

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 AGRICULTURE

**FEBRUARY 15, 2017
8:40 A.M.
CONFERENCE ROOM 312**

**HOUSE BILL NO. 454
RELATING TO INVASIVE SPECIES**

Chairperson Creagan and Members of the Committee:

Thank you for the opportunity to testify on House Bill 454 which will provide enforcement responsibility associated with the ability of the Department, or others associated with invasive pest species control, to access private property and engage in eradication of invasive species found on that property. The Department supports this measure.

The control and eradication of invasive species is crucial to our State in order to minimize the impact of those invasive pest species on our environment, our agriculture, and our natural resources. The legislature is seeing many bills this session that address invasive species management. However, this particular bill provides the State government, and/or the Island Invasive Species Committees, a legal mechanism which will assist in the destruction and/or eradication of invasive pest species that are identified on private property. In some cases, this will be the only way to employ timely eradication methods before there is additional spread of any invasive species identified on private property.

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
BUREAU OF CONVEYANCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
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 Committee on
AGRICULTURE**

**Wednesday, February 15, 2017
8:40 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 454
RELATING TO INVASIVE SPECIES**

House Bill 454 proposes to authorize departments to require landowners to control or eradicate an invasive species on private property and impose a fine for noncompliance. **The Department of Land and Natural Resources (Department) supports this initiative.**

The Department is the administrative host of the Hawaii Invasive Species Council (HISC) and administers Chapter 194, Hawaii Revised Statutes (HRS). The Department notes that Section 194-5, HRS, already authorizes members of the HISC to require private property owners to control or eradicate invasive species, provided that the species was knowingly or intentionally introduced to the property in question. This measure would expand the circumstances under which this authority could be utilized to include instances where an invasive species has spread to a private property from adjacent lands and entry onto the property has been refused. This measure also establishes a fine for noncompliance. The Department notes that voluntary cooperation with private landowners is always preferred, but that the authorities provided in this measure may be useful in successfully controlling or eradicating invasive species.

Thank you for the opportunity to comment on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 12:17 PM
To: AGRtestimony
Cc: sue.leeloy@hawaiicounty.gov
Subject: *Submitted testimony for HB454 on Feb 15, 2017 08:40AM*

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Council Woman Sue Lee Loy	Hawai'i County 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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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 6:20 PM
To: AGRtestimony
Cc: cathyg@animalrightshawaii.org
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Oppose	No

Comments: Unless and until feral/community/outside cats are excluded from DLNR listing as an invasive species, we oppose this bill.

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

February 15, 2017

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 454
RELATING TO AGRICULTURAL PRODUCTS

Room 312
8:40 AM

Aloha Chair Creagan, Vice Chair DeCoite, 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.

HFB supports HB 452, providing a mechanism for landowner accountability for control of invasive species.

HFB strongly supports a robust program to manage invasive species. We believe the public bears a responsibility to be aware of and be willing to manage invasive species on their lands. Management of invasive species cannot be borne by government agencies alone – it requires a partnership with everyone in Hawaii.

We support this measure that forces accountability upon those who are not willing to take on this responsibility.

We respectfully request your support of HB 454 as written.

Thank you for the opportunity to provide testimony on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 8:47 PM
To: AGRtestimony
Cc: dale@hicattle.org
Subject: *Submitted testimony for HB454 on Feb 15, 2017 08:40AM*

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 9:41 PM
To: AGRtestimony
Cc: sylviadolena@yahoo.com
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

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

Comments: I will SUPPORT if you specifically exclude feral dogs and cats from this bill noting that they are not and will not be on the invasive species list. Mahalo.

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Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 454 Relating to Invasive Species
House Committee on Agriculture
Wednesday, February 15, 2017, 8:40AM, Room 312

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. We manage 40,000 acres in 14 preserves and work in 19 coastal communities to help protect the near-shore reefs and waters of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect Hawai'i's important watershed forests and coral reefs.

The Nature Conservancy supports H.B. 454 requiring landowners to control invasive species on their land if they do not permit entry to a relevant government agency to for that purpose.

Invasive weeds, insects, diseases, snakes, and other pests are one of the greatest threats to Hawaii's economy, agriculture, natural environment, and the health and lifestyle of its people. With favorable conditions and limited competition, non-native species arrive in the Hawaiian Islands to find an easy environment in which to thrive.

The [Hawai'i Interagency Biosecurity Plan](#)—prepared by the Department of Agriculture with the support of its many government and non-government partners—addresses the full range of invasive species prevention, early detection, rapid response, control, research, and outreach priorities across the state. The Biosecurity Plan notes the ability to enforce biosecurity rules on private land as a critical issue. In many instances, private properties are adjacent to public lands and other private properties, including important natural and agricultural areas, where the efforts of public and private land managers to control invasive species may be frustrated or even negated if a neighboring private land owner cannot or will not take similar measures.

Authority to require private property owners to control invasive species on their land when they will not permit access to a relevant government agency would assist in the timely and effective containment and control of newly introduced and more established invasive species.

Thank you for the opportunity to testify on this bill.

BOARD OF TRUSTEES

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Thomas Gottlieb James Haynes III Sean Hehir Eiichiro Kuwana Duncan MacNaughton Kathy Matsui
James Polk Jean Rolles Scott Rolles Crystal Rose Dustin Sellers Nathan Smith Peter Tomozawa

Testimony before the House Committee on Agriculture

**by
The Hawaiian Electric Companies**

**Wednesday, February 15, 2017
8:40 a.m., Conference Room 312**

House Bill 454 –Relating to Invasive Species

Chair Creagan, Vice Chair DeCoite, and Members of the Committee:

The Hawaiian Electric Companies are submitting this written testimony in strong support of HB 454.

HB 454 authorizes departments that are members of the invasive species council to require landowners with land that contains invasive species to control or eradicate the invasive species, and imposes fines for noncompliance. 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 ability to require landowners to control or eradicate invasive species on their property, and provide for fines if there is non-compliance, is essential to mitigating issues caused by invasive species like the Albizia tree, 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: Monday, February 13, 2017 10:05 AM
To: AGRtestimony
Cc: kteger@hawaii.rr.com
Subject: *Submitted testimony for HB454 on Feb 15, 2017 08:40AM*

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Katharine T. Cannon-Eger	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 7:00 AM
To: AGRtestimony
Cc: doggfishdonna@gmail.com
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

HB454

Submitted on: 2/14/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Donna W. Armstrong	Individual	Oppose	No

Comments: Hello, I am a frequent traveler to Maui and I am urging you to find another solution to reducing the cat population on the island. There is currently an animal welfare group that is systematically trapping and sterilizing the feral cats of Maui. This method has proven to be successful in keeping the cat population down in dozens of cities around the world. (Please see links below.) Additionally, Lanai has a successful sanctuary that provides safety over 500 healthy, fixed cats. A cat sanctuary can be inexpensive to build and run and would please everyone. Please consider this for Maui. There are certainly alternative, humane ways of managing the cats without killing them. For what it's worth, I will cease visiting Maui for vacations unless a humane alternative is found. I will urge everyone I know to do the same. Thank you, Donna W. Armstrong 323-828-2280 <http://bestfriends.org/resources/trap-neuter-return-success-stories-what-research-tells-us> <https://www.alleycat.org/resources/trap-neuter-return-effectively-stabilizes-and-reduces-feral-cat-populations/> Lanai Cat Sanctuary <http://lanaicatsanctuary.org/about/> Open Daily 10 am to 3 pm PO Box 631577 | 1 Kaupili Road Lanai City, Hawaii 96763 info@LanaiCatSanctuary.org 808.215.9066

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 11:51 PM
To: AGRtestimony
Cc: hypnosusan@sbcglobal.net
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Bambara	Individual	Oppose	No

Comments: Dear Honorable Representatives, I am writing to you to please oppose this bill unless feral cats and dogs are explicitly not considered invasive- the language of the bill **MUST** add wording that feral/community/outdoor cats and dogs are excluded. This is a very important distinction that I beseech you to make or oppose this bill as written. Thank you and have a blessed day!

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 10:49 PM
To: AGRtestimony
Cc: felinitous@yahoo.com
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Mary James	Individual	Oppose	No

Comments: It is unclear what is meant by "invasive species" as used in this bill. The provision defines "invasive species" as any species so identified by the Invasive Species Council. the current draft of HB1013 provides a definition that is extremely broad. I cannot support such an unclear and poorly drafted bill that gives the public little indication of what the "department" will be doing. "Department" is defined broadly in Chapter 194, HRS, as "any entity that is a member of the invasive species council." It would help the public to understand what the bill does if "department" were more clearly defined. At the very least, please exempt dogs and cats from the definition of "invasive species" and consider making the definition more exact and specific. Many people are currently working very hard to spay, neuter, and manage (feed, water, and provide veterinary care) outdoor cats - feral and owned - at no cost to the government. It would help this effort if these people did not have to worry about legislation that could be at odds with their efforts.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 10:39 PM
To: AGRtestimony
Cc: owlit1@gmail.com
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Frances Pueo	Individual	Oppose	No

Comments: Again this is much too broadly written where it may be misused by such agencies that interrupts what they feel to be included as an invasive species. What does invasive species mean here? Is it only Plants, trees or does it include animals?
Respectfully yours, Frannie Pueo, 769-1128 P.O. Box 943, Mt. View Hi 96771

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 10:07 PM
To: AGRtestimony
Cc: ej@hawaiiantel.net
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
ellen jackson	Individual	Oppose	No

Comments: Please do not pass this bill unless the wording is changed to exclude feral cats. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 6:24 PM
To: AGRtestimony
Cc: mollybill@gmail.com
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Angie Ali	amaniek9	Oppose	No

Comments: UNLESS - As long as wild cats and dogs are clearly excluded and the money and efforts are spent on the real threats to our islands such as fire ants which have already evacuated areas in Tahiti. Watch the video on mauiinvasive.org from YEARS ago and nothing's been done to stop the county spread of infested mulch or other disastrous practices.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 6:16 PM
To: AGRtestimony
Cc: jamesjtz@aol.com
Subject: *Submitted testimony for HB454 on Feb 15, 2017 08:40AM*

HB454

Submitted on: 2/13/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 11:23 AM
To: AGRtestimony
Cc: legechair@gmail.com
Subject: *Submitted testimony for HB454 on Feb 15, 2017 08:40AM*

HB454

Submitted on: 2/14/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Hawaii Farmers Union United	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 11:10 AM
To: AGRtestimony
Cc: hgov@azelski.net
Subject: *Submitted testimony for HB454 on Feb 15, 2017 08:40AM*

HB454

Submitted on: 2/14/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
C. Azelski	Individual	Oppose	No

Comments:

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

LATE

February 14, 2017

TO: The Honorable Richard P. Creagan, Chair
House Committee on Agriculture

FROM: Robert Carroll
Council Member

DATE: February 14 2017

SUBJECT: TESTIMONY IN SUPPORT OF HB 454; RELATING TO INVASIVE SPECIES.

Thank you for the opportunity to testify as an individual in support of this important measure. The purpose of this measure authorizes departments that are members of the invasive species council to require landowners with land that contains invasive species to control or eradicate the invasive species if the landowner does not permit the department to enter the land. Imposes fines for noncompliance.

I strongly support this measure for the following reasons:

1. By amending, section 194-5, Hawai'i Revised Statutes to read, Entry; Private Property and adding language to help the department follow through with more authority.
2. Whenever an invasive species is identified by the council for control or eradication is found on "Private Property" the department is allowed to enter and take control after reasonable notice given to the owner. In many instances notices are sent to the property owners, tenants, in some instances mailed if owner resides out of state or a notice is posted on the house.
3. Now, the department may instead order the owner to control or eradicate the invasive species if it is was intentionally or knowingly established by the owner or if they refuse to allow the department to enter the property.

February 14, 2017

Page 2

4. Fines of violations shall be fined not more than \$5000.00 for each separate offense. Each day shall constitute a separate offense.
5. If state or county law enforcement is needed for the warrant, the department may recover expenses incurred or fines shall be imposed as a result of its order from any owner who failed to comply.

For the foregoing reasons, I strongly support this measure.

RC:dna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 5:17 PM
To: AGRtestimony
Cc: rosemarykarlsson@gmail.com
Subject: Submitted testimony for HB454 on Feb 15, 2017 08:40AM

LATE

HB454

Submitted on: 2/14/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rosemary Karlsson	Individual	Oppose	No

Comments: I oppose unless feral cats are explicitly not considered invasive- the language of the bill MUST add wording that feral/community/outdoor cats are excluded.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 5:38 PM
To: AGRtestimony
Cc: skaye@hawaii.edu
Subject: *Submitted testimony for HB454 on Feb 15, 2017 08:40AM*



HB454

Submitted on: 2/14/2017

Testimony for AGR on Feb 15, 2017 08:40AM in Conference Room 312

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

Comments:

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