

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
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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 JUDICIARY & LABOR**

**MARCH 29, 2017  
9:30 A.M.  
CONFERENCE ROOM 016**

**HOUSE BILL NO. 606 HD2 SD1  
RELATING TO COUNTY ACCESS TO PRIVATE PROPERTY**

Chairperson Keith-Agaran and Members of the Committee:

Thank you for the opportunity to testify on House Bill 606 HD2 SD1, which allows for additional enforcement and regulatory action to address invasive pest species issues. The Department supports the intent of this bill.

The Department works closely with each island invasive species committee (ISC), often to address early post-entry invasive pest establishment. In working with the island invasive species committees, it is critically important to address a new invasive pest species as soon as it is detected. If the intent of this bill is to empower county ISCs, then the measure improves the odds of successful eradication of an invasive pest by leveraging enforcement resources. Recent serious invasive pest species outbreaks such as the little fire ant and coqui frog are excellent examples how the Department and the island invasive species committees can move quickly to eliminate newly established invasive pests as long as access to private property is secured.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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  
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CONSERVATION AND COASTAL LANDS  
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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 Senate Committee on  
JUDICIARY AND LABOR**

**Wednesday, March 29, 2017  
9:30 AM**

**State Capitol, Conference Room 016**

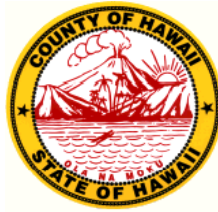
**In consideration of  
HOUSE BILL 606, HOUSE DRAFT 2, SENATE DRAFT 1  
RELATING TO COUNTY ACCESS TO PRIVATE PROPERTY**

House Bill 606, House Draft 2, Senate Draft 1 proposes to authorize counties to enter private property for invasive species control. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department manages and is the administrative host of the Hawaii Invasive Species Council (HISC). The HISC is in the process of developing administrative rules to formally designate invasive species for eradication or control, pursuant to Section 194-5, Hawaii Revised Statutes (HRS). The ability of county governments to enter property to control invasive species pursuant to Section 194-5, HRS, or agricultural pests pursuant to Section 141-3.6, HRS, would assist in timely, thorough implementation of invasive species control efforts.

Thank you for the opportunity to comment on this measure

**Harry Kim**  
Mayor



**Wil Okabe**  
Managing Director

**Barbara J. Kossow**  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553  
KONA: 74-5044 Ane Keohokalole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740  
(808) 323-4444 • Fax (808) 323-4440

Dear Chair Keith-Agaran and members:

Re: HB 606, HD2, SD1 Access to deal with invasives

Thank you for this opportunity to testify in support of HB 606, HD2, SD1.

The Council of Mayors has identified invasive species as a top-priority issue that deserves your attention. Even our best efforts are often inadequate to protect our islands from harmful pests, and limited resources make it imperative that we work together in pursuing solutions to what often seem intractable problems.

HB 606, HD2, SD1 would put the counties in a better position to fight against invasives. As the Mayor of Maui said in a prior hearing, it would give us a much-needed tool to supplement the ongoing efforts of State agencies and private organizations.

Staff has raised one question—if there is an emergency that warrants access in less than five days, is there a mechanism to address that? If not, could that issue also be addressed in HB 606?

Other than possibly also dealing with such an emergency (if the Committee thinks that is appropriate), we ask that HB 606, HD2, SD1 be approved.

Respectfully submitted,

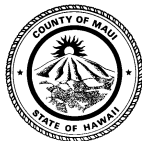
Harry Kim  
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County of Hawaii

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Councilmembers  
Alika Atay  
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Riki Hokama  
Kelly T. King  
Yuki Lei K. Sugimura



Director of Council Services  
Sandy K. Baz

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
www.MauiCounty.us

March 27, 2017

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
Senate Committee on Judiciary and Labor

FROM: Mike White  
Council Chair

A handwritten signature in black ink, appearing to read "Mike White".

SUBJECT: **HEARING OF MARCH 29, 2017; TESTIMONY IN SUPPORT OF HB 606, HD 2, SD1, RELATING TO COUNTY ACCESS TO PRIVATE PROPERTY**

Thank you for the opportunity to testify in **support** of this measure. The purpose of this measure is to authorize counties to enter private property to control or eradicate invasive species and pests.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. Environmental protection through the eradication of invasive species is a statewide and intergovernmental effort. The County of Maui understands this partnership and works closely with agencies such as the Maui Invasive Species Committee (MISC) in the fight against invasive threats to our endangered species, native plants, fragile ecosystems and overall quality of life.
2. Currently, MISC's ability to implement its programs are hampered by their inability to access private property where invasive species are reported. This measure would solve this ongoing issue by allowing counties and its authorized agents, following necessary notice requirements, to enter private property for eradication efforts.
3. This tool is critical for counties to be true partners in the fight against invasive species and fulfilling the broader goal of preserving the environment for future generations.

Mahalo for your consideration. For the foregoing reasons, I **support** this measure.

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**THE HUMANE SOCIETY**  
OF THE UNITED STATES

**To:** Chair Keith-Agaran, Senate Committee on Judiciary and Labor members

**Regarding:** HB 606 HD2, SD1

**Date:** March 29, 2017 9:30 a.m.

**Testimony By:** Keith Dane, Hawaii Policy Advisor, The Humane Society of the United States

The Humane Society of the United States (HSUS), the nation's largest animal protection organization, works to protect all animals, including both wildlife and cats. The domestic cat is often included with non-indigenous invasive species by conservationists looking to mitigate threats to native wildlife species. The Hawaii Invasive Species Council lists *felis cactus*, the domestic cat, under examples of invasive species in Hawaii. We are concerned that bills aimed to better equip agencies and county governments to control invasive species will, whether intentionally or unintentionally, extend their reach to domestic cats.

Given that housecats, indoor/outdoor pet cats, free-roaming lost and stray cats, and unowned feral cats are all the same species, enabling domestic cats to be classified as invasive species alongside fire ants and coconut rhinoceros beetles is overly broad and can lead to conflicts with existing anti-cruelty laws that apply to domestic cats, which are defined as "pet animals" in §711-1100 of Title 37, Hawaii's Penal Code. Moreover, including domestic cats in programs that allow for the eradication of this popular pet, does not sit well with the public.

House Bill 606 HD2 expands the ability of government agents and individual counties to control and eradicate invasive species by allowing entry on to private property in order to carry out those actions. Clearly it is not the legislature's intent to allow government agents to remove or cause harm to a resident's cat in their own backyard.



We respectfully ask that HB 606 HD2 be amended to exempt "pet animals" to provide public confidence in that intent.


The HSUS understands that managing community (feral and stray) cats is a complex issue that concerns many legislators and agencies mandated to serve and protect the public. We share common ground with conservationists and animal welfare advocates as our ultimate goal is no unowned, and many fewer owned, cats outdoors, leading to much less risk to the cats themselves, reduced predation of birds and wildlife, the elimination of potential public health concerns and nuisance-related issues.

We recognize that there is an urgent need for practical and effective solutions to the challenges associated with the presence of cats outdoors. However, there is no one-size-fits-all solution to managing cats in the environment; with determination, innovation, and collaboration, we can implement and sustain effective programs to humanely resolve human-cat-wildlife conflicts. That means including animal care and sheltering professionals as well as wildlife professionals in the crafting of a plan. Animal welfare organizations invest significant resources and energy each year on cat rescue, sheltering, adoption, and other protection measures. We encourage the legislature to support collaboration and problem solving among stakeholders rather than provide blanket authority over domestic cats to those empowered to eradicate invasive species in Hawaii.

Keith Dane  
301-312-1489



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 | 1259 A'ala Street, Suite 300  
Honolulu, HI 96817

March 29, 2017

**The Honorable Gilbert S.C. Keith-Agaran, Chair**  
Senate Committee on Judiciary and Labor  
State Capitol, Room 016  
Honolulu, Hawaii 96813

**RE: H.B. 606, H.D.2, S.D.1, Relating to County Access to Private Property**

**HEARING: Friday, March 17, 2017, at 1:30 p.m.**

Aloha Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee,

I am Myoung Oh, Director of Government Affairs, submitting written testimony on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 9,200 members. HAR **supports** H.B. 606, H.D.2, S.D.1 which authorizes the counties to enter private property to control or eradicate invasive species and pests.

REALTORS® are vitally concerned about issues that affect the value of real property and the quality of life in our State. The introduction and infestation of detrimental invasive species is a growing concern that is increasingly impacting the very way of life for our friends and families in our communities. HAR would support efforts to empower the Counties to join the effort to eliminate this threat.

According to the recently released Hawai'i Interagency Biosecurity Plan (2017-2027), Hawaii's ever increasing interconnectedness with the rest of the world has led to an onslaught of exotic species from around the world arriving in our harbors and airports and ultimately becoming established here.


The plan suggests that 10 percent of those invading species will prove to be harmful to our economy, our environment, and our very way of life. Seriously dangerous species like the Little Fire Ant (LFA) have established themselves in various locations in the State, and particularly on Hawai'i Island. From there, the State has continued to allow the shipment of material infested with LFA to other islands, spreading this potential environment disaster farther.


The Maui Invasive Species Committee (MISC) is estimating that Maui will experience the same level of LFA and coqui frog infestation that is now prevalent in the Hilo and Puna Districts of the Big Island in the next 10 years if governmental agencies do not take a more proactive stance. The Biosecurity plan essentially says the same thing.


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A key part of the eradication effort is the need to address infestations wherever they occur. One major problem is that certain recalcitrant property owners refuse to manage the invasive species on their property and refuse access to State agents to do the work for them. The species then spread to surrounding properties making eradication impossible.

Currently, to enter such properties requires the active involvement of the State Attorney General's office, which does not have a full-time presence on the Neighbor Islands. If the Counties participate in this effort, then the Counties' attorneys can obtain the necessary warrants to enter private property.

HAR feels the current plan for managing detrimental invasive species is not working. Laws that must be amended to correct this situation and give our local communities a better chance at addressing this problem, including Chapter 46, which gives the Counties their powers, and Chapter 194 which makes the State Department of Agriculture the agency responsible for this function.

Mahalo for the opportunity to submit written testimony.





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March 29, 2017

HEARING BEFORE THE  
SENATE COMMITTEE ON JUDICIARY

**TESTIMONY ON HB 606, HD2, SD1**  
RELATING TO COUNTY ACCESS TO PRIVATE PROPERTY

Room 016  
9:30 AM

Aloha Chair Keith-Agaran, Vice Chairs Rhoads, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

Hawaii Farm Bureau **strongly support HB 606, HD2, SD1**, which authorizes the counties to enter private property to control or eradicate invasive species and pests.

Invasive Species control is everyone's business. Partnerships are important to achieve timely management of the invasive pests. This measure provides this collaborative opportunity.

HFB respectfully requests your strong support of this measure. Thank you for this opportunity to provide comment on this important subject.



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [nredfeather@kohalacenter.org](mailto:nredfeather@kohalacenter.org)  
**Subject:** Submitted testimony for HB606 on Mar 29, 2017 09:30AM  
**Date:** Friday, March 24, 2017 2:39:45 PM

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**HB606**

Submitted on: 3/24/2017

Testimony for JDL on Mar 29, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Redfeather	Hawaii Island School Garden Network	Comments Only	No

Comments: This Bill will be absolutely essential in the fight against invasive species that are degrading our life here on Hawaii Island. Not all people are supportive of treatment for them, and this can impact wide areas. That is how we got the coqui in Kona, ONE property owner thought they were charming. The state did this with Bunchy Top and it was very effective in Kona. Mahalo!

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To: [JDLTestimony](#)  
Cc: [littlefireanthui@gmail.com](mailto:littlefireanthui@gmail.com)  
Subject: Submitted testimony for HB606 on Mar 29, 2017 09:30AM  
Date: Monday, March 27, 2017 4:28:14 PM

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## **HB606**

Submitted on: 3/27/2017

Testimony for JDL on Mar 29, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carolyn Dillon	Little Fire Ant HUI	Support	No

Comments: Little Fire Ant HUI supports HB606 HD2 authorizing counties access to private property for the purpose of eradicating or controlling invasive species. Governor Ige has stated "Invasive Species is one of the greatest threats to Hawaii's agriculture, environment, economy and way of life," and has signed the Hawaii Interagency Biosecurity Plan as part of his Sustainable Hawaii Initiative. Passage of HB606 HD2 is a necessary mechanism in order to accomplish the Governor's mandate. This Bill does not require funding and will have a large and lasting positive impact for generations to come. Many Hawaii state agencies, environmental non-profits, county mayors, and citizens with first-hand accounts of "problem lots" have asked that this Bill be passed to provide an essential tool in the effective management of invasive species. HB606 HD2 will also save the state a ton of money. From a risk management point of view the state cannot afford to NOT pass this Bill. Every year that we delay in containing invasive species the costs mount, our goal of sustainability is further challenged, and the many forms of damage multiply. The financial projection is staggering: a study in the March 2015 journal of Ecological Economics found that the economic cost could top \$6 billion over the next 35 years — for the Big Island alone — if the little fire ant spread is left unchecked, which it currently is. This forecast model does not even include any of the other invasive species or counties. Expensive and time consuming setbacks to mitigation efforts are already occurring with frequency due to recalcitrant lot owners' infestations continuing to repopulate adjoining lots where others have actively pursued mitigation. It's hard to make headway in these situations. We must contain these know invasive species, and provide the means to eradicate new arrivals swiftly, before the economic costs and impacts escalate further. Otherwise the means for control becomes even more problematic for our state. Passage of HB606 HD2 is paramount to this effort. If not now, when? Time is of the essence.

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**Subject:** \*Submitted testimony for HB606 on Mar 29, 2017 09:30AM\*  
**Date:** Tuesday, March 28, 2017 10:27:18 AM

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**HB606**

Submitted on: 3/28/2017

Testimony for JDL on Mar 29, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Council Woman Sue Lee Loy	Individual	Support	No

Comments:

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**Cc:** [yukilei.sugimura@mauicounty.us](mailto:yukilei.sugimura@mauicounty.us)  
**Subject:** \*Submitted testimony for HB606 on Mar 29, 2017 09:30AM\*  
**Date:** Tuesday, March 28, 2017 8:12:04 AM

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**HB606**

Submitted on: 3/28/2017

Testimony for JDL on Mar 29, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Councilmember Yuki Lei Sugimura	Individual	Support	No

Comments:

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**Date:** Tuesday, March 28, 2017 9:24:54 AM

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**HB606**

Submitted on: 3/28/2017

Testimony for JDL on Mar 29, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann Kobsa	Individual	Support	No

Comments: Aloha Kakou, Mahalo for the opportunity to weigh in on this important legislation. I am writing to strongly support HB 606. I have been battling invasive species in Hawaii for nearly 2 decades, starting with miconia, albizia, waiawi and other weed trees, then coqui frogs, mangroves, and little fire ants. There has always been a problem with property owners, often absentee, doing nothing about their invasive species. This creates a reservoir that is continually re-infesting any adjacent area that is cleaned up. This has been a major obstacle recently in dealing with little fire ants. Allowing the counties to step in to help in these situations will make all the difference to eradication. Mahalo nui loa for taking this crucial step to help control invasive species and protect our native ecosystems and quality of life here.  
Respectfully Yours, Ann Kobsa, Invasive Species Coordinator, Malama O Puna

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**Subject:** Submitted testimony for HB606 on Mar 29, 2017 09:30AM  
**Date:** Friday, March 24, 2017 4:33:58 PM

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**HB606**

Submitted on: 3/24/2017

Testimony for JDL on Mar 29, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dennis Klimke	Individual	Comments Only	No

Comments: I have been involved with LFA eradication for two years. We have partnered with the Hawaii Ant Lab and BIICC. We still have a few outliers in treatment in an approximate 40 acre area. Do to their non participation they create a problem for everyone, that still has to treat and test and establish barriers to deal with their no treatment. This bill would eliminate the problem and take care to the 10% outliers

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**To:** [JDLTestimony](#)  
**Cc:** [robert.carroll@mauicounty.us](mailto:robert.carroll@mauicounty.us)  
**Subject:** Submitted testimony for HB606 on Mar 29, 2017 09:30AM  
**Date:** Tuesday, March 28, 2017 2:56:23 PM

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**HB606**

Submitted on: 3/28/2017

Testimony for JDL on Mar 29, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
robert carroll	Individual	Support	No

Comments: Thank you for allowing me to testify in SUPPORT of HB606 HD2, SD1 RELATING TO COUNTY ACCESS TO PRIVATE PROPERTY for the reasons cited in testimony provided by Maui County Chair Mike White.

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