

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

March 28, 2025

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: REQUEST FOR ADAPTIVE MANAGEMENT MEASURES BY FORMAL BOARD ACTION ACCORDING 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 1 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 KAUA'I, TO CHANGE OPEN HUNTING DAYS IN UNIT F FROM FOUR DAYS A WEEK AND STATE HOLIDAYS TO SEVEN DAYS A WEEK (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 the adoption of a temporary administrative rule change to Exhibit 1 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 open hunting days for feral goats, feral pigs, and black-tailed deer taken in Unit F on Kaua'i by allowing for hunting seven days per week (daily) to control populations of these game mammals, which have been impacting Kaua'i's natural resources.

The Board approved an adaptive management rule change on January 23, 2023, for Unit F under the abovementioned parameters. This amendment resulted in positive testimonials from public hunters and may have reduced impacts from high usage by distributing hunting parties throughout a seven-day access period. The Department wants to continue this adaptive rule change to gather more annual comparative results, increase hunting opportunities to curtail

game populations back to suitable numbers and improve the overall public hunting experience.

ADMINISTRATIVE RULEMAKING AUTHORITY

The Department, through DOFAW, is charged with managing and administering the wildlife and wildlife resources of the State; enforcing all laws relating to protecting, taking, hunting, killing, propagating, or increasing the wildlife within the State; regulating lands set apart as game management areas and public hunting areas; and preserving, protecting, and promoting 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 on 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 before the public meeting.
- (2) Include a statement on 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.
- (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 at (<https://dlnr.hawaii.gov/dofaw/rules/>). 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 February 19, 2025, through the Star-Advertiser and StarAdvertiser.com, West Hawaii Today and WestHawaiiToday.com, Hawaii Tribune and HawaiiTribune.com, and Garden Isle and GardenIsle.com. Postings were also made on the DOFAW website under hunting announcements.

BACKGROUND

High populations of feral mammals (goats, pigs, deer) have persisted on Kaua'i despite attempts in prior years to reduce those populations by allowing a muzzleloader control hunt for one year and allowing two months of muzzleloader hunts. Goats, pigs, and deer are prolific breeding mammals that do not require restrictions in open hunting days to persist in large numbers, so restricting hunter access is not necessary in most cases. In discussions with Kaua'i hunters, Unit F's current population of feral goats, pigs, and deer should stop increasing and become sustainable if additional hunting days are added. In addition, Unit F will benefit from curtailed mammal damage to natural resources (i.e., loss of vegetation, increase in soil erosion, and other consequential changes to habitat from animal activities). Currently, means of take within Unit F are limited to archery, muzzleloaders, and dog and knife on a seasonal basis to balance hunter safety with game mammal population control. The purpose of these proposed amendments is that by increasing the number of days for authorized hunting (open hunting days), hunters will have additional flexibility in hunting days to remove deleterious game mammal species, and the increasing damage to natural resources will be reduced.

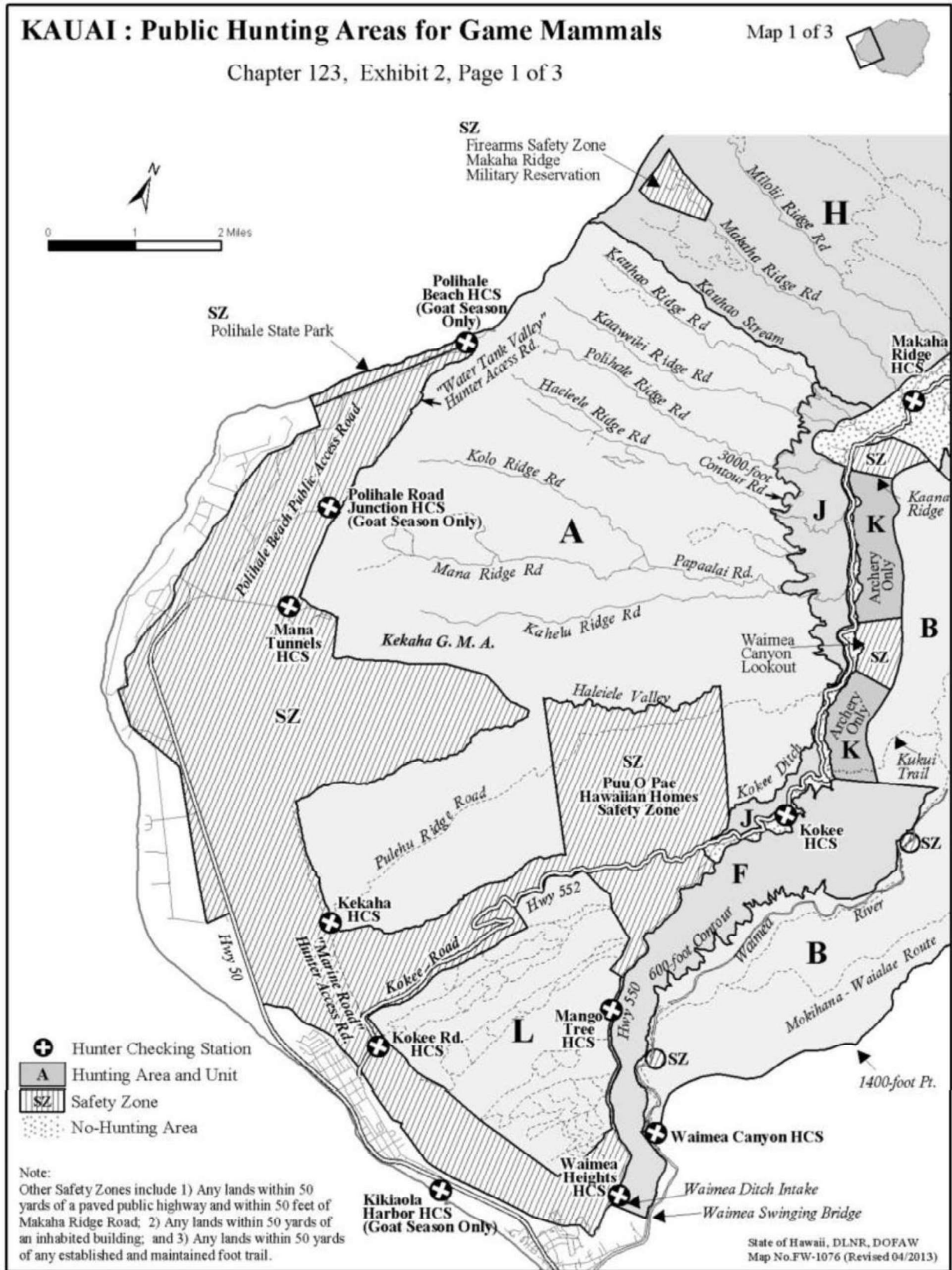
PROJECT DESCRIPTION – Requirement of Adaptive Management Measures

DOFAW has determined that the high populations of feral goats, pigs, and deer in Unit F on Kaua'i require the implementation of adaptive management measures in response to rapidly changing conditions and requests that the Board find amending Exhibit 1 of Chapter 13-123, HAR, is necessary because the number of feral goats, pigs, and deer in Unit F is a resource condition requiring a necessary temporary administrative rule change, using Board authority under HRS § 183D-3. HAR sections 13-123-3, 13-123-4, 13-123- 22, and 13-123-23 each reference Exhibit 1, which in turn provides regulations in Unit F for game mammals to be taken, means of take, bag limits, open hunting periods, open hunting days, and special conditions and restrictions. Current open hunting days for feral goats, pigs, and deer in Unit F are Fridays, Saturdays, Sundays, Mondays, and state holidays, effectively four to five days per week. The proposed rule would open hunting days to seven days per week. If approved, these proposed amendments would be effective for two years, beginning ten days after the date of the Board's approval.

An upcoming rule change proposal will seek to make daily hunting permanent, subject to public comments.

Unit F on the island of Kaua'i covers approximately 3,079 acres and consists of state-owned land within Waimea Canyon lying east of Highway 550, south of Units K and B, west of the six-hundred-foot contour, and north of a line west of Waimea "Obake" Swinging Bridge. HAR § 13-123-15(g) (2015). See Figure 1, on Page 4

Figure 1: Exhibit 2 to Chapter 13-123, HAR, p.1 of 3.



The current administrative rules for hunting in Unit F on Kaua'i are shown in Exhibit 1, "Game Mammals to be taken, means of take, daily bag limits, hunting periods, hunting days, and special conditions for hunting on the island of Kaua'i" 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/>). See Attachment 1.

Table 1: Current administrative rules showing changes for Unit F in strikethrough text to be incorporated in Exhibit 1 of Chapter 13-123, HAR.

Hunting Unit	Game Mammals to be Taken	Means of Take	Bag Limits	Open Hunting Periods	Open Hunting Days	Special Conditions and Restrictions
Unit F	Feral goats and feral pigs.	Archery or dog and knife only*/1	One pig and two goats per hunter per day	February through May	Fridays, Saturdays, Sundays, Mondays, and State Holidays Daily	Hunting with firearms prohibited.
		Archery only. Dogs not permitted.	One pig and two goats per hunter per day	July through August		Limited to hunters with valid goat archery permits. Hunting with firearms prohibited.
		Muzzleloaders only. Dogs not permitted.	One pig and two goats per hunter per day	January and June		Permit required */4
	Black-tailed deer, feral goats, and feral pigs.	Archery only. Dogs not permitted.	One deer of either sex per hunter per license year. One pig and two goats per hunter per day.	September through December	Fridays, Saturdays, Sundays, Mondays, and State Holidays Daily	Hunting with firearms prohibited. Permit/tag required. */4

*/1 Dogs must be controlled except when actively pursuing game.

*/4 Hunters must obtain a permit from the Lihue Division of Forestry and Wildlife Office before hunting. Game permit-tag fees may be assessed for these hunts.

RECOMMENDATION

That the Board

1. Approve adaptive management measures to address the deer, goat, and pig populations in Unit F on Kaua'i, increasing hunter access opportunities and decreasing habitat degradation and ecological impacts.
2. Approve and temporarily amend the Division of Forestry and Wildlife Rules Regulating Game Mammal Hunting, Title 13 Chapter 123, HAR, by amending Exhibit 1 to administrative rules for regulating hunting in Unit F on Kaua'i to increase recreational hunting from four days per week and state holidays to seven days per week (daily) using the authority of HRS § 183D-3(b).

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

Attachment 1: Proposed adaptive management rule changes to be incorporated in Exhibit 1 of Chapter 13-123, HAR.

The adoption of these rules shall take effect ten days after this formal action by the Board of Land and Natural Resources (“Board”) (March 28, 2025), and 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
Unit F	Feral goats and feral pigs.	Archery or dog and knife only*/1	One pig and two goats per hunter per day	February through May	Daily	Hunting with firearms prohibited.
		Archery only. Dogs not permitted.	One pig and two goats per hunter per day	July through August		Limited to hunters with valid goat archery permits. Hunting with firearms prohibited.
		Muzzleloaders only. Dogs not permitted.	One pig and two goats per hunter per day	January and June		Permit required */4
	Black-tailed deer, feral goats, and feral pigs.	Archery only. Dogs not permitted.	One deer of either sex per hunter per license year. One pig and two goats per hunter per day.	September through December	Daily	Hunting with firearms prohibited. Permit/tag required. */4

*/1 Dogs must be controlled except when actively pursuing game.

*/4 Hunters must obtain a permit from the Lihue Division of Forestry and Wildlife Office prior to hunting. Game permit-tag fees may be assessed for these hunts. Unit G permits are limited to 30 permits per day on a first come-first served basis. A camping permit from the Division of State Parks is required for overnight trips in Unit G