

State of Hawai'i

DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Forestry and Wildlife

Honolulu, Hawai'i 96813

January 13, 2023

Board of Land and Natural Resources

State of Hawaii

Honolulu, Hawai'i

SUBJECT: REQUEST FOR ADAPTIVE MANAGEMENT MEASURES BY FORMAL BOARD ACTION PURSUANT TO SECTION 183D-3(b), HAWAII REVISED STATUTES, TO TEMPORARILY AMEND HAWAII ADMINISTRATIVE RULES (HAR), TITLE 13 CHAPTER 123 - RULES REGULATING GAME MAMMAL HUNTING, BY AMENDING EXHIBIT 11 AS REFERENCED IN HAR SECTIONS 13-123-3 (AUTHORIZED HUNTING), 13-123-4 (BAG LIMITS, OPEN SEASONS, AND HUNTING DAYS), 13-123-22 (CONDITIONS AND RESTRICTIONS), AND 13-123-23 (USE OF TAGS) FOR GAME MAMMALS TO BE TAKEN ON THE ISLAND OF HAWAI'I, TO CHANGE BAG LIMITS AND OPEN HUNTING PERIODS IN UNIT D AT KEAUOHANA FOREST RESERVE AND UNIT I AT NĀNĀWALE FOREST RESERVE AND MALAMA KĪ FOREST RESERVE, IN THE PUNA DISTRICT ON HAWAI'I ISLAND, FROM A BAG LIMIT OF TWO PIGS PER HUNTER PER DAY TO FOUR PIGS PER HUNTER PER DAY, AND OPEN HUNTING FROM WEEKENDS AND STATE HOLIDAYS TO DAILY.

SUMMARY

The Department of Land and Natural Resources ("Department") Division of Forestry and Wildlife ("DOFAW") requests the Board of Land and Natural Resources ("Board") take formal board action to approve adoption of a temporary administrative rule change to Exhibit 11 in Chapter 13-123, Hawai'i Administrative Rules (HAR), "Rules Regulating Game Mammal Hunting", under the authority of HRS § 183D-3(b). The amendment would increase bag limits for feral pigs from two to four and open hunting periods from weekends and state holidays to seven days a week in both Unit D at Keauohana Forest Reserve and Unit I at Nānāwale and Malama Kī Forest Reserves, in the Puna District on Hawai'i Island, to control feral pig populations in both units.

ADMINISTRATIVE RULEMAKING AUTHORITY

The Department, through DOFAW, is charged to manage and administer the wildlife and wildlife resources of the State, enforce all laws relating to protecting, taking,

hunting, killing, propagating, or increasing the wildlife within the State; regulate lands set apart as game management areas and public hunting areas; and preserve, protect, and promote public hunting. HRS § 183D-2. DOFAW regulates game mammal hunting statewide through Chapter 13-123, HAR.

In 2021, the Hawai'i Legislature authorized the Department to conduct adaptive management measures other than by Chapter 91 rulemaking, if it timely adopts, amends, or repeals any rule pertaining to bag limits, size limits, open or closed hunting seasons, or gear restrictions by formal board action at a publicly noticed meeting in necessary response to rapidly changing resource conditions. HRS § 183D-3(b). To do so the Board must give notice of the rulemaking:

- (1) at least once statewide at least 30 days in advance of the public meeting;
- (2) include a statement of the topic of the proposed rule or a general description of the subjects involved;
- (3) include a statement that a copy of the proposed rule will be mailed to any interested person who requests a copy and pays the required fees for the copy and postage, if any, together with a description of where and how the requests may be made;
- (4) include a statement of when, where, and during what times the proposed rule may be reviewed;
- (5) include the date, time and place where the public meeting will be held and where interested persons may be heard on the proposed rule; and
- (6) mail to all persons who have made a timely written request of the Board for advance notice of its rulemaking proceedings.

If adopted, the new rule would be effective for an initial period of no longer than two years and be subject to legislative approval and renewal by the Board; provided that the renewal by the Board shall extend for up to one year at a time. If adopted, proposed rules become effective ten (10) days after the board action, unless a later date is specified in the proposed rule. Final rules are to be posted on DOFAW's website (at <https://dlnr.hawaii.gov/dofaw/rules/>) for the duration of their validity. All rules adopted through the adaptive management process are subject to administrative penalties provided in HRS § 183D-12.

NOTICE

Public notice of this rulemaking was given by DOFAW on November 20, 2022, through the Star Advertiser and StarAdvertiser.com, West Hawaii Today and WestHawaiiToday.com, Hawaii Tribune and HawaiiTribune.com, and Garden Isle and GardenIsle.com.

BACKGROUND

The Department's First Deputy was contacted by the Puna District Legislative Representative's office to discuss feral pigs and a meeting was set for 4:00 pm on May 24, 2022. Representatives of the Hawaiian Shores Community Association asked for help with an increasing feral pig problem in their neighborhood. DOFAW and

USDA/APHIS representatives later met at the Hawaiian Shores Community Center the Association and Senate and House legislative representatives on June 7, 2022. The DOFAW Hawaii Island Branch Manager and East Hawaii Wildlife Program Manager met with Hawaii County Game Management Commission Chair and the East Hawaii State Game Management Commission representative on July 25, 2022. The commissioners understand our concerns about the increasing number of feral pigs causing damage in residential areas and are supportive of trying to use public hunting to address the feral pig damage in residential areas. Increasing the number of days for recreational hunting may reduce feral pig activity in adjacent residential property and minimize environmental damage. At the very least, the change will provide additional hunting days and flexibility in the ability to hunt in these areas and remove the perception that our restrictive hunting regulations are part of the problem as it relates to feral pig damage on adjacent private lands.

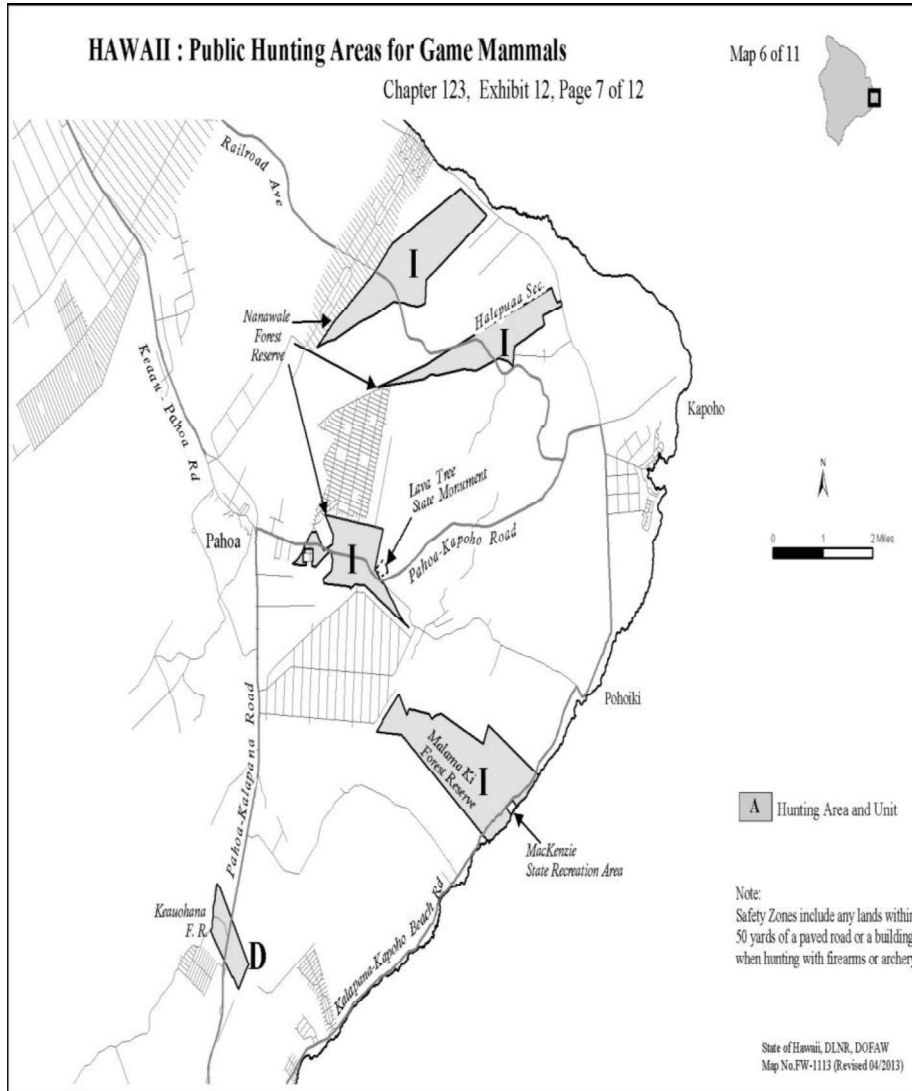
PROJECT DESCRIPTION - Requirement of Adaptive Management Measures

DOFAW has determined that high populations of feral pigs in Units D and I on Hawai'i Island requires implementation of adaptive management measures in response to rapidly changing conditions; and requests that the Board find amending Exhibit 11 of Chapter 13-123, HAR, is necessary because the number of feral pigs in Units D and I is a resource condition requiring a necessary temporary administrative rule change, using Board authority under HRS § 183D-3(b). Providing additional hunting days and increased bag limits improves flexibility for hunters to remove feral pigs. HAR sections 13-123-3, 13-123-4, 13-123-22, and 13-123-23 each reference Exhibit 11, which in turn provides regulations in Units D and I for game mammals to be taken, means of take, bag limits, open hunting periods, open hunting days, and special conditions and restrictions. Only bag limits and open hunting days would change. If approved, these proposed amendments would be effective for two years beginning ten days after the date of the Board's approval.

This recommendation covers only sections of Unit D at Keauohana Forest Reserve and Unit I at Nānāwale and Malama Kī Forest Reserve that are located in the Puna District on Hawai'i Island and collectively cover approximately 4,604 acres. HAR § 13-123-20(d)(3), (i)(2), and (i)(3)); see Figure 1. Unit I at Nānāwale Forest Reserve is managed as three separate sections, the Kaniahiku section located near Lava Tree State Monument, the Halepuaa Section, and the Nanawale section located on the East side of the Hawaiian Shores/ Hawaiian Beaches subdivision. Unit I at Malama Kī Forest Reserve is located near the coast at Mackenzie State Recreation Area. Unit D at Keauohana Forest Reserve is further south and is bisected by Route 137.

Figure 1: Exhibit 12 of Chapter 13-123, HAR, p. 7 of 12.

REGULATING GAME MAMMAL HUNTING, CHAPTER 13-123, HAWAII ADMINISTRATIVE RULES, BY AMENDING THE ADMINISTRATIVE RULES REGULATING FERAL PIG HUNTING IN UNIT D AT KEAUOHANA FOREST RESERVE AND UNIT I AT NĀNĀWALE FOREST RESERVE AND MALAMA KĪ FOREST RESERVE, IN THE PUNA DISTRICT ON HAWAII ISLAND



The current administrative rules for hunting in Units D and I on Hawai'i Island are shown in Exhibit 11, "Game mammals to be taken, means of take, daily bag limits, hunting periods, hunting days, and special conditions for hunting on the island of Hawaii" located at the end of Chapter 13-123, HAR. See Table 1. Proposed adaptive

management rules will be posted on DOFAW's website (at <https://dlnr.hawaii.gov/dofaw/rules/>) for the duration of their validity. See Attachment 1.

Table 1: Current administrative rules showing changes for Units D and I in strikethrough text to be incorporated in Exhibit 11 of Chapter 13-123, HAR. Unit D includes Keauohana Forest Reserve, Hilo Restricted Watershed, and a portion of Kohala Restricted Watershed, but this recommendation only applies to Keauohana Forest Reserve. Unit I includes Kalopa, Honokaia, Nānāwale Forest Reserve, Makaula Ooma tract of Honuauia Forest Reserve, and Malama Kī Forest Reserve, but this recommendation only applies to Nānāwale and Malama Kī Forest Reserves.

Hunting Unit	Game Mammals to be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
D Keauohana Forest Reserve	Feral pigs, wild sheep and feral goats.	Rifle, muzzleloader, handgun, shotgun, spears, knives, archery. Dogs permitted.*	Two Four pigs, one goat and one sheep per hunter per day. No season limit.	Year-round.	Saturday, Sunday, and State Holidays Daily	None.

Hunting Unit	Game Mammals to be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
I Nānāwale Forest Reserve and Malama Kī Forest Reserve	Feral pigs and feral goats.	Archery or spears and knives only. Dogs permitted.*	Two Four pigs and one goat per hunter per day. No season limit.	Year-round.	Saturday, Sunday, and State Holidays Daily	None.

RECOMMENDATION

That based on the above, the Board

1. Find based on the above the appropriate adaptive management measures need to be instituted to address the rapidly changing populations of feral pigs in Units D and Unit I at Nānāwale, Malama Kī, and Keauohana Forest Reserves on Hawai'i Island to address environmental damage to private lands and forest reserves; and

2. Approve and temporarily amend the Division of Forestry and Wildlife's Rules Regulating Game Mammal Hunting, Chapter 13-123, HAR, by amending Exhibit 11 for hunting in Unit D and Unit I at Nānāwale, Malama Kī, and Keauohana Forest Reserves on Hawai'i Island to increase recreational feral pig hunting from Saturday, Sunday, and state holidays to seven days per week (daily), and to increase the bag limit from two to four feral pigs per hunter per day by using the authority in HRS § 183D-3(b) to address the impacts of the rapidly changing population of feral pigs in the designated areas.

Respectfully submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources

Attachment 1: Proposed adaptive management rule changes to be incorporated in Exhibit 11 of Chapter 13-123, HAR. Unit D includes Keauohana Forest Reserve, Hilo Restricted Watershed, and a portion of Kohala Restricted Watershed, but this recommendation only applies to Keauohana Forest Reserve. Unit I includes Kalopa, Honokaia, Nānāwale Forest Reserve, Makaula Ooma tract of Honuaula Forest Reserve, and Malama Kī Forest Reserve, but this recommendation only applies to Nānāwale and Malama Kī Forest Reserves.

The adoption of these rules shall take effect ten days after this formal action by the Board of Land and Natural Resources (“Board”) (January 23, 2023), and shall be effective for no longer than two years, subject to legislative approval and renewal by the Board; provided that renewal by the Board shall be extended for up to one year at a time. These rules shall be posted on the Division of Forestry and Wildlife’s website, where they will remain for the duration of the time the rules are in effect.

These rules are subject to administrative penalties as provided by section 183D-12, HRS.

Hunting Unit	Game Mammals to be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
D Keauohana Forest Reserve	Feral pigs, wild sheep and feral goats.	Rifle, muzzleloader, handgun, shotgun, spears, knives, archery. Dogs permitted.*	Four pigs, one goat and one sheep-per hunter per day. No season limit.	Year-round.	Daily	None.

Hunting Unit	Game Mammals to be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
I Nānāwale Forest Reserve and Malama Kī Forest Reserve	Feral pigs and feral goats.	Archery or spears and knives only. Dogs permitted.*	Four pigs and one goat-per hunter per day. No season limit.	Year-round.	Daily	None.

* Dogs shall be kept under physical restraint and control at all times, except when actively pursuing game.

Exhibit 11: Game mammals to be taken, means of take, daily bag limits, hunting periods, hunting days, and special conditions for hunting on the island of Hawaii.

Hunting Unit	Game Mammals To Be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
A Mauna Kea Game Management Area (GMA) and Forest Reserve	Feral pigs	Rifle, muzzleloader, handgun, shotgun, archery. Dogs not permitted.	One pig per hunter per day. No season limit.	Year-round, except on legal game bird hunting days	Daily, except during spring turkey season (Mar 1-Apr 15), when firearm mammal hunting is restricted to elevations above treeline.**	Evidence of sex and species waived for sheep and goats
	Wild sheep and feral goats		No bag limit. No season limit.	Year-round		
B Kohala, Olaa, Kau (including Haa Springs Restricted Watershed), Hilo, Manowaialee, Hamakua, Waiakea, Kapapala, South Kona Upper Waiakea, Honuaula Forest Reserves (F.R.), Waiaha Springs Forest Reserve	Feral pigs, wild sheep, and feral goats	Rifle, muzzleloader, shotgun, handgun, archery, spears and knives. Dogs permitted.*	Two pigs, one goat, and one sheep per hunter per day. No season limit.	Year-round	Daily	No access with dogs to Humuula Section of the Hilo Forest Reserve from Keanakolu Road
		Rifle, muzzleloader, shotgun, hand gun, archery, spears and knives. Dogs permitted.*		July through December. (Upper Waiakea only)		
Portions of Upper Waiakea Forest Reserve						Hunting allowed with dogs in Upper Waiakea Forest Reserve between Tree Planting and Powerline Roads. No dogs allowed on Powerline Road. No vehicle access on Mauna Loa and Powerline Roads.

Hunting Unit	Game Mammals To Be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
B (cont.) Portions of Upper Waiakea Forest Reserve	Feral pigs, wild sheep, and feral goats	Rifle, muzzleloader, shotgun, handgun, and archery. Dogs not permitted.	Two pigs, one goat, and one sheep per hunter per day. No season limit.	January through June. (Upper Waiakea only)	Daily	Hunting allowed without dogs in Upper Waiakea Forest Reserve between Tree Planting Road and Powerline Road. No dogs allowed on Tree Planting Road. No vehicle access on Mauna Loa, Powerline and Tree Planting Roads.
C Upper parts of Laupahoehoe and Piha Sections	Feral pigs and wild sheep	Rifle, muzzleloader, handgun, shotgun, archery. Dogs not permitted.	Two pigs and one sheep per hunter per day. No season limit.	Year-round	Saturday, Sunday and State Holidays.	
D Keauohana Forest Reserve, Hilo, & a portion of Kohala Restricted Watersheds	Feral pigs, wild sheep and feral goats	Rifle, muzzleloader, handgun, shotgun spears, knives, archery. Dogs permitted.*	Two pigs, one goat and one sheep per hunter per day. No season limit.	Year-round	Saturday, Sunday and State Holidays.	
E Pohakuloa Cooperative Game Management Area and Training Area (PTA) and portions of Mauna Loa GMA and FR Puuanahulu Game Management Area (GMA), East Section Kipuka Ainahou	Feral pigs, wild sheep and feral goats	Archery only. Dogs not permitted.	One pig, one goat and one sheep per hunter per day. No season limit.	Year-round	Saturday, Sunday and State Holidays in Mauna Loa Daily in PTA, subject to training.	Entry permit to PTA Unit E required from PTA Commander. Call 949-3474 Pohakuloa Training Area subject to military training schedule.***
			One pig, one ram and two goats per hunter per season	March through June	Saturday, Sunday, and State Holidays.	Tags required at Puuanahulu East Section**
			No daily or season limit.	March through October	Saturday, Sunday, and State Holidays.	None.

Hunting Unit	Game Mammals To Be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
F Puu Waawaa Forest Reserve (mauka & makai) and Puuanahulu Game Management Area, West Section	Feral pigs, wild sheep and Feral goats	Special Youth & Disabled Archery (Puu Lani Safety Zone) Dogs not permitted****.	Three non-typical rams and one typical ram per hunter per day. This is also the season limit.	August	Saturdays, Sundays, and State Holidays	Tags required.
		General archery (makai only) Dogs not permitted.	One pig, one non-typical ram, and three goats per hunter per day. This is also the season limit	Four consecutive weekends beginning the first weekend in August		
		Muzzle loader rifles (makai only). Dogs not permitted.		Three weekends following the end of the general archery season		
G Kaohe GMA	Feral pigs	Archery, muzzleloader, and shotgun with slugs Dogs not permitted.	One pig per hunter per day. No season limits.	Year-round, except on legal game bird hunting days. Archery: September through June. Muzzleloader rifle and shotgun with slug: July-August.	Daily	Hunters must check in and out at Kiloohana and Puu Huluhulu Checking Stations
	Feral goats and wild sheep		No bag limit. No season limit.	Archery: September through June. Muzzleloader, rifle and shotgun with slug: July-August		

Hunting Unit	Game Mammals To Be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
H Kulani Buffer Zone	Feral pigs and feral goats	Rifle, muzzleloader, handgun, shotgun, archery, spears and knives. Dogs permitted.*	Two pigs, one goat and one sheep per hunter per day. No season limit.	July through-December	Saturday, Sunday, and State Holidays.	Hunters shall check out at the checking station before 4:30 PM. No access via Mauna Loa Road.
		Rifle, muzzleloader, handgun, shotgun, archery, spears and knives. Dogs not permitted.		January through June		
I Kalopa, Honokaia, Nanawale, Makaula Ooma tract of Honuaula Forest Reserve and Malama Ki Forest Reserves	Feral pigs and feral goats	Archery or spears and knives only. Dogs permitted.*	Two pigs and one goat per hunter per day. No season limit.	Year-round.	Saturday, Sunday and State Holidays	
K Natural Area Reserves: Puu O Umi, Waiakea, 1942 Lava Flow, Kahaualea, Kipahoe, Laupahoehoe, Manuka, Mauna Kea Ice Age and Puu Maka'ala and unencumbered portions of Manuka, Kaulanamauna, and Kipahoe	Feral pigs, feral goats and wild sheep	Rifle, muzzleloader, handgun, shotgun, spear, knife or archery. Dogs permitted.*	No daily or season limit	Year-round	Daily	

* Dogs shall be kept under physical restraint and control at all times, except when actively pursuing game.

** Confirm with the Division of Forestry and Wildlife before hunting; the Hilo office at 974-4221 or the Kamuela office at 887-6063.

*** Units are owned by cooperating landowner or lessee. Access and public use conditions are subject to landowner approval

**** Only youth and disabled hunters may hunt; One adult licensed hunter only per youth hunter; One licensed hunter per disabled hunter