

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
JUDICIARY

Friday, March 29, 2019
9:30 AM
State Capitol, Conference Room 016

In consideration of
HOUSE BILL 201, HOUSE DRAFT 1, SENATE DRAFT 1
RELATING TO INVASIVE SPECIES

House Bill 201, House Draft 1, 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 is supportive of amendments in Senate Draft 1 that clarify that it is not the intent of this measure to enable entry onto private property for the purpose of controlling or eradicating non-prohibited pet animals.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

GLENN K. MURANAKA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
ACTING CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON JUDICIARY

**MARCH 29, 2019
9:30 A.M.
CONFERENCE ROOM 016**

**HOUSE BILL NO. 201 HD1 SD1
RELATING TO INVASIVE SPECIES**

Chairperson Rhoads and Members of the Committee:

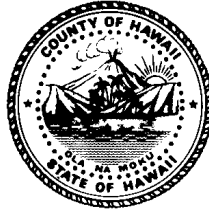
Thank you for the opportunity to testify on House Bill 201 HD1 SD1 that clarifies the authorization of a department or county, or its employees or authorized agents, to enter private property to control or eradicate invasive species applies to reasonable suspicion that invasive species are present on 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 ISCs, 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 also empower county ISCs, then the measure improves the odds of successful eradication of an invasive pest by leveraging enforcement resources. Recent invasive pest species projects such as the little fire ant and coqui frog on Kauai, Maui, and Oahu; mongoose on Kauai; Myoporum thrips on Oahu; and banana bunchy top virus on Molokai, are excellent examples how the Department and the ISCs can move quickly to control or eliminate newly established invasive pests as long as access to private property is secured.

Thank you for the opportunity to testify on this measure.



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 27, 2019

Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair
Committee on Judiciary

Dear Chair Rhoads, Vice Chair Wakai, and Committee Members:

RE: HB 201, HD1, SD1 Relating to Invasive Species

Thank you for this opportunity to testify in support of HB 201, HD1, SD1.

A year ago, 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.

HB 201, HD1, SD1 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 201, HD1, SD1 be approved.

Respectfully Submitted,

Harry Kim
MAYOR



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
FRIDAY, MARCH 29, 2019 AT 9:30 A.M.**

To The Honorable Karl Rhoads, Chair;
The Honorable Glenn Wakai, Vice Chair; and
Members of the Committee on Judiciary;

TESTIMONY IN SUPPORT OF HB 201 RELATING TO INVASIVE SPECIES

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce, with approximately 650 members. I am writing share our support of HB 201.

Invasive species affect both residents and visitors and are detrimental to our various industries, our ecosystem and our quality of life. If there is reasonable suspicion that an invasive species is on a property, being proactive and addressing the invasive species quickly is key. In order to control the further spread of invasive species, we must give authorized agents the authority to access properties to ensure the invasive species is dealt with in a timely manner. Therefore, we support this bill to clarify the authority of agents to enter private property to control and eradicate invasive species.

In addition, we support that this bill keeps the current language that reasonable notice must be given before entering private property.

We appreciate the opportunity to testify on this matter and therefore ask that this bill be passed.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

**TESTIMONY BEFORE SENATE COMMITTEE ON
AGRICULTURE AND ENVIRONMENT**

**H.B. 201, HD1, SD1
Relating to Invasive Species**

LATE

Friday, March 29, 2019
9:30 a.m., Agenda Item #5
State Capitol, Conference Room 016

Sharon Suzuki
President, Maui County and Hawai'i Island Utilities
Hawai'i Electric Light Company & Maui Electric Company

Aloha Chair Rhoads, Vice Chair Wakai and Members of the Committee,

My name is Sharon Suzuki and I am testifying on behalf of Hawaiian Electric Company Inc. and its subsidiary utilities Maui Electric Company, Limited and Hawai'i Electric Light Company, Inc. ("the Hawaiian Electric Companies") in support of H.B. 201, HD1, SD1, Relating to the Invasive Species.

H.B. 201, HD1, SD1 clarifies that a State Department or applicable county, or its employees or authorized agents may enter private property to control or eradicate invasive species after reasonable notice is given to the owner of the property, whether the invasive species has been found on the property, or reasonably suspected to be on the property.

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.
- Strands 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.
- This bill helps to clarify that the state, county or its employees or agents could enter private property to control or eradicate invasive species after reasonable notice is given to the owner of the property, whether the invasive species is found on the property, or is reasonably suspected to be on the property based on the results of surveys or reports or proximity to known populations.

Accordingly, the Hawaiian Electric Companies support H.B. 201, HD1, SD1 which will help further efforts to control or eradicate invasive species. Thank you for this opportunity to testify.

HB-201-SD-1

Submitted on: 3/25/2019 4:06:03 PM

Testimony for JDC on 3/29/2019 9:30:00 AM

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

Comments:

This bill continues to be too vague- Until and unless the DoA and DLNR hold public hearings to change HAR to establish which animals they consider to be invasive, we must continue to oppose HB201 HD1 SD1.

HB-201-SD-1

Submitted on: 3/28/2019 5:29:52 AM

Testimony for JDC on 3/29/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Davis	Individual	Support	No

Comments:

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

Strongly support this bill. I have a small fruit tree farm in Pupukea. My neighbor had his land cleared several years ago and allowed his giant Albizia tree to seed the cleared land. His many Albizia trees border my agricultural land and their branches cover nearly 30 feet of our land. We are in danger of sudden limb drop every time we work our land under these trees. Given the extreme height of the trees even small branches that drop can cause serious injury and even death. My neighbor has allowed the trees to grow despite repeated requests to his wife to take out the trees and a certified letter to the owner on the danger of these trees. These Albizia trees have advanced into another neighbor's property and are now in a dry stream bed that carries drainage for my area into the ocean

HB-201-SD-1

Submitted on: 3/28/2019 6:29:02 AM

Testimony for JDC on 3/29/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB201. Hawaii is known as the “endangered species capital of the world” due in large part to invasive species. We must do what we can to protect Hawaii's fragile ecosystem.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei