

HB 2517 HD1

LINDA LINGLE
Governor



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
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TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON
AGRICULTURE AND HAWAIIAN AFFAIRS
AND
ENERGY & ENVIRONMENT
THURSDAY, MARCH 20, 2008
2:45 A.M.

HOUSE BILL NO. 2517, H.D.1
RELATING TO INVASIVE SPECIES

Chairpersons Tokuda and Menor and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 2517 H.D.1. The purpose of this bill is to (1) authorize the Department of Agriculture to regulate or prohibit the sale of specific plants designated as restricted plants, (2) prohibit the sale of noxious weeds, and (3) recognize that designated restricted plants can be pests or can be hosts for pests. The department supports this bill with the additional amendments provided at the end of this testimony.

One of the objectives of the department is to protect Hawaii's unique and fragile environment. Hawaii's climate and the absence of natural biological enemies present enormous opportunities for plants of imported origin to become naturalized and spread at explosive rates to threaten gardens, farms, pastures, watersheds, and natural ecosystems. On September 10, 2007, a meeting was held with members from state and federal agencies, conservation groups and agricultural agencies to discuss the development of restricted and prohibited plant lists as part of a long term action plan to

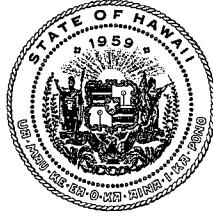
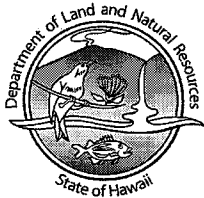
prevent the introduction and spread of new weedy plants through the plant importation process.

One of points agreed upon at the conclusion of this meeting was that this process move forward. There was also consensus that there needed to be statutory changes to address importation and sale of weeds; and a separate process to add weedy plants to a restricted plant list. This measure is part of those recommendations.

The department recommends that the word "state" that is referenced in this bill, referring to the State of Hawaii, should be corrected to "State" with a capitalized "S" at the following places: Page 1, line 2; Page 2, line 2 and 14; and Page 3, line 1, 2, 16 and 18. This will be consistent with other references cited in chapter 150A, HRS, as well as throughout the Hawaii Revised Statutes.

In addition, the department also recommends that the word "prohibits" be changed to "prohibit" correcting an error of agreement at page 2, line 13. Thank you for the opportunity to testify on this measure.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on House Bill 2517, House Draft 1 – RELATING TO INVASIVE SPECIES

**BEFORE THE SENATE COMMITTEES ON
AGRICULTURE AND HAWAIIAN AFFAIRS
AND
ENERGY AND ENVIRONMENT**

March 20, 2008

House Bill 2517, House Draft 1 grants the Department of Agriculture (DOA) authority to develop rules to prevent the sale of State listed noxious weeds and to restrict the importation of plants and plant parts that may harbor pests and diseases. The Department of Land and Natural Resources (Department) supports this measure and defers to DOA as to the specific language required to reduce the continued introduction of invasive plants along with pests and diseases into the State.

Preventing new invasive species from establishing in Hawaii provides the greatest long term protection for Hawaii and the Department supports stronger import quarantine measures. Currently Section 150A-6.1(c), Hawaii Revised Statutes, prohibits the sale of only three species of recognized weeds. There is no prohibition against the sale and planting of noxious weeds. Having the ability to restrict the sale of noxious weeds will improve the efficacy of the State's invasive species programs. There are many species of plants currently being controlled to prevent their spread that are not listed as noxious weeds. The Department supports updating the list of noxious weeds as soon as possible.

It is also possible to evaluate noxious plant species by using a risk assessment. The Hawaii Invasive Species Council has funded a Hawaii Weed Risk Assessment screening process. To date, the risk assessment has been completed for 620 species (http://www.botany.hawaii.edu/faculty/daehler/wra/full_table_d.asp). The Kauai Landscape Industry Council, the Oahu Nursery Growers Association, Lyon Arboretum and others have adopted "Codes of Conduct" to voluntarily stop selling invasive species based on information provided by this screening. The weed risk assessment can be used with other screening reviews to identify species for listing purposes.

The Department supports this measure to update statutes and administrative rule making to reduce the risk that imported plants or plant parts will introduce pests and diseases, make the sale of noxious weeds illegal, and update the official lists of noxious weeds.



Legislative Testimony
HB 2517, HD 1, RELATING TO INVASIVE SPECIES
Senate Committees on Agricultural and Hawaiian Affairs;
and Energy and Environmental Protection

March 20, 2008

2:45 p.m.

Room: 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS** H.B. 2517, H.D. 1, which would allow the Department of Agriculture to regulate the sale of plants on its regulated plant lists and prohibit the sale of noxious weeds in Hawai'i. This bill will also clarify that the plants on these lists, or portions of the plants, can themselves be pests or hosts to pests.

The Legislature found in 2003 that the silent invasion of Hawai'i by insects, disease-bearing organisms, snakes, weeds, and other pests is the single greatest threat to Hawai'i's economy and natural environment and to the health and lifestyle of Hawai'i's people. Invasive species already cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, and the spread of disease.

According to an August 2007 Honolulu Advertiser article, a federal study estimates that recreational fishing, hunting and wildlife-watching in Hawai'i generated \$402.3 million in spending in 2006. All of these valuable natural resources are threatened by Hawai'i's silent invasion.

This bill would elaborate upon the legislative findings of 2003 by taking a step further toward the protection of these important assets. It also creates a valuable legal definition from which more protection can be generated.

Therefore, OHA urges the Committee to PASS H.B. 2517, H.D. 1. Thank you for the opportunity to testify.

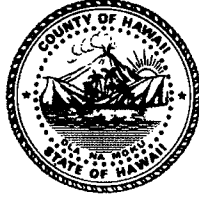
BOB JACOBSON

Councilmember

Chair, Environmental Management Committee

Vice-Chair, Finance Committee

Vice-President Hawai'i State Association of Counties



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HAWAI'I COUNTY COUNCIL

County of Hawai'i

March 19, 2008

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Senator J. Kalani Englis, Vice Chair
And Members of the
Committee on Agriculture and Hawaiian Affairs

Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair
And Members of the
Committee on Energy and Environment

Hearing Thursday, March 20, 2008 at 2:45 pm
Conference Room 224

Re: HB 2517, HD1 RELATING TO INVASIVE SPECIES

I support HB 2517, HD1 which allows the Department of Agriculture to regulate or prohibit the sale of specific plants on the restricted list. Prohibits the sale of noxious weeds, provide that noxious weeds may be imported only for research and by permit. Invasive species have negatively affected our State both economically and environmentally and by preventing new invasive species from entering the State gives us the greatest protection.

I urge you to pass HB 2517, HD 1.

Aloha,

A handwritten signature in cursive script that reads "Bob Jacobson". The signature is written in black ink and is positioned above the printed name.

Bob Jacobson

**Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 2517 HD 1 Relating to Invasive Species
Senate Committee on Agriculture & Hawaiian Affairs
Senate Committee on Energy & Environment
Thursday, March 20, 2008, 2:45PM, Room 224**

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawai'i's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for rare and endangered native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i and also work closely with government agencies and private landowners on cooperative land and marine management projects.

The Nature Conservancy of Hawai'i supports H.B. 2517 HD 1 Relating to Invasive Species.

Invasive weeds, insects, diseases, snakes, and other pests are one of the greatest threats to Hawai'i's economy, agriculture industry, natural environment, and the health and lifestyle of its people.

While it is presently illegal to import plants that are listed on the State Department of Agriculture's noxious weed list, it is not illegal to cultivate and sell such pests if a person already has them in their possession. Also, the State maintains a restricted list of plants that require a permit for importation into the state. This restricted list includes noxious weeds by reference. However, it's not clear in the current statute that weedy plants can be placed on the restricted plant list, and the Department of Agriculture does not have authority to limit the sale of restricted plants.

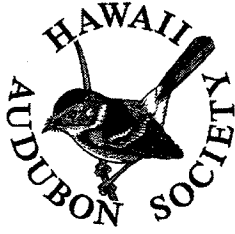
The statutory authority for the restricted plant list needs to be amended to:

1. Specifically prohibit the sale of noxious weeds;
2. Provide discretionary authority to the Department of Agriculture to limit the sale of other restricted plants; and
3. Clarify that restricted plants can either be a host to an unwanted pest or disease, or the plant itself can be a pest because of its weedy properties.

This measure will close loopholes in our laws and enhance our comprehensive effort to protect Hawai'i's people, economy and environment from the devastating effects of invasive species.

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For the Protection of Hawaii's Native Wildlife

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TO: Committee on Agriculture and Hawaiian Affairs, Senator Jill Tokuda, Chair
Committee on Energy and Environment, Senator Ron Menor, Chair

HEARING: March 20, 2008; 2:45 P.M., Conference Rm. 224

Re: HB2517 HD1, Relating to Invasive Species

Testimony in Support with Amendment

Chair, Tokuda, Chair Menor and members of the Committee on Agriculture and Hawaiian Affairs, and the Committee on Energy and Environment, my name is George Massengale, and I am the Legislative Analyst for the Hawaii Audubon Society. Thank you for the opportunity to submit our testimony in support of HB2517, HD1, which would prohibit the sale of plants designated as restrictive plants or noxious weeds.

The Hawaii Audubon Society was founded in 1939, and is Hawaii oldest conservation organization. The primary missions of the society is to foster community values that result in the protection and restoration of native ecosystems and conservation of natural resources through education, science and advocacy in Hawai'i and the Pacific. The society strongly supports measures that protect our ecosystems from invasive species. Once established, invasive plants crowd out endemic (native) plants. The sad fact is that Hawai'i has the highest number of listed threatened and endangered species in the nation. There are 394 threatened and endangered species in the State of Hawai'i, of which 294 are plants. Invasive plants have led to the extinction of 55 species of plants in the State with another 42 possibly extinct. This extinction, along with the introduction of non-endemic animals has lead to the extinction 24 bird species and is endangering another 32.

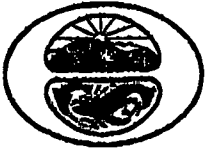
Hawaii Audubon Society believes that HB2517, HD1 is a good measure. We previously testified on this bill in the House, and on the Senate companion version, SB2523. We would strongly urge this committee to incorporate language found in the Senate version which mandates a permit for plant sales and a fine for violations. **[SECTION 3. Section 152-3, of SB2523]**

We strongly believe amending HB2517, HD1, would add “teeth” to the measure, thus having greater deterrence on the sale a spread of restricted plants.

Thank you for the opportunity testify here today.

Sincerely,

George Massengale, JD
Legislative Analyst



Conservation Council for Hawai'i

Testimony Submitted to the Senate Committee on Agriculture and Hawaiian Affairs
and Committee on Energy and Environmental Protection

Hearing: Thursday, March 20, 2008
2:45 pm
Room 224

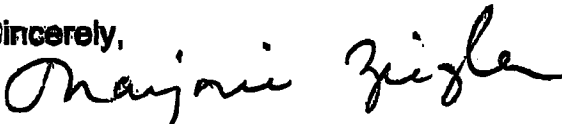
Support for HB 2517 HD 1 Relating to Invasive Species

Aloha. The Conservation Council for Hawai'i supports HB 2517 HD 1. We recommend that the Hawai'i Department of Agriculture also be required to update the list of restricted plants and the list of noxious weeds at regular and reasonable intervals. We understand that these lists have not been updated in over 10 years. The Department should be required to review and update the list of restricted plants and the list of noxious weeds regularly, say every 5 years.

Also, we are not sure why it might be necessary to sell a restricted plant. Therefore, the bill should either prohibit the sale of restricted plants or require the Department to prohibit the sale of restricted plants by rule.

Mahalo nui loa for the opportunity to testify.

Sincerely,


Marjorie Ziegler



Working Today for the Nature of Tomorrow!

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P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

Hawai'i Affiliate of the National Wildlife Federation

President: Julie Lalalaha • Vice-President: Nelson Ho • Secretary/Treasurer: Kim Ramos • Directors: Fred Kraus, Ph.D. • Douglas Lamerson,
George Robertson • Claire Shimabukuro • Helene Takemoto • Meshuri Waite • Executive Director: Marjorie Ziegler



The Senate
Committee on Agriculture and Hawaiian Affairs
Committee on Energy and Environment
2:45 p.m., March 20, 2008
Conference Room 224, State Capitol

Testimony in Support of HB 2517, HD1

Aloha Chairs Tokuda and Menor, Vice Chairs, and Members of the Committees,
The Coordinating Group on Alien Pest Species (CGAPS) **supports HB 2517, HD1** *Relating to Invasive Species*.

In Hawai'i, the spread of invasive plant species is easy to see. From ivy gourd smothering other plants along our roads and highways, to fireweed blooming yellow and poisoning pastures on the Big Island, to fountain grass in West Hawai'i and Diamond Head, these invasive plants are disturbingly obvious once you learn to identify them. They are everywhere, and despite the money and efforts expended to control these listed State Noxious Weeds, it is still legal to sell these invasive plants. HB 2517, HD1 would correct this by making it illegal to sell plants listed as State Noxious Weeds.

HB 2517, HD1 also works to address the Plant Import Rules. The current wording is limited to listing plants that have a potential to carry an invasive insect or disease, and there are no rules to protect Hawai'i from new plants that are invasive, or that have the high probability of becoming invasive if allowed to be imported and planted in Hawai'i.

One great example of the need for these changes can be seen in the floating water fern *Salvinia*. Although known worldwide as an extremely aggressive plant, there was no way to either restrict it from being imported into the State, nor was it possible for the State to restrict the sale of this plant even as it covered Lake Wilson.

CGAPS has participated in meetings with plant industry leaders, HDOA and conservation groups to work on ways to safely import new plant species for nurseries, farmers, industry and enthusiasts, while adding precautionary measures that have a good chance at preventing the importation of the next ivy gourd, fountain grass, or miconia. Although perhaps 10,000 species of plants have been introduced to Hawai'i already, there are more than 250,000 plant species in the world and experts believe that 10% of these would be invasive if planted in Hawai'i. This wording change is necessary if we are ever going to be able to prevent new plant species that are known to be invasive elsewhere but are not yet present in Hawai'i. For these reasons, CGAPS asks for your support of HB 2517, HD1. Mahalo.

CGAPS--Coordinating Group on Alien Pest Species
Ph: (808) 722-0995