

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
JUDICIARY**

**Tuesday, February 27, 2018
9:30 AM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 2559, SENATE DRAFT 1
RELATING TO INVASIVE SPECIES**

Senate Bill 2559, Senate Draft 1 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.

The Department supports amendments in Senate Draft 1 to clarify that a specific list of priority invasive species and diseases should be developed and utilized to obtain access to private property as described in this measure.

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

DOUGLAS S. CHIN
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON JUDICIARY

**FEBRUARY 27, 2018
9:30 A.M.
CONFERENCE ROOM 016**

**SENATE BILL NO. 2559 SD1
RELATING TO INVASIVE SPECIES**

Chairperson Taniguchi and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2559 SD1 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.





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February 27, 2018

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY

TESTIMONY ON SB 2559, SD1
RELATING TO INVASIVE SPECIES

Room 016
9:30 AM

Aloha Chair Taniguchi, Vice Chair Rhoads, and Members of the Committee:

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

The Hawaii Farm Bureau strongly supports SB 2559, SD1, 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 appreciate the amended language in the SD1 which instructs the Invasive Species Council to create a list of invasive species that cause high risk to the public health and safety or the environment or agriculture. However, we request that additional language 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 be included. 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 194-5 to read:

- (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, regardless...

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.

SB-2559-SD-1

Submitted on: 2/24/2018 7:26:54 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

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

Comments:

SB-2559-SD-1

Submitted on: 2/24/2018 1:02:50 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAI'I
TO THE COMMITTEE ON JUDICIARY
THE SENATE
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Tuesday, February 27, 2018
9:30 a.m.**

Hawaii State Capitol, Conference Room 016

RE: Testimony in Support of 2559 SD1 RELATING TO INVASIVE SPECIES

To the Honorable Brian T. Taniguchi, Chair; the Honorable Karl Rhoads, Vice-Chair, and Members of the Committee on Commerce, Consumer Protection and Health:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 2559 SD1 relating to Invasive Species; Private Property; Entry; and a Priority List.

The OCC Legislative Priorities Committee is in favor of Senate Bill No .2559 SD1 and supports its passage.

Senate Bill No.2559 SD1 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it (1) clarifies that state, county, and authorized agents' authority to enter private property to control and eradicate invasive species also applies when there is a reasonable suspicion that priority invasive species are present on that property, and (2) requires the Invasive Species Council to maintain a list of priority invasive species and diseases that pose a high risk to public health and safety, the environment, or agriculture.

Specifically, the DPH Platform provides that we "support adequate resources to address the various invasive species on this island beginning at the point of entry." (Platform of the DPH, P. 2, Lines 97-99 (2016)).

Given that Senate Bill No.2559 SD1 (1) clarifies that state, county, and authorized agents' authority to enter private property to control and eradicate invasive species also applies when there is a reasonable suspicion that priority invasive species are present on that property, and (2) requires the Invasive Species Council to maintain a list of priority invasive species and diseases that pose a high risk to public health and safety, the environment, or agriculture..

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

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 26, 2018

Senator Brian T. Taniguchi, Chair
Committee on Judiciary
Hawai'i State Capitol, Room 016
Honolulu, HI 96813

Dear Chair Taniguchi and Committee Members:

Re: SB 2559, SD 1 Relating to Authority to Enter Private Property to Control Invasive Species when there is a Reasonable Suspicion that Invasive Species are Present
Hearing Date: 02/27/18 – 9:30 am; Conference Room 016

Thank you for this opportunity to testify in support of the intent of SB 2559, SD 1.

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.

The original SB 2559 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, and we fully supported it. As Department testimony pointed out, confirming the presence of an invasive species is far more difficult than establishing "reasonable suspicion."

SB 2559, SD 1 retains the "reasonable suspicion" standard, and we think that is good. The problem is that SB 2559, SD 1 also would require a finding of "priority," which probably means "invasive species and diseases that pose a high risk to public health and safety, the environment, or agriculture." This would be a new bar that might or might not undermine the benefits of this bill. Is this new provision important enough to take the risk, or is it one step forward and one step back?

We ask that the concept behind SB 2559 be approved, but preferably without limiting its effect to "priority" species.

Respectfully submitted,


Harry Kim
Mayor, County of Hawai'i

SB-2559-SD-1

Submitted on: 2/23/2018 8:42:28 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina	Individual	Support	No

Comments:

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

February 26, 2018

TO: The Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary

FROM: Mike White
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 27, 2018; TESTIMONY IN SUPPORT OF SB 2559 SD 1, RELATING TO INVASIVE SPECIES**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this bill is to allow state, county, and authorized agents' authority to enter private property to control and eradicate invasive species and also applies when there is a reasonable suspicion that priority 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 proposal was amended and now clarifies that the right to enter private property applies to control and eradication of priority invasive species identified by the Invasive Species Council.
3. This simple clarification will allow for the full deployment of comprehensive efforts to ensure the most harmful 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.

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Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

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



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February 26, 2018

TO: Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary

FROM: Robert Carroll *Robert Carroll*
Councilmember, East Maui

DATE: February 26, 2018

SUBJECT: **HEARING OF FEBRUARY 27, 2018; TESTIMONY IN SUPPORT OF SB 2559 SD 1, RELATING TO INVASIVE SPECIES**

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

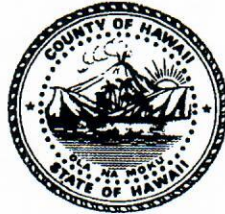
I this measure for the following reasons:

1. Currently, the Maui Invasive Species Committee's ("MISC") ability to fully implement eradication programs of invasive species is hampered by the refusal of owners to access their property. This proposal now clarifies that the right to enter private property applies to the control and eradication of priority invasive species identified by the Invasive Species Council.
2. This measure will allow for the full deployment of comprehensive efforts to ensure that the most harmful 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.

Eileen O'Hara
Council Member
Council District 4

Chair: Environmental
Management Committee



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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

Senator Brian T. Taniguchi
Chair, Senate Committee on Judiciary
Hawai'i State Senate

February 26, 2018

**Re: In Support of Senate Bill 2559, from Hawai'i County Council District 4
To be heard by JDC on 02-27-18 9:30AM in conference room 016**

Aloha Chair Taniguchi and Committee Members:

I'm writing to express my support of Senate Bill 2559, which clarifies that State, County, and authorized agents' 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 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

Testimony of The Nature Conservancy of Hawai'i
Supporting SB 2559 Relating to Invasive Species
Senate Committee on Judiciary
Tuesday, February 27, 2018, 9:30AM, Room 016

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 43,000 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 S.B. 2559 SD 1 clarifying that authorized agencies may—upon reasonable suspicion from systematic surveys or proximity to known populations—enter private property to control and eradicate invasive species.

Invasive weeds, insects, diseases, snakes, and other pests are one of the greatest threats to Hawai'i'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.

The ability of authorized agencies to enter onto private property assists in the timely and effective containment and control of newly introduced and more established invasive species.

Thank you for the opportunity to testify in support of this bill.

BOARD OF TRUSTEES

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