

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Conservation and Resources Enforcement
Hawaii Hunter Education Program
Honolulu, Hawaii 96813

December 11, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

REQUEST APPROVAL OF UPDATES TO HUNTER EDUCATION
PROGRAM CURRICULUM

I. SUMMARY:

The Hunter Education Program (Program) and its curriculum is mandated under Hawaii Revised Statutes (HRS), §183D-28 to provide instruction in hunter safety, principles of conservation, and sportsmanship. For the purposes of maintaining national standards, and to make hunter education more accessible to the public the Program is respectfully requesting approval to update: student manuals, classroom videos, instructor guides, and the institution of an online course.

II. BACKGROUND AND DISCUSSION:

The Program's existing curriculum, which involves twelve hours of classroom instruction (lecture and video), has not been substantially updated in over fifteen years. In these fifteen years, there have been significant developments in the fields of firearms and archery safety and hunter education nationwide. Hawaii's outdated and aging curriculum poses a challenge to consistency and modernization with national standards for hunter education, which are determined by the federal government (50 CFR 80.5; 521 FW 1) and the International Hunter Education Association-USA (IHEA). In order to maintain national standards and to make hunter education more accessible to the public and at a decreased cost to the State, the Program is pursuing updates of its student manuals, classroom videos, instructor guides, and creation of an online course.

Data from the 2015 IHEA national conference indicate that forty-nine states are implementing online hunter education. These standardized online courses are provided by third party vendors which are approved by the IHEA. These standardized online courses are expedient in making hunter education more accessible, while maintaining course consistency. Furthermore, student evaluations which are completed at the end of each hunter education course, reflect an ongoing demand for updated curricula and increased course availability.

Subsequently, the Program would like to expand certification options for the public by offering a hybrid online hunter education course to be combined with a mandatory in-person course completion session with exam (approximately four hours). This online course option will not replace the existing course. Students will, therefore, have the option to either attend the traditional twelve-hour classroom course *or* a hybrid course, which can be partially completed online. The course exam (last updated 2012), will remain the same for both courses.

Existing student manuals, videos, and instructor guides are currently provided by three separate vendors, which pose additional challenges to course consistency and standardization. Under this curriculum update, all materials will be supplied by one vendor to ensure complete consistency and standardization across the course curriculum. All updated materials will be compliant with federal standards and provided by a single IHEA approved vendor that has been selected through the Hawaii Electronic Procurement System (HiePRO). Furthermore, the Attorney General has determined that although BLNR approval of the updated curriculum is required, no further review by the Attorney General's office is necessary (see attachment).

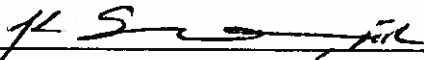
The estimated total cost is \$25,822.73.

III. RECOMMENDATION:

"That the Board of Land and Natural Resources:


- 1) Approve updates to the Hunter Education Program's curriculum.

Respectfully submitted,



JASON K. REDULLA, Acting Enforcement Chief
Division of Conservation and Resources Enforcement

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachment

DAVID Y. IGE
GOVERNOR



DOUGLAS S. CHIN
ATTORNEY GENERAL

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425 QUEEN STREET
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RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

October 22, 2015

The Honorable Suzanne D. Case
Chairperson, Board of Land and Natural Resources
State of Hawai'i
1151 Punchbowl Street
Honolulu, Hawai'i 96813

RECEIVED
2015 OCT 27 AM 10:00
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

Re: Request for Legal Advice Regarding Hunter Education Program

Dear Chair Case:

By memorandum dated June 15, 2015, you asked for our advice relating to the Hunter Education Program and review of updates to the Program's Curriculum.

I. QUESTIONS AND SUMMARY OF ANSWERS

1. Does Hawaii Revised Statutes (HRS) § 183D-28 require a review by the Attorney General of the Hunter Education's updated curriculum as to whether the updates are compliant with the statute?

No. Nothing in HRS § 183D-28 requires approval of the updated educational materials by the Attorney General.

2. Is review and approval of the updated curriculum by the Board of Land and Natural Resources (BLNR) required under HRS §183D-28?

Yes. Although HRS § 183D-28(d) does not specifically require approval, the structure and organization of the BLNR and DLNR under HRS Chapter 26 and HRS § 171 requires approval of important matters such as this by the BLNR.

II. BACKGROUND

Under HRS § 183D-28, the Department of Land and Natural Resources has established a Hunter Education Program that provides hunter education courses to the public. Students must complete each segment of a 12-hour course consisting of classroom instruction and video and

pass an exam in order to receive a hunter education certification. The certification is required in order to obtain a Hawai'i hunting license.

Forty-nine states have online hunter education. The online courses are provided by private companies and are approved by the International Hunter Education Association-USA (IHEA). The most common formats are a combination of mandatory classroom instruction, field training and on-line classes. The State of Hawai'i recognizes all state issued and IHEA approved hunter education certifications.

Hawai'i's Hunter Education Program plans to update its curriculum to ensure standardization with hunter education programs across the country. The curriculum, including student manuals, classroom lesson plans and video instruction, has not been substantially updated in over 10 years. The program plans to update its training program to include online classes in addition to updated manuals and classroom instruction.

The Hunter Education Program received approval from the BLNR in September 2015 to purchase the new class materials.

III. DISCUSSION

The Hunter Education Program is authorized under HRS §183D-28 which provides:

(a) The department shall establish a hunter education program to provide instruction in hunter safety, principles of conservation, and sportsmanship. Upon successful completion of the program, the department shall issue to the graduate a hunter education certificate which shall be valid for the life of the person. This certification shall be rescinded by judicial action upon the conviction of a wildlife and/or firearms violation. No person shall be eligible for a hunting license unless the person possesses a valid hunter education certificate or meets the requirements for exemption provided in subsection (b)(2), and is either:

(1) Born after December 31, 1971; or

(2) Born before January 1, 1972, and has never been issued a hunting license in the State.

(b) A person who meets the minimum age requirements adopted pursuant to subsection (c) shall be exempt from the requirements of subsection (a) if the person:

(1) Was born before January 1, 1972, and at one time possessed a hunting license issued by the State; provided that the person shows satisfactory proof to the department that the person had possessed the hunting license;

(2) Has successfully completed a course or program of hunter education and safety that is approved by the International Hunter Education Association and meets the requirements of Chapter 12 of the United States Fish and Wildlife

Service Federal Aid Manual, as revised; provided that the person shows satisfactory proof in the form of a certificate, wallet card, or other document issued by a state, province, or country evidencing successful completion of the course or program; or

(3) Obtains a three-day or a seven-day hunting license pursuant to section 183D-22(b)(3) to hunt on a private and commercial shooting preserve, accompanied by a hunting guide licensed pursuant to section 183D-25.5; provided that:

(A) All hunting shall be conducted on a licensed private and commercial shooting preserve and under the direction of a hunting guide who has successfully completed a Hawai'i hunter education certification course and meets the requirements of section 183D-25.5;

(B) Prior to licensing, a hunter safety class and field training session shall be provided to the licensee that includes hunter safety and hunting equipment use and safe discharge;

(C) While hunting under these provisions, a hunting guide shall guide not more than two unaccompanied clients at any time while hunting;

(D) All hunting guides and clients shall wear a hunter safety blaze-orange outer garment while hunting;

(E) The private and commercial shooting preserve operator, hunting guides, and clients agree to be subject to inspection while engaged in hunting activities by department representatives or authorized law enforcement officers; and

(F) The private and commercial shooting preserve owner and operator assume responsibility and liability for public and hunter safety while operating under these provisions and agree to report any injuries to the department.

Upon application and satisfaction of the requirements of paragraph (1), the department shall issue a written exemption that shall be valid for the life of the person. The department shall develop and maintain a list of approved hunter education courses described in paragraph (2) for reference by the public and license agents.

(c) The department, by rules adopted pursuant to chapter 91, shall establish minimum age requirements for issuance of the hunter education certificate, or the exemption there from, required to obtain a hunting license pursuant to section 183D-22(a)(3).

(d) The department may establish a hunter education officer position to administer the program, outline all phases of instruction, conduct general supervision of individual programs, and distribute information on the program, or may contract the program to a qualified organization.

(e) The department may construct, operate, and maintain public outdoor and indoor target ranges for the program. [Emphases added.]

The Honorable Suzanne D. Case
October 22, 2015
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Under HRS § 183D-28, no additional review of the updated educational materials is required by the Attorney General's office. HRS § 183D-28(a) authorizes the Department of Land and Natural Resources to establish a program to provide instruction in hunter safety, principles of conservation, and sportsmanship. Upon successful completion of the program, the department issues hunter education certificates, enabling the applicant to apply for a hunting license. So long as the educational materials comply with HRS § 183D-28, the Attorney General's office is not required to review and approve them. (It is noted from the Request for Opinion that the updates are compliant with the subject statute).

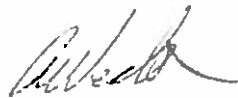
However, review and approval by the Board of Land and Natural Resources is required. HRS Chapter 26-15 and HRS § 171 provide that the Board of Land and Natural Resources is the executive head of the Department. The updated curriculum and educational materials, including video, updated manuals and online training are substantial changes to the program. It is appropriate under the statutes that the updated curriculum be reviewed and approved by the BLNR. A board submittal should include language conveying that the materials comply with the applicable statutes and are approved by the IHEA.

IV. CONCLUSION

For the reasons stated in this letter, we conclude that HRS § 183D-28 does not require review or approval of the updated hunter educational materials by the Attorney General's office but review and approval by the BLNR is required.

Please do not hesitate to call Deputy Attorney General Amanda Weston at 587-2985 if you have additional questions or wish to discuss this further.

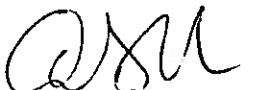
Very truly yours,



Amanda J. Weston
Deputy Attorney General

ajw

Approved:



Douglas S. Chin
Attorney General
State of Hawai'i