

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER & LAND**

**Friday, February 05, 2016
8:30 a.m.
Hawaii State Capitol, Room 325**

**In consideration of
HOUSE BILL 2502
RELATING TO WILDLIFE**

House Bill 2502 proposes to prohibit the trafficking of protected animal species, with limited exceptions. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department believes that this measure will decrease or eliminate the demand for the parts and products of protected animal species that are threatened with extinction. Around the World, many protected species such as elephants, rhinoceros, tigers and apes are killed so that body parts may be trafficked in markets around the world.

Research conducted by various conservation groups have identified Hawaii as a location with a market for animal parts, such as those parts harvested for ivory. This bill aligns Hawaii's laws and rules with other states and countries to protect threatened and endangered animal species from being killed needlessly for their body parts. Additionally, in many countries around the World, rangers and law enforcement officers charged with the protection of animals are killed by poachers seeking to illegally poach and kill protected wildlife. By decreasing or eliminating the market and demand for animal body parts in Hawaii, we will be increasing the safety and help protect the lives of these wildlife rangers and law enforcement officers at the forefront of endangered species protection.



**Testimony of Jared Axelrod
Sr. Government Affairs Associate
Vulcan Inc.**

In Support of

HB 2502 – Relating to Wildlife

Before the

**House Committee on Water & Land
Hawaii State Legislature**

February 5, 2016, 8:30am

Chair Yamane and Members of the Committee:

On behalf of Vulcan Inc., thank you for the opportunity to share our perspective on this critically important issue and to speak in support of HB 2502, an act relating to wildlife.

V U L C A N . C O M

Vulcan Inc. is working to tackle our planet's hard problems by exploring innovative ideas and implementing creative solutions. We are driven by our Chairman and CEO, Paul G. Allen, and his desire to make a measureable impact. At Vulcan, our philanthropic efforts are tethered to a simple principle; if it has the potential to do good, then we should do it. Across our projects and initiatives, we gather and share foundational data to inform global solutions for the world's biggest challenges, react nimbly to changing needs and new technologies, embrace the power of public awareness and collaboration and reimagine what philanthropic endeavors can accomplish as well as how they are developed and executed.

At Vulcan, by marrying our technology development and storytelling capabilities with our impact-driven philanthropy, we are working to address the current threat of wildlife trafficking, while collecting data that will inform long term strategies to protect endangered species and ensure stable or thriving generations of wild animals. Some of our work includes:

Foundational Data: The [Great Elephant Census](#) is the first pan-African aerial survey in 40 years, which will provide updated and accurate data about the number and distribution of African savanna elephants. Having accurate and reliable data about elephant population and distribution is crucial to informing immediate protective actions and long-term conservation management plans for governments and NGOs in Africa.

505 Fifth Ave S Suite 900
Seattle, WA 98104
206 342 2000 Tel
206 342 3000 Fax

To: House Committee on Water & Land
Re: Axelrod Testimony in Support of HB 2502 – Relating to Wildlife
Date: February 5, 2016
Page 2 of 3

The ambitious [Global FinPrint project](#) aims to create the largest and most comprehensive data-collection and analysis of the world's populations of reef sharks and rays. The three-year data-collection and analysis initiative is the largest of its size and is designed to provide conservationists with fundamental data essential to building effective conservation management programs.

Innovative Approaches: We support research that applies DNA-based methods pioneered by the [University of Washington's Center for Conservation Biology](#) to identify the sources of seized African elephant ivory. These investigative tools strengthen prosecution and hold countries accountable to better manage ivory stockpiles.

Strengthening Communities: In Zambia, the [South Luangwa Conservation Society](#) leverages innovative ways of monitoring ecosystems, rescuing and rehabilitating snared animals, and mitigating human-wildlife conflict. Vulcan supports on the ground efforts to protect wildlife from poaching, human-wildlife conflict and loss of habitat while engaging with the communities who are the direct stewards of their local wildlife.

Public Engagement: Through Vulcan Productions, the feature documentary "[Racing Extinction](#)" exposes the hidden world of extinction with never-before-seen images that will change the way viewers see the planet. Vulcan supports a significant public campaign to enable those who see the film to take action to protect endangered wildlife.

V U L C A N . C O M

A major focus of our philanthropic work in the area of wildlife conservation has been to put an end to the profitable and deadly wildlife trafficking industry. Every day, endangered African elephants and rhinoceros are slaughtered for their ivory and horn. In Asia, the iconic tiger and defenseless pangolin are killed for their body parts, which end up in bogus health tonics and as clothing adornments. In our seas, shark, turtle, and ray exploitation threatens species survival for little more than tradition and pseudo-science.

The needless killing of these animals will likely result in their extinction and a rapid decline in our ocean and terrestrial health, all within our lifetime. Yet despite widespread support for the conservation of these animals, taking concrete action to protect these species continues to be difficult.

That is why Vulcan was the proud leader of Initiative 1401, a first-of-its-kind multi species law, which was put before voters in Washington state in November 2015. Initiative 1401 banned the sale or purchase of products made from endangered species of elephants, rhinos, lions, tigers, cheetahs, leopards, pangolins, marine turtles, sharks, and rays. This common sense law is consistent with existing federal and Washington state law, and provides reasonable exemptions for bona fide antiques, inheritances, scientific or educational purposes, and musical instruments.

To: House Committee on Water & Land
Re: Axelrod Testimony in Support of HB 2502 – Relating to Wildlife
Date: February 5, 2016
Page 3 of 3

We were pleased to be joined by many of our friends in the conservation community, organizations which also support HB 2502, to pass Initiative 1401 by a 40-point margin, winning in all 39 counties in Washington state, from the most liberal to the most conservative.

We are grateful that the Hawaii state legislature is considering legislation to build upon the success of Initiative 1401, and protect even more species of animals in a state as ecologically diverse as Hawaii. Now is a critical time for Hawaii; with the upcoming IUCN World Conservation Congress being hosted by Hawaii in September, it is important to show that Hawaii is a leader in preserving and protecting wildlife around the world.

I appreciate the consideration that this committee has given to this bill, and thank Chair Yamane and all of the other cosponsors for moving this bill. Thank you for your time and attention to this matter. I urge your support of HB 2502.

I welcome any questions you may have.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 11:30 AM
To: waltestimony
Cc: malamaopuna@yahoo.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Siracusa	Malama O Puna	Support	No

Comments: Some of our planet's most iconic animals are endangered, and their plight is dramatically increased by wildlife trafficking. The animal parts are not even used for purposes that could be considered extenuating, but for frivolous items. Traffickers are not even honest businessmen, but poach on wildlife refuges and kill refuge personnel. Then they smuggle the animal parts across international borders. There is no conscionable reason to defend their interests. Trafficking will only end when there is no longer a market, and Hawaii should do its part to ensure that we are not a market for this cruel and illegal business. Some of our very own endangered species, monk seal and honu, are among the victims, and we have a moral and legal responsibility to give them all the protection possible. Please support HB 2502. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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THE HUMANE SOCIETY
OF THE UNITED STATES



HUMANE SOCIETY
INTERNATIONAL

**TO: Honorable Chair Yamane, Vice Chair Cullen and Committee Members
House Water and Land Committee
February 5, 2016, 8:30AM**

**FROM: Inga Gibson, Hawaii Senior State Director, The Humane Society of the
United States, igibson@humanesociety.org, 808.354.3211**

Iris Ho, Humane Society International, iho@hsi.org, 301.258.1407

**RE: STRONG SUPPORT of HB 2502, relating to wildlife (Prohibits the trafficking
of protected animal species, with limited exceptions)**

The Humane Society of the United States together with our global affiliate, Humane Society International (HSI), urge the Committee's strong support of HB 2502, which would protect critically imperiled species from wildlife trafficking by prohibiting the sale, offer to sell, purchase, trade, barter for, or distribute the part or product of covered animal species. The covered animal species include elephant, rhinoceros, tiger, great ape, hippopotamus, tiger, lion, cheetah, jaguar, leopard, pangolin, monk seal, shark, ray, sea turtle, narwhal, whale or walrus.

This measure is part of a growing national and global momentum to save iconic and beloved species from poaching, animal cruelty and the threat of extinction. It presents Hawaii with a unique opportunity to join the international community's collective response to combat wildlife trafficking.

The United States is among the world's top markets for wildlife goods. In July 2013 President Obama issued an Executive Order that designated wildlife trafficking as a matter of national security concern and subsequently released a National Strategy, elevating the United States efforts and conservation leadership to address this urgent crisis. Several states, including New York, New Jersey and California have enacted laws prohibiting the sale of ivory and rhino horns. Voters in Washington State overwhelmingly approved a ballot measure last November to prohibit the sale of numerous endangered species parts and products, similar to HB 2502. As the preamble of the legislation states, most recently in September 2015 President Obama and China's President Xi Jinping announced that the two countries are committed to enacting a nearly total ban on ivory import and export with a shared goal to halt the domestic commercial trade of ivory.

In July 2015 the United Nations General Assembly unanimously adopted a resolution on tackling illicit trafficking in wildlife. The 22nd Asia-Pacific Economic Cooperation's (APEC) Leader Declaration in 2014 commits the APEC economies to increased efforts and steps to curtail supply of and demand for illegally traded wildlife and international cooperation on combating wildlife trafficking.

Trafficking in ivory, rhino horn, and other illegal wildlife products has become a very lucrative trade that fuels the poaching of many protected wildlife species and creates insecurity for both people and wildlife in many remote vulnerable areas. At \$8-10 billion per year, the illegal wildlife trade ranks as the fourth most lucrative international criminal activity, behind narcotics, counterfeiting, and human trafficking. Evidence and seizure data suggest that wildlife trafficking is linked to transnational organized crime and even African armed militia with terrorist connections in the case of elephant poaching. Professional traffickers take advantage of lax enforcement controls to move illegal ivory across the globe. The likely annual income from ivory to militia in the entire sub-Saharan range generates millions of dollars for these terrorists, including the Lord's Resistance Army, to buy weapons, hurt innocent people and destabilize governments.

Elephants are one of the most iconic wild animals. Yet today these magnificent animals are being gunned down and poisoned in staggering numbers - the African elephant population has declined by an estimated 66% over the last 40 years, with 100,000 elephants poached between 2010 and 2012. Only 29,000 rhinos remain in the wild, yet, in 2015 close to 1,200 rhinos were killed in South Africa alone. Sometimes poachers hack off an elephant's or rhino's face, while the animal is still alive, to retrieve their tusks or horn. In one recent case, poachers poisoned a watering hole with cyanide, killing 300 elephants at once and resulting in the deaths of other animals who fed on the carcasses. The pernicious demand fueling the illegal trade in tiger parts has left us with only 3,200 tigers in the wild today. Lions and leopards have disappeared from most of their historic range due to habitat loss but they face additional threat from demand for their pelts or other body parts. The list of animals threatened with poaching, trafficking and extinction goes on.

Hawaii has a critical role to play to contribute to saving these imperiled animals. According to a 2008 study, Hawaii was the nation's third largest market for ivory, after New York and California. Both states have shut down their in-state market for ivory in 2014 and 2015 respectively. The same study also found that close to 89 percent of ivory items for sale in Hawaii could be of illegal or of unknown origin. Several recent market surveys continued to find a significant amount of illegal ivory or ivory without proper documentation for sale in Hawaii's marketplaces.

This legislature has shown commendable leadership in stemming the ivory trade. In 2013, S.C.R.149 unanimously passed the Hawaii legislature, asking Hawaii residents and businesses not to buy or sell ivory of unknown origin. In 2014 and 2015, legislation prohibiting the sale of ivory and rhino horns received tremendous support in both chambers. An opinion survey conducted in January 2016 found that 85 percent of Hawaii residents support legislation prohibiting ivory and rhino horn sales.

Federal regulations and laws restrict largely the importation or interstate trade of products from endangered species, but they do not regulate intrastate sales. The patchwork of federal laws and regulations creates the potential for loopholes. In addition, federal implementation and enforcement are limited due to a lack of sufficient resources. State measures are critical to complement the federal law for the protection of endangered animals and national security.

Hawaii will be hosting the IUCN Conservation Congress in September this year, the first time the Congress is ever held in the United States. Tens of thousands of the world's leading animal protection and conservation leaders will gather here to discuss the most pertinent conservation challenges. HB 2502 is Hawaii's opportunity to showcase its proud tradition and legacy of wildlife conservation on the world stage.

Thank you very much for the opportunity to testify in support of HB 2502.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the House Committee on Water and Land
Hearing: Friday, February 5, 2016 8:30 am
Conference Room 325

In Support of HB 2502

Chair Yamane, Vice Chair Cullen, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports HB 2502, which prohibits the trafficking (sale, purchase, trade, barter for, or distribute) of protected animal species, with limited exceptions.

Many of the animals covered in the bill are on the verge of extinction. For example, an average of 96 elephants are killed each day for ivory. At this rate, they will go extinct in the next 25 years or so. Similarly, rhinoceroses are critically endangered. These magnificent animals are slaughtered for the sale of jewelry and trinkets, which are non-essential items.

Hawai'i contributes to the endangerment and slaughter of these animals by allowing the trafficking of items made from elephant ivory, rhinoceros horns, and other animal parts. Currently, we are the third largest market for elephant ivory in the country, third to New York and California. Soon, we may be the first because these states recently passed laws to ban the trafficking of elephant ivory

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Julie Leialoha | Vice President: Koalani Kaulukukui | Secretary: Wayne Tanaka

Treasurer: Ryan Belcher | Directors: Rick Barboza | Anne Huggins Walton

Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters





Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
808.946.2187 • hawaiianhumane.org

February 5, 2016

The Honorable Ryan Yamane, Chair
The Honorable Ty J.K. Cullen, Vice Chair
House Committee on Water & Land
Hawaii State Capitol
235 South King Street
Honolulu, HI 96813

RE: Testimony in Support of House Bill 2502 Relating to Wildlife

Representative Yamane, Representative Cullen and Members of the Committee:

Thank you for accepting this written testimony on behalf of the Hawaiian Humane Society in support of House Bill 2502. This bill prohibits the trafficking of threatened and endangered animals species, both wildlife and marine, allowing for specific exceptions. Our organization cares about the suffering of all animals and we support its prevention.

The needless and inhumane killing of the animals in order to obtain their parts and products threatens their extinction and undermines attempts at species preservation.

House Bill 2502 is both an animal welfare issue and one of conservation. We urge you to pass this bill.

Sincerely,

Mary Steiner
Policy Advocate



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

February 4, 2016

Rep. Ryan I. Yamane, Chair
Committee on Water and Land
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Yamane:

On behalf of the Animal Welfare Institute (AWI) and its constituents who reside in Hawai'i, I am writing to express AWI's support for HB 2502, a bill to prohibit the trafficking of protected animal species, with limited exceptions.

The multi-billion dollar trade in wildlife and wildlife parts is a crisis facing species worldwide. Animals are captured, killed and traded live or in parts for numerous purposes such as for food and medicine; clothing and ornaments; entertainment, including for pets, zoos and aquariums; and for research. Often, the more exotic the species, the greater the price the animal fetches, leading to overexploitation and depletion in the wild. Animals in danger of falling victim to consumer demand and lack of awareness range from the very small (e.g., pangolin) to the very large (e.g., elephants and tigers); combined with numerous other threats contributing to the decline of species in the wild, many of these animals subject to trade are presently endangered and could go extinct within our lifetime.

For example, nearly 100 elephants are slaughtered every day in Africa for their ivory. African elephants and rhinos are being decimated at unprecedented levels by poachers to feed the demand for ivory and rhino horn products around the globe. While Asia, and particularly China, remains the primary destination for illicit ivory, the United States unfortunately represents the world's second largest market for illegal ivory. Hawai'i is the third largest market in the United States. Even though some ivory sold in the United States is considered "legal," there is overwhelming evidence that the trade in "legal" ivory facilitates and encourages the trade in illegal ivory, thereby necessitating a prohibition on all commercial ivory trade. A similar situation exists for the other species that would be covered should HB2502 be enacted into law.

By passing legislation to prohibit the trafficking of protected species, Hawai'i will be playing a significant role in curbing such reckless trade, while also setting an example to other US states and to the broader global community that wildlife matters and should be preserved for future generations

Respectfully,

A handwritten signature in black ink that reads "Susan Millward".

Susan Millward
Executive Director

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 3:42 AM
To: waltestimony
Cc: rmitchell@elephantprotection.org
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Mitchell	Elephant Protection Association	Oppose	No

Comments: Please vote NO on HB 2502. I also submitted comments by e-mail, but I want to emphasize that this bill is based on bad information that will further bad conservation policy for elephants. It unnecessarily punishes innocent Americans who trade legal ivory. Instead of stopping the scourge of elephant poaching, this ban will surrender elephants to the Asian black market and poachers. Please don't hop on this dangerous bandwagon that punishes innocent Americans while empowering poachers and the Asian black market for ivory. An ivory ban in Hawaii is a dangerous step in a terrible direction that will have immediate negative consequences without any benefit to elephants.

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waltestimony

From: Scott Defrin <eurodecart@gmail.com>
Sent: Thursday, February 04, 2016 5:27 AM
To: waltestimony
Subject: Bill HB2502 - Comment

On behalf of *The Art and Antique Dealers League of America*, I am writing today to respectfully oppose bill being considered by your committee, HB2502,

Ivory has been used by mankind since antiquity. The works of art created from tusk of the elephant are extraordinary cultural objects, many of which are in museum and private collections worldwide. Americans have been collecting antique ivory objects since the 19th century and there are millions of examples in the United States.

Please remember, that not all ivory objects have been the result of the slaughter of the elephant; historically, most ivory was obtained by artisans of elephants who died natural deaths. Do not believe the claims by wildlife groups that nobody can tell the difference between old and new ivory, that is a false narrative that they have been perpetuating all over and it is just not true. They are not antique experts and those people who do know about this area should be consulted before a law like this is passed.

Americans who collect or trade in antique ivory have not, nor do they presently, contribute to the poaching crisis occurring in Africa; this is the result of lack enforcement in countries like China, Malaysia, the Philippines and Vietnam. Why would anyone want to make a criminal out of an American citizen who never killed an elephant? More importantly, how can a law in the United States have any effect on a problem occurring roughly 8,000 miles away. Do not pass a law just to make a symbolic statement.

I implore the committee to separate the forest from the trees in this situation and strongly consider if destroying law abiding Americans holdings in cultural materials is going to have a beneficial effect on the poaching crisis. New York and New Jersey passed draconian laws well over a year ago on the basis that these states were hubs for illegal ivory; if that was the case, then why is the poaching still going on? We all now see that these states really do not contribute at all to this problem.

Thank you for considering the viewpoint of the purveyors of genuine antique works of art.

--

Scott Defrin
European Decorative Arts Co.

516-621-1771
516-643-1538 - cell

Web: Eurodecart.com
Mail: Eurodecart@gmail.com

MEMBER: *ART AND ANTIQUE DEALERS LEAGUE OF AMERICA*

Exhibiting at:

**"The International Fine Art and Antiques Show", Park Avenue Armory
at 67th Street, New York, October 23-29, 2016.**

"Original Miami Beach Antiques Show", Miami, January 30-February 3, 2016.

Please let us know if you need passes, we'll be happy to send them to you.

4 February 2016

Dear Hawai'i Government,

Please kindly considering supporting HB 2505 which prohibits the trafficking (sale, purchase, trade, barter for, or distribute) of protected species in Hawai'i, including elephant ivory, rhinoceros horn, and other protected species such as tigers, great apes, hippopotamuses, lions, pangolins, cheetahs, jaguars, and leopards.

We need a state law in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species.

That said, Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. Because ivory is prized in many parts of Asia, that cultural influence has negatively affected Hawai'i and the world at large.

An average of 96 elephants are killed EVERY day, mostly for ivory. Additionally, blood ivory funds terrorist activities. Consequently, wildlife rangers protecting wildlife habitat in Africa are killed in the line of duty. Then, Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them!!

Please ban this horrible practice and help people evolve to a higher consciousness and protect and preserve, rather than covet and destroy. Aloha Aina.

Mahalo Nui,
Nicolle Bekers
Master of Education, MA
Honolulu Zoo Volunteer

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 8:23 AM
To: waltestimony
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 10:06 PM
To: waltestimony
Cc: suyin@hawaii.edu
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/2/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Suyin Phillips	Individual	Support	No

Comments:

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Aloha, My name is Jonnetta Peters. I support HB2502!

An average of 96 elephants are killed EVERY day (672/week, 2,688/month & 32,256/year), mostly for ivory. We should not let the elephant go the way of the Black Horned Rhinoceros.

By passing HB2502 the State of Hawai'i will be a force in stopping trafficking of all animal species parts that should be protected. This will also ensure that Hawai'i will not be a major sales market of ivory that are made into trinkets. Passing this bill also protect wildlife rangers who are killed on the job and help prevent blood ivory sales that fund terrorist activities.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 3:56 PM
To: waltestimony
Cc: jfischer@hawaii.edu
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
joel fischer	Individual	Support	No

Comments: HB2502 PLEASE SUPPORT THIS BILL!! HB2502 is a no-brainer. We in Hawai'i, with our environment under constant attack, must do everything we can to help protected wild life. It's a shame we even need a bill for such a no-brainer. But there always seem to be people who care less about our environment and more about making money in incredibly offensive way. Thank you very much for your support of HB 2502. Aloha, joel Dr. Joel Fischer Professor (RET.) U.H., Manoa

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TESTIMONY FOR HB 2502 RELATING TO WILDLIFE

Testifier's name: Linda Lee, private citizen

Committee: WAL and JUD

Date and time: Friday, February 5, 2016 at 8:30 a.m. HST

Measure Number: HB 2502

Testimony:

My name is Linda Lee and I am a collector of and considered an expert in Ming's Honolulu jewelry. I have a large collection of Ming's ivory jewelry but rarely sell Ming's ivory.

I would like to request an exemption added to HB 2502 by the inclusion of the ability to sell identifiable Ming's Honolulu ivory jewelry.

Background

Ming's Honolulu antiques and artifacts was established in the late 1930s by Wook and Shay Moon. In 1941, shortly before WWII, the Moons opened Ming's Honolulu jewelry store. During the war, gold and silver were very scarce and Wook Moon (hereinafter Mr. Moon) being a master carver produced carved African elephant ivory jewelry. After the war, Mr. Moon provided jobs for many veterans who worked or went to school during the day and worked in his ivory factory at night.

The jewelry was very popular and purchased by locals as well as tourists visiting Hawaii since the 1940s. At its peak, Ming's had 5 stores in Hawaii and stores in San Francisco, New York City, Miami, Houston, Fort Lauderdale and Atlanta. Ming's closed their last downtown Honolulu store in 1999.

Reasons for Exemption

- When the trade of Asian and African elephant ivory was banned in 1975, Mr. Moon pulled all his ivory jewelry (though "old stock" was still legal to be sold; e.g., ivory was still sold at Liberty House until their stock ran out) and Ming's never sold ivory again. Therefore, all Ming's ivory jewelry was made on or before 1975.

- There are collectors and buyers of Ming's ivory in Honolulu. A small amount of Ming's ivory is sold every year.
- Ming's ivory jewelry is identifiable by jeweler markings. I am not asking for an exemption for Ming's ivory jewelry that is not marked with the makers mark.
- Ming's and the Moon family have supported many workers in Hawaii. Their jewelry is loved by many women who hope to give it to their daughters and granddaughters who would have to ability, if necessary, to sell the jewelry and continue the legacy of Ming's.

For these reasons, I humbly ask for your consideration in adding an exemption to HB 2502 by allowing Ming's ivory jewelry to continue to be sold.

This exemption would be the addition of the following in Section 2. "§183D-A (b)(3)(d)"

"(7) Vintage marked Ming's ivory jewelry. If the ivory jewelry is Ming's but is not legitimately marked, it is not exempt."

Thank you and I hope you will have questions for me.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 10:50 AM
To: waltestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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Testimony in SUPPORT of HC 2502- Relating to Wildlife

To: The Chairs and Members of the Committee on Water & Land

Position: SUPPORT

Dear Chair Yamane, Vice Chair Cullen, and committee members,

I am writing in support of HB 2502, which would prohibits the trafficking (sale, purchase, trade, barter for, or distribute) of protected species in Hawai'i, including elephant ivory, rhinoceros horn, and other protected species such as tigers, great apes, hippopotamuses, lions, pangolins, cheetahs, jaguars, and leopards.

Trafficking of endangered species and their body parts is not only inhumane and grotesque, it has a significant impact on global ecosystems and supports terrorism. With already low numbers in the wild and degraded habitats, endangered species cannot face any additional threats to their population. The continued trafficking of endangered species will lead to such low genetic biodiversity and population numbers that these species will not be able to survive.

EXTINCT SPECIES ARE NOT BORN AGAIN. We are on the brink of many of these species going extinct, and it will most certainly happen if animal trafficking is allowed to continue. There is no coming back from extinction, which makes this matter EXTERMEY SERIOUS. We need to act today! Elephants will become extinct in a few decades if the sale of ivory continues.

In a 2009 study, they found that the 1989 CITES ban on the international trade in ivory had "succeeded in reversing the decline in the African elephant population" However, poachers in some countries still "had access to 'unregulated' markets for ivory" The study concluded that "the existence of unregulated markets has left open a loophole for poachers, traders and carvers that they continue to exploit. Unregulated markets lead to continued elephant population decline "because they increase poaching incentives as well as the ability to trade ivory on a domestic and international level. There is an urgent need to close unregulated markets or bring them under greater control" (Lemieux, Andrew M., and Ronald V. Clarke. "The international ban on ivory sales and its effects on elephant poaching in Africa." *British Journal of Criminology* 49.4 (2009): 451-471.)

This study showed that while the 1989 CITES ivory ban WAS successful in helping elephant populations, poaching and the black market for animal products have continued to thrive due to international loopholes.

HB 2502 would go a long way in helping to close some of the loopholes. This is so very critical because loss of selling opportunity will decrease over all poaching and stop funding wars in Africa and the Middle East.

Also, we need a state law in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species. Hawai'i is the third largest

ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. Lastly, elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them.

Hawaii CANNOT be a part of this blood ivory trade anymore. Hawaii CANNOT allow endangered species to be trafficking in our islands and we CANNOT knowingly contribute to these species extinctions. We have a moral, legal and ethical obligation to do our part to stop trafficking in endangered species.

As you consider HB 2502, I respectfully request that you consider the dire situation of endangered species and the need to decrease poaching by taking away international markets and selling opportunities. There will be no supply if there is no demand. Let's decrease the demand as much as we can here in Hawaii. It starts with us.

I SUPPORT HB 2502

Thank you for your time and consideration.

Sincerely,

Margaret DeLisle

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 8:12 AM
To: waltestimony
Cc: sjoe@hawaii.edu
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie M. Joe	Individual	Support	No

Comments: We need a state law in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species. Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. An average of 96 elephants are killed EVERY day, mostly for ivory. Blood ivory funds terrorist activities. Wildlife rangers protecting wildlife habitat in Africa are killed in the line of duty. Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them.

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Aloha All,

I am personally very much in favor of protecting wildlife from poachers and all who choose to profit from the reckless exploitation of the wildlife resources of this planet.

Please consider seriously passing a law that will make it illegal to continue destroying the wildlife heritage with which we have been entrusted as caretakers.

Reasons to Support HB 2502:

- We need a state law in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species.
- Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales.
- An average of 96 elephants are killed EVERY day, mostly for ivory.
- Blood ivory funds terrorist activities.
- Wildlife rangers protecting wildlife habitat in Africa are killed in the line of duty.
- Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them.

Sincerely,

Leonard D. Logan

16-1375 Pohaku Circle

Kea`au, Hawaii 96749

808-982-8462

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 7:55 AM
To: waltestimony
Cc: mikagawa@hawaii.rr.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Ikagawa	Individual	Support	No

Comments: This is long overdue, please pass the bill. Mahalo.

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Testimony for HB2502

I support this bill. Today I was at my weekly volunteer activity with mostly elementary students who live in a public housing community. Each Wednesday, a mom in the community and I welcome about 20 keiki who come into the center.

What does this have to do with a wildlife bill you may ask?

Because we strive to implant compassion within these children in how they treat one another. We strive to implant respect for one another. We strive to encourage them to develop their talents. We strive to make a positive difference in their lives in the activities in which they engage with us. They know we care about them, and what we ask from them is that they show that same caring and helpfulness to one another in their play and their work, and to develop their minds and their characters. These kids are a joy to be with and look to us as adults to show the same responsibility as we are asking from them.

Isn't that what underlies this bill? How can I be effective with these young people if I don't stand up against cruelty in whatever form it takes. The unnecessary suffering in slaughtering animals and permitting Hawaii to be a market for parts of these animals is the absolute opposite of what I am trying to nurture within these kids to grow into, compassionate, responsible adults mindful of how they live in the world, how they take care of it, and of each other.

Respectfully submitted:

Paulette Wright Smith

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 10:02 PM
To: waltestimony
Cc: mgolojuch@hotmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	No

Comments: We need to protect or endangered species! I support this bill 100%!!

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 9:56 PM
To: waltestimony
Cc: MSMatson@hawaii.rr.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 9:50 PM
To: waltestimony
Cc: hokuokekai50@msn.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 9:22 PM
To: waltestimony
Cc: megan.pittsley@gmail.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Fox	Individual	Support	No

Comments:

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Testimony of Rachel Neville

Supporting HB 2502: Prohibiting the trafficking of protected animal species.

House Committee on Water and Land

Friday February 5, 2016 8:30 AM, Room 325

I support HB 2502 with modifications. I recently heard that every day 80 elephants are killed for their ivory. Hawaii is the third largest market in the United States for illegal ivory after New York and Los Angeles. I also support including the species that occur in Hawaii as it is our duty to protect these species. However, I suggest increasing the penalties for these crimes. As they are written in the bill, they will not deter anyone from selling illegal wildlife parts.

Thank you for the opportunity to submit Testimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 12:52 PM
To: waltestimony
Cc: scoleman@surfrider.org
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Coleman	Individual	Support	No

Comments: Dear Chairs and Committee Members, I am writing in strong support of HB 2502 because we need a state law in Hawai'i to prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species. Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. Though we live far away, it's disturbing to know that an average of 96 elephants are killed EVERY day, mostly for ivory. Sadly, this kind of illicit blood ivory trade funds terrorist activities, and wildlife rangers protecting wildlife habitat in Afritca are often killed in the line of duty. Just as Hawaii was a leader in banning shark fin sales, we should take the lead on this issue. Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them. Mahalo for your consideration and protection of these endangered creatures. Aloha, Stuart Coleman 2127 Hibiscus Pl. Hon., HI 96815

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 12:49 PM
To: waltestimony
Cc: gentlewave@hawaii.rr.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David Dinner	Individual	Support	No

Comments:

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Aloha Water and Land Committee Members ,

I am writing **in support of bill HB2502**. Though it may seem counterintuitive as we have not ivory animals naturally occurring in the state we need a state law in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species. Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. An average of 96 elephants are killed EVERY day, mostly for ivory. Blood ivory funds terrorist activities. Wildlife rangers protecting wildlife habitat in Africa are killed in the line of duty. Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them. For these reasons I support HB2502 and hope that you will too.

Thank you for your time.

Aloha,

Leah Laramee

Support bill HB2502.

Is a piece of ivory worth an animal's life? A dead endangered animal made into a rug? We should enact higher fines for people for people who barter/sell/trade endangered animals or their body parts. 100,000 elephants were killed in three years in Africa. We need to stop all wildlife trafficking, by imposing tougher and stricter repercussions for wildlife trafficking in Hawaii. We can put an end to the wildlife trafficking by supporting HB2502.

Testimony in Support of HB2502

Jeffrey Piontek

Good Morning Representative's Yamane, Cullen, Evans, Rhoads, C. Lee, and Souki.

As the former State Science Specialist for the Hawaii Department of Education, a board member of the National Science Teachers Association, former President of the Hawaii Science Teachers Association and volunteer at the Honolulu Zoo I would like to thank you for allowing me to submit testimony in **SUPPORT** of HB2502.

Elephants are one of the most iconic and beloved wild animals. Yet, today, these magnificent animals are being gunned down and poisoned in unprecedented numbers—reaching nearly 100 are killed per day—all for their ivory tusks. According to research published in August 2014 in the Proceedings of the National Academy of Sciences of the United States, approximately 100,000 elephants in Africa were killed between 2010 and 2012. In 2014, we learned that 1,215 rhinos were killed in South Africa alone out of a remaining 29,000 left in the wild.

The concern regarding the ivory and rhino trade is first and foremost the cruelty of poaching inflicted on the elephants and rhinos. In the case of elephants, because one third of the tusk is attached to the skull of the animal, poachers brutally hack off the face of the elephant to obtain the tusk. Poachers kill entire elephant families, including its youngest members as long as they have tusks. Elephant babies, who do not have tusks that have emerged, are left as orphans unable to fend for themselves and often die if not rescued by humans in time. Poachers use a similar cruel method to mutilate a rhino's face to hack off the horn.

It is the demand for ivory and rhino horn that is driving the elephant and rhino massacre. Most of the demand for ivory is in China, where the ivory carving tradition dates back to prehistoric times, and where it is still legal to buy, carve and sell ivory. But, according to the results of the most recent, comprehensive ivory market survey published in 2008, the United States is the second largest retail market for ivory, after China. United States laws and regulations pertaining to ivory trade are confusing and riddled with loopholes that are exploited by those involved in the international and domestic ivory trade. This also leads to consumer confusion about what is legal and what is not. The result is a flourishing, poorly regulated domestic ivory market in the United States.

As an example, ivory sale in the USA and import into the State of Hawaii are covered by two federal laws:

- The Endangered Species Act (ESA):
 - The United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which currently prohibits the international commercial trade in African and Asian elephant ivory, is implemented through the ESA.
 - However, there are exceptions to this rule. Generally, any ivory possessed prior to July 1, 1975 is “pre-Convention” and can be traded internationally

Testimony in Support of HB2502

Jeffrey Piontek

for commercial purposes. Sport-hunted elephant trophies can be imported but not for commercial purposes. CITES does not address domestic trade in ivory.

- The ESA also has its own rules governing international trade as well as domestic trade in ivory. Under the ESA, the Asian elephant was listed as “endangered” on June 14, 1976 and the African elephant as “threatened” in 1978. This means that, in general, it is illegal to import, export or sell Asian elephant ivory on the domestic U.S. market, although it is legal to sell Asian elephant ivory legally possessed prior to 1976.
 - However, the threatened status of the African elephant meant that ivory from that species continued to be imported, exported and sold domestically until January 20, 1990 when the CITES ivory trade ban became effective. African elephant ivory legally possessed prior to that date may be sold on the domestic market. Furthermore, import, export and sale of ivory that is “antique” (more than 100 years old) are allowed provided that there is documentation showing the age of the item along with other requirements under the federal law.
 - The ESA does not regulate the import, export or domestic trade in ivory from species like mammoths or warthogs, which is difficult to distinguish from elephant ivory.
- The African Elephant Conservation Act banned the importation of raw and worked ivory from African elephants as of January 1, 1990. The ban does not include sport-hunted elephant trophies. However, these laws do not provide comprehensive control of the ivory trade to ensure that ivory offered for sale in the United States is not coming from recently poached elephants.

For example, the United States does not register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products; does not have recording or inspection procedures to enable appropriate government agencies to monitor the flow of ivory within the United States; does not have compulsory trade controls over raw ivory; and does not have a comprehensive and demonstrably effective reporting and enforcement system for sale of worked ivory.

The difficulty of enforcing these laws cannot be overlooked. Ivory is a term that can refer to the tusks of Asian or African elephants, or the tusks of extinct mammoths (dug up from the frozen tundra of Siberia or Alaska), or the teeth of hippos, walrus, sperm whale, narwhal, warthog or boar. Only experts, using special equipment, can sometimes tell the difference between Asian and African elephant tusks, or between elephant and mammoth tusks. Even then, it is not always possible to tell the difference between ivories of these closely related species.

- As an example of the enforcement problems, the U.S. Fish and Wildlife Service (USFWS) seized ivory carvings being imported from Hong Kong.

Testimony in Support of HB2502

Jeffrey Piontek

The subject was importing 56 ivory carvings (mainly “netsukes” which are small ivory carvings of animals or people) in his baggage, and told the Wildlife Inspector that they were all mammoth ivory and did not require a permit. He had receipts from Hong Kong shops where he had purchased the items, stating that they were “mammoth tusk carvings”. The carvings were sent to the USFWS National Fish and Wildlife Forensics Laboratory to be tested. Out of the 55 carvings tested, ten were made from ivory from African or Asian elephants (these items were seized), while another 6 carvings were made from extinct elephant ivory from mammoths or mastodons. However, the majority of the carvings could not be determined with accuracy to be either elephant ivory or the ivory from mammoths. In fact, 29 carvings were made from “elephant ivory of an indeterminate source”. Furthermore, ten of the carvings were found to be “carvings made from dentine (ivory) of an indeterminate source”, presumably meaning that it could not be determined even which type of animal the ivory originated from. If one of the most advanced wildlife forensics laboratories in the world has difficulty distinguishing between ivories, and thus between potentially legal or illegal items, it is almost impossible to expect the average ivory buyer to be able to do so.

A 2002 investigation by the Humane Society of the United States of ivory markets in the United States found ivory sellers who offered to provide fraudulent documents to investigators indicating that elephant ivory was mammoth ivory, that new ivory was old ivory, or that recently imported ivory was imported a long time ago.

This investigation also found:

- The United States has a large market for worked ivory; these markets are supplied, at least in part, by illegal imports from Hong Kong of ivory objects carved in China.
- Those in the ivory business offered tips about how best to smuggle ivory into the United States including placing small ivory items in their luggage in a certain manner to avoid detection by x-ray machines and importing ivory through United States ports, such as Alaska, where there are few United States Fish and Wildlife Service inspectors.
- There is no real disincentive to smuggling ivory into the United States. Although large scale smugglers can be fined and imprisoned, small-scale ivory smugglers are usually only required to forfeit the ivory objects.

Testimony in Support of HB2502

Jeffrey Piontek

An Investigation of Ivory Markets in the United States. The Humane Society of the United States. Washington, DC, USA.

http://www.humanesociety.org/assets/pdfs/Ivory_Trade_Report.pdf

- 24,004 ivory items were found in 657 outlets in 16 towns and cities visited in the USA.
- 7,400 ivory items, or nearly one-third of the total, appeared to have been crafted after 1989, making their importation illegal. Inspection of pieces (mainly of Chinese origin) in shops suggested that many figurines, netsukes and jewelry items were recently made. Some African items also looked recently made.
- The United States legally imported some 3,530 tusks and about 2,400 raw ivory pieces between 1990 and 2005 and some of this material was illegally sold into the commercial market.
- Over 40,000 worked ivory items, excluding personal effects, were legally imported to the United States from 1995-2007. Previous studies found that ivory workshops in Asia and Africa produce fake antiques. Thus, even the imported worked ivory into the USA that seems old could be recently made.
- Federal and state authorities rarely inspect shops or Internet sites for illegal raw or worked ivory.
- Some contraband gets past Customs and there are no effective internal ivory transport and retail market controls.

New York and New Jersey enacted laws to prohibit sales of ivory and rhino horns in 2014. Many other states besides Hawaii have pending bills. These states are taking a robust measure to crack down on the illegal wildlife trade out of a shared concern about the threat of extinction facing these imperiled animals as well as the threat wildlife trafficking poses on our national security.

Testimony in Support of HB2502

Jeffrey Piontek

Terrorist Activity Associated with Illegal Animal Trade:

At 8 to 10 billion dollar per year, the illegal wildlife trade ranks as the fourth most lucrative international criminal activity, behind only narcotics, counterfeiting and human trafficking. Lured by handsome financial profits, transnational organized syndicates and terrorist groups have turned to poaching and trafficking to fund their criminal atrocities.

For example, in Sudan, the Lord's Resistance Army (LRA) for arms and ammunition barter ivory with its patrons in the North Sudanese military. LRA reportedly makes between 8 and 12 million dollars per year from sales of illegal ivory. The Arab tribes of North Sudan, the backbone of the Janjaweed militias, have carried out some of the continent's most notorious recent elephant massacres. According to an investigation⁶ by the Elephant Action League (EAL), Somalia-based al-Qaeda affiliate, al-Shabaab, trades up to three tons of ivory every month. EAL estimated that profits from the ivory trade supported about 40 percent of al-Shabaab's operations.

President Obama in a July 2013 Executive Order identified wildlife trafficking as a matter of national interest, stating "The survival of protected wildlife species such as elephants [and other species] has beneficial economic, social, and environmental impacts that are important to all nations. Wildlife trafficking reduces those benefits while generating billions of dollars in illicit revenues each year, contributing to the illegal economy, fueling instability, and undermining security.

For these reasons, it is in the national interest of the United States to combat wildlife trafficking." The Administration subsequently released a "National Strategy on Combating Wildlife Trafficking" and a series of administrative actions to tighten up federal regulations and strengthen enforcement of the import and interstate sales of ivory and other wildlife products that are regulated under the Endangered Species Act.

The U.S. Fish and Wildlife Service has been tasked to issue additional measures to ratchet down on import, export and interstate commerce of the ivory trade. Numerous high profile and large-scale seizures during the last few years show that the U.S. market is a fertile ground for smuggled ivory and rhino horns.

According to Interpol's rule of thumb, only 10 percent of contraband is seized. This suggests that for every major seizure of illegal ivory in the U.S., many more illegal items were smuggled into the U.S. Once these illegal ivory items cross our borders, there is no effective control mechanism to stop their circulation in the markets.

Below are a few examples of recent significant ivory and rhino horn seizures:

- In 2012, an investigation by the Manhattan District Attorney, the USFWS and New York State Department of Environmental Conservation agents led to the confiscation in Manhattan's diamond district of roughly a ton of ivory trinkets which filled 72 banker boxes, representing approximately

Testimony in Support of HB2502

Jeffrey Piontek

tusks of 100 slaughtered elephants. The seized goods were worth 2 million dollars.

- An ongoing investigation since 2012 by the USFWS, dubbed “Operation Crash”, in collaboration with the Department of Justice has made 17 arrests and nine convictions concerning wildlife crimes. One conviction involves a transnational criminal network that smuggled rhino horns and elephant ivory collectively worth more than 4.5 million dollars. Ringleader of the network, Zhifei Li, was sentenced to 70 months in prison on May 27, 2014.
- On June 4, 2014, a Philadelphia art dealer, Victor Gordon, who pleaded guilty for smuggling African elephant ivory, was sentenced to 30 months in prison. One ton of elephant ivory was seized from Gordon’s Philadelphia store in April 2009. According to a National Geographic article, Gordon instructed his West African co-conspirator, “how to alter receipts and to dye the material to make it appear old.”

The USFWS’ “Operation Scratchoff”, which targets smuggling of elephant ivory from Africa to the U.S., discovered various ways traffickers use to avoid detection.

For instance, “shipments were accompanied by fraudulent shipping and customs documents identifying their contents as African wooden handicrafts or wooden statues. The ivory itself was painted to look like wood; covered with clay; or hidden inside wooden handicrafts, such as traditional African musical instruments.”

The lack of effective controls along the trade routes, combined with the difficulty of distinguishing legally acquired ivory from ivory of recently poached elephants, are exploited by unscrupulous dealers to launder illicit ivory into our marketplace.

They delineated, “It is extremely difficult to differentiate legally acquired ivory, such as ivory imported in the 1970s, from ivory derived from elephant poaching. Criminal investigations and anti-smuggling efforts have shown clearly that legal ivory trade can serve as a cover for illegal trade. By significantly restricting ivory trade in the United States, it will be more difficult to launder illegal ivory into the market and thus reduce the threat of poaching to imperiled elephant populations.”

In a January 2014 hearing of the New York State Assembly Committee on Environmental Conservation, assistant director of the Office of Law Enforcement at USFWS, William Woody testified that law enforcement agents “struggle to identify the age of the ivory they find for sale, which determines its legality.”

Testimony in Support of HB2502

Jeffrey Piontek

The threat of extinction facing elephants waits for no one while poachers and traffickers continue their slaughter and despicable activities unabated. The time for a prohibition on the U.S. domestic ivory markets is now and Vermont can contribute to the federal, national and global conservation efforts by closing Hawaii's markets to ivory and rhino horns. HB2502 does exactly that, and I encourage you to support this important measure.

Current Circumstances of the Ivory Trade The elephant poaching crisis has now reached all-time highs, with an estimated 35,000 to 50,000 elephants slaughtered per year. In fact, the website www.bloodyivory.org, specifically quantifies more than 103,000 elephants slaughtered by poachers since 2012. As a result, certain populations of African elephants are vulnerable to extinction and may not withstand these poaching thresholds much longer. And, when these elephants disappear, if ivory markets are not eliminated, demand will lead poaching operations further east and south, decimating other African elephant populations. In recent years, it has been revealed that dangerous criminal syndicates and organized terrorist gangs engage in elephant poaching to acquire ivory, which they sell for arms to ply their deadly activities. Born Free USA, seeking an accurate and complete picture of the depths of this nefarious activity, commissioned expert defense analysts to examine the military, national security, and localized conflict aspects to reveal, in detail, the threats to elephants across Africa.

A second report, *Out of Africa*, identified shipping routes and the means by which ivory is extracted from poached elephants, transported to consolidation points, and bundled for shipment overseas by organized criminal syndicates. As long as there is a market for ivory – including right here in Hawaii – and poaching continues unfettered, these ruthless terrorist organizations and corrupt individuals and entities will continue to bring chaos, bloodshed, and insecurity to the region.

Current Circumstances of the Rhinoceros Horn Trade:

All five rhino species are in tremendous danger due to the demand for their horns. The horns, made of a substance akin to human fingernails, are used in Traditional Asian Medicine to allegedly cure a variety of ailments including cancer, despite conclusive evidence that they have no curative properties. Africa's black rhinos are critically endangered, with a population of fewer than 5,000. South Africa, which is home to the majority of African rhinos, has seen a staggering increase in poaching numbers in recent years – from a handful in 2007 to 333 in 2010 to more than 1,000 in 2013 and more than 1,000 again in 2014.

Testimony in Support of HB2502

Jeffrey Piontek

In conclusion, I believe it is the responsibility of the United States Congress and individual state legislatures do everything in their power to stop the slaughter of elephants and rhinos in Africa. To this end, it is imperative to completely ban the commercialization of ivory and rhino horn – no loopholes. If we want to end the market for ivory in Hawaii, there can't be any room for illegal wildlife products to be sold as legal products. There is no economic, cultural, conservation, or other justification for selling elephant ivory or rhino horn in Hawaii or anywhere else in the United States in 2016.

HB2502 could represent part of a shift in the way the states of this nation deal with the wildlife trade, and help to bring much-needed relief to the ravaged elephant and rhino populations as well as other endangered species of the world.

I want to leave you by asking you to consider this moment in history—and the choice we must all make as human beings and global citizens. We have a chance here, and now, to ensure a secure future for elephants, rhinos, and hundreds of other wild plant and animal species.

How will we answer when our grandchildren ask why some of these magnificent creatures no longer exist in the wild? I want to be able to tell them that our legislature and we as a population in Hawaii did everything we could to keep these amazing species from vanishing from our planet.

Thank you for the opportunity to present testimony today.

Respectfully,

Jeffrey Piontek

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 2:09 PM
To: waltestimony
Cc: milholen.jennifer@gmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Support	No

Comments: We need a state law on animal trafficking in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species. Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. An average of 96 elephants are killed EVERY day, mostly for ivory. Blood ivory funds terrorist activities. Wildlife rangers protecting wildlife habitat in Africa are killed in the line of duty. Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 2:08 PM
To: waltestimony
Cc: lopekana@hawaii.rr.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
George Robertson	Individual	Support	No

Comments:

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February 4, 2016

Dear Legislators:

I urge you to support SB 2502, prohibiting the trafficking and sale of protected land and marine animal parts in Hawaii. It is a complete disgrace to our state that we have yet to ban the sale of ivory, horn, and other parts of endangered and protected animals. I am ashamed, frankly, of our state and its failure to do what is clearly *pono*: to protect these magnificent creatures from human slaughter and virtual extinction.

Let's put the situation closer to home. Humpback whales are federally protected, right? But let's say that a clandestine market for humpback tail fins develops and there are poachers willing and ready to kill the animals with RPGs (or whatever) in the Hawaii sanctuaries and sell the tails to buyers in Honolulu. We would be outraged, right? We would enlist the Coast Guard, Navy, NOAA, etc. to their full extents to protect these creatures from senseless depredation and we would prosecute those involved at all levels. At least I hope we would.

But this same "senseless depredation" is occurring "elsewhere" with elephants, rhinos, pangolins, and many other "exotic" animal and marine species, sustained by illegal and legal markets around the world. We need to eliminate our local market for animal body parts. We need to do what is globally right, and do it now, right here. No human being NEEDS ivory or rhino horn. Only the animals do. Period.

I trust you've seen the numbers: almost 100 elephants poached (a tidy euphemism for "murdered") every day for ivory that goes not only to trinkets for the wealthy, but also to fund ISIS and other terror organizations. Brave wildlife rangers risk—and all too often lose--their lives (see Virunga National Park's Wounded Ranger site if you care to learn more) so that someone in Hawaii can purchase an ivory chess set. The values are just wrong. Dead wrong.

SB2502 is a carefully designed, broad ranging bill that addresses and corrects weaknesses in previous attempts to pass similar legislation. I hope you will have the ethical courage to do what is clearly right and will pass SB2502, thereby bringing my state, our state, in line with China, Hong Kong, California, New York, and many other large markets that have banned animal part trafficking. Hawaii, sadly, is considered a major market for ivory and horn—we must do better.

If we can ban the sale of shark fins, surely we can do it for elephants, rhinos, sea turtles, etc. I want my grandchild to live in a world that has these creatures free in the wild and in the oceans, not stuffed in natural history museum dioramas. If we do not act to protect them, their murders and extinction will be on all our hands. Really.

Thank you.

Stephen Canham, PhD
46-156 Nahiku Place
Kaneohe, HI 96744

waltestimony

From: Anne Acker <a.acker@comcast.net>
Sent: Thursday, February 04, 2016 7:26 AM
To: waltestimony
Subject: HB2502, WAL Meeting Feb 5, 2015 at 0830

Greetings,

I should like to submit a comment on HB2502 before the meeting on Feb 5, 2015 at 0830.

For the most part, I am pleased to see this bill takes into account the needs of antique collectors and owners and dealers in musical instruments.

However, the date of 1975 is not appropriate for the manufacture of pianos. While this is less of a problem for any American made pianos, as all those makers stopped using ivory by 1976 by their own choice, it is a serious problem for owners of high end European made pianos made between 1976 and Jan. 13, 1990, when the African elephant was listed and ALL piano makers ceased using African elephant ivory for key top veneer. Please note that the date of 1975 refers to the Asian elephant, and is irrelevant for the manufacture of piano key tops, which only use African elephant ivory. The tusks are much larger and in general far better suited to making ivory key top veneers.

Thus, as currently written, this bill unfairly devalues important and otherwise highly valuable pianos made in Europe from 1976 through 1989. It would be a simple matter to alter the bill to make the adjustment for pianos.

Kind regards,

Anne Acker

Anne Acker
Historic Keyboard Specialist
Anne Acker Early Keyboards
<http://www.anneackerkeyboards.com>
<http://www.pianogrands.com>

mobile 912-704-3048

From: Strange, Tom <tstrange@sjm.com>
Sent: Thursday, February 04, 2016 5:17 AM
To: waltestimony
Subject: HB2502

Dear Sirs,

On Feb. 5th the committee (WAL) will consider a bill designed for the noble purpose of saving wildlife that unhappily has unintended consequences. Please consider modifying this bill to allow antique artifacts to continue to travel and be bought and sold as part of our cultural heritage. I have outlined some specific areas below that desperately need to be considered before passing draconian legislation that in the end cannot save elephants lost 200 years ago, and in fact will not save elephants today as it does not address any of the real traffic in illegal ivory in the world, but does stop legitimate historical research and cultural appreciation of the past.

Let me begin by saying that I am personally committed to the cessation of poaching or harvesting any wild elephant for any reason, and certainly reasonable efforts to crush the trade in new or poached ivory should be pursued. I do have an informed position that new ivory is not being used for antique musical instruments, and particularly for the keys of period harpsichords and early pianos. In truth it would seem the surest way to reduce ivory to near worthlessness is to cut it to fit an early keyboard instrument due to the non-standard size and extreme scarcity of these instruments. Those of us who study early keyboards and use them to teach students in informed period keyboard practice have no use for modern ivory for any purpose. It is the history contained on the surface and within the antique ivory itself that has use. The earliest keyboard instruments had their keys covered in boxwood or similar, and this is equally valuable to us, such that were an early keyboard to be stripped of the wood covering and modern ivory applied, it would amount to a kind of vandalism.

As the study of early keyboards is not familiar to everyone, let me give an example from recent research. During the 18th century, the firm of Kirckman in London was well known as an early maker of harpsichords, but occasionally a smaller cousin to these large harpsichords, called the spinet harpsichord, is to be found bearing the Kirckman name. In the community of historians who wish to understand the Georgian period of business and commerce in better detail, there was a question of whether all instruments, large and small, were made in the same shop, or were farmed out to other makers, as an early conglomerate. Inspection of the instruments side by side was inconclusive until attention was turned to the scribed ivory keys. All early keyboards until perhaps 1800 bear these scribe lines, and are characteristic of the keyboard maker whose scribing tool and technique was uniquely his own. Large Kirckman harpsichords all have the same scribe mark, approximately 7 mm from the joint of the head and tail of the key as shown below:



1750 Kirckman harpsichord keys

We also see that up to the scribe line, the key is slightly rounded over for player comfort:



However, on the 1748 Kirckman spinet, the earliest known, we see the scribe line is only 4 mm from the joint and lacks the rounded edge entirely, indicating a completely different builder outside of the original shop:



1748 Kirckman spinet

We now know the Kirckman firm was far larger than a simple craftsman shop, and was making use of a wide distribution of builders, but the first and most important clues came from this examination of the ivory key cover. This is the sort of evidence that would be lost if these instruments must be stripped of their ivory. There is far more research on widely distributed instruments than can ever be done effectively in one country. Early instruments must be able to travel from country to country and owner to owner. In the process, the loss of these elephants 150 to 300 years ago is mitigated at least a little by the evidence they still bear of the builder's tradition. This is history as sure as that from any book, and can be effectively read only if it remains intact. Which pages of Melville shall we redact because he writes of hunting whales, or Kipling and his tigers?

No new ivory is ever knowingly applied to historical harpsichords, the last of which was made in 1800. The keys of early pianos and harpsichords are far shorter in length than those of modern instruments, and old ivory from such a piano can only be used on another old piano, although it rarely is ever found off the instrument it was made for. No new ivory is used or wanted on square pianos, the last of which was made in 1867 in England and 1905 in America. Even the early grand piano retains the keyboard dimension of the smaller ones, and is equally worthless as an object of ivory trade. Ivory cut for these smaller keys is useless on modern pianos as it cannot fit, and useless for any other purpose as well. It might as well be burned as to reduce it to the dimensions needed for early keyboards.

Might we agree that in the case of these specialized early instruments which are easy to date as being pre-ban, and which are totally outside of the new ivory trade, that we will respect their history and refrain from vandalizing them, or banning them from America and thus cheating our children of the experience of playing Haydn on an instrument he once knew. It is my request that we return to Americans the ability to secure early keyboards at auction or private sale under the CITEs restrictions formerly in place, in the sure knowledge that no living elephant will be impacted by this decision, except perhaps in a positive way from awareness of their special place in history.

Regards,

Thomas Strange
Easley SC, Carolina Clavier Collection, Feb 4, 2016



See the link <https://www.flickr.com/photos/southcarolinaetv/sets/72157641864698504/>

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 11:55 AM
To: waltestimony
Cc: hulagr196707@hotmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lynda K. Sniffen	Individual	Comments Only	No

Comments: I am in full support of Bill HB2502 to pass. Animals should be respected and live a life of dignity in their own natural environment. Please consider this bill as animals should have quality of life.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 7:12 PM
To: waltestimony
Cc: wwmsteiner@gmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/2/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William W. Steiner	Individual	Comments Only	No

Comments: Section 3 (1-3) of HB 2502 lays out fines for misdemeanors performed under these rules. Given the gravity of the crimes, and the ability to receive thousands of dollars/listed species item, the fines are inadequate and will not stop someone from attempting to create or meet a market demand for said item. The stated fines simply become part of the cost of doing business. I recommend substantial increase (for example, \$5,000 for a first offense, \$25,000 for a second offense, and \$100,000 for a third. The level of the crime will have to be raised from a simple misdemeanor.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 5:17 AM
To: waltestimony
Cc: tylercstjames@gmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
tyler cusson	Individual	Comments Only	No

Comments: I strongly urge law makers to consider HB2502 as a bill that will do nothing to protect endangered wildlife. This bill will criminalize citizens and sellers of antiques and collectibles. This bill will devalue billions of dollars of musical instruments, collectables, furniture, collectable firearms and the list goes on. Please consider the loss of sales tax and similar income provided to the state on every sale of items potentially devalued by this bill. There are many existing federal and state laws already in place to protect endangered species. I strongly urge supporting laws that do not make criminals of so many Americans. Please confirm the source of the information and statistics you use in making a decision of this magnitude. It should be noted that Americans opposed to HB2502 want to see endangered species thrive. There have been many successful wildlife management programs throughout our country and the world, we should focus our efforts there. Thank You

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waltestimony

From: Don Baker <dlbaker@charter.net>
Sent: Thursday, February 04, 2016 4:58 AM
To: waltestimony
Subject: HB2502

I am writing in opposition to HB2502, The committee (WAL) and the meeting time (5 Feb at 0830).

The HB should focus on the poaching activity which needs to be stopped, and prosecuting the smugglers.

Not one elephant will be saved by passing HB2502.

Sincerely,
Don L. Baker
734.771.0829
dlbaker@charter.net

Hawaii's HB2502

Committee WAL

Meeting February 5, 2016 at 8:30

Saving Elephants is an important and emotional issue. Not all ivory is poached. Ivory owners are not criminals. Ivory is NOT the enemy. The ILLEGAL killing of elephants is the enemy. This proposed rule attacks American citizens not poachers. Where is the proof that a ban on possession of ivory will help elephants survive in Africa? There is none. Below are some facts and proof.

FACT- There is good news for over 80% of elephants. Over 55% of elephants have been within sustainable numbers (Southern Africa). In Eastern Africa (28% of elephants on the continent) poaching numbers have dropped for 4 years and are right at sustainable numbers. PIKE (Proportion of Illegally Killed Elephants) levels in 2013 were lower than in 2011 in all four African sub regions. Enforcement levels are up. Data gathering is improving. Poaching has fallen consistently the last 4 years. **PROOF**-figure 3 page 19 CITES July 2014 report; https://cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-01_2.pdf

FACT - South African elephant populations have grown greater than the habitat can contain. Two articles talk about using birth control and neutering males because they have more elephants than the environment can support. These successfully managed areas should be the blueprint used to save the elephants. **PROOF** -NPR July 2013 <http://www.npr.org/templates/story/story.php?storyId=200104722> and National Geographic May 2015 <http://voices.nationalgeographic.com/2015/05/02/in-south-africa-where-elephants-are-fenced-in-choosing-contraception-over-culling/>

FACT – Not all elephants are endangered. Four national populations were transferred to Appendix II (Botswana, Namibia and Zimbabwe in 1997, and South Africa in 2000). The African elephant is currently listed as Vulnerable. **PROOF** - page 14 CITES July 2014 report; https://cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-01_2.pdf

FACT – The American ivory market is not part of the illegal ivory trade. “ETIS (Elephant Trade Information System) “since 2009... the fundamental ivory trade dynamic lies between Africa and Asia.” **PROOF** - (pg. 29) CITES July 2014 report; https://cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-01_2.pdf

FACT - Of large-scale (>500kg) seizures of ivory between 2009 - 2013 none went to the United States. **PROOF** - cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-01

Ivory within the United States is currently being recycled. It has been bought, sold, resold, and taxes paid at every transaction. We have had an international ivory ban for 25 years. That is where the 7 tons of ivory came from that FWS crushed. US Fish and Wildlife says it is worth \$1,500 per pound. That would be 21 MILLION dollars, not their money. It is tax payer assets; it belongs to the citizens of this country.

Elephants do, have, and will die of natural causes. Try to calculate the ivory from every elephant that has died of natural causes throughout history, that ivory is still on our planet. (As mammoth and mastodon ivory is still here after 10,000 years) It should be used to honor the spirit of these animals. Not put thru rock crushers and destroyed.

HB 2502, if passed would be;

- Is an Overwhelming “taking” of legal personal property, without just compensation protected by the constitution with a stated mission to send a message to poachers who will not care
- Reverses the long standing premise of American law that we are “innocent until proven guilty”
- Arrogantly forces our patronizing policies onto African citizens without their input and over their objections
- Creates an impossible enforcement issue that will affect millions of dollars of taxable income

- Ignores that fact that elephants do die of old age and that ivory could fund the elephants salvation
- This proposed bill will absolutely have a significant economic effect on a substantial number of small entities like mine.
- Most importantly it will not save one living elephant from being killed in Africa

As a scrimshaw artist, who has done commissions for people in your state, I have been in that LEGAL market for almost 40 years. Ivory sells for about \$100 per pound here. Why would a poacher bring it here when NGO's state it will bring \$1500 per pound in Asia? Our *legal* market is large and these changes will harm many Americans, cost taxpayers money and hurt small business. It will create an unnecessary hardship for Museums, auction houses, collectors, churches housing religious artifacts and individual citizens who have invested in legal transactions that personal property rights should protect.

This Bill will certainly unduly burden the judicial system because it is taking a legal valuable personal asset and making it illegal with no proof that in doing that, even one elephant will be saved from poachers.

Please, do the research, seek the facts and do not pass HB 2502

Linda Karst Stone, a self-employed, tax paying, small-female-owned business American
Linda@Karstone.com
www.karstone.com

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 11:05 PM
To: waltestimony
Cc: lincolnmichele@yahoo.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michele Lincoln	Individual	Oppose	No

Comments: From: Michele Lincoln of Lahaina Hawaii Committee: WAL Hearing Date: February 5, 2016 at 8:30 am Friday Bill Number: HB 2502 OPPOSED Please vote "NO" on the proposed legislation: HB 2502. Instead, please consider supporting federal bills that could be effective in actually saving elephants. Consider the African Elephant Conservation and Legal Ivory Protection Acts HR 697 and S1769, which places U.S. enforcement agents in Africa where the issue of illegal ivory originates. Please protect Americans and the freedoms provided under our Constitution. The negative ramifications of HB 2502 will be far reaching, affecting many people that depend on you to protect them. Many Americans will be devastated by this bill as they will not be able to sell legally obtained ivory. Many artists will be out of work. It is offensive that some of our legislators feel compelled to pass legislation that will not ultimately save elephants but will cause great harm to their constituents. Law abiding, hardworking, tax-paying Americans in this industry will be unemployed and those who have inherited or collected ivory will not be able to liquidate assets. We expect righteousness in our country's leadership with reasonable laws to govern our Country. China is the greatest offender in black market ivory yet we are choosing to punish tax paying Americans. North America is not on the list of black market ivory as listed by CITES the Convention on International Trade in Endangered Species (<http://www.cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-01.pdf>). It criminalizes an indigenous American art form of scrimshaw that was started by the American whalers. It is unconscionable what it will do to Alaskan tribes that depend on carving walrus ivory or selling fossil walrus and mammoth ivory. It is our Native American's heritage and source of income. Walrus and whales are protected and are not at risk. Mammoth are extinct like the dinosaur. It is ludicrous to think that banning fossil material is going to affect the elephant ivory trade. Each ivory has unique characteristics to identify them. If law enforcement agencies are currently unable to identify various ivories and ivory like materials, then this indiscriminate, encompassing statutory material is not the best solution. How will they tell the differences between bone, resin, tagua nuts (vegetable ivory), ivoryine (plastic fake ivory) and anything else that resembles ivory? We all agree that something must be done to save endangered species. CITES is an international convention that is currently addressing the elephant

poaching issue and resolutions are expected in September 2016. If Hawaii is one of the most prolific in ivory sales, it would be of legal ivory. Our state is historically known across the country and internationally as a source for legal ivories including antique pieces, pre-1989 elephant ivory, pre-1972 whale teeth, fossil walrus, and mammoth ivory. It should also make you aware of the positive monetary impact it has on our state. Our Federal Government already has enforcement in place and is doing an excellent job. It would be redundant to have state and federal enforcement. Where would the funding come from for the individual state legislation enforcement personnel? Keep in mind how many tax dollars will be lost if legal ivory is made illegal. Fossilized ivory material is dug from the Alaskan tundra by natives. It is sent to Maui to a Hawaiian that polishes the material in preparation for artwork. Then it goes to local scrimshanders for artwork. It is sold on Front Street in a locally owned establishment; one of the oldest shops in Lahaina. Consider how many Americans this employs and the taxes paid along the way. Many collectors have purchased ivory with the advice that it is an investment in art. Forbes Magazine "Collecting Smart" described collecting antique whale teeth as "positively sizzling" and encouraged it as an art collectable. Tax-paying voters have collections worth millions of dollars of legally obtained ivories. California recently passed ivory ban legislation and already a class action lawsuit is being prepared. You may find a lawsuit that is equivalent to compensating for the lost value of a legal collection and the taking (of value) considered unconstitutional. Also, factor in the higher unemployment rate and the necessity for more bankruptcy. It could cost our state millions of dollars and will not save elephants. If you really believe our state has a legitimate issue with illegal ivory, consider increasing the existing Federal enforcement agency with the current adequate laws, rather than criminalize your constituents with an overall ivory ban. The United States' individual proposed ivory legislation ultimately will not protect elephants. The eminent harm is greater to the American citizens! Please do not adopt legislation to ban the sale of ivory. Vote "NO" on HB 2502. Thank you

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Hawaii's HB2502

Committee WAL

Meeting February 5, 2016 at 8:30

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- This proposed bill will absolutely have a significant economic effect on a substantial number of small entities like mine.
- Most importantly it will not save one living elephant from being killed in Africa

As a scrimshaw artist, who has done commissions for people in your state, I have been in that LEGAL market for almost 40 years. Ivory sells for about \$100 per pound here. Why would a poacher bring it here when NGO's state it will bring \$1500 per pound in Asia? Our *legal* market is large and these changes will harm many Americans, cost taxpayers money and hurt small business. It will create an unnecessary hardship for Museums, auction houses, collectors, churches housing religious artifacts and individual citizens who have invested in legal transactions that personal property rights should protect.

This Bill will certainly unduly burden the judicial system because it is taking a legal valuable personal asset and making it illegal with no proof that in doing that, even one elephant will be saved from poachers.

Please, do the research, seek the facts and do not pass HB 2502

Linda Karst Stone, a self-employed, tax paying, small-female-owned business American
Linda@Karstone.com
www.karstone.com

waltestimony

From: Sandy <sanfan@comcast.net>
Sent: Thursday, February 04, 2016 8:42 AM
To: waltestimony
Cc: bcc
Subject: Hawaii hearing HB2502

WAL committee:

Your meeting February 5 at 0830 to consider HB2502 is a radical approach to wildlife management. It will kill worldwide ivory markets for all forms of ivory, antiques included. It is an ill-advised policy based on the notion that big international government can save wildlife by fiat without any regard for economics or the harm it will cause to people in local communities or people who collect or have businesses tied to wildlife. The only ones who benefit are NGOs who become the gatekeepers of government resources to manage wildlife. This policy is corrupt and should be opposed with full force. Please do not approve this bill.

Sandra Melnikoff
1001 City Avenue - 914WB
Wynnewood, PA.19096

waltestimony

From: Steve Johnson <srj@mail.manti.com>
Sent: Thursday, February 04, 2016 6:18 AM
To: waltestimony
Subject: HB2502

Dear, Honorable WAL Committee,

I do not live in Hawaii, though I wish I did at times - it is currently 15°F here in Manti, Utah! - but I do have concerns regarding HB2502, which you will be addressing tomorrow at 8:30 am.

If one state adopts this unfair and unwise plan then it will soon be addressed by other states, causing much hardship to many people and businesses. It will affect my personal business, wherein I use legally harvested and obtained ivory, periodically,

May I please ask you to find out the whole story and to not vote for this measure until you have honestly heard and considered all sides, the wildlife and the people who live in their areas around the world, collectors, professionals, craftsmen, musicians, collectors, business persons, etc. This bill will not help the animals, but only hurt the people who are legally dealing with them and, in many ways, supporting their lives, environment and stability.

Thank you for your time and , again, I ask that you think and learn about the whole situation, before rushing into support of a concept that is flawed and will not work, or help the situation as a whole.

May I suggest that you contact Mr.. Robert Mitchell and The Elephant Protection Association, to get their feelings and see their research?
rmitchell@elephantprotection.org (See a short quote below).

With sincerely thanks for your time and service,
Steven R. Johnson

S. R. Johnson, Knifemaker
<http://www.srjknives.com>

"This is a radical approach to wildlife management that CITES, USFWS and NGOs are all pushing with great force. It will kill worldwide ivory markets for all forms of ivory, antiques included. It is a policy based on the notion that big international government can save wildlife by fiat without any regard for economics or the harm it will cause to people in local communities or people who collect or have businesses tied to wildlife..... It will jeopardize any successful conservation program in Africa that balances needs of local communities with their wildlife populations."

S. R. Johnson, Knifemaker

From: Don Nigro <dontalks@gmail.com>
Sent: Wednesday, February 03, 2016 12:33 PM
To: waltestimony
Cc: hiacs@icloud.com; Brenda Reichel; Sylvia Kop; Mark@markcarson.com; LindaLee; Customer Ann3
Subject: WAL Committee testimony

Ref.: In oppose to HB2502
Committee WAL
Feb. 5, 2016
8:30 A.M.
Testimony from Don Nigro
33 Hualalai St., #202
Hilo, HI 96720
Phone: 1-808-938-8744
hiacs@icloud.com

Dear Representatives:

Before you vote, consider this:

Should yesteryears family treasure truly become today's worthless garbage??

Carved ivory was commonly sold in Department stores across America for decades up through the early 1970's.

Simply put, all that; plus even earlier privately owned and shop inventories didn't just evaporate.

So heirs, traditional collectors and dealers of America's old stock legacy ivory, shouldn't be made scapegoats because of USFWS and Customs inability to stop Africa and China's illicit trade in new ivory.

Old carved ivory is easily distinguished from the new. Yesterday's styles simply are not replicated; limited appeal would mean much to thin a market and insufficient sales to sustain today's illicit ivory traffickers!

Please acknowledge these facts, and keep in mind the importance of upholding the Civil Assets Forfeiture Reform Act, the safeguard national legislation that protects ownership of private property. Only then will you realize that there's no justification for overreaching ivory bans in America.

RE: HB2502

This bill is part of a massive initiative by a coalition of organizations that simply oppose the existence and use of legacy ivory by people who happen to own it today.

These groups have an emotional and ideological commitment to accomplishing a ban on sales and use of old ivory that has no direct causal link to the ongoing killing of elephants in the wild.

Even if all ivory currently in the U. S. were to be destroyed, the actual world market for illegal ivory would continue to take its toll on living elephants. Why? Because that illegal market is in other countries, and not in the United States.

I submitted the following to the Advisory Council that was working with the Department of Interior and the U. S. Fish and Wildlife Service two years ago. The comments from that time are still valid today.

Perhaps you could take some of this information into account as you consider HB2502.

Sincerely,
Larry W. Williams

March 17, 2014

Submitted to:
Advisory Council
National Strategy on Wildlife Trafficking

Via:
Mr. Cade London, Special Assistant
USFWS International Affairs
Email: cade_london@fws.gov.

Re: The coming ban on domestic ivory sales will penalize law abiding citizens who own legal ivory, but what about the real culprits?

The Concern

The [National Strategy on Wildlife Trafficking](#) is an effort to better safeguard endangered species in general and to stop illegal traffic in elephant ivory in particular. This strategy might improve our own efforts and perhaps encourage other countries to do better. However, one of the more heralded provisions calls for a crackdown on all sales of ivory that is already in the US. The way this initiative is being pursued will:

- Place onerous burdens on otherwise law abiding citizens by constraining or prohibiting them from selling legacy ivory that dates from long before the elephant became endangered,
- Curtail a broad range of otherwise legitimate commerce that does not threaten today's elephants, and

- Cost the taxpayer unnecessary funds to enforce rules that do not directly attack the international traffic in illegal ivory.

Considerations

The legacy ivory that is in the U. S. is overwhelmingly in compliance with existing laws, it was not delivered into this country illegally, and its ownership or sale within the US poses no threat to living elephants. Many articles made of ivory or which incorporate ivory are highly valued for their cultural, historical, artistic, or sentimental value, and they also have monetary value that is now under attack.

The new rules are intended to protect the elephant by destroying the demand for illegal ivory within the U. S. However,

- As recently as September 2012, **the USFWS concluded that “...we do not believe that there is a significant illegal ivory trade into this country.”**²
- The most systematic and independent study on ivory sales in the U. S. concluded that **“...the US ivory market has a small detrimental effect on elephant populations,...from importing illegal worked ivory for retail sale....”** This study concluded that **illegal ivory was imported from Asia {primarily China} and Africa by being falsely documented as antique.**³

In contrast to these findings, some who support the coming ban claim that the United States is the world’s second-largest market for illegal ivory and that the legal sale of ivory in the United States disguises black-market sales.

- The theory is that by managing and controlling all sales of ivory that is in the U. S. they will somehow stifle or smoke out trade in any illegal ivory that might be here already or be shipped here in the future.
- In reality, persons who are knowingly and deliberately engaged in criminal activity are likely to simply go further underground.

When the import ban was first put in place **the USFWS understood that the problem was one of stopping illegal ivory coming into the U. S., not ivory that was already in the country.** And their policy was that there was no benefit to be gained from regulating ivory that was already in the country!

And, as the USFWS reported in 2012, “African elephant ivory within the United States that was imported prior to the 1989 ban, imported as sport-hunted trophies, or obtained as the result of Federal law enforcement action is considered legal.”²

However, the new ban will turn enforcement measures inward onto otherwise law abiding citizens who might own and want to sell some form of ivory that the USFWS itself has heretofore considered to be here legally. **The new rules will impose unnecessary burdens and risks on these citizens.**

- Persons who want to sell an item involving ivory will have to go through a process and pay for services to authenticate each item that they want to sell. This is an unnecessary and potentially expensive procedure.
- When the age of legacy ivory cannot be satisfactorily established, or owners are intimidated and do not try to sell it, there will be a significant impact on domestic commerce in antiques, art, and other collectibles that were made from or incorporate ivory.

- Those who try to sell ivory and do not or cannot comply with the new rules will face confiscation of their property, monetary fines, and possible criminal penalties. The alternative would be for them to stop handling whole categories of art and collectibles and artifacts that have been integral to their interests and businesses.

Consequently, instead of destroying demand for illegal ivory in the world market, the effect of the new rules will be wealth destruction within this country by constraining and prohibiting commerce in items that cannot be linked logically to the fate of today's elephants.

Recommendations

Therefore, better results could be achieved if our resources and efforts were to be applied along the following lines:

- 1) Accept the historic reality that ivory has been used in the past in ways that we can all agree is no longer necessary or desirable—and certainly does not justify the killing of today's elephants. Therefore: **Grandfather the legacy ivory that is already in the U. S., and do not waste resources to constrain legitimate sales of that ivory.**
- 2) **Stop the importation of falsely documented “antique” ivory** into the United States (which the USFWS Director's Order 210 will help accomplish) and **discover and confiscate illegally imported ivory.**
- 3) **Help African and other countries to stop the poaching and export of their endangered species.**
- 4) **Take actions to stop other countries trafficking in, importing, and exporting any form of ivory.**
- 5) **Intercept any ivory that is smuggled into the U. S.,** and impose severe criminal penalties on the smugglers.
- 6) **Prohibit government officials and employees from buying ivory or accepting it as gifts, and from bringing it back into the U. S. whether in an official or a private capacity.**⁶
- 7) **Prohibit any person who is returning from overseas from bringing any ivory into the U. S., no matter what its purported age or historical or artistic significance.**⁶
- 8) **License and work with legitimate dealers and auction houses** that might handle cultural and artistic articles involving ivory in order to assure the authenticity of those items and to manage their movement in domestic and international commerce. Have these businesses become partners in USFWS efforts to combat illegal trade in ivory and other endangered animal parts.
- 9) **License and work with ivory craftsmen** in the U. S. **to assure that the ivory they already own or might purchase domestically is legal** and that any products they make from this ivory are sold legitimately within the U. S. and not sold for export. Have these craftsmen become partners in USFWS efforts to combat illegal trade in ivory and other endangered animal parts.

Sincerely,

Larry W. Williams, PhD.⁷

P. O. Box 650065

Vero Beach FL 32965

772-774-8346

¹Ironically, the post-ban ivory that has explicitly been allowed to be imported into the US under international agreement and by our own laws will be constrained along with older pre-ban ivory. Also, articles made from tusks that were legally imported do not carry their own discrete documentation. (Reworking of this raw ivory into finished products has heretofore been perfectly legal, but now any

sales of the derivative items will become prohibited if their owners cannot provide documentation that was not previously required and therefore does not exist!)

² U. S. Fish and Wildlife Service, "U. S. Efforts to Control Illegal Elephant Ivory Trade and Internal Markets," Fact Sheet, September 2012. <http://www.fws.gov/international/pdf/factsheet-us-efforts-to-control-illegal-ivory-trade.pdf>

³ Esmond Martin and Daniel Stiles, "Ivory Markets in the USA," Care for the Wild, and Save the Elephants, UK, 2008, ISBN 9966 - 9683 - 5 - 0. <http://www.savetheelephants.org/files/pdf/publications/2008%20Martin%20&%20Stiles%20Ivory%20Markets%20in%20the%20USA.pdf>

⁴ A few examples of the types of things that will be affected by the coming ban are discussed in: Mark D. Zalesky, "Ivory Ban Moves Forward," Knife World, Volume 40, Number 4, April 2014.

⁵ The USFWS crushed six tons of ivory in Colorado in 2013 that it had confiscated over a period of 25 years. There is no way to know how much of it was actually legal ivory that simply came to the attention of the authorities and whose owners could not document it to their satisfaction.

⁶ If the intent of the National Strategy is to stop the killing of elephants, then government officials and employees themselves should set the example for the nation at large. There is no reason to permit government personnel or private citizens to bring ivory back into the U. S. when they return from overseas assignments.

⁷ The author has his doctorate in Political Science, and has had a career in R&D and policy for national security. While he has no commercial interest in the ivory trade, he is concerned about endangered species as well as with public policy that makes good use of resources and is effective in achieving desired results.

Appendix: Other Documents of Interest

NATIONAL STRATEGY FOR COMBATING WILDLIFE TRAFFICKING, The White House, February 2014.

[National Strategy on Wildlife Trafficking](#) and

<http://www.fws.gov/home/feature/2014/trafficking/national-strategy-wildlife-trafficking.pdf>

U. S. Fish and Wildlife Service, DIRECTOR'S ORDER NO. 210: Subject: Administrative Actions to Strengthen U.S. Trade Controls for Elephant Ivory, Rhinoceros Horn, and Parts and Products of Other Species Listed Under the Endangered Species Act (ESA), February 25, 2014.

<http://www.fws.gov/policy/do210.pdf>

U. S. Fish and Wildlife Service, DIRECTOR'S ORDER 210, Appendix 1, Guidance on the Antique Exception under the Endangered Species Act (ESA). <http://www.fws.gov/policy/do210A1.pdf>

Questions and Answers about Director's Order No. 210 , Administrative Actions to Strengthen U.S. Trade Controls for Elephant Ivory, Rhinoceros Horn, and Parts and Products of other ESA-listed Species.

<http://www.fws.gov/international/pdf/directors-order-210-questions-and-answers.pdf>

Damon Tabor, "The Ivory Highway," Men's Journal Magazine, March 2014.

<http://www.mensjournal.com/magazine/the-ivory-highway-20140213#ixzz2vCdEQflx>

"Criminal Nature: The Global Security Implications of the Illegal Wildlife Trade," International Fund for Animal Welfare, June 2013. <http://www.ifaw.org/united-states/resource-centre/criminal-nature-global-security-implications-illegal-wildlife-tra-0>

Testimony of Dan Ashe, Director, U. S. Fish and Wildlife Service, Department of the Interior, before the U. S. House of Representatives, Committee on Foreign Affairs, Regarding the National Strategy for Combating Wildlife Trafficking, February 26, 2014. <http://www.fws.gov/international/pdf/wildlife-trafficking-national-strategy-testimony.pdf>

waltestimony

From: Thomas DeLeo <thomasdeleo09@gmail.com>
Sent: Thursday, February 04, 2016 5:38 AM
To: waltestimony
Subject: Hawaii hearing HB2502

WAL committee:

Your meeting February 5 at 0830 to consider HB2502 is a radical approach to wildlife management. It will kill worldwide ivory markets for all forms of ivory, antiques included. It is a stupid policy based on the notion that big international government can save wildlife by fiat without any regard for economics or the harm it will cause to people in local communities or people who collect or have businesses tied to wildlife. The only ones who benefit are NGOs who become the gatekeepers of government resources to manage wildlife. This policy is corrupt and should be opposed with full force. Please do not approve this bill.

Sincerely



Thomas DeLeo
39 Villa Drive
Peekskill NY 10566



NSEFU WILDLIFE CONSERVATION FOUNDATION (NWCF)

February 3, 2016

Rep. Ryan I. Yamane, Chair
Rep. Ty J.K. Cullen, Vice Chair Committee on Land & Water
Members of the Committee on Water & Land
Conference Room 325 of the State Capitol
Honolulu, HI 96813

Re: Testimony in Support of HB 2502

Hearing Date & Place: Friday, February 05, 2016 in Conference Room 325
Hearing Time: 8:30 a.m.

Aloha,

My name is Tony Hunstiger. I am Secretary and Treasurer of *Nsefu Wildlife Conservation Foundation*. I am part-owner of *Zikomo Safari*, a photo safari camp in South Luangwa, Zambia.

As a resident of Hawaii, having lived and worked here since 1975, I strongly support HB 2502. As we lose more and more wildlife, it is our responsibility as citizens of the planet, to push back against the causes of extinction. Hawaii has a responsibility to do what is right, what is “pono,” by passing legislation to ban illicit wildlife trafficking.

Reasons to Support HB 2502:

- We need a state law in Hawai'i to stop the extensive black-market intrastate commerce in elephant ivory, rhinoceros horn, and parts of protected animal species.
 - Hawai'i is the third largest ivory market in the U.S., and is poised to become the largest now that California, New York, New Jersey and Washington outlawed ivory trade.
 - Hawaii is uniquely poised as a gateway to the Asian markets where ivory, rhino horn, pangolin scales, and shark fin are prized.
- To drive the largest land mammal on the planet to extinction in order to feed the market for ivory jewelry, statues, netsuke and trinkets is unconscionable. There is no reason to use ivory to produce these items. Piano keys have been made from plastic since 1971.

*Tony Hunstiger, Secretary & Treasurer Nsefu Wildlife
2598 Halekoa Drive; Honolulu, HI 96821*

tonyhunstiger@nsefu.org

www.nsefu.org

www.zikomosafari.com

- An average of 96 elephants are killed each day, mostly for ivory. Elephants are being slaughtered faster than they can reproduce. At this rate, elephants will be extinct in ten to fifteen years.
- Blood ivory funds terrorist activities.
- Hundreds of wildlife rangers protecting wildlife habitat in Africa are killed in the line of duty. They leave wives and children behind. Without a breadwinner to support the family, impoverished families become prey to human trafficking organizations.
- Animals such as Rhinos, Sharks and Pangolins are killed needlessly to provide quack medicines.
- A recent nationwide poll by HBO Real Sports and Marist Poll showed that 86% of Americans disapprove of big game hunting and 62% favor banning the practice. According to Humane Society International, in the past decade alone, American trophy hunters have killed 5,647 African lions. In 2014 alone, the trophies of roughly 85% of captive lions from South Africa's notorious canned hunting facilities were imported to the United States.

Trophy hunting is decimating wildlife populations across the globe. HB 2502 will prevent the trafficking in the grizzly products of trophy hunting. Preventing wildlife trafficking will help to stop the hunting of rare and endangered species and thus preserve the last of the world's big cats.

There are more statues of lions in London than there are lions in the wild.

Thank you for the opportunity to testify. I have been to Africa. I have seen the magnificence of its wild places and of its wildlife.

Please help preserve this magnificence for future generations by passing HB 2502 into law.

Aloha,

Tony Hunstiger

Tony Hunstiger

*Tony Hunstiger, Secretary & Treasurer Nsefu Wildlife
2598 Halekoa Drive; Honolulu, HI 96821*

tonyhunstiger@nsefu.org

www.nsefu.org

www.zikomosafari.com

OUTLAW *all* IVORY TRADE

**BAN THE SALE OF IVORY & RHINO HORN IN HAWAII.
WHEN THE BUYING STOPS, THE KILLING CAN END.**



Like Us on FaceBook @
[**Aloha Coalition to End
Wildlife Trafficking**](#)



SAVING ELEPHANTS BENEFITS EVERYONE

- Elephants are a keystone species; many animals and plants depend on them for their survival. The seeds of nearly 100 kinds of trees must pass through the gut of an elephant in order to germinate. Without elephants, African forests will eventually die.
- Elephants are the landscapers of the ecosystem, clearing bush to become grassland for the plains animals, and forming pathways and waterholes for smaller animals.



Photo by Valerie Marcelli



Photo by Billy Dodson

- The ivory trade funds terrorists and transnational criminal cartels – including the Lord's Resistance Army, Boko Haram, Janjaweed, and Al-Shabab of Al-Qaeda. Ivory trade destabilizes Africa, threatens global stability, and destroys lives.
- Children around the world learn that “E” is for “Elephant” – not “Extinction.”
- Elephants are part of our global heritage and our story. Yet at the current rate of killing - one wild elephant is killed every 15 minutes, elephants will be extinct in the wild within the lifetimes of today's children.
- In 2014 New Jersey became the first state in America to ban all domestic ivory and rhino horn sales. *Is your state or city next? #BetheChange*

cullen4-Rachele

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 5:54 PM
To: waltestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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cullen4-Rachele

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 8:03 PM
To: waltestimony
Cc: antolinid@gmail.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Denise Antolini	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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cullen4-Rachele

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 9:21 PM
To: waltestimony
Cc: jessdunn24@gmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Dunn	Individual	Support	No

Comments: I support the protection of endangered species through prohibiting the sale of their parts for aesthetic purposes.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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cullen4-Rachele

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 7:59 PM
To: waltestimony
Cc: kshimata@hawaiiantel.net
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Shimata	Individual	Support	No

Comments: Elephants & rhinos are being killed in unimaginably large numbers to allow rich people trinkets. Hawaii is the 3rd largest market for this trade. Please stop it.

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cullen4-Rachele

From: whalerslocker.maui@gmail.com
Sent: Wednesday, February 03, 2016 12:51 PM
To: waltestimony
Subject: HB 2502

From Robert Hartman
Lahaina, Maui
Hearing date Feb.5,2016. 8:30am

Committee WAL

Measure : HB 2502

There are basic American principals that keep us free. One of them is if you bought or own something legally, you can sell it (U.S. Supreme Court).
Federal legislation is currently in place that protects African wildlife and more.
Legislation such as this, that tramples on the liberties of Hawaii citizens, businesses, and millions of Americans, would be "A Taking", and does not serve to protect a single elephant, (or Woolly Mammoth).
It is disturbing that many state legislators are ignorant or just uncaring about fundamental rights and freedoms guaranteed to all Americans under constitutional law and the Bill of Rights.

ALOHA

Robert Hartman

Sent from my iPhone

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2016 7:21 PM
To: waltestimony
Cc: malulaniwalsh@aol.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Walsh	Individual	Oppose	No

Comments: It is a noble thing for Hawaii to participate in the protection of endangered animals. It would not be a noble thing to pass the bill as worded because many many people have items of Ivory that were sold long ago without documentation. How will I get docum entation for something that never came with documentation? Hawaii has a rich cultural history which included being the Whaling capitol of the world in the 1800's and with Ivory being part of the culture of Native Hawaiians and newer residents alike. The only way to make a dent in the Elephant problem is to stop the killing and exporting of Ivory at its source-in Africa. Other than that, there are millions of undocumented Ivory items that were legal to aquire and should remain legal to sell and trade. Personally, I don't have items of all the species that are covered in this bill, but I think that people have the right to sell or trade their Ivory items that are legitimately old. There are devices that agents can use to date Ivory and they should be implemented when freshly made Ivory items are suspected of being sold. Please do not adversely affect people wanting to sell their pikake necklaces etc that were and still are part of our culture here. We don't want or have new Ivory things, but want to have the right to sell or trade our old pieces that were aquired without documentation. Thank you

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Honorable Ryan Yamane

As a resident of Mililani for over 20 years, I am your constituent and I am very opposed to House Bill 2502 as drafted. I have inserted my comment in red into the text of the bill below.

Thank you for your consideration and I hope we can work together to preserve property rights and due process of law while supporting existing Federal and international regulations and treaties that seek to address the real challenges of wildlife preservation without pandering to paid lobbyists and public hysteria over an emotional issue that is largely fabricated and is not a major problem here in Hawai'i ne.

For the record, I do not own, buy, sell or trade any ivory or other items covered in the proposed bill. I am a citizen who is simply concerned with the erosion of property rights in the face of "politically correct" causes as supported by paid lobbyists.

For purposed of brevity, I will use the term "**Blood Ivory**" to mean illegal ivory which is possessed or is transported or traded in violation to CITES treaties and/or the US Endangered Species Act of 1973 and current CFR Title 50 regulations.

And I will use the term "**Legacy Ivory**" to mean ivory which has never been subject to legal prohibitions or was legally imported prior to applicable U.S. bans. **Legacy Ivory is Legal Ivory** and property which is protected under the Constitution. Please consider this distinction as foundational in your approach to the complex issues of wildlife preservation.

Beyond the problems I'm noting below with H.B. 20502 as written, Like-minded citizens and I would be happy to work with the Legislature on a bill that supports property rights first and foremost while seeking to address wildlife concerns in a responsible manner.

Animal "rights" should never take precedence over human rights as protected by our Constitution.

Very respectfully,

Mark Carson
94-444 Punono Street
Mililani, HI 96789
1-808-625-0443 Home
1-808-284-7745 Cell
Mark@MarkCarson.com
03-FEB-2016

References:

Endangered Species Act (ESA) of 1973

<http://hawaiijewelersassociation.com/wp-content/uploads/2015/08/esa.pdf>

Code of Federal Regulations (CFR) Title 50, Chapter I, Subchapter B, Part 23

<http://hawaiijewelersassociation.com/wp-content/uploads/2015/08/CFR-2001-title50-vol1-part23.pdf>

Executive Order 13648 :: 5 July 2013

<http://hawaiijewelersassociation.com/wp-content/uploads/2015/08/Executive-Order-13648-05-JUL-2013.docx>

National Strategy for Combating Wildlife Trafficking :: February 2014

<http://hawaiijewelersassociation.com/wp-content/uploads/2015/08/NationalStrategyWildlifeTrafficking.pdf>

USFWS Director's Order 210 :: 25 February 2014, as amended 15 May 15 and 31 July 2015

<http://hawaiijewelersassociation.com/wp-content/uploads/2015/08/USFWS-Directors-Order-210.pdf>

U.S. Fish & Wildlife Service - Ivory Ban Questions and Answers

<http://www.fws.gov/international/travel-and-trade/ivory-ban-questions-and-answers.html>

CITES

<https://www.cites.org/eng>

Humane Society of the U.S. (racketeering)

<http://www.humanewatch.org/hsus-and-co-defendants-pay-15-75-million-in-racketeering-lawsuit/>

Washington Post article and trafficking map

<https://www.washingtonpost.com/news/worldviews/wp/2013/03/15/an-alarming-map-of-the-global-ivory-trade-that-killed-17000-elephants-in-one-year/>

A BILL FOR AN ACT

relating to WILDLIFE.

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

SECTION 1. The legislature finds that there is broad consensus that the trafficking of animals threatened with extinction continues to grow at an alarming pace, threatening an increasing variety of animal species. These species are threatened with extinction in large part due to the trafficking of their parts and products. The National Strategy for Combating Wildlife Trafficking, released in February 2014, recognized the important role that states have in protecting species that are subject to illegal wildlife trade. Federal law regulates the transfer or importation of parts or products made from endangered animal species, but because of increasing demand for these products around the world, state authority needs to be aligned with federal and international laws to appropriately regulate these markets on a local level.

The legislature finds that in September 2015, the United States and China announced a cooperative effort to take comprehensive action to curb wildlife trafficking, stating the "United States and China commit to enact nearly complete bans on ivory import and export, including significant and timely restrictions on the import of ivory as hunting trophies, and to take significant and timely steps to halt the domestic commercial trade of ivory."

The vast majority of demand for ivory stems from Asia, particularly China. So it is appropriate that the Federal government is applying pressure on the #1 illegal ivory market in the world to help stem illegal wildlife trade and also to help change Chinese consumptive attitudes (and hence demand) towards blood ivory.

The legislature finds that as Hawaii is the host of the September 2016 World Conservation Congress held by the International Union for the Conservation of Nature and the United States, it is important to demonstrate Hawaii's continuing leadership in global conservation challenges, international wildlife trafficking, and endangered species protection.

The legislature finds that the most effective way to discourage illegal trafficking in animal species threatened with extinction is to eliminate markets and profits. It is in the public interest to protect animal species threatened with extinction by prohibiting within the State of Hawaii, with certain limited exceptions, the sale, offer for sale, purchase, trade, barter for, and distribution of any part or product of any species of elephant (Elephantidae), mammoth (Mammuthus), rhinoceros (Rhinocerotidae), tiger (*Pathera tigris*), great ape (Hominoidea), Hawaiian monk seal (*Neomonachus schauinslandi*), shark (Elasmobranchii selachimorpha), ray (Elasmobranchii batoidea), sea turtle (Chelonioidea), walrus (Odobenidae odobenus), narwhal (*Monodon monoceros*), whale (Cetacea), hippopotamus (*Hippopotamus amphibious*), lion (*Panthera leo*), pangolin (*Manis*), cheetah (*Acinonyx jubatus*), jaguar (*Panthera onca*), or leopard (*Panthera pardus*) that are identified as threatened with extinction by specified international conservation organizations. These animals are the most trafficked species that are threatened with extinction as documented by illegal wildlife product seizure data compiled by TRAFFIC, a program of the World Wildlife Fund and the International Union for Conservation of Nature, and data collected by other international conservation organizations.

These species are already (largely) covered by CITES (an international treaty the U.S. is party to) or Federal law so they are already protected at the Federal and international levels. Duplicative and overlapping State statues will only cause future enforcement problems as international regulations evolve and laws at various levels will inevitably fall out of sync with one another. It would be better to refer to Federal statues than to redefine them at the State level.

Mammoth has been extinct for thousands of years, so there are no animals to be "saved". It's a fallacy to include any extinct species in any list of wildlife to be protected. Even the U.S. Fish & Wildlife Service agents can easily distinguish between mammoth and elephant ivory in the field with minimal training and a simple reference kit and a magnifying glass. To assume that enforcement personnel can never determine the species of a piece of ivory is simply untrue and stands in opposition to testimony given before the Hawaii House of Representatives in 2015 by local USFWS officials.

The purpose of this Act is to improve coordination between state natural resource laws and other government authorities in accordance with the intent expressed by section 183D-8, Hawaii Revised Statutes. As other countries and states adopt laws to protect endangered species, Hawaii needs to ensure that it is not an attractive market for illegal wildlife trafficking.

The U.S. is variously reported to be anywhere from a distant 2nd to 5th behind China as a market for blood ivory. And Hawaii is at best a very distant 3rd to New York and California as a domestic market for ivory of any kind (legal or illegal). To illustrate that Hawaii is not an attractive market for ivory, note that since the past legislative season, the news media only

reported a single case of suspected importation of blood ivory. And in fact that case was the result of entrapment and, to date, has not resulted in a conviction.

Enforcement of existing laws should of course continue to be done as none of us want to see blood ivory in Hawaii. But the reality is that demand for illegal ivory is almost non-existent in Hawaii. This is simply not a pressing issue for the people of Hawaii at this time.

This is a “feel good” bill supported by paid lobbyists to justify their salaries. Please note that the Humane Society of the U.S. is a corrupt organization and was charged under RICO laws and paid a \$15.75 million settlement in May, 2014.

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

"§183D-A Trafficking of certain wildlife prohibited. (a) Notwithstanding section 183D-6 to the contrary, no person shall sell, offer to sell, purchase, trade, barter for, or distribute any covered animal species part or product from the following animal species: elephant (Elephantidae), rhinoceros (Rhinocerotidae), tiger (Panthera tigris), great ape (Hominoidea), hippopotamus (Hippopotamus amphibious), lion (Panthera leo), pangolin (Manis), cheetah (Acinonyx jubatus), jaguar (Panthera onca), or leopard (Panthera pardus).

At a minimum, this section should distinguish between legally and illegally possessed items. A better approach would be to prohibit trade in items which have been illegally imported or are otherwise prohibited from commercial sale (such as legal, but strictly non-commercial trophy items).

What we need to do is cite and enforce existing Federal laws and international treaties rather than define, on our own at the State level, which species are to be prohibited from transfer without regard to the legal property status of legacy items which were obtained prior to any legal impediments.

(b) The sale, offer to sell, purchase, trade, barter for, or distribution of any covered animal species part or product from the following animal marine species is prohibited: Hawaiian monk seal (Neomonachus schauinslandi), shark (various Elasmobranchii selachimorpha), rays (Elasmobranchii batoidea), sea turtle (Chelonioidea), narwhal (Monodon monoceros), whale (Cetacea), or walrus (Odobenidae odobenus), insofar as the species, subspecies, or distinct population segment is listed on:

This section needs to be amended to state that it only applies to parts and products which were imported or harvested on/after the applicable enforcement dates of the relevant statutes. Meaning that just because a species is listed now, its inclusion is not a retroactive prohibition against items legally obtained prior to enactment of current laws.

(1) The Convention on International Trade in Endangered Species of Wild Fauna and Flora, Appendices 1 or 2;

(2) The International Union for the Conservation of Nature Red List as vulnerable, endangered, or critically endangered; or

(3) The Endangered Species Act as threatened or endangered.

(c) The sale, offer to sell, purchase, trade, barter for, or distribution of any covered animal species part or product from mammoth (Mammuthus) is prohibited, even though the species is extinct.

Again, mammoth (or any other extinct species) and any obviously fossilized items should not be subject to any regulation as we can't protect long dead animals. Common sense needs to prevail.

(d) The following are exempt from the prohibitions of this section:

(1) The covered animal species part or product is part of a bona fide antique; provided that the antique status of such an antique is established by the owner or seller with historical documentation evidencing provenance and showing the antique is not less than one hundred years old, and the covered animal species part or product is less than ten per cent by volume of such an antique;

The problems are twofold here. Prior to 1975 (for Asian elephants and 1990 for African elephants), importation of ivory was not regulated. This is far from the proposed century requirement. And regardless whether ivory is more or less than 100 years old, ivory that was legally imported in the past most often does not have any officially recognized documentation stating its age as none was required prior to the Federal bans. Ninety-nine years ago who would have anticipated the need to document the age of an item that arrived in Hawaii? And what office in 1917 would have issued such a declaration and would it be accepted today as valid?

As an analogy, suppose you are a Pez collector today and have a collection of vintage Pez candy dispensers that you purchased at garage sales over the years. Suddenly the government decides that plastic is bad for the environment and bans production and possession of all plastic candy dispensers. Since you do not have documentation proving your Pez dispensers are bona fide (100 year old) antiques, you would be prohibited to selling or bartering your legally collected items. Even if the law only required proof that the plastic items were made prior to the ban, without documentation an (unconstitutional) assumption of guilt is being applied. This is effectively the government rendering personal property (of value) to be worthless. This is in effect a government "taking" without due process of law or compensation whether it be legal ivory or Pez dispensers.

(2) The distribution of the covered animal species part or product is for a bona fide educational or scientific purpose, or to or from a museum;

(3) The distribution of the covered animal species part or product is to a legal beneficiary of an estate, trust, or other inheritance, upon the death of the owner of the covered animal species part or product;

(4) The covered animal species part or product is less than ten per cent by volume of a musical instrument, including string instruments and bows, wind and percussion instruments, and pianos, if the owner or seller provides historical documentation demonstrating provenance and showing the item was manufactured no later than 1975;

Again, many items produced long ago do not have historical documentation demonstrating provenance and showing the item was manufactured no later than 1975 as no one anticipated the need for such documentation. For example, you want to purchase an 80 year old piano which has ivory keys but there is no documentation proving that the date of manufacture was prior to 1975. An antique dealer could estimate the age of the piano but that would not satisfy the requirements of this bill as written.

(5) The intrastate sale, offer for sale, purchase, trade, barter for, or distribution of the covered animal species part or product is expressly authorized by federal law or permit; or

(6) Traditional cultural practices that are expressly protected under article XII, section 7, of the state constitution.

As an aside, what happens if a cultural practice (as allowed by the State constitution) is prohibited by Federal law? Is it wise to even include a vague clause which may be difficult to enforce? Who determines what constitutes a valid cultural practice in Hawaii? The U.S. Fish & Wildlife Service? That's a scary thought.

(e) There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling similar items. The rebuttable presumption shall not preclude a finding of intent to sell based on any other evidence that may serve to independently establish such intent."

This section needs to explicitly state that it only covers items illegally imported, harvested, or possessed. And does not inhibit display or sale of items which are legally owned and are therefore legal to sell.

SECTION 3. Section 183D-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any person violating section 183D-A, 183D-25.5, 183D-26, 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as follows:

(1) For a first conviction by a mandatory fine of not less than \$200, or by imprisonment of not more than one year, or both;

(2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than \$1,000, or by imprisonment of not more than one year, or both, and all firearms used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State; and

(3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$2,000, or by imprisonment of not more than one year, or both, and all firearms used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State."

SECTION 4. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. New statutory material is underscored.

SECTION 6. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. This Act shall take effect on December 31, 2016.

INTRODUCED BY: _____

Report Title:

Wildlife

Description:

Prohibits the trafficking of protected animal species, with limited exceptions.

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

From: Michele Lincoln <lincolnmichele@yahoo.com>
Sent: Wednesday, February 03, 2016 10:58 PM
To: waltestimony
Subject: OPPOSED HB 2502

From: Michele Lincoln of Lahaina Hawaii
Committee: WAL
Hearing Date: February 5, 2016 at 8:30 am Friday
Bill Number: HB 2502
OPPOSED

Please vote "NO" on the proposed legislation: HB 2502. Instead, please consider supporting federal bills that could be effective in actually saving elephants. Consider the African Elephant Conservation and Legal Ivory Protection Acts HR 697 and S1769, which places U.S. enforcement agents in Africa where the issue of illegal ivory originates.

Please protect Americans and the freedoms provided under our Constitution. The negative ramifications of HB 2502 will be far reaching, affecting many people that depend on you to protect them.

Many Americans will be devastated by this bill as they will not be able to sell legally obtained ivory. Many artists will be out of work. It is offensive that some of our legislators feel compelled to pass legislation that will not ultimately save elephants but will cause great harm to their constituents.

Law abiding, hardworking, tax-paying Americans in this industry will be unemployed and those who have inherited or collected ivory will not be able to liquidate assets. We expect righteousness in our country's leadership with reasonable laws to govern our Country.

China is the greatest offender in black market ivory yet we are choosing to punish tax paying Americans. North America is not on the list of black market ivory as listed by CITES the Convention on International Trade in Endangered Species (<http://www.cites.org/sites/default/files/eng/com/sc/65/E-SC65-42-01.pdf>).

It criminalizes an indigenous American art form of scrimshaw that was started by the American whalers. It is unconscionable what it will do to Alaskan tribes that depend on carving walrus ivory or selling fossil walrus and mammoth ivory. It is our Native American's heritage and source of income.

Walrus and whales are protected and are not at risk. Mammoth are extinct like the dinosaur. It is ludicrous to think that banning fossil material is going to affect the elephant ivory trade. Each ivory has unique characteristics to identify them.

If law enforcement agencies are currently unable to identify various ivories and ivory like materials, then this indiscriminate, encompassing statutory material is not the best solution. How will they tell the differences between bone, resin, tagua nuts (vegetable ivory), ivorine (plastic fake ivory) and anything else that resembles ivory?

We all agree that something must be done to save endangered species. CITES is an international convention that is currently addressing the elephant poaching issue and resolutions are expected in September 2016.

If Hawaii is one of the most prolific in ivory sales, it would be of legal ivory. Our state is historically known across the country and internationally as a source for legal ivories including antique pieces, pre-1989 elephant ivory, pre- 1972 whale teeth, fossil walrus, and mammoth ivory. It should also make you aware of the positive monetary impact it has on our state.

Our Federal Government already has enforcement in place and is doing an excellent job. It would be redundant to have state and federal enforcement.

Where would the funding come from for the individual state legislation enforcement personnel? Keep in mind how many tax dollars will be lost if legal ivory is made illegal.

Fossilized ivory material is dug from the Alaskan tundra by natives. It is sent to Maui to a Hawaiian that polishes the material in preparation for artwork. Then it goes to local scrimshanders for artwork. It is sold on Front Street in a locally owned establishment; one of the oldest shops in Lahaina. Consider how many Americans this employs and the taxes paid along the way.

Many collectors have purchased ivory with the advice that it is an investment in art. Forbes Magazine "Collecting Smart" described collecting antique whale teeth as "positively sizzling" and encouraged it as an art collectable. Tax-paying voters have collections worth millions of dollars of legally obtained ivories.

California recently passed ivory ban legislation and already a class action lawsuit is being prepared. You may find a lawsuit that is equivalent to compensating for the lost value of a legal collection and the taking (of value) considered unconstitutional.

Also, factor in the higher unemployment rate and the necessity for more bankruptcy. It could cost our state millions of dollars and will not save elephants.

If you really believe our state has a legitimate issue with illegal ivory, consider increasing the existing Federal enforcement agency with the current adequate laws, rather than criminalize your constituents with an overall ivory ban.

The United States' individual proposed ivory legislation ultimately will not protect elephants. The eminent harm is greater to the American citizens! Please do not adopt legislation to ban the sale of ivory. Vote "NO" on HB 2502. Thank you!

From: Ray Peters <scrimartist@yahoo.com>
Sent: Wednesday, February 03, 2016 7:41 PM
To: walttestimony
Subject: Pending Bill HB 2502

Hawaii State Legislature
committee: WAL
Hearing: Feb. 5, 2016. 8:30 AM
Measure No. HB 2502

Feb. 3, 2016

My name is Ray Peters and I have been a scrimshaw artist since 1971 and a Hawaii resident since 1972. I have been fortunate to have raised three children here in the islands and had hoped to leave behind a personal legacy to my children and wife when it is my time to move on beyond this life but now find this is threatened by proposed legislation. This proposed legislation will not only place me into the unemployed category of persons and as well stop any tax contributions I could have made to the state but in addition virtually makes any of my work worthless to my children but also to any persons who have purchased my work these last 45 years. To me this is nothing short of theft by legislation and completely ignores the rights of our citizens to buy, trade or sell ivory that was purchased completely within the law and for this reason suggest poor legislation and not representative of the wishes of the citizenry.

It has always been my understanding our representatives are expected to represent the people and look out for their good. Such legislation as proposed does not support the people but instead potentially creates criminals of those who own ivory in any form and never received or expected to receive any form of documentation at the time such items were purchased. For this reason those same constituents who may own any form of and may be allowed to possess such will be hamstrung from selling such and that is the same as theft made legal by our representatives.

I do support stopping the poaching of elephants and rhinoceroses but also realize that this proposal will do nothing to stop those involved in this heinous practice. If anything this and other new laws will only increase the value of poached ivory as well as poached rhino horn.

Contrary to the belief that Hawaii is a major importer of "blood" ivory those individuals who are invested in the business of selling ivory are not interested in modern elephant ivory except those who promote Asian carvings. The scrimshaw business (engraving or carving ivory) depend upon alternative ivories including but not limited to mammoth, mastodon and fossil walrus ivories. In addition to these ivories are also whale's teeth which carry Federal mandated licenses and are of a very limited supply. It is my business to know the laws pertaining to what is legal and what is not and to stay aware of what the general public wants to purchase and I can testify that most people (primarily tourists) are not interested in elephant ivory due to widespread publication of the poaching occurring in some African countries nor are they interested in modern walrus ivory as it is extremely white and not indigenous to Hawaii.

With the enactment of the Marine Mammals Protection Act (1972) and the Endangered Species Act (December 28, 1973) those who wanted to preserve the American art of scrimshaw were forced to find alternate materials which lead to substituting with Mammoth (extinct), Mastodon (extinct) and fossil Walrus ivories (ranging from

200 to 2,000 years of age). None of these materials in any way threaten any of these species and provide suitable alternatives to continue producing high quality art for consumers to purchase while visiting our islands.

Hawaii has a long history with the sea and those who visited our islands and today very few items can be purchased by our visitors that is not manufactured in China in factory assembly lines. Our artisans are a cottage industry where individuals like myself spend countless hours at our desks slowly creating individual pieces cherished by thousands of people worldwide and promotes our islands. Scrimshaw offers the consumer a tangible art and until now a valuable place to invest money. In addition scrimshaw promotes the history of our islands and the influence of the variety of peoples who relocated here. Scrimshaw also forces those selling the art to inform the tourists about our history in Hawaii and the importance the whaling industry made to the growth of our nation.

All of this potential legislation began with the original intention of helping to stop poaching of our modern elephants and the rhinoceroses. This bill goes beyond that original intention by banning the sale of ALL ivories regardless of the animal that produced the ivory. Let's summarize this situation:

1. This bill will not stop poaching but instead increase the value for those engaged in the illegal elephant ivory trade.
2. This bill will make any ivory item or items with ivory worthless thus stealing from **your constituents**.
3. This bill will put people out of work that have dedicated their lives to producing fine art made from ivory.
4. This bill will eliminate one of the few "souvenirs" that our visitors can afford to purchase while visiting our islands leaving only cheap souvenirs primarily made in China as souvenirs of their visit here.
5. This bill will eliminate any value invested in ivory by thousands of individuals, many of which are your own constituents
6. This bill is based on very flimsy or non-existent facts that Hawaii is a major destination of illegal ivory.
7. This bill supposes that without such a law individuals will be encouraged to deal with other illegal materials which is preposterous as nobody today hunts whales for their teeth (and never in history did), nor modern walruses for their tusks. Any hunting done today of walruses is the prerogative of the Inuit people of Alaska and Canada and in the case of Alaska can only be traded by those possessing licenses issued by the state of Alaska if they are not native peoples.
8. This bill supposes that distinguishing different ivories from one another is virtually impossible when this simply is not true and can be taught in minutes how to determine one from another.
9. This bill will eliminate another source of revenue to Hawaii.
10. This bill rewards individuals reporting perceived violations thus creating a police state and growing paranoia of the people.
11. This bill is nothing more than a feel-good piece of legislation designed to punish everyone who sells, trades or owns any ivory or item with ivory and accomplishes absolutely nothing to protect elephants or rhinos.

China is widely known as the primary consumer of illegally obtained elephant ivory as well illegally obtained rhino horn, not America as a whole and certainly not in Hawaii as is being said by those with alternative motives.

This bill in no way attains what it is intended to attain and only offers negatives not positives and should never be considered as a viable means of protecting threatened species of any kind. America already has laws that protect threatened species worldwide and this law does nothing but create hardships for many people by adding to the unemployment lines thus forcing persons like myself to draw unemployment money since my skills at age 67 offer little with which to find employment. The end result for myself if passed will ensure that I will be forced to leave our islands which has been my home for 45 years as the cost of living here is prohibitive without decent employment. As an individual dependent upon ivory as my sole means of income I can only say that my level of disappointment in such limited thinking by our legislators only adds to my discontent of our government and of our Hawaiian government in particular. In my 45 years of working with ivory I have done

my best to represent our islands by entering many pieces of my work into international art contests and for my efforts have received acclaim.

I wish to thank you for taking your valuable time in reading my words and hope that I have managed to help you decide to **not pass** this bill though I feel my efforts have probably been in vain.

Sincerely with Aloha,
Ray Peters

Dear Members of the Hawaii House of Representatives – WAL Committee,

On Friday February 5, 2016 at 8:30 am you will hear bill HB 2502, a bill relating to the conservation of animals, specifically banning the sales of protected specie and ivory products in the state of Hawaii. I implore you to defeat this bill as it will directly impair my future employment as well the livelihood of many honest, reputable small business owners, skilled craftsmen, and employees in our state.

We all understand that the intent of this bill is good – the atrocities committed by poachers of elephants, rhinoceros, lions, etc. in Africa and demand for illegally obtained materials in China need to be stopped. C.I.T.E.S., The Convention on International Trade in Endangered Species, has international laws in place to restrict the trade and is actively working right now to address the problem on a global scale. According to C.I.T.E.S. ongoing research, the United States is NOT an offender in illegal ivory trade. The U.S. Fish & Wildlife service has stated in recent years that the USA “does not have a meaningful amount of illegal ivory traffic.” China receives well over 70% of worldwide poached elephant ivory. Legal ivory in the USA is about \$200+ per kg, whereas poached ivory in China its about \$2000+ per kg. There is no demand for these illegally-obtained animal products in our country or state if a poacher can sell the products elsewhere for a substantially greater profit.

Federal registries for certain ivory and protected species products already exist – there’s no need for Hawaii to reinvent the wheel from an uninformed and unenforceable position. I recommend that we as the State of Hawaii continue to comply with existing and future Federal and International Law and let the experts address the problem moving forward.

A major part of the history of the Hawaiian Islands is the connection to the whaling industry of the 1800’s. Whalers began an art form called scrimshaw, drawing on whale teeth and whale bone, that is one of the few uniquely American art forms. Historically and into the present day, trade between Hawaii and Alaska of native Alaskan fossil ivories (fossil walrus and extinct mammoth) has created a unique cross-cultural connection between the two states. This relationship not only sustains native populations in Alaska, but also small businesses in Hawaii, incredibly skilled scrimshaw artists and craftsmen who know no other occupation, and specialized sales staff like myself.

Hawaii is also a cross-cultural melting pot with a variety of Asian cultures represented and honored in year round traditions. Throughout the islands are valuable ivory antiques from China, Japan, Thailand, etc. that have been passed down through local families or legally sold by specialty stores for decades. From tiny jewelry inlay or netsuke to large carved elephant and mammoth tusks or even “raw” tusks, both collectors and sellers honor and respect the craftsmanship and beauty. The mutual understanding that there is a finite quantity of this heirloom material makes it all the more precious.

I proudly work at The Whaler’s Locker of Lahaina, Maui. Established over 40 years ago, we focus on education and conservation with transparent business practices and a decades-long reputation as an honorable source for quality antiques and collectibles.

Passing this bill will destroy our business as well as other similar reputable businesses in the state. It will invalidate the investment of collectors across the country who have been purchasing legal ivory and animal products for decades. What the bill WON'T do is save the elephants and other internationally protected species.

Please don't get caught up in this hyperbolized, emotional crusade. The bill is a waste of energy and state resources, and the only people harmed by this bill are law-abiding sellers and collectors of legal animal products, NOT the poachers and black market ivory dealers in other countries. Don't destroy the futures of many honest taxpayers in the state of Hawaii. Please defeat HB 2052!

I appreciate your time and consideration. Thank you for all that you do.

With Aloha,

Jessica Baker
Lahaina, HI 96761
(808) 250-0840
jcbaker213@gmail.com

LATE



International Fund for Animal Welfare

February 4, 2016

The Honorable Rep. Ryan Yamane
The Honorable Rep. Ty Cullen
House Committee on Water and Land

Re: Testimony on H.B. 2502

Dear Representatives Yamane and Cullen, and members of the Committee,

On behalf of our 2,800 Hawaiian members and supporters, the International Fund for Animal Welfare (IFAW) submits this letter in strong support of H.B. 2502, which would restrict trafficking in a wide range of endangered species. In meetings with you and other state legislators this past week, we have weighed several potential amendments to the draft bill, and support H.B. 2502 with the changes discussed prior to the committee hearing.

As stated in Section 1 of this legislation, animals around the world are facing a crisis driven by increasing consumer demand for their parts and products. IFAW has long been at the leading edge of this issue, including our groundbreaking investigations into Chinese ivory markets (2008), internet sales of illegal wildlife (2008, 2012, and 2015), the links between national security and poaching (2008 and 2013), and an analysis of the United States' ivory markets and related regulatory systems (2014). This year (2016) we partnered with the Wildlife Conservation Society, Vulcan Inc., the Natural Resources Defense Council and the Humane Society International on a market survey of Hawai'i's online ivory trade of ivory. Over the course of this six-day investigation, we found approximately \$1.2 million worth of ivory and related wildlife products for sale in Hawai'i, with the vast majority of retailers (46 out of 47) failing to provide documentation that would indicate these sales are legal under federal law. The surprising number of products we cataloged (more than 4,600) signal a troubling persistence of consumer demand and market availability.

In all of these studies we have found overwhelming evidence that the legal trade in wildlife products helps to obscure and propagate a parallel market in illicit products. Interpol, the international police agency, estimates that customs officers only interdict 10% of smuggled goods. Given the large volume of trade that passes through your state's ports and other points of entry and egress, it is likely that significant quantities of illegal wildlife products pass through border inspections undetected, to be sold openly under cover of assumed legality.

We are currently working to support and strengthen the United States Fish & Wildlife Service's efforts to restrict domestic commerce in endangered wildlife parts, and we welcome Hawai'i's

complementary efforts to enact state-level protections through H.B. 2502. In the event of this measure's passage, we look forward to partnering with you and with the Department of Land and Natural Resources to implement a comprehensive consumer education and awareness program, in order to alleviate any burden on state resources.

Fortunately, Hawai'i is not alone in its determination to enact state conservation measures: New York and New Jersey passed bills to regulate ivory and rhino horn trade in 2014, California passed a similar ban in 2015, and Washington State voters overwhelmingly approved a ballot initiative to restrict commerce in a broad suite of threatened and endangered species (also in 2015). Several other states have bills currently moving through their respective legislatures. Passing H.B. 2502 would set a tremendous example to other states, as well as giving Hawai'i the distinction of helping to change the global conversation on this critical issue.

The timing could not be better for this bill, considering the upcoming IUCN World Conservation Congress in Hawai'i later this year. IFAW, along with several other conservation groups, is hosting a panel on pangolins – one of the species that would be protected by H.B. 2502 – at this important event. We will be bringing in pangolin experts from around the world, and we are also in discussions to cohost a pangolin-themed reception with a government member of IUCN. Lastly, IFAW is working with the coalition on a motion for a resolution on Pangolin Conservation that would be voted on at the Congress. Overall, H.B. 2502 would send a huge signal to the conservation community that Hawai'i is a valuable partner in the fight against wildlife trafficking.

IFAW believes the world is a better place when we protect our fellow creatures. By banning the sale of endangered wildlife products in your state, you can send the message to poachers, traffickers, and consumers that we value our world's creatures more than needless trinkets and ornaments. Stopping this bloody trade will reap benefits for wildlife, international security, aid anti-corruption efforts, enable more effective use of our law enforcement funding here and abroad, and give our descendants the chance to share this planet with some of the planet's truly most majestic creatures.

Thank you for your attention to this important matter.

Sincerely,

Peter LaFontaine
Campaigns Officer

Founded in 1969, IFAW saves animals in crisis around the world. With projects in more than 40 countries, IFAW rescues individual animals, works to prevent cruelty to animals, and advocates for the protection of wildlife and habitats. For more information, visit www.ifaw.org.

LATE

We are core members of Global March for Elephants and Rhinos (GMFER), an organization that has affiliates in 130 individual cities around the world. These cities have participated in annual global marches which have been cited by experts as key to the global consensus against illegal wildlife trafficking. Earlier this year, the marches were singled out by U.S. Department of State's news platform, ShareAmerica, as one of the three big wins for elephants of 2015. They said, "According to experts, these marches keep political pressure on leaders to protect the world's largest land animal. We are also core members of March for Elephants - San Francisco, a GMFER affiliate. Currently, Hawaii is the 3rd largest trader of ivory in the United States. The people are looking to Hawaii to pass a ban on the trade of ivory so that Hawaii will not become the largest ivory market in the nation. Now that New York and California, currently 1st and 2nd largest traders of ivory in the United States have passed ivory and rhino horn bans, it is possible that Hawaii will become the largest hub for this trade. One elephant is killed every 15 minutes. Approximately 96 elephants are killed each day to make useless trinkets and statues. In addition to these senseless deaths, many rangers who are protecting elephants, rhinos and other wildlife are killed as well. Keith Swindle, a U.S. Fish and Wildlife Service employee with the Division of Law Enforcement in Honolulu has stated that 130 rangers have been killed by poachers in Virunga National Park in the Democratic Republic of Congo in the past several years. This number represents more deaths than the sum of all United States Fish and Wildlife Service rangers and special service agents who have died while in service in the history of our country. Illegal wildlife trafficking is the 4th largest criminal activity after drugs, arms and human trafficking. Ivory and rhino horn trade have been directly linked to the illegal activity of these criminal syndicates. By passing HB 2502, Hawaii will become a role model for other states to pass similar bans and together, help end the deadly poaching of these endangered and magnificent beings. Unless action is taken now, we will lose these intelligent and emotionally sentient creatures forever. We urge you to pass HB 2502.

Kind regards,

Rosemary Alles
Julie Callahan

Core Members
Global March for Elephants and Rhinos (GMFER)
March for Elephants (MFE)



LATE

Testimony of
John F. Calvelli
Executive Vice President, Public Affairs
Wildlife Conservation Society
submitted to the
Hawai'i State of House of Representatives
Committee on Water and Land

February 5, 2016

Thank you for the opportunity to submit testimony in support of HB 2502, a bill that takes direct aim at wildlife trafficking and the toll it takes on charismatic animals across the globe. Passage of this bill will mean putting in place strong trade protections for elephants, rhinos, tigers, orangutans, sea turtles and several other endangered wildlife species threatened by the burgeoning and lucrative illegal wildlife trade. In addition, as the host of the upcoming IUCN World Conservation Congress in September, Hawaii has a unique opportunity while the world is watching to take a stand against the illegal wildlife trade and serve as a model for other key consumer countries to follow.

The Wildlife Conservation Society (WCS) saves wildlife and wild places worldwide through science, conservation action, education, and inspiring people to value nature. To achieve our mission, we harness the power of our Global Conservation Program in more than 60 countries and the world's oceans, and in our five New York City-based wildlife parks, including our Bronx Zoo headquarters. WCS combines its expertise in the field, zoos, and aquarium to achieve its conservation mission.

As one of the world's most lucrative criminal activities, the estimated \$8 to \$10 billion illegal wildlife trade ranks fourth globally in terms of value, behind the trafficking in drugs, people, and arms. Wildlife trafficking is a serious crime conducted by organized criminal syndicates, some with links to terrorist networks, that threaten some of our most iconic species with extinction. It is essential to put protections in place to ensure that the U.S. and the international community can continue to fight against trafficking to protect the remaining elephants, rhinos, tigers and other endangered species.

In the 2014 National Strategy for Combating Wildlife Trafficking, President Obama clearly outlines that reducing demand for wildlife products will be crucial in making strides against the illegal wildlife trade. He states that poachers will continue to slaughter and traffic wildlife as long as there are high potential profits and low deterrence to the crimes. The National Strategy further points out that the U.S. plays a major role in the world's markets for both legal and illegal wildlife. Within this context, Hawai'i must pass strong legislation to end wildlife trafficking and deter continued poaching.

One example of the toll taken by this devastating trade is the African Elephant. The African elephant (*Loxodonta africana*) is the largest land animal extant in the world today, and a critical part of our natural heritage. African elephants also act as ecosystem engineers, opening pathways through the landscape, maintaining mineral-rich clearings on which gorillas and many other species depend, and maintaining the diversity of the plant community by their browsing and seed dispersal activities. In addition, they are a major part of the tourist draw to many countries in Africa, so are important for local economies and jobs.

Yet African elephants are being killed illegally at an enormous rate for their ivory. All international commercial trade in ivory has been illegal since 1989, when the African elephant was transferred from Appendix II to Appendix I under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). African elephants are also protected in the U.S. under the Endangered Species Act and the African Elephant Conservation Act.

Following the 1989 CITES ban, illegal killing of elephants declined and populations started to recover. In recent years, however, illegal killing and ivory trade have increased dramatically due to the rise in disposable income in East Asia, coupled with increasing global economic and transportation links, and the involvement of highly armed and organized criminal syndicates.

In 2012, some 35,000 African elephants were killed, an average of 96 elephants per day, representing the worst mass slaughter of elephants in any year since the 1989 international ban. African forest elephants (*L. a. cyclotis*) in particular have been devastated by poaching and have declined by about 65 percent since 2002 according to our scientists. At this rate, African forest elephants could effectively be extinct over the next 10 to 15 years.

A major challenge to halting the illegal wildlife trade and thereby the slaughter of elephants and other species is the lack of effective law enforcement controls along the trade chain from range countries through transit countries, and to the end consumer markets. Furthermore, only 10% of illegal wildlife products are seized at a country's borders. In the case of ivory, once it is inside those borders, it becomes nearly impossible to distinguish from legal ivory, especially worked ivory such as jewelry and trinkets which comprise a significant portion of the illegal ivory trade. In addition, it is extremely difficult for consumers, sellers and often law enforcement officials to visually distinguish elephant ivory from other species of ivory such as mammoth.

Within the U.S., research has shown Hawaii to have one of the top three markets for ivory along with New York and California. While the new U.S. federal ivory ban makes it illegal to import, export and trade ivory between states with only a few exceptions, state level bans are still essential to stop the ivory trade at the point of retail sale within

a state. During the last two years, New York and California passed strong ivory bans, leaving Hawaii as the largest remaining market for ivory in the U.S.

As many of our iconic species face devastating declines, Hawaiians and Americans are looking to the actions of this legislature to take a stand and conserve these species. Through HB 2502, Hawaii has the opportunity to close the U.S.'s largest remaining ivory market and take a meaningful stand against the illegal wildlife trade while the world is watching.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 5:52 PM
To: waltestimony
Cc: newportscrimshaw@juno.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016
Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Kiracofe	Tigers Eye Fine Imports	Comments Only	No

Comments: Dear Members of the WAL committee, I am a scrimshaw artist and own a retail store in Newport, RI selling scrimshaw, ivory antiques and ancient ivory since 1986. I feel the current regulations on the importation of endangered species products is a good law that could be improved with stronger penalties and tighter enforcement. Focus on the source of the problem, poaching in Africa. I am very concerned that your bill will ban the use of ancient woolly mammoth ivory, an extinct species currently with no restrictions on its use anywhere in the world. We work with mammoth ivory found in Alaska and Siberia and contrary to some misinformation I have read, it is easily distinguished from elephant ivory often by its color but also from the angle of the Schreger lines. Fish and Wildlife has as publication listed on its website explaining in detail how to identify ivories from various animals.

http://www.fws.gov/lab/ivory_natural.php#elephant. In addition sperm whale tooth ivory is currently protected under The Marine Mammals Protection Act and has been since 1973. Scrimshaw, often attributed to being one of only a few American art forms, began with the whalers passing time engraving on whale teeth. A total ban on all ivories would all but eliminate the truly American art of scrimshaw. As a working scrimshaw artist in a retail environment for many years I am often thanked for keeping this dying art form alive and I take great pride in my work and art form. I along with my brothers Daniel and Gary and colleague Barbara Cullen, who also are scrimshaw artists operate several stores and we do our best to educate the general public on the art, the laws and the materials we use. Recently I started a new wholesale business with my 28 year old son, Ben, in which we sell magnificently carved mammoth ivory figurines to retail stores in the state of Hawaii and throughout the US. A ban on mammoth ivory would shut down that new business without any benefit to the goal of stopping elephant ivory trafficking. I would appreciate it if you would take a look at our web site, you will find us at www.scrimshanders.com. In conclusion, please consider the history and artistic beauty of ivory and especially focus on the goal of protecting the elephant but not at the expense of an American art form and antique ivory collections. Respectfully, Brian J. Kiracofe

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identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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cullen4-Rachele

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 5:12 AM
To: waltestimony
Cc: cathyg@animalrightshawaii.org
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/5/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

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STATEMENT ON IVORY PROHIBITION AS RELATED TO ANTIQUE SCRIMSHAW

The Antique Scrimshaw Collectors Association consists of collector, dealers, and auction houses whose interest is the free exchange and study of the art of scrimshaw, the predominantly 19th-century whalers' folk art of engraving on and producing utilitarian articles from sperm whale teeth, baleen, and other encountered material in their global travels.

Until the third quarter of the 19th century, whale oil represented illumination and lubricant for the world. Spermaceti oil produced the finest candles. Baleen, malleable and flexible, was the plastic of the times. The whaling industry was a major commerce for the fledgling United States.

Scrimshaw was a means to deter boredom and the long journey to and from New England to the Pacific whaling grounds. Whales may not be encountered for weeks or even months. Whaleships had a larger crew than was necessary to run the ship, render the oil, and store the barrels. The men were necessary for the whaleboats that chased and captured the whales. On board, there was much free time between whales and the necessary chores of the ship. Scrimshaw represented mementos of their trade, gifts for friends and loved ones at home, and also for trade with one another. The articles of scrimshaw were quite remarkable. They ranged from simple, primitive engravings on a tooth to a swift with scores of moving joints, turned bone and teeth, and intricate inlays to construct an implement to wind yarn. The great majority of scrimshaw was anonymous lacking authorship, date, or location.

Until the 1960s, those who lived on the coasts, particularly New England, primarily collected scrimshaw. When President John F. Kennedy became an antique scrimshaw collector, the popularity escalated and prices rose logarithmically. Today, prices range from hundreds to hundreds of thousands of dollars. Prior to the establishment of the Endangered Species Act, Mammal Protections Act, or CITES regulations, antiques scrimshaw was bought, sold, or traded without need for documentation. Much scrimshaw collections were passed down through many generations of a family without documentation. The great majority of authentic antique scrimshaw today lack the documentation required by the present proposed regulations that would render them illegal and without value in commerce.

Not a single whale has ever been killed to produce scrimshaw. The material of scrimshaw was a byproduct of the industry. With the moving definition of antique, within five or six years, all genuine scrimshaw will be classified as antique. All mammalian teeth, including that of man, are ivory, consisting of variable amounts of enamel, cementum, and dentine. Most have characteristic patterns that make them identifiable. More than twenty years ago, Stuart M. Frank, Ph.D., formerly Director of the Kendall Whaling Museum and Senior Curator of the New Bedford Whaling Museum, began the study of scrimshaw and is the acknowledged expert in this field. His publications are scholarly treatises on the subject. He formed the Scrimshaw Forensics Laboratory® and the Scrimshaw Forensics Panel at the New Bedford Whaling Museum, which is able to authenticate and certify genuine scrimshaw.

The proposed legislation HB 2502 unfairly punishes antique scrimshaw collectors, dealers, and auction houses and criminalizes their ownership with regulation that in retrograde fashion demands documentation never asked for in their original obtainment. In addition, the illegality virtually makes their holdings worthless without due compensation.

No one of conscience wants to see the extinction of the elephant or rhinoceros. However, a sweeping prohibition on all ivory commerce in the United States will likely have little effect, if any, on elephant and rhinoceros poaching in Africa. Until the traditional appeal of ivory to Asians, the agricultural nuisance of elephants to the African subsistence farmers, the corruption of the local African governments, and the realization that ivory control rather than prohibition is the solution to this problem, those African countries that practice ivory prohibition will continue to see a decline in their elephant populations. All the proposed ivory bans in the United States will do is deprive American citizens of their constitutional rights to due process and just compensation, deprive small

businesses from income, and relegate a vibrant cultural and historic artifact worthy of intense study to a museum curiosity. This legislation, if passed as proposed, will result in litigation that will take years and millions of taxpayer dollars to adjudicate.

The Antique Scrimshaw Collectors Association believes that genuine antique scrimshaw (1) can be authenticated and certified, (2) represents objects of cultural and historic importance, especially to the State of Hawaii where the majority of 19th century whale ships made port, and (3) has never been responsible for the death of a single whale. To prohibit its trade and commerce is unfair, unconstitutional, and unconscionable.

LATE

To Chair Yamane, Vice Chair Cullen and the Water and Land Committee on HB2502,

My name is Steven Lee Montgomery, a long time member Ahahui Malama I Ka Lokahi /Hawaiians for the Conservation of Native Ecosystems, which strongly supports HB2502 to reduce the deadly harm of ivory trafficking of protected species in Hawai'i by enabling DLNR to act.

I'm proud my Rep., Ty Cullen, is onto this bill. It takes a village to raise a child & it will take Village Park Waipahu to close down this black market. Elephants are a keystone species upon which many other animal and plant species depend, fulfilling a vital role in the ecological balance of the environments in the Old World.

In Sept. USA hosts the WCC here, and the hundreds of Africans and other wildlife lovers from all over the globe will be looking to Hawaii to help end illicit US sales of bloody ivory.

This bill will help the leaders noted below:

President Ali Bongo of Gabon has 13 national parks with wardens on the front lines to save his nation's elephants, showing his intent by setting fire to confiscated ivory worth millions, all from victims of the soaring price of ivory, which is being fueled by a booming middle-class in Asia. Joseph Okouyi, a warden, says: 'We can beat the poachers but we have to end the demand.... We are fighting for the future of Africa.'

<http://www.dailymail.co.uk/news/article-2298099/The-Briton-saving-Africas-elephants-Former-Manchester-schoolboys-extraordinary-jungle-mission-rescue-rare-breed-butchered-tusks.html#ixzz3zFcGO7sP>

In recent years Tanzania has seen a spike in elephant poaching, fueled by a rise in the price of ivory in China and other Asian countries. Between 2009 and 2014, Tanzania lost 60 per cent of its elephant population to gangs who have links to militia and even terrorist groups, which all buy AK47s. At the Friedkin Conservation Fund area, poachers had already killed two elephants when pilot Roger Gower was called over after anti-poaching units heard gunshots. While looking for evidence of poachers to give to police and rangers, he was shot in his chopper.

<http://www.dailymail.co.uk/news/article-3425454/British-pilot-shot-elephant-poachers-died-hero-crash-landed-helicopter-save-injured-passenger-s-life.html#ixzz3zFZPABpy>

In Capetown, Africa, Archbishop Desmond Tutu welcomed Hokule'a. This bill fulfills his advice: *"Do your little bit of good where you are; it's those little bits of good put together that overwhelm the world."*

Please vote for this bill. Mahalo

Steven Lee Montgomery, Ph. D., Board Member

Ahahui Malama I Ka Lokahi /Hawaiians for the Conservation of Native Ecosystems

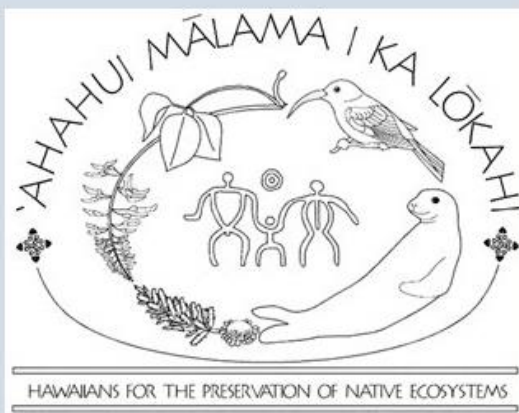
P.O. Box 720, Kailua, HI 96734

www.ahahui.net (808) cell 342 6244 manninga001@hawaii.rr.com

Please aid all these remarkable mammals who share so many traits with our own species – a great intelligence, a deep emotional capacity, a long period of nurturing and educating their young, innate deference to their elders, and intense grieving when they lose a member of their family.

‘Ahahui Mālama i ka Lōhaki is a coalition (*‘ahahui*) of Hawaiians and non-Hawaiians devoted to the preservation of native species and ecosystems and the importance of their relationship to Hawaiian culture. We believe that our culture will be greatly diminished unless we support efforts to conserve native Hawaiian ecosystems and species.

Our organization was founded in 1994 to provide a Hawaiian voice in favor of conservation. We serve the Hawaiian community and also offer a voice that reflects the scientific basis and resource management practices of the greater conservation community in the Hawaiian Islands.



The ‘Ahahui logo was designed by Sam ‘Ohukani‘ōhi'a Gon III and Mike Naho‘opī'i and incorporates plants and animals from the land and the sea. On land (upper) is a *nukuʻiwi* vine with a carnivorous caterpillar, and to the right, a *mamo* (a honeycreeper used for featherwork). For the sea (lower) there is a monk seal (*ʻilio-holo-i-ka-uaua*), a *hāʻukeʻuke* (purple urchin), and a *limu kala* (important medicinal and protocol seaweed). Within this lei of life is a petroglyph of a family, representing Hawaiian lifestyle and community. Above the figures is a triple circle, symbol of the three-fold mission of our ‘Ahahui: stewardship, culture, and education. The symbol is a closed oval, signifying the circle of ecological relationships between plants and animals, and between land and sea. Humans are embraced within this relationship, and via cultural practices and spiritual links (e.g., via *ʻaumakua*) are part of the circle as well. We stand for informed, responsible stewardship of the land and sea.

LATE

House Committee on Water & Land

February 5, 2016

Testimony in support of HB 2502 by Dr. Steven Montgomery

Aloha Chair Yamane, Vice Chair Cullen and members of the Committee,

My name is Dr. Steven Montgomery. I am a long time member and officer of the Oahu Group, Sierra Club of Hawaii, which has over 12,000 registered members and supporters and whose behalf I am testifying today. I thank you for this opportunity.

The Sierra Club of Hawaii **strongly supports HB2502** to reduce the deadly cost of ivory trading in our state.

The greatest threat to wild elephant populations is poaching - driven by the demand for ivory products. Of the estimated 400,000 African elephants remaining, an estimated 35,000 are killed by poachers every year. These magnificent animals are on the fast track to extinction.

Hawaii is currently the third largest domestic market for ivory in the United States. But Governor Cuomo of New York signed a tough ivory sales ban into law 18 months ago, and Governor Brown of California did the same just four months ago. So if this bill does not pass, Hawaii will soon claim the shameful distinction of being the biggest ivory market in the nation.

The extent of ivory trading in America makes the US the second largest market in the world, after China.

According to the September 2015 National Geographic article "Tracking Ivory" by Bryan Christy; the NGTV investigation "Warlords of Ivory," broadcast on August 30th 2015 and Paul Rauber's article, "Poaching in Africa" published in the July 2013 edition of Sierra, O'ahu possessed the highest number of suspected post- 1989 trade ban items.

These investigators found that one-third of the ivory on sale in the USA appeared to have been recently carved in China, so there can be no doubt: ivory markets in Hawaii fuel African elephant poaching.

The trade in ivory surely belongs in the past, just as sales of whale teeth and shark fins.

In September of this year, Hawaii will host the World Conservation Congress for the International Union for the Conservation of Nature. Held once every four years, the WCC is the major international conservation gathering on the planet. This year it is anticipated that President Obama will give the keynote speech. How embarrassing would it be for this meeting

to occur on Oahu at a time when we would be, de facto, the leading ivory market in America? We call on our State leaders to act now, before such embarrassment occurs.

With this bill Hawaii can not only reduce the poaching pressures on elephants, but raise consumer awareness of the incredibly harmful impacts of their purchases. We can also eliminate the significant enforcement challenge posed by the legal ivory trade – as was demonstrated in 2014, when the Sierra Atlantic Chapter helped New York State establish a moratorium on the sale of elephant ivory products.

There is another potential benefit to cutting ivory sales in Honolulu – impacting Islamic terrorist groups. In the aftermath of the deadly 2013 terrorist attack at the Westgate shopping mall in Nairobi, President Uhuru Kenyatta of Kenya revealed that the al-Shabbab terrorist group was receiving a major source of funding from the illegal ivory trade. As reported by the Wall Street Journal on 11 Oct 2013, President Kenyatta said, "Kenya will seek a global plan to end a business that endangers our wildlife and bankrolls attacks on our people." He launched a campaign calling for a global moratorium on ivory trading, while investing more in anti-poaching measures, noting this illegal trade cannot be curtailed without an offensive against overseas buyers.

Hawaii has helped lead the world in recovering whale populations, it's time now that we team up with global celebrities like the former NBA star Yao Ming, Emeritus Archbishop Desmond Tutu and broadcaster David Attenborough to help stop the killing of African elephants.

In order to save the elephant population for future generations, we need to take action now. Please vote for this bill. Mahalo

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 3:22 PM
To: waltestimony
Cc: gillian1@hawaii.rr.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/4/2016
Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gillian Boss	Individual	Support	No

Comments:

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 4:13 PM
To: waltestimony
Cc: jessica.panzer@me.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016
Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
jessica middleton	Individual	Support	No

Comments: Please pass this law, it is a no brainer! It is a step in the right direction to protect elephants, rhinos, Sharks etc. how many more species will we let go extinct before our eyes???

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 4:01 PM
To: waltestimony
Cc: kauaimichelle@gmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM



HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Clark	Individual	Support	No

Comments: Aloha, House Committee on Water and Land, I'm writing to support HB 2502. HB 2502 prohibits the trafficking (sale, purchase, trade, barter for, or distribute) of protected species in Hawai'i, including elephant ivory, rhinoceros horn, and other protected species such as tigers, great apes, hippopotamuses, lions, pangolins, cheetahs, jaguars, and leopards. HB 2502 also prohibits the trafficking of certain marine species: Hawaiian monk seals, sharks, rays, sea turtles, narwhals, whales, and walruses, insofar as the species, subspecies, or distinct population segment is listed on the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Appendices 1 or 2, the International Union for the Conservation of Nature Red List as vulnerable, endangered, or critically endangered, or the Endangered Species Act as threatened or endangered. • We need a state law in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species. • Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. • An average of 96 elephants are killed EVERY day, mostly for ivory. • Blood ivory funds terrorist activities. • Wildlife rangers protecting wildlife habitat in Afritca are killed in the line of duty. • Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them. Thank you, Michelle Clark

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 2:58 PM
To: waltestimony
Cc: terez.amato@yahoo.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

LATE

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Terez Amato Lindsey	Individual	Support	No

Comments: Aloha Chair, Vice Chair and committee members, Hawaii is one of the top three locations for the illegal ivory trade, yet it is the only one of those three to not have any current legislation that stops trafficking. It has been well documented that the illegal ivory trade funds wars in Africa such as Joseph Kony's Lord's Resistance Army. The September 2015 issue of National Geographic detailed the movement of illegal ivory and discussed the horrible ramification of this damaging trade across the continents. The article can be found here: <http://www.nationalgeographic.com/tracking-ivory/article.html> Please vote aye on this measure. Don't let Hawai'i continue to support this illegal industry that harms children by funding those who kidnap and force children to become soldiers. With appreciation, Terez Amato Lindsey Kihei, HI

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LATE

TESTIMONY IN SUPPORT OF HB 2502

I strongly support this bill and urge its speedy passage to insure that endangered and/or protected animals are not driven to extinction by ruthless killing & trafficking. Hawaii is unfortunately one of the major ivory markets in the US and is a culprit in speeding elephants and rhinos to extinction by allowing the trafficking in ivory, trophies & body parts.

Nearly 100 elephants are killed daily and their numbers have been severely reduced. If this continues they and other threatened animals may become extinct in our lifetime. The blood money from ivory and body parts from elephants, rhinos and other endangered animals also supports terrorist activities, and is encouraging the killing of wildlife rangers striving to protect these animals. Poachers will do anything to make a profit off these animals for "trophies" and for the production and sale of unnecessary trinkets such as jewelry, netsuke, hair ornaments and other trivial items.

This bill will also help protect other endangered species including marine animals such as rays, whales, sharks, monk seals which are also often killed for their body parts.

These animals are important to the earth and deserve to be here as much as any human. We are the ones that are causing their destruction, and we are the ones responsible for insuring they are not driven to extinction for profit, trophies, or other cruel and abusive trafficking.

Please pass this legislation and make Hawaii a leader in the preservation of these animals, rather than abetting their killing and destruction.

Mahalo nui loa,
Sherron Bull

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 3:00 PM
To: waltestimony
Cc: palmtree7@earthlink.net
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/4/2016
Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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cullen4-Rachele

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 8:58 PM
To: waltestimony
Cc: Kent@TRIsland.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kent Fonoimoana	Individual	Support	No

Comments: Strongly support.

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cullen4-Rachele

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 10:07 PM
To: waltestimony
Cc: lbc@hawaiiantel.net
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments: Even though an animal or animal part has Federal protection, it is still allowed to be sold here. The World Wildlife Fund went into stores here and found a lot of ivory for sale because Hawaii is the 3rd largest ivory market in the U.S.. Hawaii needs to step up to the plate to do our part to save the elephants, rhinos, bears, tigers, pangolins, etc. There is absolutely no excuse to look the other way or claim that destructive culture practices should be allowed. It's time to take a stand and pass this bill.

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cullen4-Rachele

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2016 10:57 PM
To: waltestimony
Cc: samsuen@hotmail.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sam Suen	Individual	Support	No

Comments:

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waltestimony

From: Tom Conley <tlc767@yahoo.com>
Sent: Thursday, February 04, 2016 5:39 PM
To: waltestimony
Subject: Ivory Ban, Attn: WAL Committee



We have been scrimshaw collectors for 20 years and are members of the New Bedford Whaling Museum in New Bedford Mass.

We are now in a month to month battle with the elephant people. H B 2502 is another attempt to make our collection of sperm whale and walrus ivory worthless and make us criminals. Sailor and Eskimo made scrimshaw has absolutely nothing to do with elephants.

Until the elected Representatives of the State of Hawaii can call in a Drone strike on poachers in a foreign country elephant poaching is a FEDERAL PROBLEM.

Captain Tom L Conley, United Airlines Ret.

waltestimony

From: bradshaw@pa.net
Sent: Thursday, February 04, 2016 5:20 AM
To: waltestimony
Subject: Hawaii HB 2502 - WAL meeting 5 Feb at 0830



Hawaii HB 2502

WAL meeting 5 Feb at 0830

Animal Rights groups are pushing for absolute bans on any consumptive use of wildlife. This will sweep in elephants and ivory. **It will jeopardize any successful conservation program in Africa that balances needs of local communities with their wildlife populations.**

This is a radical approach to wildlife management that CITES, USFWS and NGOs are all pushing with great force. It will kill worldwide ivory markets for all forms of ivory, antiques included. **It is a stupid policy based on the notion that big international government can save wildlife by fiat without any regard for economics or the harm it will cause to people in local communities or people who collect or have businesses tied to wildlife.** *The only ones who benefit are NGOs who become the gatekeepers of government resources to manage wildlife.*

This policy is corrupt and should be opposed with full force.

Respectfully,

Art Bradshaw

COL(R), USA

15 Prickly Pear Drive

Carlisle, PA 17013

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 8:38 AM
To: waltestimony
Cc: w.a.kuntz@gmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/5/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Kuntz	Individual	Support	No

Comments: Hawaii needs to stand up as a leader against wildlife trafficking. We need a state law in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species. Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. An average of 96 elephants are killed EVERY day, mostly for ivory. Blood ivory funds terrorist activities. Wildlife rangers protecting wildlife habitat in Afritca are killed in the line of duty. Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 6:39 AM
To: waltestimony
Cc: kaulu100@hotmail.com
Subject: *Submitted testimony for HB2502 on Feb 5, 2016 08:30AM*

HB2502

Submitted on: 2/5/2016
Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
KOALANI KAULUKUKUI	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 7:18 AM
To: waltestimony
Cc: elmerk@hawaii.edu
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/5/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Elmer Kaai	Individual	Support	No

Comments: Thank you for the opportunity to support wildlife protection.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 8:38 AM
To: waltestimony
Cc: w.a.kuntz@gmail.com
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/5/2016
Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Kuntz	Individual	Support	No

Comments: Hawaii needs to stand up as a leader against wildlife trafficking. We need a state law in Hawai'i because federal laws and regulations do not prohibit the trafficking of elephant ivory, rhinoceros horn, and parts of protected animal species. Hawai'i is the third largest ivory market in the U.S., and possibly soon to become the largest if we do not ban ivory sales. An average of 96 elephants are killed EVERY day, mostly for ivory. Blood ivory funds terrorist activities. Wildlife rangers protecting wildlife habitat in Afritca are killed in the line of duty. Elephant ivory is used to make unnecessary items, such as jewelry, trinkets, and netsuke (statues). Other animals are killed needlessly, and HB 2502 will protect all of them.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2016 9:35 AM
To: waltestimony
Cc: abel.m.konan@hawaii.gov
Subject: Submitted testimony for HB2502 on Feb 5, 2016 08:30AM

HB2502

Submitted on: 2/5/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Abel M. Konan	Individual	Comments Only	No

Comments: Marine wild life is the only treasure an Islands State has. Let us preserve ourselves by preserving our marine life sustainably.

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LATE

Fax to: 586 8494

Attention: Water and Land Committee

Individual testimony for hearing of HB 2502 on Friday 5th February, 2016 at 8:30am.

Position: **Support**

Friday 5th February, 2016.

Aloha Chair Yamane, Vice-Chair Cullen and Members of the Water & Land Committee,

I support HB 2502. Please pass this bill to save elephants and other endangered species.

Thank you,



Suzanne Frazier.

LATE

Fax to: 586 8494

Attention: Water and Land Committee

Individual testimony for hearing of HB 2502 on Friday 5th February, 2016 at 8:30am.

Position: **Support**

February 5, 2016

Aloha Chair Yamane, Vice-Chair Cullen and Members of the Water & Land Committee,

I support HB 2502. According to the UN Environment Programme, the Earth is in the midst of a mass extinction of life. Scientists estimate that 150-200 species of plant, insect, bird and mammal become extinct every 24 hours. The trafficking of animal parts and products contribute to this mass extinction. We need to have stronger laws banning the trafficking of animal parts and products. This is nearly 1,000 times the "natural" or "background" rate say many biologists and is greater than anything the world has experienced since the vanishing of the dinosaurs nearly 65 million years ago.

Please pass HB 2502.

Thank you,



Dean Otsuki

House Bill 837 Regarding Ivory
House Bill 1012 Exotic Animals
Senate Bill 674 Regarding Ivory
Hose Bill ~~2505~~ Relating to Wildlife
House Bill 1636 Relating to Animal Cruelty
Senate Bill 2189 Relating to Wildlife Protection

HB 2502

HB 1718

Testimony WAL Committee, Feb. 5, 2016

February 1, 2016

My name is Brenda Reichel, I have been Graduate Gemologist (GIA), jeweler and appraiser for over 32 years in Hawaii. I have been the gemology instructor for the Honolulu Museum of Art School for many years. I am against both of these Bills as written which furthers the hardship of small business, native artisans here in Hawaii and the rest of the United States. I agree that elephants and endangered species need to be protected at the border by Fish and Wildlife, U.S. Customs, TSA, U.S. Postal Service, to stop the illegal selling of Asian or African Elephant Ivory. Education is the most important aspect of saving elephants and endangered species. Elephant poachers need to be stopped in the country of origin. The State of Hawaii and the city and county governments is not where the proposed Bills would stop the illegal trade of elephant ivory. The federal government and its agencies need to do their job of enforcing our borders and stop illegal transportation of elephant ivory. China needs to take responsibility for their participation in the illegal trade of ivory and rhino horn.

Thousands of people benefit from Prehistoric Woolly Mammoth Ivory, Mastodon Ivory, and Fossil Walrus Ivory. There are many people in the jewelry, antique, and estate industry and artisans that work with carve and or collect legally acquired ivory. I resent the characterization that any one that has any type of ivory is in some way automatically a criminal, just by possessing ivory in a retail, wholesale, estate sale, or auction. All of the above proposed legislation deal with the sale, offer to sale, purchase, trade, barter for, and distribution of any part or product of any species of elephant (elephantidea), mammoth (mammuthus, which is extinct), rhinoceros (rhinocerotidea), tiger (pathera tigris), great ape (hominoidea), Hawaiian Monk Seal (neomonachus schauinslandi), shark (elasmobranchii selachimorpha), ray (elasmobranchii batoidea), sea turtle (chelonioidea), walrus (odobenidae odobenus), narwhal (monodon monoceros), whale (cetacea), hippopotamus (hippopotamus amphibious), lion (panthera leo), pangolin (manis), cheetah (acinonyx jubatus), jaguar (panthera onca) and or leopard (panthera pardus). Not all of these animals are on the endangered species list and several are extinct animals or are fossil ivories.

A pangolin's scales along with the rhino horn are made of karotin which is "hair".

Asian pangolins:

Chinese pangolin (*Manis pentadactyla*) – Critically Endangered

Sunda pangolin (*Manis javanica*) – Critically Endangered

Indian pangolin (*Manis crassicaudata*) – Endangered

Philippine pangolin (*Manis culionensis*) – Endangered

African pangolins:

Cape or Temminck's Ground pangolin (*Smutsia temminckii*) – Vulnerable

White-bellied or Tree pangolin (*Phataginus tricuspis*) – Vulnerable

Giant Ground pangolin (*Smutsia gigantea*) – Vulnerable

Black-bellied or Long-tailed pangolin (*Phataginus tetradactyla*) – Vulnerable

Pygmy Hippopotamus (*Choeropsis liberiensis* or *Hexaprotodon liberiensis*) is endangered.

None of the endangered or vulnerable species of shark are currently found in Hawaiian Waters.

Manta Ray and Giant Manta Rays are on the CITES Appendix II are subject to monitoring. The international trade of manta rays are now be monitored and regulated since 2013.

As stated in HB 2502, SB 2189, SB 674, HB 1636, HB 837 "FURTHER, the ivory from other animal species, such as hippopotamus, narwhal, walrus, and whale, is difficult to distinguish visually from elephant ivory without a DNA analysis." This is incorrect as you can tell the types of ivory apart. I believe the Human Society of the United States and Humane Society International is incorrect in stating the 89 percent of ivory sold in Hawaii is "illegal" or of unknown origin. When was the last time, US Customs, Fish and Wildlife or any other government entity in Hawaii seized ivory or ivory products coming into our state?

Prehistoric Woolly mammoth ivory is found by chance by Aboriginal the subsistence hunter, gatherer inhabitants of remote Alaskan and Russian regions. It is also a by-product of mining operations dotted throughout Alaska and Northern Canada, again found by chance.

Fossil Walrus Ivory is found on the Ste. Lawrence Island in the Bering Sea off the coast of Seward Peninsula in Alaska, by chance.

Prehistoric Woolly Mammoth ivory is found only by chance in the soil. Jobs are scarce to thousands of remote villages where this material comes from. The money the finder garners is used for necessities that his family needs to survive in remote Alaskan, Canadian and Russian villages. Prehistoric Woolly Mammoth Ivory tusks are easily identifiable by math. They have distinct, uniquely characteristic crosshatching patterns known as Schreger lines. They intersect at an angle of 90 degrees or less. The same crosshatching pattern exists in Elephant ivory, however the pattern is different in that the intersecting lines cross at 115 degrees or greater.

Walrus ivory has its own distinct pattern and is entirely different from either the mammoth or elephant ivories. You can tell the difference. It is easy to distinguish. You do not need to be a scientist to tell the various types of ivory apart and its substitutes; bone, reconstructed bone, deer horn, cow horn, elk antler, moose antler, hornbill ivory, buffalo horn, shark's teeth (fossil or current species), fake shaw, bakelite, and plastic. There is also vegetable ivory.

The small businesses that use these materials are artists of America, scrimshanders, sculptors, jewelers, gunsmith, knife makers and musical instrument craftsmen.

Hawaii has a long history with China, Japan, whale trading going back to 1770s. The Bishop Museum, Iolani Palace, and the Honolulu Museum of Art have collections which include a variety of types ivory. Ming's Jewelry, Sultan Company, Shirokiya, other businesses, and collectors buy and sell legally acquired ivory products. Lahaina as a whaling town has had retail stores with types of ivory. Whale, woolly mammoth, mastodon, boar's tusk, hippo, sharks teeth, walrus. There is no reason to make it illegal to sell antique, vintage organic dentine varieties of all ivory. Rhino horn is comprised of compacted strands of keratin, (hair). Yes the rhino needs to be protected too from poachers.

If you are going to ban any and all types of ivory, you should consider our state gemstone "BLACK CORAL". Black Coral is a beautiful gemstone which reminds tourists of our islands. Red Coral, Salmon, Coral, and White Coral come from the far western reaches of the Hawaiian Islands. Hermes Reef and Pearl Atoll in the late Victorian Era and early 1900's was a major source of shells used for buttons. Natural and cultured pearls, amber, mother of pearl shell, even abalone have organic material we use in jewelry, and musical instruments.

Collectors of Ming's Jewelry would not be able to sell any of their collection to someone wanting piece of paradise. There are collectors all around the world that seek out jewelry from Hawaii with our exotic flowers and Hawaiian motifs carved in ivory and other organic materials. Historically Hawaiians have carved and used various types of ivory for many years dating to pre-contact.

Antique ivory (over 100 years old) and ivory covered by the previous ban should not be illegal under the proposed Bill or by Executive order. The organic ivory material must be documented correctly and in compliance with Convention on International Trade in Endangered Species. Even if you want to donate your ivory to a museum or education entity you still have to have it appraised for donation purposes, you would receive a benefit on your taxes in the year you make the donation.

You are doing more harm than good by making any and all ivory illegal to possess, barter, trade, or sell.

The proposed Bills will do nothing to save one elephant or rhinoceros.

Sincerely

Brenda Reichel, GG, ASG, AGA, CIA, ISA
Graduate Gemologist (GIA)
Accredited Gemologist Association, AGA
Accredited Senior Gemologist, ASG
Certified Insurance Appraiser, CIA
848 South Beretania Street Suite 309
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808-735-2301