

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

Friday, February 11, 2022
1:10 PM

State Capitol, Conference Room 229, Via Videoconference

In consideration of
SENATE BILL 3251
RELATING TO HUNTING GUIDES

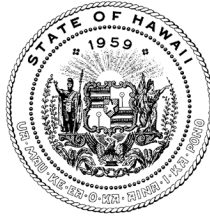
Senate Bill 3251 proposes to require any hunting guide to obtain and submit to the Department of Land and Natural Resources (Department) written permission from any private landowner upon which the hunting guide is engaged in guiding activities. **The Department appreciates the intent of this measure and offers 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 (HRS), 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, and guide on neighbor islands, where obtaining written permission may be difficult.

The problem that this bill is trying to address is one of trespass and hunting on private property without permission. The Department would support a change in SECTION 3, amending the criminal trespass statutes, Section 708-813, HRS, "Criminal trespass in the first degree", to make trespass an easier offense to enforce. This would enable a greater response from the county police departments, who have far greater resources to assist private landowners with trespass than does the Department's Division of Conservation and Resources Enforcement.

Thank you for the opportunity to comment on this measure.

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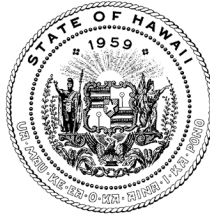
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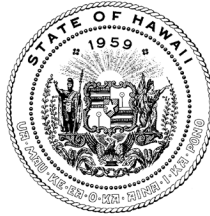
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COMMITTEE ON WATER AND LAND
Senator Lorraine R. Inouye, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

SB3251
RELATING TO HUNTING GUIDES

Friday, February 11, 2022, 1:10 PM
VIA VIDEOCONFERENCE

Chair Inouye, Vice Chair Keith-Agaran, 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** to require that hunting guides obtain written permission from private landowners or other appropriate person before taking their clients to hunt on those private lands. Hunting access is important as a food source, recreation, and to remove unmanaged ungulates from the land. However, proper management of hunting is paramount on private lands. While the Hunters Education course that is required preaches that permission is needed when hunting, this measure goes further to codify that hunting guides obtain written permission and provide those copies to the Department of Land and Natural Resources.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 11, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON SB 3251
RELATING TO HUNTING GUIDES

Conference Room 229 & Videoconference
1:10 PM

Aloha Chair Inouye, Vice Chair Keith-Agaran, 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 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.

SB-3251

Submitted on: 2/10/2022 5:36:22 AM

Testimony for WTL on 2/11/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Faith Tuipulotu	Individual	Support	No

Comments:

I'm in Support of SB 3251.

SB-3251

Submitted on: 2/10/2022 6:08:50 AM

Testimony for WTL on 2/11/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rosie F Davis	Individual	Support	No

Comments:

Aloha, Support bill SB3251

mahalo

SB-3251

Submitted on: 2/10/2022 11:35:33 AM

Testimony for WTL on 2/11/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jo-Anne Aiwohi	Individual	Support	No

Comments:

This bill will protect hunting guides, hunters, and land owners.

SB-3251

Submitted on: 2/10/2022 12:23:54 PM

Testimony for WTL on 2/11/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brendan Balthazar	Individual	Support	No

Comments:

This is long over due . However it should not only apply to hunting guides but anyone who goes on private property claiming to have permission. It should be in writing and include the cell number of owner who gave the permission.

Brendan Balthazar

Diamond B Ranch LLC