

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

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
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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 Senate Committee on  
JUDICIARY

Tuesday, March 3, 2026  
10:15 AM  
State Capitol, Conference Room 16

In consideration of  
SENATE BILL 2489  
RELATING TO INVASIVE SPECIES

Senate Bill 2489 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 indicated in the Executive Supplemental Budget request.**

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

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

The Department acknowledges that DAB already has the authority to enter most properties within the State to combat invasive species. However, incorporating the language proposed in this measure into leases would improve DAB's ability to enforce rules and ensure lessees comply.

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**  
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**SHARON HURD**  
Chairperson  
Board of Agriculture & Biosecurity

**DEAN M. MATSUKAWA**  
Deputy to the Chairperson

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

**BEFORE THE SENATE COMMITTEE ON JUDICIARY**

**TUESDAY, MARCH 3, 2026  
10:15 AM  
CONFERENCE ROOM 016**

**SENATE BILL NO. 2489  
RELATING TO INVASIVE SPECIES**

Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 2489. 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. The Department respectfully provides comments.

For the reasons discussed below, the Department respectfully suggests that legislation proposed by Senate Bill 2489 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.

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.



The Senate  
Committee on Judiciary  
Tuesday, March 3, 2026  
10:15 am Conference Room 016 & Videoconference  
State Capitol

### Testimony in Support of SB 2489

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) is **in support of SB 2489**, *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 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 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 will only apply to leases made, renewed, or extended after SB 2489 is enacted into law and will not affect existing leasees.

Mahalo for the opportunity to support SB 2489 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



**Hawaii Cattlemen's Council, Inc.**

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

**SB2489**  
RELATING TO INVASIVE SPECIES

Tuesday, March 3, 2026, 10:15 AM  
Conference Room 016 & Videoconference

Chair Rhoads, Vice Chair Gabbard, and Members of the Committees,

The Hawaii Cattlemen's Council **opposes on SB2489** 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





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March 3, 2026

HEARING BEFORE THE  
SENATE COMMITTEE ON JUDUCIARY

**TESTIMONY ON SB 2489**  
RELATING TO INVASIVE SPECIES

Conference Room 016 & Videoconference  
10:15 AM

Aloha Chair Rhoads, Vice-Chair Gabbard, 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**, which proposes to require invasive species control provisions in state agricultural leases administered by the Department of Agriculture and Biosecurity.

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 the impacts of invasive pests directly through increased costs, reduced yields, and long-term land management challenges, and we share the goal of preventing further spread and establishment.

At the same time, SB 2489 raises concerns related to how responsibility and enforcement would be applied to agricultural lessees. Invasive species are often introduced through pathways beyond a lessee's control, including adjacent lands, public access areas, and interisland movement. Clear standards, defined expectations, and coordination across agencies are essential to ensure that responsibility for invasive species management is applied fairly and effectively.

HFB also encourages careful consideration of how access, compliance requirements, and enforcement mechanisms are structured within agricultural leases. Agricultural operations rely on lease stability to make long-term investments in conservation, infrastructure, and land stewardship. Approaches that emphasize collaboration, notice, and proportional responses will be more likely to achieve durable outcomes against invasive species while maintaining viable agricultural operations on public lands.

HFB appreciates the Legislature's continued focus on invasive species prevention and respectfully offers these comments for consideration as SB 2489 moves forward.

Thank you for the opportunity to provide testimony.



March 1, 2026

To: Chair Senator Karl Rhoads, Vice Chair Senator Mike Gabbard, and the Members of the Senate Committee on Judiciary

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

Aloha,

I am writing in **support of the intent behind SB2489 with comments**. 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 survival<sup>1</sup>. 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 of SB2489 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 suggestions:

- (1) Require DAB to give prior notice to leasees before entering their property (at least 5 days according to section 141-3.6<sup>2</sup>); and
- (2) 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**, which will promote the control of harmful invasive species, while not risking a loss of essential local farms and producers leasing DAB land.

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**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.

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

<sup>2</sup> 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/>



# HAWAI'I FOOD+ POLICY

Honolulu, HI 96813  
food@purplemaia.org

Mahalo,

Sydney Haas & the Food+ Policy Team  
#fixourfoodsystem

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**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.

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<sup>2</sup> 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/>



The Senate  
Committee on Judiciary  
Tuesday, March 2, 2026  
10:15 AM Conference Room 016  
State Capitol

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

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

I am writing on behalf of the O’ahu Invasive Species Committee (OISC) **in strong support of this SB2489 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.

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