



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2013**

ON THE FOLLOWING MEASURE:

H.B. NO. 15, RELATING TO FERAL BIRDS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 5, 2013

TIME: 2:05 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Caron Inagaki, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General opposes this bill.

This bill seeks to impose civil liability on any person who feeds feral birds if the feral birds cause either personal injury or property damage. Any person who suffers damage may also seek injunctive relief.

The Department believes that this bill is overly broad and does not aid in reducing the health and safety concerns regarding bird droppings on roofs, vehicles, and walkways that the bill intends to address. Feral birds will find food regardless of whether a person feeds them and bird droppings will occur regardless of whether a person feeds them. Moreover, in most instances, it will be impossible to trace back the bird droppings to the birds that a person may feed.

Allowing lawsuits against people feeding feral birds will likely only result in increased frivolous lawsuits and could result in absurd consequences. For example, a person could sue a neighbor with whom he is feuding if the neighbor has a bird feeder on his property and the person finds bird droppings on his car or roof. Because of the overbreadth of this bill, which does not indicate any degree or severity of damage that is required in order to bring suit, simply having bird droppings on a car that can be easily wiped off could potentially result in a lawsuit under this bill.

We respectfully request that this bill be held.

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

Tuesday, February 5, 2013
2:05 PM
Hawai'i State Capitol, Room 325

In consideration of
HOUSE BILL 15
RELATING TO FERAL BIRDS

House Bill 15 proposes to provide a civil cause of action for personal injury or property damage proximately caused by a person who feeds feral birds and provides a civil cause of action for personal injury or property damage proximately caused by a person who feeds feral birds. The Department of Land and Natural Resources (Department) **supports** this bill with the following amendments.

The Department recognizes that wild or feral birds pose risks to public health, as well as the health of native wildlife. Birds habituated by human feeding aggregate in areas they might not otherwise reside. This is of particular concern where populations of non-native birds interface with native wildlife. Wild or feral birds serve as reservoirs of infection for avian diseases such as avian pox and avian malaria, as well as for avian parasites like lice and mites.

As written, the bill provides a definition for "feral" that is not consistent with established definitions, and would not include many species of wild birds. We suggest that the bill be amended to include both wild and feral birds and that the following definitions be provided for each.

The Department notes that feeding of wildlife is often a necessary and accepted practice carried out by the Department, its agents, and its cooperators, and suggests that language be included to provide for those cases, and for cases when the Department may issue permits for the feeding and care of wildlife by qualified entities.

Finally, we suggest amendments to clarify that the bill apply to feeding that is intentional, and that it not include unintentional feeding, such as may occur when birds feed in agricultural fields.

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

"§663- Liability for feeding of wild or feral birds; injunctive relief. (a) A person who knowingly feeds wild or feral birds shall be liable in damages to any person injured if the feral birds proximately cause either personal injury or property damage to the person.

(b) Any person who suffers damage pursuant to subsection (a) may bring an action for injunctive relief restraining further action in violation of this section.

(c) The prevailing party, in an action brought under this section, shall be entitled to recover the costs of the suit, including reasonable attorney's fees.

(d) Nothing herein shall apply to any federal, state, or county employee, or their agents, cooperators, or permittees, engaged in the discharge of an official duty.

(e) In this section:

"Feed" means to provide, place, deposit, scatter, distribute, disseminate, deposit, or expose food for the purpose of eating.

["Feral birds" means any non-domesticated avian, including pigeons.]

"Feral bird" means any bird having escaped or been released from domestication and reverted to a wild state over several generations.

"Food" includes grain, seeds, breadcrumbs, garbage, or other miscellaneous food items."

"Wild bird" means birds, other than game birds, living in a wild and undomesticated state, and the young and eggs of those birds."

Thank you for the opportunity to testify.



HAWAII PEST CONTROL ASSOCIATION

Century Square – 1188 Bishop St., Ste. 1003*Honolulu, HI 96813-3304

Telephone (808) 533-6404 • Fax (808) 533-2739

February 5, 2013

Testimony To: House Committee on Judiciary
Representative Karl Rhoads, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 15 – RELATING TO FERAL BIRDS

Chair Rhoads and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we very much support this bill.

Feral birds are a huge problem and no one seems to be able to get a real handle on it. This is because while the birds tend to be very territorial in nature, they also revolve their territories around food. What this means, is that despite what anybody does by way of bird control in order to control this pest, if someone comes along and provides a food source all of the efforts and money have been wasted.

We know that this works. We point to as an example to the Honolulu Zoo which at one point had a horrible bird control problem. With the efforts of the zoo director, both feeding practices

by zoo personal as well as members of the public were changed and the zoo's bird problem almost disappeared.

Many of our members have contracts with hotels but unfortunately, regardless of what one hotel does if a neighboring hotel allows feeding of the birds, the birds just decide to move residence from A to B and they go back and forth.

At one point, we worked very closely with HPD in order to try to deter people from feeding the pigeons. Unfortunately, some people think they are doing the pigeons a favor by feeding them and they continue to do so. These bills speak to that issue and provide a deterrent by establishing penalties and repercussions for feeding of feral birds.

In that regard, we highly support this measure as well as the next one.

Thank you.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

TO: Honorable Chair Rhoads, Vice-Chair Har and Committee Members
House Judiciary Committee, 2-5-13, 205pm, Rm 325

RE: Testimony with AMENDMENTS on HB15 & HB619; Feral Birds

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

We thank the Committee for its consideration of our testimony and the below suggested amendments. The Humane Society of the United States also opposes the feeding of wild birds when this activity can reasonably be assumed to cause harm. Time and again we have seen that it is the animal who suffers from the good intentions of well-minded people, who do not realize that overzealous feeding increases the populations of birds who may then be seen as “nuisances” or “pests” and become subject to often inhumane and lethal control methods.

In recognition of this issue, for the past 3 years our organization has been working with the manufacturer of a product called OvoControl, which prevents eggs from hatching. OvoControl (nicarbazin) is the only effective, humane, and environmentally safe product available on the market to reduce pigeon populations. Unlike other “pesticides” or poisons, OvoControl has no secondary toxicity or effect on other animals or people, and is non-lethal. The FDA approved the product in 2008 and DLNR issues state permits for its application.

The International Marketplace in Waikiki was one of the first businesses to implement such a program. After a little over only 1 year of use, they reported a 60 percent reduction in their pigeon population. Other businesses are in process of implementing similar programs. For more information see news reports here: **“Waikiki Landowner Solves Pigeon Problem”** <http://www.kitv.com/news/hawaii/Waikiki-landowner-solves-pigeon-problem/-/8905354/15515752/-/sfj8yy/-/index.html> and http://article.wn.com/view/2011/04/05/Birth_Control_For_Wakiki_Pigeons/

In addition, this product is supported by the pest control community. See Sandwich Isles information on OvoControl here: <http://www.sandwichisle.com/blog/post/bird-birth-control-now-a-viable-solution-to-hawaii-s-pigeon-problem>

While we have found that punitive measure (such as fines) are ineffective in stopping the feeding of birds, we appreciate that in some severe cases a cause of action beyond education is necessary. Therefore we respectfully request the following amendments:

- **Nothing in this section shall prohibit a properly licensed pest control operator or property owner or manager from applying OvoControl or any other avian reproductive control product as directed and in compliance with any and all state and federal laws**
- **Nothing in this section shall be construed to prohibit licensed or recognized wild bird rehabilitators from feeding or caring for birds on their property or at other approved locations**

Thank you for your consideration of these critical amendments.



Innolytics, LLC
The Humane Hatch Control Company

P.O. Box 675935 · Rancho Santa Fe, CA 92067
Tel: 858.759.8012 · FAX: 858.923.2060
info@ovocontrol.com

TO: Honorable Chair Rhoads, Vice-Chair Har and Committee Members

House Judiciary Committee, 2-5-13, 205pm, Rm 325

RE: Testimony with AMENDMENTS on HB15 & HB619; Feral Birds

Submitted by: Erick Wolf, CEO, Innolytics, LLC, P.O. Box 675935, Rancho Santa Fe, CA 92067 email:
erick.wolf@ovocontrol.com, Tel: 858.759.8012

We thank the Committee for its consideration of our testimony and suggested amendment. Innolytics is the manufacturer of OvoControl P (EPA Reg. No. 80224-1), brand of nicarbazin. OvoControl is pesticide registered by EPA and the Hawaii Department of Agriculture. The product was specially developed to help manage pest bird populations by limiting their ability to successfully reproduce.

In effect, the technology represents "birth control" for birds and is gradually being adopted by impacted sites in Hawaii and elsewhere. See the enclosure for a description of an array of case studies where OvoControl has been successful in safely reducing the pest burden without having to poison or otherwise dispatch the birds.

OvoControl is administered to targeted birds by feeding them nicarbazin containing bait. The application rate is just one pound per 80 birds (5 grams/bird). The low dose rate as well as an automatic feeder ensures that only targeted birds receive OvoControl. Furthermore, as a contraceptive, the reproductive effects of the product are fully reversible.

Contraceptive technology including OvoControl is advocated by the leading animal welfare groups including the Humane Society of the United States (HSUS), the American Society for the Prevention of Cruelty to Animals (ASPCA), as well as conservation groups, Peregrine Fund and Audubon.

As presently drafted, the new legislation would make feeding OvoControl bait to pigeons illegal. Therefore we respectfully request the following amendment:

HB15 Page 2, Line 13, insert new (e), and **HB619** Page 2, line 4 new section (e)

Nothing in this section shall prohibit a properly licensed pest control operator or property owner or manager from dispensing OvoControl (nicarbazin) as directed and in compliance with any and all state and federal laws

Thank you for your consideration of this amendment.

Is OvoControl P® the Right Solution for Pigeon Control at Your Facility?

(nicarbazin 0.5% EPA Reg. No. 80224-1)

At a Power Plant

In November 2010, an OvoControl program was installed at the Palo Verde nuclear power station in Tonopah, AZ. Three automatic feeders were placed on three different rooftop locations for daily application of OvoControl. Since inception, bird numbers have been reduced by 80%.

At a Medical Center

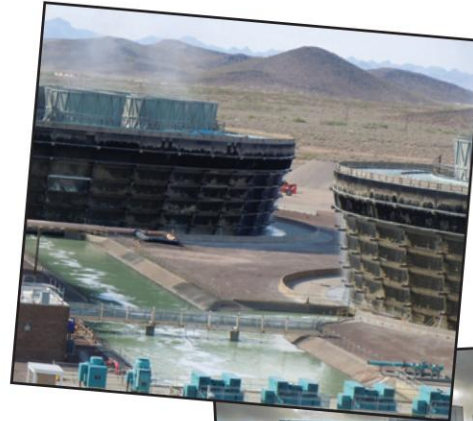
In the first nine months of the OvoControl program, bird numbers were reduced by approximately 75%. In the most recent census, an estimated 500 birds remain attached to the property. The OvoControl program will continue to reduce the number of pigeons in the resident flocks at a rate of 50%, annually.

At a Strip Mall

Attracted by readily available food sources and perching areas, pigeons congregated at one end of a strip mall on the large dome of an indoor roller skating rink in San Diego. Within 28 months the flock was reduced from 200 to just 20. Despite neighboring flocks, the area remains essentially pigeon free.

At a Casino/Hotel

The hotel installed a single OvoControl feeder on top of a rest room facility in the RV Park. Beginning with approximately 50 birds, there were no longer any pigeons at the Laughlin Hotel and RV Park within one year. This kind of performance is not unusual in the desert climate where summertime weather conditions are severe.



◀ The largest nuclear power facility in the US, Palo Verde represents a major attraction for pigeons in the Arizona desert.

▶ Sprawling Houston Medical Center campus offers a myriad of different nesting, perching and loafing locations.



◀ San Diego strip mall attracted many pigeons with its available food sources and perching areas.

▶ The expansive hotel and RV Park offers many different opportunities for pigeons.



Innolytics, LLC - The Humane Hatch Control Company

www.ovocontrol.com/testimonials

858.759.8012

OvoControl® is a registered trademark of Innolytics, LLC, Rancho Santa Fe, CA

OVOCONTROL® P CASE STUDIES

(nicarbazin 0.5% EPA Reg. No. 80224-1)

At a Chemical Plant

Beginning with approximately 200 birds, there were now just five pigeons remaining at the site. OvoControl (*reducing reproduction*) in combination with aggressive trapping (*increasing mortality*) were successful in rapidly reducing the bird burden within 6 months.

In a Shopping District

Within two seasons, the population was down to a fraction of the starting point. According to the pest controller, *"it was as if someone flipped a switch and turned the birds off. Using the product enables me to stay ahead of the pigeons, enabling the success of the program overall."*

At a Condominium Complex

In the twelve months since the program was implemented, bird numbers have been reduced by approximately half, from 80 to 40 pigeons through attrition. The OvoControl program will continue to reduce the number of pigeons in the resident flock at the rate of 50%, annually.

At a College Campus

At a community college campus in Tucson, AZ, feeders were installed on three different rooftop locations, targeting the larger flock concentrations on campus. OvoControl reduced the population from 200 pigeons to just 5 birds over a period of 24 months. Pima College remains pigeon free.



◀ A South Carolina chemical plant offers a vast array of different nesting and loafing opportunities for pigeons.

▶ Downtown Walla Walla represents an ideal habitat for pigeons. The birds represented an ongoing maintenance challenge.



◀ The Loring Way Condominium complex is located in a park-like setting providing perching, nesting and loafing locations for pigeons.

▶ Pima College's beautiful campus, with all of its many structures, was an attraction for pigeons.



Rev. #120412



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har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 4:43 PM
To: JUDtestimony
Cc: nomie_34@yahoo.com
Subject: Submitted testimony for HB15 on Feb 5, 2013 14:05PM

HB15

Submitted on: 1/31/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi Egami	Individual	Oppose	No

Comments: I urge you not to pass HB15.

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har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 5:29 PM
To: JUDtestimony
Cc: p.tavares@earthlink.net
Subject: Submitted testimony for HB15 on Feb 5, 2013 14:05PM

HB15

Submitted on: 1/31/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Phyllis Tavares	Individual	Oppose	No

Comments: Has the world gone crazy? Humans destroy the birds' habitat by tearing down trees, forests, shrubs, then poison the air and ground and then make it illegal for people to feed birds. Don't our legislators have more important things to do. I staunchly oppose this bill.

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har2-Vincent

From: Florence Tanaka [flotanaka@gmail.com]
Sent: Monday, February 04, 2013 9:31 AM
To: JUDtestimony
Cc: Rep. Gregg Takayama; Karen Kawamoto; Rep. Cynthia Thielen; Charlotte Farmer
Subject: HB 15 & HB 619 - Relating to feeding of feral birds

TESTIMONY:

DATE: February 4, 2013

FROM: Florence Tanaka - I am part of a group of Pearl City neighbors that support House Bill no. 15 and House Bill no. 619.

TO: Judiciary Committee (JUD), 2013 Legislative Session

HEARING: Tuesday, Feb. 5, 2013 at 2:05 p.m.

SUBJECT: HB 15 and HB 619

Dear Chair Rep. Karl Rhoads, Vice-Chair Rep. Sharon Har and other committee members:

About ten years ago my parents' next door neighbor began feeding feral birds on a daily basis. Then another neighbor across the street also began feeding those birds which grew in number to about 200 pigeons now and over 200 java rich finches.

My mother suffered daily from severe allergy symptoms: sneezing, watery eyes and runny nose because of the bird droppings, dead skin cells, feathers and foul odor. These symptoms cost her visits to the doctor and medication. As soon as my mother moved to live with us, her symptoms went away.

The bird droppings damaged the window frames, screens and roofing material as well as paint on vehicles parked in the open. The numerous feathers and droppings also mar the property.

My parents were unable to open the windows in their master bedroom, bathroom and kitchen facing the house belonging to the neighbors who fed the birds due to the large amount of bird droppings, feathers, dead skin cells, mites and strong odor caused by the pigeons roosting on the window frames and rooftops.

I spoke with Dept of Health inspectors who said that due to budget cutbacks, they have only two inspectors and therefore, cannot help us. Thus, they are unable to enforce their own Vector rules.

A private vector company said that they would not deal with this problem because as long as someone is feeding the birds, the birds will keep returning.

One of our group members whose parents had lived next to the second bird feeder, went through court ordered mediation last year in an attempt to have them stop the feeding. They signed an agreement that they would use a bird feeder however; they broke the agreement by continuing to scatter feed on the ground. The Mediation Board told our member that they cannot enforce the agreement and that she would need to hire a lawyer and

take them to court. About eight years ago, another neighbor paid almost \$2,000 in attorney fees to stop the first bird feeder, only to lose in court because there is no law against feeding birds in one's own property.

We need your help. Please pass HB 15 and HB 619 so these neighbors and others in similar situations have a recourse that will relieve them of this type of suffering. I will submit photos of the houses affected by the pigeons at tomorrow's hearing.

Thank you for allowing me to share my testimony.

Florence Tanaka

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 6:17 PM
To: JUDtestimony
Cc: kathleenLcampbell@gmail.com
Subject: *Submitted testimony for HB15 on Feb 5, 2013 14:05PM*

HB15

Submitted on: 2/1/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Campbell	Individual	Oppose	No

Comments:

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Testimony for HB No. 15 and HB No. 619

My name is Shigecko Mukai, and I support House Bill no. 15 and House Bill no. 619.

I've been a resident of Pearl City in the same neighborhood for 47 years. It's always been a nice neighborhood but since 1999 we've been having an issue with two of my neighbors who have been feeding hundreds of feral birds twice daily.

I live down-wind and next to one of the homes so on normal tradewind days my house is littered with feathers and droppings from these birds. The odor from the bird droppings is unbearable especially when there's a light rain with the sun heating it. On windy days a significant amount of droppings and feathers blow off their roof and land on my property littering my yard, back porch, walls and windows. I believe the droppings and the feathers are a health hazard and it's impossible to keep up with cleaning on that side of my house as this is a normal daily occurrence. The other problem the feeding has created is that it attracts rats into our neighborhood and really causes an additional health concern for everyone living on the street.

We've tried to reasonably request that they not feed the feral birds with no success. We even called the Department of Health on October 20, 1999. They investigated and told my neighbor to stop the feeding. It lasted for about a month then went right back to the same feeding schedule. I tried calling the Department of Health again but they never came back and instead told me "Anything that comes flying over to your side is your responsibility", and also said there is no law against feeding feral birds. I don't want to approach my neighbor anymore because I live alone and I fear that if I do they will retaliate in some way.

In 2004 my husband developed a severe chronic kidney disease. He was placed on Peritoneal Dialysis and was allowed to do the exchange at home. During the years of his treatment we were required to keep the home very clean and bacteria-free to prevent any infection. We had to shut and lock all windows facing our neighbor to prevent the bacteria from the birds from entering our home. It was a challenge and it also made our home extremely hot during the summer months. During these years my husband also developed a severe respiratory illness that kept him from going out more than he would have wanted. Although we could never prove that his respiratory illness was caused by the bird droppings or feathers, we have read that it has been shown as a cause for a lot of allergies. My husband passed away 3 ½ years ago and for me and my four children we all wished he could have lived those last years with the kind of quality he deserved.

Please support House Bill no. 15 and House Bill no. 619 for the reasons I stated above. I've lived a long and good life and have no regrets, but please consider these two bills to help future families not go through the heartache that we've experienced since 1999.

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 02, 2013 3:03 PM
To: JUDtestimony
Cc: vanderso@hawaii.edu
Subject: Submitted testimony for HB15 on Feb 5, 2013 14:05PM

HB15

Submitted on: 2/2/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Anderson	Individual	Oppose	No

Comments: I oppose this bill. Wild birds are just trying to survive in an environment that humans keep expanding into, and people who feed them should not be punished for being compassionate to fellow creatures. However, if the bill should proceed, I recommend these amendments: "Nothing in this section shall prohibit a properly licensed pest control operator or property owner or manager from applying nicarbazin (OvoControl) as directed and in compliance with any and all state and federal laws." (Ovocontrol is humane birth control for birds; a proven way of *humanely* reducing bird populations.) "Nothing in this section shall be construed to prohibit licensed or recognized wild bird rehabilitators from feeding or caring for animals on their property or at other approved locations."

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**House Committee on Judiciary
Regarding Support of House bill 15 and House bill 619
Relating to Feral Birds**

**Tuesday, February 5, 2013
2:05pm Conference Room 325**

**Chair Rhoads,
Vice Chair Har
Members of the House Committee on Judiciary**

My name is Grace Watanabe and I am not an animal hater. But I support these bills, pertaining to the feeding of feral birds, because it makes people responsible and liable for damages and also makes it a misdemeanor.

My neighbors and I are held hostage by two neighbors that feed a flock of pigeons numbering close to 200. They have been asked to stop feeding them but they won't. My neighbor Stephanie went to the Mediation Center with one of the pigeon feeders and the mediators told them to stop feeding them. They even signed an agreement to stop feeding the birds, but that did not work, as they will tell you, "There is no law."

The pigeons have cause damage to my car and roof where I have had to have them repainted. Their droppings and feathers are filthy and a potential health hazard. It can even damage solar panels and reduce their output. These birds really are a nuisance and the best way to be rid of them is to stop the feeding.

Cities such as San Francisco and Albuquerque have taken action against people feeding pigeons.

Thank you for the opportunity to testify on these bills.

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 6:51 AM
To: JUDtestimony
Cc: holoholomom@gmail.com
Subject: Submitted testimony for HB15 on Feb 5, 2013 14:05PM
Attachments: Roof of Higashi's.jpg

HB15

Submitted on: 2/5/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Anita Higashi	Individual	Support	No

Comments: My home is one that is getting damage by hundreds of pidgins which are being fed by neighbors

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 6:26 AM
To: JUDtestimony
Cc: inuulu@yahoo.com
Subject: Submitted testimony for HB15 on Feb 5, 2013 14:05PM

HB15

Submitted on: 2/5/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
ann Hewett	Individual	Support	No

Comments: I too support this bill. My neighbor feeds feral chickens. The damages that occur by his behavior is scratching of my car by the chickens, digging of my yard by the birds, coming unto my property and leaving their mess, bringing of mites and other bugs into my home, and lastly laying eggs which brings stink smells if not found and disposed of. Also he shoots down the chicken mess outside of his property which sends the smell right pass my property and into the storm drain.

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**OPPOSITION TO HB 15 ~ PROPOSAL TO PROHIBIT FEEDING
OF WILD BIRDS**

It is understandable that some people do not like birds. There are easily as many, if not more, who do, who will be negatively impacted by this bill. Please do not criminalize harmless activity. It would not be productive legislation, no matter how well intended, and in fact could have unintended consequences, for example, confounding rehabbing efforts.

Please do not pass this Bill.

Yours truly,
Bruce Middleton

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 9:26 AM
To: JUDtestimony
Cc: cgranzow1@gmail.com
Subject: Submitted testimony for HB15 on Feb 5, 2013 14:05PM

HB15

Submitted on: 2/5/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Christian Granzow	Individual	Support	No

Comments: Dear Committee, The pigeon problem is not just isolated to the island of Oahu. Here in Maui the pigeon problem has grown to a pest level as well. They are exploding in population growth in Kahului and our neighbor feeds and raises pigeons two doors down from us, here in Kihei. One didn't even see a pigeon 30 years ago, now they are a common site in public areas and even on the beach. I know how the mainland has tried radical population reduction methods, spending thousands, and thousands of dollars, all with no success. Hawaii needs to act now. They are not native, pose health risks, endanger the balance of other wildlife, and they are becoming a major nuisance to the general population. This needs to be addressed immediately before it become a huge burden to the government finances and the taxpayer.

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TESTIMONY OPPOSING HB 15 RELATING TO FEEDING FERAL BIRDS

Please do not pass HB 15. It is a myth that wild birds cause disease any more than any other animals; there is no record of an outbreak of any disease in areas where there are a lot of birds. When last did you hear of this being reported? This has been true for years and years, and the tourists keep coming!

There may be a few spots where people cause some annoyance because they feed the birds, but it is not a widespread problem and not worth such heavy-armed tactics in dealing with; the flip side of the coin is the right to enjoy nature that you are legislating away from concerned citizens. People love going to parks to see the birds and perhaps throw a few crumbs. Who of you has never done that?

It is all too easy to curtail people's freedoms. We need a legislature that will work more arduously to protect them. There are other ways to address this problem. One is simply reducing the bird population, in a measured way, using bird contraception (Ovo-control.) It has been done successfully in other cities and Honolulu would be eco-friendly were it to opt to do this.

Please do not end a traditional pleasure, written about in stories, included in children's literature and a part of the good old days that is shrinking by the day. It makes me very sad. Do not end an era when people are able, lawfully, to enjoy and engage with nature.

Sincerely,
Margy O'Kelly

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 8:20 AM
To: JUDtestimony
Cc: bdkailua@hotmail.com
Subject: Submitted testimony for HB15 on Feb 5, 2013 14:05PM

HB15

Submitted on: 2/5/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Darrow	Individual	Support	No

Comments: I live in the 400 block of Iliaina St in Kailua and my neighbor directly across the street has been feeding pigeons for years now and it has been a nightmare for the neighbors. To top it off, my next door neighbor throws left over rice out in the yard to feed them. The pigeons sit on the telephone wires and poop all over any cars or waste bins when they are put out. One neighbor has had the paint on his late model car ruined. Another person is feeding them on Kainalu Ave in Kailua as I see them congregate around that house and neighborhood. I believe it to be a health issue along with a definite financial impact as to the damage caused by these birds. Recently there have been numerous dead birds in the area and I believe someone has been poisoning them. This bill needs to be passed to stop all of this from happening. Mahalo, RD

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har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 10:34 PM
To: JUDtestimony
Cc: patissier.roger@gmail.com
Subject: Submitted testimony for HB15 on Feb 5, 2013 14:05PM

HB15

Submitted on: 2/4/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Roger Meier	Individual	Support	No

Comments: I just found out via news feeds about this bill and therefore have had no time to prepare comprehensive testimony. However, I live in a condominium complex that has explicit rules in house rules forbidding the feeding of feral birds. One neighbor flouts this rule and it is a mess for the neighbors in surrounding units who are constantly cleaning windows and lanais and fending off aggressive feral birds. There have been attempts at mediation that have not worked because there are no working laws on the books. Laws would help bolster complaints and civil action against people over feeding these feral animals.

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