



**HB 378 HD 1**  
**RELATING TO LANDSCAPING OF PUBLIC FACILITIES**  
House Committee on Hawaiian Affairs  
House Committee on Culture and the Arts

February 16, 2011

8:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 378 HD1 **WITH AMENDMENTS** because the bill would promote the use of Native Hawaiian plants in state landscaping.

Requiring the use of Native Hawaiian plants in all state landscaping plans will increase recognition and knowledge among residents about native plants, increase Hawai'i's Native Hawaiian sense of place, promote local businesses and employment, and in some situations decrease the amount of water needed for maintenance. Moreover, as the Native Hawaiian culture is intimately tied to the land and its resources, the perpetuation of native resources protects Native Hawaiian traditions and customs.

OHA recommends the following change to page 1, lines 3-11 of the bill, to ensure that the use of Native Hawaiian plants in state landscaping is a requirement:

“(a) ~~Wherever and whenever feasible,~~ All plans, designs, and specifications for new or renovated landscaping of any building, complex of buildings, facility, complex of facilities, or housing developed by the State with public moneys shall incorporate ~~[indigenous]~~ native Hawaiian land plant species ~~[as defined in section 195D-2, and plant species brought to Hawaii by Polynesians before European contact, such as the kukui, noni, and coconut];~~ provided that:”

HB 378 with the suggested amendments would put the state at the forefront of promoting the use of Native Hawaiian plants. Hawai'i is well known as the endangered species capitol of the world. Increased access and availability of Native Hawaiian plants may also encourage Native Hawaiian plant restoration and increased management of invasive species, which have had devastating impact on Hawai'i's native ecosystems.

OHA respectfully recommends the committees PASS HB 378 HD1 taking our comments into consideration. Mahalo for the opportunity to testify on this important measure.



# Sierra Club Hawai'i Chapter

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LATE TESTIMONY

## HOUSE COMMITTEE ON HAWAIIAN AFFAIRS HOUSE COMMITTEE ON CULTURE & THE ARTS

February 16, 2011, 8:30 A.M.  
(Testimony is 3 pages long)

### TESTIMONY IN SUPPORT OF HB 378 HD1 WITH PROPOSED AMENDMENTS

Aloha Chair Hanohano, Chair Wooley, and Members of the Committees:

The Sierra Club of Hawai'i, with 8,000 dues-paying members and supporters, *supports* HB 378 HD1 but suggests amendments to expand the scope of the current law. The original version of HB 378 attempted to build upon the current law and require the use of native plants in all state landscaping. As originally intended, this bill would perpetuate Hawai'i's culture and sense of place, advance the cause of rare plants found nowhere else in the world, and potentially create new local jobs while saving on long-term maintenance costs.

Hawai'i's stunning environment inspires us, nurtures us, and sustains us. It is the foundation of our culture. For example, many a keiki has been told stories of lovers separated and brought back as a particular plant or tree, like the *ohi'a lehua* and the *naupaka kahakai/naupaka kahakai*. Many of our city and place names, like Aiea, Hauula, Kapalama, are named after a particular plant or animal. Many of our cultural stories, chants, and hulas are based on special plants found in unique areas.

Too often, we take the unique plants that form the basis for our culture for granted. It is only through the lens of time do we appreciate how these plants are slipping away. With each generation we're forgetting what these plants look like, where they grow, or how they connect us to the places we live.



*Mao hau hele (state flower)*

Hawai'i is well-known as the endangered species capitol of the world. With hundreds of plants and animals listed as endangered or threatened, there are more endangered species per square mile on these islands than any other place on the planet. We're losing species at an unprecedented rate -- plants and animals that will never be seen again.

Our government could be on the forefront of perpetuating and advancing the use of native plants in its landscaping. By taking a leadership role, the buildings that form the center of our communities -- like schools and libraries -- and the roads that we travel on could celebrate and perpetuate Hawaiian culture. They could protect plants found nowhere else in the world. Imagine our Capitol having the state flower, the *ma'o hau hele*, planted nearby instead of mainland-hybrids? Or a row of *obi'a* planted alongside the Pali or Likelike highways?



*'Iwi on mamane*

This move is not unprecedented, nor extreme. Numerous counties like Dade County, Key Colony Beach, Key West, Lee County, Miami, and Scottsdale have all imposed native plant vegetation requirements on *all* landscaping, not just governmental action.

Our state could take a leadership role in protecting native plants that are at the heart of our culture instead of continuing the tradition of importing alien plants from foreign countries.

***Proposed Amendments:***

We recognize there are some "first draft" problems with the current language proposed. We appreciate that the effective date is set out in time so as to give nurseries the time to "ramp up," as well as resolve any technical problems with the language next year. But we suggest the following revisions will better advance the growth of native plants:

***I. Remove "Wherever and whenever feasible" in section (a).***

This language already exists in the current law. *It is too discretionary.* Few state landscapers elect to use native plants -- primarily because of a lack of familiarity -- and justify their failure by pointing to the "feasible" language.

The preferable option is to simply mandate the use of native plants and create specific exceptions for the situations where native plants are not possible, such as the already-included language for sod/turf and historic properties.

To this end, an additional exception may need to be considered. Native trees have rarely been used in urban areas alongside roads and parking lots. We do not know the best native successors

to some 17 introduced trees, like the Monkey pod and shower tree, that are currently used. If the Committees are willing to include such an exception, we can suggest a specific list of trees with language to encourage experimentation with native trees to determine what replacements could be created over time.

Another option is to include "Whenever or wherever possible" but include a definition to suggest that non-native plants are to be used only when it is *impossible* to use native plants.

## *II. Include Roads and Highways.*

The Department of Transportation readily acknowledges it is the one of the biggest contributors to the spread of invasive species. Including native plants in the renovation or construction of new roads is a reasonable and necessary off-set to the damage caused by our transportation corridors.

These amendments would help further the purpose underlying Haw. Rev. Stat. § 103D-408, as well as ensure the state is a leader in advancing Hawaiian culture and protecting our environment.

Mahalo for the opportunity to testify.

### *The Legend of Ohia and Lehua*

Adapted from "The Goddess Pele," by Joe Mullins, Aloha Graphics and Sales, Honolulu, HI, 1977. Available at: <http://library.thinkquest.org/CD114964/lehua.htm>

*A long time ago, there was a handsome Hawaiian chief named Ohia. He was in love with a beautiful Hawaiian maiden named Lehua. Ohia and Lehua had promised to be true to each for always..*

*One day, Pele, the goddess of volcanoes, saw Ohia and wanted him for herself. Pele was know for her angry tantrums and jealousy. When she got angry, she would call forth burning lava to destroy everything around her.*

*Pele appeared to Ohia as a lovely woman. "I am the goddess, Pele," she said, "and I want you for my husband."*

*When Ohia heard her, he was afraid. Ohia knew if he refused to marry Pele, she might get really angry, but if she was just testing his love for Lehua, then if he said yes, she'd still be angry. Either way Pele could destroy his land and kill all his people. Ohia didn't know what to do.*

*"Before I answer, will you promise not to use your volcanic power no matter what I answer?"*

*"Yes, I promise," answered Pele. She didn't tell Ohia that she had many other powers that she could use.*

*"Then, I cannot marry you," Ohia said, "for I have already given my heart to beautiful Lehua and have promised to be true to her. Besides, I am only a mortal and not worthy of marrying a goddess."*

*Pele was furious. "How dare you defy me!" she cried. "If I can't have you then no one will!" With that, she cast a spell and turned Ohia into a twisted tree with gray leaves.*

*When Lehua saw what Pele had done to Ohia, she begged to goddess to change him back, but Pele ignored her and left for her home in the volcano, still angry.*

*Lehua sat at the base of the tree that was Ohia and cried. How can I live without Ohia?" she sobbed. "I would give my life to change him back."*

*When the other gods heard poor Lehua, they took pity on her. They each tried to change Ohia back, but Pele's magic was too powerful. At last, they came up with a plan that would unite the lovers forever.*

*The gods cast a spell that changed Lehua into a beautiful red flower on the Ohia tree. Ohia and Lehua were together at last, and Pele could never separate them.*

February 15, 2011

TO: COMMITTEE ON HAWAIIAN AFFAIRS

Honorable Representative Faye P. Hanohano, Chair

Honorable Representative Chris Lee, Vice-Chair

DATE: Tuesday, February 16, 2011  
TIME: 8:30 AM  
PLACE: Conference Room 329 State  
Capitol 415 South Beretania Street

Re: Testimony Opposing HB 378 - Relating to Landscaping Public Areas

Thank you for your consideration. I have been a landscape contractor in Hawaii since 1977 and have learned to be very cautious in selecting plants. The biggest problems I've had over the years have been when customers do not listen to professional advice from contractors, architects or those involved in the design, installation and maintenance of plants.

This is the problem the City had when installing the native plants at Diamond Head Lookout. The State had a similar problem with the Makapuu Lighthouse, and now less than 10% of the native plants installed are alive. Volunteers, although well intended, planted native plants along Waimanalo Stream; the original planting extended as far as the eye could see. The current planting flanks the sign, an area of about 4 square feet.

By legislating the type of plants to be used, there is no one responsible for the projects success. I encourage you to look at these 3 projects, and I would be happy to take you personally at your convenience.

Please don't waste our limited resources on plants that don't grow.

Respectfully submitted,

Kevin J. Mulkern, President  
Kevin J. Mulkern, A Licensed Landscape Contractor, Inc.  
808-396-6595 [mulkernlandscaping@gmail.com](mailto:mulkernlandscaping@gmail.com)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 16, 2011 6:52 AM  
**To:** HAWtestimony  
**Cc:** tuckeraloha@hawaiiantel.net  
**Subject:** Testimony for HB378 on 2/16/2011 8:30:00 AM

**LATE TESTIMONY**

Testimony for HAW 2/16/2011 8:30:00 AM HB378

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Stacey Tucker  
Organization: Individual  
Address:  
Phone:  
E-mail: [tuckeraloha@hawaiiantel.net](mailto:tuckeraloha@hawaiiantel.net)  
Submitted on: 2/16/2011

**Comments:**

Taking a drive around this island just might be the most beautiful thing a person could ever do. Unfortunately, if you do that today, you are able to see the extent of damage that the introduction of fountain grass has had on us. There are some areas that you cannot even tell where the fountain grass begins or ends. This is a highly potent introduced species. It has taken over the entire island in a very short amount of time, with groups out there trying to eradicate with zero success. At one point, the hotels thought what an amazing grass this makes for the lawn of these fancy resorts and not one person on the island was able to stop them from planting the fountain grass! Now it is an out of control weed, taking over the ground covering as quick as it can, without anyone being able to stop it. Meanwhile, native species are being taken over in many areas and many of the wonderful natives that only grow on this island are in danger of being extinct. I do believe with a mandatory measure in place, we can prevent the fountain grass type of spread of other invasive species. If, in public places, native species has first dibs, we can be proud that we are doing everything we can to promote a natural, beautiful state. This is not the mainland, we will not use mainland treatments on our land. Keep it native! Keep it alive! Thank you.