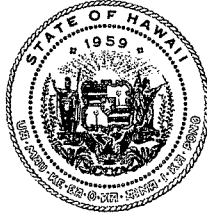
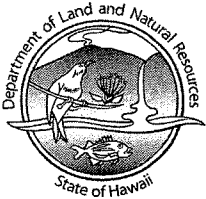


LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
ENERGY AND ENVIRONMENTAL PROTECTION**

**Tuesday, January 26, 2010
8:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1928
RELATING TO INVASIVE SPECIES**

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

Bill No. 1928

Support Y N

Date 1/23

Time 3:15 pm

Cat AF AS AX B C

Type 1 2 WI

House Bill 1928 would provide owners of adjoining properties authority to apply for warrant based access to neighboring lands to control invasive species. The Department of Land and Natural Resources (Department) does not support this measure as the Department believes that the authority appropriate for warrant based access to private lands is an authority that should be retained for use by public agencies with clearly defined authorities and administrative oversight.

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
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 Fax: (808) 973-9613

WRITTEN TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 26, 2010

8:00 A.M.

State Capitol Room 325

HOUSE BILL NO. 1928
RELATING INVASIVE SPECIES

Bill No. 1928

Support Y N

Date 1/25

Time 9:16 AM

Cat AF AS AX BC

Type 1 2 WI

Chairperson Morita and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1928. The purpose of this bill is to add language to Section 194-5 (HRS) to allow owners of adjoining property to enter their neighbor's property to control or eradicate an invasive species. The Department is opposed to this measure.

Chapter 194 (HRS) establishes the Hawaii Invasive Species Council, defines its members and establishes its mandates and responsibilities. The current language of this statute allows for HISC members to enter private property to control invasive species after proper notice is given to the landowner and, if refused by the landowner, may obtain a court order for entry. The department feels that the current language is adequate and ensures that entities conducting the eradication or control have the required expertise to ensure that the control of the pest is conducted in a safe and effective manner. The department feels that allowing any property owner to have access to a neighbor's property for pest control through a court order opens all parties to uncertain risks and is unwise.

Bill No. 1928

Support Y N

Date 1/22

Time 5:10 PM

Cat AF AS AX B C

Type 1 2 WI

**Testimony on HB 1928
Relating to Invasive Species
Authorizes owners of adjoining property to enter private
property to remove invasive species.**

Committee Referral: EEP JUD

Hearing Date: Bill scheduled to be heard by EEP on Tuesday, 01-26-10 at 8:00 AM in House conference room 325

Thank you for this opportunity to comment on this proposed bill.

I strongly oppose this terrible bill for the following reasons:

1. There are "invasive species" everywhere, on many residents' private property. This bill will encourage neighbors to trespass onto adjoining property in the search for "invasive species".
2. Who will pay for the control or eradication of a neighbor's invasive species, the person complaining, or the neighbor? This will increase the case load for our judicial system, as neighbors sue one another over property right violations and payment for invasive species control and eradication.
3. This bill will result in conflict, violence, and other negative social consequences, as neighbors fight one another. There could be fatalities, since the implications of someone coming onto a neighbor's property to demand the eradication of invasive species could dramatically alter and destroy that property. This is an invasion of property that many people will not tolerate from a neighbor.
4. It is one thing when the government is doing an integrated eradication or control program. It is another thing when invasive species are attacked at random with no overall plan. Having neighbors attacking each other over various invasive trees, plants, animals, insects, will not solve anything for the environment, since these invasives could return from other properties nearby but not adjoining. Therefore, this solves nothing environmentally, while creating animosity between neighbors.
5. This bill goes against numerous trespass and private property laws.
6. This bill assumes that control or eradication is possible for all invasive species. As worded, this bill will allow a property owner to try forcing a neighbor to control or eradicate species for which control or eradication is not feasible or practical. Government agencies will not attack invasive species for which there are no effective control or eradication measures. However, this bill does not distinguish between easily controlled or eradicated species and those that are not. This will result in nuisance complaints by agitated, irrational, and angry residents against their neighbors, when nothing can really be done about their complaint.
7. What right does a person have to come onto someone else's private property to control or eradicate invasive species if these are not entering that person's property? Is this Nazi Germany?
8. This bill is unnecessary, since the government already has the mechanism for entering private property to control or eradicate invasive species. Property owners who have a problem with adjoining property should contact the government for assistance.
9. This bill effectively deputizes all property owners to act as proxies for the government in attacking invasive species, regardless of who these people being deputized are. They could be mentally disturbed, ignorant, criminals, or just mean, angry people who hate their neighbors for

something else unrelated to invasive species and wanting to use this law to punish their neighbors. This is a recipe for disaster, since most property owners will be acting out of emotion and anger and not necessarily fully understand the issues involved. This is best left to the government.

Sincerely,

Sydney Ross Singer
Director, Good Shepherd Foundation
P.O. Box 1880, Pahoa, Hawaii 96778
808-935-5563

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 25, 2010 5:47 PM
To: EEPtestimony
Cc: selkie@hawaii.rr.com
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Bill No. HB 1928

Support Y (N)

Date 1/25/10

Time 1747

Cat AF AS AX (B)C

Type 1 (2) WI

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Cathy Goeggel
Organization: Animal Rights Hawai'i
Address: PO Box 10845 Honolulu, HI 06816
Phone: 721.4211
E-mail: selkie@hawaii.rr.com
Submitted on: 1/25/2010

Comments:

ANIMAL RIGHTS HAWAI'I PO BOX 10845 HONOLULU, HI 96816 808.941.9476
ANIMALRIGHTSHAWAII.COM

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION Rep. Hermina M. Morita, Chair Rep. Denny Coffman, Vice Chair Tuesday, January 26, 2010 8:00a.m. Conference Room 325 State Capitol 415 South Beretania Street

POSITION: OPPOSE

Date 1/23/10

CHAIR MORITA AND MEMBERS OF THE COMMITTEE:

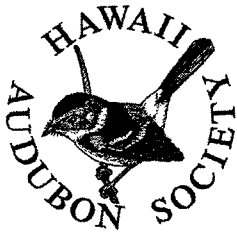
On Behalf of the members of Animal Rights Hawai'i , I urge you to kill this toxic bill. Are we, through the legislature going to legalize the ability of people to enter neighbors' property to remove/kill so called invasive /alien/nonnative species.

This bill, if passed, would open the State to litigation from citizens who do not want their neighbors to invade their property for frivolous reasons.

Are we to sanction a new generation of Hitler Youth who would spy on their neighbors to report a bulbul in Mr. Chun's yard or a coqui frog in Mrs. Akana's garden?

Mahalo,

Cathy Goeggel President



For the Protection of Hawaii's Native Wildlife
HAWAII AUDUBON SOCIETY

850 Richards Street, Suite 505, Honolulu, HI 96813-4709
Phone/Fax: (808) 528-1432; hiaudsoc@pixi.com
www.hawaii Audubon.com

Bill No. 1928
Support Y N
Date 1/25
Time 1726
Cat AF AS AX B C
Type i 2 WI

January 25, 2010

House Committee on Energy & Environmental Protection
Rep. Hermina Morita, Chair & Rep. Denny Coffman, Vice Chair

Hearing: Tuesday, January 26, 2010; 8:00 A.M., Conference Rm. 325

Re: HB 1928

Testimony in Support

Chair Morita, Vice Chair Coffman, and members of the Committee. The Hawai'i Audubon Society was founded in 1939, and it is Hawai'i oldest conservation organization. The primary mission 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. The Society strongly supports measures that protect our ecosystems from invasive species. Once established, invasive animals and plants crowd out endemic (native) native species. 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.

The key to controlling invasive species is prevention. However once detected robust eradication efforts should undertaking to eradicate the species, and should include entry onto adjacent land and property if entry is refused. The Hawai'i Audubon Society believes that providing designated state agencies with the authority to enter adjoining property if entry has been refused is an appropriate and necessary measure.

We urge the committee to move HB1928 onto the Judiciary Committee.

We appreciate the opportunity to offer testify here today.

Sincerely,

George Massengale, JD
Legislative Analyst



The Nature Conservancy of Hawai'i
923 Nu'uuanu Avenue
Honolulu, Hawai'i 96817

Tel (808) 537-4508
Fax (808) 545-2019

Bill No. 1748

Support Y N
nature.org/hawaii

Date 1/25

Time 9:39 AM

Cat AF AS AX BC

Type 1 2 WI

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1928 Relating to Invasive Species
House Committee on Energy & Environmental Protection
Tuesday, January 26, 2010, 8:00am, Rm. 325

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.

The Nature Conservancy of Hawaii supports H.B. 1928.

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

While everyone in Hawaii is affected one way or another by invasive pests, owners of property adjacent to lands that have infestations are often the most directly, immediately and seriously impacted. This bill would appropriately authorize an owner of a property adjoining land that is infested with a declared invasive species to take proper measures to protect their property.

BOARD OF TRUSTEES

S. Haunani Apoliona Christopher J. Benjamin Zadoc W. Brown, Jr. Samuel A. Cooke Peter H. Ehrman
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Wayne Minami Michael T. Pfeffer H. Monty Richards Jean E. Rolles Scott Rolles Crystal K. Rose Eric Yeaman

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 22, 2010 7:35 PM
To: EEPtestimony
Cc: holistic.dr.georgie@gmail.com
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Bill No. 1928

Support Y N

Date 1/22

Time 7:35 PM

Cat AF AS AX B C

Type 1 2 WI

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Marianne fong
Organization: Individual
Address: box 397 pepekeo, HI
Phone: 808-964-3463
E-mail: holistic.dr.georgie@gmail.com
Submitted on: 1/22/2010

Comments:

I oppose the bill HB1928 whereby my neighbor can trespass on my property to eradicate creatures labeled as invasive species. It is a violation of my basic property right, whereby someone can come onto my land and shoot, spray, or hack a tree down. The neighbor would just have to wait until the invasive specie get onto their land. I vehemently oppose another one of the civil right being eliminated.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 23, 2010 8:36 PM
To: EEPtestimony
Cc: pageelse@hawaii.edu
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Bill No. 1928

Support Y N

Date 1/23

Time 8:36 PM

Cat AF AS AX B C

Type 1 2 WI

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Page Else
Organization: Individual
Address: 14-3252 Mauna Kea Rd Pahoa, HI
Phone: 808-965-9576
E-mail: pageelse@hawaii.edu
Submitted on: 1/23/2010

Comments:

I went to a garage sale in Nanawale Subdivision, near Pahoa, Big Island. An albizia tree on the adjacent lot had sent roots under the carport concrete foundation, lifting it about 4 inches. The carport was unusable and unsafe. The roots were beginning to travel under the house foundation. The Nanawale Assc. has written the mainland landowner to no avail. I myself also living in Nanawale, drive nervously down a street lined with 200' albizia. My neighbors albizia is encircling my power line. The power company prunes the trees along the road, making them more extended. These are the reasons we must have the power to remove invasive spesces from neighboring lots.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 25, 2010 2:34 AM
To: EEPtestimony
Cc: jdlow@hotmail.com
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Bill No. 1928

Support Y N

Date 1/25

Time 2:34 AM

Cat AF AS AX B C

Type 1 2 WI

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Jeremy D. Low
Organization: Individual
Address: Honolulu, HI
Phone:
E-mail: jdlow@hotmail.com
Submitted on: 1/25/2010

Comments:

Chair Morita and members of the Committee on Energy & Environment Protection, I strongly OPPOSE HB1928 Relating to Invasive Species. This bill will destroy fundamental private property rights we have as Americans. Please vote no on HB1928. Thank you.

Testimony to the House Committee on Energy & Environmental Protection

Tuesday January 26, 2010; 8:30am

Conference Room 325

Bill No. 1928

Support Y N

Date 1/25

Time 9:00 AM

Re: House Bill 1928 Relating to Invasive Species

Cat AF AS AX B

Type 1 2 WI

Chair Morita, Vice Chair Coffman and Members of the Committee:

My name is Richard Henderson and I submit this testimony in support of House Bill 1928, Relating to Invasive Species, the purpose of which is to authorize owners of adjoining property to enter private property to remove invasive species.

As a property owner in the Volcano Golf Course Subdivision I can attest to the need to control the growth of invasive species, which at the Volcano is the spread of Morella faya, more commonly called Faya bush.

Morella faya is found on all of the Islands in Hawaii with the exception of Lanai and Molokai and is considered very invasive and is on the Hawaii State Noxious Weed List. The Division of Forestry and Wildlife of the Hawaii Department of Land and Natural Resources has designated this species as one of **Hawaii's Most Invasive Horticultural Plants**.

Under the current law the DLNR may enter private property to control or eradicate an invasive species after reasonable notice is given to the owner of the property. The language in this bill gives those same rights to the owner of the adjoining property. This language will encourage all private property owners to participate in the control of invasive species and become an added force in the States efforts to control these unwanted plant pests.

I urge the Committee to pass HB 1928 and send it to the Judiciary Committee for further favorable consideration. Thank you for the opportunity to testify here today in support of HB 1928. If you have any questions I can be reached at (808) 936-2977 or email richard@rinvest.com or P O Box 655, Hilo, Hawaii 96721.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 25, 2010 10:21 AM
To: EEPtestimony
Cc: Czarcats@msn.com
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Cheryl Zarbaugh
Organization: Individual
Address: 3237 Pahoia Av e Honolulu, HI
Phone: 808-737-6486
E-mail: Czarcats@msn.com
Submitted on: 1/25/2010

Comments:

This is clearly a violation of basic individual rights and I vehemently oppose any semblance of this bill. You are supposed to uphold and protect basic rights to privacy and ownership of property. What are you people doing? There are far more important matters facing this State, not to mention entire country, than to spend the taxpayers money on violating basic Constitutional rights! I can't believe you would even consider such a move!

Bill No. 1928

Support Y N

Date 1/25

Time 10:21 AM

Cat AF AS AX B

Type 1 2 WI

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 25, 2010 10:59 AM
To: EEPtestimony
Cc: ritchie@awshi.com
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Bill No. 1928

Support Y N

Date 1/25

Time 10:59 AM

Cat AF AS AX B C

Type 1 2 WI

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Ritchie Henderson
Organization: Individual
Address: 16 Hale Nani Place Hilo, Hawaii
Phone: 808-443-6571
E-mail: ritchie@awshi.com
Submitted on: 1/25/2010

Comments:

As a REALTOR[®] in the County of Hawaii there is a need to control the growth of invasive species. More specifically, vacant land lots as well as improved residential lots located at the Volcano are infected with *Morella faya*, more commonly called Faya bush.

Faya bush, if left uncontrolled, generates a prolific seed bloom even before maturity and when consumed by birds (a favorite of the Myna bird) the seed is spread aurally with no respect to landowner or boundary. As an invasive species (noxious weed) Faya presents several negative aspects to land values and safety. Once established, Faya quickly crowds out any existing endemic species and renders the area impenetrable. As a landowner one is faced with containment/eradication costs that otherwise would not have to be spent if the original infestations were quickly removed. Additional, Faya is an extreme fire hazard and is classified as a "fire fuel" in the Hawaii Volcanoes National Park.

Please pass HB1928 and forward with favorable merit...Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 25, 2010 1:08 PM
To: EEPtestimony
Cc: jfischer@hawaii.edu
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Bill No. 1928

Support Y N

Date 1/25

Time 1:08 PM

Cat AF AS AX BC

Type 1 2 WI

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Dr. Joel Fischer
Organization: Individual
Address:
Phone:
E-mail: jfischer@hawaii.edu
Submitted on: 1/25/2010

Comments:
PLEASE KILL THIS DAFFY MEASURE!

In all my years of testifying at the legislature, I have never seen a more crazy bill. I am sorry to say that about the submitter, but I notice on the bill itself that whomever submitted it, presumably by request, only scribbled a little mark, so I do not know who I may beinsulting.

Just think of the madness that would ensue if this bill were passed: People going on neighbor's property with weapons to destroy animals that may or may not even ne feral. I can just imagine the feuds this would cause between neighbors.

God help us if this bill passes!

Thank you for not passing this bill.

Aloha, joel

Professor (Ret.)

Univrsty of Hawai`i
School of Social Work.

President, District 19-3
Democratic Party

From: Casey Alinan on behalf of webmaster
Sent: Monday, January 25, 2010 8:13 AM
To: EEPtestimony
Cc: 'malamaopuna@yahoo.com'
Subject: FW: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Support (Y) N
Date 1/25
Time 8:13 AM
Cat AF AS AX (B) C

From: Rene Siracusa [mailto:malamaopuna@yahoo.com]
Sent: Saturday, January 23, 2010 10:29 AM
To: Mailing List
Subject: Re: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Type (1) 2 WI

I am not testifying as an individual, but as spokesperson for the organization Malama O Puna. Please make the appropriate correction. Mahalo.

--- On Sat, 1/23/10, mailinglist@capitol.hawaii.gov <mailinglist@capitol.hawaii.gov> wrote:

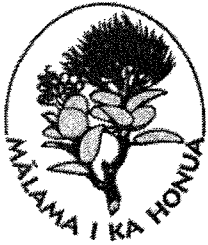
From: mailinglist@capitol.hawaii.gov <mailinglist@capitol.hawaii.gov>
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM
To: EEPtestimony@capitol.hawaii.gov
Cc: malamaopuna@yahoo.com
Date: Saturday, January 23, 2010, 10:22 AM

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Rene Siracusa
Organization: Individual
Address: 15-2929 Pahoia Village Rd. Pahoia, HI 96778
Phone: 965-2000
E-mail: malamaopuna@yahoo.com
Submitted on: 1/23/2010

Comments:
Malama O Puna is an environmental nonprofit, and much of our work involves control or (preferably) eradication of invasive species in order to protect and preserve our native ecosystems. We have done this work since 1990, so there is a lot of experience behind this testimony. One of the major problems we face is dealing with infestations on privately owned land with owners who are absentee or who just don't care. This bill will address that by creating a process. It's passage will ensure that all our hard hands-on labors will not be constantly undone by reinvestigation. It will create a cost-effective and labor-effective venue for eradication volunteers. Please pass this bill and give our native species the chance they need.

mahalo,
Rene Siracusa
President
Malama O Puna



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

Bill No. HB 1928

Support Y N

Date 1/25/10

Time 1520

Cat AF AS AX B C

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

January 26, 2010, 8:00 A.M.

Type 1 2 WI

(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 1928

Aloha Chair Morita and Committee Members -

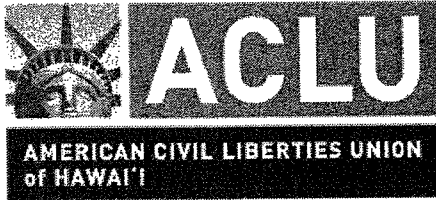
The Hawai'i Chapter of the Sierra Club supports HB 1928, which authorizes reasonable steps to ensure comprehensive eradication efforts of invasive species.

Hawai'i is losing the war on invasive species. Some alien species, such as miconia, threaten to destroy watersheds and native ecosystems, jeopardizing freshwater supplies and pushing species to extinction. Other alien species, such as the coqui frog and dengue and its carriers, threaten our health, tourist industry, and our quality of life.

The cost—both economic and environmental—of introduced species in Hawai'i is astronomical. Estimates by one state biologist show that alien pests cost residents and the agriculture industry upwards of \$400 million annually. Hawaii's residents, businesses, and agricultural operations foot this bill. Tourism, agriculture, native species, and citizens' way of life are threatened with each new introduction. Unfortunately, experts tell us the next invasion is not a matter of "if," but rather a matter of "when."

Disturbingly, we've heard stories of a single property owner refusing to engage in eradication efforts of an invasive species (in this case, the coqui), which flouted the efforts of all neighboring property owners. Coqui frogs would simply spread from the noncompliant property, regardless of efforts by everyone else in the neighborhood. Plainly, efforts to eradicate invasive species require immediate action by everyone living near the origin point. This bill is a small step towards comprehensive eradication efforts.

Thank you for the opportunity to testify.



Bill No. HD 1928

Support Y N

Date 1/25/10

Time 1627

Cat AF AS AX C

Type 1 2 WI

Committee: Committee on Energy and Environmental Protection
Hearing Date/Time: Tuesday, January 26, 2010, 8:00 a.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1928 Relating to Invasive Species

Dear Chair Morita and Members of the Committee on Energy and Environmental Protection:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 1928, which seeks to authorize owners of adjacent property to enter private property to remove invasive species.

While we understand that invasive species are proliferating and causing numerous problems in Hawaii, this bill is unnecessary in that we already have an experienced Hawaii Invasive Species Council and a Department of Land and Natural Resources to control invasive species on private property. Expanding this law to "deputize" adjacent property owners to enforce the law will needlessly erode private property rights and make every person's backyard subject to their neighbor's entry. Given that the Hawaii Invasive Species Council lists over 45 "high-profile" invasive species on their website (www.hawaiiinvasivespecies.org/pests/index.html), including algae, strawberry guava, coqui, and miconia, and twice as many are listed on their invasive species list (www.hawaiiinvasivespecies.org/hisc/pdfs/hiscinvasivespecieslist.pdf), every private property owner in Hawaii could see her or his property rights reduced.

Deputizing adjacent property owners and giving them warrants to enter their neighbors' property will invite a host of problems for the State. For example, the State may be found liable for the destructive actions of these adjacent property owners when they enter their neighbor's private property and – without proper training or supervision – attempt to control and/or eradicate the invasive species.

The ACLU of Hawaii respectfully urges this Committee to defer this bill.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Hon. Rep. Morita, Chair, EEP Committee
and Members Thereof
January 26, 2010
Page 2 of 2

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



THE HUMANE SOCIETY
OF THE UNITED STATES

Bill No. 1928

Support Y (N)

Date 1/25

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TO: Honorable Chair Morita, Vice-Chair Coffman

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

DATE: Tuesday, January 26, 2010, 8:00am

RE: Testimony in OPPOSITION to HB 1928; Invasive Species; Removal

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

Dear Chair Morita, Vice-Chair Coffman and Committee Members,

On behalf of our more than 47,700 members and supporters in Hawaii, The Humane Society of the United States **STRONGLY OPPOSES HB 1928**; relating to the removal of invasive species.

While much of our work at the state, national and international level involves the protection of threatened and endangered species, including tremendous efforts to reduce and/or eliminate the introduction of new invasive and exotic species, we do not believe the proposed bill would in any way better protect our fragile environment or truly reduce the impact of invasive species. Furthermore, we have the below concerns;

- The majority of citizens do not know what particular species are legally and officially designated as “invasive”; decisions to control and/or eradicate invasive species on private property should be handled by trained, professional wildlife and humane animal control experts.
- Our utmost concern is for the humane and effective control of invasive animal species. This bill provides no reference as to what process or methods of control or eradication would be allowed. Inhumane or cruel methods used to eradicate such species may in fact be in violation of multiple, existing animal cruelty and protection laws.
- This bill would essentially allow adjoining property owners to violate private property laws and gain trespass when they believe a species may be invasive.
- Limited and critical law enforcement resources should instead be directed at criminal or other violations, not the removal or oversight of removal of invasive species on private property unless there is an animal cruelty or other criminal or civil violation.
- HRS 520A already limits landowner liability for access to control invasive species on their property.

Thank you for your consideration of this testimony. We again urge your opposition to HB 1928.