
A BILL FOR AN ACT

RELATING TO CONSERVATION AND RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 183, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . NATIVE FOREST RESOURCES**

5 **§183-A Native forest resources deemed in need of**
6 **conservation; duties.** In addition to duties listed in section
7 183-1.5, the department shall:

- 8 (1) Support reforestation efforts throughout the state for
9 all native forest resources deemed in need of
10 conservation;
- 11 (2) Support the sustainable management and use of native
12 forest resources throughout the State;
- 13 (3) Identify and protect native forest resources deemed in
14 need of conservation for sustainable management and
15 conservation of those species and ecosystems;
- 16 (4) Establish rules for designating forest resources in
17 need of conservation and establish rules regarding the



- 1 issuance of permits for commercial harvest of forest
2 resources deemed in need of conservation;
- 3 (5) Provide incentives to local entrepreneurs to cultivate
4 native species, especially those deemed in need of
5 conservation, for reforestation programs or
6 sustainable commercial operations; and
- 7 (6) Provide support for programs that ensure the
8 sustainability of commercial operations for forest
9 resources deemed in need of conservation in the State.

10 **§183-B Harvesting of native forest resources deemed in**
11 **need of conservation.** (a) All commercial harvesting of native
12 forest resources deemed in need of conservation on all lands
13 shall be done in accordance with a harvest permit approved by
14 the board, and in accordance with laws regarding conservation of
15 aquatic life, wildlife, and land plants, and the laws regarding
16 environmental compliance.

17 (b) It shall be unlawful to, for commercial purposes,
18 harm, destroy, or harvest any material of a forest resource,
19 living or dead, deemed in need of conservation without a harvest
20 permit issued by the board.

21 (c) It shall be unlawful to export any material of forest
22 resource, living or dead, outside of the State for commercial



1 purposes except as granted under a harvest permit issued by the
2 board.

3 (d) Native Hawaiian sandalwood, including all six
4 *Santalum* species endemic to Hawaii, are hereby deemed forest
5 resources in need of conservation.

6 (e) The department shall adopt rules pursuant to chapter
7 91 to effectuate the purposes of this section.

8 **§183-C Permits.** (a) Subject to chapter 91, the
9 department shall adopt rules regarding the issuance of a permit
10 to destroy, harvest or export for commercial purposes any
11 material of a forest resource, living or dead, deemed in need of
12 conservation, described in section 183-B(a). The rules shall
13 establish the provisions for board approval of a harvest permit
14 that is based on a harvest and reforestation plan:

- 15 (1) Requirements to obtain a harvest permit;
16 (2) Duration of a harvest permit;
17 (3) Terms and conditions of a harvest permit; and
18 (4) Disqualifications that will prevent the approval of a
19 harvest permit.

20 (b) No harvest permit or license for the commercial
21 harvest or exportation outside of the State of any material of a
22 forest resource, living or dead, deemed in need of conservation



1 shall be issued by any officer or agency of the State without
2 the prior approval and concurrence of the board. In determining
3 whether to grant or withhold such approval, the board shall be
4 guided by the standards set forth in chapter 183.

5 **§183-D Fees.** (a) The board shall establish a processing
6 fee for permits issued for the harvest of forest resources
7 deemed in need of conservation. The board shall also develop a
8 harvest and reforestation plan. The process for the development
9 and approval of plans and permits shall be defined in the rules.

10 (b) Fees collected for permits shall be deposited in the
11 forest stewardship fund established under section 195F-4 to
12 support forest management and restoration.

13 **§183-E Criminal and administrative penalties.** Any person
14 who violates section 183-B, upon conviction thereof, is guilty
15 of a misdemeanor and shall be fined not more than \$2,000 or
16 imprisoned not more than one year, or both. In addition to any
17 other penalty imposed under this section, a fine of up to \$2,000
18 shall be levied for each native forest resource illegally
19 destroyed or harvested under section 183-B.

20 **§183-F Definitions.** (a) As used in this part, "native
21 forest resources deemed in need of conservation" means those



1 forest species identified by the board as currently in decline
2 and in need of conservation.

3 (b) As used in this part, "Hawaiian sandalwood" means the
4 *Santalum* species endemic to the islands of Hawaii including
5 *Santalum ellipticum* (Maui, Lana'i, Moloka'i, Kaua'i, O'ahu,
6 Hawai'i); *S. freycinetianum* (O'ahu); *S. haleakalae* var.
7 *haleakalae* (Maui) and *haleakalae* var. *lanaiense* (Maui, Lana'i,
8 Moloka'i); *S. paniculatum* var. *paniculatum* (Hawai'i) and
9 *paniculatum* var. *pilgeri* (Hawai'i); *S. involutum* (Kaua'i); and *S.*
10 *pyrularium* (Kaua'i)."

11 SECTION 2. Section 183-5, Hawaii Revised Statutes, is
12 amended by amending section (c) to read as follows:

13 "(c) In addition:

14 (1) A fine of up to \$10,000 per violation of section 183-
15 17 or 183-B, may be levied for each destroyed or
16 harvested koa or sandalwood tree, or portion thereof,
17 larger than six inches in diameter at ground level;
18 and

19 (2) A fine of up to \$2,000 per violation of section 183-17
20 or 183-B may be levied for each destroyed or harvested
21 tree, [~~or~~] plant, or native forest resource, other



1 than koa[7] or sandalwood, or portion thereof, larger
2 than six inches in diameter at ground level."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. In codifying the new sections added by section
7 1 of this Act, the revisor of statutes shall substitute
8 appropriate section numbers for the letters used in designating
9 the new sections in this Act.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on January 7, 2059.



Report Title:

Native Forest Resources; Sandalwood; DLNR

Description:

Establishes penalties for the destruction or harvesting of native forest resources including the sandalwood tree. Establishes Department of Land and Natural Resources policies and rules to protect native forest resources. Effective January 7, 2059. (HB1793 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

