

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 House Committee on
ENERGY AND ENVIRONMENTAL PROTECTION**

**Tuesday, January 30, 2018
8:30 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2045
RELATING TO INVASIVE SPECIES**

House Bill 2045 proposes to amend Chapter 194, Hawaii Revised Statutes (HRS), to clarify that the authority to enter private property to control and eradicate invasive species also applies when there is a reasonable suspicion that invasive species are present on that property. **The Department of Land and Natural Resources (Department) supports this bill.**

The Department is the administrative host of the Hawaii Invasive Species Council, the entity codified in Chapter 194, HRS. The Department recognizes that it may be problematic to confirm the presence of an invasive species on private property prior to obtaining access to that property. This measure would clarify that reasonable suspicion of presence would allow the state, county, and authorized agents to utilize the authority to enter private property in order to both confirm the presence of an invasive species and then perform a control action.

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

ROBERT K. MASUDA
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 HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL
PROTECTION**

JANUARY 30, 2018
8:30 A.M.
CONFERENCE ROOM 325

**HOUSE BILL NO. 2045
RELATING TO INVASIVE SPECIES**

Chairperson Lee and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2045 that clarifies the authorization of a department or county, or its employees or authorized agents, to enter private premises to control or eradicate the invasive species applies to reasonable suspicion that invasive species are present on that property. 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.

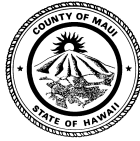


Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



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

January 29, 2018

TO: The Honorable Chris Lee, Chair
House Committee on Energy & Environmental Protection

FROM: Mike White
Council Chair

A handwritten signature in black ink, appearing to read "Mike White", is written over the printed name and title.

SUBJECT: **HEARING OF JANUARY 30, 2018; TESTIMONY IN SUPPORT OF HB 2045, RELATING TO INVASIVE SPECIES**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of HB 2045 is to clarify that the authority of state, county, and authorized agents' to enter private property to control and eradicate invasive species also applies when there is a reasonable suspicion that invasive species are present on that property.

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

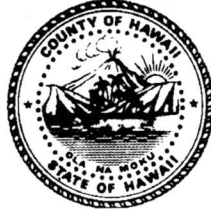
I support this measure for the following reasons:

1. Environmental protection through the eradication of invasive species is a statewide and partnership driven effort. The County of Maui works closely with the Maui Invasive Species Committee ("MISC") to fight against invasive threats to our endangered species, native plants, fragile ecosystems, and overall quality of life.
2. Currently, MISC's ability to fully implement eradication programs of invasive species is hampered by the refusal of owners to access their property. Last legislative session, the county or its agents were granted the authority to access private properties after reasonable notice to eradicate invasive species. This measure simply clarifies that access is now allowed when reasonable suspicion exists.
3. This simple clarification will allow for the full deployment of comprehensive efforts to ensure invasive species can be fully contained and eradicated. All options are needed when trying to fulfill the goal of preserving the environment for future generations.

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

ocs:proj:legis:18legis:18testimony:hb2045_paf18-014_ssm

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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January 29, 2018

Representative Chris Lee
Chair, House Committee on Energy and Environmental Protection
Hawai'i State Capitol

Dear Chair Lee and Committee Members:

**Re: HB 2045 Relating to the authority to enter private property to control
invasive species when there is a reasonable suspicion that invasive
species are present
Hearing Date: January 30, 2018**

Thank you for this opportunity to testify in support of HB 2045.

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 2045 would put the State and the counties in a better position to fight against invasives. It would take a valuable tool and make it stronger.

We ask that HB 2045 be approved.

Respectfully submitted,

Harry Kim
Mayor, County of Hawai'i



Eileen O'Hara
Council Member
Council District 4

Chair: Environmental
Management Committee



Phone: (808) 965-2712
Fax: (808) 961-8912
Email: eileen.ohara@hawaiicounty.gov

Vice Chair: Planning Committee and
Agriculture, Water & Energy
Sustainability Committee

County of Hawaii

Hawaii County Council

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720

Representative Chris Lee
Chair, Committee on Energy & Environmental Protection
Hawai'i State House of Representatives

January 25, 2018

Re: In Support of House Bill 2045, from Hawai'i County Council District 4.
Scheduled to be heard by EEP on Tuesday, 01-30-18 8:30AM in House conference room 325

Aloha Chair Lee and Committee Members:

I'm writing to express my support for House Bill 2045, which amends section 194-5 of the Hawai'i Revised Statutes to clarify that state, county, and authorized agents may enter private property to control and eradicate invasive species when there is a reasonable suspicion that invasive species are present, and after reasonable notice is given to the property owner.

The introduction of an invasive species to an area – intentional or otherwise – can have devastating effects on a native environment. Hawai'i, with its delicate and isolated ecosystems, is especially vulnerable to these potentially irreparable disturbances. Certain invasive species, such as the introduced albizia tree (which is one of the fastest growing hardwoods in the world), can quickly become threatening menaces to structures on adjacent private properties. Amending the Hawai'i Revised Statutes to give authorities further ability to find and remove invasive species is a step towards preserving our unique island home.

As a representative and decades-long resident of the District of Puna, I do not hesitate to support any measure to regulate the risk invasive species pose. The impacts of storms and hurricanes, such as tropical storm Iselle in 2014, caused over \$13 million in road damage in my Puna subdivision alone. The majority of that cost was due to toppled albizia trees. Please consider the positive ecologic and economic impacts that passing this bill will have, and contact me if you have any questions about my support or knowledge of the subject.

Sincerely,

Eileen O'Hara
Council Member
Council District 4

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



Director of Council Services
Sandy K. Baz

COUNTY COUNCIL

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www.MauiCounty.us

January 29, 2018

TO: The Honorable Chris Lee, Chair
House Committee on Energy & Environmental Protection

FROM: Robert Carroll
Council Member

DATE: January 29, 2018

SUBJECT: **TESTIMONY IN SUPPORT OF HB 2045; RELATING TO INVASIVE SPECIES.**

Thank you for the opportunity to testify **support** of this important measure. The purpose of this measure is to clarify that the authority of state, county and authorized agents' to enter private property to control and eradicate invasive species also applies when there is a reasonable suspicion that invasive species are present on that property.

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

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

1. The County of Maui works very closely with the Maui Invasive Species Committee (MISC) to fight against the invasive threats to our endangered species, native plants, fragile ecosystems and overall quality of life.
2. MISC ability to fully implement eradication programs of invasive species is hampered by the refusal of owners to access their property. Last legislative session, the county or its agents were granted the authority to access private property after reasonable notice to eradicate invasive species.
3. By amending Section 194-5, Hawai'i Revised Statutes subsection (a) to read as follows: Whenever any invasive species is identified by council for control or eradication is: Found on private Property or Reasonably suspected to be on private property, based on the results of systematic surveys or reports or proximity to known populations. Simply clarifies

January 29, 2018
Page 2

that access is now allowed when reasonable suspicion exists. This will allow for the full deployment of comprehensive efforts to ensure invasive species can be fully contained and eradicated. All options are needed to fulfill the goal of preserving the environment for future generations.

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

RC:dna

HB-2045

Submitted on: 1/30/2018 12:25:20 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII**

TO THE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE OF REPRESENTATIVES

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Tuesday, January 30, 2018

8:30 a.m.

Hawaii State Capitol, Conference Room 325

RE: Testimony in Support of HB 2045, RELATING TO INVASIVE SPECIES

To the Honorable Chris Lee, Chair; the Honorable Nicole E. Lowen, Vice-Chair and Members of the Committee on Energy & Environmental Protection:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No. 2045, relating to entry of authorized agents onto private land for the purpose of controlling or eradicating invasive species. The OCC Legislative Priorities Committee is in favor of House Bill No. 2103 and support its passage.

House Bill No. 2045, is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the department of agriculture, in collaboration with the department of health, to create a restricted use pesticide amnesty program and provide restricted use pesticide amnesty bins within each county for the anonymous and proper disposal of illegal or unused restricted use pesticides. Specifically, the DPH Platform states that "[t]he Democratic Party of Hawai'i believes that the preservation and restoration of our natural environment are essential. We support a sustainable society that utilizes the earth in such a way that future generations will benefit from the practices of our generation. We support the restoration, preservation, and protection of our native ecosystems on each island. We believe in integrated approaches, practices, and support public policies that create and maintain a sustainable way of life in Hawai'i.

We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources." (Platform of the DPH, P. 3, Lines 115-116, P. 9, 432-433 (2016)).

Given that House Bill No. 2045 authorizes and authorized agent to enter onto private property for the purpose of controlling or eradicating invasive species, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889



The House of Representatives
Committee on Energy & Environmental Protection
January 30, 2018
8:30 a.m., Conference Room 325
State Capitol

Testimony in Support of HB 2045

Aloha Chair Lee, Vice Chair Lowen, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) **is in support of HB 2045, *Relating to Invasive Species***. The aim of this measure is to clarify the criteria under which agencies may enter private property after reasonable notice is given. This bill would allow agencies to proceed with a request to enter private property when the presence of a HISC-designated invasive species for eradication is found or is reasonably suspected to be present on the property. The proposed language in this bill would greatly help efforts to eradicate species like Little Fire Ants where eradication is still possible. Mahalo for your consideration of HB 2045.

Aloha,
Christy Martin
CGAPS



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

January 30, 2018

HEARING BEFORE THE
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

TESTIMONY ON HB 2045
RELATING TO INVASIVE SPECIES

Room 325
8:30 AM

Aloha Chair Lee, Vice Chair Lowen, 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.

The Hawaii Farm Bureau is in strong support of HB 2045, which clarifies authority to enter private lands for management of invasive species identified by the Hawaii Invasive Species Council.

Little fire ants and ringspot virus in the past are examples where stopping invasive species required access to private lands and met with varying levels of resistance. The need for the authority where widespread harm to the environment and community is evidently clear. The measure defines invasive species as those identified by the Council. It is unclear which invasive species will require action as proposed in this measure.

We believe that the Invasive Species Council should create a list of invasive species that will require such intervention and that it be approved by the Board of Agriculture as the Department of Agriculture is the regulatory authority for control of invasive species. A caveat can be added for an emergency listing with the approval of the Chair if a new species is detected in Hawaii and timely eradication is required. The species should then be submitted to the Board for listing at the next scheduled meeting.

We suggest amending HRS 194-2(6) to read:

(6) Identify and record all invasive species present in the State; Maintain a list of priority invasive species that cause high risk to the public health and safety or the environment or agriculture.

Examples are LFA for public health, ohia rust for environment and papaya ringspot when first discovered for agriculture.

- (1) Listed as a priority invasive species or is a new species not previously known to occur in Hawaii and declared by the Chair of the Department of Agriculture as a pest requiring eradication to protect public health, the environment or agriculture, and
- (2) ~~(1)~~ Found on private property[,]; or
- (3) ~~(2)~~ Reasonably suspected to be on private property, based on the results of systematic surveys or reports or proximity to known populations,

HFB believes such clarifying language is needed for transparency to the public of priorities identified by the Council and ensuring that there is a clear methodology of declaring an invasive species a threat to require action suggested in this measure.

HFB strongly supports the intent of this measure and request your consideration of the proposed amendments to protect the people, environment and agriculture of Hawaii.

Thank you for this opportunity to provide comment on this important subject.

HB-2045

Submitted on: 1/26/2018 4:46:06 PM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John R. Gordines	Hawaii Floriculture & Nursery Ass.	Support	Yes

Comments:

HB-2045

Submitted on: 1/27/2018 1:49:35 PM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez		Support	No

Comments:

HB-2045

Submitted on: 1/28/2018 2:31:34 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina		Oppose	No

Comments:

HB-2045

Submitted on: 1/29/2018 9:18:56 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Gannon	West Hawaii CHC	Support	No

Comments:

I support HB2045

HB-2045

Submitted on: 1/29/2018 10:07:52 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

HB-2045

Submitted on: 1/29/2018 12:50:56 PM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Redfeather	Ka Ohana O Na Pua	Support	No

Comments:

This Bill authored by Representative Lowen, is an essential piece of the puzzle for controlling invasive species both on Hawai'i Island and across the State. On Hawai'i Island we have many absentee land and home owners whose properties house different types of invasives from Albezia to the Little Fire Ant, etc. Hawai'i must also "list & designate" invasive species that need to be controlled and possibly eradicated. Without the Counties having this Authority this would not be possible. However, when a bill comes with no funding or indication of how the Counties would deal with this, it makes this difficult to become a reality, however it may be a good first step. On Hawai'i Island there is little staff, and no designated department whose responsibility is solely invasive species. We need help with this and I hope this can be a first step. Because we do also need "permission" and authority of the State.

HB-2045

Submitted on: 1/30/2018 5:23:44 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons		Support	No

Comments: