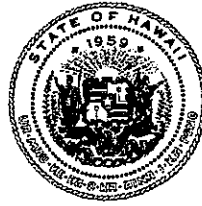
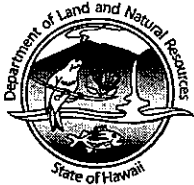


LATE TESTIMONY

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
JUDICIARY**

**Thursday, March 1, 2012
2:01 PM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2593, HOUSE DRAFT 1
RELATING TO EMERGENCY RULES FOR THREATS TO NATURAL RESOURCES
FOR THE HEALTH OF THE ENVIRONMENT.**

The Department of Land and Natural Resources (Department) strongly supports the passage of House Bill 2593, House Draft 1, an Administration measure which proposes to provide a means for agencies to adopt emergency rules related to imminent peril to natural resources of the health of the environment.

The Legislature has provided a means for agencies to adopt emergency rules in instances of "imminent peril to the public health, safety, or morals, or to livestock and poultry health," yet at present there are not conditions for emergency rule adoption in the instance of imminent peril to Hawaii's natural resources or environmental health.

Hawaii's unique environment and natural resources face myriad threats from invasive species, changing climate, increased resource demands, and other sources. In some cases, these threats constitute imminent peril to natural resources or health of the environment that require rapid response. A timely response to such emergencies is essential to mitigate environmental damage from the threat as well as to prevent far higher costs that may be needed if the threat is allowed to expand.

The recent discovery of axis deer on Hawaii Island has highlighted the need for the ability to adopt emergency rules associated with significant environmental threats. Axis deer present an imminent peril to native forest ecosystems on Hawaii Island as the introduction of feral ungulates species destroys understory and removes habitat for native species. At the time of discovery, Chapters 183D, 195D, and 197, Hawaii Revised Statutes (HRS), did not effectively prohibit interisland transport of introduced wildlife, nor did Chapter 124, Hawaii Administrative Rules.

In this instance, the ability to adopt emergency rules could have immediately deterred the transportation of axis deer to Hawaii Island.

The bill was created at the request of the interagency Hawaii Invasive Species Council (Chapter 194, HRS, comprised of the departments of Land and Natural Resources; Agriculture; Health; Transportation; Business, Economic Development and Tourism; and the University of Hawai'i). The Council reviewed and approved this bill prior to its introduction, as it strengthens the State's ability to respond to environmental threats such as invasive species introductions.

It should be noted that the Department of Agriculture has existing statutory authority to adopt emergency rules related to threats to agriculture, but not to broader environmental threats. This bill addresses a critical gap in emergency rule authorities.

The Department strongly supports House Bill 2593, House Draft 1, which would amend Sections 91-3(b) and 91-4(b), HRS, to allow agencies to adopt emergency rules in the instance of imminent threats to natural resources of the health of the environment. In the instances where threats to the environment constitute imminent peril and are not effectively regulated by existing statutes or rules, the ability to adopt emergency rules could protect Hawaii's natural resources while saving the states future restoration or control costs.