

**TESTIMONY OF KEITH SWINDLE, RESIDENT AGENT IN CHARGE,
OFFICE OF LAW ENFORCEMENT, U.S. FISH AND WILDLIFE SERVICE,
DEPARTMENT OF THE INTERIOR,
BEFORE THE HAWAII SENATE, COMMITTEE ON WATER, LAND, AND
AGRICULTURE ON SENATE BILL 2647 RELATING TO WILDLIFE TRAFFICKING**

February 10, 2016

Introduction

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Good morning Chairman Gabbard and Members of the Committee. I appreciate the opportunity to testify before you today to provide an overview of the U.S. Fish and Wildlife Service's (Service) role and efforts in addressing illegal wildlife trafficking in Hawaii, the United States and across the world. The Service is an agency within the Department of the Interior (Department). We are dedicated to the conservation, protection, and enhancement of fish, wildlife and plants, and their habitats. We are the only agency in the federal government whose primary responsibility, as directed by numerous laws, is the long term conservation of these important natural resources for the American public. . The Service's Office of Law Enforcement, plays a key role in international conservation, including combatting illegal wildlife trafficking.

Poaching and Illegal Wildlife Trafficking

African elephants once numbered in the millions throughout Africa, but by 1990, uncontrolled hunting for their ivory tusks had driven the number of African elephants in the wild to fewer than 500,000 African elephants. With a ban on international ivory sales and trade in 1990, the population of African elephants began to recover in some countries. However, today a resurgence of illegal poaching of elephants in Africa is threatening this iconic species. Africa's elephants are being slaughtered for ivory at rates not seen in decades. Populations of both savannah and forest elephants have dropped precipitously, and poaching occurs across all parts of Africa.

Improved economic conditions in traditional wildlife markets such as China and other parts of East and Southeast Asia are fueling an increased demand for products derived from endangered species such as primates, big cats, pangolins and ivory producing species such as elephants and walrus. More Asian consumers have the financial resources to purchase wildlife, and items such as ivory carvings rate high as a status symbol for new economic elites. As elephants decline, ivory collectors are turning to other sources such as the tusks and teeth from other species such as walrus, narwhal, several species of whales, and hippopotamus. We have seen increased pressure on some of these species in the illicit ivory market, here in Hawaii, as evidenced by some of our own recent investigations.

Wildlife trafficking once was predominantly a crime of opportunity committed by individuals or small groups. Today, it is the purview of international criminal cartels that are well structured and highly organized and capable of illegally moving orders of magnitude more in wildlife and wildlife products. This lucrative business has been tied to drug and human trafficking

organizations and is a destabilizing influence in many African nations. What was once a local or regional problem has become a global crisis, as increasingly sophisticated, violent and ruthless criminal organizations have branched into wildlife trafficking. Organized criminal enterprises are a growing threat to wildlife, the world's economy and global security.

While it is alarming that we are reaching the point where it is uncertain if elephants will continue to exist in the wild. There is also a terrible human cost associated with these losses. For example, during the past few years, hundreds of park rangers have been killed in the line of duty in Africa. In August of 2013, I had the solemn honor of hand delivering a letter of condolence from the United States Fish and Wildlife Service to the Director of the Kenya Wildlife Service for the July, 2013, murders of several Kenya Wildlife Service Rangers. The insidiousness of these killings is that each of these men leaves behind a family of women and children to face desperation in addition to their despair and a real risk of becoming destitute. They also leave behind beleaguered colleagues who themselves, face constant pressures of corruption due to the absurd economic incentives that are driven by humanity's thoughtless desire for animal parts and products.

Although the primary markets are in Asia, the United States continues to play a role as a consumer and transit country for illegally traded wildlife products, including elephant ivory. Hawaii represents a significant marketplace for wealthy tourists and so, Hawaii must be a part of the solution.

U.S. Laws and Regulations

The United States has several laws and regulations in place that can help to address this crisis. African elephants are listed as threatened under the Endangered Species Act (ESA) and also protected under the African Elephant Conservation Act. Nations across the world regulate trade in this species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Under these U.S. laws, it is generally illegal to:

- Import or export African elephant ivory for primarily commercial purposes.
- Import or export it for other purposes without CITES documents.
- Buy or sell unlawfully imported African elephant ivory in interstate commerce.

Asian elephants are listed as endangered under the ESA. Import, export and interstate commerce in ivory and other parts and products is generally prohibited.

Though there are several laws and regulations in place to address this illegal trade, a number of loopholes exist that are exploited by illegal ivory traders. The Service is currently attempting to more effectively combat illegal ivory trade through existing legislative and regulatory authorities.

President's Executive Order on Wildlife Trafficking

On July 1, 2013, President Obama issued an Executive Order to enhance coordination of U.S. Government efforts to combat wildlife trafficking and assist foreign governments with capacity building. The Executive Order establishes a Presidential Task Force on Wildlife Trafficking

charged with developing a National Strategy for Combating Wildlife Trafficking. The Task Force is co-chaired by the Department of the Interior, Department of Justice, and Department of State. Across the United States Government, we are working to identify new approaches to crack down on poaching and wildlife trafficking and to more efficiently coordinate our enforcement efforts across government.

The Executive Order also establishes an Advisory Council on Wildlife Trafficking comprised of individuals with relevant expertise from outside the Government to make recommendations to the Task Force. The Service, along with the co-chairing agencies, are engaging the Council's expertise in law enforcement and criminal justice, wildlife biology and conservation, finance and trade, and international relations and diplomacy to develop and advance this collective strategy.

U.S. Fish and Wildlife Service's Role in Addressing the Illegal Ivory Trade

The U.S. Fish and Wildlife Service provides key leadership and capacity in addressing wildlife trafficking. For decades, we have worked in countries across the globe to conserve imperiled wildlife. We have a four-pronged approach to combat wildlife trafficking with our international partners, including: law enforcement; technical assistance; CITES, and reducing demand.

Law Enforcement to Target and Stop Illicit Trade

Overview: The Service is the primary Federal agency responsible for enforcing U.S. laws and treaties that address international wildlife trafficking and protect U.S. and foreign species, including the species being considered today, from unsustainable trade. Working with shoestring budgets and a special agent workforce that has not grown since the late-1970s, the Service has disrupted large-scale trafficking in contraband wildlife "commodities" that range from elephant ivory and rhino horn to sturgeon caviar and sea turtle skin and shell.

Service special agents utilize both overt and covert investigative techniques to detect and document international smuggling and crimes involving the unlawful exploitation of protected native and foreign species in interstate commerce. An ivory smuggling investigation typically involves securing charges under both the Endangered Species Act (a misdemeanor statute) and the felony wildlife trafficking provisions of the Lacey Act (where the Federal felony violation is predicated on the violation of another Federal, State, foreign or tribal wildlife law). Such investigations also often document and secure felony charges for related crimes such as conspiracy, smuggling, money laundering, false statements, and wire fraud.

Since the mid-1970s, the Service has deployed a force of uniformed wildlife inspectors at major ports of entry across the nation (including John F. Kennedy (JFK) International Airport and two land border crossings in New York State) to check inbound and outbound shipments for wildlife. These 130 officers, five of which are based here in Honolulu, ensure that wildlife trade complies with the CITES treaty and U.S. laws. They also conduct proactive inspections of air cargo warehouses, ocean containers, international mail packages, and international passenger flights looking for smuggled wildlife. Discoveries by wildlife inspectors at the ports may lead to full-scale criminal investigations of wildlife trafficking.

The Service operates the world's first and only full-service wildlife forensics laboratory – a lab that is globally recognized as having created the science of wildlife forensics. Guidance from the lab, for example, aid officers in the field to distinguish and identify various products derived from wildlife.

Service enforcement officers and forensic scientists have provided specialized training to wildlife enforcement counterparts in more than 65 different countries since 2000. These capacity building efforts have included teaching criminal investigation skills to wildlife officers from Asian and sub-Saharan African countries at the International Law Enforcement Academies in Botswana and Thailand on a twice yearly basis.

Service partners in combating illegal ivory trade and other types of wildlife trafficking include enforcement staff from the National Oceanic and Atmospheric Agency, Homeland Security Investigations and U.S. Customs and Border Protection at the federal level; wildlife and customs enforcement agencies in other countries; regional wildlife enforcement networks (WENs) such as those that exist in Southeast Asia, Central America, and parts of Africa; and multilateral wildlife enforcement working groups associated with the CITES Secretariat and INTERPOL. Partnerships with State wildlife agencies such as Hawaii's Division of Conservation and Resources Enforcement, can be critical for addressing interstate wildlife trafficking within the United States.

Challenges for Enforcement: Service investigations have proven time and again that illegal ivory is smuggled into the United States and that it enters the domestic marketplace. The Service's decades worth of experience in policing the global black market trade in illegal elephant ivory provides a basis for identifying specific challenges that recur and limit the effectiveness of investigations of ivory trafficking.

- After elephant ivory enters the domestic marketplace, it is difficult, if not impossible, from an enforcement standpoint to separate illegal ivory from legal ivory. These markets thus provide an effective way for smugglers to conceal and launder illegal ivory. It is not possible to accurately quantify the illegal ivory moving through these markets.

No national system of permits or record keeping for domestic sales exists to aid enforcement officers in making a determination of legality (i.e., determining from whom a merchant obtained their inventory or to whom it was sold). Without evidence of smuggling in hand, officers cannot readily determine that the ivory is illegal or prove it in a court of law. In cases where we can link an ivory smuggler to a merchant, there are no record keeping requirements that would produce evidence proving the smuggler's relationship with the merchant or documenting how much ivory the smuggler sold to the merchant.

- No simple way exists to determine the age of ivory. Appearances, such as carving style and staining, are regularly faked. Available scientific testing often yields only a range of dates; is expensive (\$500-\$1,000 per test); can take months to provide results; and requires destructive sampling. This last drawback, in particular, limits the utility of age testing since officers

generally cannot walk into a store and take a chunk out of an ivory carving for testing for regulatory purposes.

- Most States do not regulate the trade in elephant ivory.
- Weak penalties can also be a hurdle for law enforcement. Strong penalties provide a deterrent and assist the Government in unraveling complex conspiracies and combating trafficking. Offenders facing significant penalties are more likely to become key cooperating defendants than those facing a light penalty.

Technical Assistance and Grants to Build In-Country Capacity

The Service has a long-standing history in elephant conservation, including through providing technical assistance and grants to build in-country capacity in Africa and Asia. Through the African Elephant Conservation Fund, the Service annually supports African elephant range states with financial assistance for essential protection activities, especially anti-poaching. In 2013, this involved awarding 26 new grants and three modifications to existing grants totaling \$1,922,777, which was matched by \$4,531,077 in leveraged funds. These funds are now supporting field projects at 23 sites in twelve countries in Africa, as well as one project involving all 37 African elephant range states and two projects in consumer countries.

In 2013, the Service awarded 29 grants from the Asian Elephant Conservation Fund to support conservation, capacity building, law enforcement, education, and elephant health projects in eight Asian elephant range countries. The Service award amount totaled \$1,647,363 (and two modifications for \$32,870) with a non-Federal match of \$2,463,729.

Through the Wildlife Without Borders – Africa Program, the Service in 2013 is supporting 31 new grants and two amendments to existing grants totaling \$8,247,751 and matched by \$10,808,046 in leveraged funds. Many of these projects are geared towards building in-country capacity and providing technical assistance to reduce the impact of poaching for elephants. This includes the work of the Last Great Ape Organization (LAGA), based in Cameroon, which was founded in 2003 to use innovative methods to fight wildlife crime. LAGA works directly with the Cameroonian Government to improve investigations, arrest operations, legal follow-up and media activities. LAGA brought about the first ever wildlife prosecution for the whole of West and Central Africa through fighting corruption. It is credited in shifting Cameroon from a decade long baseline of zero wildlife prosecutions to an arrest and prosecution of a major wildlife dealer at a rate of one per week. This rate was kept stable for the last eight years. After proving the success of the innovative and cost-effective LAGA model, in 2013, LAGA's founder, Ofir Drori, founded the EAGLE network (Eco Activists for Governance & Law Enforcement). Based in Yaounde, the EAGLE network aims to coordinate and strengthen the activities of LAGA replicates. Currently operating in six countries, it has brought about more than 900 arrests and subsequent prosecutions and imprisonments of major wildlife traffickers and has been instrumental in clamping down on criminal syndicates and kingpins in Central and West Africa. The Service has been supporting LAGA since its inception and is now also supporting replicates in Gabon, the Republic of Congo and Togo, all of which have made great strides in clamping

down on ivory trafficking.

CITES and Elephant Ivory Trade

CITES is an international agreement signed by 179 nations designed to control and regulate global trade in certain wild animals and plants that are or may become threatened with extinction due to commercial trade. More than 35,000 species currently benefit from CITES protection. International trade in plants and animals, whether taken from the wild or bred in captivity, can pose serious risks to wildlife species. Without regulation, international trade can deplete wild populations, leading to extinction. The goal of CITES is to facilitate legal, biologically sustainable trade, whenever possible. But, in some cases, no level of commercial trade can be supported.

In 1989, at the seventh meeting of the Conference of the Parties (CoP7) to CITES, African elephants were granted the highest level of protection under CITES—an Appendix-I listing—and joined Asian elephants, listed in Appendix I since 1975. This Appendix-I listing, which became effective on January 18, 1990, is often referred to as an ivory “ban” or “moratorium”. While there is truth to these statements, they can also be misleading.

After the Appendix-I listing was instituted, and largely as a result of the listing, some populations began to recover and were subsequently transferred to Appendix II, beginning in 1997. The populations were transferred to Appendix II with strict limitations on trade in ivory, but allowed certain other activities. As such, the CITES “ban” on ivory trade has several limitations:

1. It only applies to international trade. CITES provisions apply to the import, export, and re-export of listed species. Domestic markets for ivory are governed by national or local laws.
2. It only applies to ivory acquired after elephants were listed under CITES. Ivory acquired prior to the species being listed under CITES is considered pre-Convention. With proper CITES documentation, pre-Convention ivory can be imported, exported, or re-exported, unless stricter domestic laws prohibit such action. (Note: In the United States, the Endangered Species Act and African Elephant Conservation Act provide for stricter regulation on import, export, and re-export.)
3. Exceptions can be granted for non-commercial purposes, such as science or education. With proper CITES documentation, trade can be allowed as long as its purpose is not primarily commercial.
4. Hunting trophies may be imported/exported. Some elephant range countries have an annual export quota for hunting trophies taken for non-commercial purposes. With proper CITES documentation, hunting trophies, including ivory tusks, can be imported, exported, and re-exported.

Though a long-standing priority for CITES Parties, the focus on combating elephant poaching and illegal ivory trade is more intense than ever before. In March 2013, at the most recent meeting of the Conference of the Parties (CoP16), eight countries—China, Kenya, Malaysia, the Philippines, Tanzania, Thailand, Uganda, and Viet Nam—identified as significant source, transit, or destination points for illegal ivory trade agreed to develop time-bound action plans to actively

address illegal ivory trade.

Also at CoP16, the CITES Parties recognized the importance of the entire crime chain by adopting several decisions to ensure that modern forensic and investigative techniques are applied to the illegal trade in ivory. The CITES Parties agreed to provide more effective control of domestic ivory markets and government-held stockpiles, and to promote public awareness campaigns, including supply and demand reduction strategies.

The decisions agreed upon at CoP16 to address the elephant poaching crisis were a significant step in the right direction. The United States played a major role in the development of all of these decisions and actions, and is committed to playing a significant role in their implementation, including ensuring that countries are held accountable for failure to do so.

Reducing Consumer Demand for Illegal Wildlife Products

The growing international market for ivory, particularly from Asia, is the major driver of poaching and illegal international trade from Africa. Most Service conservation activities have focused on on-the-ground protection of habitat and populations and enforcement efforts, with the Service providing approximately \$10 million annually to enhance and support wildlife conservation throughout Africa and Asia. In addition, the Service supports government and non-government partners in consumer nations in Asia in awareness and demand reduction campaigns.

Using our extensive network and diverse experience, we are developing a strategy going forward for the Service's role in addressing consumer demand. This includes working with the private sector and governments in key consumer countries; building public awareness about the impacts of illegal trade on wild populations; improving statutory, enforcement and prosecutorial infrastructure to address illegal trade and increase awareness of the repercussions of engaging in such activities; and taking other actions to encourage attitudinal and behavioral shifts, leading to measurable reductions in demand for illegal wildlife products.

U.S. Ivory Crush

As part of our efforts to combat illegal ivory trafficking, on November 14, 2013, the United States destroyed its six-ton stock of confiscated elephant ivory, sending a clear message that the nation will not tolerate wildlife crime that threatens to wipe out the African elephant and a host of other species around the globe. The destruction of this ivory, which took place near the Service's National Wildlife Property Repository on the Rocky Mountain Arsenal National Wildlife Refuge near Denver, Colorado, was witnessed by representatives of African nations and other countries, dozens of leading conservationists, and international media representatives.

This ivory crush sparked a new sense of possibility and collaboration—that we can work together effectively to halt this crisis before it is too late. We are now in a much better position to work with the international community to push for a reduction of ivory stockpiles worldwide, and to crack down on poaching and illegal trade. The ivory crush signaled the United States' commitment to combating wildlife trafficking and one of the goals was to encourage other nations to do the same. On January 6, 2014, the People's Republic of China destroyed more

than six tons of illegal elephant ivory in the city of Guangzhou, Guangdong Province. China joined the United States, Kenya, Gabon and the Philippines, which have destroyed their illegal ivory, in this fight to save African elephants from poachers and the illegal ivory trade. France also plans to destroy its illegal elephant ivory this year.

Conclusion

The U.S. Fish and Wildlife Service thanks the Committee for your support for the conservation of elephants and other endangered wildlife and for your interest in examining ways to improve the effectiveness of laws and regulations protecting endangered species. Thank you for the opportunity to present testimony today. I would be pleased to answer any questions that you may have.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/LE INV

William Kiprono
Director
Kenya Wildlife Service
P.O. Box 40241-00100
Nairobi, Kenya

Dear Director Kiprono:

We were deeply saddened to learn of the brutal killing of a Kenya Wildlife Service ranger and his unit commander by poachers at the Kipini Conservancy on July 18, 2013. We join you, your staff, and wildlife law enforcement officers throughout the world in mourning this tragic loss.

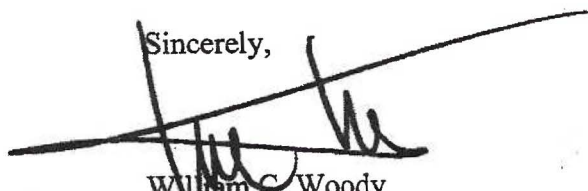
The fact that heavily armed attackers gunned down this ranger and then lay in wait five hours for his commander and comrades to return to retrieve his body testifies to the tragic realities and very real risks of conservation law enforcement in Africa today. The poachers who prey on the continent's elephant populations are clearly intent on pursuing their objective regardless of cost – even the cost of human life.

The deaths of the men only strengthens our resolve to do whatever we can to help curtail the poaching crisis that has taken such a horrendous toll on the people and resources of Kenya and on the Kenya Wildlife Service.

We count you and the officers under your command among our most valued partners in combating wildlife trafficking. We pledge you our continued support in the months ahead as the United States, under President's Obama's direction, mobilizes not only our agents but also resources across the U.S. Government to work with Kenya and the other nations of sub-Saharan Africa to stop the slaughter of wildlife and wildlife officers.

We salute your fallen officers for the courage and commitment they brought to their work. We offer our sincere condolences and those of the U.S. Fish and Wildlife Service to their families, friends, and Nation in the face of this heinous crime.

Sincerely,



William C. Woody
Assistant Director for Law Enforcement

British pilot killed by poachers in Tanzania; 3 arrested

Published January 31, 2016

Associated Press

JOHANNESBURG – Elephant poachers in Tanzania fired on a helicopter on an anti-poaching mission and killed the British pilot, and authorities said Sunday that they have arrested three suspects.

Roger Gower was shot Friday while flying on a joint operation with Tanzanian wildlife authorities who were tracking the poachers, the Friedkin Conservation Fund, which oversees some wildlife areas in Tanzania, said on its website.

"This tragic event again highlights the appalling risk and cost of protecting Tanzania's wildlife," the Texas-based group said.

Three suspects were arrested, said Jumanne Maghembe, Tanzania's minister for tourism and natural resources. The minister pledged that any other suspects will be arrested in security operations after the attack in Maswa wildlife reserve, near Serengeti National Park.

Lazaro Nyalandu, a former minister of tourism and natural resources, wrote on Twitter that Gower was killed by AK-47 assault rifle fire.

"You loved our country and I knew you on many flights we took together," Nyalandu wrote.

A co-pilot survived with injuries, Tanzanian authorities said.

Britain's Foreign Office confirmed the death of a Briton in Tanzania and said it was "providing assistance to the family at this difficult time."

Rangers discovered the carcasses of three elephants that were killed by the same group of poachers that fired on the helicopter, said Paschal Shelutete, spokesman for Tanzania's parks service.

Maswa, the park where Gower was operating, lies on the southwest boundary of Serengeti. The region's massive wildebeest migration passes through Maswa in January and February, according to the Friedkin Conservation Fund. The park's rangers encounter poachers on a regular basis, it said.

Tanzania has been identified as a key hotspot for elephant poachers. The elephant population declined by 60 percent to about 40,000 since 2009, according to a census announced last year. On Friday while flying on a joint operation with Tanzanian wildlife authorities who were trying to track and arrest the poachers.

The Texas-based group, which oversees a number of wildlife areas in Tanzania, says Gower's death highlights the "appalling risk" of protecting wildlife in a country whose elephant population has been slaughtered in large numbers.

Lazaro Nyalandu, a former Tanzanian minister of tourism and natural resources, wrote on Twitter that Gower managed to land the helicopter despite his fatal wound. He says the shooting happened in Maswa wildlife reserve, near Serengeti park.

Late

gabbard2 - Donna

From: Rock Riggs
Sent: Wednesday, February 10, 2016 12:28 PM
To: WLA Testimony
Subject: FW: SB2647

From: Meg Turner
Sent: Wednesday, February 10, 2016 12:21 PM
To: Rock Riggs
Subject: FW: SB2647

From: Poilady@aol.com [<mailto:Poilady@aol.com>]
Sent: Wednesday, February 10, 2016 11:33 AM
To: Sen. Mike Gabbard; Sen. Clarence Nishihara
Cc: mark@markcarson.com; hiacs@icloud.com; sylviakop@gmail.com; hartmanb001@yahoo.com; linda.lee.hawaii@gmail.com; lincolnmichele@yahoo.com; linda.lee.hawaii@gmail.com
Subject: SB2647

Senator Gabbard
Senator Nishihara

SB2647

Committee WLA/ JDL
TESTIMONY SB2647
OPPOSED
Room 224

February 10, 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 (*panthera tigris*), great ape (hominoidea), Hawaiian Monk Seal (*neomonachus schauinslandi*), shark (elasmobranchii selachimorpha), ray (elasmobranchii batoidea), sea turtle (chelonioida), 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 keratin 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. Sharks teeth has been used for weapons and adornment for centuries.

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. Ray skin has been used for centuries in the making of sword, knives and other objects.

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 were 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
Honolulu, HI 96813
808-735-2301

Testimony of
John F. Calvelli
Executive Vice President, Public Affairs
Wildlife Conservation Society
submitted to the
Hawai'i State Senate
COMMITTEE ON WATER, LAND, AND AGRICULTURE
COMMITTEE ON JUDICIARY AND LABOR
February 10, 2016

Thank you for the opportunity to submit testimony in support of SB 2647, 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, Hawai'i 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 Hawai'i 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 Hawai'i 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 SB 2647, Hawai'i 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.

We would like to make clear that WCS supports an updated version of SB 2647 that reflects the amendments to the House companion that were made last Friday by the House Committee on Water & Land. However, we advocate that you not to include the exemption clause that the House proposed at (d)(5) on page 6 of their draft, which would explicitly create a loophole for guns and knives. Many of these items would already be permitted by the broader antiques exemption. Moreover, some manufacturers are believed to utilize illegal or undocumented ivory in their gun grips and knife handles. It is imperative to eliminate such illegal use of ivory in this legislation.

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2016 1:30 PM
To: WLA Testimony
Cc: abel.m.konan@hawaii.gov
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/10/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

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

Comments: It is profoundly regrettable that Elephants and other animals are killed for decorative purposes or ill conceived and false scientific claims. Such action are unsustainable to the Earth and lead total extinction. An Act that is totally in opposition with the nature friendly of Hawaii's constitution and the principle of sustainability supported the people of Hawaii.

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A SHARPER FUTURE
Knife Rights

Essential Tools – Essential Rights™

February 9, 2016

To: Members of the Senate Committee on Water, Land, and Agriculture and Committee on Judiciary and Labor

RE: SB 2647

Knife Rights represents America's millions of knife owners, knifemakers, scrimshaw artists, knife retailers and suppliers to knifemakers and scrimshaw artists, many of whom are your Hawaiian constituents and residents and many of whom own legally acquired ivory and Mammoth ivory or knives with components made of these materials. And, as it turns out, many also own a wide range of other items that include ivory, and so we represent these members' interests as well.

We want to alert you that the proposed, SB 2647, will not save a single living endangered or threatened animal and will have a severe negative financial impact on many of your law-abiding citizens who own items originally crafted with parts from these animals and lawfully imported and purchased. SB 2647 is simply a radical anti-hunting measure masquerading as a wildlife conservation measure. SB 2647 is the worst kind of emotionally-driven "Feel Good – Do Bad" legislation that will only hurt Hawaiians with no benefit to the endangered and threatened animals.

Knife Rights and all those we represent abhor the poaching and illegal trade of endangered and threatened species and we support science-based wildlife conservation efforts, including managed hunting, that have proven successful in posting significant gains in the majority of endangered and threatened species populations over the past few decades. For example, while elephants and rhinos are threatened in some parts of Africa, where managed hunting has been allowed the populations have flourished. We unequivocally support practical and lawful efforts to defend endangered and threatened species in the field as well as lawful enforcement activities that directly target illegal black-market trade in endangered and threatened species. SB 2647 accomplishes none of these effective and proven objectives.

While this bill would not directly prohibit hunts in Africa that are legal under international, federal and individual African country law, it would criminalize hunters returning to Hawaii with legal trophies. Worse, it steals millions of dollars in value from thousands who have previously hunted and their heirs who possess trophies from a legal hunt and hundreds of thousands more Hawaiians who own lawfully imported and purchased items produced from parts of these endangered and threatened animals and which were legally imported, typically decades ago.

This bill also bans trade in 10,000-year-old Mammoth Ivory, which just goes to show how absurd it is. Tons of Mammoth Ivory is collected every year by Native Americans in Alaska along the riverbanks and on the beaches, where the tusks fall out of the banks due to erosion. This Mammoth Ivory is one of their few sources of income. In addition, gold miners find tusks in their pursuit of gold in Alaska. No archeological sites are disturbed or "robbed." This natural material becomes exposed by nature and mining and if it is not collected it cracks, deteriorates and crumbles into gravel and soil within a few years and is lost forever. The only way to preserve this precious prehistoric material is to allow it to be collected, bought and sold. It is easily distinguishable from elephant ivory and is legal to ship all over the world.

This nation was founded on a respect for its citizen's rights, from the Declaration of Independence through the Constitution and our Bill of Rights and more than two centuries of legal precedent. The core nature of this country is that we are a country of laws, that even the unpopular have rights to be respected and that, above all, we defend individual rights and individual property rights.

Knife Rights, Inc.

www.KnifeRights.org ♦ twitter.com/KnifeRights ♦ facebook.com/KnifeRights
313 W. Temple Ct., Gilbert, AZ 85299 ♦ 866.889.6268 ♦ 602.476.2702 ♦ Fax 602.324.7548

However, SB 6247 ignores our widely acknowledged body of law, unfairly and unconstitutionally persecuting honest and law-abiding owners of products made from the parts of these animals who would find their investment in legally acquired objects "taken" by government edict and made worthless, their livelihood stolen from them in some cases.

This effective "taking" of the heretofore legal private property of potentially tens of thousands, if not hundreds of thousands of Hawaiians is a clear violation of the Fifth Amendment to the Constitution of the United States. It is also an offense to longstanding American rights, freedoms and values of fairness and equity. Ultimately the adverse impact on Hawaii citizens and residents will be in the millions of dollars and the state of Hawaii stands to lose millions of dollars more in lost commerce, taxes, and enforcement expense for no appreciable positive impact on the real problem, poaching and the illegal black market trade in threatened and endangered animals.

This proposed ivory ban would also disproportionately affect Hawaii's elderly, many of them veterans, who are the original owners of much of the hundreds of thousands of tons of legal pre-ban ivory in the U.S. that was initially brought into the country in the 1950s through the 1970s. It is this decades-old ivory that forms the basis for the legal trade in ivory in the U.S. Many of these older Americans turn to their investment in ivory, in its many forms, to help sustain them in their twilight years and provide a cushion for emergencies. Robbing these elderly citizens, many of whom fought for their country and its freedoms, and often bear the scars from that service, of their lifelong investment, to no good end, is particularly unjust.

There is not a shred of factual evidence to suggest that punishing Hawaiians for their investment in perfectly legal decades-old objects made from these animals will have one iota of influence on the black market. It goes against all human experience to believe that this effort will do anything but adversely affect law-abiding Hawaiians and Hawaii.

This misguided ban is ill-conceived, offensive and most likely unconstitutional. Knife Rights urges you to vote against SB 2647.

Respectfully submitted,



Douglas S. Ritter
Chairman

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 2:42 PM
To: WLA Testimony
Cc: GerritOsborne@gmail.com
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gerrit B Osborne	Individual	Comments Only	No

Comments: You have no doubt learned that an elephant is killed, quite often brutally, every 15 minutes and that, at the current rate, they will soon be gone from Planet Earth. Rhinos are in similarly dire straits. There is only one way to stop the slaughter, and that is to make it unprofitable. The only way to do that is to halt the sale and trade of ivory. The Bill before you has been under consideration for several years, is well **written, and should be passed now**, before it is too late.

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gabbard2 - Donna

From: Don Nigro <dontalks@gmail.com>
Sent: Tuesday, February 09, 2016 3:45 PM
To: WLA Testimony
Subject: SB2647 Opposed
Attachments: IMG_1464.JPG

Committee: WLA/JUD
Bill: SB2647
Meeting Date: Feb. 10, 2016
Time: 3:20 pm
From: Don Nigro
191 Kilauea Ave.,
Hilo, HI 96720
(808) 969-1881
hiacs@icloud.com

OPPOSED

I cannot agree to this wholly unnecessary legislation which sets out to punish heirs, elder citizens, dealers, collectors and antiquarians who wish to deal/sell vintage and antique ivories which have absolutely nothing to do with the current Africa-Chinese-Asian ivory poaching problem.

It's shameful, mean spirited and a totally draconian piece of proposed legislation which will unjustly punish constituents by arbitrarily making illegal what heretofore has been traditionally legal.

To read more, see attached

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 5:09 PM
To: WLA Testimony
Cc: annmm@juno.com
Subject: *Submitted testimony for SB2647 on Feb 10, 2016 15:20PM*

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Mello	Individual	Support	No

Comments:

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NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
555 CAPITOL MALL, SUITE 625
SACRAMENTO, CALIFORNIA 95814
(916) 446-2455 voice ▪ (916) 448-7469 fax
www.nraila.org

STATE & LOCAL AFFAIRS DIVISION
DANIEL REID, HAWAII STATE LIAISON

February 9, 2016

The Honorable Mike Gabbard
Chairman, Senate Committee on Water, Land and Agriculture

The Honorable Gilbert Keith-Agaran
Chairman, Senate Committee on Judiciary and Labor

Re: Senate Bill 2647 – OPPOSE

Dear Senators:

On behalf of the Hawaii members of the National Rifle Association, I oppose Senate Bill 2647. This bill would do nothing to promote its purported goal of addressing poaching and the illegal wildlife trade, while it would impose a heavy burden on law-abiding citizens.

Illegal trade in wildlife, as well as poaching for meat and products such as horns and tusks, takes its toll on the health and viability of wildlife populations. Further, it undermines the tremendous sustainability achievements made possible by hunters and other wildlife conservationists in the United States and other parts of the world. The NRA applauds serious efforts to stop poaching and the illegal wildlife trade, but SB 2647 would not materially contribute to that goal.

This bill would, however, harm those who have no part in these activities. American collectors, sportsmen, hunters, and recreational shooters have legally purchased firearms, knives, art and other objects that have incorporated ivory features for decades. These include some of America's most historically-significant and collectible guns.

Historically, the U.S. Fish and Wildlife Service maintained the position that most ivory in the U.S. has been legally imported and that its sale in the U.S. did not materially contribute to the illegal ivory trade. Nevertheless, under SB 2647 the import, sale, purchase, barter, and possession with intent to sell of any ivory (defined to include mammoth ivory), ivory product, rhinoceros horn, or rhinoceros horn product would be prohibited along with various other animal species. The NRA is opposed to SB 2647 because, if implemented, it would amount to the taking

of property that had been acquired legally and in good faith. Needless to say, property that cannot be sold is radically diminished in value.

While the NRA stands in opposition to the illegal trafficking of animal parts and poaching, banning the trade and sale of legally owned, pre-ban ivory will not save one elephant (much less mammoths, ivory from which is covered in the bill, even though the creatures themselves are long extinct). The NRA is receptive to measures that directly target the illegal animal trafficking and poaching. We do not, however, support symbolic measures that do little more than move the goalposts for law-abiding citizens and deprive them of the value of property that was originally obtained legally and in good faith.

Thank you for your consideration and I ask that you oppose this bill.

Cordially,

A handwritten signature in black ink, appearing to read "Daniel S. Reid". The signature is fluid and cursive, with the first name "Daniel" being the most prominent part.

Daniel S. Reid
State Liaison

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 6:07 PM
To: WLA Testimony
Cc: vanderso@hawaii.edu
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Anderson	Individual	Support	Yes

Comments: Dear Legislators, I strongly support SB 2647. For each of the last several years, anti-ivory trafficking legislation has been drafted in the House and Senate. Each year I have dared to hope that we, Hawai'i, will do the right thing and pass this legislation. Each year, when the bills die, it breaks my heart, because that year represents another 35,000 elephants who have been poisoned, shot, or maimed and left to die with their faces cut off. I am pleased that the current legislation expands to include the bodies of other endangered species. Let this finally be the year that we do the right thing!

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 6:59 PM
To: WLA Testimony
Cc: refrey2001@yahoo.com
Subject: *Submitted testimony for SB2647 on Feb 10, 2016 15:20PM*

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Frey	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 7:31 PM
To: WLA Testimony
Cc: kelika@hawaii.rr.com
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kelika Ragraola	Individual	Oppose	No

Comments: I oppose this bill as individuals who fostered this bill have further agendas. Bill is too vague and shouldn't be passed at all.

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 7:54 PM
To: WLA Testimony
Cc: chinooker@gmail.com
Subject: *Submitted testimony for SB2647 on Feb 10, 2016 15:20PM*

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Alvarez	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 8:10 PM
To: WLA Testimony
Cc: tom1.galli@gmail.com
Subject: *Submitted testimony for SB2647 on Feb 10, 2016 15:20PM*

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Galli	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 9:08 PM
To: WLA Testimony
Cc: autofreeann@hotmail.com
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Kobsa	Individual	Support	No

Comments: Please help to reduce the incentive for endangered wildlife to be killed. These majestic animals should be protected and not harvested.

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 9:11 PM
To: WLA Testimony
Cc: mark@markcarson.com
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM
Attachments: Hawaii 2016 SB 2647 Opposition.docx

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Carson	Individual	Oppose	Yes

Comments:

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 9:21 PM
To: WLA Testimony
Cc: heaviescc@gmail.com
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Heal	Individual	Oppose	No

Comments: I would like to strongly oppose this bill. It is far too overreaching and vague in it's scope. This will allow people's rights to be forcefully surrendered with no due process of law. Firearms would be confiscated at the mere arbitrary disqualification. There has been many instances this past year of many many people wrongfully disqualified for firearms permits because of a 'misunderstanding' between Kaiser healthcare and HPD. Every one of these people would have to be forced to surrender all firearms and stripped of their rights to self protection. This is unacceptable. The problem of MENTAL HEALTH needs to be addressed, NOT firearms ownership. Legislators, please work on that issue. Not 2nd Amendment RIGHTS. Thank you.

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 9:26 PM
To: WLA Testimony
Cc: heaviescc@gmail.com
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Heal	Individual	Oppose	No

Comments: This will do nothing to save endangered animals, but WILL hurt small business owners dealing in LEGAL ivory. I oppose this bill. Thank you

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 9:53 PM
To: WLA Testimony
Cc: ndavlantes@aol.com
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/9/2016
Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	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 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 SB 2647 will protect all of them.

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 10:09 PM
To: WLA Testimony
Cc: matt.htfa@gmail.com
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Ross	Individual	Oppose	Yes

Comments: Please do not pass this bill. While the goal of reducing trade in endangered species (such as elephants) is admirable, this bill also prohibits the sale of commonly traded items from animals that are not endangered. Shark teeth, as an example, are widely used in jewelry and Hawaiian crafts. Moreover, the woolly mammoth, being already extinct, is clearly not at risk of poaching. This bill would criminalize the activities of hundreds of people within the state, for very little benefit. Please do not pass it.

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 10:12 PM
To: WLA Testimony
Cc: powerten@aol.com
Subject: *Submitted testimony for SB2647 on Feb 10, 2016 15:20PM*

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
John W. Roberts	Individual	Oppose	No

Comments:

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gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 10:18 PM
To: WLA Testimony
Cc: macsak@gmail.com
Subject: *Submitted testimony for SB2647 on Feb 10, 2016 15:20PM*

SB2647

Submitted on: 2/9/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Oppose	No

Comments:

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Hawaii State Legislature
State Senate
Committee on Water, Land and Agriculture
Committee on Judiciary and Labor

State Senator Mike Gabbard, Chair
State Senator Clarence K. Nishihara, Vice Chair
Committee on Water, Land and Agriculture

State Senator Gilbert S. C. Keith-Agaran, Chair
State Senator Maile S. L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor

Wednesday, February 10, 2016, 3:20 p.m. Room 224
Senate Bill 2647 Relating to Natural Resources

Honorable Chairs Dr. Mike Gabbard and Gilbert S. C. Keith-Agaran, Vice Chairs Clarence K. Nishihara and Maile S. L. Shimabukuro, and members of the Senate Committee on Water, Land and Agriculture and the Senate Committee on Judiciary and Labor,

My name is Russel Yamashita and appreciate the opportunity to testify in opposition to SB 2647 Relating to Natural Resources. As well intentioned as the purpose of this legislation may be, the remedy sought by this bill is draconian, heavy handed and ill conceived. Not only does this legislation in reality does nothing to stop the slaughter of wildlife in Africa, it is culturally repulsive and insensitive to the people of Hawaii whose families have works of art that have or contain ivory.

Speaking as an American of Japanese Ancestry, my family and many of our friends own Japanese art pieces called Netsuke. Many of these sculptures are hundreds of years old and are valued culturally as part of our Japanese heritage. The Netsuke was originated in the 17th century to be attached to pouches which served as pockets on kimono. Collectors of Netsuke value not the ivory content of the piece, but rather the artistic skill and craftsmanship which each piece represents.

Even the Honolulu Academy of Arts maintains a small collection of Netsuke as part of its Asian art collection. The International Netsuke Society lists 217 museums worldwide that have Netsuke collections, which include 82 museums in the United States. In fact, the Society on its homepage has a statement which states:

“The International Netsuke Society is vehemently opposed to the poaching of elephant ivory, rhinoceros horn and any other material taken from endangered species. Opposes trafficking, trade or commerce of illegal ivory, horn or any other illegal material. Supports and complies with all international laws and regulations, including but not limited to the Convention on International Trade in Endangered Species (CITES), the Endangered Species Act, and the African Elephant Conservation Act.”

This legislation renders worthless any family heirlooms and collections and would be the equivalent to ban the sale of any type of artwork. What action can the Hawaii resident look forward to the next time, banning the artistic works of another culture because of their promotion of terrorism? Maybe the Doris Duke Foundation for Islamic Arts should be the next target of this legislature. It is a slippery slope when laws banning things start popping up in a state that suppose to be the "melting pot of the pacific". Are we to be seen as the legal venue for the artistic version of the Scopes Trial?

Additionally, this legislation probably is in violation of the Fifth Amendment by taking property without just compensation. Normally, this came up in situations of government condemnation cases for public purposes, but has be expanded in recent situations where government actions have diminished property values. In this case, the legislature's action will render any Netsuke artwork worthless.

In conclusion, the advocates of this legislation cannot point to any actual effect of this bill will have to save even one elephant or rhinoceros. Ill conceived and culturally insensitive legislation of this type are best left to more homogenous jurisdictions. I respectfully request that this legislation be killed by your committees.

gabbard2 - Donna

From: j.fugl@jubii.dk
Sent: Wednesday, February 10, 2016 6:26 AM
To: WLA Testimony
Subject: Reg. Case: Sb2647

Dear Sirs/Madams,

Regarding the VIOLENCE of Elephants.

I **SUPPORT STOPPING** the violence of Elephants,

so please register my voice / name of above

case number: Sb2647 - THANKS IN ADVANCE !

Regards

Jeanette Fugl

Arnold Nielsens BV 22, st. tv.

DK-2650 Hvidovre

DENMARK

gabbard2 - Donna

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2016 10:17 AM
To: WLA Testimony
Cc: palmtree7@earthlink.net
Subject: Submitted testimony for SB2647 on Feb 10, 2016 15:20PM

SB2647

Submitted on: 2/10/2016

Testimony for WLA/JDL on Feb 10, 2016 15:20PM in Conference Room 224

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

Comments: Aloha, If not one buys, no one sells. It's past time to stop the flow of endangered species and their parts where it's our kuleana to do so. 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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SB2647

Committee WLA/ JDL

TESTIMONY SB2647

OPPOSED

Room 224

February 10, 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. Shark teeth has been used for weapons and adornment for centuries.

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. Ray skin has been used for centuries in the making of sword, knives and other objects.

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 were 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 it's 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
Honolulu, HI 96813
808-735-2301

Late

Date: February 9, 2016

To: Chair Mike Gabbard and Members of the Committee on Water, Land and Agriculture

Chair Gilbert Keith-Agaran and Members of the Committee on Judiciary and Labor

From: Dean Otsuki

Individual testimony for hearing of SB 2647
on Wednesday 10th February, 2016 at 3:20pm, room 224

Position: Support

Aloha Chair Gabbard, Chair Keith-Agaran and Members of the Water, Land and Agriculture Committee and Judiciary and Labor Committee,

I support SB 2647 that prohibits the sale, offer to sell, purchase, trade, or barter of any part or product from various animal and marine species. 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. 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. 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.

Please pass SB 2647.

Thank you,



Dean Otsuki

Late

DATE: 9th February, 2016

TO: Chair Mike Gabbard and Members of the Committee on Water, Land and Agriculture

Chair Gilbert Keith-Agaran and Members of the Committee on Judiciary and Labour

FROM: Suzanne Frazer, individual

RE: **TESTIMONY IN SUPPORT OF SB2647**
Prohibits the sale, offer to sell, purchase, trade, or barter of any part or product from various animal and marine species.

Committee meeting on Wednesday 10th February at 3:20PM in room 224.

Aloha Chair Gabbard, Chair Keith-Agaran and Committee Members,


I strongly support SB2647 because animals such as elephants need protecting from poachers and prohibiting the sale of ivory will help save these animals. If there is no money to be made because there is no market the killing will stop.

Other reasons to pass this bill:

- 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 SB 2647 will protect all of them.

Many animals are endangered due to humans. This bill will help protect them. Please pass this bill to save elephants and other endangered species.

Thank you,


Suzanne Frazer.

gabbard2 - Donna

From: patti weston <save.all.rhinos@gmail.com>
Sent: Wednesday, February 10, 2016 3:26 PM
To: WLA Testimony
Subject: SB2647 Wildlife Trafficking

My name is Patty Weston, and I'm an Animal Rights Advocate and a resident of Louisiana.

I have seen for the past few years the horror of wildlife trafficking and I'm dismayed at the selfishness of humans in my own homeland. I have worked diligently to fight for the survival of elephants, rhinos, lions, orangutans and many others whom I believe are of great value to our very own existence. If we don't stand up for these incredibly important species, we will all suffer. I choose to not be a contributor of their demise. I'm asking you to do the same.

The monetary worth of ivory and rhino horn are a fiction that is resulting in the loss of precious lives; human and non human. Their lives are worth so much more than what the value of tusk and horn could ever be as ornaments and fake medicine. It's time to consider the ramifications of how this will effect the future generations, when we, and generations before us have had the privilege of enjoying these natural wonders of the wild. Furthermore, what would it say about the people who have the power to embrace these creatures as a beauty to behold who deserve to live their lives in peace; not that which are considered as nothing more than a commodity. It is more important to teach our children kindness and respect towards animals by passing this bill.

Please support the SB2647 bill on February 10. I'm asking that all legislators support this bill with "no amendments".

Thank you for your time.

Patty Weston