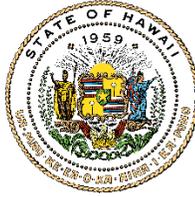


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
JUDICIARY & HAWAIIAN AFFAIRS

Thursday, March 27, 2025  
2:00 PM

State Capitol, Conference Room 325 and Via Videoconference

In consideration of  
SENATE BILL 849, SENATE DRAFT 1, HOUSE DRAFT 1  
RELATING TO WILDLIFE CONSERVATION

Senate Bill 849, Senate Draft 1, House Draft 1 proposes increasing penalties and fees for taking and killing indigenous species of aquatic life, wildlife, and land plants native to the state. It designates penalties for the taking, harming, or killing of an 'io. **The Department of Land and Natural Resources (Department) supports this measure.**

'Io are listed as endangered birds under Exhibit 2 of Chapter 13-124, Hawai'i Administrative Rules. Therefore, intentional taking, harming, or killing of an 'io is prohibited and subject to penalties outlined in HRS §195D-9. SD1 of this bill would provide added protection of 'io if the Department determines it is warranted to remove 'io from the endangered birds list. On February 3, 2020, 'io were delisted under the federal Endangered Species Act of 1973 but receive federal protection from intentional take under the Migratory Bird Treaty Act. It should be noted that if the Department determines it is warranted to remove 'io from the endangered bird list, this bill protects 'io from intentional take, but project operators would not be required to avoid, minimize, and mitigate take of 'io if take occurs incidentally because of the regular operation of a project.

As described in this bill, the penalty for violating terms of Chapter 195D, Hawai'i Revised Statutes, would be increased from a misdemeanor for all offenses to a Class C felony for a second or subsequent offenses. The bill also increases administrative fines that the Department or a court may impose and includes an option for rehabilitative community service. The Department supports this portion of the bill because we consider offenses to threatened and endangered species

severe, and we expect that higher fines would deter violations of Chapter 195D, Hawai'i Revised Statutes. The Department also supports rehabilitative community service as a remedial tool, where it is warranted to teach compassion towards Hawai'i's native species.

Mahalo for the opportunity to provide testimony in support of this measure.

**SB-849-HD-1**

Submitted on: 3/27/2025 6:53:54 AM

Testimony for JHA on 3/27/2025 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Uilani Naipo        | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I support this measure.