

Testimony of The Nature Conservancy of Hawai'i  
Opposing H.B. 104 Proposing a Constitutional Amendment Relating to the  
Conservation, Control, and Development of Resources  
House Committee on Water & Land  
Friday, January 25, 2013, 8:30AM, Room 325

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawai'i'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 of Hawai'i opposes H.B. 104. While we agree that game animal resources need to be wisely managed, both for their benefits and the risks they pose, we don't believe a State constitutional amendment is necessary or warranted to achieve this goal. The constitution and State statutes and administrative rules already provide sufficient directive, authority, and process for managing game animals in Hawai'i.

Certainly, reasoned discussion and planning is important to determine where and how to manage game animals, including significant areas for both enhanced game animal production for public use and enjoyment, as well as game animal removal for native species, habitat, watershed, public health, private property, and agricultural protection. However, there is no shortage of game animals throughout the islands, no chance whatsoever that they could be eliminated from the state—nor should they be—and no risk that hunting opportunities will disappear from vast tracts of State and private land.

We think that this bill is unnecessary and should be held, but if the Committee feels differently we strongly urge that any constitutional or statutory change must clearly state both the benefits (food, recreation, etc.) and the risks (native species and habitat loss, watershed damage, public and private property loss, disease) from game animals, and that some of these benefits and risks need to be weighed differently in different geographies on the islands.

Thank you for your consideration of our views.

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## CONSERVATION COUNCIL FOR HAWAII

Testimony Submitted to the House Committee on Water and Land  
Hearing: Friday, January 25, 2013 8:30 am Room 325

In Opposition to HB 104 Proposing a Constitutional Amendment Relating to the Conservation,  
Control, and Development of Resources

Aloha. The Conservation Council for Hawai'i strongly opposes HB 104. Instead, we urge you to support responsible game management in appropriate areas, and require the State to keep game mammals, deer, and wild cattle contained (fenced in) to reduce the significant and expensive damage they cause to public and private lands.

We understand the importance of fishing, hunting, and gathering to some people. However, amending our state constitution to protect non-native, free-roaming, continental barnyard animals and escaped wildlife is extreme and could reverse decades of watershed and habitat protection in the islands.

Nor is it necessary to include "game animals" to the list of natural resources in Section 1 of Article XI of the constitution. The State is already authorized to administer public hunting and game management in appropriate areas. It receives state and federal funding to do so. However, game animals, particularly game mammals, are widespread in sensitive native ecosystems, watersheds, cultural sites, recreation areas, farms, orchards, and ranchlands – resulting in serious conflicts and consequences. Public and private land managers are not only threatened by these animals, but are forced to suffer the consequences of exploding populations and pay for the damage they cause.

The State should not be required to manage and conserve game animals, deer, and wild cattle on state land at the expense of other ecological, cultural, and economic values. These animals should not be maintained in places where they are destructive, are incompatible with other uses, and need to be removed. For example, axis deer on the Big Island must be removed as soon as possible in light of what has happened on Maui and the damage these animals have caused on Maui, Moloka'i, and Lana'i. Why mandate the State to conserve and manage deer on the Big Island?

Game and feral mammal populations are exploding and are extremely difficult to control. Liberal hunting with no seasons or bag limits across the state for all game mammals, deer, and wild cattle would only maintain the status quo and do little, if anything, to reduce herds and populations. There is no need to mandate conservation by amending the constitution – de facto conservation already occurs because these animals are prolific and allowed to roam freely.

Do not be fooled by what you may hear from some people who would like to see sustained-yield game management in all of our native forests at significant cost to the other values we hold dear. There is more than enough state land suitable for public hunting and game management in areas that have already been destroyed by these animals. Check the maps. But these areas must be managed, just as we manage our native species habitats, watersheds, cultural sites, and recreation areas for their values. Instead of trying to monopolize our native forest and watersheds for public hunting and game management at the expense of other values, let us start managing game animals responsibly in appropriate areas.

Amending the state constitution to require management and conservation of game animals on state land at all costs is not in the public interest. Please oppose HB 104. Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler



**Hawai'i's Voice for Wildlife – Ko Leo Hawai'i no na holoholona lohiu**

Telephone/Fax 808.593.0255 • email: [info@conservehi.org](mailto:info@conservehi.org) • web: [www@conservehi.org](http://www@conservehi.org)

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 220 • Honolulu, HI 96814

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January 23<sup>rd</sup> 2013

COMMITTEE ON WATER & LAND  
Friday, January 25<sup>th</sup> Hearing on

**H.B. 104**

PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO THE  
CONSERVATION, CONTROL AND DEVELOPMENT OF RESOURCES.

&

**H.B. 105**

RELATING TO WILDLIFE RESOURCES.

The Maui Conservation Alliance (MCA) opposes H.B 104 & H.B.105. Although we recognize the value of well-managed game resources to the people of Maui and Hawaii, the Department of Land and Natural Resources (DLNR) currently possesses the authority and programs necessary to address the need to preserve game animals, a stated objective in H.B. 104, and provide stakeholder inclusion, as outlined in H.B. 105.

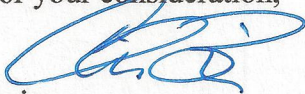
MCA is also concerned that the language of the bills seem to further the maintenance of game animals without considering the need to manage and protect other valued natural resources in an appropriate balance. Our islands' watersheds, conservation areas and rare and endangered native species are fragile and susceptible to the degradation caused by the browsing, digging and grazing of wild game species. Due to this, Maui's watershed and conservation land managers are working hard to remove wild game species such as pigs, goats, and deer from priority state and private lands. This protection will not only preserve Hawaii's precious natural heritage, but also safeguard our vital water resources for future generations and maintain water resources necessary to perpetuate our islands residential, agricultural and economic needs.

Large game species on Maui are already spreading out of control, are overly abundant, and exceeding the carrying capacity of the land throughout thousands of acres. Axis deer introduced to South Maui in 1959 are now widespread and have found their way to nearly all parts of the island. Their growth and competition for resources, especially in times of drought, have spurred the creation of a County-led island-wide deer plan and control efforts at the request of ranchers, farmers, and conservationists alike. Feral pigs still roam across large tracts public and private wet forest, far out of the reach of hunters and causing unchecked damage. The scars from damage by wild goats are still apparent

in Lahaina after nearly a 50-year absence, and ongoing damage by thousands of goats continue to devastate the remaining forests of Leeward Haleakala despite efforts of the most determined hunters.

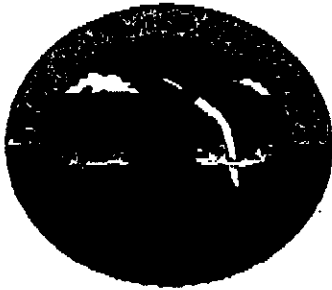
Clearly, the need to manage game species is necessary; however, promotion and protection of game species is not needed without considering all resources affected. Beginning in 1879, under the direction of King Kalakaua, Hawaii has been attempting to protect forest resources against the threat of invasive game species. Today, our State continues to struggle with this issue, but is making progress through many DLNR programs including watershed partnerships and invasive species committees programs.

Mahalo for your consideration,



Chris Brosius  
Chairperson  
Maui Conservation Alliance

The MCA is a cooperative partnership of more than twelve government, private, and non-profit organizations who are the key leaders in the management of Maui's native ecosystems. MCA is committed to accelerating conservation management on Maui's highest priority conservation needs. Should you have questions or need further information, please contact Chris Brosius, at 661-6600.



## Hawai'i Wildlife Fund

P.O. Box 70  
Volcano, HI 96785

*"Dedicated to the preservation of Hawai'i's native wildlife  
through research, education and conservation"*

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TO: Hawai'i House Committee on Water and Land

FOR: Hearing at 0830, Friday, January 25, 2013

Hawai'i Wildlife Fund (HWF) strongly opposes HB 104 which mandates conservation of game and feral mammals. HWF, a 501(c)(3) non-profit conservation organization, has worked since its inception in 1996 to protect the native wildlife of Hawai'i and restore native habitat. By far, the greatest threat to our native species and ecosystems comes from non-native plants and animals, primarily some of the same animals this bill seeks to "conserve."

It is absurd to propose long term conservation management of species that clearly damage and threaten the continued existence of the native species and ecosystems of Hawai'i. Instead of the irresponsible goal of management proposed in HB 104, the state's goal should be to completely remove these non-native species from our state!

William G. Gilmartin, Director of Research  
January 24, 2013



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

TO: Honorable Chair Evans, Vice-Chair Lowen and Committee members

House Committee on Water and Land, 1-25-13, 830am, Rm 325

**RE: Testimony in Opposition to HB104; PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO THE CONSERVATION, CONTROL AND DEVELOPMENT OF RESOURCES.**

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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On behalf of our members and supporters across Hawaii, we ask the Committee to defer House Bill 104.

We agree that all animals, including those who have been introduced or are non-native, need protection from cruelty and unnecessary suffering. However, we see unintended consequences with this measure in potentially charging DLNR with propagating game animals simply for recreational sport-hunting purposes. The DLNR should not be mandated to create recreational opportunities at the expense of native ecosystems. Furthermore, this legislation could compel the DLNR to fulfill its mandate by promoting or creating “canned” or “captive” hunting operations in an attempt to guarantee future game animal populations. Such facilities which exist in about half the states are problematic not only for ethical reasons—they are completely devoid of fair chase—but also for the high risk of disease associated with them. States like Wisconsin have spent upwards of \$35 million responding to chronic wasting disease outbreaks that are directly tied to captive cervid facilities. It would be extremely unwise and potentially financially disastrous to bring captive hunting to Hawaii and we should not create incentives for the DLNR or any others to do so.

In addition we see this measure in conflict with DLNR’s existing mandate which includes protecting our native wildlife and habitat. Time and again we have seen how it is the introduced/non-native animal that ultimately suffers from irresponsible introductions, such as Axis deer on the Big Island, and when animals are released or abandoned into areas where there is no tolerance for their presence.

Finally, we believe this measure is unnecessary given that DLNR has existing statutory authority to manage game animals. This legislation would tie their hands and remove sound science from the management process in favor of recreational opportunities. A better approach would be that offered in HB 105, which encourages broader public and stakeholder input and encourages DLNR to employ cooperative resource management strategies in the management and administration of the wildlife and wildlife resources of the State.

We appreciate your consideration of our testimony and again ask for your deferral of HB104.



## Hawaii Cattlemen's Council, Inc.

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### HOUSE COMMITTEE ON WATER & LAND

Friday January 25, 2013 8:30 a.m. Room 325

#### HB 104

### PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO THE CONSERVATION, CONTROL AND DEVELOPMENT OF RESOURCES.

Proposes an amendment to article XI of the Hawaii State Constitution to include game animals on state lands as resources to be managed and conserved by the State.

Chair Evans, Vice Chair Lowen and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chair for the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **has concerns with HB 104**

The Department of Land & Natural Resources and the U.S. Fish and Wildlife Service are removing the public from hunting and even accessing lands under their control that the public used to be able to hunt and have access on. As a result there is a push from hunters and those who want public access to look elsewhere. Elsewhere ends up being other public lands, some of which are leased out to ranchers and farmers. There is no question if access is granted on these leased lands there is impact (trespass, rustling, property damage, bio security concerns, etc.). Many of our ranchers have lived through it.

Thank you for giving me the opportunity to testify on this important issue.

**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 23, 2013 10:25 PM  
**To:** waltestimony  
**Cc:** sewsew@hawaii.rr.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM

**HB104**

Submitted on: 1/23/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Sylvester	University of Hawaii at Hilo	Support	No

Comments: Yes, I support this Bill. Its the Pono thing to do. Mahalo, Michelle Sylvester

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HB NO. 104  
A Constitutional Amendment  
Article XI  
Section 1 & 6

In SUPPORT

I strongly support Bill 104 that will once again identify game animals as a natural resource.

Before 1978 our game animals were treated as a natural resource and inclusive in our State Constitution. During the Constitutional Convention of 1978, an attempt was made to remove “game and other natural resources” from the constitution. The motion proved to be a spurious one.

A number of the proposed amendments were not validly ratified and is listed under the revision note. There has been no clarification since.

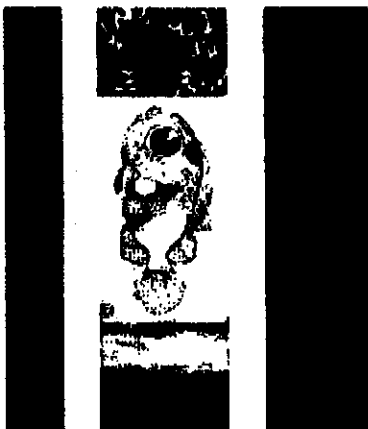
We would like to see our game animals recognized once again as a natural resource and managed as such.

Once recognized as a natural resource, the appropriate agencies can implement the long over due Game management Plan and garner associated funds to administer established plans.

Managed game will help protect sensitive ecosystems while providing a sustainable meat food resource for current and future generations.

Mahalo,

Tony Sylvester  
Hawaii Hunting Association



**MEHANA CONSULTING**

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23 Jan 2013

**Re: Hearing on HB 104 @ 8:30am – Jan 25<sup>th</sup>, 2013**

To Whom it May Concern within the Hawai'i Committee on Water & Land,

I adamantly oppose bill HB 104 which would mandate the conservation of feral and game mammals in Hawai'i. I am a professional marine biologist (B.S.) and conservation ecologist (M.S.) that has been living and working on Hawai'i Island for over seven years. I have seen firsthand the severe damages that are incurred by non-native plant and animal species on our native ecosystems. Moreover, damage up mauka to the watershed can have lasting effects on the coastal and nearshore coral reef ecosystem.

By far, the greatest asset we have here in Hawai'i is our intact natural and cultural resources. Once you damage or ruin these things by promoting feral and game species "conservation", it will cost the State thousands of dollars to repair these damages. In the meantime, many species will likely go extinct and the ecosystem may never recover.

Instead of the backwards plan of management proposed in HB 104, the State should plan to completely remove these non-native species from our island communities and instead promote better management of our *native* species and ecosystems (e.g., forest, desert, coastal strand, coral reefs).

Thank you for your time and consideration.

Me ke aloha,

**Megan R. McWhite Lamson, M.S.**  
*Owner & Principal Scientist*



January 23, 2013

To: House Committee on Water and Land

From: Dr. Robert Shallenberger, Conservation Biologist

Subject: Opposition to HB104, PROPOSING A CONSTITUTIONAL AMENDMENT  
RELATING TO THE CONSERVATION, CONTROL AND DEVELOPMENT OF  
RESOURCES

Members:

I strongly oppose this bill. The game management provisions, in particular, are misguided and destructive. I urge you to kill this bill.

Amending the State constitution to “conserve and protect” game animals that are destroying the rich diversity of native plants and animals would be irresponsible. The State already has sufficient to manage game animals. I support the management of game animals to provide hunting opportunity, but not at the expense of native species and certainly not as a “protected State resource.”

Thank you for the opportunity to comment.

Aloha,

s/ Robert Shallenberger

Robert Shallenberger, Ph.D.



## lowen1-Kyli

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 23, 2013 6:04 PM  
**To:** waltestimony  
**Cc:** inunyabus@gmail.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM

### **HB104**

Submitted on: 1/23/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elaine D.	Individual	Comments Only	No

Comments: HB104 PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO THE CONSERVATION, CONTROL AND DEVELOPMENT OF RESOURCES Section 1. For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, GAME ANIMALS, Section 6. The State shall manage and control for the perpetuity of future generations, GAME ANIMALS, including sheep, deer, pigs, and wild cattle presently located throughout all State lands. The management of game animals shall be subject to guidelines established by the legislature, including COOPERATIVE RESOURCE MANAGEMENT which shall ensure the public's.... REQUEST FOR CLARIFICATION: Please clearly identify the COOPERATIVE RESOURCE MANAGEMENT by name of any proposed partnership or proposed strategy. Please CLARIFY if the state intends to allow taking of Hawaii's game animals by foreign nationals, corporations, private enterprises, etc. other than the Native Hawaiians and residents. Please also clarify EXACTLY the methods or "guidelines" to be used to PROTECT HAWAII'S game animals. Please provide assurance that no new restrictive measures/hindrances will be enacted that will thwart any hunting/gathering/sustenance rights for Native Hawaiians.

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## lowen1-Kyli

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 23, 2013 6:19 PM  
**To:** waltestimony  
**Cc:** Launahele@yahoo.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM

### **HB104**

Submitted on: 1/23/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang	Individual	Oppose	No

Comments: I support the responsible hunting of game animals on State land. But to conserve them as this bill is written is a detriment to the native plants and animals threatened by activities from both humans and animals. This bill is redundant as the State is already tasked with the legal responsibility to manage certain State lands for hunting. Perhaps the State needs additional resources to perform this job properly? Aloha 'āina, Benton Kealii Pang Pālolo, O'ahu

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I am strongly opposed to HB104, a bill for an act proposing to amend the Hawaii State Constitution to manage, in perpetuity, feral and introduced game animals found throughout state lands. If enacted, such a bill would perpetuate the ecological destruction wrought by these animals on Hawaii's unique, vanishing native forests, and undermine sound forest and water conservation efforts to protect unique natural areas. While some areas of the State can be responsibly managed for perpetual populations of game animals, requiring that animals found throughout all state lands be managed in such a way is ecologically short-sighted and rules out the possibility of eliminating game animals from areas where they are damaging native forests, farms, and ranches. Hawaii's native forest plants evolved without mammals to graze and browse them, therefore they lost defenses against mammals. The end result of a perpetual population of feral mammals in a Hawaii forest is a grassland, when the introduced browsers attack the native trees and they are replaced by non-native grasses. One only need look upward to the upper slopes of Mauna Kea, where once was a thick, lush forest of mamane and koa trees, and see denuded, grassy slopes caused by unmanaged populations of sheep, goats, cattle, and pigs. To not see this destruction, or to think that the recreation of a small handful of hunters is worth such destruction, shows a lack of connection with the land and a lack of sensitivity to the things that are truly Hawaiian, the native plants and animals of the forest. Unforested slopes are worthless as watershed areas, and requiring the maintenance of populations of game mammals in important watershed areas is an unsustainable practice that will rob future generations of the ultimate source of life in these islands, clean water. Hawaii has the dubious honor of being the "extinction capitol of the world", largely due to habitat destruction by the very animals you wish to protect with HB104. HB104 may well result in the extinction of the palila bird, which depends on the mamane forest of upper Mauna Kea, which is even now shrinking due to browsing by feral sheep. Passage of HB104 will result in less and less native forest, until all that made Hawaiian ecologically unique is gone, replaced by a conglomeration of foreign plants and animals that can be found anywhere else in the world. Where will our grandchildren be able to experience the joy of walking in a forest that is truly Hawaiian? In the end, nowhere.

## lowen1-Kyli

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 23, 2013 10:01 PM  
**To:** waltestimony  
**Cc:** merway@hawaii.rr.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM

### **HB104**

Submitted on: 1/23/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marjorie Erway	Individual	Oppose	No

Comments: The State does NOT need to conserve game and feral mammals on all state lands when there are areas where these animals are destructive. An example is the axis deer on Hawaii Island, Maui, Molokai and Lana'i. There is plenty of state land for public hunting and game management. Since game and feral mammals are prolific, the legislature does not need to mandate their conservation. This simply is not in the public's best interest. Mahalo for your consideration.

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**lowen1-Kyli**

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**Sent:** Wednesday, January 23, 2013 10:19 PM  
**To:** waltestimony  
**Cc:** ssylvestre\_2@hotmail.com  
**Subject:** \*Submitted testimony for HB104 on Jan 25, 2013 08:30AM\*

**HB104**

Submitted on: 1/23/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steven Sylvester	Individual	Support	No

Comments:

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**lowen1-Kyli**

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**Sent:** Wednesday, January 23, 2013 10:22 PM  
**To:** waltestimony  
**Cc:** skittlesrocks1@hawaiiintel.net  
**Subject:** \*Submitted testimony for HB104 on Jan 25, 2013 08:30AM\*

**HB104**

Submitted on: 1/23/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mariko Martin	Individual	Support	No

Comments:

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## lowen1-Kyli

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**Sent:** Wednesday, January 23, 2013 10:40 PM  
**To:** waltestimony  
**Cc:** deltawave.as@gmail.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM

### **HB104**

Submitted on: 1/23/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Harold Sylvester	Individual	Support	No

Comments: I strongly support this bill. Many in the community can agree with me on the value of wildlife in Hawaii. The wild animals that we have are a living breathing resource, a resource that has been taken for granted. In recent years many animals have been ruthlessly slaughtered and eradicated in the name of conservation and land protection, especially on the Big Island. I have personally observed the number of wild game animals decline, and even be completely eradicated from areas where they were once abundant. This bill is very important to stop the downward spiral we are in, and to protect this valuable resource before it is too late. Please support this measure to ensure the existence of our unique wildlife resources for generations to come. Thank you.

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## lowen1-Kyli

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 24, 2013 8:53 AM  
**To:** waltestimony  
**Cc:** Lilbrowwahine@gmail.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM

### **HB104**

Submitted on: 1/24/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JoAnna quitan	Individual	Oppose	No

Comments: If passed, this bill would make it impossible to manage any areas of state land for endangered or rare species, native forest, watershed protection, or to protect farms or ranches. The end result would be the disappearance of most of hawaii's native species.

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**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 24, 2013 8:56 AM  
**To:** waltestimony  
**Cc:** dllpdx@gmail.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM  
**Attachments:** Opposition to HB104\_Leonard.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**HB104**

Submitted on: 1/24/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Leonard	Individual	Oppose	No

**Comments:**

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I'm writing to ask you to oppose HB 104 and not amend the state constitution to mandate game management and conservation on state land. The basic premise of this bill is flawed as ALL non-native game animals degrade native habitats and thus contribute to the extinction of native species. Therefore, Hawaii's natural beauty and native resources cannot be preserved for future generations where game animals are present. There are hundreds of studies from Hawaii and around the world documenting the devastating effects of non-native browsing and grazing mammals to island ecosystems. The State should not be required to manage and conserve game mammals on all state lands at the expense of other values, such as habitat for rare and endangered species, essential watersheds, state parks, natural area reserves, wildlife sanctuaries, recreation areas, and agricultural lands. There is enough state land for public hunting and game management on lands already degraded by non-native species or on lands not suitable for native species conservation, watershed protection or other non-compatible uses. The State is spending millions of dollars to construct and maintain fences and removal animals from important conservation areas. Why should the State conserve game and feral mammals on all state lands when there are areas where these destructive animals need to be and are being removed to prevent other animals and plants from going extinct? Why should the State conserve axis deer on the Big Island after witnessing the exploding population on Maui and the damage these animals have caused on Maui, Moloka'i, and Lana'i? Finally, HB 104 is not necessary. The State is already authorized to administer public hunting and game management in appropriate areas and game mammals are prolific - their populations are extremely difficult to control. For example for the past 30 plus years, the State has been attempting to eradicate sheep from Mauna Kea to protect the Federally and State endangered Palila, a bird found nowhere else on the entire planet. From 2005 to 2012, I worked as the Endangered Bird Recovery Coordinator for the Hawaii Division of Forestry and Wildlife and know from experience the damage that non-native animals do to Hawaii's native plants and animals. Hawaii has the unflattering title of "extinction capital of the planet" and non-native species include pigs, cows, goats, deer, and sheep have contributed to the loss of myriad species that were only found in Hawaii; the remaining native species are the Hawaiian treasures that require protection. Amending the state constitution to require management and conservation of game and feral animals on state lands will benefit a very small portion of the state's residents and it is not in the overall public's best interest.

24 January 2013

To Whom It May Concern:

Please oppose HB 104 and do not amend the state constitution to game management and conservation on state land. Instead, please encourage responsible game management in appropriate areas and keep these animals contained to reduce the damage they cause to public and private lands. HB 104 is not necessary. The State is already authorized to administer public hunting game management in appropriate areas. The State should not be required to manage and conserve game and feral mammals on all state lands at the expense of other values, such as habitat for rare and endangered species, essential watersheds, state parks, natural area reserves, wildlife sanctuaries, recreation areas, and agricultural lands.

**Why should the State conserve game and feral mammals on all state lands when there are areas where these animals are destructive and need to be removed?** For example, why should the State conserve axis deer on the Big Island after witnessing the exploding population on Maui and the damage these animals have caused on Maui, Moloka'i, and Lana'i? Game and feral mammals must be managed responsibly. They are one of the most destructive factors in protecting habitats, watersheds, and other precious state land. There is enough state land for public hunting and game management. These programs must be managed responsibly if we are going to protect other values on state land. Game and feral mammals are prolific; their populations are exploding and are extremely difficult to control. The legislature does not need to mandate their conservation.

Amending the state constitution to require management and conservation of game and feral animals on state land at all costs is not in the public's best interest.

Sincerely,

Colleen Cole  
Volcano, Hawai'i

Chris Yuen  
P.O. Box 5  
Ninole, HI 96773

January 24, 2013

Testimony in Opposition to HB104

Dear Rep. Evans and Members of the House Committee on Water and Land:

Please do not pass HB104. This proposed constitutional amendment to give constitutional protection to game mammals will greatly confuse and complicate the management of state lands, and seriously compromise the protection of native forests.

Large areas currently exist in the state where game mammals are managed for sustained public hunting. In many of these areas, native forests have already declined to such an extent that these animals do not seriously threaten native ecosystems, and hunting opportunities can and should continue. But game mammals such as pigs, sheep, goats, and deer are not compatible with healthy native forests, and should be eradicated from selected areas that merit high protection. This is basic ecological science in Hawai'i.

While HB104's sponsors may not intend this, it is certain that if it is enacted, this law will be misused to try to block basic protection of Hawai'i's native forests by some who will claim that fencing and other projects to protect native forests from harmful animals are unconstitutional. It will be also be used to try to block the eradication of axis deer on the Big Island by claiming that these are constitutionally protected. If axis deer become established on the Big Island it would be a disaster for our many hardworking farmers and ranchers who would have to fence out these pests, which were illegally introduced by a few people who want to have fun shooting them.

At the same time, the bill adds nothing to the existing power and ability of the state to promote public hunting opportunities in appropriate places.

Yours truly,

Chris Yuen



January 24<sup>th</sup>, 2013

House Committee on Water and Land  
415 S Beretania St.  
Honolulu, HI 96813

Dear Esteemed Committee Members,

I am writing to oppose House Bill 104, "Proposing a Constitutional Amendment Relating to the Conservation, Control, and Development of Resources". As an ecologist, I was surprised to hear that protection for many of Hawaii's most destructive non-native species, such as sheep, pigs, and deer, was being proposed, let alone written into the state constitution. As you know these animals have already caused irreparable harm to state resources, and this amendment to manage them on all state lands would further jeopardize those resources that remain intact.

The state is already authorized to administer game management in appropriate areas for hunters; no further amendments to the constitution are needed to continue this. In any area, these animals need no constitutionally-mandated protection to increase their numbers. Female feral pigs, for instance, can have more than a dozen offspring at a time, sometimes twice a year, with no natural predators. Their ability to increase in numbers is simple math, and their detrimental effect on native species is well-documented. The focus should be on fencing and eradication to exclude these animals from most public lands, so the lands can be used for many other uses – most notably to preserve native species for future generations.

Please vote no on HB 104. It is unnecessary to continue to provide hunting opportunities, and potentially destructive to the state lands you are entrusted to protect. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Carson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. Henry Carson, PhD (Ecology)  
213 'Anela St.  
Hilo, HI 96720  
[hcarson@hawaii.edu](mailto:hcarson@hawaii.edu)  
(808) 933-3880

HB104

Paul Bueltmann

1/23/2013

Aloha I am writing this testimony in support of HB104.

I strongly urge you to pass this legislation, we live in a unique and beautiful island and we have gone far too long without proper management of all of our resources. HB104 would give us the ability to ensure the future sustainability of a resource that everyone on the Big Island could benefit from. I do not know of a single person who calls this place home that has not had some positive impact in their life from our 'Āina. It would be foolish to continue walking the path we have walked we need people who are 100% vested in making this successful, and those people live here.

Please for our future pass HB104.

Mahalo

## lowen1-Kyli

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 24, 2013 11:49 AM  
**To:** waltestimony  
**Cc:** rob@hawaii-forest.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM

### **HB104**

Submitted on: 1/24/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Pacheco	Individual	Oppose	No

Comments: Please do not pass this bill. Ungulates are not native to Hawaii. They have an undisputed and deleterious impact on native ecosystems. DLNR has important constitutional, administrative and legislative mandates to protect Hawaii's native resources. Please don't make the daunting task of fulfilling these mandates more difficult. Hunters will benefit from this bill, but the native ecosystems, watersheds and culture of Hawaii will suffer greatly. Sincerely, Rob Pacheco Holualoa, Hawaii

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**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 24, 2013 12:12 PM  
**To:** waltestimony  
**Cc:** ndavlantes@aol.com  
**Subject:** \*Submitted testimony for HB104 on Jan 25, 2013 08:30AM\*

**HB104**

Submitted on: 1/24/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlantes	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 24, 2013 2:42 PM  
**To:** waltestimony  
**Cc:** mikelodgeinsurance@gmail.com  
**Subject:** \*Submitted testimony for HB104 on Jan 25, 2013 08:30AM\*

**HB104**

Submitted on: 1/24/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Lodge	Individual	Support	Yes

Comments:

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## TESTIMONY REGARDING

### HB 104

#### PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO THE CONSERVATION, CONTROL, AND DEVELOPMENT OF RESOURCES

Submitted by: Cynthia K.L. Rezendes

Position: **Strongly Opposed**

Thank you for the opportunity to submit testimony in **opposition** to this measure.

While this measure appears to appease those who attempt to live a more subsistence livelihood by hunting for their family, it does not provide for the maintenance and protection of our watersheds from erosion and other types of mischief which these “game animals” (sheep, deer, pigs and wild cattle) do to the natural environment.

It has been shown numerous times that when an area is fenced and “game animals” are culled from the area that the health of the forest tends to heal itself by allowing for the growth of vegetation which inhibits uncontrolled erosion in our mountains and watersheds. It has also been seen that wild cattle is not necessarily controlled even by fencing. There has been at least one occurrence where an artesian spring, fenced for protection from wild cattle in forest lands, was not completely effective. At least one wild cattle, in attempting access to a natural spring for water actually jumped a fence, breaking down the fence to get to the water source and trampled an area which was being re-vegetated with *kalo* in an attempt to bring back some of the traditional uses of that spring area. It took a team of workers a few days to re-install the fence and clean up the area to re-plant what had been destroyed by this “game animal”.

These “game” and other feral animals need to be managed, as best the State can, to make sure that the watersheds and mountains are healthy enough to do their intended past purposes, provide a healthy re-charge system for water for our people and also to provide the terrestrial conditions which in turn allow for a better situation for our near shore waters by aiding in the management of the control of erosion which in turn affects our near shore fisheries and *limu* grounds.

Please support responsible game management and not allow for unfettered proliferation of “game animals” to satisfy a few when so much more is at stake for the larger community.

Please oppose this measure from moving forward.

## lowen1-Kyli

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 24, 2013 3:35 PM  
**To:** waltestimony  
**Cc:** kjfrost@hawaii.rr.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM  
**Attachments:** testimony against managing feral animals as wildlife 1-13.doc

### **HB104**

Submitted on: 1/24/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathy Frost	Individual	Oppose	No

Comments: Many state agencies dedicate time and resources to restoring native Hawaiian plants and ecosystems. It does not make sense to pass a bill conserving species that are one of the greatest deterrants to this mission! Please do NOT support HB104.

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**Kathy Frost**

73-4388 Pa'iaha Street, Kailua-Kona, HI 96740-9311

808 325-6885

Email [kjfrost@hawaii.rr.com](mailto:kjfrost@hawaii.rr.com)

24 January 2013

TO: Hawai'i House Committee on Water and Land

FOR: Hearing at 0830, Friday, January 25, 2013

I strongly oppose HB 104 which mandates conservation of game and feral mammals in Hawai'i. I work with various non-profit conservation organizations dedicated to revitalizing dryland native plant communities in Hawai'i. Non-native game and feral animals are a great threat to our native Hawaiian plants and ecosystems. These are the same animals HB 104 seeks to conserve.

Hawai'i should not undertake across-the-board long term conservation and management of species that damage and threaten the continued existence of the native plants and ecosystems of Hawai'i. Instead, the state's goal should be to control the abundance of these non-native species and remove them from areas of critical importance to Hawaii's native vegetation. The State of Hawai'i DLNR devotes considerable staff and funding to protecting and restoring native Hawaiian plants and ecosystems, in the face of heavy feral ungulate damage. It does not make sense to pass legislation to conserve the very species that are causing such damage.

I urge you NOT to support HB 104.

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Kathy Frost  
January 24, 2013



**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 24, 2013 4:02 PM  
**To:** waltestimony  
**Cc:** wyanagi@hotmail.com  
**Subject:** Submitted testimony for HB104 on Jan 25, 2013 08:30AM

**HB104**

Submitted on: 1/24/2013

Testimony for WAL on Jan 25, 2013 08:30AM in Conference Room 325

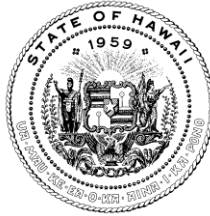
<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wayne Yanagisawa	Individual	Support	No

Comments: In support of amendment to Article XI, especially on Section 6, Game Management

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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  
WATER & LAND**

**Friday, January 25, 2013  
8:30 AM  
State Capitol, Room 325**

**In consideration of  
HOUSE BILL 104**

House Bill 104 proposes an amendment to article XI of the Hawaii State Constitution to include game animals on state lands as resources to be managed and conserved by the State. The Department of Land and Natural Resources (Department) appreciates the intent of this bill, but opposes this bill for the following reasons.

Pursuant to statutory mandate, the Department manages a robust and successful hunting program that maintains and enhances opportunities for public hunting across the State.

Currently, the Department manages more than 900,000 acres for public hunting and has recently launched a new program to secure access and acquisition of additional lands for recreational hunting opportunities. These programs have ensured that public hunting remains accessible and affordable to the public. As of Fiscal year 2009-10, over 40,000 hunter days have been offered and 10,200 game animals harvested in public hunting areas statewide.

Pursuant to state and federal statutory mandates, the Department also manages watershed resources and protects threatened and endangered species. A state constitutional mandate directing game animals on state lands as resources to be managed and conserved by the State may pose conflicts with the Department's balancing of numerous other statutory mandates.

The Department is committed to continually implementing its statutory duty to provide a successful public hunting program throughout the State, and finds that this bill is unnecessary and may create unintended conflicts. Therefore the Department opposes this bill.

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

**ESTHER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS