DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE

Amendments to Title 13 Subtitle 5 Part 2 Chapter 124 Indigenous Wildlife, Endangered and Threatened Wildlife, and Introduced Wild Birds, and updates to Exhibits of Introduced Wild Birds, Injurious Species, Threatened and Endangered Species

SUMMARY

1. Title of chapter is amended
2. Structure of chapter is reorganized
3. Sections 13-124-2, 13-124-3, 13-124-8 are amended
4. Section 13-124-13 is added
5. Exhibits 2-5 are updated

Attachment 1

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 5

FORESTRY AND WILDLIFE

PART 2

WILDLIFE

CHAPTER 124

INDIGENOUS WILDLIFE, ENDANGERED AND THREATENED WILDLIFE, INJURIOUS WILDLIFE, AND INTRODUCED [~~WILD BIRDS~~] WILDLIFE

Subchapter 1 General Provisions

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Subchapter 3 Endangered and Threatened Wildlife

§13-124-11 Prohibited activities
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Historical Note: Chapter 13-124, Hawaii Administrative Rules, is based substantially upon Regulation 18 of the Division of Fish and Game, Department of Land and Natural Resources. [Eff 8/10/53; am 10/10/55; am 3/28/58 and ren Regulation 6; am 9/8/73; R 3/22/82]

SUBCHAPTER 1

GENERAL PROVISIONS

§13-124-1 Purpose. The purpose of this chapter is to conserve, manage, protect, and enhance indigenous wildlife; and manage introduced wild birds. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp] (Auth: HRS §§183D-2, 183D-3, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§[~~191-12,~~] 183D-2, 183D-3, 195D-3, 195D-4, 195D-6, [~~50 CFR §§17.11, 17.12~~])

§13-124-2 Definitions. As used in this chapter unless context requires otherwise:

"Agriculture" means the production of crops which are planted, cultivated, and harvested for food, ornamental, grazing, cultural, medicinal or forest purposes.

"Aquaculture" means the farming or ranching of aquatic life in a controlled salt, brackish, or fresh water environment; provided that the farm or ranch is on or directly adjacent to land.

"Board" means the board of land and natural resources.

"Crops" means a plant or animal or product thereof that can be grown and harvested for profit or subsistence.

"Cultural use" means use for traditional native Hawaiian

practices;

"Department" means the department of land and natural resources.

"Domestic animal" means any of various animals which have been domesticated by humans in a condition mainly dependent on humans.

"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, List of Species of Endangered Wildlife in Hawaii, [~~6/13/96~~] 10/28/11" and as updated, which is located at the end of this chapter and incorporated by reference.

"Export" means shipment to any point outside the State;

"Feral" means having escaped or been released from domestication and reverted to a wild state over several generations.

"Game birds" means those birds designated by law or rule for hunting.

"Game mammals" means those mammals designated by law or rule for hunting.

"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, 2/1/97" and as updated, which is located at the end of this chapter and incorporated by reference.

"Injurious wildlife" means any species or subspecies of animal [~~except game birds and game mammals~~], except where specified otherwise by rule or permitted by the department of agriculture as conditionally approved, 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, [~~2/1/97~~] 10/28/11" 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.

"Introduce" means an act of releasing wildlife into a habitat to which it is not indigenous.

"Introduced wild birds" means any non-domesticated species of birds introduced or imported to Hawaii by humans and living in a wild state other than game birds, including, but not limited to, species listed in the exhibit entitled "Exhibit 4, Introduced Wild Birds Other Than Game Birds Which Have Become Established in the

Wild, [~~2/1/97~~] 10/28/11" and as updated, which is located at the end of this chapter and incorporated by reference], except where specified otherwise by rule or permitted by the department of agriculture as conditionally approved.

"Introduced wildlife" means any wildlife introduced or imported to Hawaii by humans [~~and living in a wild and undomesticated state~~].

"Plant" means any member of the plant kingdom, including seeds, roots, and other parts thereof.

"Release" means to free an animal from effective confinement or restraint.

"Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect endangered or threatened species of wildlife, or to attempt to engage in any such conduct.

"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, [~~2/1/97~~] 10/28/11" and as updated, which is located at the end of this chapter and incorporated by reference.

"Wildlife" means any member of any non-domesticated species of the animal kingdom, and game mammals and game birds living in a wild and non-domesticated state, whether reared in captivity or not, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp] (Auth: HRS §§183D-2, 183D-3, 183D-31, 183D-51, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-2, 183D-3, 183D-31, 183D-51, 183D-61, 195D-3, 195D-4, 195D-6[~~, 50 CFR §§17.11, 17.12~~])

§13-124-2.1 Revocation of permits. Any permit issued pursuant to this chapter shall be revocable for due cause and shall be nonassignable unless otherwise provided by law. Any person whose permit has been revoked shall not be eligible to apply for another permit until the expiration of two years from the date of revocation. [Eff 3/2/98; am and ren §13-124-2.1] (Auth: HRS §§183D-2, 183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-2, 183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6, 195D-8, 195D-9)

§13-124-2.2 Compliance with laws. All persons applying for and receiving permits under this chapter shall comply with all federal, state, and county laws, rules, and required permits

or licenses. [Eff 3/2/98; ren §13-124-2.2] (Auth: HRS §§183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-8, 195D-9)

§13-124-2.3 Exemption. This chapter shall not apply to any activity involving indigenous, endangered, or threatened wildlife which was held in captivity, or in a controlled environment on May 10, 1975; provided that the purposes of the holding were not contrary to the purposes of chapter 195D, HRS, and that the wildlife were not held for sale or resale. [Eff and comp 8/28/86; am and comp 3/2/98; ren §13-124-2.3] (Auth: HRS §§183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-61, 195D-3, 195D-4, 195D-6)

§13-124-2.4 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff 3/2/98; am and ren §13-124-2.4] (Auth: HRS §§183D-2, 183D-3, 195D-6, 195D-10) (Imp: HRS §§183D-2, 183D-3, 195D-6, 195D-10)

SUBCHAPTER 2

INDIGENOUS, INJURIOUS, AND INTRODUCED WILDLIFE

§13-124-3 Prohibited activities. (a) With respect to indigenous wildlife and introduced wild birds, and except as provided in [~~subsections (d) and (e)~~]subsection (e) or as permitted by the department, no person shall or attempt to:

(1) Catch, possess, injure, kill, destroy, sell, offer for sale, or transport any such species, or any young or egg, or the dead body or skin thereof;

(2) Export any such species, or any young or egg, or the dead body or skin thereof from the State.

[~~(b) With respect to endangered and threatened species of wildlife except as provided in subsection (e), no person shall or attempt to:~~

~~(1) Take, possess, process, sell, offer for sale, or transport any such species, any young or egg, or the dead body or skin thereof within the State;~~

~~(2) Export any such species, or any young or egg, or the dead body or parts thereof, from the State.~~]

[~~(c)~~] (b) No person shall remove, damage, or disturb the

nest of any indigenous[~~, endangered, or threatened species~~] wildlife except as provided in subsection [~~(c)~~](e) or as permitted by the department;

[~~(d)~~] (c) With respect to injurious wildlife, except as provided in subsection [~~(c)~~](e), no person shall, or attempt to:

[~~(1) Release injurious wildlife into the wild;~~

~~(2) Transport them to islands or locations within the State where they are not already established and living in a wild state;~~]

(1) Transport and release such species;

[~~(3)~~] (2) Export any such species, or the dead body or parts thereof, from the State[~~.~~];

[~~(4)~~] (3) The prohibitions against the destruction of wild birds shall not apply to those introduced wild birds listed as injurious wildlife.

(d) With respect to introduced wildlife, except as provided in subsection (e), no person shall, or attempt to, transport and release such species, unless authorized by a permit issued by the board or its authorized representative, the department of agriculture, or the department of health.

(e) The prohibited activities in this section shall not apply to authorized employees of the department, or enforcement agents and inspectors of the department of agriculture and U.S. Fish and Wildlife Service when acting in the course of their official duties, or persons authorized by the board or its authorized representative and as provided elsewhere in this chapter. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98] (Auth: HRS §§183D-8, 183D-61, 183D-62, 183D-63, 183D-64, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-8, 183D-61, 183D-62, 183D-63, 183D-64, 195D-3, 195D-4, 195D-6[~~, 50 CFR §§17.11, 17.12~~])

§13-124-4 Scientific, propagation, and educational permits. (a) Permits for collecting, possessing, killing, selling or offering for sale, and transporting [~~threatened wildlife,~~]indigenous wildlife, introduced wild birds, game birds, or game mammals may be issued by the board or its authorized representative for scientific or educational purposes including cultural activities, or for activities which will enhance the survival of the wildlife species.

[~~(b) Permits to take, possess, process, sell or offer for sale, transport, or export any endangered species of wildlife may be issued only for scientific purposes or to enhance the propagation or survival of the wildlife species, except permits to possess legally obtained endangered species may be issued for educational purposes which enhance the survival of that species.~~][Eff 3/22/82; am and comp 8/28/86; am and comp

3/2/98] (Auth: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6[~~, 50 CFR §§17.11, 17.12~~])

§13-124-5 Repealed. [R 3/2/98]

§13-124-6 Permits for keeping indigenous wildlife, introduced wild birds, game birds, and game mammals. (a) Permits may be issued by the board or its authorized representative to qualified persons who apply in writing to maintain indigenous wildlife, introduced wild birds, game birds, or game mammals in captivity for the protection, treatment for injury or disease, propagation, and other purposes consistent with the preservation, protection, and conservation of the animals. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98] (Auth: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-6)

§13-124-7 Crop damage, nuisance, and threat to human health and safety permits. (a) The board or its authorized representative may issue permits to destroy or otherwise control game birds, game mammals, or introduced wild birds causing substantial damage to agricultural or aquacultural crops, indigenous plants or wildlife, or pose a threat to human health and safety under the following conditions:

(1) An authorized agent of the department has investigated the complaint and is satisfied that substantial damage has occurred or is likely to occur;

(2) Permits to control game mammals and game birds on parcels larger than 300 acres, may be issued only when it has been determined that public hunting is not a reasonable and appropriate method of control;

(3) Permits shall state the species and may specify the number to be destroyed and the method of control to be used. The permit may include other terms and conditions as may seem proper and applicable;

(4) Permits for restricted use pesticides may be issued only after an integrated animal damage control plan has been submitted to and approved by an authorized agent of the department[~~.~~];

(5) When species of introduced wildlife or injurious wildlife are found to be generally harmful or destructive to agriculture or aquaculture, native plants or wildlife, or constituting a threat to human health or safety, the board or its authorized

representative may authorize the destruction or control of the species in any area for a specified time period without requiring permits or reports.

(b) The board or its authorized representative may issue permits to destroy or otherwise control indigenous wildlife other than threatened and endangered species, causing substantial damage to agricultural or aquacultural crops, indigenous plants or wildlife, or pose a threat to human health and safety under the following conditions:

(1) An authorized agent of the department has investigated the complaint and is satisfied that substantial damage has occurred or is likely to occur;

(2) Permits shall state the species to be destroyed or taken; the method of control to be used; the maximum number of individuals of each species to be destroyed or taken; and the disposition of individuals destroyed or taken. The permit shall include other terms and conditions as may seem proper and applicable[~~.~~]; and

(3) Permits to destroy indigenous wildlife shall be issued only after significant efforts to haze or non-lethally deter the pest animals have been attempted and proved ineffective.

(c) Permittees shall submit monthly summary reports to the department on forms provided or facsimiles that include:

(1) The common name of the target and non-target wildlife taken;

(2) The number of each wildlife species;

(3) The disposition of the wildlife; and

(4) Any other information required by the permit.

(d) Failure to submit monthly reports is grounds for cancellation of permits by the board or its authorized representative.

(e) No permit shall be issued or used for the destruction of any endangered or threatened species of wildlife.

(f) Permits may only be amended or otherwise altered by the board or its authorized representative. A copy of the amendment and written approval must be attached to the permit.

[~~(g) When species of introduced wildlife are found to be generally harmful or destructive to agriculture or aquaculture, native plants or wildlife, or constituting a threat to human health or safety, the board or its authorized representative may authorize the destruction or control of the species in any area for a specified time period without requiring permits or reports.~~]

[~~(h)~~] (g) No permit is required merely to scare or herd depredating wildlife other than endangered or threatened species of wildlife. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98] (Auth: HRS §§183D-61,195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-61, 195D-3, 195D-4, 195D-5, 195D-6[~~, 16 U.S.C. §§1531, 50 CFR §§17.11, 17.12~~])

[~~§13-124-7.1 Revocation of permits. Any permit issued pursuant to this Chapter shall be revocable for due cause and shall be nonassignable unless otherwise provided by law. Any person whose permit has been revoked shall not be eligible to apply for another permit until the expiration of two years from the date of revocation. [Eff 3/2/98] (Auth:HRS §§195D-3, 195D-4, 195D-6) Imp: HRS §§195D-8, 195D-9)~~

~~§13-124-7.2 Compliance with laws. All persons applying for and receiving permits under this chapter shall comply with all federal, state, and county laws, rules, and required permits or licenses. [Eff 3/2/98] (Auth: HRS §§195D-3, 195D-4, 195D-6) Imp: HRS §§195D-8, 195D-9)~~

§13-124-8 Penalty. Any person violating any part of this subchapter shall be [~~penalized as provided by law.~~] guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as follows:

(1) For a first conviction, by a mandatory fine of not less than $100, or imprisonment of not more than thirty days, or both;

(2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than $500, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State; and

(3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than $1,000, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State.

(b) In addition to any other penalty imposed under this section, a mandatory fine of $100 shall be levied for each bird illegally taken under this chapter and a mandatory fine of $500 shall be levied for each mammal illegally taken under this chapter.

(c) The disposition of fines collected for violations of

the provisions concerning wildlife conservation shall be subject to HRS 183D-10.5.

(d) Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines or bring legal action to recover administrative costs of the department or payment for damages or for the cost to correct damages resulting from a violation of subtitle 4 of title 12 or any rule adopted thereunder. The administrative fines shall be as follows:

(1) For a first violation, by a fine of not more than $10,000;

(2) For a second violation within five years of a previous violation, by a fine of not more than $15,000; and

(3) For a third or subsequent violation within five years of the last violation, by a fine of not more than $25,000.

(e) In addition, an administrative fine of up to $5,000 may be levied for each specimen of wildlife taken, killed, injured, or damaged in violation of subtitle 4 of title 12 or any rule adopted thereunder.

(f) Any criminal action against a person for any violation of subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person.

(g) Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by HRS section 199-7 and chapter 712A. [Eff 3/22/82; am and comp 8/28/86; comp 3/2/98] (Auth: HRS §§[~~183D-61, 195D-3, 195D-4, 195D-6~~]183D-3, 183D-5, 183D-10.5, 183D-12, 199-7, 712A-4, 712A-6) (Imp: HRS §§[~~183D-33, 183D-61, 183D-62, 183D-63, 183D-64, 195D-8, 195D-9~~] 183D-3, 183D-5, 183D-10.5, 183D-12, 199-7, 712A-4, 712A-6)

~~§13-124-9 Exemption. This chapter shall not apply to any activity involving indigenous, endangered, or threatened wildlife which was held in captivity, or in a controlled environment on May 10, 1975; provided that the purposes of the holding were not contrary to the purposes of chapter 195D, HRS, and that the wildlife were not held for sale or resale. [Eff and comp 8/28/86; am and comp 3/2/98] (Auth: HRS §§183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-61, 195D3, 195D-4,~~

~~195D-6)~~

~~§13-124-10 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff 3/2/98] (Auth: HRS §§183D-2, 183D-3) (Imp: HRS §§183D-2, 183D-3)~~]

SUBCHAPTER 3

ENDANGERED AND THREATENED WILDLIFE

§13-124-11 Prohibited activities. (a) With respect to endangered and threatened species of wildlife except as provided in subsection (c) or as permitted by the department, no person shall or attempt to:

(1) Take, possess, process, sell, offer for sale, or transport any such species, any young or egg, or the dead body or skin thereof within the State;

(2) Export any such species, or any young or egg, or the dead body or parts thereof, from the State.

(b) No person shall remove, damage, or disturb the nest of any endangered or threatened species except as provided in subsection (c) or as permitted by the department;

(c) The prohibited activities in this section shall not apply to authorized employees of the department, or enforcement agents and inspectors of the department of agriculture and U.S. Fish and Wildlife Service when acting in the course of their official duties, or persons authorized by the board or its authorized representative and as provided elsewhere in this chapter. [Eff] (Auth: HRS §§183D-8, 183D-61, 183D-64, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-8, 183D-61, 183D-64, 195D-3, 195D-4, 195D-5, 195D-6)

§13-124-12 Scientific, propagation, and educational permits. (a) Permits for collecting, possessing, killing, selling or offering for sale, and transporting threatened wildlife may be issued by the board or its authorized representative for scientific or educational purposes including cultural activities, or for activities which will enhance the survival of the wildlife species.

(b) Permits to take, possess, process, sell or offer for sale, transport, or export any endangered species of wildlife may be issued only for scientific purposes or to enhance the propagation or survival of the wildlife species, except permits to possess legally obtained endangered species may be issued

for educational purposes which enhance the survival of that species. [Eff] (Auth: HRS §§183D-6, 183D-61, 195D-3, 195D-4,195D-5, 195D-6) (Imp: HRS §§183D-6, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6)

§13-124-13 Penalty. (a) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

(1) For a first offense by a fine of not less than $250 or by imprisonment of not more than one year, or both; and

(2) For a second or subsequent offense within five years of a previous conviction by a fine of not less than $500 or by imprisonment of not more than one year, or both.

(b) In addition to the above penalties, except for violations under approved habitat conservation plans under section HRS 195D-21 or approved safe harbor agreements under section HRS 195D-22 as determined by the board, a fine of $5,000 for each specimen of a threatened species and $10,000 for each specimen of an endangered species intentionally, knowingly, or recklessly killed or removed from its original growing location, shall be levied against the convicted person.

(c) The disposition of fines collected for violations of the provisions concerning wildlife conservation shall be subject to HRS 183D-10.5.

(d) Except as otherwise provided by law, the board or its authorized representative by proper delegation is authorized to set, charge, and collect administrative fines or bring legal action to recover administrative fees and costs as documented by receipts or affidavit, including attorneys' fees and costs, or bring legal action to recover administrative fines, fees, and costs, including attorneys' fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of this chapter. The administrative fines shall be as follows:

(1) For a first violation, a fine of not more than $2,500;

(2) For a second violation within five years of a previous violation, a fine of not more than $5,000; and

(3) For a third or subsequent violation within five years of the last violation, a fine of not more than $10,000.

(e) In addition, an administrative fine of up to $5,000 may be levied for each specimen of wildlife or plant taken, killed, injured, or damaged in violation of this chapter.

(f) Any criminal action against a person for any violation of this chapter shall not be deemed to preclude the State from

pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of this chapter shall not be deemed to preclude the State from pursuing any criminal action against that person.

(g) Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by HRS section 199-7 and chapter 712A. [Eff](Auth: HRS §§195D-3, 195D-4, 195D-6, 195D-7, 195D-8, 195D-9, 199-7, 712A-4, 712A-6) (Imp: HRS §§195D-3, 195D-4, 195D-6, 195D-7, 195D-8, 195D-9, 199-7, 712A-4, 712A-6)

APPROVED FOR PUBLIC HEARING:

DEPUTY ATTORNEY GENERAL

EXHIBIT 2 - Chapter 13-124
10/28/11

List of Species of Endangered Wildlife in Hawaii

SCIENTIFIC NAME COMMON NAME HAWAIIAN NAME	PORTION OF RANGE WHERE ENDANGERED
Endangered Birds	
Pterodroma sandwichensis Hawaiian Petrel 'Ua'u	Entire
Pterodroma phaeopygia Galápagos Petrel	Entire
Oceanodroma castro Band-rumped Storm-petrel 'Oeoe	Entire
Branta sandvicensis Hawaiian Goose Nēnē	Entire
Anas laysanensis Laysan Duck	Entire
Anas wyvilliana Hawaiian Duck Koloa-maoli	Entire
Buteo solitarius Hawaiian Hawk 'Io	Entire
Gallinula chloropus sandvicensis Common Moorhen (Hawaiian Gallinule) 'Alae 'ula	Entire
Fulica alai Hawaiian Coot	Entire

'Alae ke'oke'o	
Himantopus mexicanus knudseni Black-necked (Hawaiian) Stilt Āe'o	Entire
Asio flammeus sandwichensis Short-eared (Hawaiian) Owl Pueo	Oahu
Corvus hawaiiensis Hawaiian Crow 'Alalā	Entire
Chasiempis ibidis Oahu Elepaio	Entire
Myadestes lanaiensis rutha Molokai Thrush Oloma'o	Entire
Myadestes myadestinus Kauai Thrush Kāma'o	Entire
Myadestes palmeri Small Kauai Thrush Puaiohi	Entire
Acrocephalus familiaris kingi Nihoa Millerbird	Entire
Moho braccatus Kauai 'Ō'ō 'Ō'ō 'a'a	Entire
Hemignathus virens wilsoni Maui 'Amakihi 'Amakihi	Lanai
Oreomystis bairdi Kauai Creeper Akikiki	Entire
Oreomystis mana Hawaii Creeper	Entire
Paroreomyza flammea Molokai Creeper Kakawahie	Entire
Paroreomyza maculata Oahu Creeper 'Alauwahio	Entire
Loxops coccineus coccineus Hawaii 'Akēpa 'Akepeu'ie	Entire
Loxops caeruleirostris Kauai Akepa Akekee	Entire

Loxops coccineus ochraceus Maui 'Akēpa 'Akepeu'ie	Entire
Melamprosops phaeosoma Po'ouli Po'ouli	Entire
Hemignathus steinegeri Kauai 'Akialoa 'Akialoa	Entire
Hemignathus lucidus affinis Maui Nuku-pu'u Nuku-pu'u	Entire
Hemignathus lucidus hanapepe Kauai Nuku-pu'u Nuku-pu'u	Entire
Hemignathus munroi 'Akiapōlā'au 'Akiapōlā'au	Entire
Pseudonestor xanthophrys Maui Parrotbill	Entire
Psittirostra psittacea 'Ō'ū 'Ō'ū	Entire
Telespyza cantans Laysan Finch	Entire
Telespyza ultima Nihoa Finch	Entire
Loxioides bailleui Palila Palila	Entire
Palmeria dolei Crested Honeycreeper 'Ākohekohe	Entire
Vestiaria coccinea 'I'iwi 'I'iwi	Oahu, Lanai, Molokai
Phoebastria albatros Short-tailed Albatross	Entire

Endangered Mammals

Lasiurus cinereus semotus Hawaiian (Hoary) Bat 'Ōpe'ape'a	Entire
Monachus schauinslandi Hawaiian Seal 'Īlio-holo-i-kauaua	Entire

Megaptera novaeangliae Humpback Whale Koholā	Entire
Balaenoptera physalus Fin Whale	Entire
Physeter catodon Sperm Whale Palaoa, Koholā kepama	Entire

Endangered Reptiles

Eretmochelys imbricata bissa Pacific Hawksbill Sea Turtle Ea	Entire
Dermochelys coriacea schlegelii Pacific Leatherback Sea Turtle	Entire

Endangered Mollusks

Achatinella spp. Oahu (Achatinella) Tree Snails	Oahu

EXHIBIT 3 - Chapter 13-124
10/28/11

List of Species of Threatened Wildlife in Hawaii

SCIENTIFIC NAME COMMON NAME HAWAIIAN NAME	PORTION OF RANGE WHERE THREATENED
Threatened Birds	
Puffinus auricularis newelli Townsend's (Newell's)Shearwater 'A'o	Entire
Gygis alba White Tern Manu-o-ku	Oahu
Threatened Reptiles	
Threatened Reptiles Careta careta Loggerhead Sea Turtle	Entire
Chelonia mydas agassizi	Entire

Pacific Green Sea Turtle Honu	
Lepidochelys olivacea Olive (Pacific) Ridley Sea Turtle	Entire

EXHIBIT 4 - Chapter 13-124
10/28/11

Introduced Wild Birds Other than Game Birds Which Have Become Established in the Wild

COMMON NAME	SCIENTIFIC NAME
GEESE, DUCKS	ANATIDAE
Mallard	Anas platyrhynchos

DOVES	COLUMBIDAE
Rock Dove, Common Pigeon, Domestic Pigeon	Columba livia

PARAKEETS	PSITTACIDAE
Rose-ringed Parakeet	Psittacula krameri
Red-crowned Amazon	Amazona viridigenalis
Mitred Conure	Aratinga mitrata
Red-masked Conure	Aratinga erythrogenys

BARN OWLS	TYTONIDAE
Barn Owl	Tyto alba

SWIFTLETS	APODIDAE
Island Swiftlet, Gray Swiftlet, Uniform Swiftlet	Aerodramus vanikorensis

LARKS	ALAUDIDAE
Eurasian Skylark	Alauda arvensis

BULBULS	PYCNONOTIDAE
Red-vented Bulbul	Pycnonotus cafer
Red-whiskered Bulbul	Pycnonotus jocosus

BUSH-WARBLERS, THRUSHES, ETC	MUSCICAPIDAE & TIMALIIDAE
Uguisu, Japanese Bush-Warbler	Cettia diphone
Shama Thursh, White-rumped Shama	Copsychus malabaricus
Greater Necklaced Laughing-thrush	Garrulax pectoralis
Gray-sided Laughing-thrush	Garrulax caerulatus
Melodius Laughing-thrush, Chinese Thrush, Hwamei	Garrulax canorus
Red-billed Leiothrix, Pekin Nightingale, Japanese Hill-robin	Leiothrix lutea

MOCKINGBIRDS	MIMIDAE
Northern Mockingbird	Mimus polyglottos

STARLINGS, MYNAS	STURNIDAE
Common myna	Acridotheres tristis

WHITE-EYES	ZOSTEROPIDAE
Mejiro, Japanese White-eye	Zosterops japonicus

CARDINALS, MEADOWLARKS, ETC.	EMBERIZIDAE
North American or Kentucky Cardinal, Northern Cardinal	Cardinalis cardinalis
Brazilian Cardinal, Red-crested Cardinal	Paroaria coronata
Yellow-billed Cardinal	Paroaria capitata
Yellow-faced Grassquit	Tiaris olivacea
Saffron Finch	Sicalis flaveola
Western Meadowlark	Sternella neglecta

FINCHES	FRINGILLIDAE
Linnet, House Finch	Carpodacus mexicanus
Green Singing-Finch, Yellow-	Serinus mozambicus

fronted Canary	
Canary, Common Canary	Serinus canaria

OLD WORLD SPARROWS	PASSERIDAE
English Sparrow, House Sparrow	Passer domesticus

WAXBILLS, MANNIKINS	ESTRILDIDAE
Red-cheeked Cordonbleu	Uraeginthus bengalus
Lavender Waxbill	Etrilda caerulescens
Orange-cheeked Waxbill	Estrilda melpoda
Red-eared Waxbill, Black-rumped Waxbill	Estrilda troglodytes
Common Waxbill	Estrilda astrild
Strawberry Finch, Red Munia, Red Avadavat	Amandava amandava
Warbling Silverbill	Lonchura malabarica
Ricebird, Spotted Munia, Nutmeg Mannikin	Lonchura punctulata
Black-headed Mannikin or Munia, Chestnut Mannikin	Lonchura malacca
Java Sparrow	Padda oryzivora

EXHIBIT 5 - Chapter 13-124
10/28/11

List of Species of Injurious Wildlife in Hawaii

COMMON NAME SCIENTIFIC NAME

BIRDS

Mannikin or Munia, Black-headed (Chestnut Mannikin)	Lonchura malacca
Sparrow, Java (Java Rice Finch)	Padda oryzivora
Mallards	Anas platyrhynchos
Doves and pigeons	All species in the family COLUMBIDAE

Parrots	All species in the family PSITTACIDAE
All introduced raptors	All species in the families ACCIPITIDAE, PANDIONIDAE, SAGITTARIIDAE, FALCONIDAE, CATHARTIDAE, STRIGIDAE, TYTONIDAE)
Bulbuls	All species in the family PYCNONOTIDAE
Warblers	All species in the family CETTIIDAE and associated allies
Old World Flycatchers	All species in the family MUSCICAPIDAE
Old World Babblers	All species in the family TIMALIIDAE
Starlings	All species in the family STURNIDAE
White eyes	All species in the family ZOSTEROPIDAE

AMPHIBIANS/REPTILES

Frogs	All species in the Order Anura
Gecko, Tokay	Gekko gecko
Gecko, Day	All species in the genus Phelsuma
Iguana, Green	All species in the Family Iguanidae
Lizards, Anole	All species in the genus Anolis
Agamid Lizards	All species in Family Agamidae
Skinks	All Species in Family Scincidae
Anguid Lizards	All species in Family Anguidae
Whiptails and Tegus	All species in Family Teiidae
All freshwater turtles and tortoises	All species in the Order Testudines
All snakes	All species in the suborder Serpentes, except Ramphotyphlops braminus and Pelamis platurus
Monitor lizards and Gila monsters	All species in the subfamily VARANOIDEA

INVERTEBRATES

Snails, Apple	All species in the genera: Pomacea, Pila, and Cipangopaludina
Snail, European brown	Helix aspersa
Snail, Giant African	Achatina fulica
Snail, Cannibal	Euglandina rosea
(no common name)	Gonaxis kibweziensis
Clam, Asiatic	Corbicula fluminea
Little fire ant	Wasmannia auropunctata
Red imported fire ant	Solenopsis invicta
Africanized honeybee	Apis mellifera scutellata
Asian honeybee	Apis cerana
Nettle caterpillar	Darna pallivitta
Small hive beetle	Aethina tumida
Coffee berry borer	Hypothenemus hampei
Varroa mite	Varroa destructor

MAMMALS

Small Indian Mongoose	Herpestes javanicus
Even-toed ungulates, except for game mammals	All species in the order ARTIODACTYLA (with paraxonic feet)

APPROVED FOR PUBLIC HEARING:

DEPUTY ATTORNEY GENERAL