

State of Hawai`i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

April 6, 2016

Chairperson and Members
Natural Area Reserves System Commission
State of Hawaii
Honolulu, Hawaii

SUBJECT: REQUEST TO MAKE RECOMMENDATIONS REGARDING AMENDMENTS TO TITLE 13, CHAPTER 209, HAWAII ADMINISTRATIVE RULES: RULES REGULATING ACTIVITIES WITHIN NATURAL AREA RESERVES (NARS). THE PURPOSE OF THE RULE AMENDMENTS WOULD BE TO MAKE THE NATURAL AREA RESERVE RULES CONSISTENT WITH THE WILDLIFE SANCTUARY RULES REGARDING PROHIBITIONS ON INTRODUCING, FEEDING, REMOVING, INJURING, TAKING AND KILLING ANY PLANT OR ANIMAL.

In the April 27, 2015 meeting of the Natural Area Reserve System Commission, the Commission recommended rule revisions to Chapter 209, primarily to propose parking fees for 'Āhihi-Kina'u Natural Area Reserve. Subsequently, in March 11, 2016, the Board of Land and Natural Resources approved permission to conduct public hearings on those recommended amendments.

Prior to the public hearings, the Division of Forestry and Wildlife would like to make an additional amendment to conform the natural area reserve rules (Title 13, Chapter 209) with the wildlife sanctuary rules (Title 13, Chapter 126) regarding prohibitions on animals and plants. Currently, § 13-209-4 (1) and (2) prohibits:

- (1) To remove, injure, or kill any form of plant or animal life, except game mammals and birds hunted according to department rules;
- (2) To introduce any form of plant or animal life, except dogs when permitted by hunting rules of the department and service animals accompanying their handlers;

The proposed rule revisions would replace that language with the following:

- (1) No person shall introduce, feed, remove, injure, take, or kill any plant or animal, either in whole or in part, except as authorized by the Board or authorized representative or as provided by rules of the Board. The introduction by any person of any animal or plant and the placement, abandonment or leaving of any animal or plant in a natural area reserve is strictly prohibited except as authorized by permit by the board or its authorized representative. This section shall not

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apply to dogs when authorized by the hunting rules of the department or service animals accompanying their handlers.

- (2) Animal pets are not permitted in natural area reserves, except as authorized by the board or its authorized representative, or by the rules of the department. Any animal, such as a dog or cat, found roaming and loose in a natural area reserve may be impounded or destroyed. No person shall ride horses except in areas designated for this purpose by the board or its authorized representative or by appropriate signs.

RECOMMENDATION: That the Commission:

- 1) Approve, defer, make other recommendations, or deny to the Board of Land and Natural Resources and the Governor, the proposed amendments to the rules.

Respectfully Submitted,



DAVID SMITH, Administrator
Division of Forestry and Wildlife