous and endemic taxa, which are still utilized in certain Hawaiian cultural practices. Some of these wet forest resources are also associated with certain Hawaiian cultural beliefs.

Based on the information presented in the culture-historical background and from the insights shared by the consulted parties, it is the assessment of this study that the release of the proposed biological control agent, *Syphraea uberabensis* will not result in impacts to any valued cultural, historical, or natural resources. Conversely, if no action is taken to further reduce remaining populations of *T. herbacea* and other highly invasive Melastomes from claiming more of Hawai'i's wet forest habitat, then impacts to this valued resource would be anticipated.

While no specific cultural impacts have been identified, the consulted parties shared valuable insight, concerns, and recommendations that could reduce the potential for any future impacts and improve public transparency regarding the effectiveness of biocontrol as a conservation management strategy. Several key themes emerged from the consultation efforts, all of which are further described below:

1) maintain stringent pre and post-release testing and monitoring;
2) improved community transparency and input;
3) active and ongoing public outreach and education;
4) improve efforts to limit the introduction of potentially harmful invasive species.

While the consulted parties did not explicitly oppose the use of biocontrol, especially to aid in the recovery of Hawai‘i’s native forest habitat, they all shared a sense of concern and spoke about the risks inherent in biocontrol activities. While they were all aware of the extensive studies that are conducted prior to the release of any biocontrol agent, they all spoke about the uncertainty of introducing another foreign insect to Hawai‘i’s fragile ecosystems. Several of the consulted parties noted that although pre-release host specificity test helps with the screening process, they shared that laboratory testing cannot account for all the variables found in nature. The generally held belief is that field release is merely another screening and testing procedure. Despite this element of uncertainty, all of the consulted parties agreed that some sort of action is necessary to limit the growth and spread of *T. herbacea* and other weedy Melastomes. Nearly all of the consulted parties stressed the importance of thorough controlled pre-release studies to safeguard against the potential for the collateral loss of other endemic taxa or economically valuable crops. Several of the consulted parties also stressed the importance of conducting on-going and consistent post-release monitoring to ensure that the biocontrol agent does not spread beyond its intended target. These individuals noted that consistent post-release monitoring will help with early detection if it is found that the proposed biocontrol agent has unintentionally spread beyond the host plant. Wild Brawner suggested the concept of integrated pest management, particularly for native plants, where natural and cultural management practices are employed concurrently. Examples of this include, timing weed removal and planting companion plants to attract active pollinators or insects that may combat other invasive insects.

In looking to future biocontrol efforts, nearly all of the consulted parties expressed the need to integrate more public input and stressed the importance of moving towards a community-based resource management structure. Based on the past public meetings held by HDOA for biocontrol, Jen Lawson felt that the public meetings held by the HDOA should be restructured so that they are engaging and inclusive of community input as she believes this may improve trust between the affected communities and the agencies. Jen Lawson and Iliahi Anthony believe that supporting biocontrol research must be clearly and effectively communicated to the public using various media forms. Iliahi Anthony noted that education and outreach are key components to improve the public’s understanding of biocontrol and empowering them with the knowledge and tools to help limit the spread of invasive species. Both Jen Lawson and Iliahi Anthony expressed that improving the public’s understanding of the risk and benefits of biocontrol may help to build public transparency and hopefully resolve some of the misconceptions associated with biocontrol. Jen Lawson encourages the responsible agencies to consider partnering with conservation-focused non-profit organizations and community groups, especially during the field release monitoring phase as these groups are working directly with these target species daily. As noted by Kim and Forest Starr, the conventional biocontrol release methods that have been used in the past typically yields results that are underwhelming. Perhaps, the additional support from non-profit organizations could potentially improve the efficacy of biocontrol.

All of the consulted parties spoke about the many misconceptions associated with biocontrol, many of which are based on failed historical examples. While testing and screening procedures have improved significantly since the late 19th century, many people today remain resistant and skeptical to implement biocontrol. It is the author’s contention and as described by some of the consulted parties that this widely held belief stems from the agencies’ lack of public outreach and education. In light of this, it is imperative that DLNR, DOFAW, and HDOA make serious efforts to participate in public outreach events and to educate the public so that these misconceptions, some of which are rooted in a historical context, can be better understood. Public outreach and education efforts should also demonstrate the potential effectiveness of biocontrol as a conservation management strategy. Iliahi Anthony spoke about the effectiveness of the Rapid ‘Ōhi‘a Death (ROD) community outreach efforts and believes that this could be an exemplary model. Iliahi Anthony noted that the ROD outreach team has been actively disseminating information using various media forms.

While combatting existing populations of invasive species is a critical step in managing Hawai‘i’s natural resources, it was noted by Manaiakalani Kalua that the State of Hawai‘i must also ramp up their efforts to prevent the arrival and introduction of unwanted pest species. Manaiakalani Kalua believes that current policies and laws must be revised and strengthened. Both Manaiakalani Kalua and Iliahi Anthony noted that in their travels to other countries

their customs entry process is far more rigorous and thorough. Manaiakalani Kalua believes that the State should look to other countries such as New Zealand and Japan as models to prevent the arrival of unwanted pests.

In summary, the recommendations provided above are intended to ensure that the release of *S. uberabensis* as a biocontrol agent for *T. herbacea* and other Melastomes considers the culture-historical context and the concerns and thoughts shared by the consulted parties. While none of the consulted parties explicitly opposed the use of biocontrol, the concerns, and recommendations offered above are intended to support the State of Hawai‘i, specifically DLNR, DOFAW, and HDOA in being mindful of the cultural, social, and environmental uniqueness of Hawai‘i. Conducting background research, consulting with community members, and taking steps towards mitigating any potential cultural impacts is done so in the spirit and practice of *Aloha ‘Āina*, a contemporary movement founded on traditional practices and beliefs that emphasize the intimate relationship that exists between Native Hawaiians and the *‘āina* (land). If DLNR, DOFAW, and HDOA assume ownership of their right and responsibility to release a biocontrol agent, we recommend it be done so in that same spirit and practice. Attention to and implementation of the above-described issues and measures will help to ensure that no such resources, practices, or beliefs will be adversely affected by the proposed release of *S. uberabensis*.

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APPENDIX A.
KA WAI OLA PUBLIC NOTICE

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PUBLIC NOTICE

ASM Affiliates is preparing a Cultural Impact Assessment (CIA) in advance of a proposed statewide release of four (4) biological control (biocontrol) agents for four target invasive species. In brief, DOFAW is seeking to conduct a statewide field release of four (4) separate biocontrol agents on four target species:

- introduction of a wasp parasitoid *(Aprostocetus nitens)* to further control the erythrina gall wasp (*Quadradstichus erythrinae)*, which has been impacting the native *wiliwili (Erythrina sandwicensis)*;
- introduction of a small beetle *(Syphraea uberabensis)* to control weedy melastomes *(Tibouchina spp.)*;
- introduction of a thrips insect *(Pseudophilothrips ichini)* to control Christmas berry *(Schinus terebinthifolia)*;
- introduction of a butterfly *(Euselasia chrysippe)* to control miconia *(Miconia calvescens)*.

We are seeking consultation with any community members that might have knowledge of traditional cultural uses or who are involved in any ongoing cultural practices associated with the target species (i.e. *wiliwili*, melastones, Christmas berry, and miconia). If you have and can share any such information please contact Lokelani Brandt lbrandt@asmaffiliates.com, or Aoloa Santos asantos@asmaffiliates.com, phone (808) 969-6066, mailing address ASM Affiliates 507A E. Lanikaula Street, Hilo, HI 96720.

(Ka Wai Ola 2019:21)

Appendix C: Comments Received During Draft Environmental Assessment Public Comment Period

Eighteen letters of correspondence were received during the 30-day public comment period for release of *S. uberabensis* for the biological control of tibouchina and related melastomes. All letters supported the release of *S. uberabensis*, and therefore no changes were made to the draft EA in the composition of the FEA.

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Friday, January 24, 2020 12:22:27 PM

You've got a new comment:

Comment on a Project
Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes
Name
Daniel Rubinoff
Email
rubinoff@hawaii.edu
Address
3370 Emekona place, Apt A Honolulu, Hawaii 96822 United States Map It
Comments/Questions
This introduction is long overdue and control of the weeds is greatly needed. Because the risk of non-target impacts is low and has been evaluated, this introduction should be done as soon as possible.
Do you wish to be notified during early consultation for future biocontrol projects?
• Yes

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Monday, January 27, 2020 1:46:26 PM

You've got a new comment:

Comment on a Project

Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes

Name

Fern Duvall

Email

fern.p.duvall@hawaii.gov

Address

Hawaii DLNR Division Forestry & Wildlife
Hawaii DLNR Division Forestry & Wildlife, 685 Haleakala Highway
Kahului, HI 96732
United States
Map It

Comments/Questions

I submit this testimony three-fold 1) as a private citizen, 2) as the current Chair of the Maui Invasive Species Committee, 3) as a biologist that has worked 30 plus years in Hawaii for DLNR DOFAW.
I was able to review the Draft Environmental Assessment supporting the release of the biocontrol agent, Syphraea uberabensis, to control cane tibouchina, and related weeds. I firmly support the finalization of this EA process and the release of this biocontrol agent. Observations and extensive testing in Brazil and Hawai'i have shown that S. uberabensis is narrowly host-specific to cane tibouchina and a few closely related plants that are also weeds in Hawai'i - this is a most important finding for the agent.

Do you wish to be notified during early consultation for future biocontrol projects?

- Yes

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Friday, January 24, 2020 12:11:48 PM

You've got a new comment:

Comment on a Project
Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes
Name
Steven Hess
Email
porquerind@gmail.com
Address
PO Box 1091 Volcano, Hawaii 96785 United States Map It
Comments/Questions
As an affected resident of Hawaii Island, I strongly support all efforts to identify, test, and release biological control organisms for all invasive melastome plant species in Hawaii. I would be especially supportive of expanding these efforts to focus on Tibouchina urvilleana, and of course Miconia calvescens. These plants are particularly destructive to native ecosystems and agriculture throughout the state. Biological control organisms have become increasingly target-specific and effective.

From:	Kitkowski, Patricia Y
To:	Wideman, Kylee K
Subject:	DEA for proposed statewide filed release of Syphraea uberabensis
Date:	Thursday, February 06, 2020 7:34:21 AM

Aloha,
Thank you for the opportunity to respond to this project. We have no comments to offer.
It is strongly recommended that you review the department's website at
https://health.hawaii.gov/epo/files/2018/05/DOHEHA.LandUseContactList.20180502.pdf
Should you have more questions please call me at 808 984-8320 or email me at
patricia.kitkowski@doh.hawaii.gov.
Sincerely,
Patti

****

Patti Kitkowski
State of Hawaii Department of Health
Maui District Health Office
Program Chief/Food Safety Branch Maui
54 High Street Rm. 300
Wailuku, Maui Hawaii 96793
Ph#: 808 984-8230 / Fax#: 808 984-8237
email: patricia.kitkowski@doh.hawaii.gov
DOH website: http://health.hawaii.gov/san/

BIISC
BIG ISLAND INVASIVE SPECIES COMMITTEE

February 11, 2020

Re: *Proposed Statewide Field Release of the Brazilian Beetle Syphraea uberabensis for Biological Control of the Noxious Weed Cane Tibouchina Tibouchina herbacea and Related Weeds*

The Big Island Invasive Species Committee supports the proposed release of the beetle *Syphraea uberabensis* as a biological control for the noxious weed, *Tibouchina herbacea*.

We have reviewed the EA and are satisfied with the extensive testing on the beetle that has been done to ensure that this species will not pose a non-target threat.

Cane tibouchina and its melastome cousins are notorious amongst ranchers, conservationists, and homeowners as aggressive and intractable weeds that spread rapidly, even in undisturbed areas. The Hawaii-Pacific Weed Risk Assessment designates a rating of 24 for *T. herbacea*, indicating a high number of invasive characteristics. Mechanical removal of the plant is often not feasible in protected forest landscapes, and often not successful due to the plant's tendency to resprout vegetatively.

The ability of *Syphraea* to impact other melastomes is a welcome effect. With widespread populations of invasive melastomes across our island, biocontrol is the only option available for long-term control and reduction of spread.

Thank you for the opportunity to provide comments on this matter. Please contact me with any questions.

Aloha,

Franny Kinslow Brewer
Communications Director
fbrewer@hawaii.edu
(808) 933-3340

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Wednesday, February 12, 2020 8:01:13 AM

You've got a new comment:

Comment on a Project

Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes

Name

patrick conant

Email

plasticcomet@hawaiiantel.net

Address

PO Box 1172
Volcano, Hawaii 96785
United States
Map It

Comments/Questions

February 12, 2020

State Protection Forester
Division of Forestry and Wildlife
Kalanimoku Building
1151 Punchbowl St., Room 325
Honolulu, HI 96813

Dear Sir,
I have reviewed the Draft Environmental Assessment for Bological Control of Tibouchina herbacea. The EA is well written, accurate and a good summary of years of thorough work by U.S. Forest Service staff. I have complete confidence in their findings, especially with respect to host specificity tests performed with Syphraea uberabensis, and I am quite familiar with such testing procedures.
I am pleased to see that the beetle only reproduces on plants in the tribe Melastomeae within the family Melastomataceae. That entire family of plants is invasive in Hawaii, including Dissotus rotundifolia and Medinilla spp. The former can be a very dense ground cover in lower Puna and easily escapes landscaped areas. The latter can be seen as an invasive epiphyte on Hana Highway. The entire genera Tibouchina and Melastoma are on the noxious list due to the invasiveness of the species we already have in Hawaii. In my opinion, the entire family Melastomatacae should be prohibited from entering the State, no matter how pretty the flower or foliage is!
I do not see the host range (as reported here) of this insect on plants in Hawaii as at all problematic. It is in fact a bonus! Species of plants this insect feeds on are either already invasive, problem plants or likely will spread farther over time, such as Tibouchina longifolia in lower Puna. Also, the timing of this proposed release is good since Melastoma septemnervium is spreading on the island of Oahu.

Sincerely,
Patrick Conant
PO Box 1172

Volcano, HI 96785

Do you wish to be notified during early consultation for future biocontrol projects?

- Yes

From:	biocontrol form
To:	Wideman, Kylee K
Subject:	biocontrol form
Date:	Monday, February 17, 2020 10:45:13 AM

You've got a new comment:

Comment on a Project
Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes
Name
Paul Krushelnycky
Email
pauldk@hawaii.edu
Comments/Questions
I am writing in support of the proposed release of the biocontrol agent for cane tibouchina. Tibouchina and related melastomes are some of the worst environmental weeds in Hawaii, and are too widespread now for effective manual or chemical control. Biocontrol of these weeds will help reduce their impact and allow native species to persist in Hawaiian forests. The extensive pre-release work conducted on this agent strongly support the safety of this release.

From: Kimberley Willenbrink <Kimberley.Willenbrink@co.maui.hi.us>
Date: Thursday, February 20, 2020 at 2:39 PM
To: Joshua Atwood <joshua.p.atwood@hawaii.gov>
Cc: Ann Cua <Ann.Cua@co.maui.hi.us>, Clayton Yoshida <Clayton.Yoshida@co.maui.hi.us>
Subject: [EXTERNAL] DEA for proposed statewide field release of Syphraea uberabensis

Mr. Hauff,

Thank you for your correspondence dated January 27, 2020, relating to the above subject.

At this time, the County of Maui Department of Planning has no comment.

Kimberley Willenbrink, Planner
Department of Planning
One Main Plaza
2200 Main St., Suite 619
Wailuku, HI 96793
(808)270-5570

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai‘i 96850

In Reply Refer To:
01EPIF00-2020-TA-0174

February 21, 2020

Robert Hauff
State Protection Forester
1151 Punchbowl Street, Room 325
Honolulu, Hawai‘i 96813

Subject: Comments on the Draft Environmental Assessment for the Proposed Release of a Biological Control for the Noxious Weed Cane Tibouchina (*Tibouchina herbacea*) and Related Weeds

Dear Mr. Hauff,

The U.S. Fish and Wildlife Service (Service) received an email on January 24, 2020, requesting comments regarding the Draft Environmental Assessment (DEA) for the proposed statewide field release of the Brazilian beetle (*Syphraea uberabensis*) for biological control of the noxious weed cane tibouchina (*Tibouchina herbacea*) and related weeds. The Hawai‘i Department of Agriculture and the Hawai‘i Department of Land and Natural Resources are proposing the field release of this beetle on State lands in Hawai‘i for biological control of cane tibouchina.

Cane tibouchina is a member of the genus *Tibouchina*. The entire genus is designated a Noxious Weed in Hawai‘i for its ability to invade native forests by forming dense stands and displacing native vegetation. It spreads vegetatively and by prolific production of tiny seeds that can be transported by birds, rats, pigs, water, and human and vehicular traffic. The ability of cane tibouchina to modify habitat, impacts the Service’s efforts to conserve and recover native species (including federally listed species) and their habitats.

The DEA’s evaluation of *S. uberabensis* as a biological control agent shows the potential for successful control of cane tibouchina. *Syphraea uberabensis* adults and larvae feed on the leaves and soft exterior of young stems of cane tibouchina, reducing plant growth and preventing reproduction. The DEA also shows that *S. uberabensis* is narrowly host-specific to cane tibouchina and a few closely related plants that are also considered invasive species in Hawai‘i. Therefore, the environmental effects of the release of this biological control are expected to be beneficial to native species and their habitats, and adverse effects are expected to be negligible.

The Service supports this DEA and the anticipated determination of Finding of No Significant Impact. The Service appreciates this opportunity to comment. If you have any questions regarding this letter, please contact Ryan Pe‘a, Fish and Wildlife Biologist (phone: 808-792-9400, email: ryan_pea@fws.gov).

Sincerely,

Benton Kealii Pang, Ph.D.
Invasive Species Team Manager

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Saturday, February 22, 2020 12:23:53 AM

You've got a new comment:

Comment on a Project

Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes

Name

Jane Beachy

Email

beachy@hawaii.edu

Comments/Questions

I'm writing in support of the draft EA for the proposed release of the biocontrol Syphraea uberabensis for the control of Tibouchina herbacea in Hawaii. As a natural resource manager with 19 years of experience in Hawai‘i, I’ve seen firsthand how T. herbacea and other plants in the Melastomaceae family have invaded and altered native Hawaiian ecosystems, especially rainforest habitats. While T. herbacea is considered incipient on O'ahu, it is widespread on other islands and I've seen first hand how it spreads through both disturbed and intact forests on Maui. This ability to spread, even in the absence of disturbance, makes it a particularly destructive weed. In addition, it is thought to form a persistent, long-lived seed bank, like many other Melastomaceae. Current manual and chemical control techniques are insufficient to either stop the spread of T. herbacea or eradicate incipient populations. The release of a successful biocontrol agent is critical in protecting remaining wet native forest from further degradation by T. herbaceae and other susceptible Melastomaceae weeds.

The Ko'olau Mountains of O‘ahu are home to many endangered and threatened species, including plants, birds, and snails. Many of these are endemic, with limited ranges. While native forest dominates much of the Ko'olau range, particularly near the summit, weeds such as Pterolepis glomeratus and Clidemia hirta (both Melastomaceae) are ubiquitous. Tibouchina herbaceae is a relatively recent introduction to Oahu, and while it is currently restricted to Poamoho and the back of Punaluu, it poses a major threat to the entire Ko'olau range.

The Army’s Natural Resources Management Program on O‘ahu conducts management across 15% of O‘ahu, focusing on endangered species stabilization and ecosystem restoration. Since 1995, our program has managed lands that are home to around 80% of O‘ahu’s endangered species. Annually, we spend between 8,000-10,500 person hours conducting weed control around populations of endangered species and through native forest remnants. Roughly 25% of this time is spent in the Ko'olau mountains. Control work is highly challenging in the Ko'olau mountains, due to steep and inaccessible terrain, as well as typically wet and rainy conditions. As a UH contractor working for ANRPO, I support the release of this biocontrol, as a way to better protect endangered species, native forests, and the local communities which are enriched by them.

Do you wish to be notified during early consultation for future biocontrol projects?

- Yes

From:	biocontrol form
To:	Wideman, Kylee K
Subject:	biocontrol form
Date:	Monday, February 24, 2020 7:49:55 AM

You've got a new comment:

Comment on a Project

Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes

Name

Jill LaBram

Email

jill.labram@gmail.com

Address

806 Olowalu Village Road
Lahaina, Hawaii 96761
United States
Map It

Comments/Questions

Aloha,
I would like to add my support to the proposed release of Syphraea uberabensis as a biocontrol for Tibouchina herbacea. This is a high priority weed ranging across the whole watershed and very established and impactful to Wet and Mesic forest areas. That's about 75% of the forest. It is particularly bad in pig disturbed and landslide impacted areas. It also impacts streams and waterways. We need this agent as we have no other practical recourse to control it.

Do you wish to be notified during early consultation for future biocontrol projects?

- Yes

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Monday, February 24, 2020 7:56:45 AM

You've got a new comment:

Comment on a Project
Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes
Name
Hank Oppenheimer
Email
henryo@hawaii.edu
Address
PO Box 909 Makawao, HI 96768 United States Map It
Comments/Questions
I fully support the release of this biological control agent for Tibouchina herbacea.
Do you wish to be notified during early consultation for future biocontrol projects?
• Yes

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Monday, February 24, 2020 9:54:53 AM

You've got a new comment:

Comment on a Project

Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes

Name

Sam Gon

Email

sgon@tnc.org

Address

923 Nuuanu Avenue
Honolulu, HI 96817
Map It

Comments/Questions

I am submitting comments on the EA for the potential use of beetle Syphraea uberabensis as a biological control for Tibouchina and related melastome weeds in Hawai'i. In my work in the field, I have seen that Tibouchina and other melastomes have been important invasives degrading even intact native wet ecosystems for decades. Effective biological control is needed to deal with infestations of melastomes in native-dominated, remote and inaccessible areas where manual and other means of control are impractical. In going over the EA, I find that the research that has been conducted on host-specificity is adequate to assure us that the introduction has very little chance of negative impacts, and concur with the conclusion of the preparers of the Environmental Assessment, that the introduction will have benefits to native ecosystems in Hawai'i. Thank you for the opportunity to comment.

Do you wish to be notified during early consultation for future biocontrol projects?

- Yes

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Monday, February 24, 2020 10:58:41 AM

You've got a new comment:

Comment on a Project

Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes

Name

andrei stanescu

Email

stanescu@westmauwatershed.org

Address

1129 Upper Kimo Dr
Kula, Hawaii 96790
United States
Map It

Comments/Questions

Aloha,

I would like to express my support for the introduction of the Brazilian Beetle, Syphraea uberabensis, that would help to slow the spread of Noxious Weed Cane Tibouchina that is currently found at all elevations of the West Maui Mountains watershed. This weed is very difficult to treat because it is able to access all parts of the mountain since it is wind dispersed. It is found in some of our most pristine native forests and bog habitats that are homes for many of our endangered plant species. The use of this beetle as a biocontrol would help us to slow the spread of Tibouchina and because manually pulling this weed often causes its seeds to further spread and opens up new habitat for its seeds to spread locally in the disturbance created by pulling.

Mahalo for your kokua!

Andrei Stanescu

Do you wish to be notified during early consultation for future biocontrol projects?

- Yes

From: biocontrol form
To: Wideman, Kylee K
Subject: biocontrol form
Date: Monday, February 24, 2020 11:01:32 AM

You've got a new comment:

Comment on a Project
Target: Cane tibouchina (Tibouchina herbacea) & related Melastomes
Name
Kaiena Bishaw
Email
bishaw@westmauiwatershed.org
Address
po box 13240 Lahaina, Hi 96771 Map It
Comments/Questions
I generally support the release of the biocontrol for Tibouchina
Do you wish to be notified during early consultation for future biocontrol projects?
• Yes

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR

KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

February 24, 2020

2020/ELOG-179 KBH
1819677

SENT VIA EMAIL

Mr. Robert Hauff
State Protection Forester
Division of Forestry and Wildlife
Department of Land and Natural Resources
c/o Kylee.K.Wideman@hawaii.gov

Dear Mr. Hauff:

The Department of Planning and Permitting has received the Department of Land and Natural Resources Request For Comment regarding the Draft Environmental Assessment (DEA) for the proposed statewide field release of the flea beetle *Syphraea uberabensis* for the biological control of noxious cane weed *Tibouchina herbacea* and related weeds.

The DEA generally addresses the relevant policies within the Oahu General Plan. However, the department respectfully request that, for the purposes of accuracy, the name of the City and County of Honolulu, Department of Planning and Permitting, be correctly referred to on page ii of the DEA.

Thank you for the opportunity to comment. Should you have any questions, please contact Katherine Hernandez, of our staff, at 768-8861.

Very truly yours,

Eugene H. Takahashi
Deputy Director

The Nature Conservancy, Hawai'i Program
923 Nu'uanu Avenue
Honolulu, HI 96817

Tel (808) 537-4508
Fax (808) 545-2019
nature.org/hawaii

Comments by The Nature Conservancy of Hawai'i on the Draft Environmental Impact Statement for Statewide Field Release of the Brazilian Beetle (*Syphraea uberabensis)* for Biological Control of the Noxious Weed Cane Tibouchina (*Tibouchina herbacea*) and Related Weeds

February 2020

The Hawai'i Department of Agriculture and its partners at the U.S. Forest Service are to be commended for their individual and collaborative work to identify, thoroughly research and develop safe, effective and host-specific biocontrol for some of the worst pests plaguing Hawai'i. Conservation land managers, farmers, nursery workers, ranchers, and government officials have been losing the battle to control some of the most intractable pests that have become established in Hawai'i. In some cases, the scale and scope of the problem has rendered traditional control methods ineffectual. At best, we have a finger in the dike. At worst, we are delaying a tidal wave infestation. While biocontrol agents seldom completely eliminate their targets, they act to keep the spread of the pest species under control and allow for a combination of techniques to effectively manage pest species. We need to thoughtfully and with scientific rigor employ every tool at our disposal to battle these invaders in order to protect what remains of our native forest resources, our critical diversified agriculture industry, and the precious quality of life we all enjoy in Hawai'i.

Oceanic islands are well known to be especially vulnerable to invasive species. Before humans arrived in Hawai'i about 1,500 years ago, the archipelago's unique species adapted in isolation with relatively few natural predators, diseases or other threats and, thus, lost or never developed many common defense mechanisms to fend off insect pests, browsing animals, or diseases. However, in today's global economy, Hawaii's inviting climate provides safe harbor for multitudes of invading species. Indeed, the colonization rate of introduced insect and mites in Hawai'i has been estimated at 500 times the rate (per unit area) of the continental United States. Unfortunately, more native species have been eliminated in Hawai'i than anywhere else in the United States. Hawai'i has lost more than half its native forests. Although habitat destruction from human development has historically been a cause of extinction and endangerment, the introduction and spread of invasive alien species is now the predominant cause of ecological loss in Hawai'i.

The Nature Conservancy of Hawai'i supports the use of the beetle *Syphraea uberabensis* as a biological control for Tibouchina and related melastome weeds in Hawai'i. We can report that *Tibouchina herbacea* and other melastomes have been insidious invasive species in several of our management areas, degrading intact native wet ecosystems for decades. Recently, we have seen Tibouchina expanding its range into otherwise pristine areas of the watershed, including our very special and rare bog ecosystems.

Effective biological control is needed to deal with infestations of Tibouchina in native-dominated, remote and inaccessible areas where manual and other means of control are impractical. In some areas, our efforts to control T. herbacea have been costly, time-consuming, and not entirely effective at managing this highly invasive plant. Where Tibouchina has invaded highly sensitive intact areas, the damage that would be caused by traditional manual or chemical control methods would outweigh the benefits.

We find that the research that has been conducted on host-specificity is conclusive and assures us that the introduction has very little chance of negative impacts. We concur with the conclusion of the preparers of the Environmental Assessment that the introduction will have benefits to native ecosystems in Hawai'i. We appreciate the rigor and care of modern biological control assessments that are designed to minimize the risk of negative impacts of such introductions.

Thank you for the opportunity to comment.

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 24, 2020

LD 141

Robert Hauff, State Protection Forester
1151 Punchbowl Street, Room 325
Honolulu, HI 96813

Via email: Kylee.K.Wideman@hawaii.gov

Dear Mr. Hauff,

SUBJECT: Draft Environmental Assessment (DEA) for the **Proposed Statewide Field Release of Small Brazilian Beetle, Syphraea uberabensis, for Biological Control of Noxious Weed Cane, Tibouchina herbacea, and Related Weeds**

Thank you for the opportunity to review and comment on the attached subject matter. The Land Division of the Hawaii Department of Land and Natural Resources ("DLNR") distributed copies of your request to the DLNR Divisions for their review and comments.

At this time, attached are responses on the subject matter from our (a) Division of Forestry and Wildlife, (b) Division of State Parks, (c) Land Division—Oahu District and (d) Land Division—Hawaii District. Should you have any questions about the attached responses, please feel free to contact Barbara Lee at (808) 587-0453. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

Attachment(s)
cc: Central Files

LO141

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

January 24, 2020

Mr. Russell Tsuji
Land Administrator, DLNR
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Tsuji,

The Draft Environmental Assessment (DEA) for the proposed statewide field release of *Syphraea uberabensis* for biological control of the noxious weed cane tibouchina (*Tibouchina herbacea)* and related weeds was published on January 23, 2020 by the Department of Health's Office of Environmental Quality Control (OEQC). The full DEA may be found at the OEQC website: www.oeqc2.doh.hawaii.gov.

Tibouchina and its relatives are noxious weeds in Hawai'i, where they form dense stands in pastures and forests, outcompeting native species. The Hawai'i Department of Agriculture, with support from the Hawai'i Department of Land and Natural Resources, is proposing the release of a small beetle, *Syphraea uberabensis,* whose adults and larvae feed on cane tibouchina in its native region of Brazil, causing extensive damage to the leaves as well as the soft exterior of young stems. Heavy feeding is expected to reduce plant density and prevent reproduction and spread to new areas, benefiting native ecosystems in Hawai'i. Observations in Brazil and extensive testing in Brazil and Hawai'i have shown that *S. uberabensis* is narrowly host-specific to cane tibouchina and a few closely related plants that are also weeds in Hawai'i.

Please submit any questions or comments on the DEA by February 24, 2020 using the "Submit Comments and Questions" button on our website www.biocontrolhawaii.org, by email to Kylee.K.Wideman@hawaii.gov, or by mail to:
Robert Hauff, State Protection Forester
1151 Punchbowl Street
Room 325
Honolulu, HI 96813

Sincerely,

Robert Hauff
State Protection Forester

LD 217 2516

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
LAND DIVISION
2020 FEB 13 AM 10:45
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

February 4, 2020

LD 141

MEMORANDUM

From

TO: **DLNR Agencies:**
__Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
__Engineering Division
X Div. of Forestry & Wildlife
X Div. of State Parks
__Commission on Water Resource Management
X Office of Conservation & Coastal Lands
X Land Division – ODLO/KDLO/MDLO/HDLO
__Historic Preservation *(via email: DLNR.Intake.SHPD@hawaii.gov)*

TO:

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Draft Environmental Assessment (DEA) for the **Proposed Statewide Field Release of Small Brazilian Beetle, Syphraea uberabensis, for Biological Control of Noxious Weed Cane, Tibouchina herbacea, and Related Weeds**

LOCATION: Statewide

APPLICANT: Department of Agriculture in collaboration with the Department of Land and Natural Resources

Transmitted for your review and comment is information on the above-referenced subject. The DEA was published on January 23, 2020, in OEQC's official publication, *The Environmental Notice*, which can be found on-line at:

http://oeqc2.doh.hawaii.gov/The_Environmental_Notice/2020-01-23-TEN.pdf

Please submit any comments to Land Division by **February 20, 2020**. If no response is received by the above date, we will assume your district office has no comments. If you have any questions about this request, please contact Barbara Lee at 587-0453 or at barbara.j.lee@hawaii.gov. Thank you.

(✓) We have no objections.
( ) We have no comments.
( ) Comments are attached.

Signed:
Print Name: **DAVID G. SMITH, Administrator**
Date: 2/12/20

Attachments
Cc: Central Files

LD 216

58016

DAVID Y. IGE
GOVERNOR OF HAWAII

RECEIVED
LAND DIVISION
2020 FEB 13 AM 10: 42

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 4, 2020

LD 141

MEMORANDUM

TO: **DLNR Agencies:**
__Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
__Engineering Division
X Div. of Forestry & Wildlife
X Div. of State Parks
__Commission on Water Resource Management
X Office of Conservation & Coastal Lands
X Land Division – ODLO/KDLO/MDLO/HDLO
__Historic Preservation *(via email: DLNR.Intake.SHPD@hawaii.gov)*

RECEIVED
STATE PARKS DIV
'20 FEB -7 AM 10:42

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Draft Environmental Assessment (DEA) for the **Proposed Statewide Field Release of Small Brazilian Beetle, Syphraea uberabensis, for Biological Control of Noxious Weed Cane, Tibouchina herbacea, and Related Weeds**
LOCATION: Statewide
APPLICANT: Department of Agriculture in collaboration with the Department of Land and Natural Resources

Transmitted for your review and comment is information on the above-referenced subject. The DEA was published on January 23, 2020, in OEQC's official publication, *The Environmental Notice*, which can be found on-line at:

http://oeqc2.doh.hawaii.gov/The_Environmental_Notice/2020-01-23-TEN.pdf

Please submit any comments to Land Division by **February 20, 2020**. If no response is received by the above date, we will assume your district office has no comments. If you have any questions about this request, please contact Barbara Lee at 587-0453 or at barbara.j.lee@hawaii.gov. Thank you.

( ) We have no objections.
(✓) We have no comments.
( ) Comments are attached.

Signed: [signature]
Print Name: CURT A COTTRELL
Date: 2.11.20

Attachments
Cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 4, 2020

LD 141

MEMORANDUM

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
___Engineering Division
X Div. of Forestry & Wildlife
X Div. of State Parks
___Commission on Water Resource Management
X Office of Conservation & Coastal Lands
X Land Division – ODLO/KDLO/MDLO/HDLO
___Historic Preservation *(via email: DLNR.Intake.SHPD@hawaii.gov)*

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Draft Environmental Assessment (DEA) for the **Proposed Statewide Field Release of Small Brazilian Beetle, Syphraea uberabensis, for Biological Control of Noxious Weed Cane, Tibouchina herbacea, and Related Weeds**

LOCATION: Statewide

APPLICANT: Department of Agriculture in collaboration with the Department of Land and Natural Resources

Transmitted for your review and comment is information on the above-referenced subject. The DEA was published on January 23, 2020, in OEQC's official publication, *The Environmental Notice*, which can be found on-line at:

http://oeqc2.doh.hawaii.gov/The_Environmental_Notice/2020-01-23-TEN.pdf

Please submit any comments to Land Division by **February 20, 2020**. If no response is received by the above date, we will assume your district office has no comments. If you have any questions about this request, please contact Barbara Lee at 587-0453 or at barbara.j.lee@hawaii.gov. Thank you.

(✓) We have no objections.
( ) We have no comments.
( ) Comments are attached.

Signed: Darlene Bryant-Takamatsu
Print Name: Darlene Bryant - Takamatsu
Date: 2/6/2020

Attachments
Cc: Central Files

LD 234

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED
LAND DIVISION
2020 FEB 18 AM 10:53
DEPT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 4, 2020

LD 141

MEMORANDUM

TO: **DLNR Agencies:**
__Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
__Engineering Division
X Div. of Forestry & Wildlife
X Div. of State Parks
__Commission on Water Resource Management
X Office of Conservation & Coastal Lands
•X Land Division – ODLO/KDLO/MDLO/HDLO
__Historic Preservation *(via email: DLNR.Intake.SHPD@hawaii.gov)*

RECEIVED
2020 FEB 10 A 8:1
LAND DIVISION
HILO, HAWAII

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Draft Environmental Assessment (DEA) for the **Proposed Statewide Field Release of Small Brazilian Beetle, Syphraea uberabensis, for Biological Control of Noxious Weed Cane, Tibouchina herbacea, and Related Weeds**
LOCATION: Statewide
APPLICANT: Department of Agriculture in collaboration with the Department of Land and Natural Resources

Transmitted for your review and comment is information on the above-referenced subject. The DEA was published on January 23, 2020, in OEQC's official publication, *The Environmental Notice*, which can be found on-line at:

http://oeqc2.doh.hawaii.gov/The_Environmental_Notice/2020-01-23-TEN.pdf

Please submit any comments to Land Division by **February 20, 2020.** If no response is received by the above date, we will assume your district office has no comments. If you have any questions about this request, please contact Barbara Lee at 587-0453 or at barbara.j.lee@hawaii.gov. Thank you.

(✓) We have no objections.
( ) We have no comments.
( ) Comments are attached.

Signed:
Print Name: GORDON C. HEIT
Date: 2/14/20

Attachments
Cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 8, 2022

Ms. Mary Alice Evans, Director
State of Hawai‘i
Office of Planning and Sustainable Development
Environmental Review Program
235 South Beretania Street, Room 702
Honolulu, HI 96813

RE: FINAL ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED STATEWIDE FIELD RELEASE OF THE BRAZILIAN BEETLE *SYPHRAEA UBERABENSIS* FOR BIOLOGICAL CONTROL OF THE NOXIOUS WEED CANE TIBOUCHINA *TIBOUCHINA HERBACEAE* AND RELATED WEEDS

Dear Ms. Evans:

With this letter, the State of Hawai‘i Department of Land and Natural Resources hereby transmits the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) for the proposed statewide release of the Brazilian beetle (*Syphraea uberabensis*) for biological control of the noxious weed cane Tibouchina (*Tibouchina harbaceae*) and related weeds for publication in the next available edition of The Environmental Notice.

In addition to this letter, the online Environmental Review Program (ERP) Publication Form has been submitted through the ERP website, including one (1) electronic copy of the FEA-FONSI as an Adobe Acrobat PDF file.

Should you have any questions, please contact Robert Hauff of the Division of Forestry and Wildlife at (808) 587-4174.

Sincerely,

DGS

Suzanne D. Case
Chairperson

United States Department of Agriculture

ATTACHMENT 4

United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection & Quarantine
4700 River Road
Riverdale, MD 20737

Permit to Move Live Plant Pests, Noxious Weeds, and Soil

Importation
Regulated by 7 CFR 330

This permit was generated electronically via the ePermits system

PERMITTEE NAME:	Matthew Johnson	**PERMIT NUMBER:**	P526P-20-02009
ORGANIZATION:	USDA Forest Service	**APPLICATION NUMBER:**	P526-190826-015
ADDRESS:	Hawaii Volcanoes National Park Quarantine Facility Kilauea Research Station, Building 34 Volcano, HI 96718	**FACILITY NUMBER:**	22
MAILING ADDRESS:	P.O. Box 236 Volcano, HI 96785	**HAND CARRY:**	No
		DATE ISSUED:	04/21/2020
PHONE:	808-967-7122		
FAX:	808-967-7158	**EXPIRES:**	**04/21/2023**
DESTINATION:	HI		
DESIGNATED PORTS:	HI, Honolulu		

Under the conditions specified, this permit authorizes the following:

Regulated Article	Life Stage(s)	Intended Use	Shipment Origins	Originally Collected	Culture Designation
Allorhogas clidemiae	Any	Research - Lab	Central America, South America	Originally Collected from Outside the U.S. and Territories	
Allorhogas granivorus	Any	Research - Lab	Central America, South America	Originally Collected from Outside the U.S. and Territories	
Anthonomus monostigma	Any	Research - Lab	Central America, South America	Originally Collected from Outside the U.S. and Territories	
Diclidophlebia lucens	Any	Research - Lab	Central America, South America	Originally Collected from Outside the U.S. and Territories	
Euselasia bettina	Any	Research - Lab	Central America, South America	Originally Collected from Outside the U.S. and Territories	
Euselasia chrysippe	Any	Research - Lab	Central America, South America	Originally Collected from Outside the U.S. and Territories	
Syphraea uberabensis	Any	Research - Lab	Central America, South America	Originally Collected from Outside the U.S. and Territories	

SPECIAL INSTRUCTIONS TO INSPECTORS

See permit conditions below

Permit Number P526P-20-02009

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EPERMITS. Robert Pfannenstiel	DATE 04/21/2020

WARNING: Any alteration, forgery or unauthorized use of this Federal Form is subject to civil penalties of up to $250,000 (7 U.S.C.s 7734(b)) or punishable by a fine of not more than $10,000, or imprisonment of not more than 5 years, or both (18 U.S.C.s 1001)

DHS CBP INSPECTORS - SHIPMENT BY BONDED CARRIER
1) Confirm that the carrier of the shipment imported under this USDA PPQ 526 permit is commercially bonded.
2) Confirm that the imported shipment has a valid USDA PPQ Form 599 Red/White label attached to the exterior for routing to a USDA APHIS PPQ Inspection Station or other "Designated Port" as stated on the Permit. A valid label will have the permit number, expiration date, label number, and address of a USDA APHIS PPQ Plant Inspection Station/Designated Port. PLEASE NOTE: In the event of a shipment of bulk container with discrete units, a single PPQ Form 599 Red/White label may be used.
3) Validate the permit in ePermits using the CBP search feature.
4) If a valid PPQ Form 599 Red/White label is not attached to the exterior of the package or the label has been covered or is otherwise not legible, then forward to the nearest USDA APHIS PPQ Plant Inspection Station.
5) If the address on the airway bill does not match the address on the PPQ Form 599 Red/White label then forward the package to the nearest USDA APHIS PPQ Plant Inspection Station/designated port shown on the PPQ Form 599 label. All costs associated with rerouting misaddressed packages will be assumed by the permit holder.

APHIS PPQ INSPECTORS at PIS -High-Risk Invertebrates
Follow the instructions in the Plant Inspection Station Manual for High-Risk Invertebrates Red and White Labeled Packages (must be opened in a sleeved cage; see procedures for handling on page 3-7-39). For questions or concerns, contact the USDA APHIS PPQ Pest Permit Branch in Riverdale, MD, at 301-851-2046, toll free 866-524-5421.

PERMIT GUIDANCE

1) Receipt or use of foreign isolates or samples from countries under sanctions requires specific permission from the U.S. Department of Treasury; please refer to https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx
2) This permit does not authorize movement or release into the environment of genetically engineered organisms produced with the regulated organisms described in this permit. Importation, interstate movement, and environmental release of genetically engineered plant pests require a different permit issued under regulations at 7 CFR part 340. Any unauthorized interstate movement or environmental release, including accidental release, of a regulated GE organism would be a violation of those regulations. Additional guidance and contact information for APHIS Biotechnology Regulatory Services, can be found at: https://www.aphis.usda.gov/aphis/ourfocus/biotechnology.
3) If an animal pathogen is identified in your shipment, to ensure appropriate safeguarding, please refer to http://www.aphis.usda.gov/import_export/animals/animal_import/animal_imports_anproducts.shtml
4) If a human pathogen is identified, please refer to the CDC Etiologic Agent Import Permit Program at http://www.cdc.gov/od/eaipp/
5) This permit does not fulfill the requirements of other federal or state regulatory authorities. Please contact the appropriate agencies, such as the U.S. Environmental Protection Agency, the U.S. Fish and

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EPERMITS.	DATE
Robert Pfannenstiel	04/21/2020

Wildlife Service, the U.S. Food and Drug Administration, the Centers for Disease Control and Prevention, the APHIS Veterinary Services unit, the APHIS Biotechnology Regulatory Services, or your State's Department of Agriculture to ensure proper permitting.
6) If you are considering renewal of this permit, an application should be submitted at least 90 days prior to the expiration date of this permit to ensure continued coverage. Permits requiring containment facilities may take a longer period of time to process.

PERMIT CONDITIONS

USDA-APHIS issues this permit to Matthew Johnson, USDA Forest Service, Hawaii Valcanoes National Park, Quarantine Facility, Kilauea Research Station, Volcano, HI 96718. This permit authorizes the importation of any life stages of the various taxa shown under Regulated Article above, collected in/from Central and South American countries, and observed to feed on or be associated with Miconia calvescens,(the target/host plant), to the permit holder Dr. Matthew Johnson, USDA Forest Service, Hawaii Volcanoes National Park, to be received into the USDA APHIS approved containment facility at that address (CF #22).

The imported material may contain various host plant parts of Miconia calvescens, including roots, leaves and stems.

This permit authorizes the possession and rearing of any species imported under this permit for research in the USDA APHIS inspected containment facility (Facility #22) at USDA Forest Service, Hawaii Volcanoes National Park, Kilauea Research Station, Quarantine Facility, Building 34, Volcano, HI 96718, subject to the conditions below.

1.
- This permit is issued by the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS). It conveys APHIS regulations and requirements for the material(s) listed on this permit. It does not reduce or eliminate your legal duty and responsibility to comply with all other applicable Federal and State regulatory requirements.

- The permit number or a copy of the permit must accompany the shipment.

- You must be an individual at least 18 years old, or legal entity such as partnership, corporation, association, or joint venture.

- You are legally responsible for complying with all permit requirements and permit conditions.

- The regulated material and shipping container(s) are subject to inspection by officials of Custom and Border Protection (CBP) and APHIS. CBP or APHIS officials may require the shipment to be treated, seized, re-exported, or destroyed (in part or whole). You will be responsible for expenses.

Permit Number P526P-20-02009

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EPERMITS.	DATE
Robert Pfannenstiel	04/21/2020

- If you violate any applicable laws associated with this permit, you may face substantial civil or criminal penalties. We may cancel all current permits and deny future permit applications.
- Without prior notice and during reasonable hours, authorized Federal and State Regulators must be allowed to inspect the conditions associated with the regulated materials/organisms authorized under this permit.

2. The permit holder must:

- maintain a valid PPQ526 permit so long as the regulated materials/organisms are alive or viable,
- not assign or transfer this permit to other persons without APHIS PPQ authorization,
- maintain an official permanent work assignment, residence, or affiliation at the address on this permit,
- notify the Pest Permit Staff as soon as possible of any change in the permit holder's work assignment, residence, or affiliation,
- notify the Pest Permit Staff of the receipt of unauthorized and/or misdirected shipments of regulated materials/organisms,
- adequately mitigate environmental impacts resulting from unauthorized release of regulated materials/organisms and notify the Pest Permit staff immediately if one occurs,
- notify the Pest Permit Staff if the facility is damaged/destroyed or if you wish to decommission the facility,
- destroy all regulated materials/organisms prior to departure from the organization unless other arrangements are confirmed by the Pest Permit Staff.

Notifications to the Pest Permit Staff must be made via 866-524-5421 or pest.permits@usda.gov within one business day of the event triggering a notification.

Permit Number P526P-20-02009

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EPERMITS.	DATE
 Robert Pfannenstiel	04/21/2020

3. All packages for transport must minimally consist of both inner/primary and outer/secondary packages securely sealed so that both are effective barriers to escape or unauthorized dissemination of the listed materials/organisms. The inner/primary package(s) will contain all regulated materials/organisms and must be cushioned and sealed in such a way that it remains sealed during shock, impact, and pressure changes that may occur. The outer/secondary shipping container must be rigid and strong enough to withstand typical shipping conditions (dropping, stacking, impact from other freight, etc.) without opening.
4. After PPQ issues this 526 permit, you will need to request Red/White labels (PPQ Form 599) at least 5 days in advance of your shipping date. If you applied for your permit online using ePermits, you may request the labels using the My Shipments/Labels feature. Otherwise, send your request to Redandwhitelabelrequest@usda.gov. All email requests must come from the permit holder or designee. If requested by the designee, the permit holder must be copied on all requests. Specify the approved port as listed on the permit and the total number of labels needed. You may request additional labels the same way.
   Packages without labels on the exterior may be refused entry.

   Review label instructions at:
   https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plant-pests/or ganisms-shipping-requirements

   You are responsible for instructing your shipper to carefully follow these instructions. You are responsible for each import shipping label issued under this permit.
5. Upon receipt, open the package only in the approved containment facility identified above. Depending on the organism(s) or developmental stage, it may be necessary to open the package inside a cage (glove box or sleeve cage) or use other appropriate means that must prevent the organisms from escaping.
6. After separation of organisms regulated under this permit, along with any necessary host organisms and host plant parts, all other foreign biological material and substrate, including soil, and foreign plant material, if any, must be properly disposed of or destroyed immediately.

   Only authorized/permitted organisms may be retained as live organisms, plus any hosts and plant parts as needed for continued rearing and culture of the regulated organisms until transfer to lab-sourced material. Upon completion of isolations/transfers from imported material (i.e., soil, hosts) these imported materials must likewise be properly disposed of or destroyed immediately, as described above.

   Only secondary containers and packing materials suitable for re-use (such as coolers and icepacks) may be reused, and only after sterilization by autoclave, or with bleach or alcohol, etc., as per protocols established in the SOP's for this facility.

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EPERMITS.	DATE
Robert Pfannenstiel	04/21/2020

7. This permit authorizes the importation and possession of live organisms of only those taxa/species listed under "Regulated Article" above, and not authorized under this permit are live cultures of other taxonomic groups from other hosts, or are from other source countries/continents, or received by way of any other permit, except as described below.

   In addition, this permit authorizes continued possession/continued curation of only the live organisms (identified and unidentified) cultured or stored by the permit holder which were imported as authorized on previous permits, of which this is a "renewal". All other such live regulated organisms must be kept under separate USDA APHIS permit, or devitalized.

8. The regulated organisms authorized for import under this permit are to be maintained only in the laboratory area approved for containment at the address indicated under the "Authorizations" above on this permit (CF 22). Any distribution or other removal of live organisms regulated under this permit from the designated area of Containment Facility Forest Service requires a separate prior authorization from APHIS PPQ.

   This permit does not authorize field release, interstate transport, field research, greenhouse work, or any other activities with the regulated organisms authorized for import under this permit outside of the containment facility.

9. All operations must be consistent with information submitted in association with this Containment Facility (CF #22) including the most recent Standard Operating Procedures (SOP's) submitted for the Facility, and any information submitted in association with the inspection of this Containment Facility. This includes, minimally, maintenance of restricted access to unauthorized persons of building and or approved containment areas (key, key card or code), and/or restricted access to unauthorized persons of growth chambers and other equipment (for example by lock) where organisms will be kept, as well as proper/prescribed maintenance of the Autoclave and/or other equipment used to devitalize or sterilize waste.

   The permit holder must insure that all persons working with these regulated organisms
   a) are trained in the importance of approved containment practices;
   b) follow the Standard Operating Procedures (SOP) established for the facility and filed with the USDA APHIS Pest Permit Evaluation Unit at the time of facility inspection; and
   c) are informed of these permit conditions and understand the requirement to adhere to these conditions and the SOP.

   The permit holder shall document such training or familiarization with these permit conditions and the SOP's for the facility, by having copies of both dated and signed/initialed by all persons handing the regulated articles, and have such documentation made available to USDA APHIS upon request.

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EPERMITS.	DATE
Robert Pfannenstiel	04/21/2020

10. A separate authorization from USDA APHIS (a new PPQ 526 permit) is required for possession/maintenance of live regulated organisms received under this permit beyond the expiration of this permit. Otherwise, all regulated organisms received under this permit must be devitalized prior to expiration of this permit.

END OF PERMIT CONDITIONS

Permit Number P526P-20-02009

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EPERMITS.	DATE
Robert Pfannenstiel	04/21/2020

ATTACHMENT 5

M. TRACY JOHNSON

Institute of Pacific Islands Forestry
Pacific Southwest Research Station
USDA Forest Service

P.O. Box 236, Volcano, Hawaii 96785
tel: 808-967-7122
email: tracy.johnson@usda.gov

Education

Ph.D., 1995, Entomology, North Carolina State University
Thesis: The role of natural enemies in ecology and evolution of *Heliothis virescens* on transgenic plants.

M.S., 1990, Entomology, North Carolina State University
Thesis: Combined effects of genetically engineered host plant resistance and natural enemies on *Heliothis* populations in tobacco.

A.B., 1984, Biology, University of California - Berkeley

Work Experience

Research Entomologist, Aug 2000-Present, USDA Forest Service, PSW, Institute of Pacific Islands Forestry
Biological control of weeds in Hawaiian forests, Insect ecology, Post-release monitoring of biocontrol, Non-target impacts of biocontrol, Plant-herbivore-enemy interactions

Junior Researcher, Mar-Aug 2000, Department of Zoology, University of Hawaii – Manoa
Examining population dynamics of the agricultural pest *Nezara viridula* under sublethal biological control by an introduced parasitoid.

Junior Researcher, Dec 1997-Feb 2000, Dept. Entomology, University of Hawaii - Manoa
Quantifying the off-target effects of biological control on the native Hawaiian koa bug, and surveying parasitism of an alien leafhopper invading native forests.

Fulbright Fellow, Oct 1996-Sep 1997, Internatl Centre of Insect Physiology and Ecology, Kenya
Assessing risk of African maize stemborers evolving resistance to transgenic maize expressing toxins of *Bacillus thuringiensis*.

Technician, May 1984 – Dec 1986, Biological Control of Weeds Lab, USDA-ARS, Albany CA
Field studies of native thistles and insects to measure nontarget impact of weevil introduced for biocontrol of weedy thistles; quarantine study of insects shipped from Greece in search for biocontrol agents against thistles.

Recent Publications

Alfaro-Alpízar MA, Koster SJC, Johnson MT, and Badenes-Pérez FR. 2020. Description, biology, and impact of the fruit-feeding moth, *Mompha luteofascia* sp. n. (Lepidoptera: Momphidae), on *Miconia calvescens* (Melastomataceae) in Costa Rica. *Annals of the Entomological Society of America* 113: 30-39.

Pejchar L, Lepczyk CA, Lepczyk- Fantle J, Hess SC, Johnson MT, Leopold CR, Marchetti M, McClure KM, Shiels AB. 2020. Hawaii as a microcosm: advancing the science and practice of managing introduced and invasive species. *BioScience*

Mayfield AE, Seybold SJ, Haag WR, Johnson MT, Kerns BK, Kilgo JC, Larkin DJ, Lucardi RD, Moltzan BD, Pearson DE, Rothlisberger JD, Schardt JD, Schwartz MK, and Young MK. CHAPTER 2: Impacts of Invasive Species in Terrestrial and Aquatic Systems in the USA, *In* Poland, T.M., Patel-Weynand, T., Finch, D., Miniat, C. F., and Lopez, V. (eds). 2019. Invasive Species in Forests and Grasslands of the United States: A Comprehensive Science Synthesis for the United States Forest Sector. Springer Verlag.

Horvitz CC, Denslow JS, Johnson T, Gaoue O, Uowolo A. 2018. Unexplained variability among spatial replicates in transient elasticity: implications for evolutionary ecology and management of invasive species. *Population Ecology* 60: 61-75.

Barbosa, J. M.; Asner, G. P.; Hughes, R. F.; Johnson, M. T. 2017. Landscape-scale GPP and carbon density inform patterns and impacts of an invasive tree across wet forests of Hawaii. *Ecological Applications* 1-13

Barbosa, J.M.; Asner, G.P.; Martin, R.E.; Baldeck, C.A.; Hughes, F.; Johnson, T. 2016. Determining subcanopy *Psidium cattleianum* invasion in Hawaiian forests using imaging spectroscopy. *Remote Sensing* 8, 33

Johnson, M.T. 2016. Managing conflict over biological control: the case of strawberry guava in Hawaii, pp. 264-276. *In*: Integrating Biological Control into Conservation Practice; Van Driesche, R.G.; Simberloff, D.; Blossey, B.; Causton, C.; Hoddle, M.S.; Wagner, D.L.; Marks, C.O.; Heinz, K.M.; Warner, K.D. (eds). Wiley.

Castillo, A., Johnson, M.T., and Badenes-Perez, F.R. 2014. Biology, behavior, and larval morphology of *Salbia lotanalis*, a potential biological control agent of *Miconia calvescens* from Costa Rica. *Annals of the Entomological Society of America* 107: 1094-1101.

Badenes-Perez, F.R., Castillo, A., and Johnson, M.T. 2014. Damage to *Miconia calvescens* and Seasonal Abundance of *Salbia lotanalis* (Lepidoptera: Crambidae) in Costa Rica. *Environmental Entomology* 43: 877-882.

Hughes, R.F., M.T. Johnson and A. Uowolo. 2013. The invasive alien tree *Falcataria moluccana*: Its impacts and management. Pp 218-223 *in* Wu, Y., T. Johnson, S. Sing, S. Raghu, G. Wheeler, P. Pratt, K. Warner, T. Center, J. Goolsby and R. Reardon (eds), Proceedings of the XIII International Symposium on Biological Control of Weeds.

Conant, P., J.N. Garcia, M.T. Johnson, W.T. Nagamine, C.K. Hirayama, G.P. Markin and R.L. Hill. 2013. Releases of natural enemies in Hawaii since 1980 for classical biological control of weeds. Pp. 230-242 *in* Wu, Y., T. Johnson, S. Sing, S. Raghu, G. Wheeler, P. Pratt, K. Warner, T. Center, J. Goolsby and R. Reardon (eds), Proceedings of the XIII International Symposium on Biological Control of Weeds.

Chacón-Madrigal, E., M.T. Johnson, and P. Hanson. 2012. The life history and immature stages of the weevil *Anthonomus monostigma* Champion (Coleoptera: Curculionidae) on *Miconia calvescens* DC (Melastomataceae). *Proceedings of the Entomological Society of Washington* 114: 173-185.

Ramadan, M.M., K.T. Murai, T. Johnson. 2011. Host range of *Secusio extensa* (Lepidoptera: Arctiidae), and potential for biological control of *Senecio madagascariensis* (Asteraceae). *Journal of Applied Entomology* 135: 269-284.

Badenes-Pérez, F.R., M.A. Alfaro-Alpízar, and M.T. Johnson. 2010. Diversity, ecology and herbivory of hairstreak butterflies (Theclinae) associated with the velvet tree, *Miconia calvescens* in Costa Rica. *Journal of Insect Science* 10, 209

Reichert, E., M.T. Johnson, E. Chacón, R.S. Anderson, and T.A. Wheeler. 2010. Biology and host preferences of *Cryptorhynchus melastomae* (Coleoptera: Curculionidae), a possible biocontrol agent for *Miconia calvescens* (Melastomataceae) in Hawaii. *Environmental Entomology* 39: 1848-1857.

Hanson, P., K. Nishida, P. Allen, E. Chacón, B. Reichert, A. Castillo, M. Alfaro, L. Madrigal, E. Rojas, F. Badenes-Perez, and T. Johnson. 2010. Insects that feed on *Miconia calvescens* in Costa Rica. *In*: Loope, L.L., J.-Y. Meyer, B.D. Hardesty and C.W. Smith (eds.), Proceedings of the International Miconia Conference, Keanae, Maui, Hawaii, May 4-7, 2009, Maui Invasive Species Committee and Pacific Cooperative Studies Unit, University of Hawaii at Manoa. www.hear.org/conferences/miconia2009/proceedings/

Johnson, M.T. 2010. Miconia biocontrol: Where are we going and when will we get there? *In*: Loope, L.L., J.-Y. Meyer, B.D. Hardesty and C.W. Smith (eds.), Proceedings of the International Miconia Conference, Keanae, Maui, Hawaii, May 4-7, 2009, Maui Invasive Species Committee and Pacific Cooperative Studies Unit, University of Hawaii at Manoa. www.hear.org/conferences/miconia2009/proceedings/

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Badenes-Perez, F.R., and M.T. Johnson. 2008. Biology, herbivory, and host specificity of *Antiblemma leucocyma* (Lepidoptera: Noctuidae) on *Miconia calvescens* DC. (Melastomataceae) in Brazil. *Biocontrol Science and Technology* 18: 183-192.

Badenes-Perez, F.R., and M.T. Johnson. 2007. Ecology and impact of *Allorhogas* sp. (Hymenoptera: Braconidae) and *Apion* sp. (Coleoptera: Curculionoidea) on fruits of *Miconia calvescens* DC (Melastomataceae) in Brazil. *Biological Control* 43: 317-322.

ATTACHMENT 6

RESTRICTED ANIMAL LIST (Part A) §4-71-6.5

SCIENTIFIC NAME	COMMON NAME
CLASS Insecta	
ORDER Coleoptera	
FAMILY Apionidae	
Apion scutellare	biocontrol agent, gorse
FAMILY Buprestidae	
Lius poseidon	biocontrol agent, clidemia
FAMILY Chrysomelidae	
Chlamisus gibbosa	biocontrol agent, blackberry
Syphraea uberabensis	biocontrol agent, Tibouchina herbacea
FAMILY Coccinellidae	
Delphastus pusillus	predator, spiraling whitefly
Hippodamia convergens	beetle, convergent lady
Nephaspis oculatus	predator, spiraling whitefly
Nephaspis bicolor	predator, spiraling whitefly
Stethorus nigripes	predator, spider mites
Stethorus picipes	predator, spider mites
FAMILY Curculionidae	
Acythopeus sp. 1	biocontrol agent, ivy gourd
Acythopeus sp. 2	biocontrol agent, ivy gourd
Acythopeus sp. 3	biocontrol agent, ivy gourd
Auletobius convexifrons	biocontrol agent, firetree
Gymnaetron tetrum	biocontrol agent, common mullein
FAMILY Scarabaeidae	
Euoniticellus intermedius	predator, hornfly
Onitis vanderkelleni	predator, horn fly
ORDER Diptera	
FAMILY Chamaemyiidae	
Leucopis (all species in subgenus)	predator
FAMILY Drosophilidae	
Drosophila (all species in genus)	flies, pomace
Zapriothrica sp.	biocontrol agent, banana poka