

**TESTIMONY**  
**HB 1684 HD2**

LINDA LINGLE  
Governor



SANDRA LEE KUNIMOTO  
Chairperson, Board of Agriculture

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TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON  
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS  
Wednesday, March 10, 2010  
2:45 P.M.  
Room 229

HOUSE BILL NO. 1684, H.D. 2  
RELATING TO INVASIVE SPECIES

Chairperson Hee and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1684, H.D. 2. The purpose of this bill is to prevent and reduce the intentional introduction and spread of invasive species by establishing and revising penalties appropriate to the harm caused by the intentional introduction and spread of invasive species to the economy, natural environment, and the health and lifestyle of Hawaii's people. The department strongly supports this bill and would like to take this opportunity to provide a comment and some minor revisions.

In light of the department's mission to prevent the introduction of invasive species and control their spread, and in order to deter violations of Section 150A-5, HRS, the department believes that its mission will be better served if section 150A-5 violations are reinstated as a criminal offense.

The department would also like to offer the following suggested revisions:

- Page 2, line 13, delete the word, “and”, and insert with “or”, so that the line will read as follows, “**be guilty of a petty misdemeanor or fined not less than \$100**”; and
- Page 3, line 17, add a comma after the word, “release”, so that the line will read as follows, “**sell, or release, any pest designated by statute or**”.

Once again the department would like to thank you for this opportunity to testify in strong support of House Bill No. 1684, H.D. 2.

**UNIVERSITY OF HAWAII AT MANOA**  
**Environmental Center**

A UNIT OF THE WATER RESOURCES RESEARCH CENTER

RL:2268

**HB 1684 HD 2**  
**RELATING TO INVASIVE SPECIES**

Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs  
Public Hearing – March 10, 2010  
2:45 p.m., State Capitol, Conference Room 229

By  
Peter Rappa, Environmental Center  
Kenneth Kaneshiro, Center for Conservation Research & Training

HB 1684 HD2 prevents and reduces the intentional introduction and spread of invasive species by establishing severe penalties appropriate to the harm caused by the intentional introduction and spread of invasive species to the economy, natural environment, and the health and lifestyle of Hawaiians people. We emphasize that our testimony on this measure does not represent an official position of the University of Hawaii.

The Environmental Center supports the intent of this bill. Invasive species represent the single biggest threat to Hawaii's economy and natural environment. Pests have already caused millions of dollars in crop losses, the extinction of native species, the destruction of native forests, and the spread of disease. Many more harmful pests, however, currently threaten to invade Hawaii and wreak further damage. Alien species have had a tremendous effect on Hawaii's unique flora and fauna. Due to its isolation, Hawaii originally had thousands of unique species found nowhere else on Earth. It has, however, suffered the highest rates of extinction of any area in the United States and one of the highest rates anywhere in the world, with hundreds or possibly thousands of unique species already extinct. The primary agent of this remarkable loss of native biodiversity has been the massive introduction by humans of alien species to the Hawaiian Islands.

We suggest however, several changes to the bill. On page 1, line 4 delete the word "can". Invasive species do cause millions of dollars of harm to Hawaii now. In addition to "crop loses" cited on page 1, line 5 there are also negative impacts to non-agricultural commodities such as nursery stock, to the aquatic environment and native stream biota as a results of non-native introductions. The use of the words "by natural predators" is confusing; there are no natural predators for most introduced pests in Hawaii.

We note that the purpose of the bill is to reduce the intentional introduction and spread of invasive species by establishing severe penalties. We do not think the penalties outlined on page 2, lines 11-21 and on page 3, lines 6 to 11 are particularly severe at the lower limit. We suggest the

lower limits of the fines be on the order of \$1,000 instead of \$50 and \$5,000 instead of \$250. This would make the penalties painful.

Section 2, subsection 2(g)(4) might raise an issue with collection of specimens for research purposes, including collecting rare plants to propagate in the laboratory as part of the genetic safety net program.

Finally, some of the fines collected should go to fund the Hawaii Invasive Species Council (HISC) to help continue the work of preventing and eradicating invasive species.

Thank you for the opportunity to comment on this bill.



OFFICE OF HAWAIIAN AFFAIRS

Legislative Testimony

**HB 1684, HD 2, RELATING TO INVASIVE SPECIES**

Senate Committee on Water, Land, Agriculture, and Hawaiian  
Affairs

March 10, 2010

2:45 p.m.

Room: 229

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The Office of Hawaiian Affairs (OHA) SUPPORTS SB1684, HD 2, which prevents and reduces the intentional introduction and spread of invasive species in Hawai'i by establishing more severe penalties, up to the felony level.

OHA points out that Hawai'i surpasses even the Galapagos Islands in the number and variety of species that evolved from a small set of colonizing ancestors, and we possess the world's highest degree of endemism, including 90% for our terrestrial species. For more than 70 million years in Hawai'i, the evolution of new species had greatly exceeded losses of species due to extinction. Yet, within just a few generations, we have begun to lose hundreds of endemic plant species; undoubtedly thousands of lesser known taxa such as insects, spiders and snail species; and half the bird species in this state.

Today, with less than 0.2% of the land area of the United States, the Hawaiian Islands support more than 30% of the nation's species listed under the Endangered Species Act. In fact, Hawai'i is well known as the extinction capital of the United States. Further, it is estimated that now as much as 30% of all established species in Hawai'i are nonnative.

Hawai'i is obviously unique. The natural environment is more than just something to enjoy and marvel at; it is part of Native Hawaiian culture, and Native Hawaiians are genealogically linked to it.

This Legislature has called invasive species the single greatest threat to our state. Giving teeth to the laws that we use to protect our state will enhance past legislative efforts, and in this time of economic hardship, this measure is a practical way to achieve much needed progress in this area.

This bill also parallels presidential Executive Order 13112, Invasive Species (February 3, 1999), which requires federal agencies to use their authorities to prevent the introduction of invasive species, to detect invasive species, and to eradicate and control such species in a cost-effective and environmentally sound manner.

Therefore, OHA urges the Committee to PASS HB 1684, HD 2, and to change the effective date to July 1, 2010. Thank you for the opportunity to testify.

## MAUI CATTLEMEN'S ASSOCIATION

*Maui Cattlemen's  
Association*

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*Kula, HI 96790*

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and Officers*

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*Greg Freil*

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*Amber Starr*

*Toni Thompson*

*Sustaining  
ranching  
communities in  
Hawaii*

### TESTIMONY

March 8, 2010

Submitted via email: [WTLTestimony@Capitol.hawaii.gov](mailto:WTLTestimony@Capitol.hawaii.gov)

FROM: Maui Cattlemen's Association

TO: Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs

HEARING DATE: Wednesday, March 10, 2010

HEARING TIME: 2:45 pm. Conference Room 229 State Capitol

MEASURE #: HB 1684, HD2 Relating to Invasive Species

Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair  
Committee Members,

The Maui Cattlemen's Association is a non-profit organization representing small and large Livestock producers in Maui County.

Thank you for introducing a bill that prevents and reduces the intentional introduction and spread of invasive species by establishing and revising penalties. Ranchers spend countless hours of time, and millions of dollars eradicating invasive species from their grazing land. It's time and money that drains the profit margin. These are species that others were responsible for introducing, and the industry inherits the problem and the job of bringing the land back up to par. We **SUPPORT HB 1684, HD2.**

Thank you for the opportunity to provide comment on this Legislative Bill.  
You may reach Maui Cattlemen's Association through the address provided above.

Sincerely,

William Jacintho, President

Amber Starr, Vice President



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 09, 2010 9:06 AM  
**To:** WTLTestimony  
**Cc:** mjellings@hawaii.rr.com  
**Subject:** Testimony for HB1684 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB1684

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Carl P Jellings Sr.  
Organization: Individual  
Address:  
Phone: same  
E-mail: [mjellings@hawaii.rr.com](mailto:mjellings@hawaii.rr.com)  
Submitted on: 3/9/2010

Comments:  
Aloha Senator Hee

and Members Committee Water Land and Hawaiian affairs

Unlike land matters were often eradication of alien threats are more successful because of accessibility with different eradication /removal strategies and methods, quarantine traps poison etc. were on the Big Island the eradication of the coqui frog has proven challenging.because of accessibility and water issue&quot;s .

Similarly our ocean has very little accessibility beyond certain depths. Even with today's technologies we still cannot come even close to controlling alien species, for years alien fish have run a muck fishers have been the only source for any kind of eradication ///removal, now alien fish introduced purposely only a few decades ago are infesting the fragile North Western Hawaiian Islands, My guess is we will never be able to turn the tide on this, But I would sincerely ask If Our Honorable Senate would Acknowledge this wrong done 5 decades ago in HB 1684, It&quot;s been swept under for far to long, now it threatens pristine areas were no eradication is applicable.

Mahalo

Carl P Jellings Sr.



The Nature Conservancy of Hawai'i  
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Testimony of The Nature Conservancy of Hawai'i  
(Submitted by Mark Fox, Director of External Affairs)  
Supporting H.B. 1684 HD2 Relating to Invasive Species  
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs  
Wednesday, March 10, 2010, 2:45pm, Rm. 229

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for 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. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.*

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The Nature Conservancy of Hawai'i supports H.B. 1684 HD2 Relating to Invasive Species.

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

The Hawai'i Department of Agriculture (HDOA) is responsible for the inspection of domestic cargo and passengers arriving at Hawaii's ports to protect the state from the introduction of unwanted plant and animal pests and diseases. The HDOA also inspects interisland shipments to prevent movement of pests between islands. Pest risk assessments conducted by the Department at ports of entry across the state have helped the Department identify high-risk pathways for pest introductions and prioritize the allocation of departmental resources. The Department has also developed a multi-faceted Biosecurity Plan to enhance its efforts with more inspectors, more efficient and effective inspection services, joint state-federal inspection facilities, and agreements with importers and producers for improved sanitary protocols before items are shipped to Hawai'i. The financial and personnel support provided by the Legislature has been essential to implementing this plan.

Providing the HDOA with authority to assess fines and penalties for the intentional introduction of invasive species provides the appropriate and necessary disincentive for such actions and helps to achieve the goal of enhanced prevention and control of invasive species.

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**TESTIMONY**  
**HB 1684 HD2**  
**(END)**