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GOVERNOR OF
HAWAII



SUZANNE D. CASE
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COMMISSION ON WATER RESOURCE MANAGEMENT

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CONSERVATION AND COASTAL LANDS
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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 Committees on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
and
WATER AND LAND

Monday, February 11, 2019
1:30 PM
State Capitol, Conference Room 229

In consideration of
SENATE BILL 464
RELATING TO PRIVATE PROPERTY

Senate Bill 464 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 further suggests that health and safety concerns be addressed in the measure through the following amendment (in gray highlight) to proposed language for §708- (a)(1) found on page 2, line 14:

(1) [Reasonably believes] Has consulted with a tree
risk assessment qualification certified arborist

to confirm that the albizia trees on the adjacent property:

- (A) Create a condition that could become hazardous to the entering owner's property or persons thereupon if left untreated;
- (B) May be felled and removed or otherwise treated according to current established methods that minimize risk to human health and safety, and without damaging any structure, utility pole, or utility line;
and

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.

County of Hawai'i
Council District 4 -
Lower Puna



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ASHLEY L. KIERKIEWICZ

HAWAII COUNTY COUNCIL – DISTRICT 4
Chair: Committee on Planning, and Committee on Government Relations & Economic Development
25 Aupuni Street • Hilo, Hawai'i 96720

February 10, 2019

**Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**
Senator Clarence Nishihara, Chair
Senator Glenn Wakai, Vice-Chair

Senate Committee on Water and Land
Senator Kaiali'i Kahele, Chair
Senator Gilbert Keith-Agaran, Vice-Chair

**RE: Support for SB464
relating to the Eradication of Albizia Trees on Private Property**

Aloha, Senators:

For years, the residents of Hawai'i Island – specifically Puna, and East Hawai'i – have had to deal with the problematic invasive species *Falcataria moluccana* and *Albizia chinensis*, more commonly known as albizia. The high winds of Tropical Storm Iselle in 2014 wreaked havoc for Puna, causing thousands of albizia trees to be uprooted, crushing homes, blocking roads and knocking down power lines.

SB464 would make it easier for property owners to enter adjacent properties to fell and remove or treat albizia trees. This is critical for a community like Puna, where albizia is plentiful and the owner of record for vacant lots is unresponsive.

We don't need to wait for another high storm wind in order to act. I humbly request that you support SB464 to empower residents to eradicate albizia trees.

Mahalo nui loa,

Ashley Lehaulani Kierkiewicz
Hawai'i County Council, District 4

SB-464

Submitted on: 2/9/2019 9:24:08 AM

Testimony for PSM on 2/11/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
andy levin	Testifying for county of hawaii, Mayor's office	Support	No

Comments:

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 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.

Respectfully submitted,

Harry Kim, Mayor

**TESTIMONY BEFORE JOINT SENATE COMMITTEES ON
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
&
COMMITTEE ON WATER AND LAND**

S.B. 464

Relating to Private Property

Monday, February 11, 2019
1:30 p.m., Agenda Item #1
State Capitol, Conference Room 229

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

Aloha Chair Nishihara and Chair Kahele, Vice Chair Wakai and Vice Chair Keith-Agaran 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, Relating to the Private Property.

S.B. 464 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 the S.B. 464 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 allows for an owner of real property, or the owner's agent to enter vacant real property that is privately owned, and adjacent to the entering owner's property, after unsuccessful attempts to contact the owner of record to eradicate one or more albizia trees located on the property, if the entering owner reasonably believes that: (1) the alizia tree(s) create a condition that could become hazardous to the entering owner's property or persons if left untreated, (2) the albizia may be felled, removed and or treated without damaging any structure, utility pole, or utility line.

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

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Senate Committees on Public Safety and on Water and Land
Senate Bill 464
Monday, February 11, 2019 1:30 PM Conference Room 229

Aloha,

BIISC would like to offer the following comments on SB464, which authorizes a property owner to enter adjacent vacant property, under certain conditions, to eradicate albizia trees before they become hazardous, and provides a defense to criminal prosecution. It is noteworthy that this hearing is taking place in the midst of a tremendous winter wind-storm, at a time when power has been out in several districts due to falling trees, leading to school closures Honokaa.

This bill recognizes the direct risk that albizia growing on unmanaged vacant land poses to our island's residents. Throughout East Hawaii and parts of Kauai in particular, but also in more developed, densely populated areas such as Manoa Valley, Pearl City, and Kaneohe, albizia growing on unmanaged land threatens the lives and properties of law abiding citizens.

An alert homeowner may notice the albizia while it is still small and manageable, and many residents have expressed willingness to enter vacant property to remove the plants before they become hazards. Organized and well trained volunteers do this routinely where they have permission on the Big Island. These volunteer efforts to completely remove albizia from entire subdivisions are primarily hampered by the lack of permission from absentee and unresponsive landowners.

The errant landowner typically lives out of state or out of country, or may be a large land-holding corporation within the state, or a private bank who owns a foreclosed property. While these large companies clearly have the financial resources to manage the problem, they can stall and refuse to take action, sometimes for years, as the problem "grows." State hazard mitigation programs must then be asked to take on the high cost of removing a private liability. Allowing a private citizen the defense of having entered vacant land to remove albizia could improve the situation for all parties.

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

Springer Kaye
Springer Kaye, BIISC Manager



Hawaii Cattlemen's Council, Inc.

**COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS**

**Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair**

COMMITTEE ON WATER AND LAND

**Senator Kaiali'i Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair**

DATE: Monday, February 11, 2019
TIME: 1:30 P.M.
PLACE: Conference Room 229

SB 464 – RELATING TO PRIVATE PROPERTY.

Authorizes a property owner or agent to enter adjacent property under certain conditions to eradicate albizia trees before they become hazardous. Provides defense to criminal prosecution.

Chairs Nishihara, Vice Chairs Ruderman and Wakai, and Members of the Committees:

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 464, as this measure could be problematic for ranchers who are resting their pastures.

The definition of vacant land in this bill states: "Vacant" means improved or unimproved but having no reasonable indication of use or maintenance for one year or more. This can be problematic for ranchers as we often rest our pastures as part of our land stewardship practices. During this time, our pastures may have the appearance of being vacant as the grass is allowed to regrow and cattle are removed from the land. As some ranchers have experienced in the past, county tax officials have deemed land as not in ag use because of a drive-by examination where the grass looked too tall or no cattle have been observed. This measure would lend itself to the same type of visual only inspection when the pastures may be resting.

We respectfully ask this committee to oppose SB 464 in it's current format. Thank you for giving us the opportunity to testify on this important matter.



SB-464

Submitted on: 2/10/2019 1:21:23 PM

Testimony for PSM on 2/11/2019 1:30:00 PM

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

Submitted on: 2/6/2019 2:06:05 PM

Testimony for PSM on 2/11/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Winslow	Individual	Support	No

Comments:

SB-464

Submitted on: 2/9/2019 8:45:38 PM

Testimony for PSM on 2/11/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments: