

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 & ENVIRONMENTAL PROTECTION**

**Thursday, February 7, 2019  
9:00 AM**

**State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 201  
RELATING TO INVASIVE SPECIES**

House Bill 201 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

**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  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Acting Chairperson  
Board of Agriculture

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF THE DEPARTMENT OF AGRICULTURE  
BEFORE THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL  
PROTECTION

FEBRUARY 7, 2019  
9:00 A.M.  
CONFERENCE ROOM 325

HOUSE BILL NO. 201  
RELATING TO INVASIVE SPECIES

Chairperson Lowen and Members of the Committee:

Thank you for the opportunity to testify on House Bill 201 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.



Council Chair  
Kelly T. King

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Riki Hokama  
Alice L. Lee  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



Director of Council Services  
Maria E. Zielinski

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 5, 2019

*Kelly King*

TO: The Honorable Nicole E. Lowen, Chair  
House Committee on Energy & Environmental Protection

FROM: Kelly T. King  
Council Chair

SUBJECT: **HEARING OF FEBRUARY 7, 2019; TESTIMONY IN SUPPORT OF  
HB 201, RELATING TO INVASIVE SPECIES**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to clarify 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.

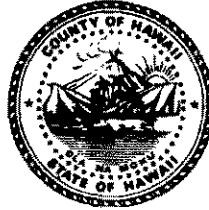
The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. Invasive species cause problems throughout the State, creating both economic and environmental risks, especially to native plants and animals.
2. Authorized agents are professionally trained to help eradicate and control invasive species, and it is imperative they are able to access property where there is a reasonable suspicion that invasive species are present.

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

**Harry Kim**  
Mayor



**Wil Okabe**  
Managing Director

**Barbara J. Kossow**  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553  
KONA 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740  
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February 6, 2019

Rep. Nicole E. Lowen, Chair  
Rep. Tina Wildberger, Vice Chair  
COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Hawaii State Legislature

Dear Chair Lowen, Vice-Chair Wildberger, and Committee Members:

**RE: HB 201, RELATING TO INVASIVE SPECIES**

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

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 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 be approved.

Respectfully submitted,

A handwritten signature in black ink that reads "Harry Kim".

Harry Kim  
Mayor, County of Hawai'i

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

**H.B. 201**

**Relating to Invasive Species**

Thursday, February 7, 2019  
9:00 a.m., Agenda Item #3  
State Capitol, Conference Room 225

Sharon Suzuki  
President  
Hawaiian Electric Light Company & Maui Electric Company

Aloha Chair Lowen, Vice Chair Wildberger 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, Relating to the Invasive Species.

H.B. 201 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 which will help further efforts to control or eradicate invasive species. Thank you for this opportunity to testify.



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

February 67, 2019

HEARING BEFORE THE  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

**TESTIMONY ON HB 201**  
RELATING TO INVASIVE SPECIES

Room 325  
9:00 AM

Aloha Chair Lowen, Vice Chair Wildberger, and Members of the Committee:

I am Brian Miyamoto, Executive Director 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 supports HB 201**, 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.

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.





The House of Representative  
Committee on Energy and Environmental Protection  
February 7, 2019  
9:00 a.m., Conference Room 325  
State Capitol

### **Testimony in Support of HB 201**

Aloha Chair Lowen, Chair Wildberger, and Committee Members,

The Coordinating Group on Alien Pest Species (CGAPS) **is in support of HB 201, *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 HB 201**. Mahalo for your consideration.

Aloha,  
Chelsea Arnott  
CGAPS Planner

**HB-201**

Submitted on: 2/4/2019 5:49:14 PM

Testimony for EEP on 2/7/2019 9:00:00 AM

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

Comments:

There is no list of "invasive species" that would justify entering private property.

**HB-201**

Submitted on: 2/6/2019 8:53:43 AM

Testimony for EEP on 2/7/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**HB-201**

Submitted on: 2/4/2019 5:01:01 PM

Testimony for EEP on 2/7/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John R. Gordines	Individual	Support	Yes

Comments:

**HB-201**

Submitted on: 2/4/2019 6:01:46 PM

Testimony for EEP on 2/7/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Winslow	Individual	Support	No

Comments:



**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

**LATE**

**HEARING BEFORE THE HOUSE COMMITTEE ON  
ENERGY & ENVIRONMENTAL PROTECTION  
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325  
THURSDAY, FEBRUARY 7, 2019 AT 9:00 A.M.**

To The Honorable Nicole E. Lowen, Chair;  
The Honorable Tina Wildberger, Vice Chair; and  
Members of Committee on Energy & Environmental Protection;

**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*

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.