

**EEPtestimony**

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**From:** Jose Bulatao, Jr. [mrb@hawaiiink.net]  
**Sent:** Tuesday, February 03, 2009 4:07 PM  
**To:** EEPtestimony  
**Cc:** All Reps; All Senators; Governor Linda Lingle; Itgov@hawaii.gov; Congressional Hawaii Team; Bernard Carvalho; Beth Tokioka; Bill "Kaipo" Asing; tbynum@kauai.gov; dickie chang; jfurfaro@kauai.gov; daryl kaneshiro; lani kawahara; derek kawakami  
**Subject:** Submitting Testimony regarding HB1684

**To: Committee on Agriculture (11 members, 11 copies requested)**  
**Committee on Energy & Environmental Protection (13 members, 13 copies requested)**

**From: Kauai Bee Association**  
**Jose Bulatao, Jr.**  
**Board Member**  
**and**  
**E Ola Mau Na Leo O Kekaha (Forever Live On the Voices of Kekaha)**  
**Community Organization**  
**Advisor**

It has been called to my attention that members of your respective committees of the Hawaii State Legislature will be reviewing HB 1684 RELATING TO INVASIVE SPECIES. Mahalo for the timely introduction of this essential bill.

Because of the crucial, nation-wide concern of "the plight of the honeybees", we here, in the State of Hawai'i, need to be acutely aware of the negative impact of presence of the Varroa Mite that has already been found on the islands of Oahu and Hawaii.

We cannot afford to sit by idly to allow the possibility of the devastating effect of having the bee industry wiped out here in Hawaii. More than producing honey, the natural pollination process that bees provide will determine the productivity of the floral industry and all of the agricultural activity that relies on pollination for the varieties of fruits and vegetables to proliferate.

More so, imagine our backyard mango and citrus trees not bearing fruit. Imagine our plumeria trees and pikake bushes without flowers. Is this because we currently lack efficient methods at our airports and harbors in tracking the ways in which invasive species may come into our island state?

The negative impact on food production capabilities (which is occurring nationwide) will exacerbate the economic crisis a thousandfold.

The time for collaborative and cohesive efforts from the public and private sectors must be systematically organized and established with roles and responsibilities clearly articulated. This dire situation is akin to a pending natural disaster because of our island state being situated in an isolated spot in the middle of the Pacific Ocean. If we find ourselves unable to transport our food in from different locales because of what is happening world-wide with respect to the collapse of the bee industry, how much more intensified will our problems be if our own sustainability efforts are thwarted by the destructive impact of the varroa mite?

The Kauai Bee Association (KBeeA) is in the process of implementing the appropriate process and procedures for the prevention of the varroa mite from coming to Kauai. Having said that, we are also aware that because of what has already happened on the islands of Oahu and Hawaii, we need to seriously consider what management practices may be necessary as well. A meeting has been arranged with representatives from the Hawaii Department of Agriculture (HDOA) to meet with a contingent of officers and members from the Kauai Bee Association to pursue and to actualize specific and definitive processes and procedures that need to be established immediately. This clearly demonstrates how willing we are to work together.

However, raising consciousness and awareness of the threat of the varroa mite is just ONE step. Due diligence in the methodologies adopted based on agreed-upon recommendations provided by those who have the research technology and expertise need to be woven into the tapestry of our collaborative efforts. In this regard, KBeeA has established close ties with members from the faculty and staff of UH Manoa to assist us in our endeavors.

We need financial resources to support us in what we are doing. We need to maintain open lines of communication between the public and private sectors. We need to marshal the media exponents into the public awareness portion of our program. We need to encourage the education system to get involved as well. We are all in this together. What we can accomplish together will determine the success or failure in dealing with the challenges we are mutually facing.

Sincerely,

*Isi Jose Bulatao, Jr.*

Jose Bulatao, Jr.

4614 Kokee Road

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Jose/Mr B



# MISC

## MAUI INVASIVE SPECIES COMMITTEE

Testimony of the Maui Invasive Species Committee  
Supporting H.B. 1684 Relating to Invasive Species  
Before the House Committee on Agriculture and  
House Committee on Energy & Environmental Protection  
Conference Room 325

February 5, 2009, 8:30AM

The Maui Invasive Species Committee (MISC) supports the intent of H.B. 1684. This bill establishes meaningful penalties for the intentional inter-island and intra-island transport of any prohibited or restricted plant, animal or micro-organism without a required permit. Significant penalties will help deter intentional releases of harmful pests in Hawai'i.

Based on MISC's experience working with members of the public, most residents are cooperative and committed to protecting our islands from the scourge of invasive species. Unfortunately, this perspective is not universal and Hawai'i's residents have been forced to bear the costs associated with invasive plants, animals, plant pests, and disease-carrying organisms, some of which have been intentionally introduced to our islands. This bill will help discourage such irresponsible activities. The law as proposed will continue to provide an important amnesty provision to encourage the reporting and relinquishment of illegal animals.

MISC also notes that any enforcement legislation is only as good as the enforcement agency. MISC appreciates and applauds the past and ongoing efforts of the Hawai'i Department of Agriculture (HDOA) to stop the illegal release of plant and animal pests and notes that HDOA must have adequate resources to implement this law so that it presents a meaningful deterrence. MISC also defers to HDOA's expertise in proposed amendments to this bill to reflect the agency's needs.

Please pass H.B. 1684. Thank you for your consideration.

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Email: [misc@hawaii.edu](mailto:misc@hawaii.edu) • Website: <http://www.maulisc.org>



The Nature Conservancy of Hawai'i  
923 Nu'uuanu Avenue  
Honolulu, Hawai'i 96817

Tel (808) 537-4508  
Fax (808) 545-2019

nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 1684 Relating to Invasive Species  
House Committee on Agriculture  
House Committee on Energy & Environmental Protection  
Thursday, February 5, 2009, 8:30am, Rm. 325

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*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 11 nature preserves on O'ahu, 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.*

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The Nature Conservancy of Hawai'i supports H.B. 1684 Relating to Invasive Species.

Invasive insects, diseases, snakes, weeds, and other pests are one of the greatest threats to Hawaii's economy, natural environment, and the health and lifestyle of its people.

The Hawai'i Department of Agriculture (HDOA) is responsible for the inspection of domestic cargo and passengers arriving at Hawaii's ports to protect the state from the introduction of unwanted plant and animal pests and diseases. The HDOA also inspects interisland shipments to prevent movement of pests between islands. Pest risk assessments conducted by the Department at ports of entry across the state have helped the Department identify high-risk pathways for pest introductions and prioritize the allocation of departmental resources. The Department has also developed a multi-faceted Biosecurity Plan to enhance its efforts with more inspectors, more efficient and effective inspection services, joint state-federal inspection facilities, and agreements with importers and producers for improved sanitary protocols before items are shipped to Hawai'i. The financial and personnel support provided by the Legislature has been essential to implementing this plan.

Providing the HDOA with authority to assess significant fines and penalties for the intentional introduction of invasive species provides the appropriate and necessary disincentive for such actions and helps to achieve the goal of enhanced prevention and control of invasive species.

BOARD OF TRUSTEES

S. Haunani Apoliona Peter D. Baldwin Christopher J. Benjamin Zadoc W. Brown, Jr. Carl A. Carlson, Jr. David C. Cole Samuel A. Cooke  
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Bill D. Mills Wayne Minami Michael T. Pfeffer H. Monty Richards Jean E. Rolles Scott Rolles James Romig Eric Yeaman

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February 3, 2009

**TESTIMONY RELATING TO INVASIVE SPECIES  
H.B. 1684**

Dear Representative Clift Tsuji, Chair and Representative Jessica Wooley, Vice Chair, House Committee on Agriculture and Representative Hermina M. Morita, Chair and Representative Denny Coffman, Vice Chair, House Committee on Energy and the Environment:

**Thank you for the opportunity for the Hawaii Forest Industry Association (HFIA) to provide testimony in support of H.B. 1684.**

HFIA recognizes that the spread of invasive species is one of the greatest threats to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people. We support the need for established penalties that control the introduction and spread of pests and support this effort to further protect Hawaii from undesirable species.

HFIA is a non-profit Hawaii organization, incorporated in 1989, which promotes a balance of forest land uses and sound management practices to create and sustain healthy and productive forests in Hawaii. Our industry generates over \$35 million in business for the State, through the products and services of our approximately 200 member companies and individuals.

We have worked closely with many state agencies, including the Hawaii Department of Agriculture (HDOA), the Department of Business and Economic Development and Tourism (DBEDT), the Department of Labor and Industrial Relations (HDLIR), and the Department of Land and Natural Resources' Division of Forestry and Wildlife (DLNR/DOFAW) over the past 20 years to promote, foster, and develop industry standards; initiate forestry research and development; and promote quality control and integrity. We believe forestry can diversify our economy and increase employment while protecting our environment.

Sincerely,

Mike Robinson  
President, HFIA

**EEPttestimony**

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**From:** Erik in Kokee [erik@islandunderground.net]  
**Sent:** Wednesday, February 04, 2009 2:46 PM  
**To:** Jose Bulatao, Jr.; EEPttestimony  
**Cc:** All Reps; All Senators; Governor Linda Lingle; Itgov@hawaii.gov; Congressional Hawaii Team; Bernard Carvalho; Beth Tokioka; Bill "Kaipo" Asing; tbynum@kauai.gov; dickie chang; jfurfaro@kauai.gov; daryl kaneshiro; lani kawahara; derek kawakami  
**Subject:** Re: Submitting Testimony regarding HB1684

**To: Committee on Agriculture (11 members, 11 copies requested)**  
**Committee on Energy & Environmental Protection (13 members, 13 copies requested)**

**From: Kauai Bee Association**  
**Erik Coopersmith, Vice Chair**

I am writing to you today to provide testimony **IN FAVOR of passage of HB 1684.**  
The varroa mite presents an enormous risk to the health of Hawaii's honeybees, and they are already present on Oahu and the Big Island.  
Their entry onto the island of Kauai is simply not an option.  
The Garden Island depends upon our honeybees for pollination of so many of our food crops, native plants, and ornamental plants.

I would like to voice my complete agreement with the testimony below, provided by one of our island's 'Living Treasures', Kupuna Jose Bulatao, Jr.

I consider this situation a true 'Statewide Emergency'; putting serious measures in place to discourage any potential transport of the varroa mite into Hawaii, and specifically onto Kauai, are of vital importance.

Thank you for taking up this serious and under-appreciated situation.

Mahalo, Erik Coopersmith

Erik Coopersmith  
P.O. Box 42  
Waimea, HI 96796  
Phone & Fax: 808-335-0710  
Email: [erik@islandunderground.net](mailto:erik@islandunderground.net)

----- Original Message -----

**From:** Jose Bulatao, Jr.  
**To:** [EEPttestimony@Capitol.hawaii.gov](mailto:EEPttestimony@Capitol.hawaii.gov)  
**Cc:** [reps@Capitol.hawaii.gov](mailto:reps@Capitol.hawaii.gov) ; [sens@Capitol.hawaii.gov](mailto:sens@Capitol.hawaii.gov) ; Governor Linda Lingle ; [Itgov@hawaii.gov](mailto:Itgov@hawaii.gov) ; [Congressional Hawaii Team](#) ; [Bernard Carvalho](#) ; [Beth Tokioka](#) ; [Bill "Kaipo" Asing](#) ; [tbynum@kauai.gov](mailto:tbynum@kauai.gov) ; [dickie chang](#) ; [jfurfaro@kauai.gov](mailto:jfurfaro@kauai.gov) ; [daryl kaneshiro](#) ; [lani kawahara](#) ; [derek kawakami](#)  
**Sent:** Tuesday, February 03, 2009 4:07 PM  
**Subject:** Submitting Testimony regarding HB1684

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From: Kauai Bee Association  
Jose Bulatao, Jr.  
Board Member  
and  
E Ola Mau Na Leo O Kekaha (Forever Live On the Voices of Kekaha)  
Community Organization  
Advisor

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We cannot afford to sit by idly to allow the possibility of the devastating effect of having the bee industry wiped out here in Hawaii. More than producing honey, the natural pollination process that bees provide will determine the productivity of the floral industry and all of the agricultural activity that relies on pollination for the varieties of fruits and vegetables to proliferate.

More so, imagine our backyard mango and citrus trees not bearing fruit. Imagine our plumeria trees and pikake bushes without flowers. Is this because we currently lack efficient methods at our airports and harbors in tracking the ways in which invasive species may come into our island state?

The negative impact on food production capabilities (which is occurring nationwide) will exacerbate the economic crisis a thousandfold.

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Sincerely,  
*Isl Jose Bulatao, Jr.*

Jose Bulatao, Jr.  
4614 Kokee Road  
Kekaha, HI 96752  
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Jose/Mr B

**HB 1684  
RELATING TO INVASIVE SPECIES**

**PAUL T. OSHIRO  
MANAGER – GOVERNMENT RELATIONS  
ALEXANDER & BALDWIN, INC.**

**FEBRUARY 5, 2009**

Chair Tsuji, Chair Morita, and Members of the House Committees on Agriculture and Energy & Environmental Protection:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and Matson Navigation Company, Inc. (a subsidiary of A&B) on HB 1684, "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

In 2008, amendments were enacted to broaden the scope of the invasive species user fee from one that assessed fees only on freight brought into Hawaii by maritime containers to one that assessed fees on all modes by which commercial freight is brought into the State, including air and maritime containerized and non-containerized freight. We understand that this invasive species user fee is intended to fund, amongst other initiatives, the Department of Agriculture's personnel who provide invasive species inspection services for both maritime and air freight entering into the State. We support the present broad based application of the invasive species user fee that requires all shippers to pay for these inspection services through the payment of this fee.

Matson has dedicated a considerable amount of time, effort, and expense to implement the assessment, collection, and disbursement of this new fee by the effective

date of August 1, 2008. We were successful in starting up the collection of this new fee by the effective date and have since been diligently proceeding with its implementation.

This bill establishes criminal penalties on a transportation company that violates statutory provisions relating to procedures and other requirements for the transportation of certain types of freight into the State. We understand that statutory provisions for which criminal penalties could be imposed include the failure by the transportation company to notify the Department of Agriculture of the arrival of certain types of freight, failing to provide required information to the Department on the freight shipment, and for failing to properly label the container within which the freight is shipped. This bill would require the imposition of criminal penalties for a first time violation regardless of whether the infractions were the result of an oversight by the transportation company.

Matson has been handling shipments of plants and animals subject to the provisions of HRS §150-5 mostly without incident during the years that these statutory requirements have been in force. Nevertheless, the procedures often require a considerable amount of paperwork for compliance. While Matson is very much aware of the importance of these statutorily imposed procedural requirements and sets as a priority Matson's compliance with these provisions, we believe that the imposition of criminal penalties for the violation of these provisions may be unduly harsh for these types of administrative violations. We respectfully request that the criminal penalty provisions relating to transportation companies be deleted from this bill and that civil fines continue to be utilized as a means of enforcement for these administrative violations. We have attached amendments to this bill for your consideration.

Thank you for the opportunity to testify.

HB 1684 HD1 (PROPOSED)

RELATING TO INVASIVE SPECIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that the unchecked spread of invasive species is one of the greatest threats to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people. Invasive pests can cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, the spread of disease, and the quarantine of exported agricultural crops.

Despite our ongoing efforts to detect and eradicate invasive species, our fragile island ecosystems are constantly at risk from insects, disease-bearing organisms, weeds, and other invasive pests. The coqui frog, giant salvinia, miconia, ohia rust, nettle caterpillar, and little fire ant are all present in Hawaii, disrupting the delicate balance of our ecosystems, crowding out native species, and reducing the biodiversity of our islands. Other harmful species like the papaya mealybug, erythrina gall wasp, Asian citrus psyllid, and the varroa mite have the potential to devastate Hawaii's environment and agriculture if allowed to become widespread and remain unchecked by natural predators.

The purpose of this Act is to prevent and reduce the intentional introduction and spread of invasive species by establishing severe penalties appropriate to the harm the intentional introduction and spread of pests causes to the economy, natural environment, and the health and lifestyle of Hawaii's people.

SECTION 2. Section 150A-14, Hawaii Revised Statutes, is amended to read as follows:

**"§150A-14 Penalty.** (a) Any person who violates any provision of this chapter other than sections 150A-5, 150A-6(3), and 150A-6(4) or who violates any rule adopted under this chapter other than those rules involving an animal that is prohibited or a plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a misdemeanor and fined not less than \$100. The provisions of section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a second offense committed within five years of a prior offense, the person or organization shall be fined not less than \$500 and not more than \$25,000.

~~[(b) Any person who violates section 150A-5 shall be fined not less than \$100 and not more than \$10,000. For a second violation committed within five years of a prior violation, the person may be fined not less than \$500 and not more than \$25,000.]~~

(b) Any transportation company that violates section 150A-5 shall be [guilty of a petty misdemeanor and] fined not less than \$100. The provisions of section 706-640 notwithstanding, the maximum fine shall be \$10,000. For a second offense committed within five years of a prior offense, the company may be fined not less than \$500 and not more than \$25,000.

(c) Notwithstanding section 706-640:

- (1) Any person or organization that violates section 150A-6(3) or 150A-6(4), or owns or intentionally transports, possesses, harbors, transfers, or causes the importation of any snake or other prohibited animal seized under section 150A-7(b), or whose violation involves an animal that is prohibited or a plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a misdemeanor and subject to a fine of not less than \$5,000, but not more than \$20,000; ~~and~~
- (2) Any person or organization who intentionally transports, harbors, or imports with the intent to propagate, sell, or release any animal that is prohibited or any plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a

class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000[~~-~~]; and

- (3) Any person or organization who intentionally imports, possesses, harbors, transfers, or transports, including the interisland or intrainland movement of any prohibited or restricted plant, animal, or microorganism without a permit, with the intent to propagate, sell, or release that plant, animal, or microorganism, unless otherwise allowed by law, shall be guilty of a class C felony and subject to a fine of not less than \$100,000, but not more than \$400,000.

(d) Whenever a court sentences a person or organization pursuant to subsection (a) or (c) for an offense which has resulted in the escape or establishment of any pest and caused the department to initiate a program to capture, control, or eradicate that pest, the court shall also require that the person or organization pay to the state general fund an amount of money to be determined in the discretion of the court upon advice of the department, based upon the cost of the development and implementation of the program.

(e) The department may, at its discretion, refuse entry, confiscate, or destroy any prohibited articles or restricted articles that are brought into the State without a permit issued by the department, or order the return of any plant, fruit,

vegetable, or any other article infested with pests to its place of origin or otherwise dispose of it or such part thereof as may be necessary to comply with this chapter. Any expense or loss in connection therewith shall be borne by the owner or the owner's agent.

(f) Any person or organization that voluntarily surrenders any prohibited animal or any restricted plant, animal, or microorganism without a permit issued by the department, prior to the initiation of any seizure action by the department, shall be exempt from the penalties of this section.

(g) For purposes of this section "intent to propagate" shall be presumed when the person or organization in question is found to possess, transport, harbor, or import:

- (1) Any two or more animal specimens of the opposite sex that are designated a pest, or are prohibited or restricted, without a permit;
- (2) Any three or more animal specimens of either sex that are designated a pest, or are prohibited or restricted, without a permit;
- (3) Any plant or microorganism having the inherent capability to reproduce that is restricted, without a permit; or
- (4) Any specimen that is in the process of reproduction."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2009.



# Hanalei Watershed Hui

February 4, 2009

**Testimony in strong support: HB 1684**

Committees: AGR-EEP

Room # 325

February 5, 2009; 8:30 am

Aloha Committee members,

The Hanalei Watershed Hui is a Hawaii nonprofit organization engaged in the work of resource restoration and protection. Much of our recent effort has focused on the removal and control of invasive species. The impacts of these invaders are directly responsible for the degradation of our reef ecosystems and fishery stocks.

We strongly support this legislation and urge its passage. Every effort must be made to discourage the movement of invasive species and encourage their control.

Mahalo for your consideration of our testimony.

Me ka pono,

Makaala Kaaumoana

Ē malama kumu wai ~ Protect the source

5299C Kuhio Hwy, P. O. Box 1285, Hanalei, Kaua'i, HI 96714

Telephone/Facsimile (808) 826-1985 E-mail: hanaleiriver@hawaiian.net

www.hanaleiwatershedhui.org

The Hanalei Watershed Hui is an equal opportunity employer and provider.

**EEPtestimony**

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**From:** jtlvmw@lava.net  
**Sent:** Tuesday, February 03, 2009 11:55 PM  
**To:** EEPtestimony  
**Cc:** jtlvmw@lava.net  
**Subject:** testimony in support of HB 1684- regarding invasive species

NOTICE OF HEARING DATE: Thursday, February 05, 2009 8:30 a.m.  
Conference Room 325 State Capitol

Public Testimony in support for HB 1684

RELATING TO INVASIVE SPECIES.

COMMITTEE ON AGRICULTURE  
Rep. Clift Tsuji, Chair  
Rep. Jessica Wooley, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION Rep. Hermina M. Morita, Chair Rep. Denny Coffman, Vice Chair

\*\*\*\*\*

Aloha from the Garden Island,

Mahalo Chair Morita and Chair Tsugi for considering the benefits of HB 1684. As we all are frequently reminded how painfully fragile our natural resource can be it is of great importance to impede, reduce and prevent both the unintentional and intentional spread of invasive species throughout the islands of Hawaii. HB 1684 maybe a valuable vehicle in which to increase penalties for first time and repeat offenders of invasive species introduction and migration.

In addition to what HB 1684 may provide, it may be prudent and wise to consider a companion bill or amendments for funding and allocation of resources for positions in appropriate departments to inspect, enforce and monitor both the unintentional and intentional transportation of invasive species in the islands.

I wish you the best in your discussions and decision making. I hope that HB 1684 will move on to the floor for a vote and be passed out of committee. Mahalo again for considering this testimony and for your support of hawaii's environment.

malama pono,

james g trujillo  
PO BOX 33  
kapa'a, HI  
96746

HB 1684- Prevents and reduces the intentional introduction and spread of invasive species by establishing severe penalties appropriate to the harm caused by the intentional introduction and spread of invasive species to the economy, natural environment, and the health and lifestyle of Hawaii's people.