

LINDA LINGLE
GOVERNOR OF HAWAII



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

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STATE PARKS

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
WATER, LAND, & OCEAN RESOURCES**

**Friday, January 30, 2009
9:00 a.m.**

State Capitol, Conference Room 325

**In consideration of
HOUSE BILL 199
RELATING TO WILDLIFE**

House Bill (H.B.) 199 proposes to prohibit the use or possession of snares, and the use of bait, to hunt or take wildlife. H.B. 199 also proposes to make it unlawful to take wildlife for the purpose of keeping the wildlife as a pet. The Department of Land and Natural Resources (Department) does not support H.B. 199.

The Department and its public and private conservation partners have the responsibility to protect sensitive native ecosystems, watersheds, and endangered species for the benefit of future generations. The severe negative impacts of introduced predators and herbivorous ungulates in sensitive Hawaiian ecosystems are well documented, and include extinction of species found nowhere else in the world, destruction of native habitats, the spread of destructive invasive species, direct predation of native bird species, transmission of diseases, and damage to ground cover leading to topsoil erosion, impairment of watershed function, and destruction of coral reef ecosystems from runoff.

The Department's program to protect natural and cultural resources uses an integrated, humane approach with available tools, including fencing, public hunting, live-trapping, staff control, predator control, and infrequently, snaring to control damaging wildlife species. The Department's preferred means of controlling damaging animals is to use public hunting, fences or barriers to exclude animals, and removal of animals by non-lethal trapping or driving. Public hunting is used first to remove animals from fenced or sensitive areas. Staff hunting is used where public hunting is not safe, feasible, or effective. As animal numbers reach low levels and surviving animals become wary, hunting or trapping becomes less effective and may be completely ineffective for some animals. The Department then uses snares as a last resort to remove the few remaining animals for which other methods are ineffective.

Snares are infrequently used on State land, and used in areas such as fenced Natural Area Reserves where the goal is to keep animal populations at or near zero, and when other methods are not available or effective. Snares are also used by private landowners to protect valuable agricultural crops, landscaping and native ecosystems and watersheds on private property. While snares are used infrequently, they are an essential tool to protect native resources on public and private lands.

The bill also proposes to ban the use of bait to trap animals. Baiting to attract damaging animals to traps is an essential tool for conservation work, and one that provides the land manager with the option of releasing the animal to a more suitable location, such as an adjacent game management area, or ensuring that the animal is properly dispatched using the most humane methods. Prohibiting the use of baits would make live trapping ineffective and remove one of the humane control methods available.

The Department has compiled a Technical Report 07-01 (March 2007) summarizing the various methods to control harmful animals and including information for humane methods. That report is available on line at:

(<http://www.state.hi.us/dlnr/dofaw/pubs/Ungulate%20Control%20Methods%20FINAL%20Mar%202007.pdf>)

Finally, H.B. 199 also proposes to prohibit the taking of wildlife to be kept as pets. Section 183D-63, Hawaii Revised Statutes, already prohibits keeping wild birds in captivity, and Department hunting rules prohibit capture and removal of live game animals from public hunting areas except if issued a collecting permit. The Department does not regulate the take of game mammals on private lands, and most game mammals in Hawaii are feral animals descendant from domestic stock. The Department does not support prohibiting private landowners from capturing and holding feral or domestic animals on their lands as that may contribute to control of damaging animals.

The Department does not support H.B. 199 to prohibit the use of essential tools for the conservation of native wildlife and their habitats.



PO Box 1998 Lihue Hawaii 808-246-0684 (FAX) 808-632-0841 www.kauaiisc.org

1-29-08

RE: HB199
Relating to Wildlife

This letter is to amend HB199 regarding the use of snares and baits.

An invasive pest is defined as one that doesn't belong where it is. In the course of our work, as well as many other conservation organizations, it is necessary to trap, remove, or eliminate unwanted wildlife either from an island ecosystem or from a management area. It is always best to be able to have at our disposal any humane method available to achieve the goals set forth. Trapping and baiting can both be done responsibly and should be left as tools for wildlife eradication.

The proposed HB should have an exception to this rule regarding eradication efforts of unwanted pest species such as cats, pigs, parrots, mongoose, deer, etc.

Respectfully,

Keren Gundersen
Project Manager



MISC

MAUI INVASIVE SPECIES COMMITTEE

Testimony of the Maui Invasive Species Committee
Opposing H.B. 199 Relating to Wildlife
Before the House Committee on Water, Land and Ocean Resources
Conference Room 325

January 30, 2009, 9:00AM

The Maui Invasive Species Committee (MISC) opposes H.B. 199.

H.B. 199 would make it unlawful to use snares or bait to control wild animals. The humane treatment of all animals is a desirable goal; however, this bill would unreasonably restrict the ability of resource managers and livestock producers to use proven methods for control of invasive and destructive non-native species.

The unmanaged population expansion of invasive animal species in our native forests has caused incalculable damage to our watersheds and to the diminishing numbers of native animals and plants. Feral ungulates strip our forests of native plants, creating major disturbances, soil erosion and runoff, and mosquito-breeding sites of stagnant water. These openings are perfect opportunities for invasive weeds to gain a foothold, while mosquitoes carrying avian malaria push our native birds closer to extinction.

Years of research, experimentation and field experience have shown that feral animal control requires using a wide variety of approaches, including fencing, managed hunting, trapping, and baiting. Many of the areas most affected by the incursion of feral ungulates are in remote, inaccessible terrain, where standard animal control techniques are impractical at best and life-threatening under more difficult situations. The tools that would be prohibited by this bill are typically used sparingly, only as a last resort, when other approaches are not feasible.

Although MISC does not currently work in areas or on target species that require the use of baiting or snares, it is clear that this bill would be a huge step backward for protecting Hawaii's natural environment. These tools need to continue to be available for public and private land managers.

P.O. Box 983, Makawao, HI 96768
Phone: (808) 573-MISC (6472) • Fax: (808) 573-6475
Email: misc@hawaii.edu • Website: <http://www.mauisc.org>

**Statement of Inga Gibson
Hawaii State Director
The Humane Society of the United States**

**In Support of H.B. 199; Relating to Wildlife
Heard before the House Committee on Water, Land and Ocean Resources**

January 30, 2009

Dear Honorable Chair Ito and Committee Members:

On behalf of our 47,704 members and supporters of The Humane Society of the United States (HSUS) in Hawaii, I would like to thank the House Committee on Water, Land and Ocean Resources for the opportunity to testify in support of H.B. 199, legislation prohibiting the possessing or using of a snare to hunt or take wildlife; the using of bait to hunt or take wildlife; and the taking of wildlife for the purpose of keeping as a pet. We strongly support the passage of H.B. 199, and thank Representative Marcus Oshiro for introducing this important legislation.

Three principles of hunting and wildlife management are (1) the notion that wildlife, whether native or non-native, should not be taken for the purpose of captivity, as pets; (2) the sportsman code of ethics for a "quick kill"; that the animal hunted should not suffer unnecessarily and (3) fair chase ethic; that an animal should not be baited or artificially attracted in order to be hunted. Snares and baiting violate all of these principles.

Snares: Snares are generally made of a wire cable looped through a locking device, and are designed to tighten around the neck or other body part as an animal struggles. The more the animal struggles, the tighter the noose becomes. While small victims may become unconscious in five to ten minutes, larger animals may suffer for hours or days. Snares are often left unattended for days, weeks or never checked at all. Animals trapped in snares languish for days or even weeks before ultimately dying of starvation, dehydration or infection. Animals have been known to twist or chew off their own limbs in an attempt to escape.

Snares are notoriously indiscriminate and frequently capture non-target animals, including threatened and endangered species as well as domestic dogs and cats. To understand the affect of snaring on canid species (which include dogs) in one study researchers characterized the condition of 94 coyotes that had been trapped using neck snares. The coyotes showed signs that they had struggled significantly and that this resulted in a slow, painful death. Briefly, their necropsy data showed many cases of severe hemorrhaging, bloody noses and bloody eyes, bloody limbs, broken necks, broken rostrums, cyanosis, and a condition called "jellyhead" that refers to the thick bloody lymph fluid that swells the heads and necks of snared canids.¹

Baiting: A fundamental principle in hunting is fair chase – the ethic that wildlife has the opportunity to evade their pursuer. The federal government bans the baiting of migratory birds because it's unfair. Most states ban the baiting of deer and elk and other big game for the same reason. Most wildlife is naturally wary, instinctively avoiding close contact with humans. Baiting for the purpose of hunting

¹ Memo from C. Hulsey to K. Elowe. Dated November 8, 2001. Subject: Snaring issues. Maine Department of Inland Fisheries and Wildlife. Accompanied by a necropsy report describing the condition of 108 coyotes used in a genetics study

unfairly desensitizes an animal to humans increasing the likelihood of human-animal conflict and interaction.

Wildlife as pets: The Humane Society of the United States strongly opposes keeping wild animals as pets. This principle applies to both native and nonnative species, whether caught in the wild or bred in captivity. Wild animals require considerable expertise, specialized facilities, and total dedication to their needs. Most people do not have the resources to care for wild animals thus causing unnecessary suffering to the animal and in many cases, jeopardizing public health and safety.

The HSUS urges a favorable recommendation on H.B. 199. Thank you for your consideration.

Please contact me at (808)922-9910 or lgibson@humanesociety.org if I may provide additional information.

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2009 5:51 PM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB199 on 1/30/2009 9:00:00 AM
Attachments: HB 199 - TESTIMONY.doc

Follow Up Flag: Follow up
Flag Status: Completed

Testimony for WLO 1/30/2009 9:00:00 AM HB199

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Kawehi Yim
Organization: Hawaiian Humane Society
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 1/29/2009

Comments:

HB 199
Relating to Wildlife

The Hawaiian Humane Society supports the intent of this bill but has concerns about certain programs that may be jeopardized by language contained in this bill.

We are opposed to the use of any snares when left unattended. Often, wildlife may stumble upon these snares and are unable to free themselves from these cruel and inhumane forms of traps. Often, if left unattended, these animals die a slow and torturous death or are attacked by other animals with no means to fend for themselves.

Our concern is with the baiting of certain animals. There are organized activities, such as tagging and identifying native birds for tracking purposes and the Trap Neuter Return and Manage program for feral cats that could be negatively impacted by this bill if passed.

While we support the intent of prohibiting the use of snares we are concerned that portions of this bill will prohibit the work of organized, humane programs throughout the State.



HAWAII PEST CONTROL ASSOCIATION

820 Mililani Street, Suite 810 • Honolulu, Hawaii 96813
Telephone (808) 533-6404 • Fax (808) 533-2739

January 30, 2009

Testimony To: House Committee on Water, Land, & Ocean Resources
Representative Ken Ito, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: HB 199 – RELATING TO WILDLIFE

Chair Ito and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we have a few comments on this bill.

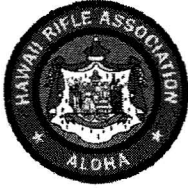
We are not opposed to the intent however we find that it is likely to effect our members. Try as we might, we could not find a definition for "hunting area" as used in the definition of "bait" in Section 2.

We want to be sure that hunting area does not include those areas where we are hunting for household pests.

Additionally, we find that our members are often called on in order to do bird control. Waikiki particularly has an incredibly horrible pigeon problem and as this Committee may be aware, pigeons are full of diseases that typically we do not want around us. There is no doubt that our members use baits in order to attract pigeons and in an attempt to keep the population down.

It is our suggestion that if you are going to pass this bill, that you include a section that is similar to the Cruelty to Animals Law (Section 711-1109) and more specifically include a reference to Section 711-1109 (2) (c) which should provide that the above Section 183d does not apply to "pest control operations conducted pursuant to Chapter 460J". With those amendments we have no objections to the bill one way or the other.

Thank you.



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

January 29, 2009

TESTIMONY IN OPPOSITION on HB199, Relating to Wildlife
Before the Committee on Water, Land, and Ocean Resources
Hon. Ken Ito, Chair
Scheduled for Friday, Jan 30, 2009, 9am, Rm 325

Hon. Chair, Vice Chair, Members,

There are some areas of our Islands so inaccessible that snares may be the only way to control wildlife populations and protect the *'aina*. Snaring is an ancient Hawaiian tradition.

HRA believes that public hunting is almost always the preferred means of controlling wild animal populations, so we would suggest additional language whenever snares or trapping is the subject: "to be used only when public hunting has demonstrably failed."

Feral pigs are very difficult to hunt successfully because of their instincts and habitat. Hunting over bait is generally the most productive hunting method unless the hunter has a pack of pig dogs. Many other species present the same challenge, so hunting over bait needs to remain lawful.

Many times hunters in the field come across orphaned animals, many of which will die by starvation. Taking these *keikis* home to raise as pets is a humane gesture that should not be prohibited when the rescuer has the capacity and willingness to do so properly. Some feral animals like goats and pigs are a food source for families that capture them and raise them as livestock. After all, they are descendants of escaped or released livestock.

We respectfully suggest you hold this bill.

Thank you for the opportunity to testify on behalf of HRA.

Dr. Max Cooper,
Director,
HRA
808 225-6944

Testimony of The Nature Conservancy of Hawai'i
Opposing H.B. 199 Relating to Wildlife
House Committee on Water, Land & Ocean Resources
Friday, January 30, 2009, 9:00am, Room 325

The Nature Conservancy strongly opposes H.B. 199.

Feral ungulates, including pigs, goats, sheep, deer, and wild cattle, are one of the biggest threats to the health of our native ecosystems and critical watershed areas. While Hawaii has an important history of hunting game mammals for food and recreation, it is a modern history. With the exception of the Hawaiian bat, Hawaii 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.

Centuries before the introduction of game mammals, Hawaii's native plants and animals evolved in geographic isolation to form the unique ecosystems that make up these islands. In the absence of predator species, 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 defenses against wild mammals that consume and destroy forest understory plants and native seedlings.

Left unmanaged, feral ungulates can strip large areas of forest bare thereby contributing to erosion, runoff, damage to coastal areas and coral reefs, and impairing the natural absorptive function of watersheds. The areas disturbed by these animals create open soil for the invasion of weed species, further enhancing the decline of native ecosystems and watershed values. Pig wallows are a breeding ground for non-native mosquitoes that carry and spread avian pox and malaria to our fragile native bird populations. A native bird inflicted with avian pox suffers as lesions slowly eat away at the bird's feet and beak until it can no longer perch or seek food for its young. Urine and feces from ungulates contaminate our streams contributing to health threats like leptospirosis, trichinosis, brucellosis, and tuberculosis.

Through years of research, experimentation, and experience, it has been shown that the most effective way to control feral ungulates in sensitive native forest areas is by using a multi-faceted approach. Responsible public and private land managers use a variety of tools to control non-native animals, including fencing, public hunting, staff hunting, live trapping, and snares. 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 otherwise so steep as to make standard animal control techniques dangerous, impractical and, in some cases, impossible. Furthermore, in many instances hunting and trapping alone simply cannot get ahead of the breeding capacity of these animals. Pigs can double their numbers in just 4 months.

Thankfully, as a state we are finally recognizing the need to manage our forested watersheds so that they can continue to deliver their ecosystem services for generations to come. There are now nine watershed partnerships across six islands, encompassing more than 1,000,000 acres across the state. It is essential for the public and private land owners and land managers in these partnerships to have the right tools for the job in their animal control programs.

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[REDACTED]

From: Melissa Miranda-Johnson on behalf of Rep. Ken Ito
Sent: Thursday, January 29, 2009 10:38 AM
To: WLOtestimony
Subject: FW: HB199; WLO; Friday, 1/30; 9AM; Rm 325

Importance: High

From: Joel Fischer [REDACTED]
Sent: Wednesday, January 28, 2009 1:31 PM
To: Rep. Ken Ito
Subject: HB199; WLO; Friday, 1/30; 9AM; Rm 325
Importance: High

I am submitting my testimony directly because the new site for transmitting testimony did not work.

HB 199, Relating to Wildlife

WLO; Chair, Rep Ito

PLEASE PASS THIS BILL.

I am very grateful that you are hearing this bill.

The most important word in this entire bill can be seen in the title wild**LIFE**. Too often, our wildlife is treated as inferior to other forms of life, almost as a commodity. But these creatures are God's creations; they deserve the same respect, compassion and understanding as our animal companions or any other creature.

Based on this assumption of inferiority, wildlife often are treated with unbelievable cruelty, e.g. in using snares to capture them and leave them in a situation of unbelievable torture until a merciful death comes.

This is a bill of compassion. I hope you pass it unanimously.

Thank you.

Aloha, joel

Dr. Joel Fischer, ACSW
President, 19-3, Democratic Party

Professor
University of Hawai'i, School of Social Work
Henke Hall
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."

Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."

Dr. Martin Luther King, Jr.

"Never, never, never quit."

Winston Churchill

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2009 12:56 PM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB199 on 1/30/2009 9:00:00 AM

Testimony for WLO 1/30/2009 9:00:00 AM HB199

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Andrea Baer
Organization: Individual
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 1/29/2009

Comments:

Please support the banning of snares. They are an inherently cruel and brutal way to capture animals.

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2009 11:34 AM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB199 on 1/30/2009 9:00:00 AM

Testimony for WLO 1/30/2009 9:00:00 AM HB199

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Matthew D. Burt
Organization: Individual
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 1/29/2009

Comments:

I don't believe that this a very well thought out Bill.

1. Snaring is a very cost effective and useful tool for eradication efforts within protected fenced management units. Feral ungulates ("wildlife") are a very real threat to the health and integrity of our native hawaiian ecosystems. To take away this effective tool would jepordize management and restoration efforts throughout the island.
2. The use of bait is as an attractant for hunting or trapping is a well established practice. For traps and certain types of hunting methods to be effective baits are necessary Again, land managers need as many tools at their disposal to be effect and efficient at their jobs. In these trying fiscal times it seems that limiting cost efficient managment is not a very prudent thing to do. Thank you for your time in allowing me to submit testimony.

hb199 testimony 20091029 (2).txt

Philip Thomas (individual/citizen)

To (committees): WLO, JUD

Hearing: 30 January 2009, 9am

HB199 testimony (AGAINST)

I strongly OPPOSE HB199. Its comprehensive banning of snaring would eliminate one of the most effective--and in many cases, THE ONLY EFFECTIVE--method of control of destructive non-native wildlife in native Hawaiian forests.

Without every effective method at combatting the problem of such invasive pest species, efforts to preserve remaining native Hawaiian forest areas are DOOMED TO FAIL.

I do not know if baiting is part of conservation animal control, but if it is, this, too, should be NOT be limited for the purposes of control or eradication of non-native animals from natural areas.

Keep in mind that NONE of these proposals are targeting native Hawaiian species. All species that are hunted in Hawaii are INTRODUCED NON-NATIVE species, and most (if not all) "game animals" in Hawaii are problematic to some degree with respect to native Hawaiian flora and fauna.

Aloha,
Philip Thomas

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2009 9:37 AM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB199 on 1/30/2009 9:00:00 AM

Testimony for WLO 1/30/2009 9:00:00 AM HB199

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Cathy Goeggel
Organization: Animal Rights Hawai'i
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 1/29/2009

Comments:
I will deliver testimony at the hearing.

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2009 1:37 PM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB199 on 1/30/2009 9:00:00 AM

Testimony for WLO 1/30/2009 9:00:00 AM HB199

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Rick Gaffney
Organization: Individual
Address: [REDACTED]
Phone: [REDACTED]
E-mail: [REDACTED]
Submitted on: 1/29/2009

Comments:

HB199 is essential to maintain the health of Hawaii's reefs and the diversity of our unique nearshore marine resources.

I support HB 199 and hope you will too.

Mahalo,
Rick Gaffney