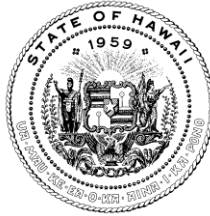


HB 201, HD 1

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 Senate Committee on
AGRICULTURE AND ENVIRONMENT**

**Wednesday, March 13, 2019
1:15 PM
State Capitol, Conference Room 224**

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

House Bill 201, House 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.

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



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Aha Moku Advisory Committee

Before the Senate Committee on Agriculture and Environment

Wednesday, March 13, 2019
1:15 p.m.
State Capitol, Conference Room 224

**In SUPPORT OF HB 201 HD 1
Relating to Invasive Species**

House Bill 201 HD 1 clarifies that state, county, and authorized agents have authority to enter private property to control and eradicate invasive species when there is a reasonable suspicion that invasive species are present on the property. **The Aha Moku Advisory Committee (AMAC) supports this measure.**

On behalf of the Hawaii State Aha Moku in which is integrated the Hawaiian Islands of Moku O Keawe (Hawaii), Moku O Piilani (Maui), Moku O Kanaloa (Kahoolawe), Nanai Kaula (Lanai), Molokai Pule Oo (Molokai), Moku O Kakuhihewa (O'ahu), Manokalanipo (Kauai), Kawelonakala (Niihau), and Papahānaumokuākea (NW Hawaiian Islands), we strongly support this measure.

Hawaii is, and always has been, a special and beautiful paradise in which the environment and ecosystem of each of the individual islands are distinctly unique to that place. From the beginning of time, the Native Hawaiians have cared for and treasured their ecosystems and kept the balance of nature intact. However, since 1778, with the arrival of others to Hawaii, great changes in the ecosystems of each island have taken place due to the introduction of plants and animals who are not endemic to Hawaii. Sometimes by accident, and often by well-meaning people and scientists who believe they know best for Hawaii but do not understand the overall impact of one introduced species, whether plant or animal, can have on an entire ecosystem.

Native Hawaiians, through their generational knowledge of the natural and culture resources of their places have struggled over the years to maintain the natural balance of nature and sustain each environment. And, although they were joined by many different cultures who ended up making Hawaii their home, with no natural enemies, invasive species have flourished.

We believe in a person's individual right to privacy and we do know that government agencies have done everything they can to educate the public on the dangers of bringing invasive species to Hawaii. But it has gone too far! And, we have lost too many precious endemic and indigenous species to either carelessness, greed, or gullibility.

For the sake of the Public Trust, including the Native Hawaiians, the indigenous people of Hawaii, we urge you to adopt this measure. Please help all of us save what is left!

Respectfully yours,

Leimana DaMate
Aha Moku Advisory Committee
Phone: 808-640-1214
Email: Leimana.k.damate@hawaii.gov

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
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 PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

MARCH 13, 2019
1:15 P.M.
CONFERENCE ROOM 224

HOUSE BILL NO. 201 HD1
RELATING TO INVASIVE SPECIES

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on House Bill 201 HD1 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 but has concerns about the inclusion of language regarding pet animals, and offers an amendment.

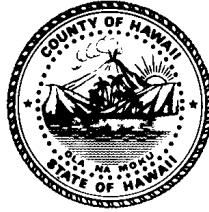
The Department works closely with each island invasive species committee (ISC), often to address early post-entry invasive pest establishment. In working with the island ISCs, it is critically important to address a new invasive pest species as soon as it is detected. If the intent of this bill is to 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.



The new language regarding pet animals, namely, “. . . this Act is not intended to enable entry onto private property for the purpose of controlling or eradicating pet animals.”, causes some concern by way of the lack of a definition of “pet animals”. By including this provision, it could create statutory conflict for the Plant Quarantine Branch’s statutory authority to regulate prohibited animals such as snakes, scorpions, tarantulas, piranhas, etc. Most people possess these animals as pets and all are very common in the pet trade on the mainland. Currently, HRS 150A prohibits importation and possession of the aforementioned animals. However, the passing of this bill as is could potentially inhibit the Branch’s ability to take enforcement action against those who illegally possess these animals, and consider them to be pets, should the need arise to control or eradicate them on private property. Therefore, the Department suggests adding the following qualifier to the new language (underlined): “. . . this Act is not intended to enable entry onto private property for the purpose of controlling or eradicating non-prohibited pet animals.”

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

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

March 11, 2019

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair
Committee on Agriculture and Environment

Dear Chair Gabbard, Vice Chair Ruderman, and Committee Members:

RE: HB 201, HD1 Relating to Invasive Species

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

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 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 be approved.

Respectfully Submitted,

Harry Kim
MAYOR



The Senate
Committee on Agriculture and Environment
March 13, 2019
1:15 p.m., Conference Room 224
State Capitol

Testimony in Support of HB 201 HD1

Aloha Chair Gabbard, Chair Ruderman, and Committee Members,

The Coordinating Group on Alien Pest Species (CGAPS) **is in support of HB 201 HD1, *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 HD1**. Mahalo for your consideration.

Aloha,
Chelsea Arnott
CGAPS Planner

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

H.B. 201, HD1

Relating to Invasive Species

Wednesday, March 13, 2019
1:15 p.m., Agenda Item #2
State Capitol, Conference Room 224

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

Aloha Chair Gabbard, Vice Chair Ruderman 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, Relating to the Invasive Species.

H.B. 201, HD1 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 which will help further efforts to control or eradicate invasive species. Thank you for this opportunity to testify.

LATE



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 224
WEDNESDAY, MARCH 13, 2019 AT 1:15 P.M.**

To The Honorable Mike Gabbard, Chair;
The Honorable Russell E. Ruderman, Vice Chair; and
Members of the Committee on Agriculture & Environment;

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.



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

March 13, 2019

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON HB 201, HD1
RELATING TO INVASIVE SPECIES

Room 224
1:15 PM

Aloha Chair Gabbard, Vice Chair Ruderman, 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, HD1, 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.

HB-201-HD-1

Submitted on: 3/9/2019 10:40:43 AM

Testimony for AEN on 3/13/2019 1:15:00 PM

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.

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. Recommend requiring property owners of Albizia trees that endanger a neighboring property cover the cost of their removal.

HB-201-HD-1

Submitted on: 3/11/2019 7:11:24 PM

Testimony for AEN on 3/13/2019 1:15:00 PM

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

Comments:

HB-201-HD-1

Submitted on: 3/11/2019 8:39:54 PM

Testimony for AEN on 3/13/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dwamato	Individual	Support	No

Comments:

LATE

HB-201-HD-1

Submitted on: 3/12/2019 7:47:52 PM

Testimony for AEN on 3/13/2019 1:15:00 PM

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 take measures to do what we can to protect Hawaii’s fragile ecosystem.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei