

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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HISTORIC PRESERVATION
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
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, March 13, 2018
8:30 AM
State Capitol, Conference Room 325

In consideration of
SENATE BILL 2559, SENATE DRAFT 2
RELATING TO INVASIVE SPECIES

Senate Bill 2559, Senate Draft 2 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) offers the following comments.**

The Department is the administrative host of the Hawaii Invasive Species Council (HISC), 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.

With regard to amendments in Senate Draft 2, the Department notes that the additional language requiring a designation by the Chairperson of the Board of Agriculture that an invasive species is also an agricultural "pest" requiring eradication may defeat the purpose of the HISC maintaining a list of priority species under Chapter 194, HRS, that is separate from the list of agricultural pests maintained by the Department of Agriculture under Chapter 141, HRS. These lists would

fulfill separate needs, as the scope of the list of invasive species should include natural resource and human health threats that may not qualify as agricultural pests.

Thank you for the opportunity to comment on this measure.

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
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL
PROTECTION**

**MARCH 13, 2018
8:30 A.M.
CONFERENCE ROOM 325**

**SENATE BILL NO. 2559 SD2
RELATING TO INVASIVE SPECIES**

Chairperson Lee and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2559 SD2 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.



SB-2559-SD-2

Submitted on: 3/12/2018 7:12:36 AM

Testimony for EEP on 3/13/2018 8:30:00 AM

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

Comments:

PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
THE HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018

Tuesday, March 13, 2018

8:30 p.m.

Hawaii State Capitol, Conference Room 325

RE: Testimony in **Support** of **SB2559 SD2**, 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 **SB2559 SD2** relating to Invasive Species; Private Property; Entry; and a Priority List.

The OCC Legislative Priorities Committee is in favor of **SB2559 SD2** and strongly supports its passage as it 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, as determined by the Chairperson of the Board of Agriculture, are present on that property, and 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.

SB2559 SD2 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH") which 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 **SB2559 SD2** 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, as determined by the Chairperson of the Board of Agriculture, are present on

that property, and 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, it is the position of the OCC Legislative Priorities Committee to strongly support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

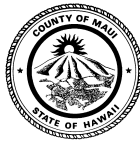
Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889

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Mike White

Vice-Chair
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Yuki Lei K. Sugimura



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

March 12, 2018

TO: The Honorable Chris Lee, Chair
House Committee on Energy and 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 MARCH 13, 2018; TESTIMONY IN SUPPORT OF SB 2559
SD 2, 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 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 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.

ocs:proj:legis:18legis:18testimony:sb2559_SD2_paf18-105_ajw

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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March 12, 2018

Representative Chris Lee, Chair
Committee on Energy and Environmental Protection
Hawai'i State Capitol, Room 325
Honolulu, HI 96813

Dear Chair Lee and Committee Members:

Re: SB 2559, SD 2 Relating to Authority to Enter Private Property to Control Invasive Species when there is a Reasonable Suspicion that Invasive Species are Present
Hearing Date: 03-13-18 – 8:30 am; House Conference Room 325

Thank you for this opportunity to testify in support of the intent of SB 2559, and to ask that SD 2 be amended.

The Council of Mayors 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 have put the State and the counties in a better position to fight against invasives. It took a valuable tool and made 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."

SD 2 retains the "reasonable suspicion" standard, and we think that is good. The problem is that SD 2 also would require a finding of "priority," which is not explicitly defined. It also requires placement on a "priority list," which may be the same thing or might be interpreted to require some separate action.

It is to be hoped that a finding of "priority" will not be comparable in difficulty to a finding that a species is endangered or threatened, but can we be sure? Even if it is relatively easy, this would be a new bar that might undermine the benefits of this bill.

March 12, 2018

Page 2

This new provision seems to constitute “one step forward and one step back.” Under current law any invasive species identified by the council for control or eradication and on private property can be dealt with. Under SD 2, the (perhaps) unintended consequence would be to take away the ability to deal with species found on private property, unless they are listed as “priority.” I’m not sure what species would be identified for control or eradication and not be a priority, but under SD 2 there would be “priority invasive species,” implying that there must be non-priority species as well.

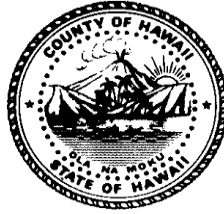
We ask that the concept behind SB 2559 be approved, but preferably without limiting its effect to “priority” species.

Respectfully submitted,

A handwritten signature in black ink that reads "Harry Kim". The signature is written in a cursive, flowing style.

Harry Kim
Mayor, County of Hawai'i

Eileen O'Hara
Council Member
Council District 4



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

Chair: Environmental
Management Committee

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, House Committee on Energy & Environmental Protection
Hawai'i State House of Representatives

March 12, 2018

Re: In Support of Senate Bill 2559, from Hawai'i County Council District 4
To be heard by EEP on Tuesday, 03-13-18 8:30AM in House conference room 325

Aloha Chair Lee 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



**THE HUMANE SOCIETY
OF THE UNITED STATES**

To: Honorable Chair Lee, members of the House Committee on Energy and Environmental Protection
Regarding: SB 2559 SD2
Date: March 13, 2018, 8:30 a.m.
Testimony By: Keith Dane, Hawaii Policy Advisor, The Humane Society of the United States

I appreciate the opportunity to submit this written testimony on behalf of our members and supporters in Hawaii.

The Humane Society of the United States (HSUS), the nation's largest animal protection organization, works to protect all animals, including both wildlife and cats. The domestic cat is often labeled a non-indigenous invasive species by conservationists looking to mitigate threats to native wildlife species. The Hawaii Invasive Species Council lists *felis catus*, the domestic (feral) cat, under examples of invasive species in Hawaii on their websiteⁱ. Additionally, the Department of Land and Natural Resources webpage on invasive species notes, "Currently there is no official State designation for invasive species in Hawaii, though the interagency Hawaii Invasive Species Council is in the process of developing administrative rules to do so"ⁱⁱ. We are concerned that bills aimed to better equip agencies and county governments to control invasive species will, whether intentionally or unintentionally, extend their reach to domestic cats.

Given that housecats, indoor/outdoor pet cats, free-roaming lost and stray cats, and unowned feral cats are all the same species, enabling domestic cats to be classified as invasive species alongside fire ants and coconut rhinoceros beetles is overly broad and can lead to conflicts with existing anti-cruelty laws that apply to domestic cats, which are defined as "pet animals" in §711-1100 of Title 37, Hawaii's Penal Code. Moreover, including domestic cats in programs that allow for the eradication of this popular pet does not sit well with the public.

Senate Bill 2559 SD2 expands the ability to control and eradicate invasive species, including the ability to enter private property in order to carry out those actions. Clearly it is not the legislature's intent to allow government agents to remove or cause harm to a resident's cat in their own backyard.

We respectfully ask that this bill be amended to exempt "pet animals" from the provisions.

The HSUS understands that managing community (feral and stray) cats is a complex issue that concerns many legislators and agencies mandated to serve and protect the public. We share common ground with conservationists and animal welfare advocates as our ultimate goal is no unowned, and many fewer owned, cats outdoors leading to much less risk to the cats themselves, reduced predation of birds and wildlife, the elimination of potential public health concerns and nuisance-related issues. We recognize that there is an urgent need for practical and effective solutions to the challenges associated with the presence of cats outdoors. However, there is no one-size-fits-all solution to managing cats in the environment; with determination, innovation, and collaboration, we can implement and sustain effective programs to humanely resolve human-cat-wildlife conflicts.

We thank you for your consideration of this import issue and urge you to clarify that pet animals are not covered by this bill language.

ⁱ <http://dlnr.hawaii.gov/hisc/info/invasive-species-profiles/>

ⁱⁱ <http://dlnr.hawaii.gov/wildlife/invasives/>

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biisc@hawaii.edu
www.biisc.org



House Committee on Energy and Environment
Senate Bill 2559
Monday, March 12, 2018 8:30 AM Conference Room 325

Aloha,

BIISC would like to express our support for Senate Bill 2559, which clarifies that the authority to enter private property to control or eradicate an invasive species also applies to situations in which the invasive species is reasonably likely to be present.

In essence, this bill recognizes that conducting a survey is a fundamental part of an efficient and effective eradication program, and is rightly included the already-existing authority in Chapter 194-5. I'd like to offer some examples to show why this clarification might be needed.

The invasive species committees on each island are working hard to protect our native forests from Rapid Ohia Death. We survey all ohia forests on each island up to four times per year via helicopter, to catch the earliest sign of disease and eradicate it before it spreads. This is particularly critical on the islands other than the Big Island, which are not yet infected. When we spot a stand of dead or dying ohia, we cannot be certain that it is infected by ROD, or is affected by some other issue, until we walk up to that tree and collect a sample, and run it through a genetic test. If ROD-symptomatic trees are spotted on a private property, but that property owner is not cooperative, the Hawaii Department of Agriculture may obtain a court order to enter the property, to address the diseased trees and save the remaining healthy forest—just as they would for any other serious invasive pest spotted on private property. However, it may not be clear to a judge that their authority applies, since the trees spotted from the air would only be *reasonably suspected of* carrying ROD. The first detection of ROD on Maui or Oahu would not be a good time to find out that HDOA needs a more specific authority.

Similarly, when we find a new invasive threat on one property, it is generally quite likely that the neighboring lot is also infested. If the neighbor refuses entry, then that property could become a big gap in the eradication effort. That property might silently harbor the pest for years, re-infesting neighboring land no matter how hard the Department and neighbors work to keep their own properties clear.

The threat in that scenario could be something as tiny as a little fire ant or coffee berry borer, as large as an axis deer, as annoying as coqui, or as urgent as a disease-carrying mosquito breeding site, so long as it is something difficult to spot, and whose presence or absence is impossible to prove without being on the property. In every case, these gaps risk serious economic and environmental harm to the surrounding community and the state.

We thank you for your consideration and commend you all for your attention to invasive species issues this legislative session—your efforts are truly appreciated.

Springer Kaye
Springer Kaye,
BIISC Manager

Testimony before the House Committee on Energy & Environmental Protection

by
The Hawaiian Electric Companies

Tuesday, March 13, 2018
8:30 a.m., Conference Room 325

Senate Bill 2559, SD2 –Relating to Invasive Species

Chair Lee, Vice Chair Lowen, and Members of the House Committee on Energy & Environmental Protection

The Hawaiian Electric Companies are submitting this written testimony in strong support of SB 2559, SD2.

SB 2559, SD2 clarifies that the State and Counties, and their 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, as determined by the Chairperson of the Board of Agriculture, are present on that property. It also 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. Hawaiian Electric Companies support the bill for the following reasons:

- Albizia trees are an invasive species, and 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 allow the state, county, and/or authorized agents' to enter private property to control and eradicate invasive species, especially those invasive species listed as a priority because of their high risk to public health, safety, the environment, or agriculture, 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.
- The clarifications provided for in SB 2559, SD2 will help further efforts to eradicate invasive species.

Thank you for the opportunity to testify on this matter



LATE

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March 13, 2018

HEARING BEFORE THE
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT

TESTIMONY ON SB 2559, SD2
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 strongly supports SB 2559, SD2, which clarifies authority to enter private lands for management of invasive species identified by the Hawaii Invasive Species Council.

HFB strongly supports the intent of this measure to protect the people, environment and agriculture of Hawaii.

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

Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 2559 SD2 Relating to Invasive Species
House Committee on Energy & Environmental Protection
Tuesday, March 13, 2018, 8:30AM, Room 325

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 S.B. 2559 SD2 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 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.

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 on this bill.

BOARD OF TRUSTEES

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Ihupani Advisory Council: Christopher J. Benjamin Kenton T. Eldridge Duncan MacNaughton Jean E. Rolles Crystal K. Rose
Founders: Samuel A. Cooke Herbert C. Cornuelle



The House of Representative
Committee on Energy and Environmental Protection
March 13, 2018
8:30 a.m., Conference Room 325
State Capitol

Testimony in Support of SB 2559 SD2

Aloha Chair Lee, Chair Lowen, and Committee Members,

The Coordinating Group on Alien Pest Species (CGAPS) **is in support of SB 2559 SD2, *Relating to Invasive Species***. The aim of this measure is to clarify authority for the state, county, and authorized agents to enter private property to control and eradicate invasive species that are either known to be present or reasonably suspected to be on private property.

The Silent Invasion Campaign in 2004 helped raise awareness about the threat of invasive species to our island ecosystems, human health, and economy. The phrase “silent invasion” is still representative of the problem where many do not recognize the damage of an invasive plant, animal or organism until it’s too late. But there is a constant presence of federal and local agencies working to eradicate and control major pests from further damaging our islands that many people are unaware of even when they’re right in their own backyard.

Controlling the spread of invasive species like Miconia from taking over the wet-forests and rapidly responding to Little Fire Ant (LFA) reports, are just a few projects that are already made difficult by the biology of the pest and sometimes the terrain field staff have to endure, but continue to do so because of the importance of not letting these pests become widespread. Another impediment in control work and eradication efforts has been the inability to enter private properties to survey for and control target pests without permission from the property owner or with proper evidence that the pest is present on the property. This becomes a major issue with target pests like Miconia on Oahu where OISC has led control efforts for over a decade and one mature tree can set back efforts by 21 years because of the longevity of the seedbank. This can easily happen with a Miconia tree reaching maturity on a private property in a known Miconia area and field crews not being allowed access by the property owner so those seeds can easily spread by birds, water, and even wind to surrounding areas.

This measure will allow agencies to enter private property with reasonable suspicion which would require documentation from systematic surveys, reports, or proximity to known populations. Creating this legal ability would greatly assist in the efforts to stop the silent invasion. To increase the effectiveness of invasive species control efforts, we encourage the committee to **support SB 2559 SD2**. Mahalo for your consideration.

Aloha,
Christy Martin & Chelsea Arnott
CGAPS Planner



LATE

Hawaii Cattlemen's Council, Inc.

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Chris Lee, Chair

Rep. Nicole E. Lowen, Vice Chair

DATE: Tuesday, March 13, 2018

TIME: 8:30 a.m.

PLACE: Conference Room 325

SB 2559 SD2 – RELATING TO INVASIVE SPECIES.

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, as determined by the Chairperson of the Board of Agriculture, are present on that property. 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. Effective 7/1/2035. (SD2)

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

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our 150+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **opposes** SB 2559 SD2 as it lends itself to a slippery slope.

The cattle industry is very understanding in how response time can play a critical role in the control and eradication of an invasive species as we are currently dealing with many invasive species including fireweed and the two-lined spittle bug. When these invasive species are observed, it's often the private landowner calling the state for help in their control.

The controlling mechanism to gain access to perform these eradication efforts, HRS 194-5, is already heavy handed and allows the state to gain access to a property that is currently deemed to have found invasive species on the landowner's property. To include reasonable suspicion of an invasive species, regardless of the reason of its presence, provides a slippery slope in granting access to private land.

While we support invasive species control efforts, we believe that the current statutes provide adequate access and proper mechanisms for control and eradication efforts. We respectfully ask this committee to oppose this measure and we appreciate the opportunity to testify on this important matter.



SB-2559-SD-2

Submitted on: 3/9/2018 5:48:48 PM

Testimony for EEP on 3/13/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

SB-2559-SD-2

Submitted on: 3/9/2018 9:45:13 PM

Testimony for EEP on 3/13/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	Yes

Comments:

SB-2559-SD-2

Submitted on: 3/10/2018 3:53:35 PM

Testimony for EEP on 3/13/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Markl	Individual	Oppose	No

Comments:

Please vote no.

Thank you.

SB-2559-SD-2

Submitted on: 3/10/2018 4:33:41 PM

Testimony for EEP on 3/13/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

SB-2559-SD-2

Submitted on: 3/10/2018 6:44:28 PM

Testimony for EEP on 3/13/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaunette Itsuno	Individual	Oppose	No

Comments:

I don't think that people should have their privacy invaded if it is suspected that there could be an invasive species on their property. Our state constitution explicitly requires that we protect individuals from invasion of privacy, search and seizure, in Article 1 section 6 and section 7. Therefore, this bill is not in accord with our established values.

SB-2559-SD-2

Submitted on: 3/11/2018 6:04:26 PM

Testimony for EEP on 3/13/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Individual	Oppose	Yes

Comments:

SB-2559-SD-2

Submitted on: 3/12/2018 8:30:34 AM

Testimony for EEP on 3/13/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Carroll	Individual	Support	No

Comments:

I support testimony submitted by Maui County Chair Mike White and ask that you approve SB 2559 SD2. Thank you.