

HB 799,
HD2

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
WATER, LAND, AND AGRICULTURE**

**Monday, March 14, 2016
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
HOUSE BILL 799, HOUSE DRAFT 2
RELATING TO THE UNIFORM AERONAUTICS ACT**

House Bill 799, House Draft 2 proposes to clarify the authority of the State, its employees, or its independent contractors, to remove animals by aerial means in furtherance of official State duties. **The Department of Land and Natural Resources (Department) supports this measure.**

Purpose and Context. This bill seeks to clarify the State's authority to conduct routine aerial shooting missions. This bill clarifies the State's understanding of the existing law, which was enacted in 1923, that while the public may not conduct aerial shooting missions, the State may carry out such missions to accomplish its public trust purposes. The Department notes that the 1923 legislation was enacted as a safety measure in alignment with standard nationwide legislation when airplanes first became available to the public.

Aerial shooting is a core tool to control invasive non-native ungulates that destroy native forest and associated watershed. The Department requires this tool to carry out its work pursuant to statutory, judicial and constitutional public trust mandates, to protect our forests, control erosion and protect endangered species. In many places aerial shooting is the only method to control hooved animals due to remote, steep, and dangerous terrain. Additionally, in many cases aerial control is the only effective method when thick vegetation and vast distances prohibit staff and the public from spotting and pursuing animals on the ground.

The State employs aerial shooting as part of a suite of tools to control destructive invasive animals. The Department's policy is to first allow and facilitate public hunting for hooved animal removal when safe, feasible and effective to reduce numbers as much as possible before

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

progressing to the use of other methods such as staff hunting, trapping and aerial shooting. When aerial shooting occurs, the State notifies the public and hunters, and where feasible retrieves many of the animals shot and gives the meat to the public.

This clarifying legislation is particularly important following action by the County of Hawaii, which in 2012 passed an ordinance making aerial control of animals unlawful. The State proposes that the Legislature clarify in this statutory amendment that the state public trust responsibility preempts county laws that would otherwise limit the State's ability to carry out this public trust work.

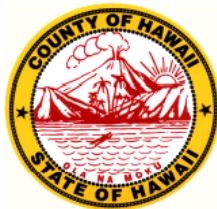


**Testimony of O'ahu Invasive Species Committee
Supporting H.B. 799 H.D. 2
Relating to the Uniform Aeronautics Act
Senate Committee on Water, Land and Agriculture
Monday March 14, 2016, 2:45 PM, Room 224**

The O'ahu Invasive Species Committee supports H.B. 799 which would clarify the State's authority to survey and remove feral ungulates using a helicopter. In OISC's experience, surveying using a helicopter is substantially less expensive per acre than carrying out operations on foot, even with the expense of renting a helicopter. We assume the same is true for aerial shooting. Affirming DLNR's authority to carry out aerial shooting is the most efficient use of taxpayer dollars in protecting our watersheds and natural resources.

Control of animals from helicopters is a proven safe and humane management tool; with DLNR following training, safety protocols and certifications that follow rigorous federal standards. We believe that game mammals in Hawai'i can be managed so that hunting in the state may continue while still eliminating animals from the upper elevation watersheds. Passing HB 799 will be a step towards that goal.

William P. Kenoi
Mayor



Randall M. Kurohara
Managing Director

Robert H. Command
Deputy Managing Director

County of Hawai‘i Office of the Mayor

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(808) 323-4444 • Fax (808) 323-4440

Hawaii County Game Management Advisory Commission

March 13, 2016

Committee on Water Land and Agriculture
For Hearing on Mar 14, 2016 2:45PM
Conference Room 224
House Bill 799 HD1

Dear Chair Gabbard; Vice Chair Nishihara and Honorable Members of WLA,

RE: HB799 HD1 – **STRONGLY OPPOSE without strict OVERSIGHT.**

§263-10 Hunting from aircraft; penalty. Any aeronaut or passenger who, while in flight in, across or above the State, intentionally kills or attempts to kill any birds or animals shall be guilty of a misdemeanor and punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or both. [L 1923, c 109, §13; RL 1925, §3903; RL 1935, §6986; RL 1945, §4933; RL 1955, §16-10; HRS §263-10]

This statute has been in existence since the 1920's. This Statute was forcefully impressed upon the Department on December 17, 2014 by Judge Hara when they tried to argue their supremacy to both the **County of Hawaii's ordinance 14-111 and 14-112 of no aerial shooting Island wide, and the State's own Statutes of "Any aeronaut or passenger"** when he told the Attorney General that they had to change the law in order to be in compliance with it. Well the law hasn't changed yet and DLNR is **still flying and shooting; "Feral populations to be culled by aerial shooting campaign. Access to forest reserves limited on active shooting days January 18, 2016. The Maui News "**

The County of Hawaii Game Management Advisory Commission recommends that the Committee on Water, Land and Agriculture put strict oversight and accountability provisions on DLNR, their contractors, and or other agencies they may engage for aerial shooting activities.

Aerial shooting of game is prohibited in Hawaii. We don't want to reverse that tradition. Aerial Shooting should be reserved for special situations on a case by case basis, and that requires responsible oversight.

Aerial shooting should be conducted only as a last resort after all other methods of animal control have been exhausted in areas **public or private** that are so inaccessible that they pose serious threat of injury, bodily harm or death.

A bona fide manner with which to provide this oversight would be through required consultation and agreement with a Game Commission and their representatives as to these activities regardless of public or private land.

Much Aloha,

A handwritten signature in black ink that reads "Thomas Lodge". The signature is written in a cursive, flowing style.

Tom Lodge, Chair

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: byroni@hawaii.rr.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Saturday, March 12, 2016 12:54:18 AM

HB799

Submitted on: 3/12/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Byron Ito	Club Huikuahiwi	Oppose	No

Comments: I oppose HB799 aerial shooting. Already Hawaii is losing public hunting areas and areas that are open have minimal animals. Instead of doing aerial shooting, why don't they allow hunters to reduce the population of animals? Opening of archery areas to muzzle loaders or rifle hunting would be a more efficient manner to control the number of animals, and would be more ethical than doing aerial shooting. Hunting has been a sport of families for generations and also is a source of food for numerous families.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: cathrina.cadiente@dhx.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Friday, March 11, 2016 4:04:03 PM

HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
cathrina	n/a	Oppose	No

Comments: as Secretary, Liaison Officer for the Pig Hunters Association of Oahu we strongly oppose this measure of aerial eradication.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: makani.christensen@gmail.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Sunday, March 13, 2016 1:18:58 PM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
makani	Hunting Farming and Fishing Association	Oppose	Yes

Comments: I am opposed to this bill. The bill has not been properly vetted through the community and is taking food away from a community in need. Some hunt for sport while other hunt to survive. In todays economy where one gallon of milk cost \$8.00, and when you eradicate a resource is no longer available. There hasn't been enough interaction between hunters and the state to properly warrant any type of areal eradication.

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**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i / leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Water, Land, and Agriculture
Hearing: Monday, March 14, 2016 2:45 pm
Conference Room 224

Support for HB 799 HD 2 Relating to the Uniform Aeronautics Act

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee,

Aloha. Conservation Council for Hawai'i supports HB 799 HD 2, which clarifies the authority of the State, its employees, or its independent contractors, to remove birds or animals by aerial means in furtherance of official State duties.

Aerial hunting is an important tool to protect our forests, watersheds, and other public trust resources for future generations. It is needed in certain situations where public hunting and other means are not able to reduce the number of destructive browsing and grazing ungulates in sensitive watersheds and habitats.

Introduced feral and game mammals pose one of the most significant threats to our watersheds and water quality, and contribute to the loss and decline of unique plants and animals found nowhere else in the world. Axis deer on Maui and goat herds on the highways in Kona and Kohala threaten human health and safety. Feral pigs – found just about everywhere they are not contained (including private property) – help spread diseases to humans and Hawaiian forest birds.

These animals are out of control and should be contained in appropriate game management areas and removed from all other locations.

Please help the State protect our public trust resources for future generations by supporting HB 799 HD 2. Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler



Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org

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Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



Monday, March 14, 2016
Room 224
2:45 PM
HB 799 HD2

The Hawaii Sportsmen's Alliance **OPPOSES HB 799 HD2** as currently written.

We feel it is not responsible that there is no public input or oversight with regard to the Department of Land and Natural Resources (DLNR) conducting aerial shooting.

We understand the tool of aerial shooting in areas of danger and inaccessibility. However, “official state duties” do not legally define any restrictions on this tool. The DLNR has already demonstrated a history of using this tool unknowingly to the communities nearby. There was no effort to notify people and collaborate on alternatives. The department took it upon themselves to authorize these acts under secrecy in South Kona and North Kona. While the department may have made strides in protocol since these events, this bill, as written, does not guarantee the public has any meaningful input or notification.

We offer that aerial shooting be approved or consulted with a State Game Management Advisory Commission, the Board of Land and Natural Resources, and requiring sufficient public notification and hearing in interest of public safety and community acceptance and support.

Furthermore, aerial shooting is generally conducted in areas game mammals have overpopulated. Aerial shooting as a “last resort” tool should also come with a comprehensive solution to avoid having to use this tool if at all possible. A game management plan, collaboration with adjacent land owners, and collaboration with local hunter groups can all be community accepted alternatives. Currently, the DLNR shows very limited capacities in pursuing these alternatives in a manner to see it through to any success. Amending this bill for some level of responsible oversight can mandate and achieve this and should be included.

*Mahalo,
Ryan Kohatsu
Board Member | Hawaii Sportsmen's Alliance
Hilo, Hawaii | EMAIL : ryankohatsu@gmail.com*

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: shyla.moon@ymail.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Sunday, March 13, 2016 12:12:45 PM
Attachments: [image.png](#)

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon	Hunting Farming and Fishing Association	Oppose	No

Comments: March 13, 2016 Shyla Moon Board Member Hunting Farming and Fishing Association Aloha, The eradication by the State of Hawaii, Department of Land and Natural Resources should be consulted with the people who use these resources – the hunters and gatherers. Our hope for a proper representation of them would be the creation of a statewide game commission. Please consider the safety measures regarding this type of animal control. At the HD1 hearing I asked a DLNR employee what type of ammo was used in the process, which she didn't know the answer to. Do we really want to put the safety of our people in the hands of decision makers who can't answer a simple question? This worries me. Eradicating animals to save plants isn't conserving it is preserving and that is a wasteful project. The hunters rely on these animals for sustainable food, and in Hawaii there's a huge movement going on regarding being sustainable. We should be good stewards of our lands including the animals that live in them. I beg of you to stop the eradication until further face to face conversations are done. What is the rush? Sincerely, Shyla Moon

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***Hawaii Hunting Association
To Protect & Promote Sustainable
Public Hunting in Hawaii***

**HB799 HD1
OPPOSE**

March 13, 2016

Committee on Water, Land and Agriculture
For Hearing on Mar 14, 2016 2:45PM
Conference Room 224
House Bill 799 HD1

Dear Chair Gabbard; Vice Chair Nishihara and Honorable Members of WLA,

RE: HB799 HD1 – **STRONGLY OPPOSE without strict OVERSIGHT.**

§263-10 Hunting from aircraft; penalty. Any aeronaut or passenger who, while in flight in, across or above the State, intentionally kills or attempts to kill any birds or animals shall be guilty of a misdemeanor and punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or both. [L 1923, c 109, §13; RL 1925, §3903; RL 1935, §6986; RL 1945, §4933; RL 1955, §16-10; HRS §263-10]

This statute has been in existence since the 1920's to which the Department was reminded of on December 17, 2014 by Judge Hara when they tried to argue their supremacy to both the **County of Hawaii's ordinance 14-111 and 14-112 of no aerial shooting Island wide, and the State's own Statutes of "Any aeronaut or passenger"**. The State's Attorney General was told that they had to change the law in order to be in compliance with it. Well the law hasn't changed yet and DLNR is **still flying and shooting**; *"Feral populations to be culled by aerial shooting campaign. Access to forest reserves limited on active shooting days. January 18, 2016. The Maui News"*

16-1596 Keaau Paho Road; Keaau, HI 96749
hawaiihuntingassociation@hawaiiantel.net
(808) 982-4747

The Hawaii Hunting Association recommends that the Committee on Water, Land and Agriculture put strict oversight and accountability provisions on DLNR, their contractors, and or other agencies they may engage for aerial shooting activities.

Aerial shooting of game is prohibited in Hawaii. We don't want to reverse that tradition. Aerial Shooting should be reserved for special situations on a case by case basis, and that requires responsible oversight.

Aerial shooting should be conducted only as a last resort after all other methods of animal control have been exhausted in areas **public or private** that are so inaccessible that they pose serious threat of injury, bodily harm or death.

A legitimate manner with which to provide this oversight would be through required consultation and agreement with a Game Commission and their representatives as to these activities regardless of public or private land.

Much Aloha,

A handwritten signature in black ink that reads "Thomas Lodge". The signature is written in a cursive, flowing style.

Tom Lodge

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: wekeis333@gmail.com
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
Date: Thursday, March 10, 2016 9:49:42 PM

HB799

Submitted on: 3/10/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	The Society for Hawaii Heritage Animals	Oppose	No

Comments:

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Testimony of The Nature Conservancy of Hawai'i
Supporting With Amendments H.B. 799 HD2 Relating to the Uniform Aeronautics Act
Senate Committee on Water, Land, and Agriculture
Monday, March 14, 2016, 2:45PM, Room 224

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 40,000 acres in 14 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects across the islands.

The Nature Conservancy supports H.B. 799 HD2.

HRS §263-10, which prohibits aerial hunting, was passed by the Territorial Legislature in 1923 as part of a larger Uniform Aeronautics Act being adopted in mainland states at a time when the military was urging states to standardize basic civilian flying regulations. There is no evidence that the Territorial Legislature passed H.R.S. § 263-10 with the intention of limiting State action or even with the expectation that controlling animals in this way would be an important tool for meeting the State's public trust responsibilities a century into the future.

We agree that introduced wildlife resources need to be wisely managed both for their benefits and, in some cases, for the risks they pose. Hawai'i has an important history of hunting game mammals for food and recreation that should be perpetuated and even enhanced, but it is a modern history. With the exception of the Hawaiian bat, Hawai'i has no native land mammals. Wild pigs were introduced from Europe and Asia after 1778. The smaller Polynesian pig brought by the first Hawaiians is gone (except on Ni'ihau), crowded out by these later introductions.

While an important resource, wild pigs, goats, sheep, deer, and cattle are also a major threat to the health of some of our most important native forests and watersheds. Centuries before the introduction of game mammals, Hawai'i's native plants and animals evolved in geographic isolation to form the unique ecosystems that make up these islands. In the absence of predators, native species did not develop defenses such as thorns or other mechanism to deter browsing or rooting animals. As a result, our native forests have no natural defenses against wild mammals. Left unmanaged, feral ungulates can strip large areas of forest bare, contributing to erosion, sedimentation harmful to coastlines and coral reefs, and impairing the natural absorptive function of watersheds. The areas disturbed by these animals also create open soil for weed invasions, further enhancing the decline of native ecosystems and watershed values.

Through years of research, experimentation, and experience, it has been shown that the most effective management strategy for these animals is a multi-faceted approach including fencing, public hunting, staff hunting, live trapping, snares, and aerial shooting under strict safety protocols. In some accessible locations, hunting and live trapping are sufficient for ungulate control. However, many areas of important native forest and watersheds are remote, mountainous, or so vast as to make standard animal control techniques dangerous, impractical and, in some cases, impossible. Control of animals from helicopters is a proven safe and humane management tool in these types of instances; with DLNR following training, safety protocols and certifications that follow rigorous federal standards.

BOARD OF TRUSTEES

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kreed@ssialaska.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Friday, March 11, 2016 11:46:05 AM

HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keith T Reed	Hui Kuahiwi	Oppose	No

Comments: I oppose aerial eradication of mammals as a management process for several reason. 1. there are ways to manage these animals which could be positive for the people of Hawaii. (youth programs, adult hunting programs, wounded warrior programs, open up special hunts to increase the animals harvested to name a few). 2. I feel the damage the helicopter does to the birds they are trying to save by eradicating the sheep could out weigh the benefit. I understand that even our US Military has training restrictions that do not allow them to fly this low and disturb the environment. 3. The waste associated with what they are doing is sickening to any true hunter. To shoot game on the run from a moving vehicle, you compromise your shot placement. Good shot placement is critical for a humane kill as well as for the meat of the harvested animal. Many hunters rely on these animals meat as a large part of their food resource. It is impossible for the eradication crews to care for the meat as a hunter would. Therefore, there is unnecessary waste. These are just a couple of reasons to not allow the use of aerial eradication techniques. Please do not allow the use of helicopters for any game eradication management techniques in Hawaii Thank you

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Wednesday, January 20, 2016

I, Alan Nakagawa, strongly oppose HB 799. This amendment to the HRS will remove accountability for unauthorized or unsafe aerial shooting by the State. This puts both the general public and state employees at risk as the State has proven to be incompetent in matters related to aerial shooting. This has been evident in their lack of concern over public outcry over aerial shooting of cattle (specifically in Kona) and goats over Kohala on Hawaii Island. The State (DLNR) alone is not only ill equipped to effectively and safely conduct aerial shooting, there are many other more economically feasible and safe methods of managing wildlife in our public lands.

Once again I strongly oppose this bill.

Thank you for your consideration.

Alan Nakagawa
65-1156 Spencer Road
Kamuela Hawaii 96743

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: alapai15@hotmail.com
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
Date: Sunday, March 13, 2016 7:36:38 AM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alapai Toulon	Individual	Oppose	No

Comments:

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To: [WLA Testimony](#)
Cc: alexjtwhite@gmail.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Sunday, March 13, 2016 8:46:30 AM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alexander White	Individual	Oppose	No

Comments: I oppose this bill on the grounds that before aerial hunting programs are expanded the concerns of the hunting community must first be addressed in honest and cooperative engagement. Please do not sideline us, support your constituents by opposing this bill and choosing cooperation and engagement instead. Thank you.

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Cc: brannings@hotmail.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Friday, March 11, 2016 6:59:31 PM

HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Branning Sung	Individual	Oppose	No

Comments: I strongly oppose HB799 as it seeks to allow the State to conduct aerial shooting, which in my opinion is unethical, inhumane, and unsafe to wildlife as well as the State employees who are piloting or firing from a moving vehicle. The Hunter Education courses which are required to obtain a valid Hawaii State Hunting License stress the dangers of having a loaded firearm in a vehicle.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: bronstonpestano@hotmail.com
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
Date: Sunday, March 13, 2016 5:30:10 AM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
bronston pestano	Individual	Oppose	No

Comments:

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Cc: cathrina.cadiente@dhx.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Friday, March 11, 2016 3:57:40 PM

HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
cathrina	Individual	Oppose	No

Comments: My family - Myron, Titus, Tiare, Tatiana oppose this measure of aerial eradication

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Cc: kellyandjill@gmail.com
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
Date: Friday, March 11, 2016 9:00:51 PM

HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dakota Muranaka	Individual	Oppose	No

Comments:

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Cc: sunshineorchids@gmail.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Friday, March 11, 2016 7:00:18 PM

HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Darrell Tanaka	Individual	Oppose	No

Comments: The State and affiliated organizations have been very abusive to hunting areas by eradicating animals in accessible areas...hence eradicating hunting.....if you going to pass this bill, put an amendment in there so no eradications can take place on any public hunting area that has reasonable access by hunters.

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Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Friday, March 11, 2016 7:20:49 AM

HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Elijah Medeiros	Individual	Oppose	No

Comments: I am in opposition to his bill. No person, government, state or local agency should be allowed to intentional kill or capture wildlife for any purpose from an aerial device

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Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Heiko Sacher	Individual	Oppose	No

Comments:

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HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hunter Muranaka	Individual	Oppose	No

Comments:

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HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
james kuniyoshi	Individual	Oppose	No

Comments:

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HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jill Muranaka	Individual	Oppose	No

Comments:

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Date: 3/12/16

To: Senator Mike Gabbard, Chair
Senator Clarence Nishihara, Vice Chair
Committee on Water, Land, and Agriculture

RE: Testimony of Joel Nakamoto in **OPPOSITION** of:
HB799 HD2 – Relating to the Uniform Aeronautics Act

I am **OPPOSED** to HB 799 HD2 because I believe additional legislation/rules should be enacted, governing game animal eradication, before a bill like HB 799 HD2 is considered. I respectfully request that the committee vote against this legislation until it is clearly defined under what circumstances the DLNR may determine that this “official state duty” is necessary and justified and for what specific SUSTAINABLE hunting areas this will not be allowed. I provided testimony for a previous House hearing on this bill and am including an excerpt below:

PUBLIC INVOLVEMENT PROCESS FOR GAME ERADICATION: All wildlife in the State of Hawaii is considered a resource for the people, and this includes game animals. Furthermore HRS 183D-2 paragraph (12) requires that DLNR “Preserve, protect, and promote public hunting”. Therefore, any eradication of game animals should have a public involvement component to consider the impacts of the game removal to the people of Hawaii as such actions are contrary to HRS 183D-2. Currently there is no such process and I am aware of several instances where game animal resources have been removed through aerial killing on Hawaii Island without the public’s prior knowledge. I understand that there are environmental justifications that drive the desire for aerial killing of game animals but it is time that the impact to the people at least be heard and considered, through a official State process, when such decisions are made. I also believe that eradication, if deemed necessary, should be mitigated by provision of replacement hunting areas or enhancement to existing areas or game populations to maintain consistency with existing State law.

However, I would like to expand my testimony on this bill in light of recent testimony dated 3/2/16 by Ms. Suzanne Case, Chairperson of the DLNR (on behalf of the Department) opposing SCR1/SR1 (recognizing game animals as natural resources) which was received by this committee. In paragraph seven (7) of her testimony, Ms. Case states the following:

“Pursuant to statutory mandate Chapter 183D, Hawaii Revised Statutes, the Department manages a robust and successful hunting program that maintains and enhances opportunities for public hunting across the State. The Department regularly distributes game for the purpose of increasing the food supply in appropriate locations; manages and regulates game management areas and public hunting areas on most of the Hawaiian Islands; and remains dedicated to preserving, protecting and promoting public hunting statewide as required under the statute referenced above. Currently the Department manages approximately 900,000 acres for public hunting (majority of the public lands) and has an active program to secure additional access rights to previously unavailable lands for recreational hunting opportunities. These programs have opened thousands of acres of new land to hunters in recent years (e.g. Waimea Heights, Unit L on Kaua’i, Pu’u Mali Mitigation area and the Ka’u forest reserve on Hawai’i Island). The Department continues to work with private and public landholders across the State to identify and negotiate access to more lands for public hunting (e.g. Kanaio on Maui).”

The main reason for my including the DLNR Chair's paragraph here in its entirety is because it portrays a starkly different assessment of the current state of public hunting when compared to the reality that I personally experience on Hawaii Island (the following discussion pertains only to sheep and goats as they are the animals that I am most familiar with and are also the primary target of aerial eradication).

In my 35 years of hunting, I have seen PUBLIC hunting areas and game populations shrink to the point that I rarely go sheep/goat hunting these days because of the low probability of seeing game and more importantly the high numbers of other hunters (safety issue) in the areas that still have huntable populations. When I say areas have "shrunk" I am talking functionally, since a majority of the 900,000 acres (700,000 of which is located on Hawaii Island) have been fenced and eradicated of game animals (Mauna Kea GMA, Kaohe GMA, large portions of the Pohakuloa Training Area, portions of Pu'u Wa'awa'a Forest Reserve, etc.) or have regulations that do not allow their existence (NARS, watersheds, etc.) thereby making only what is left the realistic acreage of available sheep/goat hunting area (If time permits, please view www.youtube.com/watch?v=Jvx6U-MDeYc entitled "Hawaii Hunting: 700,000 acres?" for a more detailed presentation of this point by another individual).

Regarding "programs that have opened thousands of acres of new land to hunters" I am grateful for the opening of the Pu'u Mali Restoration Area in November of this past year. However, this area is for game bird hunting only since, as its name suggests, its goal is to restore native forest and Palila (all sheep and cattle have been removed). To my knowledge, there have been no new areas opened for sheep and/or goat hunting over the past 35 years. Sadly, we may be actually LOSING more area this year. Kipuka Ainahou, one of the few remaining sheep hunting areas that does not have an eradication program in place, may revert back to DHHL because DLNR's license (lease) with DHHL expired several years ago and it is possible that DHHL could deny DLNR's after-the-fact license extension request.

Finally, the statement "the Department manages a robust and successful hunting program" is, in my opinion, an optimistic assessment in light of what I have described above. Obviously, there is a stark difference between what the DLNR leadership believes it is providing to the hunting community and what the hunters are actually experiencing in the field. This coupled with their testimony in opposition of SCR1/SR1 makes me very afraid that we will continue to "functionally" lose hunting areas if HB799 HD2 is passed in its current form. I believe aerial eradication is warranted in certain instances, but I am not comfortable giving unrestricted authority to do so to those who have come out on record against recognizing game animals as natural resources. To address these concerns, I believe a good starting point would be for the DLNR to secure a Memorandum of Agreement (MOA) with USFWS, USGS-BRD, individual Counties, and any group that has sued the State over game mammals, which identifies areas that they agree can be managed for SUSTAINABLE game mammal and bird hunting (with public review/ input). I believe these areas should then be specifically excluded in any aerial eradication law as a good faith effort to be consistent with HRS 183D. However, if this bill is to pass without any of the above considerations, I would ask that the committee at least require the DLNR to provide timely detailed reports to the public (date, number of animals killed by species, GPS data of the flight path and kill locations, etc.) of each instance where aerial eradication was performed under this new provision. Thank you for your consideration and for the opportunity to testify.

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HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Katada	Individual	Oppose	No

Comments:

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Joni Kamiya	Individual	Oppose	No

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
kabel gebeke	Individual	Oppose	No

Comments:

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani Pacheco	Individual	Oppose	No

Comments: To whom it may concern, I would like to express my opposition of this bill. I see no use for it in our state. With proper game management, the need for aerial shooting is a senseless means of control....

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HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Muranaka	Individual	Oppose	No

Comments: Hawaii State law prohibits anyone from discharging a firearm from an aerial craft. I feel it should stay that way. I also feel that if the federal government can over ride our laws, they should use their employees, not contracted or other government employees. Our state should also prosecute all the people who are doing it now to the full extent of the law, even the past persons and especially the ones with authoritative positions.

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
kyle furutani	Individual	Oppose	No

Comments:

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Date: Sunday, March 13, 2016 10:25:36 AM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
manuel soares iv	Individual	Oppose	No

Comments:

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Ross	Individual	Oppose	No

Comments: Aerial shooting is a valid and, in some cases, necessary conservation tool. However, it should not be used to indiscriminately eradicate game animals that are important to the hunting community. This practice needs checks and balances, and this bill should not proceed without inserting some of these into its language.

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
nsimeon	Individual	Oppose	No

Comments:

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Date: Saturday, March 12, 2016 12:16:17 PM

HB799

Submitted on: 3/12/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
nani pogline	Individual	Oppose	No

Comments: Areal eradication is no way to treat native, let alone naturalized species. The violent wind, noise, and uninterrupted blasts are abusive to all living things. This method is full of disrespect. Is this the behavior we want to teach our children, to cruelly slaughter and waste our resources? How far will it go, if given free reign? Previously, the DLNR launched expert hunters into remote areas, hunters who shot to kill humanly. This is very different from a firing squad, blasting mothers and babies, leaving some half dead. These left to rot surely are toxic to the watershed. We need game management, not eradication. There is a balance.

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HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
NOAH DRAZKOWSKI	Individual	Oppose	No

Comments: I oppose the states need for aerial eradication measures. If there is such a large need for eradication of animals in an area the state should be seeking other means of eradication. For example, working with the land owners to allow access to said areas or creating more hunting areas and not shutting them down. Working with the community of hunters can make a difference.

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HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Bueltmann	Individual	Oppose	No

Comments: Aloha Thank you for your time in reading this. I hope that level heads and logical minds prevail in this. The thought of state wide aerial slaughter of so called invasive animals is offensive to life itself. I strongly oppose this bill on an ethical stand point and an additional one that in our own state constitution it is illegal. Please do not pass this bill it is unneeded and unwanted by the people of the state of Hawaii. Mahalo pb

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
paul	Individual	Oppose	No

Comments: We need our animals for eat! Let the hunters take care of the killings

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To whom it may concern:

The following is to provide testimony in opposition to HB 799, regarding the use of aircraft to hunt, kill, or eradicate animals. In addition to being wasteful, the practice is deemed by this writer as barbaric and being inhumane to the animals being killed.

While controlling animal populations is a necessary area of game management, I take offense to the practice of aerial hunting. This method at its core is inhumane. Animals are chased and herded, some to the point of exhaustion. Has there ever been any studies performed relating to the condition and health of an animal prior to its death after being killed as a result of the use of aircraft in this manner. In addition, shooting from a moving platform (aircraft) is challenging at best. As a hunter, I was always taught to harvest an animal cleanly and to cause little to no suffering on the part of the game pursued. The shooting from a moving aircraft, in my opinion, leaves too many variables to be able to guarantee a clean kill. This is certainly evidenced by animals recovered having multiple non-lethal shots to their bodies.

In conclusion I ask the following question: Does the need to control game mammal populations authorize the use of aerial hunting as a tool where animals are chased to exhaustion, shot multiple times and ultimately forced to suffer an inhumane and wasteful death.

Thank you,

Randall Tanaka

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
renee n katada	Individual	Oppose	No

Comments:

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ricky Ferreira Jr	Individual	Oppose	No

Comments:

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HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Riley De Mattos	Individual	Oppose	No

Comments: Strongly oppose this bill

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Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
Date: Sunday, March 13, 2016 9:26:13 AM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shanna Sato	Individual	Oppose	No

Comments:

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I am the spouse of a member of Hui Kuahiwi. I am writing in opposition to bill 799 hunting from an aircraft. It is very in humane to animals to chase them until they are exhausted and kill them.

I believe that when the state does eradication from a helicopter it flies very low and it disrupts all of the animals that live in that natural habitat. In my opinion it also damages the nests of Palila birds which are deemed endangered. The state claims that they are doing eradications up Mauna Kea due to the fact that they claim that the sheep eats the Mamane trees and it hurts the habitats of the Palila birds, however, have they every considered that the helicopters are contributing to the factor that they are blowing eggs and nests out of trees. As with all animals they are part of the ecological system if one animal is taken out of the equation then another will either flourish or even become a nuisance.

Also with all eradications from a flying object the shots that are taken are not a very good shot. The shots are not placed in the vital area where the animal will be taken humanely. The animal is shot multiple times. As a hunter I feel that each shot should be taken with precise measurement so the meat from the animal does not go to waste. When an animal is shot multiple times the meat is no longer salvageable.

If the population needs to be controlled the hunters should be allowed to gather the meat from a hunt and not what is left over from a slaughter. The meat should be salvageable and not destroyed and not suitable for consumption. In Hawaii we have many people who subsidize with meat they gathered. It is morally wrong to let all the meat go to waste.

I follow the traditions of my ancestors to provide for my family. We prefer to consume organic game rather than one that has been injected with steroids or GMO. With that said I kindly ask that you take our testimony into consideration and not pass Bill 799 which allows the state to kill animals from a helicopter.

Thank you for your consideration in not passing Bill 799
Sherri Kayano

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Cc: shonvanzandt@gmail.com
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
Date: Sunday, March 13, 2016 12:38:42 PM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shon Van Zandt	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Friday, March 11, 2016 6:43:02 PM

HB799

Submitted on: 3/11/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stanley Mendes	Individual	Oppose	No

Comments: Strongly oppose

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: churkel@msn.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Sunday, March 13, 2016 4:11:51 PM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Hurt	Individual	Oppose	No

Comments: Vehemently oppose! People go to bed without food and you lay waste to valuable food sources.

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To: [WLA Testimony](#)
Cc: autaylor5@gmail.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM
Date: Sunday, March 13, 2016 12:35:56 PM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor Au	Individual	Oppose	No

Comments: Game mammals are an important resource in Hawaii that I would like to see for future generations. Ariel eradications are unnecessary.

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Cc: tlindsey300@hotmail.com
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
Date: Saturday, March 12, 2016 11:38:22 AM

HB799

Submitted on: 3/12/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Lindsey	Individual	Oppose	No

Comments:

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Cc: w.king14@hawaiiantel.net
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*
Date: Sunday, March 13, 2016 6:16:32 AM

HB799

Submitted on: 3/13/2016

Testimony for WLA on Mar 14, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
William King	Individual	Oppose	No

Comments:

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