

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [ekeawe@gmail.com](mailto:ekeawe@gmail.com)  
**Subject:** Testimony for SB3028 on 2/28/2012 9:00:00 AM  
**Date:** Tuesday, February 28, 2012 3:48:45 AM

---

Testimony for WAM 2/28/2012 9:00:00 AM SB3028

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Eric K. Keawe  
Organization: Individual  
E-mail: [ekeawe@gmail.com](mailto:ekeawe@gmail.com)  
Submitted on: 2/28/2012

Comments:

Prevent Senate Bill SB3028 from becoming law in Hawai'i

SB3028 would require a permit to harvest any forest resource &quot;deemed in need of conservation.&quot; This bill is so broadly written that the Department of Land & Natural Resources (DLNR) could arbitrarily decide that any forest species, such as Koa, would require permitting before being harvested. Currently, this is not the case.

Requiring permitting by the DLNR will be detrimental to the Koa industry for the following reasons

- Permitting will limit the availability of Koa for use by craftsmen in Hawaii
- Permitting will discourage land owners from reforesting Koa, because there is no assurance that they could ever receive the permit to harvest it.
- The cost of permitting is undefined in this bill. It could be prohibitively expensive, further discouraging Koa reforestation.
- The timing it would take to submit and receive approval of a permit could further reduce the availability of Koa for use by Hawaii craftsmen. If no permits are granted, then no Koa will be available.
- This bill does not clearly define how the funds received from permitting will be used. Hence, these funds could be taken and used for any government shortfall, not simply conservation/reforestation efforts. You know what happened to our &quot;Rainy Day Fund&quot;!

This bill is different from laws currently on the books which do not require permitting of &quot;deemed forest resources.&quot;

We all have responsibility to take care of our Aina. Do not micro-manage property owners or the public who are environmental conscious already as well as organizations who teach perpetuating our lands in the Hawaiian system. I speak not of only Koa but other native plants that are especially used for our cultural practices. It's common sense, we do not need this kind of a bill that is fast tracked without thought on detail as discovered.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [trkahua@aol.com](mailto:trkahua@aol.com)  
**Subject:** Testimony for SB3028 on 2/28/2012 9:00:00 AM  
**Date:** Monday, February 27, 2012 2:16:25 PM

---

Testimony for WAM 2/28/2012 9:00:00 AM SB3028

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Herbert M "Tim" Richards III  
Organization: Kahua Ranch Ltd  
E-mail: [trkahua@aol.com](mailto:trkahua@aol.com)  
Submitted on: 2/27/2012

Comments:

My name is Herbert M. "Tim" Richards III, DVM; known to most as "Tim". I am a rancher, livestock veterinarian, and President for the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% or 1 million acres of the State's total 4 million acres.

I am writing on behalf of our membership, land owners and land stewards involved in agriculture. I strongly oppose SB3028.

Senate Bill 3028 is over-reaching in requiring a permit for the harvesting of all "deemed" species and requiring DLNR to promulgate rules for such a permitting system. This goes well beyond the current law which provides for the conducting of appropriate studies and the adoption of rules, but does not impose a permit-based system.

I believe the current law provides an adequate mechanism for protecting forest species which may be in decline.

I am very concerned that SB 3028, if enacted, could be used to introduce a prohibitive permit system for koa wood. This would endanger the jobs of local craftsmen, manufacturers, and retailers in every facet of the koa industry. We estimate the koa industry employs over 1,000 people throughout Hawaii and generates millions of dollars in tax revenues for the state.

In discussing this matter with many of my colleagues, it appears that very few stake holders have had adequate opportunity to analyze this bill and provide comments. This is due to the fact that the bill originated as a "Sandalwood" bill and has only recently been amended to include the far reaching language to which we object.

Accordingly, I respectfully request that further action on this bill be deferred until all such parties have had such an opportunity.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [japonoboy@gmail.com](mailto:japonoboy@gmail.com)  
**Subject:** Testimony for SB3028 on 2/28/2012 9:00:00 AM  
**Date:** Monday, February 27, 2012 10:18:18 AM  
**Attachments:** [Opposition Testimony on SB3028.doc](#)

---

Testimony for WAM 2/28/2012 9:00:00 AM SB3028

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jeff Apaka  
Organization: Individual  
E-mail: japonoboy@gmail.com  
Submitted on: 2/27/2012

Comments:  
Mahalo nui for your concern in "OPPOSING" bill #SB3028.

Dear Senators,

I respectfully oppose Senate Bill 3028. This bill is over-reaching in requiring a permit for the harvesting of all “deemed” species and requiring DLNR to promulgate rules for such a permitting system. This goes well beyond the current law which provides for the conducting of appropriate studies and the adoption of rules, but does not impose a permit-based system.

I believe the current law provides an adequate mechanism for protecting forest species which may be in decline.

I am very concerned that SB 3028, if enacted, could be used to introduce a prohibitive permit system for koa wood. This would endanger the jobs of local craftsmen, manufacturers, and retailers in every facet of the koa industry. We estimate the koa industry employs over 1,000 people throughout Hawaii and generates millions of dollars in tax revenues for the state.

In discussing this matter with many of my colleagues, it appears that very few stake holders have had adequate opportunity to analyze this bill and provide comments. This is due to the fact that the bill originated as a “Sandalwood” bill and has only recently been amended to include the far reaching language to which we object.

Accordingly, we respectfully request that further action on this bill be deferred until all such parties have had such an opportunity.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [lanipetrie@aol.com](mailto:lanipetrie@aol.com)  
**Subject:** Testimony for SB3028 on 2/28/2012 9:00:00 AM  
**Date:** Monday, February 27, 2012 5:30:59 PM

---

Testimony for WAM 2/28/2012 9:00:00 AM SB3028

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lani C. Petrie  
Organization: Individual  
E-mail: [lanipetrie@aol.com](mailto:lanipetrie@aol.com)  
Submitted on: 2/27/2012

Comments:

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [lwdo04u@gmail.com](mailto:lwdo04u@gmail.com)  
**Subject:** Testimony for SB3028 on 2/28/2012 9:00:00 AM  
**Date:** Monday, February 27, 2012 3:59:04 PM

---

Testimony for WAM 2/28/2012 9:00:00 AM SB3028

Conference room: 211  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Leigh-Wai Doo  
Organization: Fnd for Islands of Harmony  
E-mail: [lwdo04u@gmail.com](mailto:lwdo04u@gmail.com)  
Submitted on: 2/27/2012

Comments:

SB 3028 seeks to protect native Hawaiian Forests in Need of Conservation starting with Sandalwood, Hawaii's endemic ILIAHI. We urge the adoption of Senate Bill 3028, SD 2

Attached is the proposed SD 2 language which hopefully will be the verbatim companion bill to HB 1793, HD 3

Both versions reconcile the differences between the Senate and House which are typing mistakes corrected, penalties and wording refinements.

Both versions are policy enabling legislation wherein the DLNR has the authority to develop survive today concentrated in select spots on the Big Island. ILIAHI iRules and regulations this year. Such rule making includes Management Plans for Harvesting and Reforestation, incentives for value added woodcrafting and oils before export.

Iliahi thrived in Hawaii a million years and more ago and evolved into at least 6 unique species. Once prolific, perhaps only 2%

s symbolic as the origins of this land and at the origins of Hawaiian written history -the Sandalwood Era.

Insatiable Worldwide Demand is skyrocketing for Iliahi, valued 8 to 10 times Koa in Asia.

Please adopt SB 3028, SD 2 as submitted here

"PART . NATIVE FOREST RESOURCES

Senate Bill 3023, SD2

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

- (1) Support reforestation efforts throughout the state for all native forest resources deemed in need of conservation;
- (2) Support the sustainable management and use of native forest resources throughout the State;
- (3) Identify and protect native forest resources deemed in need of conservation for sustainable management and conservation of those species;
- (4) Establish rules for designating forest resources in need of conservation and establish rules regarding the issuance of permits for commercial harvest of forest resources deemed in need of conservation;
- (5) Provide incentives to local entrepreneurs to cultivate native species, especially those deemed in need of conservation, for reforestation programs or sustainable commercial operations; and
- (6) Provide support for programs that ensure the sustainability of commercial operations for forest resources deemed in need of conservation in the State.

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

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

(c) It shall be unlawful to export any material of forest resource, living or dead, outside of the State for commercial purposes except as granted under a harvest permit issued by the board.

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

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

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

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

(b) No harvest permit or license for the commercial harvest or exportation outside of the State of any material of a forest resources, living or dead, deemed in need of conservation shall be issued by any officer or agency of the State without the prior approval and concurrence of the board. In determining whether to grant or withhold such approval, the board shall be guided by the standards set forth in chapter 183.

**§183-D Fees.** (a) The board shall establish a processing fee for permits issued for the harvest of forest resources deemed in need of conservation. Such a permit will require an approved harvest and reforestation plan by the Board of Land and Natural Resources. The process for the development and approval of plans and permits shall be defined in the rules.

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

**§183-E Criminal and administrative penalties.** Any person who violates section 183-B, upon conviction thereof, shall be guilty of a misdemeanor and shall be fined not more than \$2,000 or imprisoned not more than one year, or both. In addition to any other penalty imposed under this section, fines and penalties in accordance with sections 183-5 and 183-18 shall be levied for each individual native forest resource illegally harvested under section 183-B. Fines collected pursuant to this section shall be deposited into the forest stewardship fund established under section 195F-4.

**§183-F Definitions.** As used in this part



"Harvest permit" mean a permit issued by the department of land and natural resources to destroy, harvest, or export for commercial purposes any material of a forest resources, living or dead, that is deemed in need of conservation.

"Native forest resources deemed in need of conservation" means those forest species identified by the board as currently in decline and in need of conservation.

"Hawaiian sandalwood" means the *Santalum* species endemic to the islands of Hawaii including but not limited to *Santalum ellipticum* (Maui, Lana'i, Moloka'i, Kaua'i, O'ahu, Hawai'i); *S. freycinetianum* (O'ahu); *S. haleakalae* var. *haleakalae* (Maui) and *haleakalae* var. *lanaiense* (Maui, Lana'i, Moloka'i); *S. paniculatum* var. *paniculatum* (Hawai'i) and *paniculatum* var. *pilgeri* (Hawai'i); *S. involutum* (Kaua'i); and *S. pyrularium* (Kaua'i).

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

"(c) In addition:

- (1) A fine of up to \$10,000 per violation of section 183-17 or 183-B may be levied for each destroyed or harvested koa tree~~[-]~~ or sandalwood tree, or portion thereof, larger than six inches in diameter at ground level; and
- (2) A fine of up to \$2,000 per violation of section 183-17 or 183-B may be levied for each destroyed or harvested tree or plant, other than koa~~[-]~~ and sandalwood, or portion thereof, larger than six inches in diameter at ground level."

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

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

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

SECTION 6. This Act shall take effect on July 1, 2012.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [lmccarney@hawaii.rr.com](mailto:lmccarney@hawaii.rr.com)  
**Subject:** Testimony for SB3028 on 2/28/2012 9:00:00 AM  
**Date:** Monday, February 27, 2012 9:56:18 AM

---

Testimony for WAM 2/28/2012 9:00:00 AM SB3028

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lori McCarney  
Organization: Individual  
E-mail: [lmccarney@hawaii.rr.com](mailto:lmccarney@hawaii.rr.com)  
Submitted on: 2/27/2012

Comments:

Dear Senators,

I respectfully oppose Senate Bill 3028. This bill is over-reaching in requiring a permit for the harvesting of all "deemed" species and requiring DLNR to promulgate rules for such a permitting system. This goes well beyond the current law which provides for the conducting of appropriate studies and the adoption of rules, but does not impose a permit-based system.

I believe the current law provides an adequate mechanism for protecting forest species which may be in decline.

I am very concerned that SB 3028, if enacted, could be used to introduce a prohibitive permit system for koa wood. This would endanger the jobs of local craftsmen, manufacturers, and retailers in every facet of the koa industry. We estimate the koa industry employs over 1,000 people throughout Hawaii and generates millions of dollars in tax revenues for the state.

In discussing this matter with many of my colleagues, it appears that very few stake holders have had adequate opportunity to analyze this bill and provide comments. This is due to the fact that the bill originated as a "Sandalwood" bill and has only recently been amended to include the far reaching language to which we object.

Accordingly, we respectfully request that further action on this bill be deferred until all such parties have had such an opportunity.

Dear Senators,

I respectfully oppose Senate Bill 3028. In requiring a permit-based system for the harvesting of all “deemed” species and requiring DLNR to promulgate rules for such a permitting system, the koa industry is likely to suffer.

I believe the current law provides an adequate mechanism for protecting forest species. There is no need to create more bureaucracy to put in place a system that will require manpower to administrate and regulate. It is simply unnecessary.

If enacted, SB 3028 would likely endanger the jobs of local craftsmen, manufacturers, and retailers in every facet of the koa industry. Accordingly, we respectfully request that further action on this bill be deferred until all shareholders of this industry have had an opportunity to discuss concerns that this bill was created to address.

Sincerely,

Mia Noguchi

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [scott.sutton@sbcglobal.net](mailto:scott.sutton@sbcglobal.net)  
**Subject:** Testimony for SB3028 on 2/28/2012 9:00:00 AM  
**Date:** Monday, February 27, 2012 9:06:43 AM

---

Testimony for WAM 2/28/2012 9:00:00 AM SB3028

Conference room: 211  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Scott Sutton  
Organization: Individual  
E-mail: [scott.sutton@sbcglobal.net](mailto:scott.sutton@sbcglobal.net)  
Submitted on: 2/27/2012

Comments:



## Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743

Phone (808) 885-5599 • Fax (808) 887-1607

e-mail: [HCattlemens@hawaii.rr.com](mailto:HCattlemens@hawaii.rr.com)

### SENATE COMMITTEE ON WAYS & MEANS

Tuesday February 28, 2012 9:00 a.m. Room 211

#### SB 3028 SD 1 RELATING TO CONSERVATION AND RESOURCES

Establishes DLNR policies regarding sandalwood and designates sandalwood as a native forest resource in need of conservation. Requires a harvest permit for commercial harvesting of native forest resources.

Establishes penalties for the destruction or harvesting of sandalwood trees. (SD1).

Chairman Ige, Vice Chair Kidani and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chair for the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

#### The Hawaii Cattlemen's Council strongly opposes S.B. No 3028 SD 1.

While subject bill appears to focus on the timber/forestry industry, the cattle industry as stewards of substantial forested areas in our State is moved to speak out on the broader implications and concerns that this bill raises.

This is a poorly written document with no input from landowners, the timber industry, the cultural community, the forest products retail community, other resource users and the hundreds of families that make their living through the forest products industry. No consideration whatsoever was given to the tremendous and negative collateral damage such a broad and sweeping measure would do to the forest products industry and the many other associated businesses in Hawaii that depend on a viable timber industry. No consideration whatsoever was given to fact that in many instances, timber value makes up a substantial portion of real property value. Passage of SB No 3028 would severely and irreversibly devalue thousands of acres in Hawaii, making it more difficult to obtain financing to sustain and grow our agricultural businesses.

In 1961 the State Land Use Law (Act 187) vested the DLNR with jurisdiction over the Conservation District through a permitting process. Over the past 51 years, hundreds of petitioners spending hundreds of thousands of dollars have tried to obtain use permits in the Conservation Zoned Resource Subzone, only to be denied. SB 3028 proposes to place the entire Hawaii timber industry into this same permitting process. As the bill currently reads, all DLNR needs to do is "deem" a forest product in need of conservation, for the draconian measures of this bill to kick in; no more public input, no hearings, no more discussions. The authors of this bill left out any definition of a "forest resource" or under what process or guidelines DLNR would use to "deem" a forest resource in need of conservation. In the process, the bill lacks the clarity needed to restrict and limit the otherwise excessive authority being granted to the DLNR. What if DLNR deems maile in need of conservation, or hapu'u, or mamaki?

No executive branch of the government should ever have this much power under any circumstance.

This is a thinly veiled attempt by a small group of citizens to completely wipeout the timber industry, an industry that by conservative measures generates annual revenues of \$30 million dollars. When integrated vertically to include the construction industry, furniture makers, instrument makers and retail outlets, we are discussing a \$120 million dollar industry employing thousands of people.

HCC only recently found out about this bill. No one we have since spoken to knew anything about SB 3028 or its companion House Bill. We find it unconscionable that, for such a broad and far reaching bill affecting an entire industry, no outreach was extended to the parties most affected. The Hawaii Cattlemen and timber managers are good stewards of our properties. Our livelihood depends on well managed landscapes and sustainable timber practices. SB 3028 completely alienates and negates the people that matter most when it comes to finding solutions to difficult conservation issues. The Hawaii Cattlemen's Council proposes that this bill be shelved until such time as all stakeholders have an opportunity to participate in these important conservation discussions to create a win-win situation between stakeholders and conservation.

Thank you for giving me the opportunity to testify on this very important issue.