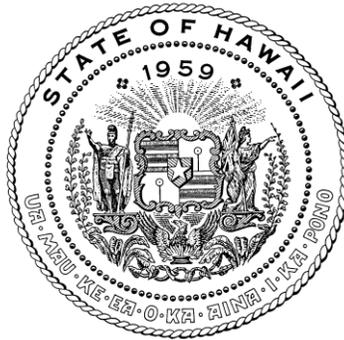


Report to the Twenty-Fifth Legislature
Regular Session of 2010

**REQUESTING THE NA ALA HELE ADVISORY COUNCIL TO CONVENE
A SERIES OF DISCUSSIONS ON THE SAFE USE OF HUNTING DOGS
ON TRAILS THAT CROSS PUBLIC HUNTING AREAS**



Prepared by the

Department of Land and Natural Resources
State of Hawaii

In response to
House Concurrent Resolution 60, Senate Draft 1
Regular Session of 2009

March 2010

REQUESTING THE NA ALA HELE ADVISORY COUNCIL TO CONVENE A SERIES OF DISCUSSIONS ON THE SAFE USE OF HUNTING DOGS ON TRAILS THAT CROSS PUBLIC HUNTING AREAS

Part I. Background

During the Regular Session of 2009, the Legislature adopted House Concurrent Resolution 60, Senate Draft 1, which requested the Na Ala Hele Advisory Council, Oahu Branch to establish a working group made up of the stakeholders listed below and to convene a series of discussions on the safe use of hunting dogs on trails that cross public hunting areas.

- (1) Honolulu Police Department;
- (2) Division of Conservation and Resource Enforcement (DOCARE)/Department of Land and Natural Resources (DLNR)
- (3) Citizens for Safe Hiking;
- (4) Oahu Pig Hunters Association;
- (5) Hawaiian Humane Society;
- (6) Hawaii Hunting Association;
- (7) Hawaii Rifle Association;
- (8) Hawaiian Trail and Mountain Club; and other interested stakeholder groups.

Part II: Working Group Participants and Meeting Structure

Pursuant to HCR 60, SD 1, The Na Ala Hele (NAH) Trail and Access Program, which is the state agency responsible for administrating the Oahu Trail and Access Advisory Council, sent out invitations to all organizations listed in the Concurrent Resolution, including a number of other groups that expressed interest in participating in such discussions; the first meeting was on August 14, 2009, at the Oahu Division of Forestry and Wildlife (DOFAW)/DLNR, NAH Program Headquarters in Honolulu. The Working Group met a total of seven times between June 12 and December 17, 2009; each meeting lasting two hours. Agendas were sent to each member of the working group in advance of the meetings, and minutes were taken at each meeting.

After the first meeting, it was decided by the NAH Program and agreed upon by the NAH Advisory Council that, based on the complexity of the issue, it would be better to separate these group discussions from the other current trail issues being worked on by the NAH Advisory Council. Therefore, the NAH Program established stand-alone ad hoc discussion meetings with a facilitator to directly address the directives set forth within the resolution. These meetings would be given the name “HCR 60” Meetings.

On August 8, 2009, the NAH Program contracted the services of professional facilitator Ned Busch from the Mediation Center of the Pacific to assist with the facilitation of the meetings. Mr. Busch assisted with the facilitation of three meetings.

On August 14, 2009, it was determined that the Working Group members would consist of the following organizations and individuals who committed to their participation and consistent representation at all future meetings. The public and/or other interested stakeholder groups or

organizations were at all times welcome to attend the meetings as non-formal working group participants.

- (1) Tracy Paiva, Mountain Bike Representative for the NAH Advisory Council
- (2) Bill Gorst, Hiker Representative for the NAH Advisory Council
- (3) Aaron Lowe, NAH Trail and Access Specialist, Oahu DOFAW
- (4) Jason Misaki, Wildlife Manager, Oahu DOFAW
- (5) Guy Chang, Oahu Branch Manager, DOCARE
- (6) Inga Gibson, Hawaii State Director, The Humane Society of the United States
- (7) Vanessa Golding-Fox, The Hawaiian Humane Society
- (8) Cathy Goeggel, President, Animal Rights Hawaii
- (9) Oliver Lunasco, Oahu Pig Hunters Association
- (10) Linda Vannatta, Citizens for Safe Hiking
- (11) Cory Vidinha, Hunting Community
- (12) Nalani Mailheau, Hunting Community
- (13) Rosetta James, Hunting Community
- (14) Tom Mendes, Hawaii Trail and Mountain Club

Working group members agreed to strive for consensus where possible and that majority rule or majority rule voting would not be an acceptable method of decision-making for the working group.

Part III. Working Group Discussion and Findings

The Working Group agreed to clarify their mission statement to "*Discussions on the safe use of dogs on trails that cross public hunting areas,* " in order to include pet dogs in the discussion.

The following issues were discussed as potential solutions or raised issues of concern as part of these meetings.

- Separate hiker and hunter access days and/or hours
- Designate separate hiker and hunter locations
- Prohibit the use of pet dogs in hunting areas
- Prohibit hunting with dogs in certain hiking areas
- Limit the number of dogs allowed by hunters or hikers
- Poaching and illegal hunting issues
- Hikers with pet dogs in violation of leash law
- Micro-chipping and identification of hunting dogs
- Hunting dog welfare; including dogs becoming lost or abandoned while hunting
- Non-hunters should have to adhere to the same safety regulations as hunters and go attend hunter education class.

The Working Group agreed that these items were either problematic en route to reaching consensus or required more extensive research and/or discussion and were beyond the scope of what the Working Group could bring to conclusion and were not further developed.

In addition, the Working Group reviewed relevant county and state laws and administrative rules related to the use of hunting dogs. While the Working Group agreed that the existing language was inconsistent creating enforcement challenges for DOCARE officers, the Working Group did not reach consensus on any specific language changes or recommendations.

Part IV: Risk Management

The NAH Program has established a risk management system by which, once a hazard is identified as a possible risk to the public, certain actions are to be taken. The NAH Program has three basic risk mitigation actions it can implement. 1) Remove the hazard; 2) Bypass the hazard; or 3) post a sign warning the public of the hazard.

The NAH Program recognized the need to identify the level of risk to humans by having dogs on trails that cross hunting areas. The NAH Program requested that members of the Working Group submit any information regarding incidents on Oahu trails involving hunting and/or non-hunting dogs injuring or harming a human. Upon review of what was submitted by the Working Group, including incidents reported to DOCARE and testimony submitted in support of the concurrent resolution, the NAH Program found that there was a low amount of reported incidents and from what was reported, that there were no reports of a human being physically injured by dogs specifically on Oahu's NAH trails. However, the Working Group reasoned that reported incidents may be low due to lack of an established process for reporting or a central reporting system. The Working Group therefore recognized the need for an improved, centralized report process for incidents, as discussed in more detail below.

Part V: Working Group Recommendations

Based on the Working Group's findings listed above and after assessing the NAH Program's limited resources, the NAH Program proposed implementing risk mitigation actions that 1) Would adequately reduce the risk; 2) Could be feasibly implemented with limited program resources; and 3) Could be developed and/or implemented with the help of the Working Group. The NAH Program introduced these proposed actions to the Working Group and the Working Group agreed to help the NAH Program implement such actions.

Risk mitigation actions to be implemented by the NAH Program by January 1, 2011:

- Design and install better trail head signage;
- Educate trail users via educational brochures, and information on NAH website
- Work toward developing a more centralized system for reporting, documenting, and investigating dog incidents and other incidents that involve human injury on trails and in public hunting areas and include this information on any new signage, brochures, publications and/or materials.
- Give updates on the status of the implementation of the risk actions including any reported incidents during the staff report at the regular NAH Advisory Council meeting scheduled every other month. Members of the Working Group will be included on the mailing list.

- Review and evaluate risk mitigation actions. Results will be given during the normal scheduled NAH Advisory Council meeting no later than January 2012. Further actions can there by be implemented through the NAH Advisory Council.

Risk mitigation actions recommended to be implemented by other divisions or programs:

- Increased enforcement for trail, hunting and leash violations;
- Revisions and consistency in Hawaii Administrative Rules and Hawaii Revised Statutes related to the use of hunting with dogs.

Part VI: Conclusions

The NAH Program proposed feasible risk mitigation actions to the Working Group that could be implemented by the NAH Program to minimize the risk. These actions included better public education and a better means of incident reporting. Additionally, the status of risk mitigation implementation, newly reported incidents, and an evaluation of the risk mitigation actions will be included within the staff report at the regularly scheduled NAH Advisory Council meetings which take place every other month. Members of the Working Group will be included on the mailing list for such meetings. Further actions can thereby be implemented through the NAH Advisory Council. Any results and/or actions will be included within the normal NAH Annual Report to the Legislature. The Working Group agreed with the proposed actions and has agreed to work with the NAH Program to help implement them.

The Working Group also concluded that there were two mitigation actions that were very important but were beyond the scope of the group: 1) Revisions to Hawaii Administrative Rules and Hawaii Revised Statutes. The NAH Program encouraged the members of the Working Group to participate independently in the public comment process related to any proposed administrative rule or statutory changes, and 2) Increased enforcement for trails, hunting, and leash violations. Both the NAH Program and the Working Group agreed that with more enforcement, the chance of any dog incidents would be lowered. This may be achieved by establishing a trail patrol program through DOCARE. The NAH Program has seen a dramatic ingress in public use on its trails in the last ten years, and therefore, an increase in user conflicts and violations. However, as with many programs, there has not been corresponding increase in enforcement resources to enable the establishment of regular trail patrols to keep up with the growing public use of trails. Therefore, it is the recommendation of the NAH Program and the Working Group that more support should be given to DOCARE to increase coverage on the trails.

HCR 60 Discussion Minutes are available upon request.