

Frequently Asked Questions on the Proposed Amendments to HAR Ch 13-124

July 13, 2026

The Department will conduct a public hearing for Proposed Amendments to HAR Ch 13-124 on: August 13, 2026 from 11am to 1pm at the Kalanimoku Building, 1151 Punchbowl Street, Rm 132, Honolulu, Hawai'i 96813

Proposed Rule Change 1: Protecting populations of indigenous wildlife by prohibiting “take” of indigenous wildlife, where “take” includes “harm” or “harass.” Protecting the natural habitats of indigenous wildlife by prohibiting significant habitat modification or destruction that injures or kills indigenous wildlife. Protecting the health and safety of indigenous wildlife by prohibiting the feeding of indigenous wildlife.

1. What is “indigenous wildlife”?

“Indigenous wildlife” refers to wildlife occurring or living naturally in Hawai'i without being brought by humans, including migratory forms. Indigenous wildlife covered in this rule chapter may be native to a broad region and migrate to Hawai'i or endemic to a smaller area in Hawai'i.

The current definition is:

"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.”

The proposed definition is:

"Indigenous wildlife" means “any species of wildlife deemed to be in need of conservation, 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 Hawai'i, 12/11/25’ and as updated, which is located at the end of this chapter and incorporated by reference. Indigenous wildlife does not include game mammals, game birds, feral species of domesticated animals, introduced wildlife, or aquatic life.”

The proposed changes are to:

- Clarify that “indigenous wildlife” are “wildlife deemed to be in need of conservation.” A definition of “wildlife deemed to be in need of conservation” does not currently exist in this rule chapter. The proposed definition is “any species of wildlife determined by the department to require protective measures

to ensure its continued survival, which includes, but is not limited to, indigenous wildlife, threatened wildlife, and endangered wildlife.”

- Clarify that “indigenous wildlife” does not include “aquatic life,” which may otherwise fit the definition of “indigenous wildlife.” The definition of “aquatic life” comes from Section 195D-2, HRS, and is proposed to mean “any species of mammal, fish, amphibian, reptile, mollusk, crustacean, arthropod, invertebrate, coral, or other vertebrate or invertebrate that inhabits the freshwater or marine environment, and includes any part, product, egg, or offspring thereof; or freshwater or marine plants, including seeds, roots, and other parts thereof.” Rules regulating aquatic life are found on the Division of Aquatic Resources webpage: <https://dlnr.hawaii.gov/dar/administrative-rules/>
- Remove indigenous wildlife from Exhibit 1, “Indigenous Wildlife of Hawai‘i,” that are also listed as endangered or threatened wildlife (Exhibits 2 and 3, respectively) to avoid confusion about which rule to apply for enforcement.
- Keep extinct forest bird species on the indigenous list.
- Update Hawaiian names using ‘Ōlelo Hawai‘i.

2. Why is the Department protecting populations of indigenous wildlife by prohibiting the “take” of indigenous wildlife?

The Department deems the prohibition of the “take” of indigenous wildlife a protective measure to ensure their continued survival. “Take” means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect...wildlife.”

Under HAR Section 13-124-3(a), it is currently prohibited to catch, possess, injure, kill, destroy, sell, offer for sale, or transport indigenous wildlife. The Department is proposing to prohibit harming and harassing indigenous wildlife under the authority of Chapter 195D, HRS.

The proposed purpose of Chapter 13-124, HAR, is to “conserve, manage, protect, and enhance indigenous wildlife; and manage introduced wildlife.” Section 195D-3, HRS, authorizes the Department to adopt rules prohibiting the take of indigenous wildlife, based on the Department’s determination that indigenous wildlife needs conservation. Section 195D-2, HRS, defines “take” as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect...wildlife.”

The Department proposes adding definitions of “harm” and “harass” that apply to prohibitions on the take of indigenous wildlife:

“Harm” means “to cause injury or death to. Harm may include acts of significant habitat modification or degradation that kills or injures threatened, endangered, or indigenous wildlife.”

“Harass” means “to pursue, torment, or annoy. Harass may include acts that create the likelihood of injury to such wildlife or has the potential to disturb such

wildlife by disrupting normal behavior patterns, such as migration, breeding, feeding, or sheltering, even if it does not cause injury.”

3. Why is the Department protecting indigenous wildlife that live naturally by prohibiting significant habitat modification or destruction that injures or kills them?

The purpose of prohibiting significant habitat modification or degradation that injures or kills indigenous wildlife is to protect them by safeguarding the habitats in which they live.

Ensuring indigenous wildlife continues to survive in Hawai'i requires protecting individuals, populations, and the habitats where they live. Currently, there are no federal prohibitions on significant modification or degradation of habitat that kills or injures indigenous wildlife that are not federally listed as threatened or endangered species. The Department interprets State law to extend habitat protections to indigenous wildlife, ensuring their continued survival.

4. Why is the Department protecting the health and safety of indigenous wildlife by prohibiting the feeding of indigenous wildlife?

The purpose of prohibiting the feeding of indigenous wildlife is to protect their health and safety.

Feeding indigenous wildlife negatively impacts their health. If fed the wrong food, indigenous wildlife could become sick and die. Indigenous wildlife may contract diseases from other wildlife congregating around feeding areas. There are also safety risks for indigenous wildlife. Indigenous wildlife may be inadvertently struck by a vehicle while congregating with other wildlife being fed.

Proposed Rule Change 2: Protecting where threatened and endangered species live by prohibiting significant habitat modification or destruction that injures or kills threatened and endangered wildlife. Protecting the health and safety of threatened and endangered wildlife by prohibiting feeding them.

1. What is “threatened wildlife”?

“Threatened wildlife” are State-listed animals that experience threats to their continued survival but are not endangered wildlife. Threatened wildlife includes aquatic life.

The current definition is:

"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.”

The proposed definition is:

"Threatened wildlife" means “any species of aquatic life, vertebrate, or invertebrate which appears likely, within the foreseeable future, to become endangered and has been officially listed by the federal government as threatened or has been so designated pursuant to section 195D-4, Hawaii Revised Statutes. Threatened wildlife are listed in, but not limited to, the exhibit entitled ‘Exhibit 3, Chapter 13-124, List of Species of Threatened Wildlife in Hawai‘i, 12/11/25’ and as updated, which is located at the end of this chapter and incorporated by reference.”

The proposed changes are to:

- Clarify that the standard for listing a species as threatened in this rule chapter is consistent with the definition of “threatened species” in Section 195D-2, HRS. “Threatened species” means “any species of aquatic life, wildlife, or land plant which appears likely, within the foreseeable future, to become endangered and has been so designated pursuant to section 195D-4.”
- Move *Caretta caretta*, Loggerhead Sea Turtle, from threatened to endangered because it is federally listed as endangered.
- Add *Mobula birostris* (Giant oceanic manta ray) because this species is federally listed as threatened.

2. What is “endangered wildlife”?

“Endangered wildlife” refers to State- or federally listed animals that face threats to their continued survival and whose populations are so low that they may become extinct in

the future.

The current definition is:

“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.”

The proposed definition is:

"Endangered wildlife" means “any species whose continued existence as a viable component of Hawaii's indigenous fauna or flora is determined to be in jeopardy, and that has either been officially listed by the federal government as endangered or has been so designated pursuant to section 195D-4, Hawaii Revised Statutes. Endangered wildlife are listed in, but not limited to, the exhibit entitled ‘Exhibit 2, Chapter 13-124, List of Species of Endangered Wildlife in Hawai‘i 12/11/25’ and as updated, which is located at the end of this chapter and incorporated by reference.”

The proposed changes are to:

- Clarify that the standard for a species to be listed as endangered in this rule chapter is consistent with the definition of “endangered species” in Section 195D-2, HRS. “Endangered species” means “any species whose continued existence as a viable component of Hawaii's indigenous fauna or flora is determined to be in jeopardy and has been so designated pursuant to section 195D-4.”
 - Add the following species to Exhibit 2 because they are federally listed as endangered. Exhibit 2 is updated pursuant to the authority in Section 195D-4(a), HRS, as follows:
 - *Megalagrion xanthomelas*, Orangeblack Hawaiian Damselfly or Pinapinao;
 - All *Hylaeus* spp., Hawaiian Yellow-faced bees or Nalo meli maoli; and
 - *Caretta caretta*, Loggerhead Sea Turtle.
 - Update Hawaiian names using ‘Ōlelo Hawai‘i.
 - Update scientific names as necessary.
3. Why is the Department protecting areas where threatened and endangered species live by prohibiting significant habitat modification or destruction that injures or kills threatened and endangered wildlife?

The purpose of prohibiting significant habitat modification or degradation that injures or kills threatened and endangered wildlife is to protect such wildlife by safeguarding the habitat in which they live.

The federal government proposed regulations to remove protections that prohibit

significant modification or degradation of habitat that kills or injures federally listed threatened or endangered wildlife. The Department interprets State law to extend habitat protections to threatened and endangered wildlife to protect their continued survival. Threatened and endangered wildlife are protected from take pursuant to Chapter 195D, HRS. "Take" includes "harm."

The proposed meaning of "harm" is "to cause injury or death to. Harm may include acts of significant habitat modification or degradation that kills or injures threatened, endangered, or indigenous wildlife."

4. Why is the Department protecting the health and safety of threatened and endangered wildlife by prohibiting the feeding of threatened and endangered wildlife?

The purpose of this proposed rule is to protect the health and safety of threatened and endangered wildlife.

Feeding threatened and endangered wildlife harms their health.

- If fed the wrong food, threatened and endangered wildlife could become ill and die.
- Threatened and endangered wildlife may contract diseases from other wildlife congregating at feeding areas.
- There are negative impacts on the safety of threatened and endangered wildlife. Threatened and endangered wildlife may be inadvertently struck by a vehicle while congregating with other wildlife that is being fed.

Proposed Rule Change 3: Protecting the health and safety of indigenous, threatened, and endangered wildlife by prohibiting the feeding or abandonment of wildlife and domestic animals on Department lands.

1. Why is the Department proposing to prohibit feeding wildlife and domestic animals on Department lands?

The purpose of this proposed rule is to protect the health and safety of indigenous, endangered, and threatened wildlife in their natural habitats.

Congregations of animals feeding result in the spread of disease and threats to the safety of indigenous, endangered, and threatened wildlife.

- Feeding wildlife and domestic animals on Department lands could inadvertently result in feeding indigenous, endangered, and threatened wildlife, and amendments to this rule chapter are proposed to prohibit such feeding.
- Feeding wildlife harms their health.
- If fed the wrong food, wildlife could become sick or even die.
- Wildlife may contract diseases from animals congregating at feeding areas.
- There are negative impacts on their safety. Wildlife may be inadvertently struck by a vehicle while congregating with other animals being fed.
- Exceptions to this rule include hunting dogs, which are regulated under HAR Chapters 13-122 and 13-123, and service animals, as defined in this rule chapter.

2. Why is the Department prohibiting the abandonment of wildlife, domestic animals, plants, and aquatic life on Department lands?

The purpose of this proposed rule is to protect indigenous plants and animals on Department lands from disease and competition for resources from abandoned wildlife, domestic animals, plants, and aquatic life. Department lands contain ecosystems where indigenous, threatened, and endangered wildlife naturally occur. Department lands are managed to protect Hawai'i's unique natural environment, including indigenous, threatened, and endangered wildlife that live on these lands.

3. What lands are Department lands? Does this include lands leased by the Department?

Department lands include:

- Forest Reserves managed by the Division of Forestry and Wildlife
- Public Hunting Areas managed by the Division of Forestry and Wildlife
- Natural Area Reserves managed by the Division of Forestry and Wildlife
- Game Management Areas managed by the Division of Forestry and Wildlife

- Wildlife Sanctuaries managed by the Division of Forestry and Wildlife
- State Parks managed by the Division of State Parks
- Small Boat Harbors managed by the Division of Boating and
- Certain coastal areas and beaches managed by the Department of Land and Natural Resources
- Kaho‘olawe Island Reserve, managed by the Kaho‘olawe Island Reserve Commission
- Unencumbered lands managed by the Land Division
- Marine Life Conservation Districts managed by the Division of Aquatic Resources
- Any other lands set aside to the Department

Department lands as defined do not include leased lands.

4. Do the proposed rules affect the feeding of domestic animals on private property or on other public lands not managed by the Department?

No, these proposed rules do not prohibit feeding domestic animals on lands not managed by the Department. However, they do prohibit incidental feeding of indigenous, threatened, and endangered wildlife. People who feed pets or other domestic animals outdoors should be aware of any indigenous, threatened, or endangered wildlife in the area and ensure they do not accidentally feed such wildlife.

Proposed Rule Change 4: Protecting indigenous, threatened, and endangered wildlife and their habitats by restricting the movement of injurious wildlife through prohibiting the distribution or sale of plants, equipment, or other goods with injurious wildlife present.

1. What is “injurious wildlife”?

“Injurious wildlife” refers to animals known to be harmful to agriculture, aquaculture, indigenous wildlife, or plants.

The current definition is:

"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.”

The proposed definition is:

"Injurious wildlife" means “any species of introduced wildlife 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 Hawai‘i, 12/11/25’ 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.”

The proposed changes are to:

- Include “injurious wildlife” as a subset of “introduced wildlife.”
- Clarify that “injurious wildlife” excludes game birds and game mammals.
"Introduced wildlife" means “any wildlife introduced or imported to Hawaii by humans, except game birds or game mammals.”
- Add or remove certain species, genera, or families of terrestrial invertebrates from Exhibit 5, “List of Species of Injurious Wildlife in Hawai‘i.”

Injurious wildlife can cause injury or death to indigenous wildlife or to agricultural resources. The Department interprets the authority in Chapter 183D, HRS, as authorizing the Department to adopt rules to manage injurious wildlife due to its negative impacts on indigenous wildlife. Rules regulating the hunting of game birds and game mammals are found in HAR Chapters 13-121, 13-122, and 13-123:
<https://dlnr.hawaii.gov/dofaw/rules/>

2. Why is the Department proposing to protect indigenous, threatened, and endangered wildlife and their habitats by regulating the movement of injurious wildlife, including by prohibiting the distribution or sale of plants, equipment, or other goods that contain injurious wildlife?

The most likely pathway for the distribution of injurious wildlife is plant sales, and those sales are regulated in part by the State of Hawai'i Department of Agriculture and Biosecurity (DAB). The proposed rules add a small number of organisms to the injurious wildlife list that are not already regulated by DAB. In practice, businesses selling plants should already be checking their products to minimize the spread of other organisms to comply with DAB regulations, so there should be minimal to no additional actions required of these businesses.

3. What changes are proposed to the injurious wildlife list in Exhibit 5?

The proposed rules add additional organisms to the injurious wildlife list of concern to the Department of Land and Natural Resources. These organisms are either not currently in Hawai'i and pose a threat to our natural ecosystems, are identified on the Hawai'i Prevention Priority List¹, or are difficult to differentiate without genetic testing.

The proposed rules remove organisms that are widespread and pose no threat to natural resources.

Table 1: Adding terrestrial invertebrate species to Exhibit 5.

Family, genera, or species	Common name	Reason for adding
<i>Acalolepta aesthetica</i>	Longhorned beetle	This species is not currently regulated by the Hawai'i Department of Agriculture and Biosecurity.
<i>Anoplophora chinensis</i>	Citrus longhorned beetle	This species is not currently found in Hawai'i and is listed on the Hawai'i Prevention Priority List. This species is a wood boring insect that kills trees directly or indirectly by allowing other pests to infect or inhabit tree. It attacks a wide range of trees in more than 25 different families and over 40 different genera. It is damaging to agriculture and broadleaved native trees.
<i>Anoplophora glabripennis</i>	Asian longhorned beetle	This species is not currently found in Hawai'i and is listed on the Hawai'i Prevention Priority List.
All subspecies of <i>Apis mellifera</i>	Any subspecies of European honey bees not known to occur in Hawai'i	All subspecies of <i>Apis mellifera</i> are a threat to natural resources and human health in Hawai'i. <i>Apis mellifera scutellata</i> is on the Hawai'i Prevention Priority List.
<i>Arcte coerulea</i>	Ramie moth	This species is not currently regulated by the Hawai'i Department of Agriculture and Biosecurity.
[<i>Helix aspersa</i>] <u><i>Cornu aspersum</i></u>	Snail, [European] brown garden	This species is already listed and its scientific name is updated.
[<i>Euglandina rosea</i>] <u>All species in the genus <i>Euglandia</i></u>	[Snail,] <u>Snails</u> , Cannibal	This genus is widespread and cannot be separated readily without DNA analysis. We expand the list to include other members of this genus because we do not want anyone releasing them into native ecosystems.
All species in the family <i>Formicidae</i>	All ants	We propose adding the entire family.
<i>Haplaxius crudus</i>	American palm cixid	This species is not currently found in Hawai'i and is a potential threat to natural resources.

Family, genera, or species	Common name	Reason for adding
<i>Lycorma delicatula</i>	Spotted lanternfly	This species is not currently found in Hawai'i and is on the Hawai'i Prevention Priority List. It feeds on a wide variety of host plants (recorded to utilize over 103 plant species across 33 families) including fruit and ornamental trees, native trees (in North America) and other cultivated crops. This pest could be harmful to agriculture and native plants.
<i>Lymantria dispar</i> (and all subspecies)	Spongy moths	This species is not currently found in Hawai'i and is on the Hawai'i Prevention Priority List. It is an insect pest of hundreds of tree and shrub species and is listed among IUCN's world's 100 worst invasive alien species. It poses a threat to agriculture, horticulture, and native plant species.
<i>Popillia japonica</i>	Japanese beetle	This species is not currently found in Hawai'i and is on the Hawai'i Prevention Priority List. Highly invasive pest that voraciously feeds on more than 300 plants. The adult beetles damage plants by skeletonizing the foliage. Adults also feed on plant buds, flowers and fruit. Japanese beetle larvae, also called grubs, burrow underground and feed on roots. They are primarily found feeding on grass roots or in the soil near host plants. Damaging to agriculture, horticulture, and native plants.
<i>Rhynchophorus ferrugineus</i>	Red palm weevil	This species is not currently found in Hawai'i and is on the Hawai'i Prevention Priority List. Pest of certain palms. It's larval stage feed on meristematic tissue which, when severe enough, can kill palms. It is considered to be one of

Family, genera, or species	Common name	Reason for adding
		the most important palm pests in the world.
<i>Rhynchophorus palmarum</i>	South American palm weevil	This species is not currently found in Hawai'i and is on the Hawai'i Prevention Priority List. Notorious palm pest recorded to attack various palms and sugar cane. Adults will also feed on ripe tropical fruits, making this a pest of agriculture, horticulture, and potentially native palms. Adults can spread a plant pathogenic nematode, <i>Bursaphelenchus cocophilus</i> , commonly known as red ring nematode (RRN), the causative agent of red ring disease in palms.
All species in the genera <i>Vespa</i> and <i>Vespula</i>	Hornets and yellowjackets	There are no native species in these genera in Hawai'i and are a threat to natural resources as a group and public health. This genera is on the Hawai'i Prevention Priority List.

Table 2: Removing terrestrial invertebrate species from Exhibit 5.

Family, genera, or species	Common name	Reason for removing
<i>Achatina fulica</i>	Snail, Giant African	This species is widespread in Hawai'i.
<i>Aethina tumida</i>	Small hive beetle	This is a pest to honey bees and is not a threat to natural resources.
<i>Darna pallivitta</i>	Nettle caterpillar	This species has minimal impact on natural resources and is successfully controlled through biological methods.
<i>Hypothenemus hampei</i>	Coffee berry borer	This species is widespread on all major islands, not a threat to natural resources.
<i>Solenopsis invicta</i>	Red imported fire ant	Propose removing this species because we propose to add the entire family Formicidae.
<i>Wasmannia auropunctata</i>	Little fire ant	Propose removing this species because we propose to add the entire family Formicidae.

Family, genera, or species	Common name	Reason for removing
<i>Varroa destructor</i>	Varroa mite	This species is widespread in Hawai'i.

^[1] Hawaii Invasive Species Council and Coordinating Group on Alien Pest Species. 2022. Hawai'i Prevention Priority List. *HISC & CGAPS 2025 Joint Strategy: In Support of the Hawai'i Interagency Biosecurity Plan*.
<https://dlnr.hawaii.gov/hisc/files/2024/09/Hawai%E2%80%98i-Prevention-Priority-Species-List-APRIL-2024.pdf>

