

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
JUDICIARY
and
WAYS AND MEANS**

**Tuesday, April 6, 2021
9:55 AM**

State Capitol, Via Videoconference, Conference Room 211

**In consideration of
HOUSE BILL 1009, HOUSE DRAFT 1
RELATING TO CERTAIN PENALTIES FOR VIOLATION OF
SUBTITLE 4 OF TITLE 12, HAWAII REVISED STATUTES**

House Bill 1009, House Draft 1 proposes to: (1) Increase fines for destroying or harvesting trees or tree products, including koa, on state forest reserve lands to an amount up to \$10,000 or three times the market value for each tree at the time of the violation, in addition to any costs associated with restoration or replacement of the habitat and damages to public land or natural resources; (2) Clarify penalties for traffic infractions within forest reserves and set fine amounts; (3) Establish that any person violating any provision of PART II (Forest Reserves) of Chapter 183, Hawaii Revised Statutes (HRS), or any rule adopted thereto, other than Section 183-17, HRS, shall be guilty of a petty misdemeanor; and (4) Repeal the general penalty provision of Section 183-4, HRS. **The Department of Land and Natural Resources (Department) strongly supports this Administration measure.**

The Department proposes to amend several sections of Chapter 183, HRS. The proposed revisions will address outdated fine amounts, improve enforcement ability, and streamline penalties throughout the chapter. Below is a summary of the bill amendments and what they would mean for the management and protection of the forest reserve system.

- 1) Updates administrative fines for theft of forest products to be more closely aligned with current market value for those products. The fine amounts were last updated in 2006 and since then the market value for high-value forest products have substantially increased, including for koa and 'iliahi. The current administrative fine amounts are so far below the

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

value of the product, the fine is not a deterrent to theft of the trees. Although detected thefts are rare, forest and wildlife thefts are increasing worldwide for rare products such as sandalwood, and the actions often cause substantial damage to surrounding areas. The proposed revision would allow the Board of Land and Natural Resources to assess the current market value of the product and damage to resources when determining fine amounts.

- 2) The bill proposes to streamline minor offenses including traffic violations and makes it consistent with other land areas managed by the Department (e.g. State Parks).
- 3) Authorizes the issuance of criminal penalties for violations in the forest reserve system. Presently, the Department only has authority to issue criminal penalties for timber theft, limiting our ability to enforce administrative rule violations, and provide for public safety. This proposal would strengthen the Department's enforcement capabilities for the protection of Hawaii's natural resources.
- 4) Cleans up and clarifies duplicative language within the chapter regarding general and civil penalties.

Thank you for the opportunity to comment on this measure.