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GOVERNOR OF  
HAWAII



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

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**Testimony of  
SUZANNE D. CASE  
Chairperson**

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

**Wednesday, February 24, 2016  
10:00 AM  
State Capitol, Conference Room 211**

**In consideration of  
SENATE BILL 2451, SENATE DRAFT 1  
RELATING TO CHAPTER 183, HAWAII REVISED STATUTES**

Senate Bill 2451, Senate Draft 1 proposes to amend fines for destroying and harvesting koa trees and other trees and plants on state lands to an amount up to the current market value of each tree or plant; clarify that any person who violates: (1) Section 183-17, Hawaii Revised Statutes (HRS), (timber trespass in forest reserves) shall be guilty of a misdemeanor; or (2) a provision of Part II of Chapter 183, HRS, (forest reserves) or any rule adopted pursuant thereto, other than Section 183-17, HRS, shall be guilty of a petty misdemeanor; and repeal the general penalty provision of Chapter 183, HRS. **The Department of Land and Natural Resources (Department) supports this measure.**

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,

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CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEKOA KALUHIWA**  
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**JEFFREY T. PEARSON, P.E.**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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CONSERVATION AND COASTAL LANDS  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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.

The Department supports the amendment to Section 183-5(c), HRS, regarding general administrative penalties for violation of Section 183-17, HRS, that requires fines for destroyed or harvested koa and other trees or plants on state lands be based on the current market value of the damaged or harvested resources. However, a better deterrent would also include the value of the natural resource damaged and other factors, such as the loss of the natural resource to its natural habitat and environment and the cost of restoration or replacement.