

Testimony of The Nature Conservancy of Hawai'i
Supporting With Amendments H.B. 799 Relating to the Uniform Aeronautics Act
House Committee on Judiciary
Friday, January 22, 2016, 2:00PM, Room 325

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 40,000 acres in 14 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects across the islands.

The Nature Conservancy supports H.B. 799 as originally introduced. H.B. 799 HD1 limits aerial shooting to remote, inaccessible, and hazardous areas. This will leave the Department vulnerable to legal challenges to define those vague terms. Therefore, we recommend returning to the original language of H.B. 799 by striking the following language from the HD1:

(b) Notwithstanding any other law to the contrary, state employees and independent contractors retained by the State may, while in flight in, across, or above the State, intentionally kill or attempt to kill any wildlife in furtherance of official state duties; provided that actions taken under this section, shall be limited to remote and inaccessible areas, where access to wildlife may pose hazard to human life."

HRS §263-10, which prohibits aerial hunting, was passed by the Territorial Legislature in 1923 as part of a larger Uniform Aeronautics Act being adopted in mainland states at a time when the military was urging states to standardize basic civilian flying regulations. There is no evidence that the Territorial Legislature passed H.R.S. § 263-10 with the intention of limiting State action or even with the expectation that controlling animals in this way would be an important tool for meeting the State's public trust responsibilities a century into the future.

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 mechanism to deter browsing or rooting animals. As a result, our native forests have no natural defenses against wild mammals. Left unmanaged, feral ungulates 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.

Through years of research, experimentation, and experience, it has been shown that the most effective management strategy for these animals is a multi-faceted approach including fencing, public hunting, staff hunting, live trapping, snares, and aerial shooting under strict safety protocols. In some accessible locations, hunting and live trapping are sufficient for ungulate control. However, many areas of important native forest and watersheds are remote, mountainous, or so vast 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 management tool in these types of instances; with DLNR following training, safety protocols and certifications that follow rigorous federal standards.