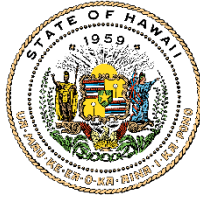


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
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
RYAN K.P. KANAKA'OLE
Acting Chairperson**

**Before the House Committee on
AGRICULTURE AND FOOD SYSTEMS**

**Friday, March 20, 2026
9:30 AM
State Capitol, Conference Room 325**

**In consideration of
SENATE BILL 2489, SENATE DRAFT 1
RELATING TO INVASIVE SPECIES**

Senate Bill 2489, Senate Draft 1, requires each lease that the Department of Agriculture and Biosecurity (DAB) enters into, renews, or extends to include provisions stating that DAB may: (1) enter the leased premises; (2) order or otherwise require the lessee to maintain control of any invasive species on the leased premises; and (3) terminate the lease for refusal or violation. **The Department of Land and Natural Resources (Department) supports this measure, provided that its passage does not replace or adversely impact priorities in the Executive Supplemental Budget request.**

The Department supports DAB and the increased authority this bill gives to better manage invasive species on the lands it leases.

The Department supports DAB having increased authority to access leased lands to address invasive species issues, to require lessees to control invasive species on their land, and to terminate leases if lessees refuse DAB entry or violate laws related to invasive species control or eradication.

DAB already has the authority to access most properties within the State to fight invasive species. However, including the language proposed in this measure in leases would strengthen DAB's ability to enforce rules and ensure lessees follow them.

Mahalo for the opportunity to comment on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



State of Hawai'i
DEPARTMENT OF AGRICULTURE & BIOSECURITY
KA 'OIHANA MAHI'AI A KIA'I MEAOLA
1428 South King Street
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Phone: (808) 973-9560 FAX: (808) 973-9613

SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

LATE

**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY**

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

**FRIDAY, MARCH 20, 2026
9:30 AM
CONFERENCE ROOM 325**

**SENATE BILL NO. 2489, SENATE DRAFT 1
RELATING TO INVASIVE SPECIES**

Chair Chun, Vice Chair Kusch, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 2489, Senate Draft 1. This bill requires each lease that the Department of Agriculture and Biosecurity enters into, renews, or extends to include provisions stating that the Department may: (1) enter the leased premises; (2) order or otherwise require the lessee to maintain control of any invasive species on the leased premises; and (3) terminate the lease for refusal or violation. Senate Draft 1 inserted language in the measure to specify that the lease terms it mandates apply to leases in both the agricultural park and non-agricultural park programs of the Department. The Department respectfully provides comments.

For the reasons discussed below, the Department respectfully suggests that legislation proposed by Senate Bill 2489, Senate Draft 1, is not needed. First, beginning in 2022 all new leases issued by the Department contain provisions requiring lessees to control invasive species, allow entry by the Department to evaluate lessee's control efforts, and to allow the Department to conduct its own control activities at lessee's expense if deemed necessary. These requirements tie into the breach provision of the lease, which allows for termination for failure to comply with lease obligations.

Second, whenever the Department renews or extends a lease, the Department's existing practice is to update the lease to include the same invasive species control requirements as used in new leases. Accordingly, like new leases, updated leases can also be terminated for lessee's refusal to comply with the invasive species control provisions.

Third, for older leases that do not contain the invasive species control provisions discussed above, the Department has nevertheless allowed entry by its Plant Industry Division staff onto the lease premises for invasive species control following the notice requirements specified in Section 141-3.6, Hawaii Revised Statutes (HRS).

If the committee is inclined to pass the measure, the Department would request some amendments to it. On page 3, beginning on line 8, the proposed subsection (b) appears to conflict with subsection (a)(1). Subsection (a)(1) states the Department may: "Enter the leased premises at any time to survey for, identify, investigate, control, or eradicate invasive species", whereas subsection (b) requires notice pursuant to Section 141-3.6, HRS, that requires at least a five-day notice to a landowner before entry. The Department believes that subsection (b) should be removed to allow immediate access or amend subsection (a)(1) to conform with the five-day notice requirement. For consistency, this same changes should be made to sections 3 and 4 respectively.

Lastly, the use of "invasive species" throughout this measure creates a situation where there are multiple definitions for an identical term within the HRS which can lead to confusion. Additionally, on page 3, beginning on line 12, the inclusion of "any taxon . . . that is a prohibited, restricted, or unlisted species," appears to have unintended consequences as it prevents lessees from maintaining plants restricted by rule, such as taro, orchids, sugarcane, or pineapple, as lessees would be required to control these plants on the premises and it would also require control of species that are widespread, but still prohibited from entry such as geckos, myna birds, or bulbuls. As such, the Department suggests this part of the provision be removed.

Thank you for the opportunity to testify on this measure.



House of Representatives
Committee on Agriculture & Food Systems
Friday, March 20, 2026
9:30 am Conference Room 325 & Videoconference
State Capitol

Testimony in Support of SB 2489 SD1

Aloha Chair Chun, Vice Chair Kusch, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) is **in support of SB 2489 SD1**, *Relating to Invasive Species*, which will allow the Hawaii Department of Agriculture and Biosecurity (DAB) to enter property it leases to survey for, identify, investigate, control, or eradicate an invasive species on the leased property, to require lessees to maintain control of an invasive species on the leased premises, and to terminate a lease if the lessee refuses the entry or a requirement related to invasive species control.

We understand that at different times, DAB has included different access provisions in its agricultural leases. We further understand that it is difficult to determine which specific access provision applies to each lease, which can create impediments to access and to responding to a high-impact invasive species detected in an agricultural park. DAB's agricultural leases are managed by the Agricultural Resource Management Division, and invasive species response is carried out by the Plant Industry Division, further complicating the process of determining each lease's access provisions.

Including a general access provision in each lease going forward will mean that, eventually, all of DAB's leases will include it, allowing future invasive species control actions to be carried out quickly, hopefully before the invasive species spreads throughout the agricultural park and into surrounding areas.

SB 2489 SD1 also authorizes DAB to require its lessees to maintain control of a specific invasive species on the leased premises. We note that this provision would apply only if DAB ordered or otherwise required the lessee to maintain control over a specific invasive species. DAB has a strong record of supporting its lessees and their operations, and would not impose unreasonable burdens on them, a practice that is commendable and that should continue. However, the language in SB 2489 SD1 would give DAB the authority to work with lessees where invasive species infestations are detected and encourage lessees to maintain control of invasive species on their leased property.

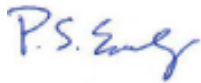
Finally, the provisions of SB 2489 SD1 will apply only to leases made, renewed, or extended after SB 2489 SD1 is enacted into law and will not affect existing leasees.

Mahalo for the opportunity to support SB 2489 SD1 and for consideration of our testimony.

Aloha,

A handwritten signature in blue ink, appearing to read "Christy Martin".

Christy Martin
CGAPS Program Manager

A handwritten signature in blue ink, appearing to read "Stephanie Easley".

Stephanie Easley
CGAPS Legal Fellow



COMMITTEE ON AGRICULTURE & FOOD SYSTEMS
Rep. Cory M. Chun, Chair
Rep. Matthias Kusch, Vice Chair

SB2489 SD1
RELATING TO INVASIVE SPECIES

March 20, 2026, 9:30 AM
Conference Room 325 & Videoconference

Chair Chun, Vice Chair Kusch, and Members of the Committee,

The Hawaii Cattlemen's Council **opposes on SB2489 SD1** which requires each lease that the Department of Agriculture and Biosecurity enters into, renews, or extends to include provisions stating that the Department may: (1) enter the leased premises; (2) order or otherwise require the lessee to maintain control of any invasive species on the leased premises; and (3) terminate the lease for refusal or violation.

Due to provisions in the Department of Agriculture and Biosecurity's leases with tenants, this measure is not needed. While the intent of this bill is to manage invasive species on state leases, it unfairly puts the entire responsibility on the lessee. Invasive species are difficult and costly to manage once they are established. In many cases, leased state lands already had invasive species present that the state departments should have been controlling. Instead of putting this burden solely on the leaseholder, the state departments such as DLNR and HDAB should work cooperatively with the leaseholder on a plan to manage the invasive species. As written, the bill puts all of the responsibility on the leaseholder even if gorse was already present on the lease for decades prior, or if deer migrate to the area due to circumstances outside of the leaseholders control.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Ranchers produce a high-quality protein and are the stewards of almost 750 thousand acres of land in Hawaii, or nearly 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





March 18, 2026

To: Chair Representative Cory Chun, Vice Chair Representative Matthias Kusch, and the Members of the House Committee on Agriculture & Food Systems

Subject: **SB2489 SD1**, Relating to Invasive Species

Aloha,

I am writing *with comments* for **SB2489 SD1**. This measure gives the Department of Agriculture and Biosecurity (DAB) the authority to access properties that it leases, require their leasees to control invasive species on their parcels, and the authority to terminate the lease if found in violation.

Invasive species negatively impact the native ecosystems and the endemic species we ultimately depend on for survival¹. The control of such invasive species, in addition to the prevention of their spread, is essential to creating a sustainable Hawai'i. Thus, **the intent behind SB2489 SD1 is beneficial** because it prioritizes the control of such invasive species.

However, the risk of lease termination may unintentionally harm our small farmers, who may not have the same capacities to control such species as the larger commercial farms. **I urge the committee to think about how DAB can offer assistance to and work with our farmers in managing invasive species, rather than just threatening to terminate their leases.** Please consider the following suggestion:

- (1) Require DAB to provide guidance, technical, or financial assistance in cooperation with leasees to aid in the management of invasive species on their property.

I urge the committee to consider my comments regarding SB2489 SD1, which will promote the control of harmful invasive species, while not risking a loss of essential local farms and producers leasing DAB land.

Mahalo,
Sydney Haas & the Food+ Policy Team #fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

¹ Hawaii Invasive Species Council. (2026). *Invasive species*. Hawaii Invasive Species Council. <https://dlnr.hawaii.gov/hisc/info/>

² Justia U.S. Law. (2025). *2025 Hawaii Revised Statutes :: Title 11. Agriculture and Animals :: 141. Department of Agriculture :: 141-3.6 Entry of private property to control or eradicate any pests*. Justia Law. <https://law.justia.com/codes/hawaii/title-11/chapter-141/section-141-3-6/>



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March 20, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON SB 2489, SD1
RELATING TO INVASIVE SPECIES

Conference Room 325 & Videoconference
9:30 AM

Aloha Chair Chun, Vice-Chair Kusch, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau provides comments on SB 2489, SD1, which requires agricultural leases issued by the Department of Agriculture and Biosecurity (DAB) to include provisions allowing the department to enter leased premises, require invasive species control, and terminate leases for noncompliance.

HFB recognizes that invasive species pose serious and ongoing threats to Hawai'i's agricultural productivity, natural resources, and rural communities. Farmers and ranchers experience these impacts firsthand through increased costs, reduced yields, and long-term land management challenges, and we share the goal of preventing further spread.

At the same time, SB 2489, SD1 raises important concerns regarding how responsibility and enforcement would be applied to agricultural lessees. Invasive species are often introduced through pathways beyond a farmer's control, including adjacent lands, public access areas, and interisland movement. While the bill would standardize lease provisions to improve the State's ability to respond quickly, it is important that expectations placed on lessees are reasonable, clearly defined, and account for these external factors.

HFB also encourages careful consideration of how access, compliance requirements, and enforcement mechanisms, particularly lease termination, are implemented. Agricultural operations depend on lease stability to make long-term investments in infrastructure, conservation, and production. Clear notice, coordination with lessees, and a graduated

approach to enforcement will help ensure that invasive species control efforts are effective without unintentionally discouraging agricultural use of these lands.

We respectfully suggest that the Legislature consider clarifying:

- Standards for what constitutes adequate invasive species control by a lessee;
- Processes for notice and coordination prior to entry, except in urgent situations;
and
- Safeguards to ensure lease termination is used as a last resort after good-faith efforts to comply.

HFB appreciates the Legislature's continued focus on invasive species prevention and respectfully offers these comments for consideration as this measure moves forward.

Thank you for the opportunity to provide testimony.



House of Representatives
Committee on Agriculture
Friday, March 3, 2026
1:30 PM Conference Room 325
State Capitol

SUBJECT: Testimony – In Support of SB2489 SD1 “Relating to Invasive Species”

Aloha Chair Chun, Vice Chair Kusch, and Members of the Committee,

I am writing on behalf of the O’ahu Invasive Species Committee (OISC) **in strong support of this SB2489 SD1 relating to Invasive Species**, providing the Department of Agriculture and Biosecurity (DAB) the clear authority to access state-leased agricultural lands to survey for and control invasive species and require lessees to manage priority pests on their leased parcels. Specifically in the newer version, we appreciate the broadening the scope of agricultural lands and leases to which this law would apply.

Delayed or incomplete access for survey and treatment of priority pest infestations encourages spread to new areas and complicates rapid response efforts. Infestations on State lands, including State-leased lands, should not have the same complications for access as private properties. This bill aims to close that important gap regarding access permission. If infestations occurring on State lands are not addressed, invasive species are likely to spread throughout neighborhoods, farms, and high-value natural areas. Rapid, coordinated response depends on the cooperation of landowners and is essential to successful containment and eradication of priority pests.

The provisions outlined in this bill are reasonable, targeted, and will improve rapid-response to invasive species outbreaks. Ensuring timely access and coordinated management on state-leased agricultural lands is a practical and necessary step to strengthen biosecurity throughout the State.

Mahalo for the opportunity to provide testimony.

Sincerely,

Nate Dube, OISC Manager