

EXHIBIT 1: Summary of comments received by issue, department response, and recommended changes to the proposed rule change based on the comments received.

Key to acronyms

ADA: American Disabilities Act
ATV: All Terrain Vehicle
DLNR: Department of Land and Natural Resources
FR: Forest Reserve
GMA: Game Management Area
HAR: Hawaii Administrative Rules
HRS: Hawaii Revised Statutes
NARS: Natural Area Reserve System
PHA: Public Hunting Area
PTA: Pohakuloa Training Area

Item

- 1. Proposed amendments to the conditions for game mammal hunting that set bag limits, seasons, and days, as identified in §13-123-4 and exhibits referenced therein.**

Comments

Forty-eight (48) letters were received in which the comments included the statement that the hunting rules are too restrictive and that bag limits, seasons, and days should be less restrictive in some or all public hunting areas. The comments assert that restrictions should be more liberal in order to reduce damage to natural resources caused by the game mammals.

Six recorded comments and seven letters (including one with 15 attached signatures) (27 in all) were received commenting that rule changes should not be made that reduce hunting restrictions. The comments assert that reducing the restrictions will reduce the availability of game mammals for hunting.

One comment suggested that the conditions should be based on field data on game populations.

Department Response

The department recognizes that conditions for game mammal hunting should be non-restrictive in areas designated for protection. The proposed rule changes reflect this need through the proposed changes to the NARS and other areas. The department recognizes that these changes do not encompass all of the sensitive

areas managed by the department and that changes to the conditions may be warranted for other areas, but recommends that the proposed changes be adopted and that the department conduct additional analyses to determine which additional areas warrant further changes.

The department recognizes the need to set conditions to enhance yield in areas where sustainable harvest of game mammals is the management goal. In those areas, any changes to conditions are proposed in order to increase yield. In areas where control of game mammals is the management goal, the proposed changes are meant to increase game mammal harvest for natural resource protection, consistent with the department's statutory mandates for the protection of natural resources.

The department concurs that adjusting conditions for the hunt based on current game population data would likely improve success in achieving management goals, however, this is not the intent of the subject proposed rule revision nor is it practical. If conditions are to be set based on data each year, the department would need to be able to make the changes to the conditions in a matter of weeks or months. This is not possible. Rule changes take months or years to complete. The department acknowledges the dilemma: wildlife statutes require that changes in seasons, bag limits, and days be done by rule, yet this is not timely or practical. The department supports changes to the wildlife statutes that would enable quicker changes to conditions based on data. In the meantime, the rules must set conditions without up-to-date field data. The department notes that permits may be issued to control game animals in areas when and where that is needed.

Recommended amendments

None.

2. Hunting dogs, animal welfare, public safety, restraint, limits on numbers, liability

Comments

The department received 59 comments concerning the use of dogs for hunting. Most comments were directed at restricting or eliminating the use of dogs out of concern for public safety or animal welfare. Testimony regarding hunting dogs included complete opposition to all uses of dogs for hunting, concerns about liability, as well as recommendations for requirements including proper training for dogs and hunters, certification of hunter proficiency with dogs, a limited number of dogs, required collars, required registration of dogs, two forms of ID for each hunter with dogs, two forms of ID for each hunting dog (microchip & collar), and required vaccinations. Three (3) letters said hunting dogs should be better trained. One urged that certain types of training be banned, two commented that dogs should be used only for tracking and should be supervised

by hunters at all times, that killing of pigs should be done not by the dogs but by trained hunters.

Seven letters suggested clarifications on the conditions under which dogs may be released from physical restraint, noting that actual hunting can only occur in the hunting area and not near or outside the hunting area, and cannot occur once the game limit has been bagged. Four (4) people provided very similar text in their letters on this issue: “Hikers and hunters will have different opinions about what the following rule means: ‘The dog shall be under control at all times and physically restrained except when actively in pursuit of game.’ To a hunter, this means dogs must be restrained until they are within the hunting unit. . . . To a hiker mandated by law to have their dog on a leash, the rule means that a hunting dog should be leashed until the game mammal is in sight. Any hunter or wildlife manager knows that this would result in far fewer catches of game mammals, resulting in serious impact to Hawai‘i’s watersheds, freshwater sources, native plants, and wildlife as well as threats to humans and impacts to public and private land from encroaching and exploding wildlife populations.”

One other person said that a pack of hunting dogs cannot as a practical matter be “physically restrained” unless they are loaded for transport: “Actively in pursuit of game is indefinable and therefore unenforceable.”

Eleven (11) comments, including one letter with 15 signatures attached, said that hunting dogs should be required to have ID on them. Most commenters suggested that hunting dogs should have both a microchip and a dog tag, for the safety of the animal and/or because lost, unidentified dogs can be dangerous or a burden to communities and natural resources, including wildlife refuges. Three (3) of these comments also suggested that hunting dog ID tags should be registered with DLNR, Animal Control, and/or the Humane Society. One letter commented on vaccinations: hunting dogs should be current on vaccinations, especially against heartworm, and regularly seen by a veterinarian for internal parasites because hunters are not required to pick up after their dogs.

Seven (7) letters, including one with 15 attached signatures, were received indicating that hunting dogs should be limited in number. Most of these opposed the practice of dog-knife hunting with unlimited numbers of dogs. Most also specifically requested limiting the number of dogs to two per hunter and four per hunting party.

Some comments opposed any new or additional controls over hunting dogs since this will result in fewer pigs caught, and greater environmental damage from and problems caused by pigs. In addition, stricter enforcement of hunting dog rules would result in demands for greater enforcement of leash laws of non-hunting dogs on trails. One comment suggested that hunters need more than two dogs per hunter or four per hunting party as a safety issue because pigs can be dangerous.

Department Response

The department recognizes that the use of dogs may conflict with other public use activities in some areas, particularly on Oahu where population densities are highest. For this reason, the use of dogs for hunting is prohibited in certain areas.

With regard to banning the use of dogs for hunting, the department notes that this is a traditional activity in Hawaii and does not recommend that it be banned.

With regard to registration, identification, and vaccinations, the department concurs that hunting dogs should be registered, carry some form of identification, and should receive appropriate veterinary care that includes vaccinations for known canine pathogens. The department also notes that each county maintains ordinances for the ownership, care, and handling of dogs and it is the position of the department that any and all such regulations should be followed by hunters using dogs, with the exception that hunting dogs may be released from physical restraint when in a PHA, excluding any safety zones or closed areas, and when actively in pursuit of game. The department does not wish to duplicate existing laws or create additional administrative procedures for the regulation of dogs beyond the effective ordinances already codified. The department notes that the proposed rules require that dogs be physically restrained except when in active pursuit of game and notes further that, by definition, this may occur only inside a legal public hunting area, and not, for example, en route to the hunting area. However, the department concurs that revisions to the rules are needed to clarify when and where dogs may be released from physical restraint.

With regard to limiting the number of dogs per hunter and dogs per party, the department concurs that such regulations are prudent for areas where significant conflicts with other recreational uses are likely to occur.

Recommended amendments

The department recommends the following amendments to address the comments provided on this issue: 1) that the definitions of hunter and hunting in sections 13-123-2 and 13-122-2 be amended to clarify that both require compliance with the hunting rules, thereby restricting the release of dogs from physical restraint to areas in which active hunting is legally allowed; 2) that “dog identification” be defined in sections 13-123-2 and 13-122-2; 3) that sections 13-123-22(3) and 13-122-12(g) be amended to require that hunting dogs wear dog identification at all times; 4) that “strict” liability cited in sections 13-123-22(3)(D) and 13-122-12(g)(2) be restored for any actions, injuries, or damages caused by dogs; 5) that the phrase “while in a hunting area” be struck from sections 13-123-22(3)(D) and 13-122-12(g)(2) to be clear that liability does not end at the boundary of the PHA for actions taken by a hunting dog, and 6) that the rules explicitly require in sections 13-123-22 (3) and 13-122-12 (g) that dogs be restrained in safety zones and closed areas.

Hunting tag and application fees, wildlife conservation stamps, and game bird stamps

Comments

Thirteen (13) people commented in support of hunting license fees in general or said that hunting license fees should be reestablished or increased. One of the commenters specified this should include both residents and non-residents. Most added that hunting-related fees should be used for game management only and should not go to the General Fund. Comments pointed out historical hunter support for conservation and wildlife management, the Pittman-Robertson Act, and a drop in services since fees were cut.

Nine (9) other people (one representing 25 hunting club members) commented unfavorably on any increase in fees, stating either that past fees did not result in visible hunting services, or that it is unfair for hunters to be the only paying users of multiple-use areas.

Many of the comments related to fees mentioned a lack of game management, with some people tying lack of services to a lack of fees or funds, and some simply saying that the department does not manage game.

The department also received comments from hunters on Lanai suggesting that the fees for Lana'i be increased. Following the close of the comment period, Castle and Cooke conducted a survey of over 842 hunters passing through check stations and documented very strong support for increasing application and tag fees on Lāna'i (79% for increasing the axis deer tag and 75% for increasing the mouflon tag) for use in managing those hunts, and the wildlife habitat and hunting infrastructure in the public hunting areas of Lāna'i. Subsequent to that, the department held a series of public meetings on Lāna'i to discuss the potential increase in fees and found strong support among the Lāna'i residents for a fee increase.

Department Response

The fees that are proposed are the same as the fees that were charged prior Appellate Court ruling of December 31, 2007. Those fees are essential to maintain basic services for the public hunting program, including habitat management, population surveys, data collection, and program administration. The fees also provide essential matching funds for federal grants that support the program. All of the fees charged are deposited into the Wildlife Revolving Fund and used to support the department's public hunting program. It is the policy and practice of the department that all such funds shall be used for the primary benefit of game birds, game mammals, and the operation of the hunting program. The department submits reports annually to the state legislature on the status of the

fund and provides documentation on the fund's revenue and expenditures. The 2014 Wildlife Revolving Fund report is available online at www.dlnr.hawaii.gov/reports/ under "Reports to the Legislature" for the Dept. of Land and Natural Resources.

The department appreciates the suggestion that non-hunter users should pay fees for the use of PHAs, but notes that that issue is relevant to the rules that regulate those lands and activities, and is not a matter for the hunting rules.

The department appreciates the comments suggesting an increase in the fees for Lanai and proposes increases consistent with levels discussed at the public meetings on Lanai in which support was voiced for the increase.

Recommended amendments

Increase fees for Lanai in chapter 13-123, Exhibit 13 as follows:

Mouflon sheep season application:	from \$5 to \$10.
Mouflon sheep resident tag:	from \$10 to \$20.
Mouflon sheep nonresident tag:	from \$50 to \$125.
Axis deer season application:	from \$5 to \$10.
Axis deer resident tag:	from \$10 to \$20.
Axis deer nonresident tag:	from \$50 to \$125.

- 3. Proposed amendments to §13-123-21.1 and §13-122-11.9 that authorize the board or its authorized representative to temporarily close a public hunting area to address threats to natural resources or public safety, or to comply with landowner agreements.**

Comments

Eleven (11) letters supported this change. One of these supporting letters suggested modifying the rule change to allow closures for non-imminent threats and to control game mammals.

Two (2) letters (one representing 25 hunting club members, for a potential of 26 persons) opposed the changes to temporary closures rules, except under immediately dangerous conditions or with Land Board approval and with prior notice. One (1) letter commented that the authority to close public hunting areas should not be delegated by the board.

Department Response

The Department concurs that provisions to close certain areas are needed to protect public safety and natural resources. However, the department recognizes that such closures should only be made when necessary for these ends, and that it

is reasonable that any such closure must be approved by the board, and may be for a period not to exceed six months. The department notes also that the rules that regulate the use of PHAs may contain certain provisions related to closures that are appropriate for those designations. The department also concurs that this proposed provision should be written in a manner that ensures that it is applicable to both imminent and non-imminent threats, and should include threats from game mammals.

With regard to the delegation of authority to close areas, the Department recommends that the amendments remain as proposed, and that the board make the determination at a later time, as to whether it is inclined to delegate the authority or retain it. This proposed rule is consistent with similar provisions found in the Rules Regulating Wildlife Sanctuaries, Chapter 13-126, and the Rules Regulating Activities Within Natural Area Reserves, Chapter 13-209.

Recommended amendments

The Department proposes to amend sections 13-123-21.1 and 13-122-11.9 to provide temporary closure threats to natural resources and public safety.

4. Lack of flexibility in the hunting rules to allow for changes in weather, habitat or other factors affecting animal numbers.

Comments

Seven (7) letters, one with 15 signatures attached (for a potential of 21 persons), expressed concern that the rules do not allow for needed changes in bag limits or seasons in response to research or changing environmental or population conditions, including situations where animals could be hunted instead of lost to drought. Three (3) of these letters, including the one with 15 signatures attached (for a potential of 17 persons), specifically opposed removing the section in 122-4 and 123-4 that allows the board to add or change hunting restrictions and conditions. Comments cited the need for flexibility in hunting regulations as central to good game management practices. Some comments also suggested public procedures to be followed when such changes are proposed.

Department Response

The 2007 Appellate Court decision (Tanaka v. State of Hawaii Department of Land and Natural Resources, 175 P.3d 126, Haw. Ct. App. 2007) ruled that setting of fees, changes to size limits, bag limits, open and closed seasons, and specifications of hunting gear which may be used or possessed are subject to Chapter 91, HRS. Thus any such modifications to hunting conditions must be done through the formal rule change process. In the absence of an approved rule revision, the Department does not have the authority to make any such changes.

The court decision cited, in support of the decision, Chapter 183D-3 Rules (emphasis added):

§183D-3 Rules. Subject to chapter 91, the department shall adopt, amend, and repeal rules:

- (1) Concerning the preservation, protection, regulation, extension, and utilization of, and conditions for entry into wildlife sanctuaries, game management areas, and public hunting areas designated by the department;
- (2) Protecting, conserving, monitoring, propagating, and harvesting wildlife;
- (3) **Concerning size limits, bag limits, open and closed seasons, and specifications of hunting gear which may be used or possessed; and**
- (4) **Setting fees for activities permitted under this chapter, unless otherwise provided for by law.**

The rules may vary from county to county or in any part of the county and may specify certain days of the week or certain hours of the day in designating open seasons, except that any fees established by rule shall be the same for each county. All rules shall have the force and effect of law. [L 1985, c 174, pt of §4; am L 1988, c 12, §1]

Therefore, unless the above statute is amended, the department intends to adjust conditions and set fees through the chapter 91 rules process. The department does acknowledge the value of being able to change conditions in a timely manner, and has supported legislation to change the statute in past years, but no such legislation has passed.

Recommended amendments

None.

5. The addition of peafowl to the list of game birds

Comments

Seven (7) letters including one with 15 signatures attached (for a potential of 21), opposed adding peafowl as a game bird. Comments focused on peacocks in local tradition and cited the inappropriateness of peacocks as a game species and existing laws for dealing with nuisance birds. One letter also opposed giving the Board “carte blanche to add more birds to the list of birds allowed to be killed.” One additional letter merely suggested an appropriate bag limit (see “Take limits

and seasons for game birds in Chapter 122”). Individual nuisance birds may already be removed or relocated under current law by permit.

Department Response

The department acknowledges the unique aspects of peafowl and community perspectives on this species that place it at odds with use as a game bird species. The department concurs that peafowl should not be added as a game bird species at this time.

Recommended amendments

The department recommends that peafowl be removed from the proposed list of game bird species in section 13-122-6.

6. Lack of game management and game management planning

Comments

Three (3) comments, one representing 25 hunting club members (for a potential of 27 persons), emphasized this problem as a reason for questioning any hunting rules changes. “So I’m opposed to any rule changes until you folks have a designated plan that we agree to. . . . you need to tighten up on your game management or have some game management.” “. . . management of the actual game, and the habitat they are in, lacks professional, scientific, full-time oversight by State game biologists . . .” “There is no actual game management in the hunting program.”

Four (4) comments specifically mentioned the lack of a game management plan and how it affects the rule change process. “There needs to be a game management plan . . .and since I’ve come in `74 there’s never been one . . . With a plan I think everybody here would go ahead and increase fees. Until then why should I pay more money and get nothing for it. So I’m opposed to any rule changes until you folks have a designated plan that we agree to So you need to tighten up on your game management or have some game management.” In another comment, “. . .management of the actual game, and the habitat they are in, lacks professional, scientific, full-time oversight by State game biologists . . .” And “I am opposed to it [fee increases] as the way it’s written in the regulations because you have nothing planned that I can see about how you use this money.

Department Response

The department develops and revises an operational game management plan every five years as part of its program for the use of federal Wildlife Restoration funds. The plan is made available for public comment every five years. The department will also post the current plan (FYs 12-16) on the Division’s web page so that it

may be readily accessible to interested parties. The plan identifies objectives and specific tasks for each district and provides detailed budgets and schedules of activities. The department does also acknowledge the need for strategic and site specific management planning for game birds and mammals. Where sustained yield and game production is the goal, standardized population surveys, collection of harvest data, and protocols for seasons, bag limits, and days would likely improve hunting conditions. Management planning may also help to guide the development and improvement of techniques for habitat management, predator control, and population enhancement. These improvements may help to inform rule revisions in a manner that contributes to the enhancement of hunting opportunities. The department cautions, however, that it is restricted in its ability to use annual population information to adjust conditions for the hunt. These limitations are discussed in item 3 above.

The department also notes that the Endangered Species Act (1973, as amended, 16 U.S.C. § 1531-1543) prohibits the use of federal funds for activities that would adversely affect species listed as threatened or endangered, and state law (Chapter 195D, Hawai'i Revised Statutes) prohibits any actions that result in "take" of species that are listed as threatened or endangered by the state or federal government. Activities that increase the survival or reproductive success of game mammals that kill endangered plants may be considered take under those laws. Therefore, the department does not conduct management activities designed to increase the survival or reproductive success of game mammals in areas where those activities are likely to result in take of listed species, unless legal authorization for such activities has been obtained.

Finally, the department notes that many of the proposed rule revisions are for areas in which control of game mammals is the management goal, and for which enhancement of game mammal survival and reproductive success is inconsistent with state and federal laws and department management policy. For those areas, planning for sustainable management of game mammals is not appropriate. Game mammal management goals in those areas include efforts to enhance public hunting opportunities whenever safe, feasible, and effective. This is accomplished through the establishment of liberal hunting conditions, measures designed to increase access to the hunting areas, use of non-lethal efforts to remove game mammals from the area, and other efforts designed to enhance public harvest. The department's approach and methods for the control of game mammals in those areas is identified in Technical Report 07-01, "Review of Methods and Approach for Control of Non-native Ungulates in Hawaii" (March 1, 2007), which can be located at: www.dlnr/hawaii.gov/dofaw/publications .

Recommended amendments

None.

7. Unnecessary restrictions on firearms, archery equipment, and ammunition

Comments

Four (4) people (one representing 25 hunting club members) commented that specifications such as caliber, casing length, and barrel length unnecessarily restrict the firearms that can be used in game mammal hunting. One comment stated, for example, “It's okay to use a knife or spear to harvest a game animal and the state can set snares and shoot from aircraft, but if a hunter uses a firearm he must comply with endless limitations based on caliber, barrel length, cartridge length, projectile weight, powder charge and a measure of muzzle energy that collectively requires five pages of droning narrative to describe. All existing restrictive verbiage should be removed and replaced with the statement ‘Legal game mammal hunting weapon includes rifle, shotguns, hand guns, archery equipment, knives and spears.’ If somebody else wants to put restrictions in they should provide supporting justification.”

One person added that these restrictions appear to be unfairly imposed only on those hunting without dogs. Two people commented that crossbows should be allowed for all hunters, not only the disabled. One letter specifically supported the language against using crossbows except for disabled hunters with a valid permit. One letter opposed allowing disabled persons to use crossbows, because making it easy for some to kill animals goes against the concept that hunting is a fair sport. One person opposed the removal of any minimum draw pounds for bows. One person suggested that any minimum draw weight be removed.

Two people questioned the rationale for the limit on the number of firearms or archery devices carried and said this limit should be removed. Two of the aforementioned letters included examples of language used by other states. One person said he would like to be able to hunt with a shotgun wherever muzzleloader is allowed, and asked why this is prohibited. One person asked why you can't carry a handgun when bow hunting.

Department Response

The Department acknowledges that the section on firearms and ammunition, with and without dogs, is in need of review and potential revision. However, the proposed rule change did not identify any changes to firearms, archery equipment, and ammunition, with the exception of the proposed removal of the minimum archery draw weight, and the department has not specifically requested comments on that issue from public hunters. Given that the use of some minimum caliber ammunition capable of effectively dispatching game is an established practice in game management, and given that the department received comments expressing differing opinions about specific changes, the department prefers to defer any changes on this matter until further discussions can be conducted with affected constituents. With regard to the minimum draw weight for archery, the department concurs that a minimum draw weight may be a variable measure of

the actual kinetic energy imparted by a bow to an arrow but nevertheless finds it to be a reasonable index to ensure an effective kill and recommends that the minimum draw be 35 pounds.

Recommended amendments

None.

8. Year round hunt of spotted dove on private lands

Comments

That it is unfair to grant a season for spotted dove and barred dove on private land that is not available to hunters on public land. One comment was received, that “This unconscionable discriminatory perk should be removed in its entirety from Chapter 122 Exhibits 1, 3, 5, 7, 9, and 11.”

Department Response

This rule applies mainly as a means of using hunting to control spotted dove numbers, beyond the normal approximately three month game bird season. The rule was established to allow private landowners to control spotted doves in cases where they have become a problem, such as in agricultural lands where they may be crop pests. Spotted doves do not usually pose a similar problem in PHAs, therefore, the department does not propose to increase the season in PHAs.

Recommended amendments

None

9. Age of hunting license eligibility

Comments

Two (2) people argued that age 10 is too young for eligibility to enroll in the Hawaii Hunter Education class. A few comments objected to the change in eligibility, which would allow youths to enroll and pass the class, and then purchase the license the day of their 10th birthday or any time thereafter.

Department Response

In accordance with HRS 183D, which states that the Department shall set the age of hunting eligibility by rule, the department recommends that such an age be specified in the hunting rules. Most Western states, and many others, allow youth hunter applicants to pass a hunter education class whenever they are ready, and then purchase a license, with parental supervision, on their 10th birthday. The

department recommends that the age of 10 years be established for Hawaii, consistent with other states.

Recommended amendments

None

10. Cattle as a game animal

Comments

Eight (8) recorded comments and letters, including one letter with 15 signatures attached (for a potential total of 22), suggested that wild cattle be added as game mammals to be taken by hunters because cattle have the same impacts on natural resources that legal game species do. A number of additional comments summarized under “Game mammal take restrictions” mentioned that all wild/feral ungulates (which would include wild cattle) should have no take restrictions imposed except those relating to safety.

Department Response

The department acknowledges that feral cattle are present in many public hunting areas, however, most cattle are actively managed domestic animals, and establishment of cattle as a game mammal would create potential conflicts with cattle ranching and laws that protect stock. The Department concurs that cattle hunts are desirable and appropriate in some cases but must also take appropriate measures to ensure that animals being hunted are not escaped livestock that will soon be collected by their owners. In cases where feral cattle are present on public lands and due process under stock laws has been followed, the Department may and does allow special hunts for those animals.

Recommended amendments

None

11. Disabled hunters: definitions and permits

Comments

Four (4) letters expressed concerns about how the rules may define disabled hunters, and one of these included extensive comments about the content of permits. One of these letters opposed using federal ADA guidelines. One letter suggested having a low license fee for nonresident disabled veterans with 50% or greater disability: “I think he ought to pay the same thing we pay, \$10 or \$15, instead of \$95 for the nonresident license. California I believe charges \$6.” One

letter opposed any disabled hunting with crossbows, since it might lead to the killing of animals not otherwise susceptible to hunting.

Department Response

The proposed amendment was added to ensure compliance with federal ADA requirements under federal law. As proposed, the permits are free to all qualified holders. Allowing the use of cross bows for disabled hunters provides those individuals opportunities for archery in cases where conventional archery is not available to them. The department recommends that the proposed amendments for disabled permits and cross bows remain as proposed.

The department appreciates the suggestion to reduce fees for disabled hunters but prefers to defer any action on such a potential change until that proposal can be made available for public review and comment.

Recommended amendment

None

12. That the new language of Chapter 13-122-12(4) and Chapter 13-123-22(1)(D) now violates the 4th Amendment to the U.S. Constitution.

Comments

One person commented on 13-122-12(4), saying “Any search without reasonable suspicion is clearly a violation of federal protection afforded by the 4th Amendment of the United States Constitution ... Forcing consent by the mere signing of a hunting license, stamp, tag, or permit is therefore unconstitutional and must be deleted as a rule.”

Department Response

The harvest of game mammals and game birds is regulated under state law, specifically chapters 13-123 and 13-122. The issuance of a hunting license constitutes authorization to harvest species only in compliance with those state regulations. In providing that authorization, the state maintains that it has the responsibility to include special conditions as may be necessary to ensure that regulations are followed, and that resources are managed in a manner consistent with state law. The Attorney General recommended tightening up the language for these sections of 13-122 and 13-123.

Recommended Amendment

In order to limit consent for search, these sections of the game rules were modified to allow inspection only for “appropriate license, permit, stamp, and/or tag, hunting equipment, and type and amount of game”.

13. Issue: Night hunting

Comments

Two comments questioned why hunters cannot hunt at night. “Hunting rules for axis deer should allow controlled night hunting, because deer are most active at night. These deer can jump most fences and eat plants faster than they can regenerate. They are a threat to farmers on Maui now. I urge you to adopt new rules and effectively protect and preserve native Hawaiian animals and plants.” And “Big issue I have is not being able to hunt pigs at night, without you gotta use a light to hunt pigs, you can hunt raccoons and predator animals and everything across the whole United States, you can use head lamps. Here I’m not permitted to go out and use an artificial light? I don’t understand that. Most people grew up here hunting pigs at night using head lamps and flashlights. Why is it illegal? I’d like to see that law changed.”

Department Response

The department acknowledges that night hunting can be effective and provide an effective method for control of game mammals. Night hunting is prohibited for safety reasons; however, qualified individuals and contractors may request and receive permits that allow for hunting at night. The permit system allows for hunting at night when control of game mammals is desired, while providing for measures to increase public safety.

Recommended Amendment

None

14. Applicability of rules to private land and requirement of written permission to hunt on private lands.

Comments

Two comments were received, one suggesting the expansion of the rules to apply to private lands, and the other emphasizing written permission from landowners, that also be in a hunter’s possession at all times.

Department Response

Game birds are regulated on private lands in chapter 13-122. Historically, means of take, seasons, bag limits, and days have not been regulated by the department

for game mammals in Hawaii. Most game mammals are feral domestic stock. Although deer and mouflon have been introduced to some areas, the department prefers at this time to continue to allow landowners to control game mammals on their lands. However, the hunting of game mammals requires a hunting license (13-123-11).

The requirement of landowner permission to hunt on private lands is found in HRS 183D-26. Changes to law that would require that permission be written should be addressed there, rather than in this rule.

Recommended Amendment

None

15. Hunting with ATVs

Comments

One person asked why people cannot legally hunt with ATV's. "In some areas the roads are very bad. Some we can't even get in with regular vehicles. Maybe if people sign a liability waiver and charge the application fee for the hunting stamp, perhaps get a special license. It would be good for older people who can't walk. Why not propose some areas that we can use the ATV. It would help impacting the game too."

Department Response

Use of ATVs for transportation when hunting is not prohibited in the hunting rules for most PHAs. However, some PHAs hold land management designations that are regulated by rules that do prohibit the use of ATVs. For example, the use of vehicles that are not street-legal, such as unlicensed ATVs, is prohibited in state Forest Reserves (HAR 13-104-11(6)). Those prohibitions exist for the protection of the natural resources on those lands. Such provisions notwithstanding, the department does work with user groups, such as the Na Ala Hele advisory committees, to seek opportunities for the use of ATVs where appropriate. For example, the department recently developed a system to issue permits for the use of ATVs in certain areas of the Mauna Kea Forest Reserve.

Recommended Amendment

None

16. Procedure for selection of hunters

Comments

One person commented on the language in 13-122-5 “The board or its authorized representative will follow policies and procedures for the fair and equitable selection of eligible hunters including...(2) Telephone reservations; . . .” The comment suggested that telephone reservations as currently practiced are not fair and equitable because this favors hunters who have the option of sitting and dialing repeatedly until they get through to DLNR. A random selection method would be to put all callers into a pool and then select by drawing from the pool.

Department Response

Regarding fair and equitable selection via telephone reservations, the Department only rarely uses telephone reservations to select hunters and generally only for wildlife control permits. The department will make reasonable efforts to use other more equitable methods to issue permits for hunting, or methods that will allow a caller to leave a message on an automated system in cases where phone reservations are the best option. Shortages of staffing and funding do not always allow for a complete lottery for every special control effort. The department recommends leaving this option in the rule for cases where telephone reservations are the only practical method of assigning permits.

Recommended amendment

None

17. NARS not appropriate for game bird hunting

Comments

One comment argued that NARS are set aside and managed for their native resources, not for the alien organisms within them, including game birds. The risk of fire and unintended damage to native organisms by the act of hunting is not justified. The exclusion of NARS lands from the areas where game bird hunting is allowed will have negligible adverse impact on bird hunting opportunities.

Department Response

The department recognizes that the statutory purpose of the NARS does not include recreational game bird hunting. The proposed amendments remove the NARS on Oahu and Maui Nui from the public hunting areas. However, NARS remain conservation lands and public trust lands under the Hawaii State Constitution, and as such shall be managed for the benefit of the people of Hawaii. To the extent that game bird resources may be managed for public use in a manner that does not conflict with the statutory mission of the NARS, the department recommends that game bird hunting be allowed in the NARS on Kauai and Hawaii Island. Based on current information, game birds are not

known to have a negative impact on the management of the indigenous resources of the NARS, and provides an additional benefit of recreation to public land management. The department recommends that the NARS on Kauai and Hawaii Island remain open for bird hunting.

Recommended Amendment

None

18. Increasing Access and Available Land for Hunting

Comments

One comment expressed support for increasing lands available for hunting, “if there are no more effective means of controlling game mammals available on those lands.”

Department Response

The department concurs and maintains an active program to seek and establish new lands and opportunities for public hunting. We welcome assistance and support from hunters and landowners to identify opportunities. Currently the program is engaged in the development of several new parcels for hunting on Maui and Hawaii Islands.

Recommended Amendment

None

19. Non-hunters not wearing blaze-orange in a hunting area

Comments

One person stated specifically that everyone in a hunting area where firearms can be used should be required to wear blaze-orange, whether or not they are hunting. Other comments on allowing rifles in areas that are now archery-only mentioned a safety risk to hikers and bird watchers who do not wear blaze-orange.

Department Response

The department concurs that it is advisable for persons entering hunting areas during hunting days to wear safety orange. The department takes measures to advise persons that it is recommended that they wear safety orange in those cases through the use of signage at check stations and other appropriate locations. In addition, use of hunter orange is a general requirement on all permits issued for activities in areas where hunting is occurring. The department will continue to

evaluate the need for additional signage at appropriate locations and install signs where needed.

Recommended Amendment

None

20. Board member conflict of interest

Comments

One person suggested that board member Pacheco recuse himself from the decision on the rules due to potential conflict of interest with his business

Department Response

This comment was referred to the Board.

Recommended Amendment

None.

21. Verbiage on license

Comments

Comment that the license should not identify hunting as a “privileges”, rather, as a “right”.

Department Response

The department concurs that “privilege” is perhaps not the best choice of word for the intended purpose and will evaluate the license and revise the verbiage as appropriate.

Recommended Amendment

None.

22. Use of the term “archery”

Comments

That “bow and arrow” should be used in place of “archery”.

Department Response

The department finds that the term “archery” provides a concise and accurate description of the intended means of take.

Recommended Amendment

None.

23. Provisions for permits for scientific collection.

Comments

Opposed to the issuance of any such permits (for scientific collection).

Department Response

Authorization to issue permits for scientific collection of wildlife is provided in section 183D-5, HRS. The department evaluates all requests for permits under that section to determine whether the issuance of the permit serves the public benefit and is likely to enhance the status of wildlife resources.

Recommended Amendment

None.

24. Reference to “Forest Reserve”

Comments

That “forest reserve” should not be used.

Department Response

“Forest Reserves” are official designations created under state law (Chapter 183, HRS). It would be inappropriate and misleading to not use the official legal designation in an official state rule.

Recommended Amendment

None.

25. Movement of game mammals

Comments

That transport and release of game mammals should be prohibited in any area that could result in those animals entering public lands.

Department Response

The department concurs that the transport and release of game mammals into areas where they are not present, or areas that are designated for control of those animals, may negatively impact public natural resources and result in costly efforts to address impacts but prefers to address this issue in the rules for indigenous species, chapter 13-124.

Recommended Amendment

None.

26. Hunting safety

Comments

One comment suggested creating a new chapter to combine sections related to safety and safety zones.

Department Response

The department appreciates that amendments to sections related to safety could be organized differently, but prefers to study this alternative before proposing amendments.

Recommended Amendment

None.

27. Exclude native birds

Comments

One comment suggested the need to explicitly prohibit hunting of native birds.

Department Response

The department appreciates the comment but notes that take of native birds is already prohibited in chapters 183D and 195D, Hawaii Revised Statutes, and chapter 13-124, HAR and does not propose that any such prohibitions in 13-122 are necessary or appropriate.

Recommended Amendment

None.

28. Use of aircraft

Comments

That aircraft should not be used for hunting.

Department Response

Use of aircraft for hunting is prohibited in 13-123-22 (4)(B).

Recommended Amendment

None.

29. Deer

Comments

That the rules should address and regulate deer.

Department Response

The rules do address and regulate deer on Maui, Molokai, Lanai, and Kauai through the establishment of conditions for the hunt on each of those islands. Any deer encountered while hunting on Maui and Molokai may be taken without bag limits and without regard to sex. Conditions for deer hunting on Lanai are established in chapter 13-123.

Recommended Amendment

None.

30. Use of term “state-controlled lands”

Comments

That the use of the term “state-controlled lands” is inconsistent and confusing.

Department Response

The department concurs that the meaning of the term is unclear, and proposes to either define it in future rule revisions, or to remove all uses of the term and replace it with more clear references to ownership and/or management status.

Recommended Amendment

None.

31. Use of the term “hunter”

Comments

That the use of the term is inconsistent.

Department Response

The Department has amended the definition of “hunter” in both 13-123-2 and 13-122-2. All subsequent references to that term are as defined.

Recommended Amendment

None.

32. Use of terms “youth hunter, bag limit, season”.

Comments

Inconsistent use in bird and mammals rules.

Department Response

The department appreciates the comments and has amended the rules to ensure that the term is used in clear and consistent manner.

Recommended Amendment

None.

33. Use of ahupuaa system

Comments

That game on Molokai should be managed using the ahupuaa system, for subsistence, using the Aha Moku and Aha Kiole Management System.

Department Response

The department recognizes the use of game resources on Molokai and elsewhere for subsistence purposes, and the value of traditional methods and cultural practice for the management of natural resources in Hawaii, and is committed to work with communities to develop approaches consistent with those values. The department appreciates the role of the Aha Moku council in resource management, as identified in HRS 171-4.5, and intends to work with the council on specific management recommendations, including future recommendations that may warrant changes to these rules.

Recommended Amendment

None.

34. Canned hunting

Comments

One (1) person commented with the request to explicitly prohibit “canned” or captive hunting operations

Department Response

The department appreciates the intent of the comment to prohibit hunting of game in a manner that precludes fair chase. However, such a rule will be complicated by the fact that game mammals such as goats, sheep, and pigs are also commonly held as domestic stock by landowners and therefore not always clearly regulated under the wildlife hunting rules. The department prefers to explore this issue in detail before making any changes to the rules.

Recommended Amendment

None.

35. Wildlife Violator Compact

Comments

One (1) person commented to request allowing DLNR the (discretionary) authority to join/enter into the Interstate Wildlife Violator Compact

Department Response

The Department is amendable to exploring establishing the necessary legal authority to join this compact, but prefers to conduct an analysis of appropriate

approaches, including the need for enabling legislation, and ramifications, before doing so.

Recommended Amendment

None.

36. Wallabies

Comments

One (1) person commented that wallabies should not be hunted.

Department Response

The Department concurs and notes that such protection is afforded for PHAs by section 13-123-3 which allows hunting only as provided in these rules. The department concurs that protection should be afforded for other lands and notes that those provisions could be enacted in Chapter 13-124. The department intends to propose such changes in those rules.

Recommended Amendment

Amend section 13-123-12 to restore prohibition on hunting wallabies.

37. Mauna Kea as a GMA and Forest Reserve

Comments

One person commented that Mauna Kea cannot be both a FR and GMA.

Department Response

Forest Reserves and Game Management Areas are both permissible as multiple use pursuant to statute, thus the area can be both. In fact, the subject hunting unit has been designated as both: the Mauna Kea FR was so designated by Executive Order. In accordance with section 183D-4(b), the department designated the Mauna Kea FR as a GMA in 1999 when the Board approved Chapters 13-122 and 13-123.

Recommended Amendment

None.

38. Compliance with Hawaii Administrative Procedures Act (HRS Chapter 91)

Comments

One (1) person commented that exhibit maps were not in Ramseyer format.

Department Response

The Department has complied with procedures under HAPA is the Hawaii Administrative Procedures Act (HRS Chapter 91), including the use of Ramseyer format where required. Ramseyer format is not required for exhibits.

Recommended Amendment

None.

39. PTA lease and hunting requirements

Comments

One (1) person commented that the PTA leases require hunting in the area and remove bag limits.

Department Response

The PTA lease does not require hunting nor establish bag limits, but rather allows hunting in general.

“To the extent permitted by training requirements the Government will cooperate with the Lessor in the game development and hunting programs of the Lessor and, in connection therewith, the Government agrees that Parcels "A", "B" and "e" hereof **shall** remain available for the aforesaid programs of the Lessor and, further, that Parcels "B" and "c" and all that part of Parcel "A" which lies to the north of the Saddle Road **shall** be made exclusively available to the Lessor for hunting during the periods 1 July through 15 July and 1 December through 15 January and on national holidays from dawn to midnight and on weekends from midnight Friday through midnight Sunday during the periods 1 November through 30 November and 16 January through 31 January.”

Recommended Amendment

None.

40. Length of bird hunting season

Comments

1 person commented that if the bird hunting season was longer and more spread out, not limited to 2-1/2 months, it would be safer for all hunters: “The season as it is with just weekends and state holidays results in overcrowding of hunters.”

Department Response

The Department acknowledges the potential for extending bird hunting season further and will explore this possibility for the future. At this time, the preferred season duration is as shown in the draft rules.

Recommended Amendment

None.

41. Addition of Wednesdays and Thursdays to bird hunting season

Comments

Comments were in support and in opposition.

Department Response

The department conducted a survey of hunters and found that the majority of hunter supported adding Wednesdays and Thursdays to the seasons.

Recommended Amendment

None.

42. Bag limits and their justification for certain game bird species.

Comments

One comment questioned whether population data were used to establish bag limits for birds and suggested changes:

That melanistic pheasant should be added with a bag limit of 3; That allowing take of Kalij hens is not consistent with allowing take of other hens; Chukar limit should be 8 and gray and erkels francolin limits should be 3, black should be 6, and not combined; The fall wild turkey season should be tagged hunts as for the spring season, with fall seasonal bag limits of 3 turkeys of either sex per hunter. Additional tagged spring hunts for toms only should be continued as indicated, with similar 3-bird seasonal bag limits; Some hens exhibit beards, so the note in the table is not precisely correct, and appears condescending; Peafowl should also be tagged hunts with a season bag limit of 1 male bird per hunter. The stated allowance of 1 bird per hunter per day could adversely affect the currently available and huntable peafowl population; There is no longer any Gambel’s quail

on the island, so any references should be removed from the table; Exhibit does not state the number of spring turkey tags provided for the fee indicated.

Department Response

The department does conduct annual bird surveys in many hunting units. The results of those surveys are available in annual reports, however, it is not possible to use that data to adjust bag limits annually since any changes to bag limits must be done by rule change, and it is not practical to complete a rule change in the few months between the surveys and the hunt. Therefore, the bag limits are set at limits that are likely to be sustainable in most years.

Recommended Amendment

Melanistic Mutant (blue) pheasant bag limit on Oahu is set at three (3) cocks.

43. Muzzleloading shotguns as a fire hazard

Comments

One person wrote that these guns should not be allowed for game birds because of the fire hazard associated with discharged wadding materials: The vast majority of game birds are taken from dry habitats. Those desiring to shoot their muzzleloading shotguns should do so at clay pigeons in fire-safe locations instead.

Department Response

The Department appreciates concerns about fire risk and implements preventive measures to reduce the risk of fire, but is not aware of any increased risk due to muzzleloaders. If such a hazard does become evident, areas at risk may be closed or we will consider the necessary rules revisions.

Recommended Amendment

None.

44. Short-term hunting licenses for guided hunts on private game preserves without Hunter Ed certification

Comments

One letter asked about a potential problem with implementing HRS 183D-22(b)(3), which provides for short-term hunting licenses for guided hunts on private game preserves without Hunter Ed certification. The writer asked if there was an inadvertent failure to adopt the rules DLNR proposed during negotiations with Hawai'i Rifle Association and interested hunting guides who represented

private preserves on Lana‘i and the Big Island. If so, and if the proposed rules revision is an appropriate vehicle to correct this, the Department is urged to do so.

Department Response

It was the department’s understanding at the time the subject legislation was approved, that the new provisions would allow the 3 day license for both game birds and game mammals on private lands. While neither statute nor rules explicitly authorize the department to issue hunting guide licenses for game mammal hunts, the department does not regulate the harvest of game mammals on private lands. Therefore, it is the department’s interpretation of state law, that an entity holding a game bird guide license for private lands may issue the 3 day license to customer that engage in hunting of game mammals on those lands.

The department appreciates that the rules and statutes could be more clear in this area and is working with the state attorney general’s office to clarify and enact any changes to statute and rules necessary to ensure the ability of guides to issue 3 day licenses for game mammal hunting.

Recommended Amendment

None.

45. Baiting game mammals

Comments

A letter, written by a hunting association president, saying it represented most of the hunters on Kaua‘i, said artificial baiting should not be allowed in a public hunting area: “We are experiencing numerous threatening encounters between hunters on Kaua‘i who claim spaces within a hunting area only because they have feeders set up in that area.”

Department Response

The department recognizes that baiting game mammals can influence the movement of game in undesirable ways and notes that baiting in forest reserves is considered littering and is prohibited in the forest reserve rules. The department recognizes that such a prohibition may also be included in the hunting rules but prefers to solicit additional public input on the matter before proposing a change to the hunting rules.

Recommended Amendment

None.

46. Invisible hunting unit boundaries

Comments

One person wrote about boundaries: In the old days the river was the boundary, or the bottom of the valley, how easy maintenance is that? Everybody's imaginary line is moving, how do you know where it is? The river can't move.

Department Response

Department response: Most of the boundaries are based on recognizable physical and geographical features that are described in the rules. However, the Department recognizes that more detailed descriptions are needed and intends to prepare more detailed maps that will be made available at the district offices.

Recommended Amendment

None.

47. Hunting license requirements

Comments

One person suggested that perhaps there should be language to the effect that having passed a certified course in another state would allow someone to receive a Hawai'i hunting license.

Department Response

The requirements for hunting licenses are addressed in the wildlife statutes, HRS 183D, and are therefore not repeated in the rules. Proof of successful completion of another state's course is accepted in some cases. Refer to 183D-28(b)(2) regarding approved hunting safety courses.

Recommended Amendment

None.

48. Ammunition clarification

Comments

One person noted that the rules say you can use 10 mm magnum or 45 Winchester magnum, "but I think they're referring to a regular 10 mm because nobody makes a 10 mm magnum anymore. So I wanted clarification, if it's a 10 mm mag or regular that you can use hunting, and is it a 45 Winchester magnum or can you use a 45 acp for hunting?"

Department Response

The reference is to the proposed section 13-123-22(2)(K)(3), which requires that straight-wall cartridge ammunition be .357 caliber or larger with a minimum case length of 1 1/4 inches. The rule provides an exception for the 10 mm auto mag and .45 caliber win mag cartridges, which are less than 1 1/4 inches in length. The exception is provided for those cartridges because their power meets or exceeds the minimum provided by a .357 caliber cartridge of 1 1/4 inch length. While the 10mm mag and .45 caliber win cartridges are less common, they are still manufactured and can be purchased and used.

Recommended Amendment

None.

49. Purpose, publications, format, and content

Comments

That that the stated purpose of the rules is inappropriate and has the unintended result in the rules being arbitrary, unclear and overly prohibitive.

That the draft rules as presented are not a user-friendly document for the hunting public. Related material should be condensed and regrouped under appropriately expressed headings. Rules for birds and mammals should be combined. Eliminating inconsistent and excessive indentations would promote clarity. Decimal notation would be better than the mix of number and letter paragraph designations. Correcting the document's overwhelming negative tenor of prohibition with one of allowances should be expanded wherever possible.

That the title of Chapter 122, game bird rules, should be shortened to "Rules Regulating Game Bird Hunting." Chapter 122, Subchapter 3, Field Trials and Commercial Shooting Preserves, should be removed in its entirety from rules regulating public hunting, as neither activity is related to hunting of wild game birds, nor occurs on State-managed public lands. There is no state regulatory interest in activity that is conducted on private property and has no impact on state wildlife. Section 13-122-15 should be deleted in its entirety. Section 13-122-16 (except paragraph g) related exclusively to commercial business should be removed in its entirety from hunting regulations and if desired, revised and placed elsewhere, such as DBEDT Administrative Rules, Title 15.

That the graphics in the hunting maps offer little navigational utility to the hunter and raise serious questions of boundary rule enforceability. A substantial and focused effort must be made by the Department to provide adequate maps to the hunting public, indicating area size, describe boundaries, designate entry points, show existing roads and trails, describe topography and vegetation, and provide

some indication of game animals present. It should provide enough information so a person unfamiliar with the area can participate in rewarding and legal hunting.

That a single, comprehensive location for rules and restrictions related to hunter safety would be preferred, for example, consider combining safety provisions for game bird and game mammal hunting into a separately designated “Hunting Safety” HAR chapter, including safety related provisions from 13-122-12 and 13-123-22, as well as safety zones from 13-122-11.8 and 13-123-21.

Department Response

The Department disagrees that the stated purpose has an influence on the body of the rules and recommends that the purpose remain as stated.

The department appreciates that more comprehensive changes to the rules are warranted and intends to explore such a change in the near future, including the helpful comments on sections on safety. With regard to format, these rules follow the requirements prescribed by the State Revisor of Statutes according to Chapter 91-4.2, any comments on format should be directed to that agency.

The department disagrees that it has no interest in rules regulating hunting of game birds on private lands. To the contrary, game birds are a public resource. Management of harvest of that resource on private lands, and by commercial operators, is in the public interest.

The Department agrees and recognizes the need for better information about hunting areas. However the Department disagrees that the rules are the best place for that level of detail and plans to produce a publication that will provide that information to the public as resources allow.

Recommended Amendments

None.

50. Terminology and discrepancies

Comments

Some individuals provided detailed comments on the rules for clarity.

Substantive comments include:

Unclear rules for the use of muzzle-loading handguns: Chapter 123-22, says in section 2(K)(vi) that muzzle-loading handguns must have a barrel length of (at least) 9 inches. Item (vii) then prohibits use of muzzle-loading handguns when hunting without dogs, and section 3(A)(i) says with dogs, minimum barrel length for a muzzle-loading handgun is 4-1/2 inches.

That the following definition is ambiguous and unclear: “Muzzle-loading rifles and shotguns must have a shoulder stock and a barrel length of at least eighteen inches,” which could mean the combined total length must be eighteen inches. A clearer statement which makes the length conform to federal law would read “Muzzleloading rifles and shotguns must have a shoulder stock and barrel. The barrel length shall be at least eighteen inches long.”

That the definition of muzzle-loading firearm in 13-122-2 should not include “rifle” since rifles are not legal for bird hunting.

That section 13-122-12(b)(7) makes no sense as revised. The stricken word “mammal” is the correct word to use for the sentence to have meaning, and that altered shotgun shells is indefinable and unenforceable and should be allowed.

That the term, “state-owned”, should be with, “state-managed”, public land, since the state doesn’t own anything, its people do.

That the first sentence in 13-122-12(f)(5) is meaningless.

Department Response

The detailed comments for clarity are appreciated and have been addressed wherever appropriate. With regard to the barrel length and type of muzzle-loading handguns allowed, revolver-type muzzle-loader handguns are not allowed when hunting without dogs, but they may be used when hunting with dogs if they are .44 caliber or larger, with a barrel length of 4 ½ inches. The department concurs that the language cited in the comments on definitions (13-122-2) is not clear, and section 13-122-12(b)(7) is not clear, and proposes to amend for clarity. With regard to reference to state lands as, “state-owned”, while the department appreciates and concurs with the sentiment of the statement, that state lands belong to the people, this terminology is well established in the legal lexicon of land management and the disposition of public lands that are managed by the state is clearly established in Article IX of the state constitution. The department notes further that not all PHAs are state-owned – some are private lands managed under cooperative agreements. The department does not concur that the first sentence in 13-122-12(f)(5) is meaningless, and wishes to state that non-hunters and hunter assistants may be otherwise prohibited from accompanying hunters.

Recommended Amendments

Amend section 13-123-22(2)(K)(vi) to delete the 9 inch requirement. Muzzle-loading handguns may only be used when hunting with dogs, and the barrel length of the muzzle-loading handgun used for that purpose must be at least 4 ½ inches. Amend the definition of muzzle-loading rifle or shotgun as suggested. Amend the definition of muzzle-loading firearm in section 13-122-2 to delete “rifle”. Amend

section 13-122-12(b)(7) to remove references to game mammal rules and clarify the intent to prohibit possession of firearms that are not consistent with the hunt.