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SUZANNE D. CASE
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**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
WATER AND LAND
and
JUDICIARY AND LABOR**

**Monday, February 6, 2017
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 989
RELATING TO DEPARTMENT OF LAND AND NATURAL RESOURCES
VIOLATIONS**

Senate Bill 989 proposes to: (1) amend fines for destroying or harvesting trees on state forest reserve lands to an amount up to \$10,000 or three times the market value at the time and place of the violation of each tree including koa, whichever is greater, in addition to any administrative fines and costs associated with restoration or replacement of the habitat and damages to public land or natural resources, or any combination thereof; (2) 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 (3) repeal the general penalty provision of Chapter 183, HRS. **The Department of Land and Natural Resources (Department) strongly supports this Administration bill.**

The Department proposes to amend Subsection 183-5(c), HRS, regarding general administrative penalties for violation of Section 183-17, HRS, to update the fines for destroying or harvesting trees or plants on state forest reserve lands. The existing, authorized fines under the statute are dated and do not equal or are, in some cases, less than the market value of the natural resource. Thus, the current fines are not an effective deterrent to theft or destruction of the public's resources.

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.

Thank you for the opportunity to provide comments.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 8:43 PM
To: WTL Testimony
Cc: jamesjtz@aol.com
Subject: *Submitted testimony for SB989 on Feb 6, 2017 14:45PM*

SB989

Submitted on: 2/2/2017

Testimony for WTL/JDL on Feb 6, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments:

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