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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

February 1, 2016
2:45 P.M.
CONFERENCE ROOM 224

**SENATE BILL NO. 2802
RELATING TO HUNTING ON PRIVATE LANDS**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2802 which is an Administration measure. This bill requires hunters to first obtain written permission from the landowner or occupier or holder under such landowner before entering private property. The department supports this bill.

Agricultural theft and agricultural vandalism have been a constant problem for Hawaii's farmers, increasing the cost of production and preventing farming operations to be successful. The vast farming land area throughout Hawaii and limited law enforcement officers make it difficult to capture perpetrators. This measure does not prohibit hunting on private lands. It will ensure greater safety and peace of mind for landowners who are often agriculturalists to control access to their properties.

Thank you for the opportunity to submit our testimony.





SB2802
RELATING TO HUNTING ON PRIVATE LANDS
Senate Committee on Water, Land, and Agriculture

February 1, 2016

2:45 p.m.

Room 224

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **OPPOSE** for SB2802, which will require hunters to obtain written permission from landowners, occupiers, or holders of private lands to hunt on private lands.

Many Native Hawaiians currently engage in hunting for subsistence and other purposes as a traditional and customary practice. The Hawai'i Constitution, Supreme Court, and this Legislature consistently protect the perpetuation of these practices as a living component of the Hawaiian culture. However, while Native Hawaiians may reasonably engage in such practices on less-than-fully-developed lands notwithstanding certain trespassing and other laws, the written permission requirement of this bill may unduly burden practitioners who wish to do so, while also complying with statutory provisions.

Hunting remains an important cultural and subsistence practice for many Native Hawaiians, particularly in rural regions. For example, a report issued by the Governor's Moloka'i Subsistence Task Force found that Hawaiian families on Moloka'i continue to rely heavily upon subsistence to supplement meager incomes, deriving 38% of their food from these activities. These practices rely primarily upon wildlife game that is abundant on privately owned land because the game on public lands is too scarce to be hunted. This report revealed that subsistence activities, including hunting, were also critical to the persistence of Hawaiian cultural customs and values. Updated data from 2014 found that Native Hawaiians on Moloka'i continue to share the sentiment that subsistence is "very important" for their families livelihood.

OHA appreciates this bill's apparent desire to protect the property rights of private landowners. However, **the written permission requirement of this bill may create substantial burdens for practitioners who wish to both engage in cultural hunting practices, while also complying with the statute and avoiding the risk of arrest by law enforcement.** For example, much of Hawai'i's land is owned by large landowners whose explicit, written permission may be much more difficult to obtain than an implicit or verbal agreement. Likewise, large landowners who may otherwise wish to permit or even promote hunting on their lands may be

discouraged from doing so, by the inconvenience or liability inherent in a written permission requirement. Thus, while the Constitution broadly protects traditional and customary hunting activities, practitioners who are not able to obtain the written permission of landowners or occupiers could experience a chilling effect, as they would bear the burden of proving their rights to agents and prosecutors who may not understand the complex legal authority protecting their practices.

In light of all these concerns, OHA urges the committee to HOLD SB2802. Mahalo for the opportunity to testify on this important measure.



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February 1, 2016

HEARING BEFORE THE
SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

TESTIMONY ON SB 2802

RELATING TO HUNTING ON PRIVATE LANDS
Room 224
2:45 PM

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

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau strongly supports SB 2802, requiring hunters to obtain written permission from landowners or occupiers or holders of private lands to hunt on those lands.

This bill does NOT in any way prohibit hunting on private lands. What it does do is separate the legitimate hunter from the criminal trespasser.

This bill is necessary because the current situation is extremely dangerous for both the landowner and the hunter. Over the last several years, incidents of livestock slaughtering, theft, vandalism, crop destruction, and poaching have become commonplace on farms and ranches on every island. These illegal activities must be stopped; however, the current laws relating to hunting are confusing and not easily enforced. Criminals have learned that there is no practical enforcement of the laws to prevent armed thieves and vandals from trespassing, stealing, and destroying other's livelihoods. If caught, these miscreants claim to be hunters and state that they had verbal permission to be on the property.

The burden should never be on the rancher or farmer to prove that he *did not* give permission to a gun-wielding trespasser to access his property.

Without knowing the intent of an armed trespasser on his property, a farmer or rancher may reasonably believe that the trespasser is there to steal his equipment, his livestock, or his crops. He may even think that his home and family are threatened and this could lead him to take steps to protect them. This scenario is just too dangerous for both a legitimate hunter and the farmer, and it can be avoided by the simple act of obtaining prior permission, in writing, so there is no confusion or misunderstanding.

A legitimate, law-abiding hunter would have no justification to object to this measure since he is already required by law to have permission from the landowner.

For many years, the Hawaii Farm Bureau has worked with police, prosecutors, and the Department of Land and Natural Resources to find a solution to trespass, theft, and vandalism problems. We respectfully request that this committee pass SB 2802 to clarify and help enforcement of the current laws that ALREADY prohibit trespass and prohibit hunting without permission. Please don't let another year go by without addressing the concerns of our farmers and ranchers. We sincerely believe that this can be done without penalizing legitimate hunters.

Thank you very much for your support of Hawaii's farmers and ranchers.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ilojerry@gmail.com
Subject: Submitted testimony for SB2802 on Feb 1, 2016 14:45PM
Date: Saturday, January 30, 2016 7:15:36 PM

SB2802

Submitted on: 1/30/2016

Testimony for WLA on Feb 1, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Ilo	Babooze Bowstrings	Support	No

Comments: I very strongly support this bill. Poaching is not only illegal but damages the image of law abiding legal Hunters to the non-hunting community. Trespassing has soured the relationship legal Hunters have with landowners. This will help to protect landowners as well.

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: dalesarver@hawaii.rr.com
Subject: Submitted testimony for SB2802 on Feb 1, 2016 14:45PM
Date: Saturday, January 30, 2016 12:03:52 PM

SB2802

Submitted on: 1/30/2016

Testimony for WLA on Feb 1, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dale Sarver	Individual	Oppose	No

Comments: What is an occupier? Way too general and could give rights to squatters.

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