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HAWAII



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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 House Committees on
ENERGY & ENVIRONMENTAL PROTECTION
and
WATER & LAND**

**Thursday, February 16, 2017
11:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 172
RELATING TO PRIVATE PROPERTY**

House Bill 172 proposes to authorize a property owner or agent to enter adjacent property under certain conditions to control *Albizia* trees. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

Due to their extreme height and brittle branches, *Albizia* trees pose a threat not only to properties on which they are rooted, but on adjacent properties where branches and other debris may fall during high wind events. The Department recognizes that the ability of landowners to control *Albizia* on adjacent properties may decrease health and safety risks associated with this species.

The Department suggests that the term "eradicate" be replaced with the term "control," as "eradicate" denotes the complete and total removal of a species from a given geographical region, and is typically used in Hawai'i to refer to island-wide or statewide removal. The actions described in this measure are specific to property boundaries, and the term "control" is more appropriate.

The Department further suggests that health and safety concerns be addressed in the measure through the following amendment to proposed language for §708- (a)(1) found on page 2, line 14:

- (1) Reasonably believes **Has consulted with a certified arborist to confirm** that the albizia trees on the adjacent property:
- (A) Create a condition that could become hazardous to the entering owner's property or persons thereupon if left untreated;
- (B) May be felled and removed or otherwise treated according to current established methods **that minimize risk to human health and safety, and** without damaging any structure, utility pole, or utility line;
- and

The Department notes that it may be beneficial to address in the measure issues of liability for any injuries or damages resulting from the removal of an *Albizia* tree.

Thank you for the opportunity to comment on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 9:43 AM
To: EEPtestimony
Cc: bruce@nanawalecommunity.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce K. Kuamo'o	Nanawale Community Association Ltd.	Support	No

Comments: Aloha, I am the Gen. Man. at the Nanawale Assn. for the past 8 years. There are so many unattended lots w/albizia trees here. This would greatly help with our problem. We saw what Iselle did and now albizia are growing back 10x fold! We have held multiple workshops and clean up as a Community and w/BIISC. This is another way to be proactive in the prevention of dangerous life and property situations. Mahalo for the consideration!

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 3:10 PM
To: EEPtestimony
Cc: miminotchew@gmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
bernadette sabth	polestar gardens	Support	No

Comments: I am a resident of the Puna district and participated in a 3 week clean-up after hurricane Iniki. Some families in our local area were stranded because of the downed albizias for over a week. We spent our own dime on gas and diesel to help restore the road where many residents live. It pains me to see more baby weed trees sprouting up as rapidly as there are. More efforts need to be taken to improve the safety of access roads after big storms. With global warming on the uprise, AND with the decreasing funding of programs supporting climate warning systems by this present administration in office, we need to do all we can as the storms can only increase in intensity as time goes on. Thank you for your consideration of this bill and for your service.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 1:49 AM
To: EEPtestimony
Cc: hazenkomraus@hotmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hazen komraus	Kalapana Seaview Estates Community Association	Support	No

Comments: As a resident, owner, and volunteer in Puna and a citizen of Hawaii i have seen the horrible threat of albizia to our safety and economy. So frequently absentee owners do not treat their lots leaving towering trees to seed and threaten adjacent lots. Like vaccines, treatment needs to be consistent to be effective. I highly endorse this excellent bill. As the President of our community association i can attest to the cost of contacting absentee owners who do not respond. Countless amounts of money and labor are wasted on these few lots. Property values decline, taxes decline.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 5:15 PM
To: EEPtestimony
Cc: sylviadolena@yahoo.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Dolena	Pele Lani Farm LLC	Support	No

Comments: Heavy damage on my farm from albezas along the property line from the ocean side falling on my to my farm. I would love to have them cut down.

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**Testimony before the House Committee on Energy & Environmental Protection and
House Committee on Water & Land**

**by
The Hawaiian Electric Companies**

**Thursday, February 16, 2017
11:00 a.m., Conference Room 325**

House Bill 172 – Relating to Private Property

Chairs Lee and Yamane, and Members of the Committees:

The Hawaiian Electric Companies are submitting this written testimony in support of HB 172.

HB 172 authorizes a property owner or agent to enter adjacent property under certain conditions to eradicate albizia trees before they come hazardous. HB 172 further provides defense to criminal prosecution. 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.
- Albizia trees located on private properties often create hazardous conditions for adjacent properties.
- The ability for an owner to enter an adjacent vacant property to eradicate albizia trees after attempting to contact the owner of said property is essential to stopping the hazards caused by Albizia trees, and ensures 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
Sent: Tuesday, February 14, 2017 6:21 PM
To: EEPtestimony
Cc: ludothered@gmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Walsh	Individual	Comments Only	No

Comments: I have recently purchased property in Hawaiian Acres. The property next to mine, which is currently owned by an out-of-state landowner, contains two Albizia trees that overhang my property. The owner is unwilling to address the issue, and I understand why. It would be expensive for her to hire a contractor to eradicate these trees, and it does not directly affect her. I can solve the problem with an ax and a bit of well-placed herbicide. Don't make me a criminal for solving a serious problem most expediently.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 2:45 PM
To: EEPtestimony
Cc: t.grove@yahoo.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tracey A Grove	Individual	Support	No

Comments: These trees are a danger to both people & their property! Irresponsible land owners should not be able to prevent removal of these trees.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 2:26 PM
To: EEPtestimony
Cc: grayboy24@aol.com
Subject: *Submitted testimony for HB172 on Feb 16, 2017 11:00AM*

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Takayama	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 1:07 PM
To: EEPtestimony
Cc: timosull@gmail.com
Subject: *Submitted testimony for HB172 on Feb 16, 2017 11:00AM*

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Timothy Sullivan	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 12:44 PM
To: EEPtestimony
Cc: enzedred@yahoo.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Morrison	Individual	Support	No

Comments: I wholeheartedly support HB172.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 12:37 PM
To: EEPtestimony
Cc: dm@wiasi.net
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Don Mitchell	Individual	Support	No

Comments: In my professional life I studied and wrote about tropical agriculture in the SW Pacific. There, Albezia were part of the system and conferred benefits to shifting cultivators. This is emphatically not the case here in Hawai'i, and especially on the Big Island, where I live (and was born and raised). Everying constitutional must be done to halt the spread of Albezia. Although I'm not a constitutional scholar, this bill seems eminently reasonable to me, and I strongly support it.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 6:08 PM
To: EEPtestimony
Cc: jamesjtz@aol.com
Subject: *Submitted testimony for HB172 on Feb 16, 2017 11:00AM*

HB172

Submitted on: 2/13/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 5:21 PM
To: EEPtestimony
Cc: skaye@hawaii.edu
Subject: *Submitted testimony for HB172 on Feb 16, 2017 11:00AM*

HB172

Submitted on: 2/13/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Springer Kaye	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 3:35 PM
To: EEPtestimony
Cc: steven_jacquier@hotmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Jacquier	Individual	Support	No

Comments: This is much needed; I have had problems with nonresponsive owners (in California and overseas) neighboring two lots I own. My options are to trespass or risk damage to my property.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 10:13 AM
To: EEPtestimony
Cc: David@kkdc.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David Currier	Individual	Comments Only	No

Comments: I write to you in support of HB172. I believe this bill, permitting eradication of albizias on private property is essential. Perhaps an additional note to permit Community Associations to have this right would be appropriate.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 9:48 AM
To: EEPtestimony
Cc: naritalaw@yahoo.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tim Law	Individual	Support	No

Comments: We need this bill to be passed! I should be able to protect my home from damage from untended albizia trees on the next door, undeveloped lot, when that lot owner does not respond to my written requests to remove an albizia that is threatening damage to my home. Please vote for and support this bill, thank you!

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 9:42 AM
To: EEPtestimony
Cc: naritaslee@yahoo.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Law	Individual	Support	No

Comments: We support this bill, which is badly needed in our rural area of Hawaii (Leilani estates, Puna District). The absentee owner of the undeveloped lot next door does not respond to requests to enter their property to remove an albizia tree that, if allowed to remain and fall, would damage our property. Without this bill, we could be prosecuted for trespassing, when we are only acting to protect our own property. Please vote to pass this bill, thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 7:43 AM
To: EEPtestimony
Cc: buckleyw@hawaii.edu
Subject: *Submitted testimony for HB172 on Feb 16, 2017 11:00AM*

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Buckley	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 7:31 AM
To: EEPtestimony
Cc: lwparisfrance@hotmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
linda willaby	Individual	Support	No

Comments: Albizia control is very important in the Puna district and we need all the tools at our disposal. I spent 2 weeks without power during Iselle due to albizia trees falling on power lines. There are vacant lots where I live that are covered in albizia and it would be helpful to be able to go in there without the owner present and poison or otherwise remove those trees.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 5:35 AM
To: EEPtestimony
Cc: thesnovers@mac.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ursula Snover	Individual	Support	No

Comments: Aloha, I been working in collaboration with BIISC and community volunteers for almost 2 years on Albizia eradication in my subdivision - and I can testify that a too large portion of absentee owners remains unresponsive even after several letters asking them for permission to eradicate the Albizia on their land. I fully support this bill because it allows property owners to deal with the threat of Albizia on adjacent lots - though I wish this bill could be broadened to include any vacant lot with Albizia in subdivisions because any lot with Albizia makes the Albizia eradication efforts of community volunteer groups and BIISC futile since those untreated lots will continuously spread their seeds and cause new Albizia growth.

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My husband and I run and operate a 15 acre macadamia nut farm in Pahoa on the Big Island of Hawaii. Our property is surrounded by many vacant lots with Albezia trees growing on them. During Tropical Strom Iselle and the strong wind storms we have had in the past couple of years many of these Albezia's have fallen on our property causing damage to our macadamia nut trees and our fence line. We have had to move our tents and greenhouses away from areas on our property where neighboring Albezia trees may fall on them. It takes 15 years for a macadamia nut tree to regrow to full production which causes us a loss of that crop for 15 years. This bill would be very helpful in allowing us to go onto the adjacent properties to remove the Albezia's.

Thank you,
Kelly Davis
808-965-3108
Kfisher22@Hotmail.com

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 7:57 PM
To: EEPtestimony
Cc: sischo@hawaii.edu
Subject: *Submitted testimony for HB172 on Feb 16, 2017 11:00AM*

HB172

Submitted on: 2/14/2017

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Submitted By	Organization	Testifier Position	Present at Hearing
David Sischo	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 7:04 PM
To: EEPtestimony
Cc: nicolareiss@gmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nicola Reiss	Individual	Support	No

Comments: Aloha! I am a property owner in Hawaiian Paradise Park. I have undertaken training to eradicate Albizia trees on my property and have succeeded in killing all the Albizia on my own land. However, I am surrounded by eight (8) acres of vacant (undeveloped) property, all of it containing Albizia trees. Despite repeated efforts, I have only been successful in contacting the owners of one property. I am dismayed on a daily basis watching the rapid growth of Albizia on adjacent properties, knowing that there is nothing I can do to stop them. Their seeds are being continuously spread onto my land, and throughout the surrounding area. We desperately need more measures that will allow us to eradicate and prevent the growth of Albizia trees. Without bills such as this one, all current efforts to eliminate Albizia on the Big Island are doomed to failure.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 5:30 PM
To: EEPtestimony
Cc: aprilfountain@gmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
April Fountain	Individual	Support	No

Comments: To whom it may concern of our honorable representatives I urge you to support Bill HB172 and allow us to control the threat of the rapidly growing and invasive Albesia tree. Two years ago I was trapped on my property alone and for several days and without electricity for over 2 weeks because of the high wind storm Iselle that hit the big island of Hawaii and toppled many albezia onto electric lines in our area of Pahoia. Albezias were cut down and now they are coming back in even greater numbers!! I don't know my neighbors as they don't live on Island and the property next to mine is filled with the fast growing trees. They are getting bigger and already are threatening my house. Please consider passing this bill so we can do something about this before we find ourselves in another emergency situation which I believe is eminent Thank you very much. April Fountain

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 4:45 PM
To: EEPtestimony
Cc: cbcalsing@gmail.com
Subject: *Submitted testimony for HB172 on Feb 16, 2017 11:00AM*

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Corina B Calsing	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 4:34 PM
To: EEPtestimony
Cc: vlstenzel@gmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/14/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Vaunda Stenzel	Individual	Support	No

Comments: I live in Leilani Estates. When TS Iselle hit, we found out what a huge problem Albizia Trees are. In our subdivision, there are a lot of part-time owners and absentee owners who either don't know about the Albizia or don't care because they think it is a "beautiful tree". They have not experienced first hand the devastation caused by these trees. Many absentee or part-time owners do not want to remove the trees because of aesthetics, cost or other reasons. It would be beneficial to Homeowner Associations and other property owners to be able to stress to these owners that if they don't take the trees down, they will be liable. We live next door to a vacation rental and the owner only comes to the property maybe once or twice a year. We have asked her nicely several times if we could "hack and squirt" milestone into a huge Albizia that is aimed right at our house and water catchment. She has refused because she thinks the tree is pretty and doesn't want the expense to cut it down. I urge all of you to please, please approve this necessary Bill. I assure you, I am not the only homeowner who has faced resistance from negligent homeowners. Thank you for your time and consideration in this regard. Vaunda Stenzel 13-3553 Alapai St. Pahoa, HI 96778
Phone: 808-217-5102 email: vlstenzel@gmail.com

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 11:25 AM
To: EEPtestimony
Cc: tcumming125@thinkthink.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Cumming	Individual	Support	No

Comments: I support HB172. Many communities in lower Puna consist of subdivisions with occupied and unoccupied lots. Most of the unoccupied lots are extensively covered by Albizias. Because the owners of unoccupied lots in most cases do not live in the area, or simply do not care to maintain these properties, the Albizias on these properties become large dangerous trees. HB172 will legally protect the neighbors of these unoccupied properties that are protecting their own properties by killing these dangerous trees. Please vote in favor of HB172. Thanks, tom.c

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 12:44 PM
To: EEPtestimony
Cc: denniskleid@gmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Kleid	Individual	Support	No

Comments: Albizia on my neighbor's property is of concern to me and my property. I have been "battling" these weeds for years. They must be cut down near the roots and then the little stumps treated with Round-up. Otherwise, they grow back faster than one can imagine. Thank you for this proposal, and please do not ban Roundup, as that is my only hope to keep these invasive weeds at bay.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 5:02 PM
To: EEPtestimony
Cc: vmoore01@gmail.com
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017

Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
veronica moore	Individual	Comments Only	No

Comments: The property owner should be billed/ or have a lean on their property when you (county/hoa) cut down the trees . if you gave notice and they did nothing they should get a bill. It would be too dangerous forneighbor/ homeowners to cut down a neighbors tree without proper experience.

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LATE

Gary & Elizabeth Morgan
15-614 Kahakai Blvd.
Pahoa, Hawaii 96778
h: 808.965.1694
c: 206.303.7410 or 206.303.7411

We are homeowners in Hawaiian Beaches for almost 4 years. The property adjacent to our home has about 15 - 20 albizia trees. A few of them are growing out from a lava tube (approx. 10ft. in diameter). We are limited to enjoy our backyard because of these trees. The trees are approx. 130' high. Our property is totally fenced in and where branches have fallen, majority of our fence is damaged!

We have asked for help from the engineering department (Hawaii County) a couple of years ago. However after 30 days of the County trying to get the owners of the property to comply or respond, we were told there is nothing they can do about it UNLESS the owners gives them permission! With this said, we are back to ground zero!!!

In 2015, we contacted the Civil Defense office in Honolulu. They had an Arborist come in and perform a survey of the trees. The Arborist informed us that they are hazardous and will be at the top of the list. Well it is now February, 2017 and we are still dealing with these trees. A few weeks ago, Civil Defense contacted us and stated that the owners have yet to respond or comply!

First off, the owner listed on the property tax website is deceased! The deceased children were paying the taxes.

We are on pins and needles here whenever we want to work on our backyard! The trees have already damaged our fence and the side of our home. We have tried to file a claim with our homeowner insurance. However, We do not have \$10,000 for deductible! For every branch that falls and damage our property, it is a separate claim with Pyramid Insurance.

Problem here is the owner is deceased! Someone is paying the \$100/year in taxes! No other name as far as we can see that we can go after to take care of the problem or even to take them to court for property damage!!!!

SOLUTION: Since the owner is deceased, County to take property back or have the authority to enter without permission since no-one lives at property, hire a tree company to go in and clear property!!!

I know to you "it is not that simple"! It doesn't have to be complicated! When a letter is sent to the owner to comply and they do not respond within an allotted time, the county and government should have the authority to enter and go in to resolve the issue for the sake of the people living around the threatening property.

Our neighbor adjacent to the property with the trees, the mother is paralyzed and her bedroom is next to the property mentioned! Now is the County & Government waiting for us or anyone in our family to loose their life in order to respond?

We are at your mercy to PLEASE HELP us resolve this issue regarding these deadly albizia trees! We cannot enjoy our home because of these trees. We have already paid (\$1500.00) enough money into that property mentioned just so that we were safe during Iselle!

Your help and cooperation in this matter is greatly appreciated!

Sincerely,

Gary & Elizabeth Morgan

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2017 3:49 PM
To: EEPtestimony
Cc: gnice.ley@hawaiiantel.net
Subject: Submitted testimony for HB172 on Feb 16, 2017 11:00AM

HB172

Submitted on: 2/15/2017
Testimony for EEP/WAL on Feb 16, 2017 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gregg Niceley	Individual	Comments Only	No

Comments: My name is Gregg Niceley and I live in Leilani Estates. I am writing to urge you to help rid the islands of the Albizia trees. I have lived here for 15 years and in that time have seen this menace grow into a problem that is very hard to solve. On our corner alone the lot across the street has several that have fallen on the power lines on 3 separate occasions. After the Hurricane in 2014 we were without power for 8 days and we are lucky! Please lead the effort to control this situation. It is a problem that has not been taken seriously until now. Gregg Niceley Leilani Estates Pahoehoe Hi

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