

DAVID Y. IGE
GOVERNOR



Late Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 14, 2016
2:45 p.m.
State Capitol, Room 224

**H.B. NO. 799, H.D. 2
RELATING TO THE UNIFORM AERONAUTICS ACT**

Senate Committee on Water, Land and Agriculture

The Department of Transportation **supports** H.B. 799, H.D. 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

This bill will enable the State to use additional measures, if necessary, to control harmful wildlife that may impact the safety of our airfields and flights arriving and departing from our airports.

Thank you for the opportunity to provide testimony.

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 11:52 AM
To: WLA Testimony
Cc: skaye@hawaii.edu
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*

HB799

Submitted on: 3/14/2016

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

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Springer Kaye	Big Island Invasive Species Committee	Support	No

Comments:

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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William P. Kenoi
Mayor



Randall M. Kurohara
Managing Director

Robert H. Command
Deputy Managing Director

County of Hawaii Office of the Mayor

LATE

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
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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 HD2

*revised
testimony*

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

RE: HB799 HD2 – **STRONGLY OPPOSE without strict OVERSIGHT.**

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,

Tom Lodge, Chair



**THE HUMANE SOCIETY
OF THE UNITED STATES**

LATE

Comments

March 14, 2016

To: Honorable Chair Gabbard, Vice-Chair Nishihara & Water, Land and Agriculture Committee Members

From: Inga Gibson, Hawaii State Director, The Humane Society of the United States-Humane Society International, PO Box 89131, Honolulu, HI 96830, igibson@humanesociety.org

RE: Proposed Amendments to HB 799; Relating to the Uniform Aeronautics Act

Thank you for your consideration of this testimony. The Humane Society of the United States believes that in the vast majority of situations aerial hunting is inefficient, ineffective and inhumane. Animals, especially herd animals exhibiting collective flight response behaviors, who are shot from aircraft are often non-mortally wounded and thus subjected to unnecessary and prolonged suffering. Furthermore, if death is not verified (most often performed during carcass retrieval) it is impossible to know how many animals may have simply been injured or wounded, only to ultimately die of infection, starvation, shock, blood loss or dehydration, days or even weeks after being initially shot.

We acknowledge that there are limited occasions when aerial hunting, performed *only* by trained professionals for demonstrated public health or safety reasons, or for limited conservation purposes to protect threatened and endangered species in imminent harm, is arguable as a condition of last resort. There are many places throughout the islands where the terrain is inaccessible, the impacts to threatened and endangered plants and animals too severe, and the resources too limited for our conservation agencies to be able to use any other strategy to help conserve our treasured natural resources. Most importantly, we realize that in some circumstances other control methods employed, such as unattended snares or poisoning, would result in a far less humane death for the targeted animals.

We also know that hunting alone does not solve the larger feral animal over-population problem. Therefore, should the Committee decide to move this measure forward we appreciate your consideration of the below amendments. These amendments reference language currently in the federal Airborne Hunting Act, below, and attempt to address our greatest concerns regarding the possibility of unnecessary animal suffering due to non-mortal wounding which may occur during aerial control related activities.

I have also included 2 photos of cattle who were shot during a 2009 aerial control hunt in Hualalai, which created much concern within the Hawaii Island community. Given that humans were able to access this area other methods of removal should have been considered.

SECTION 1. Section 263-10, Hawaii Revised Statutes, is amended to read as follows:

"§263-10 Hunting from aircraft; penalty. (a) 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.

(b) Notwithstanding any other law to the contrary, state employees and independent contractors retained by the State may, while in flight in, across, or above the State, intentionally kill ~~or attempt to kill~~ any wildlife in furtherance of official state duties provided that actions taken under this section;

(1) shall be limited to

- (a) remote and inaccessible areas, where non-aerial access to wildlife may pose hazard to human life and;
- (b) the protection of public health or safety or the protection of threatened or endangered species in imminent harm

(2) Shall only occur when all other methods of removal have been documented and proven ineffective

(3) wherever possible, carcasses shall be removed and death verified to ensure wildlife has not escaped non-mortally wounded

(4) live wildlife cannot be captured and released to another location for subsequent removal

(5) the public shall be notified in advance of any aerial control activities proposed by the department

(6) the department shall file reports for any permits issued to or by the state for aerial control activities with the Secretary of the Interior and shall make such records available to the public upon request. The reports shall include but not be limited to;

- (A) the name and address of each state employee or independent contractor retained by the state to whom a permit was issued;
- (B) a description of the animals authorized to be taken thereunder, the number of animals authorized to be taken, and a description of the area from which the animals are authorized to be taken;

(C) the number and type of animals taken by each state employee or independent contractor retained by the state to whom a permit was issued; and
(D) the reason for issuing the permit.

Airborne Hunting Act (See: <https://www.fws.gov/laws/lawsdigest/AIRBORN.HTML>)

This Act, Public Law 92-159, approved November 18, 1971 (85 Stat. 480) and subsequently amended by P.L. 92-502, approved October 28, 1972 (86 Stat. 905) added to the Fish and Wildlife Act of 1956 a new section 13 (16 U.S.C. 742j-1), which is commonly referred to as the Airborne Hunting Act or Shooting from Aircraft Act, prohibits shooting or attempting to shoot or harrassing any bird, fish, or other animal from aircraft except for certain specified reasons, including protection of wildlife, livestock, and human life as authorized by a Federal or State issued license or permit. States authorized to issue permits are required to file reports with the Secretary of the Interior containing information on any permits issued.

Thank you for your consideration of these amendments

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 1:25 PM
To: WLA Testimony
Cc: cathyg@animalrightshawaii.org
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*

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HB799

Submitted on: 3/14/2016

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

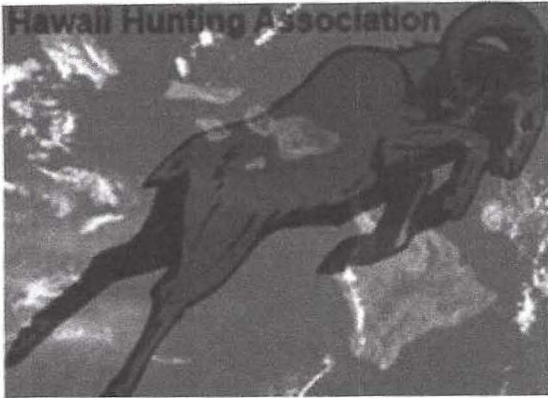
Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Oppose	Yes

Goegel

Comments:

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

**HB799 HD2
OPPOSE**

LATE

March 13, 2016

Committee on Water, Land and Agriculture
For Hearing on Mar 14, 2016 2:45PM
Conference Room 224
House Bill 799 HD2

*revised
testimony*

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

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

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.

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

Much Aloha,

A handwritten signature in cursive script that reads "Thomas Lodge". The signature is fluid and stylized, with the first name "Thomas" and last name "Lodge" clearly legible.

Tom Lodge

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

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2016 10:31 AM
To: WLA Testimony
Cc: bennette@bettercropshawaii.com
Subject: *Submitted testimony for HB799 on Mar 14, 2016 14:45PM*

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HB799

Submitted on: 3/14/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Bennette Misalucha	Hawaii Crop Improvement Association	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2016 7:53 PM
To: WLA Testimony
Cc: ulua_hunter@hotmail.com
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
Grant Kow	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2016 9:34 PM
To: WLA Testimony
Cc: yamaguchd009@hawaii.rr.com
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
Dennis Yamaguchi	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 13, 2016 9:38 PM
To: WLA Testimony
Cc: fonga004@hawaii.rr.com
Subject: Submitted testimony for HB799 on Mar 14, 2016 14:45PM

LATE

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
Andrew R. Fong	Individual	Oppose	No

Comments: I am a hunter and resident of the Big Island. I opposes HB 799. It removes accountability of the DLNR and does not differentiate private and public lands. There are much better ways of animal management, increased access to hunters.

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