

Exhibit 3

Rules Amending Title 13
Hawaii Administrative Rules

December 12, 2014

1. Chapter 124 of Title 13, Hawaii Administrative Rules, entitled "Indigenous Wildlife, Endangered and Threatened Wildlife, and Introduced Wild Birds" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 5

FORESTRY AND WILDLIFE

PART 2

WILDLIFE

CHAPTER 124

INDIGENOUS WILDLIFE, ENDANGERED AND THREATENED
WILDLIFE, INJURIOUS WILDLIFE, INTRODUCED WILD BIRDS,
AND INTRODUCED WILDLIFE

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Subchapter 2 Indigenous, Injurious, Introduced
Wild Birds, and Introduced Wildlife

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- §13-124-7 Crop damage, nuisance, and threat to
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Subchapter 3 Endangered and Threatened
Wildlife

- §13-124-11 Prohibited activities
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educational permits
- §13-124-13 Penalty

Historical Note: Chapter 13-124, Hawaii
Administrative Rules, is based substantially upon
Regulation 18 of the Division of Fish and Game,
Department of Land and Natural Resources. [Eff 8/10/53;
am 10/10/55; am 3/28/58 and ren Regulation 6; am
9/8/73; R 3/22/82]

SUBCHAPTER 1

GENERAL PROVISIONS

§13-124-1 Purpose. The purpose of this
chapter is to conserve, manage, protect, and enhance
indigenous wildlife; and manage introduced wild
birds. [Eff 3/22/82; am and comp 8/28/86; am and comp
3/2/98; comp] (Auth: HRSS§ 183D-2,
183D-3, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRSS§

183D-2, 183D-3, 195D-3, 195D-4, 195D-6)

§13-124-2 Definitions. As used in this chapter unless the context requires otherwise:

"Agriculture" means the production of crops which are planted, cultivated, and harvested for food, ornamental, grazing, cultural, medicinal or forest purposes.

"Aquaculture" means the farming or ranching of aquatic life in a controlled salt, brackish, or fresh water environment; provided that the farm or ranch is on or directly adjacent to land.

"Board" means the board of land and natural resources.

"Crops" means a plant or animal or product thereof that can be grown and harvested for profit or subsistence.

"Cultural use" means use for traditional native Hawaiian practices.

"Department" means the department of land and natural resources.

"Domestic animal" means any of various animals which have been domesticated by humans in a condition mainly dependent on humans.

"Endangered wildlife" means any species, subspecies, or population of wildlife that has been officially listed by the federal government as endangered and any species, subspecies, or population of indigenous wildlife listed in, but not limited to the exhibit entitled "Exhibit 2, Chapter 13-124, List of Species of Endangered Wildlife in Hawaii 11/1/14" and as updated, which is located at the end of this chapter and incorporated by reference.

"Export" means shipment to any point outside the State.

"Feral" means having escaped or been released from domestication and reverted to a wild state.

"Game birds" means those birds designated by statute or rule for hunting.

"Game mammals" means those mammals designated by statute or rule for hunting.

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"Indigenous wildlife" means any species or subspecies of animal, including migratory forms, occurring or living naturally in Hawaii without having been brought to Hawaii by humans and listed in, but not limited to, the exhibit entitled "Exhibit 1, Chapter 13-124, Indigenous Wildlife of Hawaii, 11/1/14" and as updated, which is located at the end of this chapter and incorporated by reference.

"Injurious wildlife" means any species or subspecies of animal which is known to be harmful to agriculture, aquaculture, indigenous wildlife or plants, or constitute a nuisance or health hazard and is listed in the exhibit entitled "Exhibit 5, Chapter 13-124, List of Species of Injurious Wildlife in Hawaii, 11/1/14" and as updated, which is located at the end of this chapter and incorporated by reference; and as established and designated by the board as injurious wildlife.

"Introduce" means an act of releasing wildlife into a habitat to which it is not indigenous.

"Introduced wild birds" means any non-domesticated species of birds introduced or imported to Hawaii by humans and living in a wild state other than game birds, including, but not limited to, species listed in the exhibit entitled "Exhibit 4, Chapter 13-124, Introduced Wild Birds Other Than Game Birds Which Have Become Established in the Wild, 11/1/14" and as updated, which is located at the end of this chapter and incorporated by reference.

"Introduced wildlife" means any wildlife introduced or imported to Hawaii by humans.

"Non-domesticated animal" means any of various animals that have not been domesticated by humans and that are in a condition mainly independent of humans.

"Plant" means any member of the plant kingdom, including seeds, roots, and other parts thereof.

"Release" means to free an animal from confinement or restraint.

"Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect endangered or threatened species of wildlife, or to attempt to engage in any such conduct.

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"Threatened wildlife" means any species, subspecies, or population of wildlife that has been officially listed by the federal government as threatened and any species, subspecies, or population of indigenous wildlife listed in, but not limited to, the exhibit entitled "Exhibit 3, Chapter 13-124, List of Species of Threatened Wildlife in Hawaii, 11/1/14" and as updated, which is located at the end of this chapter and incorporated by reference.

"Wildlife" means any member of any non-domesticated species of the animal kingdom, whether reared in captivity or not, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp]
(Auth: HRS §§ 183D-2, 183D-3, 183D-31, 183D-51, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§ 183D-2, 183D-3, 183D-31, 183D-51, 183D-61, 195D-3, 195D-4, 195D-6)

§13-124-2.1 Revocation of permits. Any permit issued pursuant to this chapter shall be revocable for good cause and shall be nonassignable unless otherwise provided by law. Any person whose permit has been revoked shall not be eligible to apply for another permit until the expiration of two years from the date of revocation. [Eff and comp] (Auth: HRS §§183D-2, 183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-2, 183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6, 195D-8, 195D-9)

Historical note: §13-124-2.1 is based substantially upon §13-124-7.1. [Eff 3/2/98; R]

§13-124-2.2 Compliance with laws. All persons applying for and receiving permits under this chapter shall comply with all federal, state, and

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county laws, rules, and required permits or licenses.
[Eff and comp] (Auth: HRS §§183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-8, 195D-9)

Historical note: §13-124-2.2 is based substantially upon §13-124-7.2. [Eff_3/2/98; R]

§13-124-2.3 Exemption. This chapter shall not apply to any activity involving indigenous, endangered, or threatened wildlife which was held in captivity, or in a controlled environment on May 10, 1975; provided that the purposes of the holding were not contrary to the purposes of chapter 195D, HRS, and that the wildlife were not held for sale or resale. [Eff and comp] (Auth: HRS §§183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-61, 195D-3, 195D-4, 195D-6)

Historical note: §13-124-2.3 is based substantially upon §13-124-9. [Eff and comp 8/28/86; am and comp 3/2/98; R]

§13-124-2.4 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff and comp] (Auth: HRS §§183D-2, 183D-3, 195D-6, 195D-10) (Imp: HRS §§183D-2, 183D-3, 195D-6, 195D-10)

Historical note: §13-124-2.4 is based substantially upon §13-124-10. [Eff 3/2/98; R]

SUBCHAPTER 2

INDIGENOUS, INJURIOUS, INTRODUCED WILD BIRDS, AND
INTRODUCED WILDLIFE

§13-124-3 Prohibited activities. (a) With respect to indigenous wildlife and introduced wild birds, and except as provided in subsection (e) or as permitted by the department, no person shall, or attempt to:

- (1) Catch, possess, injure, kill, destroy, sell, offer for sale, or transport any such species, or any young or egg, or the dead body or skin thereof; or
- (2) Export any such species, or any young or egg, or the dead body or skin thereof from the State.

The prohibitions against the destruction of wild birds shall not apply to those introduced wild birds listed as injurious wildlife.

(b) No person shall remove, damage, or disturb the nest of any indigenous wildlife except as provided in subsection (e) or as permitted by the department.

(c) With respect to injurious wildlife, except as provided in subsection (e) or as permitted by the department, no person shall, or attempt to:

- (1) Release injurious wildlife into the wild;
- (2) Transport live injurious wildlife to islands or locations within the State where they are not already established and living in a wild state; or
- (3) Export any such species, or the dead body or parts thereof, from the State.

(d) With respect to introduced wildlife, except as provided in subsection (e) or as permitted by the department, no person shall, or attempt to, release introduced wildlife.

(e) The prohibited activities in this section shall not apply to:

- (1) Authorized employees of the department;

- (2) Enforcement agents, researchers, and inspectors of the department of agriculture and United States Fish and Wildlife Service when acting in the course of their official duties; or
- (3) Persons authorized by the board or its authorized representative and as provided elsewhere in this chapter. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp] (Auth: HRS §§183D-8, 183D-61, 183D-62, 183D-63, 183D-64, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-8, 183D-61, 183D-62, 183D-63, 183D-64, 195D-3, 195D-4, 195D-6)

§13-124-4 Scientific, propagation, and educational permits. Permits for collecting, possessing, killing, selling or offering for sale, and transporting indigenous wildlife, introduced wild birds, game birds, or game mammals may be issued by the board or its authorized representative for scientific or educational purposes including cultural activities, or for activities which will enhance the survival of the wildlife species. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp] (Auth: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6)

§13-124-5 REPEALED. [R 3/2/98]

§13-124-6 Permits for keeping indigenous wildlife, introduced wild birds, game birds, and game mammals. Permits may be issued by the board or its authorized representative to qualified persons who apply in writing to maintain indigenous wildlife, introduced wild birds, game birds, or game mammals in captivity for the protection, treatment for injury or disease, propagation, and other purposes consistent

with the preservation, protection, and conservation of the animals. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp _____] (Auth: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-6)

§13-124-7 Crop damage, nuisance, and threat to human health and safety permits. (a) Provided that no such permit shall be required on private land for game mammals when otherwise in compliance with chapter 123, the board or its authorized representative may issue permits to destroy or otherwise control game birds, game mammals, introduced wildlife, or introduced wild birds causing substantial damage to agricultural or aquacultural crops, indigenous plants or wildlife, or pose a threat to human health and safety under the following conditions:

- (1) An authorized agent of the department has investigated the complaint and is satisfied that substantial damage has occurred or is likely to occur;
 - (2) Permits shall state the species and may specify the number to be destroyed and the method of control to be used. The permit may include other terms and conditions as may seem proper and applicable;
 - (3) Permits for restricted use pesticides may be issued only after an integrated animal damage control plan has been submitted to and approved by an authorized agent of the department; or
 - (4) When species of introduced wildlife are found to be generally harmful or destructive to agriculture or aquaculture, native plants or wildlife, or constituting a threat to human health or safety, the board or its authorized representative may authorize the destruction or control of the species in any area for a specified time period without requiring permits or reports.
- (b) The board or its authorized representative

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may issue permits to destroy or otherwise control indigenous wildlife other than threatened and endangered species, causing substantial damage to agricultural or aquacultural crops, indigenous plants or wildlife, or pose a threat to human health and safety under the following conditions:

- (1) An authorized agent of the department has investigated the complaint and is satisfied that substantial damage has occurred or is likely to occur;
 - (2) Permits shall state the species to be destroyed or taken; the method of control to be used; the maximum number of individuals of each species to be destroyed or taken; and the disposition of individuals destroyed or taken. The permit shall include other terms and conditions as may seem proper and applicable; and
 - (3) Permits to destroy indigenous wildlife shall be issued only after significant efforts to haze or non-lethally deter the pest animals have been attempted and proved ineffective.
- (c) Permittees shall submit monthly summary reports to the department on forms provided or facsimiles that include:
- (1) The common name of the target and non-target wildlife taken;
 - (2) The number of each wildlife species;
 - (3) The disposition of the wildlife; and
 - (4) Any other information required by the permit.
- (d) Failure to submit monthly reports is grounds for cancellation of permits by the board or its authorized representative.
- (e) No permit shall be issued or used for the destruction of any endangered or threatened species of wildlife.
- (f) Permits may only be amended or otherwise altered by the board or its authorized representative. A copy of the amendment and written approval must be

attached to the permit.

(g) No permit is required merely to scare or herd depredating wildlife other than endangered or threatened species of wildlife. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp] (Auth: HRS §§183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-61, 195D-3, 195D-4, 195D-5, 195D-6)

§13-124-8 Penalty. (a) Any person violating any part of this subchapter shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as follows:

- (1) For a first conviction, by a mandatory fine of not less than \$100, or imprisonment of not more than thirty days, or both;
- (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than \$500, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State; and
- (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$1,000, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State.

(b) In addition to any other penalty imposed under this section, a mandatory fine of \$100 shall be levied for each bird illegally taken under this chapter and a mandatory fine of \$500 shall be levied for each mammal illegally taken under this chapter.

(c) The disposition of fines collected for violations of the provisions concerning wildlife conservation shall be subject to HRS section 183D-10.5.

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(d) Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines or bring legal action to recover administrative costs of the department or payment for damages or for the cost to correct damages resulting from a violation of HRS subtitle 4 of title 12 or any rule adopted thereunder. The administrative fines shall be as follows:

- (1) For a first violation, by a fine of not more than \$10,000;
- (2) For a second violation within five years of a previous violation, by a fine of not more than \$15,000; and
- (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$25,000.

(e) In addition, an administrative fine of up to \$5,000 may be levied for each specimen of wildlife taken, killed, injured, or damaged in violation of HRS subtitle 4 of title 12 or any rule adopted thereunder.

(f) Any criminal action against a person for any violation of HRS subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of HRS subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person.

(g) Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by HRS section 199-7 and chapter 712A. [Eff 3/22/82; am and comp 8/28/86; comp 3/2/98; am and comp] (Auth: HRS §§183D-3, 183D-5, 183D-10.5, 183D-12, 199-7, 712A-4, 712A-6) (Imp: HRS §§183D-3, 183D-5, 183D-10.5, 183D-12, 199-7, 712A-4, 712A-6)

SUBCHAPTER 3

ENDANGERED AND THREATENED WILDLIFE

§13-124-11 Prohibited activities. (a)

With respect to endangered and threatened species of wildlife except as provided in subsection (c) or as permitted by the department, no person shall or attempt to:

- (1) Take, possess, process, sell, offer for sale, or transport any such species, any young or egg, or the dead body or skin thereof within the State; or
- (2) Export any such species, or any young or egg, or the dead body or parts thereof, from the State.

(b) No person shall remove, damage, or disturb the nest of any endangered or threatened species except as provided in subsection (c) or as permitted by the department.

(c) The prohibited activities in this section shall not apply to:

- (1) Authorized employees of the department;
- (2) Enforcement agents, researchers, and inspectors of the department of agriculture and United States Fish and Wildlife Service when acting in the course of their official duties; or
- (3) Persons authorized by the board or its authorized representative and as provided elsewhere in this chapter. [Eff and comp
] (Auth: HRS
§§183D-8, 183D-61, 183D-64, 195D-3, 195D-4,
195D-5, 195D-6) (Imp: HRS §§183D-8, 183D-61,
183D-64, 195D-3, 195D-4, 195D-5, 195D-6)

§13-124-12 Scientific, propagation, and educational permits. (a) Permits for collecting, possessing, killing, selling or offering for sale, and transporting threatened wildlife may be issued by the

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board or its authorized representative for scientific or educational purposes including cultural activities, or for activities which will enhance the survival of the wildlife species.

(b) Permits to take, possess, process, sell or offer for sale, transport, or export any endangered species of wildlife may be issued only for scientific purposes or to enhance the propagation or survival of the wildlife species, except permits to possess legally obtained endangered species may be issued for educational purposes which enhance the survival of that species. [Eff and comp] (Auth: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-6, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6)

§13-124-13 Penalty. (a) Any person who violates any of the provisions of this subchapter shall be guilty of a misdemeanor and shall be punished as follows:

- (1) For a first offense by a fine of not less than \$250 or by imprisonment of not more than one year, or both; and
- (2) For a second or subsequent offense within five years of a previous conviction by a fine of not less than \$500 or by imprisonment of not more than one year, or both.

(b) In addition to the above penalties, except for violations under approved habitat conservation plans under section HRS 195D-21 or approved safe harbor agreements under section HRS 195D-22 as determined by the board, a fine of \$5,000 for each specimen of a threatened species and \$10,000 for each specimen of an endangered species intentionally, knowingly, or recklessly killed or removed from its original growing location, shall be levied against the convicted person.

(c) The disposition of fines collected for violations of the provisions concerning wildlife conservation shall be subject to HRS 183D-10.5.

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(d) Except as otherwise provided by law, the board or its authorized representative by proper delegation is authorized to set, charge, and collect administrative fines or bring legal action to recover administrative fees and costs as documented by receipts or affidavit, including attorneys' fees and costs, or bring legal action to recover administrative fines, fees, and costs, including attorneys' fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of this chapter. The administrative fines shall be as follows:

- (1) For a first violation, a fine of not more than \$2,500;
- (2) For a second violation within five years of a previous violation, a fine of not more than \$5,000; and
- (3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$10,000.

(e) In addition, an administrative fine of up to \$5,000 may be levied for each specimen of wildlife or plant taken, killed, injured, or damaged in violation of this chapter.

(f) Any criminal action against a person for any violation of this chapter shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of this chapter shall not be deemed to preclude the State from pursuing any criminal action against that person.

(g) Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by HRS section 199-7 and chapter 712A. [Eff and comp] (Auth: HRS §§195D-3, 195D-4, 195D-6, 195D-7, 195D-8, 195D-9, 199-7, 712A-4, 712A-6) (Imp: HRS §§195D-3, 195D-4, 195D-6, 195D-7, 195D-8, 195D-9, 199-7, 712A-4, 712A-6)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to and compilation of chapter 124, title 13, Hawaii Administrative Rules Regulating Indigenous Wildlife, Endangered and Threatened Wildlife, Injurious Wildlife, Introduced Wild Birds, and Introduced Wildlife on the Summary Page dated _____ were adopted on _____ following public hearings held on March 27, 28, and April 1, 2, 3, 4 and 5 after public notice was given on February 17, 2013, in the Sunday editions of The Honolulu Star-Advertiser, The Garden Island, The Maui News, West Hawaii Today, and Hawaii Tribune-Herald.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

WILLIAM AILA, JR
Chairperson of the Board
Land and Natural Resources

NEIL ABERCROMBIE
Governor
State of Hawaii

Date: _____

Approved as to form

Deputy Attorney General

**EXHIBIT 1 - Chapter 13-124
11/1/14**

List of Species of Indigenous Wildlife in Hawaii

Note: This list is demonstrative of this category but shall not be construed as exhaustive.

SCIENTIFIC NAME STATUS
COMMON NAME
HAWAIIAN NAME

- * Endemic to Hawaiian Islands
- X Breeding population
- R Regular migrant
- R+ Uncommon but regular sightings
- M Regular winter migrant
- O Considered extinct

Indigenous Reptiles

Careta careta Loggerhead Sea Turtle	R+
Chelonia myda agassizi Pacific Green Sea Turtle Honu	X
Dermodochelys coriacea schlegelii Pacific Leatherback Sea Turtle	X
Eretmodochelys imbricate bissa Pacific Hawksbill Turtle Ea	R+
Lepidochelys olivacea Olive (Pacific) Ridley Sea Turtle	R+
Pelamis platurus Yellow-bellied Sea Snake	R+

Indigenous Invertebrates

Achatinella spp. Oahu Tree Snails	* X
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Indigenous Birds

Acrocephalus familiaris familiaris Laysan Millerbird	* O
Acrocephalus familiaris kingi Nihoa Millerbird	* X
Anas acuta Northern Pintail Koloa māpu	M
Anas americana American Wigeon	M
Anas clypeata Northern Shoveler Koloa mohā	M
Anas laysanensis Laysan Duck	* X
Anas platyrhynchos Mallard Duck * Note that mallards are both migratory and introduced. Status of an individual will be determined as the need arises.	M
Anas wyvilliana Hawaiian Duck Koloa maoli	* X
Anous minutus melanogenys Black (Hawaiian, White-capped) Noddy Noio	X
Anous stolidus pileatus Brown (Common) Noddy Noio-kōhā	X
Arenaria interpres Ruddy Turnstone 'Akekeke	M
Asio flammeus sandwichensis Short-eared (Hawaiian) Owl Pueo	* X
Aythya affinis Lesser Scaup	M

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Branta sandvicensis Hawaiian Goose Nēnē	* X
Bulweria bulwerii Bulwer Petrel 'Ou	X
Buteo solitarius Hawaiian Hawk 'Io	* X
Calidris alba Sanderling Huna kai	M
Chaetoptila angustipluma Kioea	* O
Chasiempis ibidis Oahu 'Elepaio 'Elepaio	* X
Chasiempis sandwichensis Hawaii 'Elepaio 'Elepaio	* X
Chasiempis sclateri Kauai 'Elepaio 'Elepaio	* X
Chloridops kona Kona (Grosbeak) Finch	* O
Ciridops anna 'Ula-'ai-hāwane	* O
Corvus hawaiiensis Hawaiian Crow 'Alalā	* X
Diomedea immutabilis Laysan Albatross Mōlī	X
Diomedea nigripes Black footed Albatross Ka'upu	X
Drepanis funerea Black Mamo Hoa or Oo-nuku-umu	* O
Drepanis pacifica Hawaii Mamo	* O

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Mamo	
Fregata minor palmerstoni Great Frigatebird 'Iwa	X
Fulica alai American (Hawaiian) Coot 'Alae ke'oke'o	* X
Gallinula chloropus sandvicensis Common Moorhen (Hawaiian Gallinule) 'Alae 'ula	* X
Gygis alba rothschildi White (Fairy) Tern Manu o ku	X
Hemignathus lanaiensis Lanai Akialoa 'Akialoa	* O
Hemignathus ellisianus Oahu 'Akialoa 'Akialoa	* O
Hemignathus flavus Oahu 'Amakihi 'Amakihi	* X
Hemignathus kauaiensis Kauai 'Amakihi 'Amakihi	* X
Hemignathus lucidus affinus Maui Nuku pu'u Nuku pu'u	* X
Hemignathus lucidus hanapepe Kauai Nuku pu'u Nuku pu'u	* X
Hemignathus lucidus lucidus Oahu Nuku pu'u Nuku pu'u	* O
Hemignathus munroi 'Akiapōlā'au	* X
Hemignathus obscurus Hawaii 'Akialoa 'Akialoa	* O
Hemignathus parvus 'Anianiau (Lesser 'Amakihi)	* X

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'Anianiau	
Hemignathus sagittirostris Greater 'Amakihi	* O
Hemignathus stejnegeri Kauai 'Akialoa 'Akialoa	* X
Hemignathus virens virens Hawaii 'Amakihi 'Amakihi	* X
Hemignathus virens wilsoni Maui 'Amakihi 'Amakihi	* X
Heteroscelus incanus Wandering Tattler 'Ūlili	M
Himantopus mexicanus knudseni Black-necked (Hawaiian) Stilt Āe'o	* X
Himatione sanguinea 'Apapane	* X
Himatione sanguinea freethii Laysan Honeycreeper	* O
Loxioides bailleui Palila	* X
Loxops caeruleirostris Kauai 'Ākepa 'Akeke'e	* X
Loxops coccineus coccineus Hawaii 'Ākepa 'Akepeu'ie	* X
Loxops coccineus ochraceus Maui 'Ākepa 'Akepeu'ie	* X
Loxops coccineus rufus Oahu 'Ākepa 'Akepeu'ie	* O
Loxops mana Hawaii Creeper	* X
Melamprosops phaeosoma Po'ouli	* X
Moho apicalis	* O

Exhibit 3

Oahu 'Ō'ō 'Ō'ō	
Moho bishopi Molokai 'Ō'ō 'Ō'ō	* O
Moho braccatus Kauai 'Ō'ō 'Ō'ō'a'a	* X
Moho nobilis Hawaii 'Ō'ō 'Ō'ō	* O
Myadestes lanaiensis lanaiensis Lanai Thrush Oloma'o	* O
Myadestes lanaiensis rutha Molokai Thrush Oloma'o	* X
Myadestes myadestinus Kauai Thrush Kāma'o	* X
Myadestes oahuensis Oahu Thrush 'Amaui	* O
Myadestes obscurus Hawaii Thrush 'Oma'o	* X
Myadestes palmeri Small Kauai Thrush Puaiohi	* X
Numenius tahitiensis Bristle-thighed Curlew Kioea	M
Nycticorax nycticorax hoactli Black-crowned Night-heron 'Auku'u	X
Oceadroma castro cryptoleucura Band-rumped (Hawaiian, Harcourt) Storm- petrel 'Ake'ake	* X
Oceandroma tristrami Sooty (Tristram's) Storm-petrel	X

Exhibit 3

Oreomystis bairdi Kauai Creeper 'Akikiki	* X
Palmeria dolei Crested Honeycreeper 'Ākohekohe	* X
Paroreomyza flammea Molokai Creeper Kakawahie	* X
Paroreomyza maculata Oahu Creeper 'Alauwahio	* X
Paroreomyza montana montana Lanai Creeper 'Alauwahio	* O
Paroreomyza montana newtoni Maui Creeper 'Alauwahio	* X
Phaethon lepturus dorotheae White-tailed Tropicbird Koa'e kea	X
Phaethon rubricuada rothschildi Red-tailed Tropicbird Koa'e 'ula	X
Pluvialis dominica Lesser (Pacific, American) Golden Plover Kōlea	M
Pluvialis squatarola Black-bellied Plover	M
Porzana palmeri Laysan Rail	* O
Porzana sandwichensis Hawaiian Rail Moho	* O
Procelsterna cerulea saxatilis Blue-gray Noddy	X
Pseudonestor xanthophrys Maui Parrotbill	* X
Psittirostra psittacea 'Ō'ū	* X
Pterodroma hypoleuca hypoleuca	X

Exhibit 3

Bonin Petrel	
Pterodroma sandwichensis Hawaiian Petrel 'Ua'u	* X
Puffinus nativitatis Christmas Shearwater	X
Puffinus newelli Newell's Shearwater 'A'o	* X
Puffinus pacificus chlororhynchus Wedge-tailed Shearwater 'Ua'u kani	X
Rhodacanthis flaviceps Lesser Koa Finch	* O
Rhodacanthis palmeri Greater Koa Finch Hopue	* O
Sterna fuscata oahuensis Sooty tern 'Ewa'ewa	X
Sterna lunata Gray-backed Tern Pakalakala	X
Sula dactylatra personata Masked (Blue-faced) Booby 'Ā	X
Sula leucogaster plotus Brown Booby 'Ā	X
Sula sula rubripes Red-footed Booby 'Ā	X
Telespiza cantans Laysan Finch	* X
Telespiza ultima Nihoa Finch	* X
Vestiaria coccinea 'I'iwi	* X

Exhibit 3

SCIENTIFIC NAME STATUS
 COMMON NAME
 HAWAIIAN NAME

- * Endemic to Hawaiian Islands
- X Breeding population
- R Regular migrant
- R+ Uncommon but regular sightings
- M Regular winter migrant
- O Considered extinct

Indigenous Mammals

Balaenoptera acutorostrata Minke Whale	M
Balaenoptera physalus Fin Whale	R+
Feresa attenuata Pygmy Killer Whale	R
Globicephala macrorhynchus Pilot Whale	R
Kogia breviceps Pygmy Sperm Whale	R+
Lasiurus cinereus semotus Hawaiian (Hoary) Bat 'Ope'ape'a	* X
Megaptera novaengliae Humpback Whale Koholā	M
Mesoplodon densirostris Densebeaked Whale	R+
Monachus schauinslandi Hawaiian Monk Seal 'Īlio-holo-i-kauaua	* X
Orcinus orca Killer Whale	R+
Peponocephala electra Melon-headed Whale	R
Physeter catodon Sperm Whale	M

Exhibit 3

Palaoa, Koholā kepama	
Pseudorca crassidens False Killer Whale	R
Stenella attenuate Spotted Dolphin Nai'a	X
Stenella coeruleoalba Striped Dolphin	R+
Stenella longirostris Spinner Dolphin Nai'a	X
Steno bredanensis Rough-toothed Dolphin Nai'a	X
Tursiops gilli Pacific Bottlenose Dolphin Nai'a	X

**EXHIBIT 2 - Chapter 13-124
11/1/14**

List of Species of Endangered Wildlife in Hawaii

SCIENTIFIC NAME	PORTION OF RANGE
COMMON NAME	WHERE ENDANGERED
HAWAIIAN NAME	

Endangered Birds

Acrocephalus familiaris kingi Nihoa Millerbird	Entire
Anas laysanensis Laysan Duck	Entire
Anas wyvilliana Hawaiian Duck Koloa-maoli	Entire
Asio flammeus sandwichensis Short-eared (Hawaiian) Owl Pueo	Oahu
Branta sandvicensis Hawaiian Goose Nēnē	Entire
Buteo solitarius Hawaiian Hawk 'Io	Entire
Chasiempis ibidis Oahu Elepaio	Entire
Corvus hawaiiensis Hawaiian Crow 'Alalā	Entire
Fulica alai Hawaiian Coot 'Alae ke'oke'o	Entire
Gallinula chloropus sandvicensis Common Moorhen (Hawaiian Gallinule)	Entire

Exhibit 3

'Alae'ula	
Hemignathus lucidus affinis Maui Nuku pu'u Nuku pu'u	Entire
Hemignathus lucidus hanapepe Kauai Nuku pu'u Nuku pu'u	Entire
Hemignathus munroi 'Akiapōlā'au 'Akiapōlā'au	Entire
Hemignathus stejnegeri Kauai 'Akialoa 'Akialoa	Entire
Hemignathus virens wilsoni Maui 'Amakihi 'Amakihi	Lanai
Himantopus mexicanus knudseni Black-necked (Hawaiian) Stilt Āe'o	Entire
Loxioides bailleui Palila Palila	Entire
Loxops caeruleirostris Kauai Akepa Akekee	Entire
Loxops coccineus coccineus Hawaii 'Akēpa 'Akepeu'ie	Entire
Loxops coccineus ochraceus Maui 'Akēpa 'Akepeu'ie	Entire
Melamprosops phaeosoma Po'ouli Po'ouli	Entire
Moho braccatus Kauai 'Ō'ō 'Ō'ō 'a'a	Entire
Myadestes lanaiensis rutha	Entire

Exhibit 3

Molokai Thrush Oloma 'o	
Myadestes myadestinus Kauai Thrush Kāma 'o	Entire
Myadestes palmeri Small Kauai Thrush Puaiohi	Entire
Oceanodroma castro Band-rumped Storm-petrel 'Ake 'ake	Entire
Oreomystis bairdi Kauai Creeper Akikiki	Entire
Loxops mana Hawaii Creeper	Entire
Palmeria dolei Crested Honeycreeper 'Ākohekohe	Entire
Paroreomyza flammea Molokai Creeper Kakawahie	Entire
Paroreomyza maculata Oahu Creeper 'Alauahio	Entire
Phoebastria albatrus Short-tailed Albatross	Entire
Pseudonestor xanthophrys Maui Parrotbill	Entire
Psittirostra psittacea 'Ō 'ū 'Ō 'ū	Entire
Pterodroma sandwichensis Hawaiian Petrel 'Ua 'u	Entire
Telespiza cantans Laysan Finch	Entire
Telespiza ultima Nihoa Finch	Entire
Vestiaria coccinea	Oahu, Lanai, Molokai

Exhibit 3

'I'iwi	
'I'iwi	

Endangered Mammals

Balaenoptera physalus Fin Whale	Entire
Lasiurus cinereus semotus Hawaiian (Hoary) Bat 'Ōpe'ape'a	Entire
Megaptera novaeangliae Humpback Whale Koholā	Entire
Monachus schauinslandi Hawaiian Seal 'Īlio holo I kauaua	Entire
Physeter catodon Sperm Whale Palaoa, Koholā kepama	Entire
Pseudorca crassidens False Killer Whale	Entire

Endangered Reptiles

Dermodochelys coriacea schlegelii Pacific Leatherback Sea Turtle	Entire
Eretmodochelys imbricata bissa Pacific Hawksbill Sea Turtle Ea	Entire

Endangered Invertebrates

Achatinella spp. Oahu (Achatinella) Tree Snails	Entire
Adelocosa anops Kauai cave spider Pe'e pe'e maka'ole	Entire
Drosophila aglaia	Entire
Drosophila differens	Entire
Drosophila digressa Hawaiian picture-wing fly	Entire

Exhibit 3

Drosophila hemipeza	Entire
Drosophila heteroneura	Entire
Drosophila montgomeryi	Entire
Drosophila musaphilia	Entire
Drosophila neoclavisetae	Entire
Drosophila obatai	Entire
Drosophila ochrobasis	Entire
Drosophila sharpi Hawaiian picture-wing fly	Entire
Drosophila substenoptera	Entire
Drosophila tarphytrichia	Entire
Manduca blackburni Blackburn's sphinx moth	Entire
Megalagrion leptodemas Crimson Hawaiian Damselfly	Entire
Megalagrion nesiotes Flying Earwig Hawaiian Damselfly	Entire
Megalagrion nigrohamatum nigrolineatum Blackline Hawaiian Damselfly	Entire
Megalagrion oceanicum Oceanic Hawaiian Damselfly	Entire
Megalagrion pacificum Pacific Hawaiian Damselfly	Entire
Newcombia cumingi Newcomb's tree snail	Entire
Partulina semicarinata Lanai tree snail	Entire
Partulina variabilis Lanai tree snail	Entire
Spelaeorchestia koloana Kauai Cave Amphipod	Entire
Vetericaris chaceorum Anchialine pool shrimp	Entire

**EXHIBIT 3 - Chapter 13-124
11/1/14**

List of Species of Threatened Wildlife in Hawaii

Note: This list is demonstrative of this category but shall not be construed as exhaustive.

SCIENTIFIC NAME	PORTION OF RANGE
COMMON NAME	WHERE THREATENED
HAWAIIAN NAME	

Threatened Birds

Gygis alba White Tern Manu o ku	Oahu
Puffinus newelli Newell's Shearwater 'A'o	Entire

Threatened Reptiles

Chelonia mydas agassizi Pacific Green Sea Turtle Honu	Entire
Lepidochelys olivacea Olive (Pacific) Ridley Sea Turtle	Entire
Threatened Reptiles Careta careta Loggerhead Sea Turtle	Entire

Threatened Invertebrates

Erinna newcombi Newcomb's snail	Entire
Drosophila mulli	Entire

EXHIBIT 4 - Chapter 13-124**11/1/14****Introduced Wild Birds Other than Game Birds Which Have
Become Established in the Wild**

Note: This list is demonstrative of this category but shall not be construed as exhaustive.

SCIENTIFIC NAME	COMMON NAME
ALAUDIDAE	LARKS
<i>Alauda arvensis</i>	Eurasian Skylark
ANATIDAE	GEESE, DUCKS
<i>Anas platyrhynchos</i> * Note that mallards are both migratory and introduced. Status of an individual will be determined as the need arises.	Mallard
ARDEIDAE	HERONS
<i>Bubulcus ibis</i>	Cattle egret
CARDINALIDAE	TANAGERS, GROSBEAKS, ETC.
<i>Cardinalis cardinalis</i>	Northern Cardinal, North American or Kentucky Cardinal
COLUMBIDAE	DOVES
<i>Columba livia</i>	Rock Dove, Common Pigeon, Domestic Pigeon
CETTIDAE, MUSCICAPIDAE & TIMALIIDAE	BUSH-WARBLERS, THRUSHES, ETC
<i>Cettia diphone</i>	Japanese Bush-Warbler, Uguisu
<i>Copsychus malabaricus</i>	White-rumped Shama, Shama Thrush

Exhibit 3

Garrulax pectoralis	Greater Necklaced Laughing-thrush
Garrulax caerulatus	Gray-sided Laughing-thrush
Garrulax canorus	Melodius Laughing-thrush, Chinese Thrush, Hwamei
Leiothrix lutea	Red-billed Leiothrix, Pekin Nightingale, Japanese Hill- robin

ESTRILDIDAE	WAXBILLS, MANNIKINS
Uraeginthus bengalus	Red-cheeked Cordonbleu
Etrilda caerulescens	Lavender Waxbill
Estrilda melpoda	Orange-cheeked Waxbill
Estrilda troglodytes	Black-rumped Waxbill, Red-eared Waxbill
Estrilda astrild	Common Waxbill
Amandava amandava	Red Avadavat, Strawberry Finch, Red Munia
Lonchura cantans	African Silverbill
Lonchura punctulata	Nutmeg Mannikin, Ricebird, Spotted Munia
Lonchura malacca	Chestnut Munia or Mannikin, Black-headed Mannikin or Munia
Padda oryzivora	Java Sparrow

EMBERIZIDAE	SPARROWS, ETC.
Tiaris olivaceus	Yellow-faced Grassquit
Sicalis flaveola	Saffron Finch

FRINGILLIDAE	FINCHES
Haemorhous mexicanus	House Finch, Linnet
Serinus mozambicus	Yellow-fronted Canary, Green Singing-Finch
Serinus canaria	Island Canary, Common Canary

Exhibit 3

ICTERIDAE	MEADOWLARKS, ETC.
<i>Sternella neglecta</i>	Western Meadowlark
MIMIDAE	MOCKINGBIRDS
<i>Mimus polyglottos</i>	Northern Mockingbird
PASSERIDAE	OLD WORLD SPARROWS
<i>Passer domesticus</i>	House Sparrow, English Sparrow
PSITTACIDAE	PARAKEETS
<i>Psittacula krameri</i>	Rose-ringed Parakeet
<i>Amazona viridigenalis</i>	Red-crowned Amazon
<i>Aratinga mitrata</i>	Mitred Conure
<i>Aratinga erythrogenys</i>	Red-masked Conure
PYCNONOTIDAE	BULBULS
<i>Pycnonotus cafer</i>	Red-vented Bulbul
<i>Pycnonotus jocosus</i>	Red-whiskered Bulbul
STURNIDAE	STARLINGS, MYNAS
<i>Acridotheres tristis</i>	Common myna
THRAUPIDAE	CARDINALS, ETC.
<i>Paroaria coronata</i>	Red-crested Cardinal, Brazilian Cardinal
<i>Paroaria capitata</i>	Yellow-billed Cardinal
TYTONIDAE	BARN OWLS
<i>Tyto alba</i>	Barn Owl
ZOSTEROPIDAE	WHITE-EYES
<i>Zosterops japonicus</i>	Japanese White-eye, Mejiro

EXHIBIT 5 - Chapter 13-124

11/1/14

List of Species of Injurious Wildlife in Hawaii

SCIENTIFIC NAME

COMMON NAME

BIRDS

Bubulcus ibis	Cattle egret
All species in the family CETTIIDAE and associated allies	Warblers
All species in the family COLUMBIDAE. Except the domesticated races of pigeons listed in HAR section 4-71-2, Columba domestica and Columba livia	Doves and pigeons
Lonchura malacca	Mannikin or Munia, Black-headed (Chestnut Mannikin)
All species in the family MUSCICAPIDAE	Old World Flycatchers
Padda oryzivora	Sparrow, Java (Java Rice Finch)
All species in the family PSITTACIDAE	Parrots
All species in the family PYCNONOTIDAE	Bulbuls
All species in the family STURNIDAE	Starlings
All species in the family TIMALIIDAE	Old World Babblers
Tyto alba	Barn Owl
All species in the family ZOSTEROPIDAE	White eyes

AMPHIBIANS/REPTILES

All species in Family Agamidae	Agamid Lizards
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Exhibit 3

All species in Family Anguidae	Anguid Lizards
All species in the genus Anolis	Lizards, Anole
All species in the Order Anura	Frogs
All species in the Family Chamaeleonidae	Chameleons
Gekko gekko	Gecko, Tokay
All species in the Family Iguanidae	Iguana, Green
All species in the genus Phelsuma	Gecko, Day
All Species in Family Scincidae	Skinks
All species in the suborder Serpentes, except Ramphotyphlops braminus and Pelamis platurus	All snakes
All species in Family Teiidae	Whiptails and Tegus
All species in the Order Testudines	All freshwater turtles and tortoises
All species in the subfamily VARANOIDEA	Monitor lizards and Gila monsters

INVERTEBRATES

Achatina fulica	Snail, Giant African
Aethina tumida	Small hive beetle
Apis cerana	Asian honeybee
Apis mellifera scutellata	Africanized honeybee
Corbicula fluminea	Clam, Asiatic
Darna pallivitta	Nettle caterpillar

Exhibit 3

Euglandina rosea	Snail, Cannibal
Gonaxis kibweziensis	(no common name)
Helix aspersa	Snail, European brown
Hypothenemus hampei	Coffee berry borer
Oryctes rhinoceros	Coconut Rhinoceros Beetle
All species in the genera: Pomacea, Pila, and Cipangopaludina	Snails, Apple
Solenopsis invicta	Red imported fire ant
Wasmannia auropunctata	Little fire ant
Varroa destructor	Varroa mite

MAMMALS

Small Indian Mongoose	Herpestes javanicus
Even-toed ungulates, except for game mammals identified pursuant to chapter 123	All species in the order ARTIODACTYLA (with paraxonic feet)