

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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**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

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
WATER AND LAND**

**February 10, 2020  
1:20 PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 2188  
RELATING TO WILDLIFE OFFENSES**

Senate Bill 2188 proposes to require that all firearms, animal parts, products, or items containing prohibited animal parts or products involved in the commission of wildlife trafficking or certain hunting offenses shall be considered contraband to be forfeited to and disposed of by the State.

**The Department of Land and Natural Resources supports this measure and offers the following comments.**

Section 183D-5(b)(1), Hawaii Revised Statutes (HRS), states that a first conviction for a covered offense shall result in a mandatory fine of not less than \$200, or by imprisonment of not more than one year, or both. Including the proposed contraband and forfeiture language into Section 183D-5(b)(1), HRS, makes the penalty much more operative in the real world. When the products from, and implements used in, the commission of wildlife trafficking are seized, the criminal activity is more effectively hampered than when violators are simply fined or imprisoned. Removing trafficked products from the market and taking the firearms out of the hands of poachers is a step in the right direction towards ending wildlife trafficking.

Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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LYNN B.K. COSTALES  
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**THE HONORABLE KAIALI'I KAHELE, CHAIR  
SENATE COMMITTEE ON WATER AND LAND  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawai'i**

February 10, 2020

**RE: S.B. 2188; RELATING TO WILDLIFE OFFENSES.**

Chair Kahele, Vice-Chair Keith-Agaran and members of the Senate Committee on Water and Land, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** S.B. 2188. This bill is part of the Department's 2020 legislative package.

Prior to the passage of Act 125 (2016), Hawaii was one of the nation's largest markets for ivory and other wildlife products. Since its passage, Hawaii joined New York and California as one of the three largest ivory markets to enact statutes banning the sale of such products<sup>1</sup>. Despite these great strides, loopholes in our laws have allowed unscrupulous brick and mortar stores and online sellers to retain these products long enough to continue selling them on the black market, even after law enforcement has successfully identified and prosecuted them. The purpose of S.B. 2188 is to strengthen Hawaii's laws, by empowering law enforcement and our courts to order that these contraband items be forfeited, and decrease the amount of contraband ivory in circulation.

Currently, section §183D-5(b)(1), Hawaii Revised Statutes (Wildlife Trafficking Prohibited) does not expressly allow for the forfeiture and disposal of wildlife contraband upon a first conviction. Therefore, despite the Department's efforts to remove these illegal items from circulation, and after successfully locating and prosecuting someone for selling an illegal ivory product, our courts are left no other option but to return all additional pieces of ivory that were confiscated during the initial arrest. These returned items typically "disappear" thereafter, most likely placed back into circulation on the black market or internet, avoiding further detection or prosecution by law enforcement. S.B. 2188 creates the mechanism and tools by which our courts may forfeit those additional items before they can be returned to the stream of commerce, and stop the cycle of illegal trafficking on those items.

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<sup>1</sup> International Fund for Animal Welfare, Wildlife Conservation Society, Natural Resources Defense Council, and The Humane Society International. (2016). An Investigation of Hawaii's Online Ivory Trade at 5, *available at* [https://d1jyxxz9imt9yb.cloudfront.net/resource/101/attachment/original/Hawaii-Market-Survey\\_1\\_.pdf](https://d1jyxxz9imt9yb.cloudfront.net/resource/101/attachment/original/Hawaii-Market-Survey_1_.pdf)

For all the reasons above, the Department of the Prosecuting Attorney, City and County of Honolulu strongly supports S.B. 2188. Thank you for the opportunity to testify on this matter.

**SB-2696**

Submitted on: 2/6/2020 7:50:51 PM

Testimony for WTL on 2/10/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee	Testifying for Hawaii Youth Climate Coalition	Support	No

Comments:



February 7, 2020

Senator Kai Kahele, Chair  
Senator Gilbert Keith-Agaran, Vice Chair  
Senate Committee on Water and Land  
Senator Glenn Wakai, Chair  
Senator Brian Taniguchi, Vice Chair  
Senate Committee on Energy, Economic Development and Tourism  
Hawaii State Legislature

**Testimony in Support of SB2696**

Dear Senators Kahele, Keith-Agaran, Wakai and Taniguchi, Members of the Senate Committee on Water and Land, and Senate Committee on Energy, Economic Development and Tourism,

Thank you for the opportunity to provide testimony in support of SB2695.

The Kohala Coast Resort Association (KCRA) is in support of appropriating funds for a feasibility study for a green fees program, for the explicit purpose of closing the conservation funding gap for the Department of Land and Natural Resources.

We appreciate that this study intends to assess the myriad of fees already paid by our visitors (from the TAT and GET – to airline fees and rental car fees) and the allocations of those fees within state and county government budgets; to also looking at the impacts of residents on our natural resources, as well as exploring opportunities for residents to support preservation and natural resources protection initiatives.

KCRA is a collection of master-planned resorts and hotels situated north of the airport which represents more than 3,500 hotel and timeshare accommodations and an equal number of resort residential units. This is approximately 35 percent of the accommodations available on the Island of Hawai`i. KCRA member properties annually pay more than \$20 million in TAT, \$20 million in GET and \$11 million in property taxes.

We encourage your support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Stephanie P. Donoho". The signature is written in a cursive, flowing style.

Stephanie Donoho  
Administrative Director

**SB-2696**

Submitted on: 2/9/2020 2:00:26 AM

Testimony for WTL on 2/10/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

**SB-2696**

Submitted on: 2/9/2020 11:03:05 AM

Testimony for WTL on 2/10/2020 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan P. Armstrong	Individual	Support	No

Comments: