

DAVID Y. IGE
GOVERNOR OF
HAWAII



**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 1, 2017
9:15 AM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 637, SENATE DRAFT 1
RELATING TO COUNTY ACCESS TO PRIVATE PROPERTY**

Senate Bill 637, 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. If county agencies are not allowed to enter private property for invasive species control, that property may become a safe-haven for an invasive species if the owner does not take the initiative to control that species on their own. This may result in a harmful species becoming established when it could have been eradicated.

Thank you for the opportunity to comment on this measure.

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

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 JUDICIARY & LABOR

**MARCH 1, 2017
9:15 A.M.
CONFERENCE ROOM 016**

**SENATE BILL NO. 637 SD1
RELATING TO COUNTY ACCESS TO PRIVATE PROPERTY**

Chairperson Keith-Agaran and Members of the Committee:

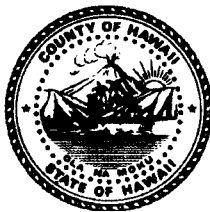
Thank you for the opportunity to testify on Senate Bill 637 SD1, which allows for additional enforcement and regulatory action to address invasive pest species issues. The Department supports the intent of this bill.

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.



Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

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February 27, 2017

Senator Gilbert S.C. Keith-Agaran
Senate Committee on Judiciary and Labor
Hawai'i State Capitol
Honolulu, HI 96813

Dear Chair Keith-Agaran and Members:

RE: **SB637, SD1**
Relating to County Access to Private Property

Thank you for this opportunity to testify in support of SB637, SD1.

The Council of Mayors has identified invasive species as a top-priority issue that deserves our 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.

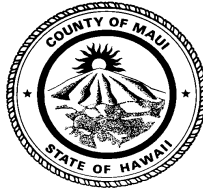
SB 637, SD1 would put the counties in a better position to fight against invasives. As the Mayor of Maui said in a prior hearing, it would give us a much-needed tool to supplement the ongoing efforts of State agencies and private organizations.

We ask that SB 637, SD1 be approved.

Respectfully submitted,

Harry Kim
Mayor

ALAN M. ARAKAWA
MAYOR



200 South High Street
Wailuku, Maui, Hawai'i 96793-2155
Telephone (808) 270-7855
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E-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR
Ke`ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

February 27, 2017

TESTIMONY OF ALAN M ARAKAWA
MAYOR
COUNTY OF MAUI

BEFORE THE SENATE COMMITTEE ON JUDICIARY AND LABOR

Wednesday, March 1, 2017, 1:15 p.m.
Conference Room 016

SB637 SD1 RELATING TO COUNTY ACCESS TO PRIVATE PROPERTY.

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Honorable Members of the Senate Committee on Judiciary and Labor

Thank you for this opportunity to testify in **SUPPORT** of SB637 SD1.

This bill will provide the counties a clear tool that is not currently available to us – the authority to enter private property, with the proper court authorization, in order to eradicate invasive species that could be harmful to public health and safety.

Maui County is currently fighting to stave off an infestation of many invasive species. Some of which include: Little Fire Ants (LFA), Coqui Frogs and Coffee Bean Borer beetle (CBB).

LFA has proven to be a threat to public health and safety. The Maui Invasive Species Committee (MISC) and the Hawaii Ant Lab (HAL) has had several property owners or lessees block access to their properties when they tried to address LFA eradication. The state department of Agriculture was able to obtain a court order, eventually, that allowed MISC and HAL to do their assigned duties. However, this is only one instance of many that are currently being faced by these agencies. There are people in Haiku and Nahiku still blocking access to their property to fight LFA and coqui frogs. We are currently getting CBB infestations in the Hana area and already getting resistance from one property owner. The DOA does not have the manpower or resources to get court orders to help these agencies work on the eradication of these pests on a timely basis.



I firmly believe that the counties can be effective where the DOA is not able to be due to their restrictions.


Therefore, I strongly urge the passage of this bill.

Sincerely,

Alan M. Arakawa
Mayor, County of Maui



 | 808-733-7060
 | 808-737-4977

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

March 1, 2017

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

RE: S.B. 637, S.D.1, Relating to County Access to Private Property

HEARING: Wednesday, March 1, 2017, at 9:15 a.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** S.B. 637, S.D.1 which authorizes the counties through their employees or authorized agents 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 Hawaii 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 Hawaii 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





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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. 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 on this measure.



From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: dale@hicattle.org
Subject: *Submitted testimony for SB637 on Mar 1, 2017 09:15AM*
Date: Monday, February 27, 2017 3:58:18 PM

SB637

Submitted on: 2/27/2017

Testimony for JDL on Mar 1, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dale Sandlin	Hawaii Cattlemens Council	Support	No

Comments:

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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**Testimony before the
Senate Committee on Judiciary and Labor**

**by
The Hawaiian Electric Companies**

**Wednesday, March 1, 2017
9:15 a.m., Conference Room 016**

Senate Bill 637, SD 1 –Relating to County Access to Private Property

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

The Hawaiian Electric Companies are submitting this written testimony in strong support of SB 637, SD 1.

SB 637, SD 1 gives authority to each county through its employees or authorized agents to enter private property within the respective county to control or eradicate pests and invasive species. The Hawaiian Electric Companies support the bill for the following reasons:

- Albizia trees are a hazard to public safety and critical infrastructure.
- Stands of brittle, invasive Albizia trees up to 250 feet tall grow on many public and private properties. Tropical Storm Iselle brought down many Albizia trees, blocked roadways, and caused millions of dollars in damage to homes and important electric utility lines. Broken tree trunks continue to send out new growth creating even more unstable conditions, while seedlings are rapidly germinating in disturbed areas.
- There are many landowners that either refuse or fail to respond to repeated notices to control or eradicate invasive species on their property.
- The County's ability to enter private property in order to control or eradicate invasive species like the albizia tree, is essential to mitigating issues and ensuring that Hawai'i's public safety and critical infrastructure needs are met.

Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB637 on Mar 1, 2017 09:15AM
Date: Thursday, February 23, 2017 9:58:38 PM

SB637

Submitted on: 2/23/2017

Testimony for JDL on Mar 1, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Christin Matsushige	Individual	Comments Only	No

Comments: For the purpose of this measure, please consider amending to exclude dogs and cats from overly broad definition of invasive species. Thank you, Christin Matsushige

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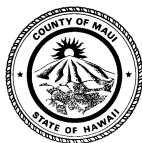
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Mike White

Vice-Chair
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Elle Cochran
Don S. Guzman
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

February 27, 2017

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

FROM: Mike White
Council Chair

Handwritten signature of Mike White in black ink.

SUBJECT: **HEARING OF MARCH 1, 2017; TESTIMONY IN SUPPORT OF SB 637,
SD 1 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 in the preservation of the environment for future generations. This measure will help avoid costly and burdensome options, such as utilizing the court system to secure warrants to gain property access.

Mahalo for your consideration.

For the foregoing reasons, I **support** this measure.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB637 on Mar 1, 2017 09:15AM
Date: Tuesday, February 28, 2017 11:21:52 AM

SB637

Submitted on: 2/28/2017

Testimony for JDL on Mar 1, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
robert carroll	Individual	Support	No

Comments: I support this measure for reasons cited in testimony provided by Maui County Council Chair Mike White.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB637 on Mar 1, 2017 09:15AM*
Date: Friday, February 24, 2017 8:57:05 AM

SB637

Submitted on: 2/24/2017

Testimony for JDL on Mar 1, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB637 on Mar 1, 2017 09:15AM*
Date: Tuesday, February 28, 2017 8:57:03 AM

SB637

Submitted on: 2/28/2017

Testimony for JDL on Mar 1, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Yuki Lei Sugimura	Individual	Support	No

Comments:

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