
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) Adopt rules for designating forest resources in need
17 of conservation and adopt rules regarding the issuance



1 of permits for commercial harvest of forest resources
2 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 issued by the
14 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.



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

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

8 **§183-C Permits; rules for criteria.** (a) The department
9 shall adopt rules pursuant to chapter 91 regarding the issuance
10 of a permit to destroy, harvest, or export for commercial
11 purposes any material of a forest resource, living or dead,
12 deemed in need of conservation. The rules shall establish the
13 criteria for board approval of a harvest permit including:

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

19 (b) The board shall adopt rules pursuant to chapter 91 for
20 the development of a harvest and reforestation plan and shall
21 develop a harvest and reforestation plan according to those



1 rules. Compliance with the plan shall be a requirement for the
2 approval of all permits issued pursuant to this section.

3 (c) No permit for the commercial harvest or exportation
4 outside of the State of any material of a forest resource,
5 living or dead, deemed in need of conservation shall be issued
6 without the prior approval of the board. In determining whether
7 to grant or withhold approval, the board shall be guided by the
8 standards set forth in this chapter.

9 §183-D Fees. (a) The board shall establish a processing
10 fee for permits issued for the harvest of forest resources
11 deemed in need of conservation.

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

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

21 §183-F Definitions. As used in this part:



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

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

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

14 "(c) In addition:

- 15 (1) A fine of up to \$10,000 per violation of section 183-
16 17 or 183-B, may be levied for each destroyed or
17 harvested koa or sandalwood tree, or portion thereof,
18 larger than six inches in diameter at ground level;
19 and
- 20 (2) A fine of up to \$2,000 per violation of section 183-17
21 or 183-B may be levied for each destroyed or harvested



1 tree, [~~or~~] plant, or native forest resource, other
 2 than koa [~~or~~] or sandalwood, or portion thereof, larger
 3 than six inches in diameter at ground level."

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

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

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

13 SECTION 6. This Act shall take effect upon its approval.

14

INTRODUCED BY:

Calvin K. Ay
 (By Request)

JAN 20 2016



H.B. NO. 1639

Report Title:

Native Forest Resources; Sandalwood; DLNR

Description:

Establishes permit requirements for commercial harvesting, taking, or export of native forest resources, including sandalwood. Requires DLNR to adopt rules for permits. Imposes administrative and criminal penalties.

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