

Honolulu, Hawaii

February 12, 2016

RE: H.B. No. 799

H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 799, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM AERONAUTICS ACT,"

begs leave to report as follows:

The purpose of this measure is to amend the Uniform Aeronautics Act to allow the State, its employees, or its independent contractors, while in flight and in furtherance of the State's official duties, to kill wildlife located in remote or inaccessible areas.

The Kaua'i Invasive Species Committee, O'ahu Invasive Species Committee, American Bird Conservancy, Wailuku Water Company, and numerous concerned individuals testified in support of this measure. The County of Hawai'i Game Management Advisory Commission; Haleakala Ranch; Earthjustice; The Society for Hawaii Heritage Animals; Leilani Farm Sanctuary; Conservation Council for Hawai'i; Hawaii Hunting Association; Hawaii Sportsman's Alliance; Hunting Farming and Fishing Association; Ho'okipa Network-Kauai and Aha Moku o Kauai; National Wild Turkey Federation; Grey Boar Wildlife Services, LLC; Hawaii Sportsmen's Alliance; Hui Kuahiwi; Babooze Bowstrings; Maui Conservation Alliance; Animal Rights Hawai'i; and numerous concerned individuals testified in opposition. The Department of Land and Natural Resources, The Nature Conservancy of Hawai'i, The Humane Society of the United States, and several concerned individuals provided comments.



Your Committee finds that aerial shooting by the State to control or eradicate wildlife should be employed only when necessary, when there are no practicable alternatives, and subject to appropriate safeguards.

To accomplish effective wildlife management, your Committee recommends that aerial shooting should be a tool available to the State. For example, a federal court order requires the State to protect the critically endangered palila bird that exists on the slopes of Mauna Kea. Compliance with the order necessitates the use of aerial shooting to control the population of ungulates that are impacting the palila's habitat. The State's effort regarding the palila is governed by federal laws and is not subject to the limitation or prohibitions of state or county laws. This measure is intended to clarify the State's authority to conduct aerial shooting in other areas.

Your Committee finds that the Department of Land and Natural Resources has a long-standing aerial shooting policy that addresses a number of citizen concerns, including a policy of providing public notice at least 15 days in advance. However, the Department may benefit from an increased effort to inform the public of its policies and practices, adopt rules, and expand the scope of its policies to address the public's other concerns.

Your Committee notes that another measure is under consideration this session that would establish a Game Management Advisory Commission whose duties include advising the Department on the use of aerial hunting.

Your Committee has amended this measure by:

- (1) Deleting language that restricted aerial killing of wildlife to remote and inaccessible areas; and
- (2) Inserting an effective date of March 15, 2037.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 799, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 799, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



