

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEKOA KALUHIWA**  
FIRST DEPUTY

**JEFFREY T. PEARSON, P.E.**  
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  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
WAYS AND MEANS**

**Tuesday, March 1, 2016  
1:30 PM  
State Capitol, Conference Room 211**

**In consideration of  
SENATE BILL 2448, SENATE DRAFT 1  
RELATING TO INVASIVE SPECIES**

Senate Bill 2448, Senate Draft 1 proposes to authorize the Hawaii Invasive Species Council (HISC) to adopt and amend rules designating species as invasive without regard to Chapter 91, Hawaii Revised Statutes (HRS), provided that HISC first adopt rules per Chapter 91, HRS, establishing a public notification and input process regarding such designations. Senate Draft 1 also makes an appropriation for the immediate control of albizia trees on Hawaii Island. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department is the administrative host of the interagency HISC and serves as co-chair along with the Hawaii Department of Agriculture (HDOA). Chapter 194, HRS, requires HISC to identify and record all invasive species in the state, and authorizes HISC to adopt administrative rules to effectuate the chapter.

The development of an official invasive species designation would serve two purposes. First, it would be used as an educational tool to describe species in the state that meet the federal definition of invasive species provided by Executive Order 13112. Second, HISC should have a clear designation for invasive species prior to utilizing its authority to delegate access to private property for the purposes of controlling invasive species, per Section 194-5, HRS. Maintaining this list in administrative rule, rather than by resolution or utilizing a broad definition for the term "invasive species", would provide clear criteria for how HISC could utilize Section 194-5, HRS.

In order to create a dynamic list that can be updated relatively quickly as new invasive species are detected, the HISC has proposed to utilize a listing process similar to that used by HDOA to maintain lists of species that are conditionally approved or restricted for importation into the state. HDOA has authority per Section 150A-6.6, HRS, to adopt rules amending these lists without regard to Chapter 91, HRS, provided that HDOA utilizes a public input and notification process developed in Hawaii Administrative Rules Section 41-71-4.2.

Similarly, this measure would authorize HISC to adopt administrative rules, per Chapter 91, HRS, to establish a public notification and input process for proposed designations. Subsequently, HISC would utilize this process, rather than the procedures described by Chapter 91, HRS, to amend an official list of designated invasive species. Utilizing this process would allow HISC to engage the public in creating and maintaining a list of invasive species that can be updated often to remain current and accurate.

HISC voted unanimously to propose this process at a public meeting on June 10, 2015. The full submittal describing this process can be found on the HISC website at <http://dlnr.hawaii.gov/hisc/files/2015/04/2015-6-10-HISC-Submittal-1-Admin-Rules.pdf>

With regard to the amendment in Senate Draft 1 providing an appropriation to the Big Island Invasive Species Committee for the control of albizia on Hawaii Island, the Department recognizes the considerable threats posed by albizia trees. The Department supports this amendment, provided that this appropriation does not adversely impact appropriations for other priorities in the Executive Supplemental Budget request or any existing funding to the Department's programs, and offers the following comments.

The Department appreciates the opportunity to provide these comments.

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS**

March 1, 2016  
1:30 P.M.  
CONFERENCE ROOM 211

**SENATE BILL NO. 2448 SD1  
RELATING TO INVASIVE SPECIES**

Chairperson Tokuda and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2448 SD1. This bill creates a section in Chapter 194 that would allow the Hawaii Invasive Species Council (HISC) to adopt rules to create a list of invasive species in the state and allow an agent of HISC to enter private property to control an invasive species. Senate draft 1 also adds an appropriation for the Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife to expend funds to the Big Island Invasive Species Council to coordinate management of albizia trees on the island of Hawaii. The Department supports the intent of this measure and defers to DLNR.

Chapter 194 requires the HISC to identify and record all invasive species in the State but does not provide a mechanism to accomplish this. Recommendations from the attorney general's office were to create this list through the rule making process. This bill provides the language in the statutes to allow for this.

The bill also amends Section 194-5 to allow for a department in HISC to have an agent enter private property to assist the department in the control of an invasive species. These items were brought before the HISC last summer at which time they voted to approve moving forward with these measures.

Thank you for the opportunity to testify.





**Conservation Council  
for Hawai'i**

*Hawai'i's voice for wildlife*

*Kō Hawai'i leo no nā holoholona lōhiu*



Testimony Submitted to the  
Senate Committee on Ways and Means

Hearing: Tuesday, March 1, 2016 1:30 pm  
Conference Room 211

In Support of SB 2448 SD 1 Relating to Invasive Species

Chair Tokuda, Vice Chair Dele Cruz, and Members of the Committees.

Aloha. The Conservation Council for Hawai'i supports SB 2448 SD 1, which authorizes HISC to adopt rules to change its invasive species list; prohibits the inclusion of domesticated pet species on the invasive species list; authorizes an agent of HISC to enter affected premises on private property, under specific conditions, to control or eradicate invasive species; and makes an appropriation to the department of land and natural resources division of forestry and wildlife for use by the Big Island invasive species committee for the immediate coordinated management of albizia trees on the island of Hawai'i.

Strengthening invasive species programs and policies is one of the most important investments we can make in protecting the environment, human health, culture, and economy.

With all due respect, the State is not doing enough to protect public trust resources from invasive species. We urge you to appropriate a total of at least \$50,000,000 annually to address invasive species in Hawai'i as estimated by the legislative reference bureau study you requested entitled "Filling the Gaps in the Fight Against Invasive Species."

Please support SB 2448 SD 1. Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler

Telephone/Fax: 808.593.0255 | email: [info@conservehi.org](mailto:info@conservehi.org) | web: [www.conservehi.org](http://www.conservehi.org)  
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Julie Leialoha | Vice President: Koalani Kaulukukui | Secretary: Wayne Tanaka

Treasurer: Ryan Belcher | Directors: Rick Barboza | Anne Huggins Walton

Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters





The Senate  
Committee on Ways and Means  
March 1, 2016  
1:30 p.m., Conference Room 211  
State Capitol

### **Testimony in Support of SB 2448 SD1**

Aloha Chair Tokuda, Vice Chair Dela Cruz, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) **is in support of SB 2448 SD1, Relating to Invasive Species.**

With full disclosure, I have been acting as Chair pro tempore of the HISC Public Outreach Working Group since August 2015, but this testimony is on behalf of CGAPS.

Since its creation, the Hawai'i Invasive Species Council (HISC) has worked to ensure that their working group structure provides multiple opportunities for participation and dialog, and that all working group and full HISC meetings are open to all. Further, the HISC staff has reached out and engaged a range of stakeholders on important discussion. Therefore, we are in support of the drafting and adoption of rules pursuant to Chapter 91, to work together to establish mutually acceptable methods for how species may be added to the list and how the HISC will notify and solicit public input.

We are also in strong support of funding for the Big Island Invasive Species Committee for coordinating and in some cases conducting control work on albizia trees along key roadways.

Mahalo for your consideration.

Aloha,  
Christy Martin  
CGAPS

DAVID Y. IGE  
GOVERNOR OF HAWAII

SHAN TSUTSUI  
LIEUTENANT GOVERNOR



## HAWAII INVASIVE SPECIES COUNCIL

1151 PUNCHBOWL ST, #325  
HONOLULU, HAWAII 96813

### VOTING MEMBERS

SUZANNE CASE  
DEPARTMENT OF LAND & NATURAL  
RESOURCES

SCOTT ENRIGHT  
HAWAII DEPARTMENT OF AGRICULTURE

KEITH KAWAOKA D.Env.  
DEPARTMENT OF HEALTH

MARIA GALLO, Ph.D.  
UNIVERSITY OF HAWAII

LEO ASUNCION  
OFFICE OF PLANNING, DEPARTMENT OF  
BUSINESS, ECONOMIC DEVELOPMENT &  
TOURISM

DAVID RODRIGUEZ  
DEPARTMENT OF TRANSPORTATION

## TESTIMONY OF THE HAWAII INVASIVE SPECIES COUNCIL

### BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

1:30 PM, Tuesday, March 1, 2016  
State Capitol, Conference Room 211

### SENATE BILL 2448 SD1 RELATING TO INVASIVE SPECIES

Senate Bill 2448 SD1 would authorize the Hawaii Invasive Species Council (HISC) to adopt and amend rules designating species as invasive without regard to chapter 91, Hawaii Revised Statutes (HRS), provided that the HISC first adopt rules per chapter 91, HRS, establishing a public notification and input process regarding such designations. **The HISC supports this measure.**

Chapter 194, HRS, requires the HISC to identify and record all invasive species in the state, and authorizes the HISC to adopt administrative rules to effectuate the chapter. In order to create a dynamic list that can be updated relatively quickly as new invasive species are detected, the HISC has proposed to utilize a listing process similar to that used by the Hawaii Department of Agriculture (HDOA) to maintain lists of species that are conditionally approved or restricted for importation into the state. The HDOA has authority per chapter 150A-6.6, HRS, to adopt rules amending these lists without regard to chapter 91, HRS, provided that HDOA utilizes a public input and notification process developed in Hawaii Administrative Rules section 41-71-4.2.

Similarly, this measure would authorize the HISC to adopt administrative rules, per chapter 91, HRS, to establish a public notification and input process for proposed designations. Subsequently, the HISC would utilize this process, rather than the procedures described by chapter 91, HRS, to amend an official list of designated invasive species. Utilizing this process would allow the HISC to engage the public in creating and maintaining a list of invasive species that can be updated often to remain current and accurate.

The HISC voted unanimously to propose this process at a public meeting on June 10, 2015. The full submittal describing this process can be found on the HISC website at <http://dlnr.hawaii.gov/hisc/files/2015/04/2015-6-10-HISC-Submittal-1-Admin-Rules.pdf>

The Senate Draft 1 version of this measure adds language regarding an appropriation for control of albizia trees on Hawaii Island. The HISC recognizes the threats posed by these trees in Hawaii and supports this amendment.

This HISC also notes that while a separate bill, Senate Bill 2799 SD1, includes similar language regarding the ability of the HISC (or the Hawaii Invasive Species Authority, should it be restructured as an attached agency under Senate Bill 2799 SD1) to adopt administrative rules. Senate Bill 2799 SD1 does not, however, include the language regarding albizia that was added to Senate Bill 2448 SD1. Should Senate Bill 2448 SD1 be deferred in favor of Senate Bill 2799 SD1, consideration may need to be given to placement of language regarding albizia control on Hawaii Island.



Testimony of the O'ahu Invasive Species Committee  
Supporting S.B. 2448 Relating to Invasive Species  
Senate Committee on Economic Development, Environment and Technology and  
the Senate Committee on Water, Land, and Agriculture  
Friday February 12, 2016 1:20 PM Room 414

The O'ahu Invasive Species Committee supports S.B. 2448 which would provide a legal framework for the timely control of invasive species while still allowing for public input. In order to effectively deal with invasive species, there must be a process to quickly designate an organism as a problem and allow officials access to private property to deal with it.

Little Fire Ants are a great example. All the current infestations of this species occur, at least in part, on private property. Treating public land might reduce the population, but it will balloon back up if there is a source population on private land. Eradication is the goal for all populations of Little Fire Ant on Maui, O'ahu and Kaua'i. Workers need access to all lands where the ants occur in order to accomplish this.

On O'ahu, we have been able to be successful with the invasive tree miconia because in the very beginning the source trees were all removed voluntarily by the private landowners that owned them. We are grateful for their cooperation. However, had just one landowner refused, we would now be dealing with an infestation that is out of control and beyond eradication.

We recognize the need and our duty to receive public input for these processes, but with invasive species control, the ability to react quickly can mean the difference between the perpetual expense of ongoing control and a one-time expense of eradication. This bill would allow for public input but create a faster process for action.





# Hawaii Floriculture and Nursery Association

Testimony for the Twenty Eighth Legislature, 2016  
State of Hawaii

## **COMMITTEE ON WAYS AND MEANS**

Senator Jill N. Tokuda, Chair  
Senator Donovan M. Dela Cruz, Vice Chair

TUESDAY MARCH 1, 2016  
1:30 P.M.  
Conference Room 211  
State Capitol  
415 South Beretania Street

A bill for an act

### **SB2448SD1 RELATING TO INVASIVE SPECIES PROGRAM ADMINISTRATION**

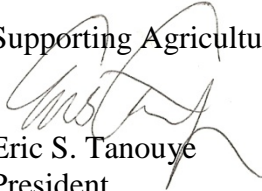
My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 300 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **Strongly OPPOSES** Senate **Bill 2448 SD1**

We do not believe we should be providing police power to HISC to enter any place to destroy any invasive species that is declared an emergency, without any regard to the person's livelihood, personnel property, privacy and other constitutional rights is wrong. HISC has no regulatory or enforcement power, one would think this action would be considered unconstitutional, especially if the decision for the emergency rule is not scientifically based. As you track previous legislation supported by HISC, you will find their methods are draconian and therefore, will HISC or its participants, and / or the state be liable for the loss of crops, personal property, or emotional distress caused by such an action.

We thank you for the opportunity to express our **strong opposition** to **SB2448 SD1**. If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email [eric@greenpointnursery.com](mailto:eric@greenpointnursery.com).

Supporting Agriculture and Hawaii,



Eric S. Tanouye  
President

Hawaii Floriculture and Nursery Association

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [amybrinker@mac.com](mailto:amybrinker@mac.com)  
**Subject:** \*Submitted testimony for SB2448 on Mar 1, 2016 13:30PM\*  
**Date:** Sunday, February 28, 2016 9:52:51 AM

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**SB2448**

Submitted on: 2/28/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Amy Brinker         | Individual          | Support                   | No                        |

Comments:

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [allan.yoza@hawaiiantel.net](mailto:allan.yoza@hawaiiantel.net)  
**Subject:** Submitted testimony for SB2448 on Mar 1, 2016 13:30PM  
**Date:** Friday, February 26, 2016 10:28:32 PM

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**SB2448**

Submitted on: 2/26/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Allan               | Individual          | Oppose                    | No                        |

Comments: Aloha, Strongly oppose if the intent is to add feral/lost/abandon cats or dogs. It also infringes on private property ownership. Violation of private ownership. Mahalo, Allan

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [viviansuet@hotmail.com](mailto:viviansuet@hotmail.com)  
**Subject:** Submitted testimony for SB2448 on Mar 1, 2016 13:30PM  
**Date:** Sunday, February 28, 2016 6:12:24 PM

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**SB2448**

Submitted on: 2/28/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Vivian S. Toellner  | Individual          | Comments Only             | No                        |

Comments: If this bill truly removes the common cat of any type or description, pet, friendly, scared, feral, abandoned, Trap Neutered Released & Managed colonies, etc; then I could support it. If proper notice is given to landowners, renters, occupants of the need to trespass for the community's true honest welfare.

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