

A photograph of a forest path. Sunlight filters through the dense green canopy of tall trees, creating a dappled light effect on the path and the surrounding foliage. The path is narrow and leads into the distance. The overall atmosphere is peaceful and natural.

HCR200 SD1 Axis Deer

Lori Buchanan

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URGING THE STATE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF AGRICULTURE OF THE COUNTY OF MAUI TO TAKE FURTHER MEANINGFUL ACTION TO ADDRESS THE AXIS DEER OVERPOPULATION.

BE IT RESOLVED by the House of Representatives of the Thirty-third Legislature of the State of Hawaii, Regular Session of 2025, the Senate concurring, that the State Department of Agriculture and the Department of Agriculture of the County of Maui are urged to take further meaningful action to address the axis deer overpopulation, including:

(1) Implementing policies to make United States Department of Agriculture-certified meat inspectors, certified inspections, and certified processing facilities more accessible, capable, and affordable in the State for local hunters to utilize to sell or gift venison; and

(2) Implementing policies to increase the amount of in-state United States Department of Agriculture-certified meat inspectors for game mammals; and

BE IT FURTHER RESOLVED that the State Department of Agriculture and Department of Agriculture of the County of Maui are urged to convene a joint task force to oversee the County of Maui program that, in coordination with the United States Department of Agriculture-certified processing facilities, would aim to investigate and develop plans to make affordable the processing of locally-hunted axis deer meat and the distribution of venison to the community; and

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BE IT FURTHER RESOLVED that the joint task force is requested to submit a report of the program's accomplishments and barriers to the accomplishment of the program with its findings and recommendations, including any proposed legislation, to the Legislature no later than November 30, 2025; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the United States Secretary of Agriculture, Administrator of the United States Department of Agriculture Food Safety and Inspection Service, Deputy Director of the United States Fish and Wildlife Service, Governor, Chairperson of the Board of Agriculture, Chairperson of the Board of Land and Natural Resources, Mayor of the County of Maui, each member of the Maui County Council, and Director of the Department of Agriculture of the County of Maui.

Here is the current Axis Deer Emergency Proclamation:

https://governor.hawaii.gov/wp-content/uploads/2025/07/2507092-ATG_Twenty-Second-Proclamation-Relating-to-Axis-Deer.pdf. This is the 22nd Axis Deer Emergency Proclamation!

WHEREAS, on March 23, 2022, May 23, 2022, July 22, 2022, September 20, 2022, November 18, 2022, January 17, 2023, March 18, 2023, May 17, 2023, July 14, 2023, (August 8, 2023_LF) September 13, 2023, November 8, 2023, January 8, 2024, March 8, 2024, May 3, 2024, July 2, 2024, August 30, 2024, October 29, 2024, December 27, 2024, February 25, 2025, April 25, 2025, and June 3, 2025, **Note: The first confirmed human case of COVID in the United States was on 19 January 2020 and The WHO ended the PHEIC on 5 May 2023. *Note: August 8, 2023 was the Lahaina Fire just 3 months from the WHO COVID declaration*

Emergency Proclamations did several things

- *The Hawaii Department of Agriculture (HDOA) opened an emergency loan program to assist farmers in Maui County with low-interest emergency loans.
- *The Agricultural Loan Division of the HDOA reported that it processed a Three Hundred Fifty Thousand dollar emergency loan to assist a ranch on Maui; and
- *Including the previously mentioned loan, the Agricultural Loan Division of the HDOA approved eight (8) loans under this program, totaling One Million One Hundred Forty Thousand Four Hundred Twenty dollars;
- *HDOA convened a Meat Processing task force regarding Act 54, meat processing rules, regulations, and donations.
- *The Meat Processing task force awarded a contract to conduct a study to determine the feasibility and potential roadblocks to expand meat-processing capacity in the State to the University of Hawai'i; (strategic framework to ensure safe and nutritious food products for consumers, determine feasibility and potential roadblocks, initiate a survey of hunting groups, food distributors, slaughterhouses, and meat processors; initiatives to increase the commercial slaughter of axis deer to help decrease the population and provide a sustainable food source;
- *DOFAW utilized the Fifteenth Emergency Proclamation, dated July 2, 2024, to submit contract approvals for three (3) strategic deer fences for Maui island, totaling over 11 miles and order all materials for these three (3) fences;
- *The United States Department of Agriculture Wildlife Services will conduct studies to determine the role axis deer play in the outbreak of bTB, bovine tuberculosis.
- *Various Axis deer mitigation measures were and continue to be implemented (fencing etc.)
- *Spatially explicit action plans developed by DOFAW to assist landowners with tools and methods to identify appropriate harvest levels to discourage migration levels and increase to ag areas.
- *DOFAW would have large strategic deer fence construction projects in West Maui
- *DOFAW has a number of orders and purchases that requires several more months of lead time to restart procurement process
- *DOFAW received a large amount of additional funding specifically for axis deer control in 2024 and needs to expend appropriated funds in a timely manner.
- *Gives DOFAW any future emergency proclamation to obtain contracts for, materials for, and install additional deer fences across the landscape of Maui Nui; and
- *DOFAW utilized the Fifteenth Emergency Proclamation, dated July 2, 2024, to purchase materials and supplies for remote trap fabrication for sixteen (16) traps; and

Continued

- * DOFAW continues to conduct aerial shoot missions to remove axis deer from remote, hard to reach areas.
- *DOFAW continues its wildlife control permit program in the Department of Hawaiian Homelands Waiohuli/Keokea Unit and DOFAW reports that over three hundred fifty (350) axis deer have been removed by the general public and Department of Hawaiian Homelands beneficiaries between February 2024 and July 2024; and
- *DOFAW will utilize future emergency proclamations to conduct and complete aerial axis deer surveys for the islands of Moloka'i and Lana'i.; and
- *DOFAW received a large amount of funding from the Legislature for fiscal year 2025 specifically for axis deer management and the emergency proclamation(s) assist DOFAW in expending the appropriated funds in a timely and efficient manner; and
- *DOFAW issued a request for proposals from private landowners to participate in targeted axis deer control on the islands of Maui, Moloka'i, and Lāna'i that closed on November 25, 2024, which is intended to provide a financial incentive to private landowners to remove axis deer from their land;
- *DOFAW completed an updated axis deer population survey, which was conducted throughout 2024, and is currently working on finalizing that survey for public release; and
- *DOFAW is finalizing a report on the amount of axis deer taken during 2024 and will release that report publicly in the near future; and
- * DOFAW is still procuring and receiving the necessary parts for axis deer traps through the suspension of procurement laws
- *I. Invocation of Laws Section 127A-12(b)(13), HRS, requiring each public utility, or any person owning, controlling, or operating a critical infrastructure, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof, and provide for the protection and safeguarding of all critical infrastructure and key resources;
- *Deer Control Pursuant to sections 127A-12 and 127A-13, HRS, the county and state agencies are to provide emergency relief and engage in emergency management functions as defined in section 127A-2, HRS, to enable planning and implementation of deer management strategies, including but not limited to, creating buffers and to erect, reinforce, or repair fence lines to keep the deer away from roadways, airports, and runways, taking action to immediately cull axis deer, and reducing the herds of axis deer to sustainable numbers to provide protection and relief and damages, losses and suffering caused by the emergency.
- *Suspension of Laws. Chapter 6E HRS, Chapter 343 HRS, Chapter 46 County Organization and administration and too many to list but I did not see a suspension of the state constitution.

Findings of Fact/Considerations

TRADITIONAL AND CUSTOMARY RIGHTS, Hawaii State Constitution

Article XII Section 7. The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. [Add Const Con 1978 and election Nov 7, 1978]

These provisions indicate that the state constitution does not regulate culture out of existence, rather it supports and protects cultural rights, privileges and tradition.

CONSERVATION AND DEVELOPMENT OF RESOURCES

Article XI Section 1. For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

Many native Hawaiians of Molokai believe the practices of subsistence gathering of axis deer on Molokai to be a protected cultural practice. They also believe axis deer was a gift from their king specifically for Molokai as evidenced by its intentional introduction and KAPU placed on the axis deer. Many native Hawaiians on Molokai consider Axis deer a natural resource that is protected by the Hawaii state constitution.

A photograph of a forest path. Sunlight filters through the dense green canopy of tall trees, creating a dappled light effect on the path and the surrounding foliage. The path is a narrow, dirt trail that leads into the distance. The trees are mostly deciduous with vibrant green leaves. The overall atmosphere is peaceful and natural.

HCR42 HD1 Biosecurity

Lori Buchanan

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ENCOURAGING EACH COUNTY TO ESTABLISH ITS OWN BIOSECURITY PLAN THAT PRIORITIZES THE NEEDS OF THE COUNTY.

WHEREAS, additionally, establishing county-level biosecurity plans will allow each county to prioritize its biosecurity needs and develop community-based strategies for invasive species mitigation; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-third Legislature of the State of Hawaii, Regular Session of 2025, the Senate concurring, that each county is encouraged to establish its own biosecurity plan that prioritizes the needs of the county and identifies proposals for legislative changes_at the State and county level to promote the county's biosecurity; and

BE IT FURTHER RESOLVED that because biosecurity efforts are an ongoing effort statewide, each county is encouraged to collaborate with other counties in developing its biosecurity plan; and

BE IT FURTHER RESOLVED that each county is encouraged to share its findings and biosecurity plan and collaborate with the State, including the Department of Agriculture and Hawaii Invasive Species Council; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Board of Agriculture; Co-Chairpersons of the Hawaii Invasive Species Council; and Mayors and Council Chairs of the City and County of Honolulu and Counties of Hawaii, Kauai, and Maui.

Findings of Fact/Considerations

The establishment of a biosecurity plan for each county will allow the county and State to prioritize biosecurity needs. The statewide **Hawaii Interagency Biosecurity Plan is a 10-year plan ending in 2027**, which makes the need for additional biosecurity planning even more urgent.

There is a **significant legal obstacle** that prevents counties from being able to protect themselves, their people, and their natural and cultural resources from invasive species.

Courts have determined that counties in Hawaii are completely prohibited from enacting ordinances to ban or regulate the movement of noxious weeds, pests, or other invasive species or material infested with a pest or invasive species.^[1]

Only the Department of Agriculture and Biosecurity (DAB) has that authority.

Currently, county actions are limited to control and eradication measures to address an invasive species once it is detected in the county.

Fortunately, HCR 42 HD1 recognizes this limitation and encourages each county to include in its biosecurity plan "proposals for legislative changes at the State and county level to promote the county's biosecurity."

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One area of consideration for State legislative change is with respect to the regulation of invasive plants.

While the case law clearly finds that regulation of the movement of invasive plants is solely the responsibility of DAB, the State-level program is not robust and is not effective in preventing the importation or sale of invasive plant species in the State, and is even less effective in controlling invasive plants.

DAB has never developed a list of restricted plants as required by section 150A-6.1(a) HRS. DAB does have regulations related to noxious weeds, but they are made for a different time. The noxious weed statutes and rules are based on statutes and rules initially adopted in the 1950s. While they have been amended since then, they are still geared toward the large agricultural producer model for crops like sugarcane and pineapple, which is no longer present in the State.

DAB's list of noxious weed species was last updated in 1992.

(See <https://dab.hawaii.gov/wp-content/uploads/2012/12/Chapter-68.pdf>) There are many invasive plants, including invasive grasses, that are not on this decade-old list. Further, there is no penalty for planting or transporting noxious weeds within the State in violation of the noxious weed rules. I am unaware of any DAB programs to control a listed noxious weed within the State.

Some island-based invasive species committees have developed voluntary programs urging plant sellers to agree not to sell invasive plants that are not designated as “noxious weeds” and are working to control invasive plants within their islands.

However, these efforts lack and “teeth” as counties are generally limited to voluntary initiatives.

There are other states that have county-level noxious weed control, usually with the county and state department of agriculture working cooperatively. Allowing each county in Hawaii the authority to regulate the movement of invasive plants into and within the county would allow the counties to protect their people and resources and reinvigorate and modernize invasive plant control in Hawaii.

^[1] See *Atay v. Cty. of Maui*, 842 F.3d 688, 709 (9th Cir. 2016); *Syngenta Seeds, Inc. v. Cty. of Kauai*, 664 F. App'x 669, 673 (9th Cir. 2016); and *Hawaii Floriculture & Nursery Ass'n v. Cty. of Hawaii*, No. CIV. 14-00267 BMK, 2014 WL 6685817, (D. Haw. Nov. 26, 2014), *aff'd sub nom. Hawai'i Papaya Indus. Ass'n v. Cty. of Hawaii*, 666 F. App'x 631 (9th Cir. 2016)

Mahalo!