



# Genesee Valley Pond & Koi Club Newsletter

Volume 13 Issue 05

May 2009

## Inspiring Ponds of the Koi and Water Garden Society of Central New York



Richard & Kandy Pond



Sharon's Pond

# Genesee Valley Pond & Koi Club Newsletter

## "News From Norm"

### April Meeting

Outside, a cold wind whipped rain against the walls of the Castle, while inside, Larry Nau treated us to a warm and sunny travelogue that took us from Richmond, Virginia, west to Iowa. Our first stop was Springdale Watergardens, in Greenville, Virginia, where quality waterlilies are produced for watergardens across the United States. Next, we visited Moerings LLC USA, in Stevensburg, where we saw unique irrigation systems and crop rotations used for growing water lilies and other plants for commercial wholesale to garden centers. At Meadowview Biological Research Station, in Woodford, we saw a unique collection of pitcher plants. Meadowview is dedicated to preserving and restoring rare wetland plants and associated habitats, in particular pitcher plant bogs. After Meadowview, we visited a beautiful moss garden, also in the Richmond area. It was created by Norie Burnet, one of the country's leading experts in shade gardens. Colliers Waterfalls and Fountains, in Powhatan, gave us a chance to witness a retail operation set up like a Garden-scape model, with indoor hard-scape displays. At the Lewis Ginter Botanical Gardens, in Richmond, we enjoyed quiet contemplation in the exotic Asian Garden. A quick hop west to Iowa gave us a chance to en-

joy some unique conifers, and then it was back to Nisei Koi Farm in New Jersey, where top grade koi are bred in hopes of developing champion fish for commercial sale. Thank you, Larry, for a trip to fascinating destinations we might not otherwise ever get to visit. □

### Congratulations, Larry Nau!

Larry Nau has recently been elected Co-Executive Director of the *International Waterlily and Water Gardening Society*. □

### Charles Oesterly

If you were not already aware, we are sad to report that our friend and one of the founding members of GVPAKC, Maha Atma Singh (Charles Oesterly) passed on peacefully on Saturday, April 18th at 9PM. He was a wonderful gardener with a great eye for design. We were among the many who were privileged to view his gardens which he often opened up to GVPAKC and a variety of other garden groups. He always shared his knowledge and passion for gardening freely and warmly. He will be greatly missed by all those whose lives he touched. □

### Treasurers Report

Les Saiers turned in a Treasurers Report for 2008 which I'd like to recap for you. First our club balance as of the end of the year was \$2,771.63. Some of our 2009 membership dues are in this balance and some were received later in 2009, but based on our cash needs this amount is

sufficient to allow a good operation of the club's activities. In 2008 our income from dues and monthly raffles almost exactly offset our expenses for the newsletter and our club purchased food for the picnic, Christmas party and monthly meeting snacks. So routine income offset routine expense (approximately). We netted \$575 from the club auction last year at Lilyfest. After subtracting our annual club dues to AKCA the remainder covered approximately 1/3 of the cost of the new club projector and the special speaker we brought in last April. We knew that both those cost would most likely be higher than the 2008 cash flow would cover. The remaining expense was taken out of our general fund, as planned. This did however significantly reduce our ending balance compared to the 2007 ending balance. It is clear to see that for GVPAKC to bring in special speakers or make other purchases for the club, we are heavily dependant on the success of the annual auction. Your donations, attendance (and bidding) are greatly appreciated.

Bob Wheeler, President  
GVPAKC. □



### An Important Bill That May Affect You!

The Nonnative Wildlife Invasion Prevention Act (H.R. 669), introduced by Del. Madeleine Bordallo (D-Guam) Chair of the

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Subcommittee on Insular Affairs, Oceans and Wildlife of the House Natural Resources Committee would totally revamp how nonnative species are regulated under the Lacey Act.

Currently, the Fish and Wildlife Service (hereafter Service) is required to demonstrate that a species is injurious [harmful] to health and welfare of humans, the interests of agriculture, horticulture or forestry, and the welfare and survival of wildlife resources of the U.S.

HR 669 substantially complicates that process by compelling the Service to produce two lists after conducting a risk assessment for each nonnative wildlife species to determine if it is likely to “cause economic or environmental harm or harm to other animal species’ health or human health.” In order to be placed on the “Approved List” it must be established that the species has not, or is not likely, to cause “harm” anywhere in the US. Species that are considered potentially harmful would be placed on an “Unapproved List.” Furthermore, HR 669 would essentially ban all species that do not appear on the Approved List, regardless of whether or not they have ever been petitioned for listing or are sufficiently well studied to enable a listing determination.

Species not appearing on the “Approved List” could not be imported into the United States, nor could they be moved in interstate commerce. Trade in all such unlisted species would

come to a halt – possession would be limited and all breeding would have to cease. To reiterate: Unless species are included on the Approved List import, export, transport, and breeding would be prohibited. Exceptions are limited and would not be available to pet owners across the nation.

### **The Impact**

**Nonnative species in the pet trade encompass virtually every bird, reptile, amphibian, fish and a number of mammals** (e.g., hamsters, gerbils, guinea pigs, ferrets) **commonly kept as pets.** It is immaterial under HR 669 that the vast majority of these nonnative species in the pet trade have been in the United States in large numbers for decades, some for hundreds of years, and have not proven to be an environmental problem.

- Numerous species are raised in the United States for many purposes: pets, recreational fishing and hunting, food, etc.
- Only a small number of species kept as pets have caused environmental problems, and this has generally been on a very localized basis (i.e. southern Florida, Hawaii).
- Most states have exercised their authority to regulate problem species within their own borders through a mixture of management regimes ranging from permit systems to bans.
- The HR 669 listing criteria mandates proving a negative – that no harm has or is likely to occur within whole of the United States.
- The “risk assessment” process is too limited in scope and application and should

instead be a broader “risk analysis” that also takes into consideration socio-economic factors and mitigation (management) measures that might be utilized by the federal and state agencies.

HR 669 would employ a 2-step process of a Preliminary and a Final Approved List and necessitate that the Service promulgate regulations not only to deal with creation of the lists but also regulating all aspects of this rather complex bill. The Service would have to complete major portions of the listing and regulation process within 24 months of passage. It is not clear how the Service will be able to conduct the required risk assessment outlined in HR 669 within these timeframes given the fact that it takes on average 4 years for the Service to find a species harmful under the current Lacey Act. The bill sets up the under-resourced Service for failure and numerous lawsuits by activist groups.

### **Listing Process - To list or not to list? -- That is the question!**

The listing process is somewhat complex. To place a species on the Preliminary Approved List (which at some point in time converts to a Final Approved List) the Service must make a determination that those listed species, based on scientific and commercial information, are

- Not likely to be harmful to the United State’s economy, environment or other animals’ or human health

OR

- May be harmful “but already are so widespread in the United States that it is clear to the Secretary that any import prohibitions or

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restrictions would have no practical utility for the United States.” While proponents would argue that this test would not be as rigorous as the ultimate test set forth in HR 669, PIJAC is at a loss how one proves “no potential harm” under the alleged simplified test for inclusion on the “Preliminary Approved List.”

To get on the ultimate “Approved List” (accomplished within 37 months), the Service would have to complete risk assessments, not risk analyze, using the following criteria (and possibly others to be determined later in process development). The assessors would have to make a determination based on:

- Species identified to species level, and if possible information to subspecies level;
- Native range of the species (which may or not be fully known);
- Whether species has established, spread, or caused harm to the economy, the environment, or other animal species or human health in ecosystems in or ecosystems similar to those in the US;
- Environmental conditions exist in the US that suitable for establishment of the species;
- Likelihood of establishment in the US;
- Likelihood of spread in the US;
- Likelihood species would harm wildlife resources of the US;
- Likelihood the species would harm native species that are “rare” (not defined) or listed under Endangered Species Act;

- Likelihood species would harm habitats or ecosystems of the US;
  - Likelihood “pathogenic species or parasitic species may accompany the species proposed for importation;” and
  - Other factors “important to assessing the risk associated with the species”.
- Once a determination is made, the Service will place a species on one of 3 lists:
  - Approved List
  - Unapproved List
  - The “Non-list” (section 4(2)(C)) for species for which “the Secretary has insufficient scientific and commercial information to make a determination “ whether to approve or disapprove.

## User Fees

HR 669 also calls for the establishment of a user fee system for funding assessments following the adoption of the “Preliminary Approved List.” This has been a long term desire of animal activist and environmental protectionist organizations since they know that user fees can become cost prohibitive and virtually eliminate small interest groups or business from participating in the process. It can easily paralyze access, except for the wealthy or those living off of tax exempt dollars who use the system to drive their agendas. Furthermore, fees are not made available to the Service until 36 months into the process. It is not clear how the Service would implement the first three years of work under HR 669.

## What can you do to help?

According to the Defenders of Wildlife "For far too long the pet,

aquarium and other industries have imported live animals to the United States without regard to their harm..." Defenders, the Humane Society of the United States (HSUS) and The Nature Conservancy (TNC) are part of a coalition pushing hard for passage of this bill without amendments.

There is a hearing scheduled for April 23, so by the time you get this newsletter the vote on this may have taken place. You may be able to check the status of this bill and read a full text version of the bill at <http://www.govtrack.us/congress/bill.xpd?bill=h111-669> . or the PIJAC's (Pet Industry Joint Advisory Council) website in the “Breaking News” and the “HR669 Forum” sections of the <https://www.pijac.org>.

If this bill gets through the subcommittee you will want to contact your House of Representatives and let them know that you oppose H.R. 669 as drafted and note the financial and/or emotional effect it will have on you, or your friends, or your family members if it passes. The link below will allow you to send an email to your Representative in Congress. <https://writerep.house.gov/writerep/welcome.shtml>..□



If you would like to write an article for the newsletter or have an idea you would like to have researched, please send your article or your ideas to Norm James at [gvpakc@rochester.rr.com](mailto:gvpakc@rochester.rr.com)

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## Board Members 2008

President: Larry Hursh  
Vice President: Bob Wheeler  
Secretary: Kathy Hursh  
Treasurer: John Roguski/Les Saiers  
Pond Tour Chairperson: Les Saiers/Norm James  
Refreshments: Yvonne Wheeler and Kathy Hursh  
Newsletter Editors: N James, B Wheeler and L Hursh,  
Webmaster: Norm James - [gvpakc@rochester.rr.com](mailto:gvpakc@rochester.rr.com)

## Purpose of the Club

- To promote, create and enlarge the hobby of keeping, breeding, appreciating and exhibiting Koi and goldfish.
- To promote and appreciate the hobby of Water Gardening.
- To disseminate information about Koi, goldfish and Water Gardening.
- To socialize and have fun.

We meet in a very friendly atmosphere at 7:00 pm, the first Friday of every month, at the Rochester Civic Garden Center (the Castle), 5 Castle Park, off Reservoir Ave., in Highland Park. Parking is free. Anyone interested in water gardening and/or Koi is welcome to join us. We ask that you consider joining the club after your third visit. For more information call Bob Wheeler. (585) 461-5315 or e-mail [BobWheeler58@gmail.com](mailto:BobWheeler58@gmail.com) or visit the club website at

<http://www.gvpakc.org>

## Calendar of Events

**May 1:** Fri 7PM, GVPAKC meeting at Warner Castle - Bob Wheeler, Koi 101

**May 8-17:** Lilac Festival

**May 16:** Sat 8:30 to 2PM, Genesee Land Trust The Native Plant Sale at the Brighton Town Hall

**June 5:** Fri, No regular meeting due to Plant Auction on June 7

**June 6-7:** Sat/Sun, Lilyfest at Bergen Water Garden and Nursery

**June 7:** Sun 1PM, Annual GVPAKC Auction at Bergen Water Garden and Nursery. Bring your plant donations. Get a great deal on plants and manufacturer products again donated through Ray "Kingfish" Lucas.

**June 20:** Sat, Genesee Land Trust Backyard Habit Garden Tour

**July** is National WaterGarden Month

"Naturally Green" - A live gardening show every Saturday from **9-10 am** on **WYSL 1040 AM**.