



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
WATER & LAND

Friday, February 5, 2016
8:30 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 2378
RELATING TO FOREST RESERVES VIOLATIONS

House Bill 2378 proposes to clarify that any person violating any provision of Part II of Chapter 183, Hawaii Revised Statutes (HRS), or any rule adopted pursuant thereto, shall be guilty of a petty misdemeanor; except for any violation of Section 183-17, HRS, that shall be a misdemeanor. This measure also proposes to repeal Section 183-4, HRS. **The Department of Land and Natural Resources (Department) supports this measure with suggested amendments.**

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 adopted pursuant to Chapter 183, HRS, that warrant the imposition of a stricter penalty.

Establishing statutory authority for a criminal penalty to apply to any violation of Part II of Chapter 183, HRS, or any rules adopted pursuant thereto, would strengthen the Department's enforcement capabilities, and allow for greater protection of the State's natural resources within its forest reserve system. 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.

Additionally, Section 183-4, HRS, authorizes general (civil) penalties for violations of the provisions of Chapters 183 to 185, HRS. The Department notes that civil penalties are already provided in Section 183-5 although the Department does not feel are strong enough and Section 184-5.5, HRS. With regard to Chapter 185, HRS - pertaining to land fire protection, which does

not include a civil penalty section, the Chapter does however provide for criminal penalties under Section 185-7, HRS. Due to the serious potential risk of harm to people, the environment, wildlife and habitat that is uniquely important in Hawaii, the Department feels that violations of Chapter 185, HRS, should carry only criminal penalties. That is, given the above, Section 183-4, HRS, has been proposed for repeal.

Further, the Department is requesting that Section 183-5(c), HRS, regarding general administrative penalties for violation of Section 183-17, HRS, that the fine for destroyed or harvested koa and other trees or plants on state lands, be amended to allow for fines to be based on the current market value of the damaged or harvested species. Currently, the statute only warrants a fine up to \$10,000 per koa tree and \$2,000 for all other forest products. This fine for koa does not truly discourage theft because the current value of koa, and other forest products such as Hawaiian sandalwood, far exceeds the dollar amount of these fines.