

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, February 26, 2019
1:30 PM
State Capitol, Conference Room 308**

**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.

SECTION 1 (2): This section will hamper the ability of the Board of Land and Natural Resources and the Department to carry out its statutory duties.

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.

SECTION 2 (e) (1) and (2) are indirect conflict with each other. SECTION 2 (e) (2) is an unnecessary addition, as there is ample public notice given for any plan before it goes to the Board of Land and Natural Resources.

Likewise for SECTION 2 (f) (2).

SECTION 3: Likewise for the additional language proposed in Section 183-31, HRS.

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 or native species management.

Thank you for the opportunity to comment on this measure.

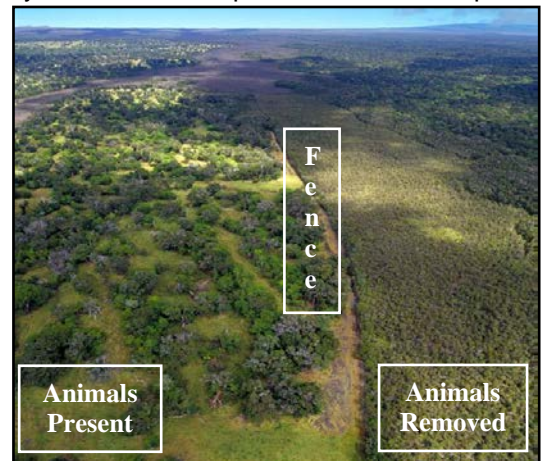
Testimony of The Nature Conservancy of Hawai'i
Opposing HB 1325 HD2 Relating to the Department of Land and Natural Resources
House Committee on Finance
Tuesday, February 26, 2019, 1:30PM, Room 308

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, further

enhancing 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.

HB-1325-HD-2

Submitted on: 2/22/2019 10:50:38 PM

Testimony for FIN on 2/26/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Ley	hawaii sportsman association	Support	No

Comments:

I'm support HB1325.

DLNR needs to work with GMAC. We have a horrible fire hazard on Mauna Kea because DLNR won't listen to GMAC



***Hawaii Hunting Association
To Protect & Promote Sustainable
Public Hunting in Hawaii***

**HB1325 – OPPOSE WITHOUT
AMENDMENT!**

February 25, 2019

Committee on Finance
For Hearing on February 26, 2019
Conference Room 308
House Bill HB1325

Dear Chair Luke, Vice Chair Cullen
RE: HB1325

The Hawaii Hunting Association **OPPOSES** this legislation in its present form. To pass a bill that consents to the State the giving "notice" rather than to be encouraged to **collaborate, investigate**, and to **consult** with the State Game Management Advisory Commission, goes against prior intent of legislation that gave the State GMAC advisory powers.

The DLNR is compelled, by virtue of their public trust obligations, paid for by taxpayers, to **consult, collaborate**, and **involve** the State Game Management Advisory Commission. Currently the DLNR/DOFAW/BLNR conduct their activity as if they were a dictatorship unaccountable to anyone, with no checks or balances when making "watershed" decisions.

The original language of HB1325 required the DLNR to obtain the approval of the Game Management Advisory Commission before

- (1) Establishing a new watershed project or management plan; or
- (2) Amending any existing watershed project or management plan.

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hawaiihuntingassociation@hawaiiantel.net
(808) 982-4747

This legislation has quietly been **restructured** to continue to give consent for the DLNR/DOFAW/BLNR to persist in a business as usual arrogance and does absolutely nothing with regards to compelling the DLNR to **collaborate, consult** or **seek input** from the State Game Management Advisory Commission as regards watersheds and related lands.

Hawaii Hunting Association requests that the wording, in order to be acceptable, be changed to read:

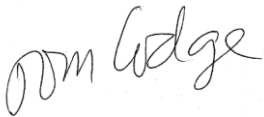
"§183- Watershed project; watershed management plans; game management advisory commission. The department shall [give] prior to:

(1) Establishing a new watershed project or management plan on state lands; or

(2) Amending any existing watershed project or management plan for state lands[.]"

consult, collaborate, and actively involve the state Game Management Advisory Commission as established by section §183D-4.5.

Much Aloha,

A handwritten signature in cursive script that reads "Tom Lodge".

Tom Lodge, Chair



Sylvia Luke, Chair
Ty JK Cullen, Vice Chair
House Committee on Financ

State Capitol, Room 308
Honolulu, Hawaii 96813

HEARING: Tuesday, February 26, 2019, at 1:30PM

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 the halt to aerial eradication until further research and studies can be made. It would be a waste of tax payer's monies and harmful to continue it if it 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: 2/23/2019 8:48:57 AM

Testimony for FIN on 2/26/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Nakagawa	Individual	Support	No

Comments:

This measure will ensure that DLNR is accountable to all of its constituents and not just special interest groups. I support this is measure as presented to require DLNR to COLLABORATE, and partciate in MEANINGFULCONSULTATION with the Game Management Advisory.

HB-1325-HD-2

Submitted on: 2/22/2019 7:01:10 PM

Testimony for FIN on 2/26/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicolai Barca	Individual	Oppose	No

Comments:

I support the department notifying and working with GMAC whenever they are working on watershed plans so that they can collaborate and improve the plans before they are finalized. However, **section 4 should be DELETED**. I don't know much about how politics work, but an *aerial shooting ban* has no business being what looks to me like a "carrot on a stick" for BLNR to adopt these rules within 5 years. Couldn't the writers of this bill have picked something which would have been less controversial?

Aside from the recent controversy on how members of the DLNR have decided to utilize aerial shooting to control goats in part of Oahu (which I disagree with), Aerial shooting is still an important tool to help our native Hawaiian ecosystems. I don't think that important of a tool should be risked. Nor should our native forest and wildlife be imperilled by politics. Please remove section 4.

Thank you for the opportunity to comment,

Nicolai Barca

Wailua Homesteads, Kauai

HB-1325-HD-2

Submitted on: 2/24/2019 2:47:58 PM

Testimony for FIN on 2/26/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
nani pogline	Individual	Support	No

Comments:

This bill has been too diluted from its original intent. While the State can and should stand up for its laws and resolutions, The Endangered Species Act has been trumping all, without consideration of resource, culture, history, public support, or fair science. The DLNR does not hold up the laws of the land. HCR 22 was established by the Legislature last year, verifying the value of our game resources. The Hawaii Constitution (Article XI, Section 1) and the Hawaii Revised Statutes 183D-2 mandate that our natural wild resources be protected, preserved, and promoted. The State Game Management Advisory Commission, established by the Legislature and made official by the Governor, is the only entity representing the State of Hawaii in relationship to these resources. Limiting GMAC to "prior notice" of watershed initiatives defies the purpose of the commission, and renders it impotent. This representation is over due. GMAC should have weight at the table in decision making, not just information.

HB-1325-HD-2

Submitted on: 2/25/2019 9:07:41 AM

Testimony for FIN on 2/26/2019 1:30:00 PM

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

Comments:

I support HB1325 as originally written why do we have a state GMAC if DLNR is not obliged to collaborate with the will of the people. DLNR is already notifying us so we the people want to have a say in making any decisions .DLNR is obliged to collaborate with GMAC.

LATE

HB-1325-HD-2

Submitted on: 2/25/2019 6:56:39 PM

Testimony for FIN on 2/26/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Buchanan	Individual	Support	No

Comments: