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GOVERNOR OF
HAWAII



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

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Wednesday, March 30, 2022
2:00 PM

State Capitol, Conference Room 325, Via Videoconference

In consideration of
SENATE BILL 3251, SENATE DRAFT 1, HOUSE DRAFT 2
RELATING TO HUNTING GUIDES

Senate Bill 3251, Senate Draft 1, House Draft 2 proposes to require any hunting guide to obtain and submit to the Department of Land and Natural Resources (Department) written permission from any private landowner upon which the hunting guide is engaged in guiding activities. **The Department supports this bill and offers the following comments.**

Current laws already prohibit trespassing, vandalism, property damage, and poaching on private lands regardless of whether the perpetrator is claiming to be hunting legally. The Department's hunting administrative rules, Chapters 122 and Chapter 123, require landowner's approval to hunt on private lands. The Department supports measures to increase enforceability of trespass laws on private land, including hunting without permission, but urges an approach that does not deter legal and courteous hunting guides that do follow the rules from participating, or hinder the ability of agencies and partners to implement hunting programs or carry out their statutory mandates to protect natural resources. Requiring "written permission" may be a burden for many guides that have good working relationships with private landowners where obtaining written permission may be difficult.

Thank you for the opportunity to comment on this measure.

SB-3251-HD-2

Submitted on: 3/29/2022 9:33:27 AM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Omick	DLNR	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.



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March 30, 2022

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**TESTIMONY ON SB 3251, SD1, HD2
RELATING TO HUNTING GUIDES**

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Nakashima, Vice-Chair Matayoshi, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 3251, SD1, HD2 with comments, which requires that hunting guides obtain written permission from private landowners or other appropriate person before taking their clients to hunt on those private lands and requires hunting guides to provide copies of those written permission documents to the Department of Land and Natural Resources. We also offer the following comments in a plea to this Committee to more fully address the problem that our local farmers and ranchers face.

We understand that the title of the bill may limit the measure to hunting guides only, however, the problem this bill attempts to address is much bigger than guided hunts. We hope that the bill can be modified to address the bigger picture, as was attempted, but not resolved, in other sessions.

A broader measure is necessary because unpermitted hunting on private land is extremely dangerous for both the landowner and the hunter. Over the last several years, incidents of livestock slaughtering, theft, vandalism, crop destruction, and poaching have become commonplace on farms and ranches on every island. These illegal activities must be stopped. Criminals have learned that there is no practical enforcement of the laws to prevent armed thieves and vandals from trespassing, stealing, and destroying others' livelihoods. If caught, these miscreants claim to be hunters and state that they had verbal permission to be on the property.

The burden should never be on the rancher or farmer to prove that he did not give permission to a gun-wielding trespasser to access his property. Without knowing the intent of an armed trespasser on his property, a farmer or rancher may reasonably believe

that the trespasser is there to steal his equipment, his livestock, or his crops. He may even think that his home and family are threatened and this could lead him to take steps to protect them. This scenario is just too dangerous for both a legitimate hunter and the farmer, and it can be avoided by the simple act of obtaining prior permission, in writing, so there is no confusion or misunderstanding.

A legitimate, law-abiding hunter would have no justification to object to this simple requirement **since he is already required by law to have permission from the landowner**. For many years, HFB has worked with police, prosecutors, and the DLNR to find a solution to trespass, theft, and vandalism problems. We respectfully request that this committee clarify and help enforcement of the current laws that ALREADY prohibit trespass and prohibit hunting without permission.

Please don't let another year go by without addressing the concerns of our farmers and ranchers. We sincerely believe that this can be done without penalizing legitimate hunters.

We respectfully request that the bill be broadened to require written permission of any hunter on private land via an amendment to Section 183D-26 HRS, as follows. This was language recommended by DLNR during the last session when this issue was deliberated, in 2020.

"§183D-26 Hunting on private lands prohibited. (a) No person shall enter upon any land or premises belonging to, held, or occupied by another, for the purpose of hunting or to take any kind of wildlife including game without first having obtained written permission from the owner or a duly appointed agent, if the owner is the occupier or holder, or if the owner has let another occupy or hold the same, without having first obtained the written permission of the occupier or holder thereof, or the duly appointed agent of the occupier or holder.

(b) Written permission obtained pursuant to subsection (a) shall be filed with the department's division of forestry and wildlife as part of the hunting guide permitting process. Each person, while hunting or taking any kind of game including wildlife on any land or premises belonging to, held, or occupied by another, shall carry a copy of the written permission obtained and filed pursuant to this section."

(The current bill's proposed "§183D-26 (b) would become (c) .)

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON
JUDICIARY AND HAWAIIAN AFFAIRS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
WEDNESDAY, MARCH 30, 2022 AT 2:00 P.M.

To The Honorable Mark M. Nakashima, Chair
The Honorable Scot Z. Matayoshi, Vice Chair
Members of the committee on Judiciary and Hawaiian Affairs

SUPPORTING SB3251 SD1 HD2 RELATING TO HUNTING GUIDES

The Maui Chamber of Commerce **supports SB3251 SD1 HD2** which requires that hunting guides obtain written permission from private landowners or other appropriate person before taking their clients to hunt on those private lands. It also requires hunting guides to provide copies of those written permission documents to the Department of Land and Natural Resources.

The Chamber supports requiring hunting guides to obtain written permission from private land owners to conduct hunting tours on their private land and codifying this requirement in the law, as well as requiring that the hunting guides include a copy of the written permission from private land owners in their annual report to DLNR. Further, we appreciated that HD1 was broadened to include any hunters going on private property, as not doing so could go from a trespassing issue to a tragedy. **However, HD2 removed the requirement for each hunter to carry written permission on their person. We respectfully request that provision be returned to the bill.**

For these reasons we respectfully request that **SB3251 SD1 HD2** be passed with the **suggested amendment**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

SB3251 SD1 HD2
RELATING TO HUNTING GUIDES

Wednesday, March 30, 2022, 2:00 PM
VIA VIDEOCONFERENCE

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawaii Cattlemen's Council **supports SB3251 SD1 HD2**, which requires that hunting guides obtain written permission from private landowners or other appropriate person before taking their clients to hunt on those private lands. We ask that the bill be broadened to require written permission of all hunters on private land, as in SB3251 SD1 HD1.

Hunting access is important as a food source, recreation, and to remove unmanaged ungulates from the land. However, proper management of hunting is paramount. This bill will help farmers and ranchers to manage responsible access on the lands that they produce on.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director

