

**TO: Chair Finance Committee and Committee Members**

**ATTN: Senator Clayton Hee and Senator Russell Kokubun**

January 28, 2008

FROM: Brian F. Funai  
45-019 Ka Hanahou Circle  
Kaneohe, Hawaii 96744

RE: SB2747 scheduled to be heard by WL on Monday, 1/28/08 at 2:45 pm in Senate conference room 414.

**My name is Brian F. Funai and I am testifying in opposition to SB2747.**

I believe that the present administrative rule making process was put in place by the Legislature to afford the public a transparent and open process that allows participation by the public. As it is, I believe there have been cases where some have called into question whether the Department of Land and Natural Resources has followed this process fully as required by law. Passing this bill will further erode the transparency and public involvement that was intended by the Legislature and will deny the public's right to participate in the management of our resources.

**I oppose this bill for these reasons.**

Please stand up or continue to stand up and not allow a few to have control over our ocean resources that belong to all of us! Thank you and please kill SB 2747!

Thank you for your time and allowing me to testify.

Brian F. Funai  
45-019 Ka Hanahou Circle  
Kaneohe, HI 96744

Senator Clayton Hee, Chairman  
Senator Russell S. Kokubun, Vice Chairman  
Committee on Water and Land  
Monday, January 28, 2008  
Conference Room 414

Opposition to S.B. 2747 Relating to Hunting

I am Roy Morioka of Honolulu, Hawaii and in strong opposition to S.B. 2747 as it attempts to circumvent the Chapter 91 process established by the legislature to subordinate the rulemaking process to the various state departments to facilitate timely action by not having to wait for the next legislative session.

This bill further erodes transparency by eliminating the public hearing process as has been attempted on occasion, by this department over the course of the last several years.

Additionally, if there are emergencies, Section 91-3(b) provides:

“ (b) Notwithstanding the foregoing, if an agency finds that an imminent peril to the public health, safety, or morals, or to livestock and poultry health, requires adoption, amendment, or repeal of a rule upon less than thirty days' notice of hearing, and states in writing its reasons for such finding, it may proceed without prior notice or hearing or upon such abbreviated notice and hearing, including posting the abbreviated notice and hearing on the Internet as provided in section 91-2.6, as it finds practicable to adopt an emergency rule to be effective for a period of not longer than one hundred twenty days without renewal. “

This department continues to seek legislative remedies to facilitate rule changes without properly engaging the public, resulting in much frustration and dissatisfaction. I again urge you to kill this bill as it serves to further alienate the public from its role in the rulemaking process and consider rescinding Chapter 91 authority as several department's have of late attempted to prostitute its intent. Thank you for your consideration.

Sincerely,  
Roy N. Morioka

LATE

January 26, 2008

To: Water, Land Committee, Senate

Sen. Clayton Hee; Chairman, & Sen. Russell Kokubun; Vice  
Chairman

From: MIKE SAKAMOTO, Fisherman, Hilo

Re: Measure Number: SB2747

Hearing: Monday, Jan. 28, 2008, 2:45pm, Conf. Room #414

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To Senators Hee & Kokubun:

My name is Mike Sakamoto and I strongly OPPOSE SB 2747 and hope that you kill this bill immediately.

SB 2747 will eliminate the "public hearing process" in the Administrative Rule process and this is UNACCEPTABLE. The people should always have a say in new, proposed or amended rules that will govern and affect their cultures, way of life, and families. We do make our voices heard by using the public hearing process. Do not take away that right of the people.

If you allow SB 2747 to pass, it opens the door to all kinds of abuse of the laws and of the People themselves.

You were elected by the People to take care of the People and make sure that we are governed by good and just laws. This bill is not good, nor just.

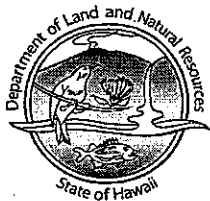
Please kill this bill.

Concerned,

Mike Sakamoto, Fisherman 331 Lu Hau Pl Hilo, HI 96720

Ph. No. 808-959-4190

LINDA LINGLE  
GOVERNOR OF HAWAII



LATE

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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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 THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**on Senate Bill 2747 – RELATING TO HUNTING**

**BEFORE THE SENATE COMMITTEE ON WATER AND LAND**

**January 28, 2008**

The Department of Land and Natural Resources (Department) strongly supports passage of Senate Bill (S.B.) 2747, which amends the powers and duties of the department under Section 183D-2, Hawaii Revised Statutes, to give the Board of Land and Natural Resources (Board) the flexibility to set size and bag limits, hunting days, open and closed seasons, hunting gear to be used, and special conditions for hunting without going through the rulemaking process.

Adjustments to the conditions set for hunting each year, and frequently during the year, are necessary and routine and serve to enhance hunting opportunities based on changing environmental conditions, and allow for the flexibility to increase hunting pressure in cases where animal numbers are high. The overall goal of the public hunting program is to maximize hunting opportunities where appropriate through proper management of the game resources. The Department conducts numerous game surveys throughout the year in order to assess the status of the game populations and uses that information to establish open seasons, bag limits, hunting days and conditions to hunt and therefore the amount of the game harvest. This process gives the Department the ability to provide more hunting opportunity when conditions warrant.

Similarly, game animal numbers occasionally become undesirably high in some areas and adjustments are needed to open areas and increase hunting pressure to allow for an increase in harvest. A recent example of this was seen last year when frequent complaints of pigs in the Manoa area of urban Honolulu were reported. The Department was able to quickly establish special hunts to increase hunting pressure and harvest. Giving the Board the authority to set these conditions will provide the needed flexibility for adjustments and responses that will help control game and enhance hunting opportunities. It is not feasible to go through an administrative rule process every time a localized adjustment is needed in hunting bag limits, season or conditions. Under this measure, the changes that would be made in hunting conditions

would be done by the Board at its duly noticed and regular meetings, and provide the public with an opportunity to provide input.

Lastly, the Department of the Attorney General has brought to the attention of the Department that the introductory paragraph in SECTION 1 of this measure was inadvertently worded incorrectly. The Department respectfully requests that this paragraph be amended to read:

SECTION 1. *In Tanaka v. State of Hawaii, Department of Land and Natural Resources*, 2007 WL 4572956. (Haw.App. 2007), the Intermediate Court of Appeals reversed a decision of the circuit court and thereby indicated that the board of land and natural resources and the department of land and natural resources do not have flexibility and authority to take certain actions relating to hunting except through the rule making process.

carl

From: "carl" <mjellings@hawaii.rr.com>  
To: "carl" <mjellings@hawaii.rr.com>  
Sent: Monday, January 28, 2008 10:44 AM  
Subject: Re:

LATE TESTIMONY

*Aloha Senate Commity on Water Land Aloha Chair Clayton  
Hee My name Is Carl Paoo Jellings from Nanakuli Born and  
raised in Hawaii and half Hawaiian I would like to oppose  
SB 2747 for the presidence it will set for the chapter 91 rule  
making proccess I believe Hunter gatherers as well as fishermen  
have much to offer in the law making process for hunting as  
well fishing many of us subsidize our incomes to gather food for  
our families for me fishing is for subsistance as well as my  
livelihood I am a full time fishermen,the chapter 91 process  
allows fishers and hunters to be a part of the process especially  
off islanders who may not afford a trip to honolulu to testify at  
the land board, Thank You for allowing me to testify,,, on  
behalf of myself and my Ohana May all of You have a  
Productive 2008 Legislative Session.*

*Mahalo and Much Aloha Carl P Jellings*