OFFICE OF THE GOVERNOR
STATE OF HAWAI'I

**THIRTIETH PROCLAMATION**
**RELATING TO AXIS DEER**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

**WHEREAS**, pursuant to Chapter 127A, Hawaii Revised Statutes (HRS), emergency powers are conferred on the Governor of the State of Hawai`i to respond to disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

**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, 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, June 3, 2025, July 29, 2025, September 23, 2025, November 18, 2025, January 16, 2026, March 16, 2026, May 14, 2026, July 10, 2026, and September 8, 2026, Proclamations were issued declaring an emergency as a result of emergency conditions caused by the overpopulation of axis deer in the County of Maui; and

**WHEREAS**, the County of Maui was designated as a primary natural disaster area due to drought conditions by the U.S. Department of Agriculture in 2022, and continues to experience moderate to extreme drought conditions, according to data from the National Oceanic and Atmospheric Administration and the National Weather Service;

**WHEREAS**, despite ongoing efforts, axis deer have propagated to approximately 60,000 or more, which cannot currently be sustained by the environment in Maui County; and

**WHEREAS**, the axis deer population in Maui County has not been sufficiently reduced through hunting efforts alone; and

**WHEREAS**, the large number of axis deer in Maui County have devastated pasture forage and much of the vegetation that is already scarce due to persistent drought conditions; and

**WHEREAS**, the devastation of vegetation has forced wildlife, in particular axis deer in Maui County, to migrate into agricultural and developed areas seeking food and water; and

**WHEREAS**, the persistent drought conditions have continued to exacerbate the problems associated with the overpopulation of axis deer in Maui County; and

**WHEREAS**, in September 2022, the Hawaii Department of Agriculture (HDOA) opened an emergency loan program to assist farmers with the costs associated with the overpopulation of axis deer in Maui County, wherein the low-interest emergency loans will offer some relief for farmers and ranchers in managing their losses and assisting with the cost of fencing and other mitigation measures; and

**WHEREAS**, the ongoing drought underlying the axis deer crisis is anticipated to continue indefinitely, and farmers and ranchers will continue to suffer damages and economic losses due to the overpopulated axis deer encroaching and devastating their operations; and

**WHEREAS**, Maui County agricultural operations continue to suffer from harm and damage caused by starving axis deer; and

**WHEREAS**, as of September 2023, 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; and

**WHEREAS**, although the HDOA has not received any additional applications for the Axis Deer Emergency Loan program since the Eleventh Emergency Proclamation Relating to Axis Deer, the Loan Division still periodically receives inquiries; and

**WHEREAS**, the HDOA, through discussions with the Hawai‘i Cattlemen’s Council, still finds that axis deer present an emergency on certain islands in Hawai‘i; and

**WHEREAS,** the HDOA has convened a Meat Processing task force regarding Act 54, Session Laws of Hawaii 2023, and the task force has met once to discuss the donation process. The HDOA is coordinating with the United States Department of

Agriculture Safety and Inspection Services, Hawai'i Food Bank, and Maui Food Bank on meat processing rules, regulations, and donations; and

**WHEREAS**, in November 2024, 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;

**WHEREAS**, the Meat Processing task force is working towards a strategic framework to ensure safe and nutritious food products for consumers and to determine feasibility and potential roadblocks, has initiated a survey of hunting groups, food distributors, slaughterhouses, and meat processors;

**WHEREAS,** there are initiatives to increase the commercial slaughter of axis deer to help decrease the population and provide a sustainable food source;

**WHEREAS**, farmers and ranchers continue to require sufficient time to accurately assess the impacts that are being and will continue to be incurred by their respective operations in order to identify and quantify the level of financial support they will need to sustain their business and prevent a major loss and closure of agricultural operations in Maui County; and

**WHEREAS**, the effects of the large numbers of axis deer migrating into agricultural and developed areas include the possible spread of disease in the environment; and

**WHEREAS**, the high axis deer population comingling with livestock is suspected to be behind the largest bovine tuberculosis (bTB) outbreak on Molokai in the past 50 years; and

**WHEREAS,** the Hawaii Department of Land and Natural Resources has tested hundreds of animals, including axis deer, no positive results have been detected; and

**WHEREAS**, although control measures over the past years have minimized the potential for spread to and between livestock, axis deer can serve as a reservoir for infection and reinfection of livestock operations on Molokai and therefore reducing axis deer numbers is crucial to preventing further outbreaks; and

**WHEREAS**, techniques have been implemented to prevent infected axis deer from close contact with livestock, such as increasing fence heights, however, such measures are costly to farmers and ranchers; and

**WHEREAS**, continued mitigation procedures are required to control the bTB outbreak and salvage the economic viability and production of livestock on Molokai, including the United States Department of Agriculture, Wildlife Services, will be conducting studies to determine the role and extent axis deer play in the current outbreak; and

**WHEREAS**, the Maui County Department of Agriculture finds that axis deer remain a major issue due to the competition for grass for food, land management leading to erosion and damage to reefs and coastal systems, threats to people as they encroach into urban areas unexpectedly, and threats to people as the herds of axis deer run through airport runways at Kalaupapa airport; and

**WHEREAS**, immediate measures to appreciably reduce and control axis deer populations in Maui County and to implement deer management strategies, including but not limited to, corralling of axis deer, culling of axis deer to sustainable levels, clearing vegetation along fence lines, and erecting and/or reinforcing or repairing fence lines to keep axis deer away from roadways, airports, and runways are needed to protect the health and welfare of the community; and

**WHEREAS**, DOFAW has been able to utilize the Emergency Proclamations to expeditiously respond to the axis deer overpopulation; and

**WHEREAS**, various axis deer mitigation measures have been, and continue to be implemented, including, but not limited to procuring fencing materials that are available nationwide but not locally, fence installation contracts, and other ungulate control equipment and devices for axis deer control projects; and

**WHEREAS**, spatially-explicit actions plans are being developed by DOFAW to assist landowners with tools and methods to identify appropriate harvest levels to discourage migration and increase of the axis deer population in the agricultural areas; and

**WHEREAS,** DOFAW have large, strategic deer fence construction projects in the works in West Maui; and

**WHEREAS,** DOFAW has a number of orders and purchases that are still in process and without the suspension of laws pursuant to this Proclamation, DOFAW requires several additional months of lead time to restart the procurement process; and

**WHEREAS**, DOFAW anticipates using any future emergency proclamation to obtain contracts for, materials for, and install additional deer fences across the landscape of Maui Nui; and

**WHEREAS**, DOFAW continues to conduct aerial shoot missions to remove axis deer from remote, hard to reach areas; and

**WHEREAS**, DOFAW anticipates utilizing future emergency proclamations to conduct and complete aerial axis deer surveys for the islands of Molokaʻi and Lānaʻi; and

**WHEREAS**, 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

**WHEREAS**, prior to 2022 when this Proclamation started, approximately Ten Thousand (10,000) axis deer were culled per year; and

**WHEREAS**, DOFAW estimates that approximately Twenty-Two Thousand (22,000) axis deer were culled on Maui in 2024; and

**WHEREAS**, DOFAW estimates that approximately Twenty-Nine Thousand (29,000) axis deer were culled on Maui in 2025; and

**WHERAS**, DOFAW finds the increase in number of axis deer culled has been greatly supported by the Proclamations; and

**WHEREAS**, DOFAW finds that requiring Hawaiʻi Compliance Express compliance for landowners seeking to use the landowner incentive program has limited participation from private landowners that could otherwise contribute significantly to axis deer population reduction; and

**WHEREAS**, DOFAW is still procuring and receiving the necessary parts for axis deer traps through the suspension of procurement laws; and

**WHEREAS**, DOFAW is currently conducting an additional survey of axis deer population on Maui Nui so it can compare the data; and

**WHEREAS**, DOFAW anticipates conducting population surveys of axis deer every two (2) years; and

**WHEREAS**, DOFAW started the second round of axis deer population surveys for the island of Maui in December 2025 and is finalizing the survey results, with preliminary results indicating that the current population is dropping and is approximately 8,000 less than it was in 2024; and

**WHEREAS**, DOFAW's axis deer population surveys for the islands of Lānaʻi and Molokaʻi have been delayed due to the severe weather activities the Hawaiian islands experienced, but anticipates starting such surveys soon; and

**WHEREAS**, DOFAW just completed a four-mile deer fence to protect the watershed and community from Olowalu to Ukumehame; and

**WHEREAS**, DOFAW is utilizing this Proclamation to obtain more advanced technology to assist with its surveying techniques and analysis; and

**WHEREAS**, DOFAW's most recent data indicates that while the population on the island of Maui is still high, it is declining due to successful control efforts aided by this Proclamation; and

**WHEREAS**, the abundance of axis deer in Maui County continues to cause environmental and economic challenges for its residents; and

**WHEREAS,** DOFAW continues to utilize this Proclamation to operate all programs related to deer, including fence installations around Maui County; and

**WHEREAS**, a significant amount of helicopter-flight time is necessary to do the population surveys and there are limited hours that infrared can be used due to daylight, DOFAW utilizes this Proclamation to procure helicopter contracts for the surveys; and

**WHEREAS**, DOFAW recommends that emergency operations under this Proclamation continue until there is a sustained effort to maintain island-wide harvest rates at no less than thirty (30) percent of the standing population until the population estimate is reduced to Sixteen Thousand (16,000) deer or at an acceptable level, whichever comes first; and

**WHEREAS**, without the suspension of laws pursuant to this Proclamation, the mitigation measures could not be implemented in an efficient and timely manner; and

**WHEREAS**, the current threat to the health, safety, and welfare of the people of Maui County caused from the axis deer overpopulation constitutes an emergency under section 127A-14, HRS, and warrants preemptive and protective actions;

**NOW, THEREFORE**, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, HRS, has occurred in the County of Maui, State of Hawai'i, and do hereby authorize and invoke the following emergency provisions which are expressly invoked, if not already in effect upon this declaration of an emergency:

## 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; provided that without prejudice to the generality of the foregoing two clauses, the protecting or safeguarding may include the regulation or prohibition of public entry thereon, or the permission of the entry upon terms and conditions as I may prescribe.

Section 127A-12(b)(16), HRS, directing all state agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

Section 127A-16, HRS, by activating the Major Disaster Fund.

## II. 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, so as to provide protection and relief from damages, losses, and suffering caused by the emergency.

## III. Suspension of Laws

The following specific provisions of law are suspended, as allowed by federal law, pursuant to sections 127A-12(b)(8) and 127A-13(a)(3), HRS, to the extent that the law impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by

this chapter specifically are made applicable to emergency personnel:

Chapter 6E, HRS, **historic preservation**, to the extent that compliance requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Section 37-41, HRS, **appropriations to revert to state treasury; exceptions**, to the extent that appropriations lapse at the end of the fiscal year prior to completion of the emergency actions.

Section 37-74(d), HRS, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), HRS, and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements, to the extent that legislative authorization would likely delay appropriation transfers or changes between programs to provide necessary funding to complete the emergency actions.

Section 40-66, HRS, **lapsing of appropriations**, to the extent that the timing of the procurement of the construction of the emergency permanent repairs may occur the fiscal year following the original emergency proclamation.

Chapter 46, HRS, **county organization and administration**, as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede efforts to implement deer management strategies, including, but not limited to clearing vegetation from fence lines to create a buffer against the axis deer under this Proclamation, to the extent that compliance results in any delays involved in securing County permits. These would include but not be limited to chapter 20.08, Maui County Code, **soil erosion and sedimentation control,** chapter 12-302, Rules for the Molokai Planning Commission, **special management area rules**, chapter 12-402 Rules for the Lanai Planning Commission, **special management area rules**, and chapter 12-202, Rules of the Maui Planning Commission, **special management area rules**.

Chapter 89, HRS, **collective bargaining in public employment,** to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Chapter 89C, HRS, **public officers and employees excluded from collective bargaining,** to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Section 103-2, HRS, **general fund**, to the extent that compliance results in any additional delays.

Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments**, to the extent necessary to waive the Internal Revenue Service (IRS) tax clearance requirement.

Section 103-55, HRS, **wages, hours, and working conditions of employees of contractors performing services**, to the extent that compliance results in any additional delays.

Chapter 103D, HRS, **Hawaii public procurement code**, to the extent that compliance results in any additional delays involved in meeting procurement requirements for selecting contractors in a timely manner to respond to emergency situations.

Chapter 104, HRS, **wages and hours of employees on public works**, to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Sections 105-1 to 105-10, HRS, **use of government vehicles, limitations,** to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Section 127A-30, HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**, because the automatic invocation of this provision is not needed for this emergency. The invocations and suspensions of section 127A-30, HRS, contained in any other emergency proclamation are not affected by this Proclamation.

Chapter 183D, HRS, **wildlife**, and chapter 13-124, Hawaii Administrative Rules (HAR), **indigenous wildlife, endangered and threatened wildlife and introduced wild birds,** to the extent that compliance results in any delays involved in implementation of axis deer management planning or activities or requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Chapter 205A, Part II, HRS, **coastal zone management**, to the extent that compliance results in any additional delays involved with securing approvals from the counties or the Department of Land and Natural Resources for work within the special management area.

Chapter 342D, HRS, **water pollution**, and chapters 11-54, **water quality standards**, and 11-55, HAR, **water pollution control**, to the extent that compliance requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Chapter 342H, HRS, **solid waste pollution**, and chapter 11-58.1, HAR, **solid waste management control**, to the extent that compliance requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Chapter 343, HRS, **environmental impact statements,** and chapter 11-200.1, HAR, **environmental impact statement rules**, to the extent that compliance results in any additional delays involved with the environmental review process.

## IV. Severability

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

## V. Enforcement

No provision of this Proclamation, or any rule or regulation hereunder, shall be construed as authorizing any private right of action to enforce any requirement of this Proclamation, or of any rule or regulation. Unless the Governor, Director of Emergency Management, or their designee issues an express order to a non-judicial public officer, no provision of this Proclamation, or any rule or regulation hereunder, shall be construed as imposing any ministerial duty upon any non-judicial public officer and shall not bind the officer to any specific course of action or planning in response to the emergency or interfere with the officer's authority to utilize his or her discretion.

**I FURTHER DECLARE** that the disaster emergency relief period shall commence immediately and continue through January 5, 2027, unless terminated or superseded by separate proclamation, whichever shall occur first. Following the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, amended, or continued by reason of the provisions of the proclamation relating to this emergency shall continue in full force and effect to the extent allowed by law.

Done at the State Capitol, this
6th day of November, 2026

JOSH GREEN, M.D.,
*Governor of Hawai'i*

APPROVED:

Anne E. Lopez

Anne E. Lopez
*Attorney General*
*State of Hawai'i*