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

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

**Before the House Committees on
WATER, LAND, & OCEAN RESOURCES
&
ENERGY & ENVIRONMENTAL PROTECTION**

**Friday, February 10, 2012
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2593
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, 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, 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.



Protecting nature. Preserving life.™

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Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 2593 Relating to Emergency Rules for Threats to
Natural Resources or Health of the Environment
House Committee on Water, Land and Ocean Resources
House Committee on Energy and Environmental Protection
Friday, February 10, 2012, 9:00AM, Room 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 10 nature preserves on 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 supports H.B. 2593 to provide emergency rulemaking authority to the Department of Land and Natural Resources (DLNR) to address issues of imminent peril to natural resources or the environment.

Invasive animals, weeds, insects, diseases, and other pests are one of the greatest threats to Hawaii's economy, agriculture, natural environment, and the health and lifestyle of its people. Evidence from Hawai'i and around the world shows that preventing new pest establishment is exponentially more economical than eradicating a pest or, even worse, controlling it indefinitely once it becomes established.

Where established in Maui county, Axis deer are causing great damage to native habitat and agricultural crops, and are a danger to vehicle traffic on roadways. Unfortunately, the DLNR and the Department of Agriculture have not had the legal tools and authorities necessary to rapidly respond to the recent discovery of Axis deer on Hawai'i island.

For these reasons, we support this measure. Thank you for the opportunity to testify.

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COORDINATING GROUP ON
ALIEN PEST SPECIES

House of Representatives
Committee on Water, Land, & Ocean Resources
Committee on Energy & Environmental Protection
Friday, February 10, 2012
9:00 a.m., Conference Room 325
State Capitol

Testimony in Support of HB 2593

Aloha Chairs Chang and Coffman, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) **supports HB 2593**, *Relating to emergency rules for threats to natural resources or the health of the environment.*

Although agencies charged with protecting human health, safety, livestock, and poultry are able to adopt emergency rules when these values are threatened, agencies charged with protecting natural resources or the environment in general have been unable to do so. The introduction of axis deer to Hawai'i island, and the inability to enact emergency rules to clarify the illegal nature of such introductions is the latest example of the importance of this tool. Coqui frogs are another example of this need, where a pest of great concern didn't neatly fall into the established categories for emergency declaration. Protecting natural resources and the environment is one of our highest priorities, and HB 2593 gives agencies an important tool for this job. Mahalo for your consideration.

Aloha,

Christy Martin
Coordinating Group on Alien Pest Species (CGAPS)
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