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GOVERNOR OF
HAWAII



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

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FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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COMMISSION ON WATER RESOURCE MANAGEMENT
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FORESTRY AND WILDLIFE
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 31, 2017
8:30 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 904
RELATING TO INVASIVE SPECIES

House Bill 904 proposes to establish an invasive species rapid response special fund to facilitate invasive species detection and control in situations where the Governor has declared an invasive species emergency. **The Department of Land and Natural Resources (Department) supports this initiative, as long as it does not replace our priorities requested in the Executive Budget.**

The Department manages a variety of invasive species programs and is the administrative host of the Hawaii Invasive Species Council (HISC). For both departmental programs and interagency projects supported by the HISC, project costs are assigned at the beginning of a fiscal year. There is no source of funding that specifically supports new emergency responses to invasive species incursions that happen after the start of the fiscal year. The presence of an invasive species rapid response fund would better enable the state to respond to threats at the time of first detection, when the likelihood of success is highest and the cost of eradication is lowest.

The Department appreciates the opportunity to provide these comments.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 1:32 PM
To: EEPtestimony
Cc: mz@conservehi.org
Subject: Submitted testimony for HB904 on Jan 31, 2017 08:30AM

HB904

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	Conservation Council for Hawai'i	Support	No

Comments: We support HB 904 and the establishment of an invasive species rapid response fund within the Department of Land and Natural Resources. Invasive species are the most significant threat to our quality of life; natural resources, including essential watersheds; living Hawaiian culture; and the economy. For far too long, we have avoided this threat, hoping it would go away or not affect us or our families, but everyone is harmed by invasive species. Please put some serious money into addressing this serious threat. Please pass HB 904. Mahalo nui loa for the opportunity to testify.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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The House of Representatives
Committee on Agriculture
January 31, 2016
8:30 a.m., Conference Room 325
State Capitol

Testimony in Support of HB 904

Aloha Chair Lee, Vice Chair Lowen, and Committee Members,

The Coordinating Group on Alien Pest Species (CGAPS) **is in support of HB 904, *Relating to Invasive Species***. The aim of this measure is to create a mechanism for the rapid response to invasive species so that newly detected threats may be immediately addressed.

The molasses spill in Honolulu Harbor was quickly addressed using emergency funding from the Hawai'i Department of Health's Environmental Response Revolving Fund (HRS 128D-2). Recent events have highlighted the need for such a fund for invasive species, including the 2013 discovery that Little Fire Ants were present in some hapu`u logs being sold at garden shops and nurseries on several islands, and the current emergency of Rapid 'Ōhi'a Death.

CGAPS would like to point out that the proposed language does not appear to include the use of such funds for responding to the spread of invasive species from one island to another, for example if ROD were discovered on islands other than Hawai'i island.

CGAPS would also like to comment on the process of "designating emergencies". There are no clear triggers or criteria that would help agency chairs and the Governor determine what does and does not constitute an invasive species emergency.

HB 904 is a strong start that would address a large gap in Hawai'i's Biosecurity Program. Mahalo for your consideration.

Aloha,
Christy Martin
CGAPS

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 9:33 AM
To: EEPtestimony
Cc: peterw@bestfriends.org
Subject: Submitted testimony for HB904 on Jan 31, 2017 08:30AM

HB904

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Peter J. Wolf	Best Friends Animal Society	Oppose	No

Comments: On behalf of Best Friends Animal Society and our many supporters throughout the Hawaiian Islands, I urge the Members of the House Committee on Energy & Environmental Protection to oppose HB904. This bill would expand the Department of Land and Natural Resources' already broad discretion to apply lethal methods ("without legislative approval") for managing outdoor cats under the pretense of an "invasive species emergency." While we appreciate the need to protect Hawaii's native plants and animals, the provisions outlined in HB904 are likely to backfire if implemented. Indeed, these policies are not only direct threats to cats—owned and unowned alike—but also likely to have a chilling effect on sterilization programs used to effectively and humanely manage "feral" cat populations throughout the Hawaiian Islands. Many residents who volunteer their time and provide financial support for such programs, for example, would be discouraged if they knew the cats they care for were at risk for lethal roundups—and choose not to participate as a result (leading to more unsterilized cats). We urge you to instead consider laws that would encourage sterilization programs—which, surveys show, enjoy broad public support. A Ward Research survey of residents of Hawaii, for example, found 85% support, compared to just 15% support for "trap-and-kill programs." HB904 is a betrayal of the public's trust in private property rights, government transparency, and due process. Please oppose this harmful bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 10:46 AM
To: EEPtestimony
Cc: sue.leeloy@hawaiicounty.gov
Subject: Submitted testimony for HB904 on Jan 31, 2017 08:30AM

HB904

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Susan L.K. Lee Loy	Individual	Support	No

Comments: Hawaii County Council Woman Sue LeeLoy stands in strong support of HB 904

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 10:40 PM
To: EEPtestimony
Cc: williamrandysmith@gmail.com
Subject: *Submitted testimony for HB904 on Jan 31, 2017 08:30AM*

HB904

Submitted on: 1/27/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William R Smith	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 10:22 AM
To: EEPtestimony
Cc: dkakiona@aol.com
Subject: Submitted testimony for HB904 on Jan 31, 2017 08:30AM

HB904

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Deron Akiona	Individual	Support	No

Comments: Chairman Chris Lee, members of the House Committee on Energy and Environmental Protection. I am in strong support of the intent of HB 904, the establishment of and Invasive Species Task Force. It be to be proactive on this issue.

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The House of Representatives
Committee on Energy & Environmental Protection
January 31, 2016
8:30 a.m., Conference Room 325
State Capitol

Testimony in Support of HB 904

Aloha Chair Lee, Vice Chair Lowen, and Committee Members,

The Coordinating Group on Alien Pest Species (CGAPS) **is in support of HB 904, *Relating to Invasive Species***. The aim of this measure is to create a mechanism for the rapid response to invasive species so that newly detected threats may be immediately addressed.

The molasses spill in Honolulu Harbor was quickly addressed using emergency funding from the Hawai‘i Department of Health’s Environmental Response Revolving Fund (HRS 128D-2). Recent events have highlighted the need for such a fund for invasive species, including the 2013 discovery that Little Fire Ants were present in some hapu`u logs being sold at garden shops and nurseries on several islands, and the current emergency of Rapid ‘Ōhi‘a Death.

CGAPS would like to point out that the proposed language does not appear to include the use of such funds for responding to the spread of invasive species from one island to another, for example if ROD were discovered on islands other than Hawai‘i island.

CGAPS would also like to comment on the process of “designating emergencies”. There are no clear triggers or criteria that would help agency chairs and the Governor determine what does and does not constitute an invasive species emergency.

HB 904 is a strong start that would address a large gap in Hawai‘i’s Biosecurity Program. Mahalo for your consideration.

Aloha,
Christy Martin
CGAPS

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

LATE

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL
PROTECTION

JANUARY 31, 2017
8:30 A.M.
CONFERENCE ROOM 325

HOUSE BILL NO. 904
RELATING TO INVASIVE SPECIES

Chairpersons Lee and Members of the Committees:

Thank you for the opportunity to present testimony on House Bill 904. This bill provides funding for rapid response to new Invasive Pest Species. The Department of Agriculture supports this bill and offers a comment.

The passage of House Bill 904 will be useful in trying to address eradication of a new invasive pest species at a time when establishment has limited range and dispersion. Some of our most serious invasive pest species, such as coqui frog and little fire ant, would be minimized by rapid response to new invasive pest species detection. A dedicated fund will ensure resources for a quick and effective response. The Department would like to note the support for HB1013, relating to the creation of the Hawaii Invasive Species Authority, which would repeal Chapter 194 and create a new authority to carry out the duties of biosecurity and invasive species. Should HB1013 move forward this session, the Department would like to see this rapid response fund carry over to the Hawaii Invasive Species Authority.

Thank you for the opportunity to testify on this measure.





SIERRA CLUB OF HAWAII
MĀLAMA I KA HONUA. *Cherish the Earth.*

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 31, 2017 8:30AM Room 325

In SUPPORT HB 904 Relating to Invasive Species

Aloha Chairman Lee and members of the Energy & Environmental Protection Committee,

The Sierra Club of Hawai'i strongly supports HB 904, which seeks to establish the invasive species rapid response special fund within the Department of Land and Natural Resources.

We have 20,000 members and supporters throughout the Hawaiian Islands. Since 1968, the Sierra Club of Hawai'i has been working to protect the unique natural and cultural resources of our islands.

Invasive species pose a significant threat to Hawai'i's agriculture, economy, and majestic natural environment. Much of the invasive species which enter the state, do so undetected. Invasive species can inflict irreversible damage and permanently devastate our fragile ecosystem if they are not responded to in a timely manner.

Unfortunately, state agencies do not currently possess the resources required and a mechanism that would allow for immediate efforts to mitigate or eliminate newly discovered threats. In creating the invasive species rapid response special fund, which would be used to respond to an invasive species emergency, HB 904 will not only save taxpayers money, but also be extremely effective in helping to conserve and protect our natural resources and environment.

Thank you very much for this opportunity to provide testimony on this important issue.

Mahalo,
Marti Townsend
Director

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 6:26 PM
To: EEPtestimony
Cc: basil@kauaibeach.com
Subject: Submitted testimony for HB904 on Jan 31, 2017 08:30AM

HB904

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Basil Scott	Individual	Oppose	No

Comments: I strongly oppose this bill specifically because it bypasses ALL requirements for expending state funds and in so doing, establishes a secret fund, that would be hidden from public scrutiny and not subject to normal rules. The fund could exist forever, which would foreseeably allow the state to use the fund for other than true emergency situations. It would allow the State to suspend rights arrived at through collective bargaining. It allows the state to suspend ethical procurement requirements. It has no rules for review to allow the legislature to assess if the fund is being used appropriately. Only "an accounting" is required. For a fund like this, a special report should be required. It would be an astounding suspension of many requirements that are important for good government. Please don't let this pass! Specifically: (1) It would bypass requirements as set forth in HRS Chapter 36 for record keeping and disclosure. Thus it would allow the State to bypass Sunshine Law requirements altogether. This is a big problem in my county (Kauai). (2) It would bypass existing requirements for special funds as set forth in HRS Chapter 37. This would allow these funds to exist in perpetuity and would exempt the fund from budgetary planning requirements. (3) It exempts the State from government employee's bargaining as set forth in HRS Chapter 89. Thus, the fund could be used as a mechanism to undermine these rights. (4) It exempts the State from the ethical procurement requirements set forth in HRS Chapter 103D It is an extraordinarily poorly conceived legislative act and should not be forwarded from the committee.

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LATE

This statement supports the adoption of House Bills 606 and 904, proposed statutes that, respectively, allow county officials to more effectively contend with the many harmful invasive species that threaten our communities and establish the fiscal architecture to fund such efforts. It also supports the adoption of Senate Bill 637 that addresses county access to private property as a counterpart to HB 606.

In Hawaii, infestations by invasive species already constitute public nuisances under both statutory and common law. Moreover, public nuisances are particularly suited for class action treatment under Hawaii law due to both the liberal standing rules that allow members of the public to institute such cases and the various obligations of state agencies to police and combat invasive species infestations. Those types of cases, however, are not the best use of state judicial resources nor are they effective to timely address the nature of the problem. A statute that allows the state to more rapidly intervene and assist in active management of invasive species is preferable to any such litigation.

Communities such as ours in Holualoa are beset by invasive species that by nature and effect have no relation to the individual properties that constitute those communities. In fact, individual property rights, the rules of homeowners associations, absentee ownership, and the various government property rights are often functionally inimical to effectively contending with these species. Swift and coordinated cooperation is essential, yet is often lacking when it comes to current efforts to deal with invasive species that have existed for many years already. As a result, those issues have become worse. If the government of Hawaii is serious about doing something about invasive species, action to prevent individual property rights from trumping community based health and safety concerns is essential.

In short, insects, frogs, fungi, and bacteria don't care where property lines are or who "owns" what. They will exploit any chink in the armor we are attempting to use to defend our communities from them, whether those chinks are absentee owners of properties who are unaware of any issues or property owners who intend to obstinately obstruct any sound strategy to deal with them. Invasive species can't be effectively dealt with unless there is a coordinated approach that allows for treatment of the broader areas they are invading.

Another chink in that armor is the current lack of funding required to deal with invasive species. Not establishing permanent, adequate moneys to address the fight against invasive species is irresponsible and would belie any stated intent to address the many economic, health, and safety concerns involved in this important area of government responsibilities.

As a result, I urge you to pass both HB 606 and HB 904.

Respectfully,

Clyde Platt

77-113 Kalaniuka St.
Holualoa, HI 96725

lowen2 - Mark

From: Carolyn Dillon <carolyndillon4@gmail.com>
Sent: Monday, January 30, 2017 7:31 PM
To: EEPtestimony
Subject: Energy and Environmental Protection Committee - HB904



Hearing scheduled for January 31, 2017, 8:30am

I am strongly in favor of HB904. Thank you for considering my testimony.

The recently implemented Hawaii Interagency Biosecurity Plan (HIBP) could not come a minute too soon. The State of Hawaii is especially vulnerable to the introduction of new invasive species due to our exposure to ocean-going arrivals from the entire Pacific Rim and daily flights from all over the globe. I've learned that approximately 20-25 newly introduced invasive species arrive on our shores every year. Not all of these are serious threats but if just one per year was deemed serious, and not immediately addressed, the situation would quickly become unsustainable.

The fact is, the State is already tasked with addressing and controlling the potential future devastation of invasive species that already create a nuisance and cause harm. We can not hesitate or delay as more newly introduced threats are sure to arrive. Now is the time to commit to positive immediate action by passing HB904.

Mahalo,

Carolyn Dillon
private citizen

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 9:42 AM
To: EEPtestimony
Cc: skaye@hawaii.edu
Subject: *Submitted testimony for HB904 on Jan 31, 2017 08:30AM*

HB904

Submitted on: 1/31/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Springer Kaye	Big Island Invasive Species Committee	Support	No

Comments:

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