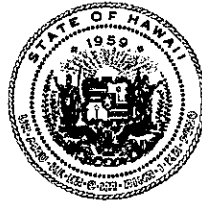
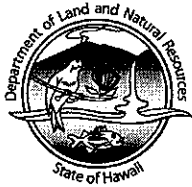


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committee on  
JUDICIARY**

**Thursday, March 29, 2012  
2:00 PM  
State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 3001, SENATE DRAFT 2, HOUSE DRAFT 1  
RELATING TO WILDLIFE**

Senate Bill 3001, Senate Draft 2, House Draft 1 proposes to prohibit the interisland transport or release of deer. The Department of Land and Natural Resources (Department) appreciates the intent of this bill but has concerns that the bill will not be effective as written and suggests amendments to strengthen the provisions.

Introduced mammals cause widespread damage to public natural resources in Hawaii, including destruction of native vegetation, degradation of watersheds, erosion, alteration of hydrologic processes, predation on endangered species, spread of pathogens and diseases, and increases in standing water that may promote mosquitoes and other disease vectors. Efforts to manage and mitigate the impacts of these animals are costly, and preventing the spread of these animals to areas where they are not established is one of the most important and cost-effective strategies to deal with their impacts.

These impacts are not limited to deer. For example, pigs are not present on the island of Lanai and would cause very serious and costly damage if allowed to become established there. Goats were eliminated from Lanai and Kahoolawe years ago at huge cost and effort. Transport and release of those animals to those islands would undo major operations to protect public resources. Deer are not established on Hawaii and Oahu, and their establishment there would cause millions of dollars of damage to essential watersheds and agricultural lands.

The Department also appreciates that domestic animals may be transported for purposes of commerce or food and appreciates that this bill should not interfere with those activities. The Department does not object to the transport of such animals so long as they remain compliant

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

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AQUATIC RESOURCES  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

with agricultural animal trespass laws to prevent damage to public and natural resources.

Finally, the Department notes confusing language in the bill that suggests that deer may be feral and appears to make an exception for deer that have been captured. Deer are wild animals and are not generally considered to be a domesticated species and, therefore, would not be considered feral if living in a wild state. Wild animals should not be captured and held in captivity unless by qualified professionals or permit. Handling of wild animals by unqualified individuals could result in dangerous conditions or inhumane treatment.

The Department suggests amendments below that would prohibit the release from confinement of wild and feral animals but would not prohibit or interfere with the legitimate transport of domestic animals.

SECTION 2 is amended to read:

**§183D- Interisland transportation of wild or feral mammals prohibited.** No person shall intentionally, knowingly, or recklessly transport and release after transport, through interisland movement, any wild or feral mammal, unless permitted by the department or other state department. This section shall not apply to non-feral domestic animals as referenced in section 142-68.

SECTION 3 is amended to add:

**§183D-1 Definitions.**

"Feral" means having escaped or been released from domestication and living in a wild and unconfined state."



March 28, 2012

Testimony of the O'ahu Invasive Species Committee  
Opposing HD1 Version of S.B. 3001, Relating to Wildlife  
House Committee on Judiciary  
Thursday, March 29, 2012, 2:00PM, Room 325

The O'ahu Invasive Species Committee **opposes the HD1 version of S.B. 3001 and respectfully requests that the bill be amended to the SD2 version that sent to the house from the Senate.** SB 3001 was originally drafted to prevent the spread of feral mammals across the state. Although mammals like deer, sheep and mongoose can cause millions of dollars of agricultural and natural resource damage and cost millions to control, there is no law that prevents a single person from introducing these destructive animals to islands that are currently free of them. The original draft of this bill was sorely needed in order to close that loophole.

The HD1 draft of the bill restricts the prohibition of moving mammals to deer and says that only un-captured deer are prohibited from being moved. This essentially allows a person capture deer on one island and release it on another—thereby starting a new feral population. One person should not be able to inflict such damage to the agriculture and natural resources of an island. It is too great a burden for his fellow citizens to bear.

OISC respectfully asks the committee to amend this bill back to the SD2 version that was sent to the house from the Senate. Otherwise, the bill should be held as it will defeat its intended purpose to protect Hawai'i's agriculture and natural resources from invasive mammals.

The O'ahu Invasive Species Committee is a voluntary partnership organizations and individuals united to prevent new invasive species infestations on the island of O'ahu, to eradicate incipient species, and to stop established species from spreading. The group is concerned with all non-native invasive species threatening agriculture, watersheds, native ecosystems, tourism, industry, human health, and the quality of life on O'ahu.

Thank you for the opportunity to testify.



House of Representatives  
Committee on Judiciary  
Thursday, March 20, 2012  
2:00 p.m., Conference Room 325  
State Capitol

### Testimony Opposing SB 3001 SD2 HD1

Aloha Chair Keith-Agaran, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) **strongly opposes this HD1 version of SB 3001, *Relating to Wildlife***, which would prohibit the interisland transfer, transport, or release after transport of wild or feral deer, with exceptions, and further defines that a captured deer shall no longer be considered feral.

The unpermitted movement of axis deer, and the subsequent release of these game mammals underscores the selfish intentions of a few individuals to bolster game hunting opportunities on their home island. **The previous version of SB 3001 (SD2) would help deter additional movement and release of all game mammals and wild mammals, with exceptions for rehoming wild mammals (as in the recent rehoming of the Kona nightingales) and movement of zoo animals, farm and livestock animals, defined in the rules.**

, *Game mammals; wild mammals; interisland transportation*, which would prohibit the interisland transport or release of wild or feral mammals, with exceptions, and establishes additional mandatory fines.

The smuggling of axis deer to Hawai'i island highlighted a number of issues for agencies. The lack of clear language, stiff penalties, and the existence of loopholes for introduction of wild or feral mammals to private property in the existing statutes are some of those issues. SB 3001 SD2 would address these three issues, while providing for beneficial rehoming efforts such as with the Kona nightingales.

We respectfully ask for your support of this measure. Mahalo for your consideration.

Aloha,

Christy Martin  
Coordinating Group on Alien Pest Species (CGAPS)  
Ph: (808) 722-0995

Testimony of The Nature Conservancy of Hawai'i  
Opposing S.B. 3001 HD1 Relating to Wildlife  
House Committee on Judiciary  
Thursday, March 20, 2012, 2:00PM, Room 325

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 10 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.*

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The Nature Conservancy supported earlier drafts of this bill, but **we now oppose the HD1 version of S.B. 3001.**

The HD1 draft of this bill, by narrowly focusing on deer alone, has the potential to severely and negatively limit the DLNR's statutory and administrative ability and responsibility to manage overall wildlife movement and release throughout the islands. And, even with respect to deer, it appears that the wording of the HD1 draft might only restrict the transport of un-captured deer, which doesn't make sense.

**We would continue to support this bill if it is returned to the SD2 or similar version that properly addresses the movement of wild or feral animals generally. If that does not happen or is not possible, we recommend this bill be held in this committee.**

Certain invasive animals, weeds, insects, diseases, and other pests are some of the greatest threats to Hawaii's economy, agriculture, natural environment, and the health and lifestyle of its people. Evidence from Hawai'i and around the world shows that preventing new species establishment is exponentially more economical than eradicating a species or, even worse, controlling it indefinitely once it becomes established.

In recent months, there have been discoveries of wild animals in locations and on islands where they had not previously been documented. It appears they are being transported and released between islands. Such animals can cause significant damage to native forests, agriculture operations, and present risks to public safety and health. Unfortunately, the Department of Land and Natural Resources and the Department of Agriculture have not had the legal tools and authorities necessary to rapidly respond to these discoveries. As originally drafted and passed by the Senate, this bill would have provided enforceable statutory authority prohibiting people from moving such animals between islands.

Thank you for the opportunity to testify.

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# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.538.6616 hawaii.chapter@sierraclub.org

## HOUSE COMMITTEE ON JUDICIARY

March 29, 2012, 2:00 P.M.  
(Testimony is 1 page long)

### TESTIMONY IN SUPPORT OF THE INTENT OF SB 3001 (SD2, HD1) WITH PROPOSED AMENDMENTS

Aloha Chair Keith-Agaran and Members of the  
Committee:

The Hawai'i Chapter of the Sierra Club, with  
10,000 members and supporters, *supports the  
intent of* SB 3001 SD2. Prior versions of this  
measure would have prohibited the transportation  
of wild or feral mammals. The current measure --  
incorrectly -- prohibits only the transport of wild  
or feral deer and creates a broad loophole by  
defining a mere captured deer as domesticated.

The introduction of non-native species,  
particularly hooved animals, detrimentally impacts  
Hawai'i's natural environment (see attached photo  
that shows a denuded area in Kalena, which is causing severe mud runoff problems). This  
problem will be compounded if individuals smuggle wild mammals to Hawaii's pristine  
watershed areas.



The Sierra Club has received several reports of goats and deer being released into areas where  
they have not been seen before. This is a critical problem. The cost of removing invasive species  
after they've been introduced is far more significant than simply preventing the transfer.

We recommend broadening this bill back to cover all mammals (deer are not the only problem),  
and modifying the "domesticated deer" language to a business that has a permit issued by the  
department.

*Proposed Amendments:*

"§183D- Interisland transportation of wild or feral ~~[deer]~~ **mammals** prohibited. (a) No person shall intentionally, knowingly, or recklessly transfer, transport, or release after transport through interisland movement any wild or feral ~~[deer]~~ **mammals**; provided that specimens of wild or feral deer required for domestication, scientific or educational purposes may be transported only when authorized under a permit issued by the department.

~~[(b) For purposes of this section, a deer that has been captured shall no longer be considered feral.]~~"

(Proposed new language bolded).

As amended, this bill would wisely deter the further introduction of species that might devastate Hawai'i's natural and cultural legacy, and critically important watersheds.

Mahalo for the opportunity to testify.



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

TO: Honorable Chair Keith-Agaran, Vice-Chair Rhoads and Committee Members

House Judiciary Committee, 3-2-12, 2pm, Rm 325

**RE: Suggested Amendments to SB3001 SD2 HD1; Relating to Wildlife; Wild or Feral Mammals**

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States, P.O. Box 89131, Honolulu, HI 96830, [igibson@hsus.org](mailto:igibson@hsus.org), 808-922-9910

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We thank the Committee for considering this important measure to explicitly prohibit the transport and release of wild or feral mammals, most importantly, the ongoing illegal release of deer on the Big Island for hunting or other purposes.

Time and again we have seen how feral and wild animals ultimately suffer when introduced into areas where they cause damage to the environment or their population creates a nuisance or other hazard. We have seen this on Maui where deer populations have grown to a point where non-lethal immuno-contraceptive methods are no longer feasible. For these reasons we support efforts to strengthen current laws to explicitly prohibit the physical possession, breeding, transport or release of wild or feral mammals, *not including* domesticated farm animals or those animals kept as pets. This measure also serves as a deterrent for those who would consider releasing wild or feral animals in the future for any purpose and thus reduce subsequent animal suffering and death.

We oppose allowing the attempted domestication, rearing, breeding or captivity of deer or any other wild or feral (non-pet/farm animal) mammal and appreciate your consideration of the below proposed amendments:

- **Add Page 1, line 8,** (a) No person shall intentionally, knowingly, or recklessly possess, breed, raise, transfer, transport, or release after transport through interisland movement any live wild or feral deer mammal; provided that specimens of wild or feral ~~deer~~ mammals required for scientific or educational purposes may be transported only when authorized under a permit issued by the department
- **Add** “for the purposes of this section possess shall mean to physically control, restrain or hold in captivity” (so as not to apply to those property owners who have naturally free-roaming feral mammals on their property but are not in the physical possession or under direct control of the property owner)
- **Add** “this section shall not apply to domesticated livestock or pet or equine animals as defined in HRS 711-1100.”
- **Delete Page 1, line 13,** ~~For purposes of this section, a deer that has been captured shall no longer be considered feral~~

We ask for your support of the above amendments to protect all wildlife and the environment while not preventing the continued lawful possession or transport of pets or farm animals.