

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

January 8, 2009

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: APPROVAL OF AN UPDATED DIVISION OF FORESTRY AND WILDLIFE SHOOTING PRESERVE LICENSE, AND INCREASE IN THE FEE FROM \$100 TO \$200 ANNUALLY

Background: In 2007, Act 129 was signed into law, an Act relating to hunting tourism which amended Hawaii Revised Statute 183D, Wildlife. The amendments provided three-day and five-day temporary non-resident licenses for hunters on private and commercial shooting preserves accompanied by a licensed guide. The amendments specified a number of requirements to address safety, enforceability, and liability concerns (see Attachment 1, Act 129). Currently, licenses are approved for private and commercial shooting preserves for game bird hunting. Act 129 implicitly expanded the program to include the hunting of game mammals on private and commercial shooting preserves.

Discussion: The current private and commercial shooting preserve license needs to be updated to incorporate game mammal hunting licensing implied by Act 129. The department is proposing a more generic license to include birds and mammals and increase the fee from \$100 (which has been in place since 1996) to \$200 (see Attachment 2, proposed Shooting Preserve License). Fees are authorized by HRS 183D, Section 34(b), "The fee for private and commercial shooting preserves and farmer's licenses shall be set by the department." Larger fee increases were considered and discussed with existing licensed game guides and shooting preserve license holders, and an increase to \$200 to include both game birds and mammals was considered to be reasonable.

RECOMMENDATIONS

That the Board of Land and Natural Resources:

1. Approve the Division of Forestry and Wildlife's updated Private and Commercial Shooting Preserve License.
2. Approve an increase in the fee for the generic shooting preserve license from \$100 to \$200.
3. Delegate the authority to issue these licenses to the Chairperson, DOFAW Administrator, and DOFAW Branch Managers.

Respectfully submitted,



PAUL J. CONRY
Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson
Board of Land & Natural Resources

ATTACHMENTS

1. Act 129, A BILL FOR AN ACT RELATING TO HUNTING TOURISM
2. Proposed Shooting Preserve License

Approved by the Governor
on JUN 5 2007
HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

ACT 129
H.B. NO. 249
H.D. 1
S.D. 2

A BILL FOR AN ACT

RELATING TO HUNTING TOURISM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 183D-22, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The hunting license fee shall be:

4 (1) \$10 for any person who has resided in the State for
5 one year or longer, or who is a member of the armed
6 forces of the United States on active duty and the
7 spouse and children thereof, or who elects to forgo
8 the exemption provided in paragraph [~~(3)~~] (4);

9 (2) \$95 for all other persons; [~~and~~]

10 (3) \$50 for a three-day period and \$95 for a seven-day
11 period for hunting on a private and commercial
12 shooting preserve for persons who do not meet the
13 requirements of paragraph (1) or (4); and

14 [~~(3)~~] (4) Free to all Hawaii residents sixty-five years of
15 age or older and to all persons with Hansen's disease
16 who are residents of Kalaupapa, Molokai."

17 SECTION 2. Section 183D-23, Hawaii Revised Statutes, is
18 amended to read as follows:



1 "**§183D-23 Licenses expire when.** All licenses shall expire
2 on June 30 next following the date of issuance~~[r]~~, except for
3 licenses obtained pursuant to section 183D-22(b) (3)."

4 SECTION 3. Section 183D-28, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) A person who meets the minimum age requirements
7 adopted pursuant to subsection (c) shall be exempt from the
8 requirements of subsection (a) if the person:

- 9 (1) Was born before January 1, 1972, and at one time
10 possessed a hunting license issued by the State;
11 provided that the person shows satisfactory proof to
12 the department that the person had possessed the
13 hunting license; ~~[or]~~
- 14 (2) Has successfully completed a course or program of
15 hunter education and safety ~~[which]~~ that is approved
16 by the International Hunter Education Association and
17 meets the requirements of chapter 12 of the United
18 States Fish and Wildlife Service Federal Aid Manual,
19 as revised; provided that the person shows
20 satisfactory proof in the form of a certificate,
21 wallet card, or other document issued by a state,



1 province, or country evidencing successful completion
2 of the course or program[-]; or

3 (3) Obtains a three-day or a seven-day hunting license
4 pursuant to section 183D-22(b)(3) to hunt on a private
5 and commercial shooting preserve, accompanied by a
6 hunting guide licensed pursuant to section 183D-25.5;
7 provided that:

8 (A) All hunting shall be conducted on a licensed
9 private and commercial shooting preserve and
10 under the direction of a hunting guide who has
11 successfully completed a Hawaii hunter education
12 certification course and meets the requirements
13 of section 183D-25.5;

14 (B) Prior to licensing, a hunter safety class and
15 field training session shall be provided to the
16 licensee that includes hunter safety and hunting
17 equipment use and safe discharge;

18 (C) While hunting under these provisions, a hunting
19 guide shall guide not more than two unaccompanied
20 clients at any time while hunting;



- 1 (D) All hunting guides and clients shall wear a
2 hunter safety blaze-orange outer garment while
3 hunting;
- 4 (E) The private and commercial shooting preserve
5 operator, hunting guides, and clients agree to be
6 subject to inspection while engaged in hunting
7 activities by department representatives or
8 authorized law enforcement officers; and
- 9 (F) The private and commercial shooting preserve
10 owner and operator assume responsibility and
11 liability for public and hunter safety while
12 operating under these provisions and agree to
13 report any injuries to the department.

14 Upon application and satisfaction of the requirements of
15 paragraph (1), the department shall issue a written exemption
16 [~~which~~] that shall be valid for the life of the person. The
17 department shall develop and maintain a list of approved hunter
18 education courses described in paragraph (2) for reference by
19 the public and license agents."

20 SECTION 4. Section 183D-34, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The fee for [~~the license shall be \$1,~~] private and
2 commercial shooting preserves and farmer's licenses shall be set
3 by the department; provided that the department may authorize
4 any governmental agency to breed and sell [~~such~~] game birds, and
5 may authorize any person to possess lawfully obtained game
6 birds. The fees collected under this subsection shall be
7 deposited into the wildlife revolving fund under section
8 183D-10.5."

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2007.

APPROVED this 5 day of JUN , 2007



GOVERNOR OF THE STATE OF HAWAII



State of Hawaii
Department of Land and Natural Resources
Division of Forestry and Wildlife

Shooting Preserve License

Annual Fee: \$200.00

Pursuant to Chapter 183D, Hawaii Revised Statutes, Wildlife; this license is hereby issued to the following to operate a shooting preserve as described below:

_____ ; _____ ; _____ ; _____ ;
 Shooting Preserve Name Address or P. O. Box City Zip Code
 _____ ; _____ ; operated by _____ ; _____ ;
 Island TMK Operator's Name Address or P. O. Box
 _____ ; _____ ; on _____ to
 City Zip Code Telephone Number Date

Type and acreage of Shooting Preserve: (Check appropriate block and fill in acreage blank)

Private Commercial _____ Acres

INDEMNITY: The Permittee will indemnify, defend and hold the State of Hawaii harmless (1) from and against any claim or demand by third persons for loss, liability or damage, including claims for property damage, personal injury or wrongful death, arising out of any accident on the permittee's premises and side walks and roadways adjacent thereto or occasioned by any act or nuisance made or suffered on the premises; or by any fire thereon or growing out of or caused by any failure on the part of the permittee to maintain the premises in a safe condition and will reimburse the State of Hawaii for costs and expenses in connection with defense of such claims; (2) from and against all actions, suits, damages, and claims by whosoever brought or made by reason of the non-observance or non-performance of any of their terms, covenants, and conditions herein or the rules, regulations, ordinances, and laws of the federal, state, municipal, or county governments.

COST OF LITIGATION: That in case the State of Hawaii shall, without any fault on its part, be made a party to any litigation commenced by or against the permittee (other than condemnation proceedings), the permittee shall and will pay all costs and expenses incurred by or paid by the State of Hawaii in enforcing the covenants and agreements of this license.

INSPECTION: Representatives of the Division of Forestry and Wildlife shall be granted access to inspect the premises during the licensing periods.

The following information shall be provided quarterly to the licensing authority:

- a. Sex, species and number of game animals harvested.
- b. Sex, species and number of any game animals released.

The licensee is held responsible for compliance with the conditions in Chapter 183D, Hawaii Revised Statutes, and Chapter 13-122 and 13-123, Hawaii Administrative Rules.

I agree to abide by the general conditions of the license, which shall expire on _____
Date

Signature: _____
Licensee

Typed Name of Licensee

Issued, Subscribed and Sworn to me this date:

Date

Signature: _____
Division of Forestry and Wildlife Agent

Typed Division of Forestry and Wildlife Agent