

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 619
RELATING TO FERAL BIRDS**

House Bill 619 proposes to make feeding feral birds that cause a common nuisance subject to a fine and makes a second offense within five years a petty misdemeanor. **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. The Department suggests that the bill be amended to include both wild and feral birds and that the 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. The Department also notes that feeding a wild bird is not restricted to person own property.

Finally, the Department suggests the following 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

"§142- Feeding of wild or feral birds; penalty. (a) No person shall knowingly feed a wild or feral bird on the person's own property or any public property such that the feral bird causes a common nuisance on other property or any public property.

(b) A certificate, sworn to or affirmed by an individual authorized to enforce this section pursuant to section 142-29, or a facsimile thereof, based upon inspection of the premises and witnessing of a violation, or photographs, microphotographs, videotape, or other images gathered or received by the individual authorized to enforce this section shall be prima facie evidence of a violation. Any photographs, microphotographs, videotape, or other recorded images evidencing a violation shall be available for inspection in any proceeding to adjudicate the liability for the violation.

(c) Any person who violates this section shall be fined not less than \$ nor more than \$. For a second offense committed within five years of a prior offense, the person shall be guilty of a petty misdemeanor and fined not less than \$ nor more than \$.

(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.

As used in this section:

"Common nuisance" means an unreasonable interference with a right common to the general public, and in absence of evidence to the contrary is deemed to include:

- (1) Wild or feral birds whose droppings cause damage to other property;
- (2) Wild or feral birds roosting or nesting on other property; and
- (3) Wild or feral birds whose droppings and feathers create a health risk or interfere with the normal use or enjoyment of other property.

["Feral bird" 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.

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



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. 619 – 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 real handle on it. This is because while the birds tend to be very territorial in nature, they also revolve those 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, 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 Hilton to Sheraton 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 H.B. 15.

Thank you.



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.

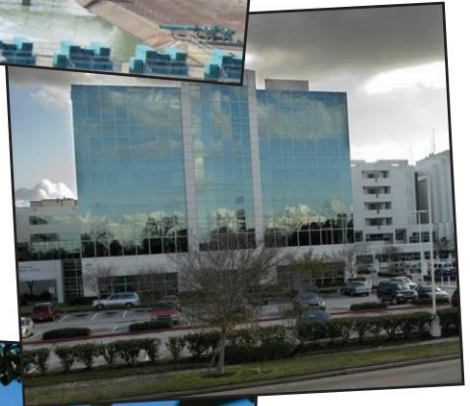
At a Casino/Hotel

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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**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.

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 4:23 PM
To: JUDtestimony
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB1147 on Feb 5, 2013 14:05PM*

HB1147

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
Nancy Davlantes	Individual	Support	No

Comments:

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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: Thursday, January 31, 2013 4:45 PM
To: JUDtestimony
Cc: nomie_34@yahoo.com
Subject: *Submitted testimony for HB619 on Feb 5, 2013 14:05PM*

HB619

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:

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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 3:04 PM
To: JUDtestimony
Cc: vanderso@hawaii.edu
Subject: Submitted testimony for HB619 on Feb 5, 2013 14:05PM

HB619

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: stephanie suganuma [suganuma@yahoo.com]
Sent: Monday, February 04, 2013 12:28 PM
To: JUDtestimony
Cc: Karen Kawamoto; Florence Tanaka; grace
Subject: Testimony of Stephanie Suganuma re: HB619

My parents lived at 1371 Hoohulu St. from September 1959 to June 2012. The problem of the pigeon nuisance started about twenty years ago, when the Murakami family, the neighbors on the mauka side who had been feeding feral cats and birds started to feed feral pigeons. They would fill a large dog food bowl with bird feed and place it on the rail of their back porch. As the years progressed the feeding increased and along with it, the mess caused by these birds. If I had to estimate the feedings today, I'd say they were feeding the pigeons about 2 to 3 lbs of bird feed twice a day. Since our house was downwind from the Murakami's all the waste and feathers blew into our house and yard. Adding to that, pigeons started roosting on our roof all day long. We asked the Murakami's to stop the feeding several times, but our requests were ignored. A year before my father died of cancer, he asked Mrs. Murakami again and she yelled at him. From that point on, our relationship with the Murakami's went downhill. My father died in August 2007, and my older brother moved in with my mother to look after her. He tried to get rid of the pigeons with the fake owls and by trapping them. The Murakami's called animal control to have my brother cited for animal cruelty. My brother went to the Office of Fish and Game to apply for a license to kill the pigeons but the license that was issued was for his home address, not 1371 Hoohulu St. the address he applied for. In 2010 my brother also died of cancer. I tried to help my mother by looking into some commercial products used to keep the pigeons away. These products are used by large companies with pigeon problems, and are very expensive. We tried one called Bird Away, which cost \$50.00 per quart. It needed to be applied every day which was difficult for my mother to do. In December 2011, I applied for the license, on my mother's behalf, to kill the pigeons but the Dept of Fish and Game never sent it. In June 2012 my mother passed away. While I was preparing our family home for sale I was very frustrated. I felt like I was being undermined by these neighbors. One day in August 2012 I was washing the windows and awning that run along the side of our house that borders the Murakami's, I was angry with them and I was talking to myself. The Murakami's came out to confront me. We got into an argument and I ended up shooting the daughter with the water. She ran into their house and called the police. The police came over to talk to me and said although he understood what I was going through this wasn't the way to handle the problem. A few days later I received a TRO. I went to court for the TRO and the judge ordered us to go to mediation. At the mediation I went prepared to show the mediators what I was dealing with. The two mediators agreed that the Murakami's should stop feeding the pigeons, but even after signing the agreement they never complied with the mediation agreement.

During the course of renovating my family home I called the Health Dept, State Legislature and City Council. Everyone I spoke to said their hands were tied because budget cuts didn't allow for regulating feral animal control and there was no law on the books to do anything to stop feeding the feral animals. Finally Robert Sato of Breene Harimoto's office returned my call and assisted me and the neighbors of Hoohulu St. organized a meeting with Councilman Harimoto and Legislative Rep Takayama. Rep Takayama looked into the matter further and agreed it's time we established a law that protects the majority of neighbors in any given neighborhood from one abusive neighbor who may be causing a public nuisance.

We now ask the Legislature's assistance in our efforts to control the feral pigeon problem in our residential neighborhoods across Hawaii. We may be the most vocal but we're not the only ones having this problem.

Very Sincerely,

Stephanie Suganuma

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 6:54 AM
To: JUDtestimony
Cc: holoholomom@gmail.com
Subject: Submitted testimony for HB619 on Feb 5, 2013 14:05PM
Attachments: Roof of Higashi's.jpg

HB619

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 being damaged by hundreds of pidgins that my neighbors feed.

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**OPPOSITION TO HB 619 ~ PROPOSAL TO PROHIBIT FEEDING
OF WILD BIRDS**

The matter of feeding wild birds, attracting a lot of birds and the attendant unpleasant consequences of that can be an annoyance for some, but the problem is not widespread enough to warrant such forceful action as is proposed here. I myself have been known to utter expletives about those --- pigeons after just having polished my car, but the birds are everywhere and the insult can happen in an area where nobody is feeding birds as easily as in an area where there are a lot attracted to an area for food. Birds are birds – they get around and do what they do. The idea of punishing people for feeding the birds and holding them liable for damages because the birds upset someone seems rather draconian, not considerate of the rights of all parties concerned.

Please do not pass this Bill.

Yours truly,
Bruce Middleton

February 04, 2013

RE: HB619

To: JUD Committee

I am in support in this bill HB619, relating to feeding feral bird. I reside in a residential subdivision in Kona on the Island of Hawaii and have been experiencing a growing problem with wild turkeys on my property as well as others in the subdivision. The subdivision is flanked on two sides by pasture land though we reside in a very populated area just off the main highway (Kuakini Hwy). The wild turkeys have been a growing problem for the past 10 years and daily one can see turkeys roaming the streets and in yards. The birds have roosted on monkey pods trees that lines the streets and also on my trucks pipe rack, with daily droppings on my driveway and yard. They have also gone into my vegetable plots destroyed my crop. They have grown to be at home even walking up to my front door and making a mess with their droppings. Their droppings are unsanitary and create an awful smell. I have witness my neighbor feeding the turkeys and also have heard that others within the subdivision are feeding the wild birds also. This feeding of the wild turkeys have made them dependent on food during the drought years making them unafraid of human approach. The birds can be approached as near as 10-15 feet without being afraid of human interaction. There also has been numerous observations of hens with their newly hatch chicks in my yard and on the streets. This also creates a traffic hazard.

Thank You,

Calvin Okahara

77-6657 Walua Rd.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 9:28 AM
To: JUDtestimony
Cc: cgranzow1@gmail.com
Subject: Submitted testimony for HB619 on Feb 5, 2013 14:05PM

HB619

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. Regards, Christian Granzow Kihei, HI

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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TESTIMONY OPPOSING HB 619 ~ PROPOSAL TO PROHIBIT FEEDING OF WILD BIRDS

Having worked with the Hawaii Wild Bird Rehab. Organization since its inception some years back I have learned a lot about birds. Without wanting to offend anyone, I would hazard a guess that those now favoring the proposed bill/s are not closely familiar with bird behavior.

Firstly, the contention that the birds bring disease and are a health hazard is questionable, from the standpoint that they have been with us, in close quarters, for example in Waikiki, for years and years, without any significant impact on the health of the population. If there were cases of people falling ill as a result of the many birds there, it would be a matter worthy of consideration, but in fact this is not the case. It is more a case of people suspecting that the birds are dirty and dangerous. The truth is that all pets are potentially hazardous to our health.

I agree that "... if you feed them they will come ..." and the W.B.R.H. is fully aware of this. People are discouraged from feeding wild birds in W.B.R.H. for this reason. We also, however, believe that in the case of large populations becoming a nuisance, OvoControl is very effective in bringing down that population in the most humane way possible. That pre-empts all kinds of problems.

We are living in times when more and more freedoms are being regulated away. Think of the joy and wonder of a child throwing a few bird crumbs on a visit to the park, or in their own garden; or of an old person being able to see nature up close when one of those pretty little creature comes up close enough for them to see. Think Mary Poppins and what was a great treat, expressed in the memorable song: "Feed the Birds," and you may think twice about ending what was once a great joy to many. Further, it is unlikely that legislation will make much difference. It may result in one or two people complaining and prosecuting their neighbors, but for the most part, I believe that little will change, and a lot of people will be disgruntled, so why do this?

I propose a more effective outreach to the public not to feed the birds; public service announcements and education would probably yield more responsible behavior from the public than one more law imposed on them. I'm sure the W.B.R.H. would be helpful should you call on them to help you.

Wild bird rehabbers will also explain how important it is to keep feeding wild birds following release, until they get their bearings and learn how to fend for themselves. It is an integral part of rehabbing. Sometimes they need to feed a wild bird ahead of catching it to lure it in for help. There are many instances when people, out of compassion, wanting to help birds, find it necessary to feed them. Why make this a criminal act? Further, it is unduly invasive legislating

what people may or may not do on their *own* property. Neighbors complaining about birds or bird mess are nuisances themselves in other ways and people just have to get along; bird people may annoy certain neighbors, but no doubt those neighbors in turn annoy the bird people too, such is life.

Please do not pass this bill.

Sincerely,
Margy O'Kelly

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 10:47 PM
To: JUDtestimony
Cc: patissier.roger@gmail.com
Subject: Submitted testimony for HB619 on Feb 5, 2013 14:05PM

HB619

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: This bill should be passed. These birds, once they are fed and enticed with feed become very aggressive - especially finches and sparrows - and create a mess that is unsanitary and possibly detrimental to ones health that is immunocompromised. Without a law on the books it is challenging, if not impossible for neighbors to seek redress. I hope my legislators will support this bill.

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