

Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

Bill No. HB 1928

Support ☒ Y ☐ N

Date 1/25/10

Time 1520

Cat AF AS AX ☒ B ☐ C

Type 1 ☒ 2 ☐ WI

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

January 26, 2010, 8:00 A.M.

(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 1928

Aloha Chair Morita and Committee Members -

The Hawai'i Chapter of the Sierra Club supports HB 1928, which authorizes reasonable steps to ensure comprehensive eradication efforts of invasive species.

Hawai'i is losing the war on invasive species. Some alien species, such as miconia, threaten to destroy watersheds and native ecosystems, jeopardizing freshwater supplies and pushing species to extinction. Other alien species, such as the coqui frog and dengue and its carriers, threaten our health, tourist industry, and our quality of life.

The cost—both economic and environmental—of introduced species in Hawai'i is astronomical. Estimates by one state biologist show that alien pests cost residents and the agriculture industry upwards of \$400 million annually. Hawaii's residents, businesses, and agricultural operations foot this bill. Tourism, agriculture, native species, and citizens' way of life are threatened with each new introduction. Unfortunately, experts tell us the next invasion is not a matter of "if," but rather a matter of "when."

Disturbingly, we've heard stories of a single property owner refusing to engage in eradication efforts of an invasive species (in this case, the coqui), which flouted the efforts of all neighboring property owners. Coqui frogs would simply spread from the noncompliant property, regardless of efforts by everyone else in the neighborhood. Plainly, efforts to eradicate invasive species require immediate action by everyone living near the origin point. This bill is a small step towards comprehensive eradication efforts.

Thank you for the opportunity to testify.



Bill No. HB 1928

Support Y (N)

Date 1/25/10

Time 1627

Cat AF AS AX (B) C

Type 1 (2) WI

Committee: Committee on Energy and Environmental Protection
Hearing Date/Time: Tuesday, January 26, 2010, 8:00 a.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1928 Relating to Invasive Species

Dear Chair Morita and Members of the Committee on Energy and Environmental Protection:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 1928, which seeks to authorize owners of adjacent property to enter private property to remove invasive species.

While we understand that invasive species are proliferating and causing numerous problems in Hawaii, this bill is unnecessary in that we already have an experienced Hawaii Invasive Species Council and a Department of Land and Natural Resources to control invasive species on private property. Expanding this law to "deputize" adjacent property owners to enforce the law will needlessly erode private property rights and make every person's backyard subject to their neighbor's entry. Given that the Hawaii Invasive Species Council lists over 45 "high-profile" invasive species on their website (www.hawaiiinvasivespecies.org/pests/index.html), including algae, strawberry guava, coqui, and miconia, and twice as many are listed on their invasive species list (www.hawaiiinvasivespecies.org/hisc/pdfs/hiscinvasivespecieslist.pdf), every private property owner in Hawaii could see her or his property rights reduced.

Deputizing adjacent property owners and giving them warrants to enter their neighbors' property will invite a host of problems for the State. For example, the State may be found liable for the destructive actions of these adjacent property owners when they enter their neighbor's private property and – without proper training or supervision – attempt to control and/or eradicate the invasive species.

The ACLU of Hawaii respectfully urges this Committee to defer this bill.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

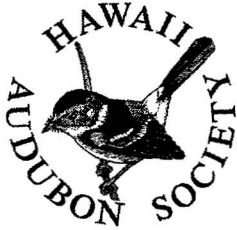
Hon. Rep. Morita, Chair, EEP Committee
and Members Thereof
January 26, 2010
Page 2 of 2

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



For the Protection of Hawaii's Native Wildlife
HAWAII AUDUBON SOCIETY

850 Richards Street, Suite 505, Honolulu, HI 96813-4709
Phone/Fax: (808) 528-1432; hiaudsoc@pixi.com
www.hawaii-audubon.com

Bill No. 1928
Support ☒ Y ☐ N
Date 1/25
Time 1726
Cat AF AS AX ☒ B C
Type 1 ☒ 2 ☐ W

January 25, 2010

House Committee on Energy & Environmental Protection
Rep. Hermina Morita, Chair & Rep. Denny Coffman, Vice Chair

Hearing: Tuesday, January 26, 2010; 8:00 A.M., Conference Rm. 325

Re: HB 1928

Testimony in Support

Chair Morita, Vice Chair Coffman, and members of the Committee. The Hawai'i Audubon Society was founded in 1939, and it is Hawai'i oldest conservation organization. The primary mission of the Society is to foster community values that result in the protection and restoration of native ecosystems and conservation of natural resources through education, science and advocacy. The Society strongly supports measures that protect our ecosystems from invasive species. Once established, invasive animals and plants crowd out endemic (native) native species. The sad fact is that Hawai'i has the highest number of listed threatened and endangered species in the nation. There are 394 threatened and endangered species in the State of Hawai'i, of which 294 are plants. Invasive plants have led to the extinction of 55 species of plants in the State with another 42 possibly extinct. This extinction, along with the introduction of non-endemic animals has lead to the extinction 24 bird species and is endangering another 32.

The key to controlling invasive species is prevention. However once detected robust eradication efforts should undertaking to eradicate the species, and should include entry onto adjacent land and property if entry is refused. The Hawai'i Audubon Society believes that providing designated state agencies with the authority to enter adjoining property if entry has been refused is an appropriate and necessary measure.

We urge the committee to move HB1928 onto the Judiciary Committee.

We appreciate the opportunity to offer testify here today.

Sincerely,

George Massengale, JD
Legislative Analyst

Cyndi Apana

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 25, 2010 5:47 PM
To: EEPtestimony
Cc: selkie@hawaii.rr.com
Subject: Testimony for HB1928 on 1/26/2010 8:00:00 AM

Bill No. HB 1928

Support Y (N)

Date 1/25/10

Time 1747

Cat AF AS AX (B)C

Type 1 (2) WI

Testimony for EEP 1/26/2010 8:00:00 AM HB1928

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Cathy Goeggel
Organization: Animal Rights Hawai'i
Address: PO Box 10845 Honolulu, HI 06816
Phone: 721.4211
E-mail: selkie@hawaii.rr.com
Submitted on: 1/25/2010

Comments:

ANIMAL RIGHTS HAWAII'I PO BOX 10845 HONOLULU, HI 96816 808.941.9476
ANIMALRIGHTSHAWAII.COM

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION Rep. Hermina M. Morita, Chair Rep. Denny Coffman, Vice Chair Tuesday, January 26, 2010 8:00a.m. Conference Room 325 State Capitol 415 South Beretania Street

POSITION: OPPOSE

Date 1/23/10

CHAIR MORITA AND MEMBERS OF THE COMMITTEE:

On Behalf of the members of Animal Rights Hawai'i, I urge you to kill this toxic bill. Are we, through the legislature going to legalize the ability of people to enter neighbors' property to remove/kill so called invasive /alien/nonnative species.

This bill, if passed, would open the State to litigation from citizens who do not want their neighbors to invade their property for frivolous reasons.

Are we to sanction a new generation of Hitler Youth who would spy on their neighbors to report a bulbul in Mr. Chun's yard or a coqui frog in Mrs. Akana's garden?

Mahalo,

Cathy Goeggel President



THE HUMANE SOCIETY
OF THE UNITED STATES

TO: Honorable Chair Morita, Vice-Chair Coffman

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

DATE: Tuesday, January 26, 2010, 8:00am

RE: Testimony in OPPOSITION to HB 1928; Invasive Species; Removal

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

Dear Chair Morita, Vice-Chair Coffman and Committee Members,

On behalf of our more than 47,700 members and supporters in Hawaii, The Humane Society of the United States **STRONGLY OPPOSES HB 1928**; relating to the removal of invasive species.

While much of our work at the state, national and international level involves the protection of threatened and endangered species, including tremendous efforts to reduce and/or eliminate the introduction of new invasive and exotic species, we do not believe the proposed bill would in any way better protect our fragile environment or truly reduce the impact of invasive species. Furthermore, we have the below concerns;

- The majority of citizens do not know what particular species are legally and officially designated as "invasive"; decisions to control and/or eradicate invasive species on private property should be handled by trained, professional wildlife and humane animal control experts.
- Our utmost concern is for the humane and effective control of invasive animal species. This bill provides no reference as to what process or methods of control or eradication would be allowed. Inhumane or cruel methods used to eradicate such species may in fact be in violation of multiple, existing animal cruelty and protection laws.
- This bill would essentially allow adjoining property owners to violate private property laws and gain trespass when they believe a species may be invasive.
- Limited and critical law enforcement resources should instead be directed at criminal or other violations, not the removal or oversight of removal of invasive species on private property unless there is an animal cruelty or other criminal or civil violation.
- HRS 520A already limits landowner liability for access to control invasive species on their property.

Thank you for your consideration of this testimony. We again urge your opposition to HB 1928.

Bill No. 1928

Support Y ☒ N

Date 1/25

Time 1808

Cat AF AS AX B ☒ C

Type 1 ☒ 2 WI