

VIA ELECTRONIC MAIL

August 27, 2026

Hawai'i Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl St., Room 130
Honolulu, HI 96813

RE: Strong Opposition to Proposed Amendments to Hawai'i Administrative Rule Chapter 13-124

Members of the Department of Land and Natural Resources,

Alley Cat Allies supports efforts to protect Hawai'i's indigenous, threatened, and endangered wildlife while ensuring that cats living on the islands are treated humanely. However, the proposed amendments to Hawai'i Administrative Rule Chapter 13-124 exceed existing state law and agency authority, are inhumane, and undermine effective approaches to community cat management, particularly TNR.

We strongly oppose the amendments' allowance of lethal control, authorizing the Department of Land and Natural Resources ("DLNR") to "impound or destroy domestic animals that are not crated, caged, contained, or leashed," which would include community cats. Lethal control is proven ineffective, archaic, and cruel. The destruction of one species to save another is morally indefensible, especially when species loss and the solutions to it are primarily due to human development.

Alley Cat Allies, Incorporated ("Alley Cat Allies") is the leading international advocacy organization with a mission to transform and develop communities to protect and improve the lives of all cats. Since our founding in 1990, we have promoted evidence-based, non-lethal, and compassionate cat programs centered on Trap-Neuter-Return ("TNR") as the only humane and effective approach to community cats. Through our advocacy, humane care, education and outreach, and law and policy work, we equip and mobilize citizens, advocates, grassroots groups, shelters, veterinary professionals, and elected officials to improve their communities through laws and policies that serve cats' best interests.

Wildlife populations are affected by multiple factors, including habitat quality, other predators, disease, climate events, and human development. Climate change, habitat destruction, and development are widely recognized as leading causes of species loss. The American Bird Conservancy agrees on its website that "habitat loss is the single largest threat to birds". Hawai'i policy should primarily address these threats in order to achieve broader conservation.

DLNR and broader Hawai'i policy should also support and advance TNR to improve the lives of community cats and the community at large. Through TNR, cats are humanely trapped, spayed or neutered, vaccinated, provided any needed medical care, eartipped for identification, and returned to their outdoor homes. Published scientific studies demonstrate that TNR ends the breeding cycle, meaning no new kittens are born, and the population stabilizes, while improving the lives of community cats. TNR also reduces behaviors associated with unsterilized populations like yowling, spraying, and fighting, and vaccination as part of TNR protects the health of the cats and the public.

However, in part by prohibiting feeding on DLNR lands, the proposed amendments would dismantle the positive impact of TNR, which relies on organized feeding to carry out.



Additionally, DLNR's rulemaking authority is limited to implementing statutes enacted by the Hawai'i legislature. The proposed amendments exceed that authority by effectively expanding the meaning and reach of wildlife protection concepts – including “take,” “harm,” and “harass” – to cover indigenous wildlife in addition to the threatened and endangered species to which those terms currently apply. Hawai'i Revised Statute (“HRS”) § 195D-6 authorizes DLNR to adopt rules pursuant to Chapter 91 as necessary to carry out the purposes of Chapter 195D, but the legislature expressly defined “take” in § 195D-2 to apply only to endangered and threatened species, specifically excluding indigenous species. That delegation does not empower DLNR to broaden the statutory definition. Because the proposed amendments would expand the categories of species covered, and thereby change the conduct prohibited and the liability that may arise, they constitute a substantive expansion of the statute's reach, not a permissible implementing rule.

The proposed amendments also conflict with Hawai'i's animal cruelty statutes. HRS § 711-1108.5 prohibits intentionally, knowingly, or recklessly causing an animal's death or physical harm, or subjecting an animal to cruel neglect or treatment. The amendments would subject cats and other animals to physical harm in the form of lethal removal and prevent the provision of sustenance, which could cause further distress and harm. Administrative rules are subordinate to statutes, and a rule that conflicts with a statute is invalid.

The drafting of the proposed amendments itself is fatally flawed. Specifically, imprecise drafting renders them unconstitutionally vague and overbroad. Due process requires fair notice of prohibited conduct and clear enforcement standards to prevent arbitrary application. Undefined terms and unclear standards in administrative rules are arbitrary and capricious.

The proposed amendments would also impose a blanket prohibition on all DLNR-managed lands without site-specific analysis showing that a particular location experiences a wildlife conflict attributable to cats. A one-size-fits-all approach is inconsistent with sound resource management and administrative law principles. All DLNR lands do not support the same native species or face the same threats. A prohibition that applies everywhere without regard to local conditions is arbitrary. Site-specific analysis is necessary to tailor any proposed action to the circumstances of each location.

Moreover, in 2022, Hawai'i House Bill 1987 directly addressed cat management, including the complex interplay between animal welfare and wildlife conservation, but it did not pass. The legislature's decision not to enact HB 1987 reflects the complexity and controversy of these policy questions; it does not authorize DLNR to resolve them unilaterally through rulemaking. When the legislature declines to enact a specific law, an agency should not use rulemaking to implement substantially the same policy. The proposed amendments raise separation-of-powers concerns by attempting to accomplish administratively what the legislature chose not to accomplish through legislation, undermining the democratic process.

Alley Cat Allies has a substantial interest in these proceedings because the proposed amendments would allow for and even prioritize lethal control of cats and effectively criminalize humane management of community cat colonies on DLNR-managed lands, as well as undermine the collaborative work between Alley Cat Allies, animal welfare organizations, and advocates in Hawai'i.

For years, Alley Cat Allies has been actively engaged in Hawai'i, working on the ground with local partners to implement TNR programs, advocate for cat-friendly policies, and promote humane treatment of cats. We attended the remote public hearing on the proposed amendments to HAR 13-124 and have a direct interest in these proceedings.

For the reasons set forth above, Alley Cat Allies urges DLNR to withdraw the proposed amendments in their entirety. The amendments exceed existing state law and DLNR's rulemaking authority, dismantle the only proven, humane approach to community cat populations, and leave lethal removal as the prioritized method. DLNR and all of Hawai'i should focus conservation efforts on the true major threat to species loss—human development—and create policy that protects cats, the people who care for them, and wildlife.