

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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
WATER & LAND

Tuesday, March 15, 2022
8:30 AM

State Capitol, Conference Room 430, Via Videoconference

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

Senate Bill 3251, Senate Draft 1 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 rules, Chapters 122 and Chapter 123, Hawaii Revised Statutes, 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-SD-1

Submitted on: 3/13/2022 10:54:58 PM

Testimony for WAL on 3/15/2022 8:30:00 AM

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.



COMMITTEE ON WATER & LAND
Rep. David A. Tarnas, Chair
Rep. Patrick Pihana Branco, Vice Chair

SB3251 SD1
RELATING TO HUNTING GUIDES

Thursday, March 15, 2022, 8:30 AM
VIA VIDEOCONFERENCE

Chair Tarnas, Vice Chair Branco, 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 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. We respectfully request that the bill be broadened to require written permission of any hunter on private land.

Hunting access is important as a food source, recreation, and to remove unmanaged ungulates from the land. However, proper management of hunting is paramount. While this bill requires written permission of the hunting guide, all hunters should also be required to obtain written permission before hunting on lands. It is already a requirement to have permission to hunt on lands, and this is outlined in the DLNR Hunter's Education Course and required by law, but broadening this proposed bill to extend written permission to all hunters is prudent. This requirement will help farmers and ranchers to manage responsible access on the lands that they produce on.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





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March 15, 2022

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY ON SB 3251, SD1
RELATING TO HUNTING GUIDES

Conference Room 430 & Videoconference
8:30 AM

Aloha Chair Tarnas, Vice-Chair Branco, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 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.

The Hawaii Farm Bureau supports SB 3251, SD1 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.

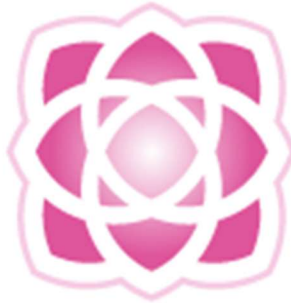
We respectfully request that the bill be broadened to require written permission of any hunter on private land via an amendment to Section 183D-26 HRS, as follows. This was language recommended by DLNR during the last session when this issue was deliberated, in 2020.

"§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 Hawaii's agricultural community.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON
WATER & LAND
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 430
TUESDAY MARCH 15, 2022 AT 8:30 A.M.

To The Honorable David A. Tarnas, Chair
The Honorable Patrick Pihana Branco, Vice Chair
Members of the Committee on Water & Land

SUPPORTING SB3251 SD1 RELATING TO HUNTING GUIDES

The Maui Chamber of Commerce **supports SB3251 SD1** 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 recommend that it be broadened include any hunters going on private property, as not doing so could go from a trespassing issue to a tragedy.

For these reasons we respectfully request that **SB3251 SD1** be passed.

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.

SB-3251-SD-1

Submitted on: 3/12/2022 12:25:42 AM

Testimony for WAL on 3/15/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Azuma Chrupaluk	Individual	Oppose	Written Testimony Only

Comments:

I hereby suggest that this bill be presented with clear stipulations that the bill includes an expiration date on the signature - that is limited to a five year time frame. A lot of exploitation can occur as a result of leaving the signature from the landowner as a permanent instrument of law, and you have not outlined how you are going to be accountable to maintain an updated record. If you know your local history, you would know that this is exactly how the sugar barrons stole land from Hawaiians. When the original person dies, the State continues to side with the capitalist as opposed to the actual landowner and this is a highly unethical practice of the State of Hawai'i.

SB-3251-SD-1

Submitted on: 3/12/2022 1:36:13 PM

Testimony for WAL on 3/15/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
J Ashman	Individual	Support	Written Testimony Only

Comments:

This measure must be passed in the interest of safety. Private property owners must be able to control trespass and lethal weapon use on their own land.

All hunters are already required by law to have permission of the landowner prior to hunting on any private property. **Written permission must be required** because unfortunately, some hunters falsely claim they have verbal permission.

This bill should be broadened to include *all* hunters, not just hunting guides.

SB-3251-SD-1

Submitted on: 3/15/2022 7:23:13 AM

Testimony for WAL on 3/15/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rosie F Davis	Individual	Support	Written Testimony Only

Comments:

Aloha

I support SB3251

Mahalo nui