

**SB 3030**

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
WATER, LAND, AND AGRICULTURE**

**Wednesday, February 10, 2016  
3:30 PM  
State Capitol, Conference Room 224**

**In consideration of  
SENATE BILL 3030  
RELATING TO CROP DAMAGE**

Senate Bill 3030 proposes to require the Department of Land and Natural Resources (Department) to monitor and analyze the status of the Hawaiian coot, moorhen, nene goose, stilt, and duck with respect to their interaction with agricultural practice and publish the results annually on the Department's website. **The Department is opposed to this measure and offers the following comments.**

Senate Bill 3030 is unnecessary and will not accomplish its desired effect to address impacts to agricultural products. All of the birds included in this bill – the Hawaiian coot, moorhen, nene goose, stilt, and koloa duck – are endangered species. As endangered species, they have been the subject of numerous research papers, which are readily available on the internet. The habitat sites, breeding seasons, feeding habits are all well known. The Department is and has been surveying these species for many years, and is currently working with the U.S. Fish and Wildlife Service and other partners to compile and analyze this data, so that the Department can better measure and highlight the successful recovery efforts of some of the world's most endangered waterbirds.

The Department appreciates the concerns expressed in the bill regarding crop damage caused by these species and notes that provisions exist under federal and state endangered species laws to secure the appropriate permits required to implement measures to reduce impacts to agriculture. The Department has the staff, expertise, and capacity to assist interested persons in the application process to secure such authorizations and encourages any such persons to contact us.

The Department appreciates the opportunity to provide these comments.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEKOA KALUHIWA**  
FIRST DEPUTY

**JEFFREY T. PEARSON, P.E.**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lt. Governor



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**DEPARTMENT OF AGRICULTURE**  
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**SCOTT E. ENRIGHT**  
Chairperson, Board of Agriculture

**PHYLLIS SHIMABUKURO-GEISER**  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE**

February 10, 2016  
3:30 P.M.  
CONFERENCE ROOM 224

**SENATE BILL NO. 3030  
RELATING TO CROP DAMAGE**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 3030 that requires the Department of Land and Natural Resources to research the interaction of five Hawaiian waterbirds with agricultural practices and publish an annual report that assists Hawaii's agricultural industry in economically and environmentally interacting with the identified species. The Department of Agriculture supports this measure, but defers to the Department of Land and Natural Resources.

The Department of Agriculture believes the State should strive for a collaborative and transparent effort among all parties to achieve a reasonable balance between the protection of the waterbirds and the economic well-being of the affected Hawaii farmers. Data, observations, analysis, and any conclusions and recommendations should be openly shared.

Thank you for the opportunity to submit our testimony.





February 3, 2016

Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Vice Chair  
Senate Committee on Water, Land, and Agriculture

**Testimony in Support of SB 3030 (Requires the Department of Land and Natural Resources to research the interaction of the Hawaiian coot, moorhen, nene goose, stilt, and duck with agricultural practices, and publish an annual report; appropriates funds.)**

**Wednesday, February 10, 2016, at 3:30 p.m., in Conference Room 224**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **support of SB 3030**, and of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture, including important agricultural lands in Hawaii. The bill supports the need for collaboration amongst different sectors of the community, and the importance for them to work together cooperatively to improve the economic viability of the State's agricultural industry and to promote food security.

**SB 3030.** The purpose of this measure is to require the Department of Land and Natural Resources (DLNR) to monitor and analyze the status of the Hawaiian coot, moorhen, nene goose, stilt, and duck (the "Specified Species") with respect to their interaction with agricultural practice, and to publish the results annually in order to assist the agricultural industry in economically and environmentally interacting with the Specified Species. This bill also proposes to appropriate out of the general revenues of the State of Hawaii, an amount necessary for fiscal year 2016-2017 for the DLNR to conduct such research and analysis, and to publish its annual report.

**LURF's Position.** LURF concurs with the aim of this bill which is to monitor and analyze the Specified Species with respect to their interaction with agricultural practices in order to assist the agricultural industry in dealing with issues that are affecting agricultural productivity and the livelihood of farmers. The objective of the measure is to affirmatively prepare and plan to develop balanced, coordinated strategies and efforts, and potentially outline steps toward reducing the effects of damage by the Specified Species which are adversely impacting farms, hindering the ability to consistently produce quality products.

In order to ensure that local agricultural producers may continue to operate in an optimal manner and maintain productivity in balance with the perpetuation of the Specified Species, LURF believes research, reporting and analysis as proposed by this measure, together with sufficient funding therefor, is necessary.

Local farmers and ranchers who rely on the ability to securely work their agricultural lands, consider such mitigation measures and strategies critical to conduct their agricultural operations and to sustain their businesses. These agricultural stakeholders believe measures such as SB 3030 will greatly assist by providing mechanisms and funding necessary to implement improvements for the long-term betterment of the State's agricultural industry, and are relying on legislation such as this to help them work toward the expansion of diversified agriculture and promote the agricultural self-sufficiency of the State.

For the above reasons, LURF **supports SB 3030**, and respectfully urges your favorable consideration.

Thank you for the opportunity to present testimony regarding this matter.



# HAWAII CROP IMPROVEMENT ASSOCIATION

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Bennette Misalucha

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### OUR MISSION

HCIA is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed.

Through education, collaboration and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices and build a healthy economy.

In Support of SB3030  
Relating to Crop Damage

**Senate Committee on Water, Land, and Agriculture**  
Wednesday 02-10-16 3:30PM in conference room 224

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

My name is Bennette Misalucha, Executive Director of the Hawaii Crop Improvement Association (HCIA). HCIA is a Hawaii-based non-profit organization promoting agricultural bio tech to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy state economy.

HCIA is in **support** of SB3030 which requires the Department of Land and Natural Resources to research the interaction of the Hawaiian coot, moorhen, Nene goose, stilt, and duck with agricultural practices and publish an annual report in a format that assists the agricultural industry in economically and environmentally interacting with the specified species.

Many local farmers are finding it difficult to continue farming in an industry besieged by external factors. Even without outside influence, farmers are dependent on the good graces of weather and annual yields. To add to this list, local farmers are now faced with the difficult task of mitigating crop destruction by protected wildlife with populations that have largely increased over recent years.

Currently, The U.S. Fish & Wildlife Service (USFWS) is charged with protecting the waterfowl and their habitats. In the past, local farmer's and the USFWS have collaborated to ensure the survival of the above mentioned species. However, substantial crop damage now endangers many farmer's livelihoods. Research of the interaction between the waterfowl and agricultural practices will help determine the most efficient and effective way to mitigate crop damage while balancing the continued coexistence of both parties.

In conclusion, HCIA believes that SB3030 is the next logical step in overcoming a critical obstacle for Hawaii's agricultural industry. We thank you for your time and hope you will vote yes on SB3030.

Sincerely,

Bennette Misalucha  
Executive Director, Hawaii Crop Improvement Association

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**SB3030**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Warren Watanabe	Maui County Farm Bureau	Support	No

Comments:

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**Subject:** Submitted testimony for SB3030 on Feb 10, 2016 15:30PM  
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**SB3030**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Oppose	Yes

Comments: Protected animals should prevail in questions about agriculture.

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**Conservation Council  
for Hawai'i**

*Hawai'i's voice for wildlife*

*Kō Hawai'i leo no nā holoholona lōhiu*



Testimony Submitted to the Senate Committee on Water, Land, and Agriculture  
Hearing: Wednesday, February 10, 2016 3:30 pm  
Conference Room 224

Comments on SB 3030 Relating to Crop Damage

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee.

Aloha. Conservation Council for Hawai'i has concerns about SB 3030, which requires the Department of Land and Natural Resources to research the interaction of the Hawaiian coot, moorhen, nene goose, stilt, and duck with agricultural practices and publish an annual report in a format that assists the agricultural industry in economically and environmentally interacting with the specified species, and appropriates funds.

The 'alae ke'oke'o (Hawaiian coot), 'alae 'ula (Hawaiian moorhen), nene (Hawaiian goose), ae'o (Hawaiian stilt), and koloa (Hawaiian duck) are endangered birds. They are endemic to these islands and found naturally nowhere else in the world.

If these birds are, in fact, causing significant crop damage, we encourage farmers to work with the DLNR and the U.S. Fish and Wildlife Service to mitigate the damage by implement habitat conservation plans required under the federal and state endangered species laws for any incidental take of these birds (including harm or harassment). There is a process for such situations, which much be adhered to so there is a net benefit to these birds.

Recovery of these birds must be the goal. Habitat for these endangered birds is only a fraction of what it was prior to the loss of wetlands and other waterbird habitat. Furthermore, remnant populations of these endangered species do not have options as we do to reduce harmful human-wildlife interactions. The birds are doing what comes to them instinctively – eating and trying to survive. Perhaps if we restored more wetland habitat, the birds would not cause as much crop damage as people allege. Please proceed cautiously with SB 3030.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

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February 10, 2016

HEARING BEFORE THE SENATE COMMITTEE ON  
WATER, LAND, AND AGRICULTURE

TESTIMONY ON SB 3030  
RELATING TO CROP DAMAGE  
Room 224  
3:30 PM

Aloha Chairs Gabbard, Vice Chair Nishihara, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

**HFB strongly supports SB 3030.**

By now, everyone in Hawaii recognizes the need for more farmers and more farming throughout the state in order to fulfill our quest for local food security. Unfortunately, however, farmers face many obstacles to successfully bring a crop to market and remain viable as farmers.

Some may be surprised to learn that one of these obstacles is the damage to our crops from Hawaii's endangered species. Because of recent efforts to protect the Hawaiian coot, moorhen, nene goose, stilt, and duck, populations of these birds have increased significantly in certain locations in the State. Farmers would like to celebrate this success story along with wildlife biologists. However, these birds are harming our livelihood by feeding on, or otherwise destroying our crops.

We urgently need to find a balance between agricultural productivity and the preservation of Hawaii's wildlife. We appreciate the intent of this bill, which is to gather all relevant data on these species so that a solution to this challenge can be found. We recognize that the department may not have the cooperation of the United States Fish and Wildlife Service (USFWS) in gathering the necessary data and looking for solutions; despite years of trying, we ourselves have been unsuccessful in forming a collaborative working relationship with that agency.

HFB respectfully requests that this bill be moved forward so that we can continue the discussion with both the department and USFWS to quickly find a path forward for our farmers before they too become an endangered species.

Thank you for the opportunity to testify in support of this bill.

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**Subject:** Submitted testimony for SB3030 on Feb 10, 2016 15:30PM  
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**SB3030**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shyla Moon	Hunting Farming Fishing Association	Support	No

Comments: Strongly support SB3030 and the improvement of communication and follow through between the US Fish and Wildlife officials and farmers. Our taro farmers on Kauai and neighbor islands are having difficulty farming with nene present eating their crops. There needs to be some sort of solution by the federal agency to improve agricultural crops or companies will end up losing profits (which is already happening) and may shut down business if they aren't able to farm. The nene also makes it difficult on native Hawaiian practices. I'm sure there are other endangered species that is effecting crops but I don't know what those are. Mahalo for your time.

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**Subject:** Submitted testimony for SB3030 on Feb 10, 2016 15:30PM  
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**SB3030**

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Lodge	hawaii hunting association	Support	No

Comments: There needs to be thoughtful and APPROPRIATE managing of ALL OF OUR WILDLIFE including those that may be endangered or threatened. To BURDEN the public with punitive measures for the behavior of T&E species is an affront to common sense, and fairness and leads to questions on the abilities of DLNR to actually manage these issues properly and appropriately.

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**Date:** Wednesday, February 10, 2016 10:49:53 AM

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**SB3030**

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

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

Comments: Our farmers need your help. Please pass this bill. Mahalo, Tony Sylvester

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**SB3030**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John R. Gordines	Individual	Support	No

Comments: The so called endangered birds are creating havoc on the Hanalei taro and the farmers are losing money.

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**SB3030**

Submitted on: 2/9/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joni Kamiya	Individual	Support	No

Comments: Hawaii farmers are struggling to deal with many issues happening around the balance of wildlife and agriculture. We need to find balance to grow food and support those who do it with reasonable, science based policies. If we as a state do not address this issue now, we stand to lose more and more farmers due to unbalanced efforts to look at the issues in the systems. I met a taro farmer who said that the nene has caused him losses of nearly 40K pounds a year. I know other vegetable growers who lose thousands of pounds of their crops to these animals. There must be a way for us to find balance and address feeding our local people and supporting our farmers. There simply aren't enough farmers now and if we keep going down this path, there won't be any for the future because we never addressed this critical issue.

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**SB3030**

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mae Nakahata	Individual	Support	No

Comments:

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**SB3030**

Submitted on: 2/10/2016

Testimony for WLA on Feb 10, 2016 15:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sarah Thompson	Individual	Support	No

Comments: The Nene is causing economic losses for Taro farmers on Kauai. Farmers need the state's assistance in legally managing endangered birds to prevent agricultural losses. The first step is to get accurate data on the birds throughout Hawaii. This bill is a good start to helping the farmers.

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