

HB 1902

**LATE
TESTIMONY**



HB1902 HD2
RELATING TO HUNTING
Senate Committee on Water and Land

March 17, 2014

1:15 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** for HB1902 HD2, which requires the DLNR to make reasonable efforts to prevent and mitigate the loss, destruction or degradation of public hunting areas and establishes a hunting advisory commission within the DLNR.

OHA notes that hunting is an important cultural and subsistence practice for many Native Hawaiians, particularly in rural regions. For example, a report issued by the Governor's Moloka'i Subsistence Task Force found that Hawaiian families on Moloka'i continue to rely heavily upon subsistence harvesting to supplement meager incomes, deriving 38% of their food from these activities. This report also found that subsistence activities, including hunting, were critical to the perpetuation of Hawaiian cultural customs and values. In some cases, hunting for subsistence purposes may be considered a Native Hawaiian traditional and customary practice protected by the Hawai'i State Constitution, Hawai'i Revised Statutes and case law.

OHA takes no position on whether a categorical "no net loss" standard is an appropriate approach to balancing DLNR's dual responsibilities to protect both watershed ecosystems, as well as cultural and subsistence practices. Instead, OHA hopes to ensure that Native Hawaiians continue to have adequate areas to hunt for subsistence and other purposes as a traditional and customary practice, as may be compatible with the long-term interests of both present and future generations, Native Hawaiians included. Such interests may require greater protection for watershed areas and the natural and cultural resources they contain, the facilitation of aquifer recharge and the protection of makai areas and resources from erosion-related runoff.

Mahalo for the opportunity to testify on this important measure.

Testimony of Dr. Creighton M. Litton
Opposing H.B. 1902 HD2 Relating to Hunting
Senate Committee on Water and Land
Monday, March 17, 2014, 1:15 PM, Room 225

My name is Creighton Litton and in my capacity as a Professor of Forest Ecology and Management in the Department of Natural Resources and Environmental Management at the University of Hawaii at Manoa, I have conducted research over the past 10 years on non-native ungulates and the impact that they have on native forest ecosystems in Hawaii. I provide this testimony as a concerned constituent of the state – based on my personal and professional experiences - and a constituent that values both hunting and native biodiversity.

The issue is clear. Non-native ungulates (feral pigs, goat, sheep, cattle, etc.) are incompatible with the native biodiversity in the state of Hawaii, particularly rare, threatened and endangered plants. Every study that I have conducted, and every study conducted before me, is unambiguous in this regard. These animals are unlike anything that these ecosystems were subjected to prior to human arrival in the islands, and as such the native organisms that are found in our forests have little to no adaptations to survive in their presence. Furthermore, it is clear that non-native ungulates promote the invasion and spread of non-native plants, further degrading our native forests. There is no compromise available for having both native biodiversity and non-native ungulates (i.e., game mammals). They are simply incompatible.

As a result, we have in the state of Hawaii a system of management units on state-owned land that are managed for conservation of native biodiversity (conservation units) or hunting (game management units), but not both simultaneously. Currently, the vast majority of state-owned land is in the category of game management, with substantially less area managed as conservation units. Both management types have their place in Hawaii. Hunting is an important cross-generational, cultural and recreational activity that is pursued by a relatively small percentage of the state's population on a relatively large percentage of state-owned land. Conservation units, in turn, are critically important for managing the highly threatened and largely endemic native flora and fauna of the state, yet exist on a relatively small portion of state-owned land. Given the small area of conservation units compared to game management units currently, what we need to do is promote more conservation units, not less. And this bill, if passed as written, will do the exact opposite by greatly reducing future expansion of conservation units. How much land is needed for hunting in the state? That is a difficult question to answer, but based simply on the number of registered hunters in the state and the area of land that is already set aside for hunting, it seems clear that additional hunting land is not needed and, in fact, a reduction in hunting areas could be implemented quite easily without negatively impacting access and overall hunting opportunities. In contrast, based on the acreage in conservation units and the continued decline of native biodiversity in the state, an increase in conservation units is clearly warranted. As written, this bill would largely eliminate the expansion of existing or creation of new conservation units in the state, precisely at a time that they are needed the most. If we pass this bill as a state, then as a state we are prioritizing hunting to the great detriment of native biodiversity. We should, in my opinion, be prioritizing conservation of native biodiversity given the disproportionately small area of land currently being managed for this.

I urge you to not pass this legislation. There are ways to ensure hunting access and privileges for current and future generations that do not involve doing such at the expense of native biodiversity. This bill, as currently written, is not the way to do that. Preserving the ecological and cultural legacy of native biodiversity is just as important, if not more so, than hunting opportunities. The only reason for a bill such as that proposed here is if game management units and conservation units are equal in size and scope in the state, and we are very far from that situation currently. So when we have set aside enough land for conservation of native biodiversity as we have set aside for hunting, then we should revisit this question. Until then, we should do everything possible to conserve native biodiversity for future generations, even if it means a reduction in the very large area of land set currently aside for game management.

Thank you for the opportunity to comment on this legislation.

Dr. Creighton M. Litton
Kailua, HI 96734
808-956-6004



March 14, 2014

Testimony of Dr. Robert Shallenberger
Opposing H.B. 1902 HD2 Relating to Hunting
Senate Committee on Water and Land
Monday, March 17, 2014, 1:15 PM, Room 225

My name is Rob Shallenberger. I have been a career conservation biologist, land manager and wildlife photographer for more than 50 years. I have been an enthusiastic hunter and fisherman even longer. I applaud efforts of the State to provide recreational and subsistence hunting opportunity in Hawaii. However, it must be noted that the State also has an affirmative responsibility to provide opportunity for other recreational, cultural, educational and scientific use of State-owned lands. The State also has a clear mandate to mitigate the loss of native species, the erosion of watershed and the invasion of non-native plants and animals. The existence of multiple, often conflicting, mandates creates a difficult, but not insurmountable, challenge.

I oppose the bill as written because it is unnecessary and would be impractical to implement. Most of the land under DOFAW control is already open to hunting. In addition, it is unlikely that there would be substantive funding appropriated for land acquisition given competing priorities in the State budget. Finally, the legislation, however well intended, would exacerbate conflicts between users and lead to unintended consequences.

1: As currently written, the bill takes into account the need for flexibility in application of the "no net loss" concept. However, I remain fearful that enactment of this bill could jeopardize conservation projects on State land that are in planning or underway. For example, the recently completed Ka'u Forest Reserve Management Plan calls for fencing and ungulate removal within a 12,000 acre area of native forest. If the bill moves forward, I recommend that language be added to the bill that would grandfather pending projects such as the Ka'u forest project.

2: I do not support the formation of a State Hunting Advisory Commission as it would not reflect the breadth of DLNR's management responsibilities for State-owned lands. I opposed the formation of the Hawaii Island Game Management Advisory Commission for the same reason.

If, however, the legislation is enacted with the Commission proposal intact, then I would recommend changes to the list of prospective members. I have had the opportunity participate as a member of the West Hawaii Fishery Council and the Legacy Land Conservation Commission. In both cases, enabling legislation dictated selection of members reflecting a wide variety of interests and expertise. HB 1902 HD2 should be amended to ensure better balance and diversity of membership. For example, I suggest adding someone with experience relating to Hawaiian forest restoration and management and at least one person with experience relating to recreational and educational uses other than hunting.

3: Several years ago the State developed a framework for setting management priorities on DOFAW-managed lands on Hawaii Island. The draft guidelines were developed in response to conflicting resource demands by various user groups. They were intended to provide administrative policy direction and to prioritize resource management and public use activities. The draft guidelines were never finalized. DOFAW should complete this project, whether or not this bill moves forward.

4: The State contracted for preparation of a Game Management Plan for Hawaii Island. Although the contracted document was completed and submitted to DOFAW, it has not been distributed for review and implementation. This plan should be made public.

5: Of the many contentious issues relating to hunting in Hawaii, this legislation focuses primarily on the designation of public hunting areas. If the bill moves forward it would be useful to cite the need for other initiatives that would enhance hunting opportunity without impacting species conservation objectives. Examples include hunter participation in the early phase of animal control projects, acquisition of lease agreements and related mechanisms to enhance access to remote areas, strategies to facilitate more efficient recovery and distribution of meat from animal control projects, regulation changes to facilitate hunting opportunity for visitors and expanded opportunity for youth hunting.

Thank you for the opportunity to comment on this legislation.

Aloha,

Robert Shallenberger

Shallenberger Photography - P.O. 6779, Kamuela, HI 96743 - (808)-937-1775

TESTIMONY OF
RYAN N. KOHATSU
MECHANICAL ENGINEER, AVID HUNTER/GATHERER

BEFORE THE SENATE COMMITTEE ON
WATER AND LAND

RELATING TO
HOUSE BILL 1902
STRONGLY SUPPORT WITH COMMENTS

Dear Senate Committee on Water and Land,

I strongly support HB 1902 and its amendment for a state hunting advisory commission. Almost every other state in the union has one and we don't in Hawaii. On a side note, fishing should also have one. In many other states hunters and fishermen make up a significant portion of the wildlife management operating budget and make federal funding possible through the Pittmann-Robertson Act. However, in Hawaii, hunters and fishermen are largely excluded from management decisions and are even restricted on changing or modifying their own regulations for the changing times. This exclusion needs to be addressed and the amendment for a commission can start that discussion along with making reasonable efforts to keep hunting areas as public areas for hunting.

I would like to comment on pictures of supposed ungulate damage the BIISC used in their previous testimony. Although this bill is not unique only to ungulates, HB 1902 opposition is trying to make this a discussion of ungulates and native ecosystems, which this bill is not about. However, I would like to address the falsehood or "half truth" in the pictures as captioned by BIISC. Because they're not telling you the whole story.

The following pictures are the pictures I am going to talk about.



SADDLE ROAD AREA DEVASTATED BY GOATS, WHICH STRIPPED THE BARK FROM TREES AND SHRUBS DURING A DROUGHT.



THESE NATIVE AKOKO TREES DIED AFTER FERAL GOATS AND SHEEP STRIPPED THE BARK FROM THEIR TRUNKS FOR WATER. AFTER THE 2009-2010 DROUGHT EVERY AKOKO IN THE 150 ACRE STAND WAS DEAD. IN NEARBY FENCED AREAS, AKOKO CONTINUED TO FLOWER AND SPROUT KEIKI THROUGHOUT THE DROUGHT. AKOKO IS A STATE "SPECIES OF CONCERN."



THE ONLY GREEN PLANT AROUND WAS IN THIS LITTLE FENCE. MOST OF THE LAND IN THIS IMAGE IS A PUBLIC HUNTING AREA.

The above pictures depict areas within Pohakuloa Training Area. I have hunted in Pohakuloa since I was a young boy some 18 years ago. I highly doubt the author of the BIISC testimony was present in this area this long ago. First of all, I would like to note these are not State or DLNR controlled lands to begin with and does not relate to HB 1902. How the FED wants to manage their vegetation on a military training facility has little to do with State management. Second, the captions are "half truths." I will explain.

The first picture shows a desert landscape. It was not always a desert landscape. Aweoweo used to flourish in that area when I was a kid and there were sheep and goats present in the area at the same time and for many years before that. So what happened? Drought came and wiped out the vegetation. Even the vegetation in the fence in the third picture is wiped out. It doesn't take too much insight to see it really does not matter whether the fence was there or not. And the only green plant appears next to

an old watering hole (made of concrete) that can collect water for a nearby plant. Just take a look along side saddle road in this area and anyone can see the only green vegetation is along the side of the road specifically because the asphalt holds moisture in some way for the plants near it.

The second picture depicts dead Akoko trees also in Pohakuloa Training Area, probably in areas 14 and 15. Before the drought, these areas were green with Akoko and aweoweo and I personally hunted herds of sheep and goats in this area. As the drought worsened, the vegetation died and the sheep and goats began to decrease in number (I'll explain this decrease to come). They state in nearby fenced stands Akoko is sprouting and doing fine? Where is that picture then? Almost everything is dying in that portion due to drought. It is totally unfair and a half truth to be blaming sheep or goats for this kind of mass destruction. Hunters seek a balance and honestly there's nothing you can do about the moisture disappearing and wiping out vegetation.

About the animals now: There are mass areas of fencing throughout Pohakuloa Training Area (PTA) of which was constructed specifically to protect endangered species and archaeological sites. Sounds good right? However, what happened to the animals? Most animals in the fences were eradicated, though some are still not eradicated and 100's of goats in some enclosures continue to eat all the endangered plants they're trying to save and ultimately starve to death. And later on, some person will come and take a picture of this fenced area and use it to show the damage goats caused without letting you know that they were fenced in for years and had no other choice but to eat everything. All the meanwhile, we are unable to hunt in these areas because we're told there are no goats there. Extremely false.

What about outside the fence?

Building mass fences also REDUCES the AREA that is NOT FENCED and can restrict movement of non-native ungulates. When fencing reduces the area for animals outside the fence it can increase pressure on remaining vegetation, restrict animal movement, and cause animals to move into areas they did not typically go because of their desperate search for food or increased hunting pressure on smaller sections of land. Today we are seeing animals in areas we did not historically see much of specifically because the fenced enclosures are restricting them to these areas. You could say the fences, in that respect, are creating an even worse situation for the forest and browse pressure. Hunters have been saying this a long time ... yet people who do not hunt will take pictures of these areas now and use it as opposition for hunting saying the animals are killing everything, when it is largely the very mass fence they support that is creating this situation. It is very common for individuals or groups wholly set on a goal or thought to completely leave out the unintended consequences of actions that are seemingly right.

The presentation of material is very one-sided on this issue and we hunters (who have been out there for years before many of these ideas) should have more of a formal stake in the decision making process. This is fundamentally why I urge the committee to support HB 1902. Hunters, fishermen, and gatherers need a more formal way to be part of the process and respected as such. Gatherers also have ideas on modifying current practices to benefit our resources for hunting regulations. However, current policies stifle us from changing any rules to hunting. The amendment for the commission can at least get us all to the table formally and accountably.

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Cc: stokeshi@hawaiiantel.net
Subject: *Submitted testimony for HB1902 on Mar 19, 2014 13:15PM*
Date: Tuesday, March 18, 2014 5:06:26 PM

HB1902

Submitted on: 3/18/2014

Testimony for WTL on Mar 19, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra	Individual	Support	No

Comments:

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Subject: Submitted testimony for HB1902 on Mar 19, 2014 13:15PM
Date: Tuesday, March 18, 2014 4:18:06 PM

HB1902

Submitted on: 3/18/2014

Testimony for WTL on Mar 19, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Sensui	Individual	Support	No

Comments: Loss of hunting lands means less available game which many depend upon to help feed their families. And it's another step further back from Hawaii being self-sufficient.

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HB1902

Submitted on: 3/18/2014

Testimony for WTL on Mar 19, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
chad mata	Individual	Support	No

Comments:

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HB1902

Submitted on: 3/18/2014

Testimony for WTL on Mar 19, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor	Individual	Comments Only	No

Comments: I support this bill, I feel our hunting resources should be preserved for the future generations. I also feel that our populations of wild sheep must be managed to ensure a healthy and huntable population of animals

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HB1902

Submitted on: 3/18/2014

Testimony for WTL on Mar 19, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Dustin	Individual	Support	No

Comments: Why is this not passed yet? I seen dlhr's opposing testimonies and most were half truths. The people (hunters,gatherers,etc.) are your eyes and ears of these lands that are so called being damaged. I can honestly say that the land that is really being damaged is those that are fenced and left to overgrow and suffocate. Famous moves by DLNR and NARS. I support this bill 100%. Listen to the people that use the land and spend their time on them.

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HB1902

Submitted on: 3/18/2014

Testimony for WTL on Mar 19, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Dwayne Mukai	Individual	Support	No

Comments: I support this bill's intent but the verbiage is so loose that this bill has no teeth. "Make reasonable efforts to", what does this mean? It means nothing. This bill looks and feels more like a resolution. The referenced line should be omitted from the bill so the bill can live up to it's intent which is "to prevent and mitigate the loss, destruction, or degradation of public hunting areas", period. For clarification, I am not a hunter and have not intent of becoming one, however, there's need to be some semblance of equity. Public hunting areas need to be maintained not restricted.

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Date: Monday, March 17, 2014 8:30:39 AM

HB1902

Submitted on: 3/17/2014

Testimony for WTL on Mar 17, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Brown	Individual	Support	No

Comments: This bill is crucial to protecting our culture here in Hawaii for hunting and gathering. Hunting has been a part of Hawaii's culture for hundreds of years. Thousands of families, including mine, practice the activity to help sustain a healthy way of living that continues to connect us with our culture. Not only does hunting help with our state's Food Sustainability Initiative, which continues to be a HUGE issue in our communities, but it creates economic opportunity for the business and employees, that support hunting and families that rely on hunting for putting food on the table. Not to mention the millions of dollars generated by GE Tax revenues from these activities! The DLNR is attempting to reduce the way we evaluate their effectiveness by changing or adding in language which makes it hard to measure their accountability. Please pass this bill and help the DNLR keep their

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