

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
FINANCE

Friday, April 1, 2016
3:00 PM
State Capitol, Conference Room 308

In consideration of
SENATE BILL 2451, SENATE DRAFT 2, HOUSE DRAFT 2
RELATING TO CHAPTER 183, HAWAII REVISED STATUTES

Senate Bill 2451, Senate Draft 2, House Draft 2 proposes to amend fines for destroying or harvesting koa trees and other trees and plants on state lands to an amount up to the market value at the time and place of the violation of each tree or plant and the cost of restoration or replacement of the habitat; clarify that any person who violates a provision of Part II (Forest Reserves) of Chapter 183, Hawaii Revised Statutes (HRS), or any rule adopted pursuant thereto, other than Section 183-17, HRS, shall be guilty of a petty misdemeanor; and repeal the general penalty provision of Chapter 183, HRS. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Currently, Part II (Forest Reserves) of Chapter 183, HRS, does not allow for criminal penalties, except for timber trespass offenses. There are other types of offenses, including violations of administrative rules that warrant the imposition of a stricter penalty.

Establishing statutory authority for a criminal penalty to apply to any violation of Forest Reserves, or any rules adopted pursuant thereto, would strengthen the Department's enforcement capabilities, and allow for greater protection of the State's natural resources. This bill ensures a mechanism for pursuing enforcement actions when warranted, as well as providing a stronger deterrent for unauthorized and illegal use of public resources.

Section 183-4, HRS, authorizes general (civil) penalties for violations of Chapters 183 to 185, HRS; however, civil penalties are already provided in Section 183-5, HRS, and Section 184-5.5, HRS. Further while Chapter 185, HRS, pertaining to land fire protection, does not include a civil penalty, it does provide for criminal penalties under Section 185-7, HRS. Due to the serious risk

of harm to people, the environment, wildlife, and habitat, the Department feels that violations of Chapter 185, HRS, should carry only criminal penalties - given the above, Section 183-4, HRS, is proposed for repeal.

The Department supports the amendment to Section 183-5(c), HRS, regarding general administrative penalties for violation of Section 183-17, HRS, that requires fines for destroyed or harvested koa and other trees or plants on state lands be based on the market value at the time and place of the violation of each tree or plant and the cost of restoration or replacement of the habitat.