

**Testimony for HCR306 on 3/29/2010 10:45:00 AM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Sunday, March 28, 2010 6:31 PM

**To:** [WLOtestimony](mailto:WLOtestimony)

**Cc:** [luella@hfbf.org](mailto:luella@hfbf.org)

**Attachments:**  [hcr306\\_feral\\_pigs\\_wlo.doc \(188 KB\)](#) [Open as Web Page]

Testimony for WLO 3/29/2010 10:45:00 AM HCR306

Conference room: 325

Testifier position: support

Testifier will be present: Yes

Submitted by: Luella Costales

Organization: Hawaii Farm Bureau Federation

Address:

Phone:

E-mail: [luella@hfbf.org](mailto:luella@hfbf.org)

Submitted on: 3/28/2010

Comments:



**Hawaii Farm Bureau**  
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819

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**TESTIMONY**

**RE: HCR 306 REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY ON THE MOST EFFECTIVE AND EFFICIENT METHODS FOR THE CONTROL AND REDUCTION OF THE FERAL PIG POPULATION STATEWIDE**

Chair Ito and Members of the Committee:

Hawaii Farm Bureau Federation on behalf of our member commercial farm and ranch organizations is in strong support and provides comments to HCR306 asking DLNR to identify the most effective and efficient methods for control and reduction of feral pig populations.

The Reso reports on the extensive work that has been done regarding feral pigs. There are other equally damaging animals such as the axis deer and like pigs, can be hunted. It would appear to be a good use of resources to address control of feral animals that threaten watersheds as a group rather than individually.

Feral animals are a major threat to our watersheds as well as agricultural areas. They ruin the forest floor, impeding infiltration of rainwater in watersheds, spread invasive species and ultimately during droughts, ravage agricultural lands in search of food not only destroying crops but bringing question of the safety of the crops for consumption. All of these are concerns for Hawaii's biosecurity. In the case of deer, they are also a traffic hazard.

There may be concern that this measure is an unfunded mandate asking for a study by departments that are struggling with budget cutbacks. However, as with the many other issues everyone, in the public sector or private ...profit or nonprofit are having to identify priorities and seek unique implementing actions. We therefore recommend encouragement of not just a study but actual implementing actions of working partnerships between hunters and others to address this problem. Landowners have been identified as a party to the table, however, adding Land Use Research Foundation as a party for distribution of the Resolution would be a reasonable start to coordinate their assistance.

Thank you for this opportunity to provide our comments. If there are any questions, please contact Luella Costales at 8482074.

## As numbers spiral out of control, experts **SETTING SIGHTS** on spotted axis deer

By CHRIS HAMILTON, Staff Writer

*POSTED: September 27, 2009*

### Article Photos



The Maui News / MATTHEW THAYER photo

There are half a dozen deer in this photograph taken in Wailea, but as many as 100 at a time have been observed on the golf course.

**KAHULUI** A very big and costly pest has placed state lands, Hawaiian home lands, public and private watersheds, golf courses, parks, ranches, farms and home gardens under siege.

However, it is an extremely cute creature to many. A delicacy to some. And a potential lawsuit to others.

It's the spotted axis deer. And don't even ask for an accurate population estimate for Maui County; the experts' answers are mostly anecdotal. However, they agree that the introduced animal's numbers are spiraling out of control, as axis deer populations have grown for more than a decade across Hawaii. Something needs to be done, the experts said.

That's because these days, the deer's most common predator appears to be a car's grill.

While hunting education classes are booked five months in advance, in general, fewer people hunt today than a generation ago. And rather than lamming it within Maui's tremendous swaths of public forest, the animals are increasingly finding refuge in town parks and suburbia - where gunplay could land hunters behind bars. In addition, some

residents even feed axis deer as pets and harbor the graceful creatures on spacious "gentleman's farms."

Axis deer prefer to be at lower altitudes in South Maui's dryland forests. But in the summertime and during the ongoing drought, increasing numbers of deer leave the forest in search of water, green grass and low-lying plants, the experts said.

Just like other states across the union, Hawaii has made efforts to increase the number of hunters to deal with exploding deer populations, such as offering popular hunter education classes, no bag limits, a year-round hunting season and cheap licenses.

Killing deer to reduce population remains a touchy subject on Maui as well, said land managers, farmers and ranchers. Those interviewed rarely said "kill" or "hunt" and instead used words such as "control," "cull," "harvest" or "remove."

Technically, axis deer are considered an invasive species. However, they were introduced in 1960 by a mandate from the Hawaii Legislature to promote wild game hunting. Several wildlife biologists said the deer were part of the bad old days' policies when either the state or private individuals used to ship in plants, animals, birds and insects - most of which, like the mongoose, had no natural predators - without considering the long-term consequences.

Axis deer originate from India and are also known as cheetal deer for their white spots.

The deer's meat is tasty, too, hunters said. It's lean (reportedly the leanest meat of any mammal), low in cholesterol and doesn't have the gamey taste often associated with white-tailed deer, which is the breed most common to much of the Mainland. The unique U-shaped antlers, or racks, are also desired by trophy collectors.

Jeffrey DeRego, Maui Hunters and Sportsman Club president, said one of the largest obstacles to controlling the deer population - as well those of feral pigs and goats - is America's litigious society. Rather than allow hunters onto their land to cull the herds for free, large landowners are warned by their insurance companies against allowing individuals onto their properties, he said.

However, hunting is a visitor attraction on Maui as well. The 1,000-acre Arrow One Ranch in Kula and Maui Hunting Safari offer "exclusive" hunting grounds for "free-range prey," according to the businesses' Web sites.

Alex Franco, manager of the 5,500-acre Kaupo Ranch on Haleakala, said the safari company leases the ranch's land for big-game hunters. He estimates that Kaupo Ranch has about 600 deer that compete with 2,100 head of cattle for prime grazing spots.

"We don't get called in for eradication programs at the ranches or golf courses, because they have their own hunters," DeRego said.

But that's still not enough to handle the problem, he said. DeRego noted that he took his car to the repair shop recently and saw five cars in the lot that had been dented by collisions with deer.

Meanwhile, he said he knows of only two private hunters who bagged deer this year on Maui's public lands.

State wildlife biologist Shane De Mattos said axis deer have not significantly impacted native forests so far, although the potential is there. Still, deer have devoured some wild taro patches on Molokai, which were replaced by California scrub brush.

Most forest reserves, he said, are not ideal habitat for axis deer, since the public lands typically contain rain forests or are located at high-and-dry elevations.

"There are slim to none on public lands," De Mattos said. "Axis deer would rather bask in the sun and eat grass and kiawe beans.

"We encourage all private land owners to allow hunting on their property. We have said we are willing to work with them for a public solution to the legal issues, but we've had no buyers."

However, the state has never encountered a private land-owner who won't permit hunting on land because of personal anti-hunting beliefs, De Mattos added.

Wailea Old Blue Course Golf Club superintendent Steve Olsen said he's seen herds as large as 100 on a course surrounded by homes, shopping and roads. The deer are an expensive nuisance to golf courses, damaging trees, devouring ground cover and putting deep divots into greens with their hooves.

"They've cost us thousands of dollars in labor alone," Olsen said. "And we have no way of controlling them as far as shooting goes with housing nearby.

"It's also a sensitive issue with some people," he said. "They are pretty, but there are just too many of them."

Warren Watanabe, president of the Maui Farm Bureau, said not only do the deer eat vegetables and flowers, particularly in Kula, but in the process they contaminate the food with E. coli bacteria. The deer have also cost Hawaiian Commercial & Sugar Co. tens of thousands of dollars by munching on young sugar cane in the Central Maui fields. Watanabe said he's heard enough farmer complaints in recent months to set up a meeting with the state wildlife officials to put together a new deer control plan.

"There's gotta be a fix to this," Watanabe said. "I'm not even sure how we put a dollar figure on what this is costing us."

Gerry Ross and Janet Simpson, owners of Kupa'a Farms in Kula, battled deer and won a decade ago, "knock on wood," Simpson said. In one night, deer did \$20,000 in damage to their corn crop and fences.

"There are people who don't think the deer should be hunted, but this is our livelihood," Simpson said.



Human lives are at risk as well, as deer continue to collide with motorists on Maui's roadways, said Maui Police Department Sgt. Barry Aoki, who supervises the Traffic Division. No one has died in a deer-car crash - yet, he said.

But collisions continue to increase, Aoki said, although actual numbers were not readily available.

Mark White, director of the Hawaii Nature Conservancy, which manages about 6,500 acres on Maui, said of deer: "For some, they're a resource. For others, they're a problem."

For instance, the Maui Humane Society's national organization has taken a formal position, which the local group informally agrees with, against shooting deer and other game from helicopters, said Maui Humane Society CEO Jocelyn Bouchard. Helicopter hunting leaves too much room for error or wounded animals that suffer, she said.

"Obviously, this is a difficult and very sensitive issue," Bouchard said. "We have members who do not want to see any deer killed. But I think as a board, we understand this is an environmental issue, and that overpopulation can lead to all sorts of problems for the deer, like starvation or collisions with cars."

If hunting must be done, the Maui Humane Society asks that hunts be conducted as efficiently as possible to cull the herds and that deer not be slaughtered just for food or trophies, she said.

White also said conservancy officials don't track numbers of axis deer, "but we do know that the problem is increasing, and we see them in new places never recorded before."

Maui land managers said deer have spread to Maui's west side and have become emboldened enough to stand along highways in the daylight, something deer didn't do 10 years ago. The nonprofit Nature Conservancy, however, did remove deer on its land and then built a fence that's holding up.

"Still, it's just a question of time before they expand into the watershed and consume all the emerging plants on the ground, which are tender and young," White said.

Haleakala National Park spokesman Dominic Cardea said rangers have had success in keeping axis deer out of the county's largest protected parkland. Since 1979, Haleakala rangers have overseen the installation of 30 miles of 4-foot-tall stainless steel fencing, which is regularly inspected for gaps and holes, Cardea said.

Axis deer are not in the national park, "but it's a serious concern of ours," he said. "Our partners who own land surrounding the park are the ones dealing with the problem for now. They're at the front lines."

Cardea said that a new federal law will allow the National Park Service to provide financial and strategic assistance to the organizations that cull deer on park borders. The real sentries are the nonprofits, leeward Haleakala and East Maui watershed partnerships, which combine to protect more than 140,000 acres of native forest surrounding Haleakala National Park. The East Maui watershed group's lands encompass the Haleakala, Kaupo,

Kaonoulu, Ulupalakua and Erehwon ranches, and Maui County is another major player with deer-control programs.

Franco said that Haleakala and Ulupalakua ranches in particular have become inadvertent havens for dozens of axis deer herds.

What's at stake? Thousands of hours and millions of dollars devoted over the years to restoring the native forests and plants destroyed by roads, lumber barons, ranchers, developers and pests, such as axis deer.

"We plan to give them support soon," Cardea said of the nascent efforts to "remove" deer, goats and pigs. "They are browsers, so any of the plants on the ground, that's their ice cream. And just like the goats and pigs, the deer create trails, which lead to erosion during rainstorms."


Because of Haleakala National Park's remoteness and altitude, up to more than 10,000 feet, chasing after deer if and when they get in the park would be "such a pain in the butt," Cardea said.

**Testimony for HCR306 on 3/29/2010 10:45:00 AM**  
mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Sunday, March 28, 2010 7:52 PM

**To:** WLOtestimony

**Cc:** igibson@humanesociety.org

**Attachments:**  WLO Testimony 3-29-10, 104~1.doc (49 KB) [Open as Web Page]

Testimony for WLO 3/29/2010 10:45:00 AM HCR306

Conference room: 325

Testifier position: support

Testifier will be present: Yes

Submitted by: Inga Gibson

Organization: Humane Society of the United States

Address: P.O. Box 89131

Phone: 922-9910

E-mail: igibson@humanesociety.org

Submitted on: 3/28/2010

Comments:





**THE HUMANE SOCIETY  
OF THE UNITED STATES**

TO: Honorable Chair Ito, Vice-Chair Har

HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

DATE: Monday, March 29, 10:45AM, Rm 325

**RE: Testimony in SUPPORT WITH AMENDMENTS FOR HCR306; REQUESTING  
THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A  
STUDY TO EFFECTIVELY REDUCE FERAL PIG POPULATIONS**

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,  
P.O. Box 89131, Honolulu, HI 96830, [igibson@hsus.org](mailto:igibson@hsus.org), 808-922-9910

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Dear Chair Ito, Vice-Chair Har and Committee Members,

On behalf of our more than 49,315 members and supporters in Hawaii, The Humane Society of the United States, respectfully requests your support of HCR 306 with the below amendments.

Our organization is concerned about existing and past methods used to control the feral pig population. For example, we are opposed to the use of snares and/or body-gripping traps that cause prolonged suffering and can also entrap and/or seriously injure, maim or kill non-target species such as dogs or cats. Animals captured in snares are known to suffer for days or weeks, eventually dying of starvation, dehydration or infection. In addition, we have no state law that requires that traps or snares be checked within any time period. There are far more humane and effective methods that are available to humanely capture these animals.

Furthermore, our organization is actively working on identifying more humane, non-lethal, effective and cost-effective methods to reduce "nuisance" and feral animal populations. For example, our organization is actively working on this very issue in Texas using immuno-contraception (GonaCon) to humanely and effectively reduce pig and ungulate populations, PZP immuno-contraception in equine species and ncarbazin to control pigeon and other "nuisance" bird populations.

For these reasons, we respectfully request that per this Resolution, The Humane Society of the United States, Hawaii Office, be added as a consulting organization to the Department of Land and Natural Resources in identifying the most humane, effective and viable solutions to reducing feral animal populations across Hawaii. In working with our organization the state and the community can be assured that the most progressive and humane methods of control are being fully considered by the state.

Thank you for your consideration of this request.



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

TO: Honorable Chair Ito, Vice-Chair Har

HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

DATE: Monday, March 29, 10:45AM, Rm 325

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Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,  
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Thank you for your consideration of this request.

**Testimony for HCR306 on 3/29/2010 10:45:00 AM**  
mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Saturday, March 27, 2010 5:33 PM  
**To:** WLOtestimony  
**Cc:** olunasco@yahoo.com  
**Attachments:**  hcr306\_draft.wpd.rev.1.wpd (5 KB)

Testimony for WLO 3/29/2010 10:45:00 AM HCR306

Conference room: 325  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Ollie Lunasco  
Organization: Oahu Pig Hunters Association  
Address: P.O. Box 12 Waialua, HI 96791  
Phone: 808-637-9365  
E-mail: olunasco@yahoo.com  
Submitted on: 3/27/2010

Comments:

My name is Ollie Lunasco. I am the current presiding president of the Oahu Pig Hunters Association. Our organization has been in existence for 40 over years and as such, we think we know a little about pigs and some of the problems that are now facing our communities.. We are are the only such organization on Oahu, and possibly within the entire state.

The Oahu Pig Hunters Association wholeheartedly supports HCR 306 and looks forward to working with DLNR on this problem.

We also suggest that DLNR host a working group that includes all interested parties and stakeholders with the goal of establishing a hunting program.

We feel that the closing of the sugar and pineapple plantations resulted in less hunting pressure on the feral pigs with a resultant explosion in the pig population. Clearly those closures have resulted in why we are here today. Most, if not all of the plantations allowed hunting on their lands to some extent, some more than others. Hunting is currently now allowed only in remote areas, far removed from where the feral pig problems are now occurring. We feel that in order to deal with this problem, we need to form a partnership with the large landholders, be it state, county or private whose land holdings are breeding grounds for the feral pigs. We feel such a partnership would benefit the landholder, the public and the pig hunting community. Of course, any such hunting program should include only State of Hawaii licensed hunters.

The Oahu Pig Hunters Association has worked with DLNR for several years now in responding to the removal of nuisance pigs. However, some difficulties occur from time to time when attempting to remove these animals. Some residents might be encouraging the pigs presence by feeding them while other residents feel endangered and call DLNR who refers the complainant to us. We are sometimes caught in between the residents who want the animal gone and those who don't.

We have been told on occasion by HPD that our people need to be accompanied by a DLNR officer when they are dispatched to remove an animal. We need a resolution on this problem to facilitate future removals so HPD should also be included as an interested party.

We would like to avail ourselves to some of the traps owned by DLNR. Currently we use traps that have been built by club members. We feel that it would be appropriate for us to use DLNR's traps since we are the first responders to the public's complaints.

## har3-Megan

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 24, 2010 1:06 PM  
**To:** WLOtestimony  
**Cc:** mz@conservehi.org  
**Subject:** Testimony for HCR306 on 3/29/2010 10:45:00 AM  
**Attachments:** HCR 306.pdf

Testimony for WLO 3/29/2010 10:45:00 AM HCR306

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Marjorie Ziegler  
Organization: Conservation Council for Hawai'i  
Address: 250 Ward Avenue Suite 212 Honolulu HI 96814  
Phone: 808 593-0255  
E-mail: [mz@conservehi.org](mailto:mz@conservehi.org)  
Submitted on: 3/24/2010

Comments:



## Conservation Council for Hawai'i

Testimony Submitted to the House Committee on Water, Land, and Ocean Resources

HCR 306 Requesting the Department of Land and Natural Resources to conduct a study on the most effective and efficient methods for the control and reduction of the feral pig population statewide

Hearing: Monday, March 29, 2010 10:45 am Room 325

In support HCR 306

Aloha. Conservation Council for Hawai'i supports HCR 306. Feral pigs are a serious threat to our watersheds, water quality, human health, habitat for native Hawaiian plants and animals, and the economy. Feral pigs should not be allowed to roam freely and need to be removed from sensitive areas. Feral pigs also destroy private property, such as farms, nurseries, orchards, and gardens. It is unfair to the public to allow these animals to roam uncontrolled and expect everyone to fence them out. Feral pigs could be managed for hunting in appropriate fenced areas that are managed on a sustained-yield basis, but they must be contained.

CCH is standing by to work on this issue if called on. Thank you for hearing this important resolution.

Please adopt HCR 306. Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler



**Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu***

Telephone/Fax 808.593.0255 • email: [info@conservehi.org](mailto:info@conservehi.org) • web: [www@conservehi.org](http://www@conservehi.org)  
P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814  
President: Maura O'Connor \* Treasurer: Kim Ramos \* Secretary: Douglas Lamerson  
Directors: Madelyn D'Enbeau \* Maka'ala Ka'aumoana \* Hannah Springer  
Executive Director: Marjorie Ziegler

**Testimony for HCR306 on 3/29/2010 10:45:00 AM**  
mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Sunday, March 28, 2010 9:02 AM

**To:** WLOtestimony

**Cc:** selkie@hawaii.rr.com

Testimony for WLO 3/29/2010 10:45:00 AM HCR306

Conference room: 325

Testifier position: comments only

Testifier will be present: Yes

Submitted by: Cathy Goeggel

Organization: Animal Rights Hawai'i

Address: PO Box 10845 Honolulu, HI 06816

Phone: 808.941.9476

E-mail: selkie@hawaii.rr.com

Submitted on: 3/28/2010

**Comments:**

Animal Rights Hawai'i urges the addition of humane to the title of this resolution. We also request that Animal Rights Hawai'i be included as a stakeholder regarding this issue. We have participated in several meetings, hearings and workshops on the issue of feral pigs, including the 2 day conference held on Hawai'i at Kilauea Military Camp, which was mandated by the Legislature.

Compassion must be a component of any actions undertaken in animal control. It is not only protection of our environment by which we will be judged by future generations--but how we treat animals who have no voice or power.

With aloha,  
Cathy Goeggel  
President Animal Rights Hawai'i



**Testimony for HCR306 on 3/29/2010 10:45:00 AM**  
mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Thursday, March 25, 2010 7:15 PM

**To:** WLOtestimony

**Cc:** mnakahata@gmail.com

Testimony for WLO 3/29/2010 10:45:00 AM HCR306

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Mae Nakahata

Organization: Hawaii Farm Bureau Federation

Address:

Phone:

E-mail: mnakahata@gmail.com

Submitted on: 3/25/2010

**Comments:**

Control of pigs is important not only to reduce damage to crops and threats to livestock but also to maintain the health of our watersheds. Feral pigs erode the forest floor and reduce infiltration capacities of destroyed areas.

## har3-Megan

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 25, 2010 11:16 AM  
**To:** WLOtestimony  
**Cc:** pds@hawaii.rr.com  
**Subject:** Testimony for HCR181 on 3/29/2010 10:45:00 AM  
**Attachments:** Ltr. to Clif Tsuji re pigs.docx

Testimony for WLO 3/29/2010 10:45:00 AM HCR181

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Paul de Silva  
Organization: Individual  
Address: 3020 Ainaola Drive Hilo  
Phone: 808-959-6901  
E-mail: [pds@hawaii.rr.com](mailto:pds@hawaii.rr.com)  
Submitted on: 3/25/2010

**Comments:**

Please refer to the attached letter as describing our problems here on Ainaola Drive in Hilo, Hawaii.

# Paul M. de Silva

3020 Ainaola Drive, Hilo, Hawaii 96720  
Phone and Fax: (808) 959-6901/Email: PdS@Hawaii.rr.com

February 15, 2010

Representative Clift Tsuji  
Hawaii State Capitol, Room 402  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representative Tsuji:

As a resident living on 15 acres in an Agricultural Zone close to the absolute paved end of Ainaola Drive in Hilo, may I present a persistent problem with marauding feral pigs in this area. My family has been residing in this area since 1982, and recently the feral pig problem that widely exists on this island has been worsening.

Some of my neighbors and we have sought to mitigate the persistent and damaging visits caused by these animals by scaring them off and attempting to entrap them. These methods have proven ineffective. In 2006, a professional trapper was called but was unsuccessful though pig invasions abounded. In 2007, I invested in my own trap and have caught a mere total of three pigs from the very many more that have frequented my property. Many of the residents in this agriculturally zoned area have firearms which are sometimes employed to protect property from the burgeoning threat of damage. Some are not aware that a statute may make this conduct illegal.

**HRS §707-714 Reckless endangering in the second degree.** (1) A person commits the offense of reckless endangering in the second degree if the person:

- (a) Engages in conduct that recklessly places another person in danger of death or serious bodily injury; or
  - (b) Intentionally discharges a firearm in a populated area, in a residential area, or within the boundaries or in the direction of any road, street, or highway; provided that the provisions of this paragraph shall not apply to any person who discharges a firearm upon a target range for the purpose of the target shooting done in compliance with all laws and regulations applicable thereto.
- (2) Reckless endangering in the second degree is a misdemeanor. [L 1972, c 9, pt of § 1; am L 1990, c 62, §1; gen ch 1992; am L 2006, c 230, §30]

May I humbly request that this statute be modified to state:

**HRS §707-714 Reckless endangering in the second degree.** (1) A person commits the offense of reckless endangering in the second degree if the person:

(a) Engages in conduct that recklessly places another person in danger of death or serious bodily injury; or

(b) Intentionally discharges a firearm in a populated area, in a residential area, or within the boundaries or in the direction of any road, street, or highway; provided that the provisions of this paragraph shall not apply to any person who discharges a firearm within an agricultural or ranch area or upon a target range for the purpose of the target shooting done in compliance with all laws and regulations applicable thereto.

(2) Reckless endangering in the second degree is a misdemeanor. [L 1972, c 9, pt of § 1; am L 1990, c 62, §1; gen ch 1992; am L 2006, c 230, §30]

This month one of my neighbors safely shot a .22 caliber bullet into the ground near a group hogs that were digging up his lawn for grubs and worms. He was investigated by the police for this conduct. These neighbors have consistently for several years attempted to protect themselves from continuing damages by trapping, fence blocking, shouting and contacting government agencies. The pigs have become frequent visitors that time after time continue their costly and frustrating assaults.

On February 15<sup>th</sup> I photographed the current pig damage and some of the pigs that caused it. Eight or nine pigs were present when I arrived and scampered into the forest. Pictures of the damage and a few of the pigs are enclosed.

In my opinion, a distinction needs to be made between the discharge of firearms within the city where pig invasion is not a problem and agricultural and ranch areas where the problem is severe and growing. The use of a firearm in an agricultural or ranch area in a reckless manner would still be covered by paragraph (1).

Thank you very much for your attention and consideration.

Sincerely,

Paul M. de Silva

enclosures