

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
JUDICIARY**

**Tuesday, February 26, 2019
9:00 AM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 464, SENATE DRAFT 1
RELATING TO PRIVATE PROPERTY**

Senate Bill 464, Senate Draft 1 proposes to authorize a property owner or agent to enter adjacent property under certain conditions to control *Albizia* trees. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

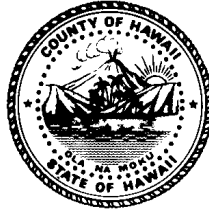
Due to their extreme height and brittle branches, *Albizia* trees pose a threat not only to properties on which they are rooted, but on adjacent properties where branches and other debris may fall during high wind events. The Department recognizes that the ability of landowners to control *Albizia* on adjacent properties may decrease health and safety risks associated with this species.

The Department suggests that the term "eradicate" be replaced with the term "control," as "eradicate" denotes the complete and total removal of a species from a given geographical region, and is typically used in Hawai'i to refer to island-wide or statewide removal. The actions described in this measure are specific to property boundaries, and the term "control" is more appropriate.

The Department notes that it may be beneficial to address in the measure issues of liability for any injuries or damages resulting from the removal of an *Albizia* tree.

Thank you for the opportunity to comment on 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
(808) 323-4444 • Fax (808) 323-4440

February 22, 2019

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

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

RE: SB 464, SD1 Relating to Private Property

Albizia is an attractive but extremely dangerous invasive species. It is hazardous for residents, travelers, first responders, and anyone in the vicinity of its brittle limbs.

SB 464, SD1, is an attempt to allow landowners, adjacent to a property that has albizia, to take action to deal with the danger, but within clearly defined limits. The language can surely be further refined in this Committee and during the legislative process, but the concept is worthy of endorsement—laws should be passed that are good for the community and that are limited so as to assure minimal infringement of the rights of others.

I hope you will act favorably on SB 464, SD1.

Respectfully Submitted,

Harry Kim
MAYOR

SB-464-SD-1

Submitted on: 2/22/2019 5:22:47 AM

Testimony for JDC on 2/26/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Davis	Testifying for Hoalike Farm	Support	No

Comments:

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

Please add to this bill words requiring property owners of Albizia trees cover the cost of the removal of these trees if they endanger a neighboring property.

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.

**TESTIMONY BEFORE THE
SENATE COMMITTEE ON JUDICIARY**

S.B. 464, SD1

Relating to Private Property

Tuesday, February 26, 2019
9:00 a.m., Agenda Item #3
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 S.B. 464, SD1, Relating to the Private Property.

S.B. 464, SD1 provides that property owners should have the authority to enter adjacent properties to eradicate albizia trees to prevent or address hazardous conditions.

Hawaiian Electric Companies support S.B. 464 SD 1 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.
- The bill clarifies the conditions upon which an owner or owner's agent can enter adjacent vacant real property to eradicate albizia trees to prevent or address hazardous conditions. These conditions include consulting with a tree arborist and providing written notice.
- The bill also provides a defense to criminal prosecution.

Accordingly, the Hawaiian Electric Companies support S.B. 464, SD 1 which will help further efforts to control or eradicate albizia trees. Thank you for this opportunity to testify.

LATE

SB-464-SD-1

Submitted on: 2/25/2019 2:17:12 PM
Testimony for JDC on 2/26/2019 9:00:00 AM

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

Comments:

SB-464-SD-1

Submitted on: 2/21/2019 6:05:16 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

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

Comments:

I support SB464 SD1 which authorizes a property owner or agent to enter adjacent property with albizia trees under certain conditions, including consulting with a tree arborist and providing written notice, to eradicate albizia trees before they become hazardous. These trees at maturity can be a hazard for people, and electrical lines.