

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 AND LAND**

**Wednesday, March 13, 2019
1:20 P.M.
State Capitol, Conference Room 229**

**In consideration of
HOUSE BILL 1325, HOUSE DRAFT 2
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

House Bill 1325, House Draft 2 proposes to require the Department of Land and Natural Resources to give prior notice to the Game Management Advisory Commission (GMAC) when establishing or amending watershed projects or management plans on state lands or pursuant to a water rights lease and suspend all aerial shooting activity until final adoption of watershed management rules that integrate GMAC's recommendations. **The Department of Land and Natural Resources (Department) opposes this bill.**

This bill should be deleted in its entirety as it may place the Department in violation of both state and federal law.

Aerial shooting is a critical and cost-effective management tool for control of invasive grazing animals in otherwise inaccessible terrain. These same animals, in areas not considered high value watershed or biodiversity areas, can be a recreational and subsistence resource, but maintaining them in areas inaccessible to hunters, or in particularly sensitive environments results in environmental degradation. Suspending aerial shooting would result in take of endangered species, damage to native ecosystems, and degradation of forested watersheds. Suspending aerial shooting would violate a federal court order protecting endangered species in Hawaii County, and could result in the State being found in violation of the Federal Endangered Species Act and the National Environmental Policy Act, threatening federal funding statewide. During any suspension of aerial shooting, remnant populations of introduced grazing animals will quickly reproduce, resulting in damage to natural resources and vegetation cover critical to maintaining the health of streams, wetlands, fishponds, and coral reefs.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

The Department maintains a robust and liberal public hunting program, providing hunting opportunities 365 days a year. Public hunting is our first line of defense for feral animal control, and is by far the most widespread, encompassing 75% of DOFAW lands. But many sensitive areas are not accessible to hunters, and the resources on some lands require a higher level of control than can be achieved by public hunting alone. As such, more intensive means of controlling introduced grazing animals is needed, including aerial shooting.

Pursuant to Section 183D-4.5, Hawaii Revised Statutes (HRS), the GMAC was established to serve in an advisory capacity to the Board of Land and Natural Resources. The GMAC is comprised of individuals who have backgrounds in hunting non-native game species in Hawaii. As such, they provide advice on hunting and hunting related issues across the State. However, they were not selected for their training or knowledge of watershed, endangered species, native forest protection, or general wildlife management practices, and introduced grazing animals in many cases have negative impacts on such resources. Therefore, the integration of the GMAC recommendations into watershed management may negatively impact watersheds and native species.

Since the GMAC was convened, the Department has met with the commission frequently and provided briefings on proposed watershed projects that impact public hunting, and will continue to consult with the GMAC on all things hunting. However, this measure will erode the Department's ability to protect areas of high biodiversity and/or watershed value. Giving the GMAC responsibility for managing watershed and biodiversity areas would be an inappropriate expansion of their charter.

Most of Hawaii's mauka lands were designated as watershed reserve in 1903 in recognition of the crucial role that water plays in the Hawaiian Islands. Many are private or county lands, and not under the authority of the GMAC. The GMAC is already notified of pending Departmental actions, and the Department consults with GMAC on a regular basis.

The Department's Division of Forestry and Wildlife (DOFAW) is responsible for managing over one million acres of land statewide, including important watershed forests that are vital to our future water security. Unfortunately, due to the proliferation of non-native grazing animals and wildfire, over half of Hawaii's original forests have been lost. DOFAW works closely with the GMAC and seeks out their expert advice on hunting related issues, and reviews the Department's watershed plans and projects that identify and address these concerns in a public forum. The GMAC's role is to advise the Board of Land and Natural Resources on game animal management matters. They were not established to advise on forest reserve, watershed, or native species management.

Thank you for the opportunity to comment on this measure.

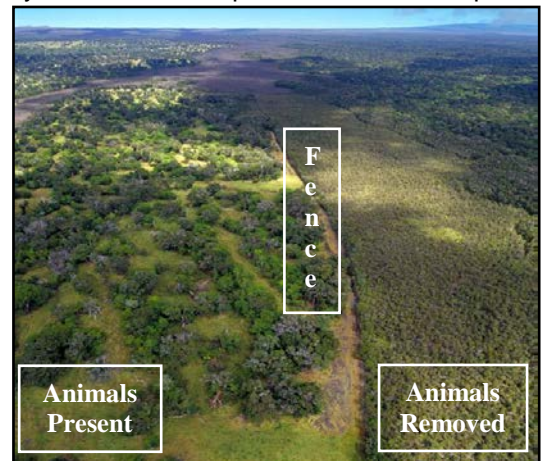
Testimony of The Nature Conservancy of Hawai'i
Opposing HB 1325 HD2 Relating to the Department of Land and Natural Resources
Senate Committee on Water and Land
Wednesday, March 13, 2019, 1:20PM, Room 229

The Nature Conservancy opposes HB 1324 HD2 – especially Section 4 of the bill – because it would vest inappropriate public policy authority in an advisory body, and unreasonably hinder the Department of Land and Natural Resource's ability to carry out its responsibility to manage the public trust resources of the State.

Section 4 of the bill would require the DLNR to adopt unspecified rules related to watershed management and further require the DLNR to incorporate any and all recommendations from the game management advisory commission into those rules. While the Department should and does benefit from the experienced advice of the game management advisory commission as well as other advisory bodies, it also draws from the knowledge, training and expertise of its own personnel, academia, and scientific data and analysis, amongst others. No one source of input or expertise has individual approval or veto authority, nor is it mandated that any and all recommendations of those sources be incorporated in final decisions or rules. That must ultimately rest with the Department's leadership and the statutorily established Board of Land and Natural Resources.

As to aerial shooting, years of research, testing and experience have shown that the most effective management strategy for introduced game mammals is a multi-faceted approach including fencing, public hunting, staff hunting, live trapping, and aerial shooting under strict safety protocols. In some accessible locations, hunting and live trapping are sufficient for control. However, many areas of important native forest and watersheds are remote, mountainous, or otherwise so steep as to make standard animal control techniques dangerous, impractical and, in some cases, impossible. Control of animals from helicopters is a proven safe and humane tool in these instances.

We agree that introduced wildlife resources need to be wisely managed both for their benefits and, in some cases, for the risks they pose. Hawai'i has an important history of hunting game mammals for food and recreation that should be perpetuated and even enhanced, but it is a modern history. With the exception of the Hawaiian bat, Hawai'i has no native land mammals. Wild pigs were introduced from Europe and Asia after 1778. The smaller Polynesian pig brought by the first Hawaiians is gone (except on Ni'ihau), crowded out by these later introductions.



While an important resource, wild pigs, goats, sheep, deer, and cattle are also a major threat to the health of some of our most important native forests and watersheds. Centuries before the introduction of game mammals, Hawai'i's native plants and animals evolved in geographic isolation to form the unique ecosystems that make up these islands. In the absence of predators, native species did not develop defenses such as thorns or other mechanisms to deter browsing or rooting animals. As a result, our native forests have no natural defenses against wild mammals. Left unmanaged, they can strip large areas of forest bare, contributing to erosion, sedimentation harmful to coastlines and coral reefs, and impairing the natural absorptive function of watersheds. The areas disturbed by these animals also create open soil for weed invasions, furthering the decline of native ecosystems and watershed values.

Effective animal control is essential in specific high priority natural areas for preserving native species and managing healthy watersheds. However, hundreds of thousands of acres can be maintained for managed populations of game and livestock animals. A balance can be achieved between game production for recreational and subsistence uses, livestock production, public health, property protection, and conservation of irreplaceable native ecosystems and watersheds.

LATE

HB-1325-HD-2

Submitted on: 3/13/2019 6:07:52 AM
Testimony for WTL on 3/13/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Lodge	Testifying for Hawaii Hunting Association	Oppose	No

Comments:

DLNR has lost the trust of the people. It should be obvious. They have refused to work with those to whom they hold resources in trust for. The original language of HB1325 is the correct language for this bill.... “~183- Watershed project; watershed management plans;
5 game management advisory commission approval. The department
6 shall [**collaborate with and**] obtain the approval of the game management advisory
7 commission established by section I83D-4.5 before:
8 (1) Establishing a new watershed project or management
9 plan; or
10 (2) Amending any existing watershed project or management
11 plan.”

The idea of this bill was to finally force DLNR to actually work with those to whom they serve and manage resources. DLNR acts as if they have no one to answer to and continue to manage trust resources without SINCERE COLLABORATION OR DISCUSSION with resource users.

The Game Management Advisory Commission was formed to provide a necessary voice of the people to be engaged with the actions and policies of DLNR after decades of abuse and malfeasance (aerial eradication for example.)

The language needs to change or the bill needs to DIE. DLNR is asking to remain at the seat of the table, without its constituency, and needs to be corrected. DLNR is not a dictatorship, even though they behave as if they have no oversight nor obligation. Those they serve, have obligation to be at the table.

Thank you,

Tom Lodge, Administrator

Hawaii Sportsmen's Alliance

Commenting on HB1325 HD2

THE SENATE, THE THIRTIETH LEGISLATURE REGULAR SESSION OF 2019

Committee on Water and Land

Senator Kaiali'i Kahele, Chair – Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee Members

Wednesday, March 13, 2019

As currently written, the Hawaii Sportsmen's Alliance finds it difficult to support this measure. Instead, the Hawaii Sportsmen's Alliance offers these comments as an amendment to this measure.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1.

4 **183- Watershed project; watershed management plans; game management advisory commission.**

5 [~~The department shall give prior notice to the game management advisory commission established by~~

6 ~~section 183D-4.5 before:] The department shall work collaboratively with the game management advisory~~

7 commission to develop and implement sustainable game management practices and plans in areas

assigned and associated with watershed protection and to include such future designated areas so

that the department will comply with existing State law under the following statute:

Title 12 Conservation & Resources; 183D wildlife; 183D-2 Powers and duties of department.

The department shall:

(1) Manage and administer the wildlife and wildlife resources of the State;

(2) Enforce all laws relating to the protecting, taking, hunting, killing, propagating, or increasing the wildlife within the State and the waters subject to its jurisdiction;

(3) Establish and maintain wildlife propagating facility or facilities;

(4) Subject to the provisions of title 12, import wildlife for the purpose of propagating and disseminating the same in the State and the waters subject to its jurisdiction;

(5) Distribute, free of charge, as the department deems to be in the public interest, game for the purpose of increasing the food supply of the State; provided that when in the discretion of the department the public interest will not be materially interfered with by so doing, the department may propagate and furnish wildlife to private parties, upon such reasonable terms, conditions, and prices as the department may determine;

(6) Ascertain, compile, and disseminate, free of charge, information and advice as to the best methods of protecting, propagating, and distributing wildlife in the State and the waters subject to its jurisdiction;

(7) Gather and compile information and statistics concerning the area, location, character, and increase and decrease of wildlife in the State;

(8) Gather and compile information concerning wildlife recommended for release in different localities, including the care and propagation of wildlife for protective, productive, and aesthetic purposes and other useful information, which the department deems proper;

(9) Have the power to manage and regulate all lands which may be set apart as game management areas, public hunting areas, and wildlife sanctuaries;

(10) Pursuant to section 183D-65 of this chapter, destroy predators deemed harmful to wildlife;

(11) Formulate, and from time to time recommend to the governor and legislature, such additional legislation necessary or desirable to implement the objectives of title 12; and

(12) Preserve, protect, and promote public hunting. [L 1985, c 174, pt of §4; am L 1999, c 122, §2]

If the state would follow the existing laws and statutes of 183D and work collaboratively with the state game management advisory commission most of the problems we face could be resolved.

Balancing of our natural resources must include good resource management for sustainable use of all our natural resources for subsistence and survival. Our subsistence and survival includes all of our human demands mutually defined and determined. Subsistence and survival are not the exclusive privilege of the few. It is an **inclusive** human legacy and heritage.

Outdoor recreation, including hunting and gathering is an integral part of the health and well-being of Hawaii's residents. Of further importance and of necessity to many residents in rural communities is the ability to enjoy and share in a sustainable subsistence lifestyle.

Conservation implies that the reasons behind protecting something are based on using and managing that resource wisely.

Wildlife management is challenging, engaging, and often controversial. The beauty of working collaboratively with all parties of interest allows us to take down barriers and build partnerships to overcome differences while completing important work on the ground. This is especially important in the face of habitat fragmentation, drought, human population expansion, and conflicting agendas that could be disastrous for wildlife, for hunting and gathering, and for other types of outdoor recreation that we all hold so dear.

Thank you for taking into consideration the proposed amendments we have put forth to this measure.

Sincerely,

Tony Sylvester

Hawaii Sportsmen's Alliance



Kaiali'i Kahele, Chair
Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Water and Land

State Capitol, Room 229
Honolulu, Hawaii 96813

HEARING: Wednesday, March 13, 2019, at 1:20PM

RE: HB1325 HD2 Relating to the Department of Land and Natural Resources

Aloha Members of the House Committees,

The Hawaii Firearms Coalition provides SUPPORTS WITH AMENDMENTS HB1325 HD2

The watershed areas are important to hunters as they provide habitat for game animals. This bill should be amended to include a way for the GMAC to be directly involved in decision making regarding hunting related matters instead of just being "notified". Hunters pay hunting taxes and fees to support hunting and conservation therefore they should have a bigger say into matters that affect them. Hunting is a way of life and tradition to many and needs to be protected by the GMAC having an active role.

We support and want to amend HD2 with the original language of an "IMMEDIATE" halt to aerial eradication until further research and rulemaking can be made. It would be a waste of tax payer's monies and harmful to continue it if eradication was found detrimental to endangered species, the environment, and hunters. Alternative plans must be in considered to limit impacts on hunters.

Hunting and conservation can coexist together and this bill will ensure both sides work together for mutual benefit. For these reasons the Hawaii Firearms Coalition Supports with amendments HB1325 HD2. Thank you for your consideration.

Mahalo

Todd Yukutake
Director, Hawaii Firearms Coalition
PH. (808) 255-3066
Email: todd@gmail.com

HB-1325-HD-2

Submitted on: 3/11/2019 10:50:52 AM

Testimony for WTL on 3/13/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elijah Medeiros	Individual	Support	No

Comments:

In my opinion and experience of living on the big island and hunting on Mauna Kea for 15 years. I see the need for DLNR to stop aerial shooting immediately. Scientists and studies have proven that the sheep and goats pose very little threat to palila. More evidence has showed that the sheep have help with the population of the palila.

HB-1325-HD-2

Submitted on: 3/12/2019 8:02:58 AM

Testimony for WTL on 3/13/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Berg	Individual	Support	No

Comments:

Arial eradication programs paid for by tax payer dollars that leave game animals to rot without first attempting to engage local hunters should require significant oversight. On an island with limited resources it is unethical to not first attempt to utilize these animals for meat, to continue our island hunting culture, and to harvest them in an ethical and human manner. An errant shot from a helicopter leaves a wounded animal to suffer for days as its internal organs are digested by its own stomach acid. If you endorse arial hunting this is what you're endorsing. You should be ashamed of yourself. This bill does not go far enough to prevent arial hunting.

HB-1325-HD-2

Submitted on: 3/11/2019 3:11:50 AM

Testimony for WTL on 3/13/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Ley	Individual	Support	No

Comments:

I strongly approve HB 1325. The DLNR needs to have oversight and needs to listen and work with GMAC

HB-1325-HD-2

Submitted on: 3/11/2019 5:27:25 AM

Testimony for WTL on 3/13/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Support	No

Comments:

HB-1325-HD-2

Submitted on: 3/12/2019 9:25:18 AM

Testimony for WTL on 3/13/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L Nakama	Individual	Support	No

Comments:

I Teresa L. Nakama a registered voter in the State of Hawaii hereby send in my support for HB1325 HD2. I support GMAC participation in all the process of DLNR/BLNR when it comes to the management of our watershed lands. The people of these lands shall be heard in all process of our government branches and departments.

Respectfully Submitted,

Teresa L. Nakama

Registered Voter

LATE

HB-1325-HD-2

Submitted on: 3/12/2019 7:50:21 PM

Testimony for WTL on 3/13/2019 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB1325.

Thank you for your time.

Andrea Quinn

Kihe

March 12, 2019

Testimony of: Lori Buchanan

Chair-State Game Management Advisory Commission

As testimony to the Senate Committee on Water and Land

Wednesday, March 13, 2019, 1:20 pm.

Hawaii State Capitol Conference Room 229



HB 1325 HD2 In Support with recommendations

Dear Chair Kahele,

Thank you for hearing HB 1325 HD2. The intent of the original bill was to force consultation and due process between DLNR and hunters, cultural practitioners, stakeholders and the general public through the GMAC. The lack of consultation between DLNR and hunters is nothing new. Issues and concerns of hunters are formerly recorded back to the mid 1970's and the beginning of the state's Natural Area Reserve System (NARs) and specifically in **May 1993** when the Hawaii State Legislature passed two resolutions to support the interest of the pig hunters when the US Department of Fish and Wildlife were fencing access routes to the NARs on Hawaii Island and was going to begin to eradicate the wild pig population.

The two resolutions ordered DoFAW to hold consultation with hunters and the public. The "process and consultation" excerpts of which is attached in "Facilitating Collaborative Planning in Hawaii's Natural Area Reserves" which established a Natural Area Working Group (NAWG). Also a final report of the NAWG was made to the Governor of Hawaii in **March 1995** (attached). Consultation with the hunting public, stakeholders, cultural practitioners and other affected persons diminished after that initial effort and the NAWG is long gone.

Through much public effort Legislators were once again asked to support hunters because of the same issues of little consultation and the legislature responded by establishing the State Game Management Advisory Council within DLNR. The GMAC was established by Legislature to serve in an advisory capacity to the Board of Land and Natural Resources to recommend policies and criteria regarding the management, protection, and promotion of public hunting in Hawaii and may recommend amendments to existing department policies and procedures relating to hunting, particularly regarding chapters 122, 123, and 124 of title 13, Hawaii Administrative Rules.

The original intent of **HB 1325** was an attempt by the GMAC of Hawaii Island to force the DLNR to enter into genuine discussion specific to hunting and management of public lands and the state GMAC to be the vehicle for that consultation.

I have attended 9 of the 10 GMAC meetings thus far and I am providing a brief timeline to show that the DLNR has not taken seriously the time of the commissioners who volunteer to represent the broad spectrum of stakeholders statewide on extremely controversial issues such as aerial shooting. I hope you will see what I see, in that the GMAC has conducted themselves in a highly respectful and professional manor and that the DLNR has not been fully transparent in wanting to work collaboratively. Native Hawaiians are coming to the GMAC for relief, protection and consultation and we have not been successful in getting response to their

concerns from DLNR. Frankly, I do not know how we can resolve this except for bills like HB1325 and hope the Legislature in their wisdom can help the GMAC.

GMAC Aerial Shooting Advice to DLNR A Timeline

June 19, 2017 – GMAC Meeting

DLNR/DoFAW Staff present the Waianae Aerial Shoot Plan for the control of feral goats in the Waianae/Makaha area. Several questions and concerns are raised by commission members and members of the public.

August 17, 2017 – GMAC Meeting

Questions and concerns about aerial shooting and aerial shooting in the Waianae's continued. It is noted again that this issue of aerial shooting has been very controversial for many years prior to the establishment of the GMAC.

Substantive and valid concerns are raised on the record; is the aerial shooting project violating the law in reference to Native Hawaiians gathering rights? Are affected people's right to due process being violated? What is the long term management plan for aerial shooting in Waianae, Hawaii?

The GMAC asks DLNR and the BLNR to put a HOLD on aerial shooting of goats in Waianae until substantive questions could be answered. **In the days that followed DLNR conducted the aerial shooting of goats in Waianae.**

The GMAC votes to transmit a letter to the BLNR. There are 3 additional GMAC meetings all with much discussion about aerial shooting.

March 15, 2018 GMAC Meeting

The GMAC asks DLNR staff to submit GMAC letter to the BLNR requesting for GMAC to address the BLNR as an agenda item.

On **March 23, 2018**, DLNR instructs the GMAC to submit their letter themselves to the BLNR and Chair Case so the GMAC does so.

May 31, 2018 – GMAC Meeting

Agenda Item 3, Update on the letter that is submitted to the Board of Land and Natural Resources regarding the Commission's advice on the Waianae mountains aerial shooting for the control of feral goats.

As with other meetings the GMAC asks DLNR "what is the status of GMAC's request to be put on the BLNR's agenda" to have a discussion about the use of aerial shooting from a helicopter as a management tool. It is there the Administrator of DoFAW informs the GMAC that the "request" for the GMAC to address the BLNR the GMAC was just sent to the Chair two or three days ago!

This response shocked many. I responded by trying to get a clear protocol on how long of a time is needed to get advice to the Board, what was DLNR's internal processes for evaluation to get to talk to the Board etc. etc.

Many in attendance which included 3 legislators from Kauai Island were taken aback by the seemingly arbitrary and unclear internal processes of the DLNR in consideration of GMAC concerns.

Since the May 31, 2018 meeting the GMAC has held 4 more meetings and the GMAC to date has not been able or granted the courtesy to talk to the BLNR about hunters and cultural practitioners concerns with aerial shooting and eradication of animals.

This is why the original intent of HB 1325 was to make DLNR consult with hunters and cultural practitioners. Also to stop aerial shooting and eradication of animals to ensure the state would not regulate culture out of practice. Also to put in a process of consultation where currently none exist.

Respectfully submitted,

Lori Buchanan
Molokai Hunter's representative on the Game Management Advisory Commission
(808) 336-0625

The World Bank/WBI's CBNRM Initiative

Case Received: February 6, 1998

Author: Cynthia Josayma

Tel/Fax: +1 510 528-6892

Email: josayma@socrates.berkeley.edu

Testimony of Lori Buchanan.
To: Senate Water and Land Committee
Wednesday, March 13, 2019 1:20 pm.
State Capitol Conference Room 229

Facilitating Collaborative Planning in Hawaii's Natural Area Reserves

Identification of the Case

In May, 1993, the Hawaii State Legislature passed two resolutions to support the interest of pig-hunters to address their concerns that the Department of Fish and Wildlife (DOFAW) was fencing the access routes to the Natural Area Reserve System (NARS,) on the Big Island, and would soon begin to eradicate the wild pig population. The two resolutions ordered DOFAW to hold a series of information meetings regarding the land management objectives of the agency, and that DOFAW must accommodate the hunter's interests to better manage the pig populations on the island.

To meet the court resolution, DOFAW contacted the Center for Alternative Dispute Resolution to assist them in the selection of two facilitators to serve as neutral meeting organizers. The facilitator's first task was to assist DOFAW to form a representational group of interests to design the public information meetings. One of the primary objectives of DOFAW was to address the hunter's concerns regarding the fencing issue as a natural resource management practice. The other objective was to explain the environmental impact that scientists had attributed to feral pigs that had led to DOFAW's decision to begin fencing. To ensure that a representational group was formed the Big Island NARS manager worked together with the hunters and environmental representatives whom had been instrumental in legally mandating the establishment of the NARS. Altogether, twenty people representing local community organizations, Hawaiian cultural rights, state and federal conservation and game agencies, agree to join DOFAW, the hunters and environmentalists in designing the public meetings.

Over the course of the next year and a half, a series of bi-weekly meetings were held, with this diverse group, to resolve the issues of supporting the hunter's interests, alongside of reaching agreement on an effective natural resource management plan. This case documents the facilitated meeting process and its communication and decision making structure, that enabled a very diverse and quite polarized group of individuals to be able to come to a series of agreements that were acceptable to all members. The importance of this case, lies in its overall, potential replicability, if facilitators are well trained in the fundamental methodologies of conflict resolution, from which the basic meeting process techniques have emerged.

As the author of this case, I had two roles during the course of the meetings. I was primarily an observer, documenting the facilitation process for my MA thesis in Political Science. The thesis

proposal was to assess the viability of conflict resolution methods for resolving diverse public interests in land management issues. My research was funded by the USDA/ Forest Service, International Forestry Office, through a grant to the Asia Forest Network, which I was coordinating at the time. My secondary role, which emerged momentarily during the third month of the meetings, was to introduce basic community mapping skills to the hunters and DOFAW, to enable the hunters, in particular, to be able to better describe their ecological and environmental knowledge of the land under discussion. In this capacity, I ran a series of mapping exercises whereby the hunters drew out their primary hunting areas, the changes in pig populations over time, changes in flora and fauna, and traditional access routes. This information was later included for discussion during the facilitated meetings, and provided a more balance depiction of the land, which had previously only been accounted for on government and environmental maps. The group was then able to put all three types of maps together, and begin discussing where there was overlapping agreement in their knowledge. At that time, I resumed my earlier role as observer.

The initial situation

The natural ecosystems around the Hawaiian Islands have taken millions of years to evolve, and range from snow-peaked mountains to deserts, grasslands, lush rain forests, dry forests and volcanic terrain. The isolation of the Hawaiian Islands has formed a unique ecology beginning from small seeds blown in on trade winds, or carried by migrating birds. Over the centuries, approximately 6,000 invertebrate, 1,000 plants and 130 endemic bird species evolved. The first humans reached the islands, from the Marquesans, around 500-700 AD, bringing with them the first agricultural plants and non-native animals. Upon arrival they began introducing the first environmental changes to the natural environment, through land clearing for agricultural lots. Along with their agricultural systems, the Hawaiians also developed specific social systems to protect the watershed and forest regions from exploitation, using mediation and arbitration to resolve their conflicts.

In the 18th century, Captain James Cook, and English explorer arrived, the first known westerner to set foot on the islands. At the time there were approximately 800,000 Hawaiians across the eight-island chain. Within only a few years, however, boats from around the world made Hawaii a central stopover during the long trip between Asia and the northern coast of America. Over the past two hundred years, the islands have gone through a profound, social, political and environmental change. Hawaii is now the fiftieth state of the United States, and the native Hawaiian population is only 60,000, amidst the 1, 200,000 other people that have now made Hawaii their home. Eighty-four of the 130 endemic bird species are now extinct, and another 32 have been listed as endangered. Two hundred endemic plants are now listed as threatened and endangered, as millions of acres of land have been converted for agricultural plantations and ranching concerns, over the past century. 71 extinct and 31 threatened

In the mid-1970's environmental pressure was put on Hawaii's DOFAW to put aside for protection a Natural Area Reserve System (NARS), that would include the most ecologically unique and representative selections of each ecosystem across all the islands. A Commission of environmental specialists was established to select the regions, and determined the fauna and flora, and ecosystems that required the most protection. They projected the need for 100 reserves, but for each one, a series of public meetings had to be held, along with review process, before a final nomination could be made. The first NAR to be established was on Maui, in 1973, and was selected for its lava flow, marine ecosystem. By 1991, however, only nineteen NARs had been established, with a combined total of 109,000 acres.

guideline at the onset." The first task for the group was to decide on a working title that would define their objectives. After much discussion, they were finally agreed on "Natural Areas Working Group" (NAWG). The facilitators then proposed they developed a goal statement that represented the objectives and goals of their group. This emerged as "How do we fairly balance and accommodate the various interests that have a stake in the NARS and maintain a healthy forest and social community?" They then identified their central issues, concerns, opportunities and options for managing the NARS, and designed a series of guiding principles, that became their focus point for determining their agenda during all subsequent meetings.

What is important to note here, is that these first exercises were introduced deliberately by the facilitators as mechanisms to establish a common goal--to learn to problem-solve by integrating their interests, rather than maintaining separate objectives. This is quite different than a traditional meeting structure. The facilitators used a variety of communication techniques to move the dialogue forward, using open ended and clarifying questions, and reframing statements to insure that the language was accessible to all participants. This was particularly important in the beginning, as most of the participants were using different terminology though referring to the same thing. For instance, the DOFAW uses the word ungulates, when the hunters would say wild boar. The facilitators also ensured that the information was put forward in a balanced manner, by going around the table requesting each person to put forth only one point at a time. The participants learned to categorize the issues by common themes, and decide on methods for prioritizing them. Every meeting was documented in a "Group Memory" with a complete record of their discussions, decisions, and future issues, as they had been written up on flipchart paper throughout the meetings, and distributed to the NAWG.

After two months of meetings, the NAWG was ready to hold the public information meetings, in four locations around the Big Island. The intention was to provide an overview of the NARS; the reason for the forming the group and its decision making process; and finally to provide a venue for communities to voice their issues and concerns as well. What emerged from the public meetings was distinctive regional difference in community sentiment regarding the management of forestlands. In one area, the public was primarily concerned with balancing the power structure of the NARS commission which holds the highest authority over NARS policy, insisting that it include the hunter's interest, and to ensure a community role in all future management plans. In another area, the issue of respecting Hawaiian cultural rights and the historical role of the pig in the forest as a fundamental part of the native ecology was a predominate theme. The meetings proved instructive for the NAWG members, in that most of the issues that were raised, were a mirror of the issues that they had already defined as central to their discussions. This assured them that their group was contained a truly balanced representation of interests.

The outcome

Over the course of the next eight months, the group followed the agenda items that they had determined, with the role of the facilitators contained principally to timekeeping, documentation and clarification. There were occasionally moments when the facilitators used direct interventions, in the form of guided exercises to focus on particularly difficult issues, such as cultural or environmental differences. In such cases they would always first request the group for permission to intervene, explaining the reason and probable benefits.

The final product of the group was finally initiated when the facilitators requested that everyone bring a series of solutions that would resolve the conflict between hunting interests and protecting native species, and to specifically propose some management strategies. At the following meeting, some people arrived with formal proposals, some with a handwritten list, and still others, simply

The first funding for active management of the NARS, was approved by the state legislature in 1987. The two primary threats to the system had been determined as human impact and biological disturbances. Human impact included marijuana cultivation, which involved not only land conversion, but also off-road vehicles and fire threats. Biological concerns included the rapid spread of non-native plant species and feral animals, in particular, the wild pig. The Nature Conservancy of Hawaii conducted a field inventory in 1988, of the Pu'u O Umi Natural Area Reserve on the Big Island. Their final report recommended; 1) the establishment of a well defined trail to minimize human impact; 2) a one-mile fence to form a protective boundary of two rare bogs; 4) pig control through a combination of snares, helicopter and public hunts; 4) and a public information and volunteer program to increase public awareness of the region's ecological importance.

On the Big Island, there is several pig-hunting clubs, with a growing membership in recent years as traditional Hawaiian cultural practices are gaining popularity, which includes pig hunting for ceremonial purposes. There has also been a rise in pig hunting for subsistence needs as sugar plantations have been closing down, leaving many families who have worked for generations in the sugar industry, anxious, and concerned about their future. The pig hunting clubs organize hunting competitions and their members periodically assist DOFAW in rehabilitating popular forest trails.

In 1992, the NARs manager on the Big Island finally received a budget allowance, and an agency authorization to begin the management plan. The first line of fence, of approximately one mile long, was put up that spring in the Pu'u Umi Nar, in the Kohala Mountain. What had not occurred however was a notification to the general public that the DOFAW was going to begin fencing. The result was that a group of local pig hunters discovered the new fence line, and they returned home, outraged. They contacted their local state legislator to assist them to fight against this possibility, and he advised them to draft a resolution to stop all fencing and eradication until a series of facilitated meetings could be held.

The change process

The state of Hawaii actively supports the use of conflict resolution specialists, for a wide-range of dispute issues. Hawaii was one of five states that received the first federal funds in the mid-1980s, to develop an alternate forum to the court system, for resolving conflicts. Over the years, numerous people have been trained in the basic practices of negotiation and mediation, and are practicing in a variety of contexts. There is Neighborhood Justice Centers across the islands, to handle family, neighbors and small business conflicts. There is also the Center for Alternative Dispute Resolution, (CADR) within the State Judiciary, which handles primarily public conflicts over state management practices, such as land allocation and water rights. To handle large constituency issues, CADR has developed a reliable facilitation method that has emerged from the conflict resolution methods, to ensure that all interests are effectively heard and included in the redesign of management or policy.

To address the contending issues of the pig hunters and the environmental protection needs within the NARs, two facilitators were hired by DOFAW to assist in coordinating the group. The basic principle in running a conflict resolution meeting, is that the facilitators must be neutral to the conflict. Their primary role is to; 1) help the participants establish their agenda; 2) to assist them to reach agreement on their central issues; 3) and over time, to find a resolution that will be acceptable to all parties.

Over the next ten months, the facilitators guided the group discussions, by introducing some basic guidelines, and specific topic issues. The "Rules of the Road" established a communication

ready to speak. The facilitators used the one point per person process, going around the table until everyone had been able to put forward their suggestions. This one point at a time process initially irritated the people with the formal proposals, but in the end, everyone could see that they all had quite similar solutions, as they knew each others interests, and constraints, very well by then.

The group went through each point, and putting them in one of three categories; recommendations that they all agreed with, recommendations that they all agreed were unacceptable, and finally recommendations that needed further discussion. In this list the group discussed whether each point could be made acceptable through a change in language, or integration with another recommendation, or is shifted to the unacceptable category.

The final recommendations that emerged from the group outlined five strategies. The first was to support the hunting interests. Game Management Areas must be expanded, and improved by enforcing hunting regulations. Native species protection would be established through a joint-monitoring program that combined the hunters, community, environmentalists and DOFAW, to identify specific areas for protection and management. Community input would be maintained through the continuation of the NAWG group, and the establishment of new regional collaborative planning groups in two to three areas, to allow for more specific dialogue and recommendations. Hawaiian cultural practices were supported by a recommendation for identifying the traditional trails, cultural sites and medicinal plants. The role of the pig in the forest would be the focus of a new joint monitoring program that would establish their impact and migration patterns, before any control mechanisms would be implemented

A final series of public information meetings were held to introduce the NAWG's final recommendations, to receive comment, and provide clarification. The general atmosphere at all the meetings was considerably different this time. People had been kept informed for the duration of the NAWG's meetings, through the Group Memories, and during the meetings with their representatives, such as the monthly pig hunting club meetings, or the community counsel meetings. The result was that this time the majority of the people's comments were directed towards reassurance that their communities would continue to have input into the management plans, and their questions revolved around the procedures for establishing the regional groups, and issues of responsibility and accountability.

The final report of the NAWG was completed in March 1995, and distributed to the governor of Hawaii, the congressional delegation, state and local officials. The report was formally received by the House of Representatives, and a new resolution was passed that requested a continuation of the NAWG to oversee the formation of the joint-monitoring programs for game management, pig migration, and native species inventories. In recent years, two new regional forest management councils have been established, one in the Kohala Mountain region, the other in the Upper Puna/Volcano region. The NAWG continues to meet, quarterly, focusing on state legislation and other policy level matters that can affect hunting and species protection, island-wide.

The lessons learned

What is unique to this case is that the facilitation model has provided a new meeting context for contesting interest groups to systematically address their multiple views in contemporary land management issues. The conflict resolution communication and meeting design methods were the foundation for the NAWG members to safely discuss their differences. The benefit for DOFAW, as an agency that has been held increasingly accountable for merging scientific data on ecosystems with public interests, is that the facilitated process has enabled them to work at the same table with the hunters, environmentalists, and local communities to develop more appropriate

management plans for the NARs. The final decision to support regional advisory councils has ensured that future management decisions will be locally appropriate, because the people who live closest to the areas will be actively involved.

For state officials, the collaborative decision-making process of the group, which had been cross-checked through two rounds of public meetings, enabled the State Legislature to easily pass their recommendations because of the confidence that the document was fully supported by all interest groups. As a result, the state of Hawaii is increasingly supporting the use the facilitation model to redesign policy across every sector. The Center for Alternative Dispute Resolution has been designing new models for public involvement, using a "conflict-anticipation" future planning model, to alleviate the need for "conflict resolution" which entails having to work back in history to unfold where things went wrong, before effective future planning can begin.

The potential use-value for the facilitative model is enormous for community based natural resource management, globally. Humans, in every society, use meeting contexts for addressing problem issues. What the facilitative model provides that is unique, however, is the starting point of defining the widest circle of interest parties, with the goal of cross-communicating their issues, collaborative problem-solving and final decisions that are acceptable to all parties. This is an innovative policy building strategy, that assures balanced communication methods and decisions that are coupled with clear accountability and responsibility. At a time when natural resources are coming under increasing stress due to growing population demands, the task to find effective and relevant agreements on how to balance needs with environmental sustainable protection, is critical today. The facilitation model, guided by professionally trained people, can provide that communication and decisions-making space.

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Submitted on: 3/13/2019 9:35:08 AM

Testimony for WTL on 3/13/2019 1:20:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Stanley Mendes	Individual	Oppose	No

Comments:

HB1325 in its newest version should be killed I supported this bill as it was originally written. Now it is flipped so now DLNR still can do whatever they want to do and no insight from us. We hunters that know more than these people who never uses this resources. I ask you again WHY is it that DLNR does not want to work with GMAC. Why do we have a GMAC if we don't have a say in our resource.