

SB-1176

Submitted on: 2/11/2021 11:31:49 AM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Case	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.

SB-1176

Submitted on: 2/11/2021 11:30:18 AM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert K. Masuda	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access.

SB-1176

Submitted on: 2/11/2021 11:28:55 AM

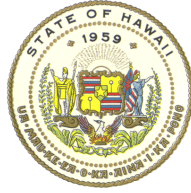
Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Garrod	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.

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 Committee on
WATER & LAND**

**Friday, February 12, 2021
1:00 PM**

State Capitol, Via Videoconference, Conference Room 229

**In consideration of
SENATE BILL 1176
RELATING TO FUNDING TO THE TAKING OF NATURAL RESOURCES**

Senate Bill 1176 proposes to clarify that any officer of the Department of Land and Natural Resources (Department) upon whom the Board of Land and Natural Resources (Board) has conferred police powers may, in the performance of their primary duties, inspect certain items for compliance with Title 12, Hawaii Revised Statutes (HRS), and any rule adopted thereunder, relating to the protection and conservation of natural resources. This bill also establishes penalties for refusal to comply with inspection requests made by any police officer or agent of the Department upon whom the Board has conferred police powers. **The Department strongly supports this Administration measure.**

The underlying basis of this bill is to protect Hawaii's perishable and limited natural resources. This bill enables the Department's Conservation and Resources Enforcement Officers to conduct inspections to ensure compliance with laws and rules, and allow for the speedy return of resources found to be in violation to their natural habitat so that they can be conserved.

The Department has further collaborated with Department of the Attorney General on a potential Senate Draft 1, below, to narrow the language and clarify as follows:

- The proposed inspection authority would only be used in a civil enforcement context, manner and scope. As such, criminal prosecution and criminal penalties would not be applicable under this authority. Note: Under separate existing basis, if an agent or officer has probable cause, as provided by law, to believe that a bag, container, vehicle, or conveyance contains evidence of a violation of Subtitle 5 of Title 12, HRS, or any rule

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

adopted thereunder, examinations and searches may proceed under Section 187A-15, HRS, or any other applicable authority.

- The scope of this administrative inspection authority would be narrowed only to hunting and fishing activities, where fishing includes the take of any aquatic resource currently regulated by law. The original language provided for broad application of natural resources take.
- The administrative inspection authority would be limited to its actual use by the Department's Conservation and Resources Enforcement Officers. The original language included use by other police officers in Hawaii.
- Refusal to exhibit items subject to administrative inspection would only result in a civil penalty. The original language provided a criminal penalty.

The Department recognizes the importance of ensuring the administrative inspection authority this bill provides is used in a manner that is legally compliant and proper, and respectful of individual privacy and Native Hawaiian gathering rights. The Department will not tolerate misuse or abuse of the administrative inspection authority that would be provided by this bill. In recognizing the need to ensure high public confidence, the Department of the Attorney General has extended, and the Department has accepted, an offer to train Conservation and Resources Enforcement Officers on the proper application of the provisions of the potential Senate Draft 1 should it become law.

Thank you for the opportunity to comment on this measure.

SECTION 1. The legislature finds that the State of Hawaii has shown a substantial interest in regulating the extraction of its natural resources under the Hawaii Constitution and from its general statutory and administrative regulatory scheme in order to conserve, protect, and even propagate public natural resources, including their development and use, for the benefit of the people and future generations. In particular, many laws and administrative rules are in place for the purpose of regulating the extraction of natural resources associated with hunting and fishing, establishing the taking of such resources as highly regulated activities, including commercial and sport harvesting, and the subsequent use or trade and distribution of wildlife and aquatic resources and products.

The legislature also finds that the regulatory regime includes such aspects as licensing and permitting; bag, size, gender, seasonal, and species limitations for wildlife and fisheries; gear restrictions and limits on method of harvest; recognition of traditional practices related to the use of cultural resources; prohibition on the introduction of potentially competitive, harmful, noxious, or predatory non-native species; educational and scientific study permitting; establishment of protected areas, wildlife sanctuaries, game management areas, and limited entry areas (including freshwater reservoirs, game and fisheries management areas, and even

privately owned lands subject to agreement as a state game management area); that the regulatory scheme for natural resources associated with hunting and fishing in Hawaii is both extensive and pervasive, and an often overlapping of regimes. As a result, in light of the number and nature of regulations that apply and the procedures needed to enforce such regulations, the legislature finds that persons having voluntarily acquiesced to the regulatory environment in order to participate in natural resource extractive activities, especially for commercial uses of economically important species, have a reduced expectation of privacy under the Fourth Amendment of the U.S. Constitution, particularly while engaged in such activities and while present in the immediate area near where the activity took place.

These regulations, whether addressing extractive or even non-extractive activities, cannot be effectively enforced without a proper inspection authority as a check and balance against unfettered harvesting, particularly for the often solitary, distant, or far-flung pursuits of local and visitor participants in fishing or hunting given the expansive milieu of Hawaii's ocean surface, submerged areas, coastlines, forests, and valley terrain, and the limited enforcement personnel available to police such areas. The geographical complexity of the island natural environment is overlaid by the multitude of

recreational, sport, aesthetic, political, cultural, religious, and otherwise non-extractive pursuits of persons in the same areas as hunters and fishers.

Current Hawaii law gives the department of land and natural resources division of conservation and resources enforcement officers express statutory authority: (1) to inspect upon demand a required hunting license (section 183D-25, Hawaii Revised Statutes); (2) for those persons with a hunting license, to inspect a person's game bag, container, hunting coat or jacket, carrier, or vehicle that may conceal game (section 183D-25); or upon probable cause, to inspect upon demand the contents of any bag, container, vehicle, or conveyance used to carry aquatic life (section 187A-15, Hawaii Revised Statutes); and (3) to search and seize diverse things such as, "any equipment, article, instrument, aircraft, vehicle, vessel, business records, or [a] natural resource used or taken in violation of ... title 12, or any rules adopted thereunder", but only if there is probable cause to believe that a violation of a rule or statute has occurred (section 199-7, Hawaii Revised Statutes). The probable cause requirement makes effective enforcement unlikely, as officers are rarely able to meet this standard without having personally observed the hunter or fisher actually taking proscribed wildlife or aquatic life, or by illegal method. For example, a fisher could have a cooler of undersized fishes, but

even if at a distance the officer observed the take of an undersized fish or fishes, the officer would likely lack probable cause to inspect the contents of the cooler, and these violations would go undetected. Specialized training is necessary to identify regulated species from those that are not subject to regulation, and the difficulty of being able to discern subtle differences in length, sex, color, or other marks or measures from a distance or under less than suitable lighting conditions decreases the likelihood.

This Act would allow division of conservation and resources enforcement officers, upon reasonable belief that a person is or was recently engaged in hunting or fishing, to briefly detain that person as necessary, to review any relevant licenses, permits or related documents to allow conduct of the activity, and to inspect the wildlife or aquatic life in that person's possession.

Instead of an officer spending long enforcement activity hours observing a single hunter or fisher as a predicate to establishing probable cause for an inspection, this Act would enable the officer to inspect the bag or catch of dozens of hunters or fishers, protecting an entire coastline or valley.

The legislature also finds that the limited inspections authorized by this Act include the purpose of recovering illicitly obtained wildlife and aquatic life and either

returning them to the natural environment before they expire, if feasible, or recovering them for any economic value if not.

Being able to conduct inspections with greater immediacy than Hawaii's law currently allows increases the chance the natural resource could survive a return to the wild.

SECTION 2. Chapter 199, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§199- Inspection; exhibit upon demand; penalty.

(a) Section 199-7 notwithstanding, any conservation and resources enforcement officer of the department of land and natural resources upon whom the board of land and natural resources has conferred police powers may, in the performance of the officer's official duties, stop and temporarily detain any person whom the officer reasonably believes is, or recently has been, engaged in hunting or fishing. During this brief detention, the officer, upon lawful demand shall be permitted to inspect any license, permit, stamp, tag, or other documentation required for hunting or the taking of aquatic resources, as well as any game or aquatic life in the person's possession, including the contents of any receptacle or container of any kind that could reasonably be used to carry the regulated game or aquatic life, and any equipment, article, or device capable of taking the game or aquatic life, while reasonably proximate

to the respective hunting or fishing area, to determine whether the person is in compliance with any provision of title 12 and any rules adopted thereunder regulating hunting or the taking of aquatic life, and conservation of wildlife or aquatic resources. Unless otherwise allowable under section 183D-25, upon probable cause, or incident to arrest, the officer shall not inspect the clothing upon the person who is subject to a natural resource inspection related to hunting or fishing, nor shall the officer inspect the contents of any receptacle or container that could not reasonably be used to carry game or aquatic life. For purposes of this section, "fishing" shall refer to the take of any regulated "aquatic life" as defined in section 187A-1, and references to "game", or "wildlife", shall include any animal parts thereof.

(b) Any inspection shall be conducted:

- (1) Within a reasonable distance from the environment from which the fishing or hunting took place; and
- (2) Shall not include mobile inspection unless upon
 - (A) Probable cause; or
 - (B) Failure to heed a demand to stop and submit to an administrative inspection for title 12 resources or for capture equipment used in hunting wildlife or in the taking of aquatic resources;

by any person authorized by the department of land and natural resources to enforce title 12, and any rule adopted thereunder, relating to the protection and conservation of natural resources.

(c) For violations of this section, the administrative fines shall be as follows:

- (1) For a first violation, a fine of not more than \$1,000;
- (2) For a second violation within five years of a previous violation, a fine of not more than \$2,000; and
- (3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$3,000."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

Report Title:

Natural Resources; Inspection; Penalties

Description:

Clarifies that any officer of the Department of Land and Natural Resources (Department) upon whom the Board of Land and Natural Resources (Board) has conferred police powers may, in the performance of their duties, inspect certain items for compliance with title 12, Hawaii Revised Statutes, and any rule adopted thereunder, relating to the protection and conservation of wildlife or aquatic resources as related to hunting and fishing, respectively.

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



SB1176
RELATING TO THE TAKING OF NATURAL REOSURCES
Ke Kōmike ‘Aha Kenekoa o ka Wai a me ka ‘Āina

Pepeluali 12, 2021

1:00 p.m.

Lumi 229

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB1176, which seeks to facilitate the enforcement of laws regulating the taking of natural and cultural resources.

OHA appreciates the intent of this measure, to reduce barriers that may inhibit conservation and resources enforcement officers from ensuring compliance with laws protecting our natural and cultural resources and sites. OHA also notes that other jurisdictions have implemented various warrantless inspection and search mechanisms for resource enforcement purposes, in recognition of their significant interest in protecting their respective natural resources. OHA itself has previously supported narrower, non-criminal administrative inspection proposals, based on the concerns raised by rural Native Hawaiian communities regarding the state’s lack of capacity to address illegal fishing activities, and thereby protect their ability to perpetuate their traditional and customary and subsistence gathering practices.

However, OHA does have concerns regarding the breadth of this measure, which would allow for warrantless searches of any individual in any area suspected of having any natural resources in their possession, including resources gathered in the exercise of Native Hawaiian traditional and customary practices. Such authority may have an inadvertent but substantial chilling effect on Native Hawaiian cultural practitioners who may feel intimidated by the potential for an unexpected intrusion of privacy by law enforcement, any time they seek to gather resources or visit cultural sites in the course of conducting their constitutionally protected practices. The breadth of the proposed inspection authority may also raise constitutional challenges that would otherwise undermine the intent and effect of this measure.

To minimize the chilling potential of this measure and to mitigate any potential constitutional issues, OHA respectfully recommends amending SB1176 to 1) expressly recognize the rights of Native Hawaiian traditional and customary practitioners in statute; 2) limit the proposed inspection authority to discrete, specific, and highly-regulated areas, such as community based subsistence fishing areas and natural area reserves; 3) limit the liability for violations arising out of evidence gathered from warrantless inspections to civil liability, rather than criminal liability, by:

Amending the language on page 1, line 9, to read as follows:

"stop and temporarily detain any person within or within 50 yards of the boundaries of any designated natural area reserve, wildlife sanctuary, public hunting area, fishery management area, public fishing area, marine life conservation district, community-based subsistence fishery management area, or fish replenishment area or any other area designated under chapter 188F or rules adopted thereunder, whom the officer or agent"

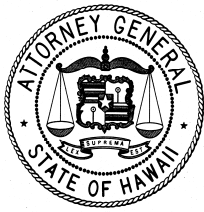
Amending the language on page 2, line 15, to read as follows:

"(c) Any person not engaged in an activity protected by Article XII, Section 7, HRS 1-1, HRS 7-1, or any other law, rule, or court opinion which protects the proper and lawful exercise of traditional and customary Native Hawaiian rights for subsistence, religious, and cultural purposes, who violates subsection (b) shall be subject to a petty misdemeanor and, in addition to any other penalties, shall be"

And adding the following subsection after page 2, line 20, to read as follows:

"(d) Any item, article, natural resource, or other evidence, when obtained through an administrative inspection pursuant to subsection (a) that occurs without probable cause of a violation of law, may be used to pursue any and all authorized civil penalties and administrative penalties authorized by law."

Mahalo nui for the opportunity to testify on this measure.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 1176, RELATING TO THE TAKING OF NATURAL RESOURCES.

BEFORE THE:

SENATE COMMITTEE ON WATER AND LAND

DATE: Friday, February 12, 2021 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Colin J. Lau,
Deputy Attorney General, at 587-2991)

Chair Inouye and Members of the Committee:

The Department of the Attorney General (Department) has concerns regarding this bill and offers the following comments.

The purpose of the bill is to establish the authority for administrative inspections by any police or conservation and resources enforcement officer upon less than probable cause to balance the unchecked extraction of wildlife and aquatic resources.

Our state currently has a statutory and regulatory scheme that requires: (1) any license or permit required for the take of aquatic resources or wildlife to be shown on demand to an enforcement officer (section 13-74-2, Hawaii Administrative Rules, section 183D-25, Hawaii Revised Statutes (HRS), respectively), (2) any regulated catch or wildlife taken to be shown (sections 187A-15 and 183D-25, HRS), but (3) requires any equipment or natural resources to be submitted for inspection upon probable cause that a violation of the rule or statute has occurred (section 199-7, HRS).

The Department has concerns about the lack of limits to the search scheme in the bill. The Department discussed the current draft of this bill with the Department of Land and Natural Resources (DLNR), and we are working closely with DLNR on an S.D. 1 that will address those concerns.

Thank you for the opportunity to provide comments.

**Testimony of The Nature Conservancy
In Support of SB 1176, Relating to the Taking of Natural Resources**

**Committee on Water and Land
Friday, February 12, 2021, 1:00 PM
Conference Room 229, Via Teleconference**

The Nature Conservancy of Hawai'i is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 40,000 acres in 13 nature preserves and work in over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands. We forge partnerships with government, private parties, and communities to protect forests and coral reefs for their ecological values and for the many benefits they provide to people.

The Nature Conservancy supports SB 1176 establishing inspection and enforcement powers for the State Department of Land & Natural Resources, Division of Conservation and Resources Enforcement.

Hawai'i's environment is the engine that drives our economy and a natural, recreational, and cultural treasure that supports our island lifestyle and livelihoods. At the same time, our native forests and nearshore reefs and fisheries are threatened by local stresses from overharvest, sedimentation, and invasive species, as well as impacts from global climate change, including increasing storms, sea levels, and temperatures.

The State Department of Land & Natural Resources (DLNR) is charged with protecting our natural environment, with the Division of Conservation and Resources Enforcement (DOCARE) enforcing our natural resource protection laws. However, DOCARE officers currently cannot conduct an inspection of anyone taking natural resources unless they have probable cause of a violation or consent. This is an unreasonably high bar when our limited number of officers are working to protect our natural resources from mauka to makai. Other States have and use the same inspection authority included in SB 1176 to help enforce laws that protect natural resources and deter poaching. For example, in California, wildlife officers are authorized to conduct compliance inspections that would likely require warrants or probable cause in other contexts. Some of these include:

- Authorization to inspect boats, buildings other than dwellings, and containers that may contain fish or wildlife (Fish and Game Code, section 1006)
- Authorization to “enter and examine any...place of business where fish or other fishery products are packed, preserved, manufactured, bought or sold, or to board any fishing boat...or vehicle or receptacle containing fish...and may examine any books and records containing any account of fish caught, bought, canned, packed, stored or sold.” (Fish and Game Code, section 7702)

Hawai'i's existing law limits DLNR's ability to protect our natural environment from poaching and other resource law violations. Natural resource users have long called for more enforcement of natural resource violations. SB 1176 is an important step toward achieving compliance with and enforcement of Hawai'i's natural resource protection laws.

Mahalo for the opportunity to testify in support of SB 1176.

BOARD OF TRUSTEES

Duke E. Ah Moo Paul D. Alston (Chair) Kris Billeter Dr. C. Tana Burkert Anne S. Carter Richard A. Cooke III Ka'iulani de Silva
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Founders: Samuel A. Cooke Herbert C. Cornuelle



Testimony Before The
Senate Committee on Water and Land
IN SUPPORT OF SB 1176
Friday, February 12, 2021, 1:00PM, Room 229

My name is Kevin Chang and I am the Co-Director of Kua'āina Ulu 'Auamo (or KUA). KUA works to empower grassroots rural and Native Hawaiian mālama 'āina groups -fishers, farmers, families- to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being.

KUA employs a community-driven approach that currently supports a network of more than 31 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko l'a, and a growing hui of Limu practitioners all from across our state.

KUA and the E Alu Pū network were founded by rural Native Hawaiian fishing community efforts concerned with a balanced use of their fisheries based on traditional subsistence resource management, values, and ethics more sensitive to the needs of their wahi (their places). Quite often fishery issues communities work to advance require that an often under resourced and remotely located DOCARE at least have the enforcement capacity this law will help to support.

KUA generally supports SB 1176. This bill addresses a lingering issue of concern in the fishing community for some time. It clarifies that police and natural resource enforcement officers have the inspection powers needed to ensure compliance with laws that restrict the improper taking of natural resources. Other states have utilized the same inspection authority to manage and protect natural resources and deterred violations and abuses of the law to great effect. This would also further solidify the ability of our relatively new environmental courts to better ensure justice and adjudicate violations which under current circumstances go unenforced.

Without this power the law as it is leaves Hawaii's precious and valuable natural resources subject to merely voluntary compliance.

Please pass this bill out of your committee and mahalo for this opportunity to testify.

Aloha 'Āina Momona.

SB-1176

Submitted on: 2/9/2021 3:25:54 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Fernley	Testifying for Coral Fish Hawaii	Oppose	No

Comments:

If "probable cause" replaces "reasonably believes", I would support the bill.

Using "Reasonably Believes" can be a slippery slope in which the innocent can be unfairly targeted.

SB-1176

Submitted on: 2/9/2021 6:13:55 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L Nakama	Testifying for BIFA	Oppose	No

Comments:

Teresa L. Nakama strongly opposes this bill which violates our 4th Amendment Rights as follows:

Fourth Amendment reads:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Please oppose this bill

Mahalo,

Teresa L. Nakama

BIFA

SB-1176

Submitted on: 2/9/2021 9:30:21 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Presley Wann	Testifying for Hui Maka'ainana O Makana	Comments	No

Comments:

Aloha Kakou,

We, the fishermen of the first Community Based Fishing Area in Ha'ena, Kaua'i are in support of

SB1176 especially if there is probable cause to inspect a person's fishing property. We would rather educate people who break rules then use enforcement lastly. We support the decisions of our DLNR/ DOCARE officers to do their jobs better.

Mahalo for this opportunity to express my mana'o,

Presley Wann of Ha'ena and Wailua

SB-1176

Submitted on: 2/9/2021 2:22:03 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Yagodich	Individual	Support	No

Comments:

SB1176 would help DOCARE enforce rules more effectively, therefor, I support this bill.

SB-1176

Submitted on: 2/9/2021 2:22:33 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christy Hill	Individual	Support	No

Comments:

I support SB1176 because this will aid DOCARE in enforcement.

SB-1176

Submitted on: 2/10/2021 2:27:14 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryce Groark	Individual	Support	No

Comments:

RE: SB 1176, Relating to the Taking of Natural Resources

Aloha Chair Inouye, Vice-Chair Keith-Agaran, and members of the Committee,

Thank you for the opportunity to submit testimony in support of Senate Bill 1176.

This bill establishes important inspection and enforcement powers for the state Department of Land & Natural Resources (DLNR).

Our state depends on healthy marine and terrestrial ecosystems; they're what feed us, protect our shorelines, support our cultural practices, and maintain our billion-dollar visitor and recreation industry. Under current laws and procedure, officers of the Department's Division of Conservation and Resources Enforcement (DOCARE) may not perform an inspection of a person engaged in taking natural resources unless they have probable cause of a violation or consent. This is an unreasonably high bar when our limited number of officers are working to protect the resources that belong to all of us and to future generations. Other states have and use the same type of inspection authority to help enforce laws to manage and protect natural resources and deter poaching.

Existing law leaves Hawaii's precious and valuable natural resources subject to merely voluntary compliance. The state's fishers, hunters, hikers, divers, and other natural resource users have long called for more enforcement of natural resources regulations. The inspection and enforcement authority reflected in this bill are important steps toward achieving compliance with Hawaii law.

Thank you for the opportunity to testify on SB 1176.
Sincerely,
Bryce Groark

SB-1176

Submitted on: 2/10/2021 9:18:41 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Blickley	Individual	Support	No

Comments:

Please support this bill. Without inspection and enforcement powers, Hawaii's natural resources are left exposed to voluntary compliance with environmental laws.

SB-1176

Submitted on: 2/9/2021 2:41:52 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gary P. Beals	Individual	Oppose	No

Comments:

I most strongly oppose this bill.

SB-1176

Submitted on: 2/9/2021 3:57:04 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William K. Chang	Individual	Oppose	No

Comments:

I oppose this bill because it violates my 4th amendment rights.

SB-1176

Submitted on: 2/9/2021 2:00:53 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Clay Tam	Individual	Oppose	No

Comments:

To the presiding committee,

I strongly oppose bill SB1176 because it will infringe on my constitutional rights. Witout holding accountable enforcement of such rules.

Fourth Amendment reads:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Thank you for your time and concern in this matter.

Clay Tam

Taxpayer, Voter, Resource User

SB-1176

Submitted on: 2/9/2021 7:12:14 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon	Individual	Oppose	No

Comments:

Strongly oppose. This goes against our constitution 4th amendment rights no unreasonable search and seizure.

SB-1176

Submitted on: 2/9/2021 8:00:38 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Courtland Pang	Individual	Oppose	No

Comments:

I strongly OPPOSE SB1176 because it would violate constitutional rights by lowering the Fourth Amendment standard requiring "probable cause" for searches and seizures to an officer's undefined "reasonably believes".

SB-1176

Submitted on: 2/10/2021 8:52:23 AM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cedric Bertelmann	Individual	Oppose	No

Comments:

SB1176 violates our 4th ammendment rights. There must be probable cause to enact a search, not just reasonable belief. I feel that this bill will take away my rights as a citizen of the United States, and empowers another to harass, unlawfully search, and detain persons without Probable Cause. To threaten an individual with a fine, because of refusal to comply with an illegal search, is defying our American rights. No one has the power to force someone to do something because they feel like it. Laws are put into place to protect people and you have no right to take that away. I believe in protecting our resources, but there is a legal way of going about doing so. Not even HPD has that kind of power, to fine someone who is evolving their legal right. This bill needs to be reworded. There is no legality to this proposal.

Mahalo,

Cedric Bertelmann

SB-1176

Submitted on: 2/10/2021 4:11:54 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Dellinger	Individual	Oppose	No

Comments:

Recommend revisiting our Fourth Amendment rights against unreasonable search and seizure, as we live in the United States of America, not a dictatorship.