

TESTIMONY
HB 3176 HD1
LATE

testimony

From: JoBear55@aol.com
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Subject: Wednesday, March 12, 2008 TIME: 2:45 p.m. PLACE: Conference Room 414
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LATE TESTIMONY

Senator Clayton Hee, Chair Committee on Water and Land
Wednesday March 12, 2008
2:45 p.m., Conference Room 414 State Capitol

In Strong Support of HB 3176, HD1 Relating to Administrative Penalties for Damage to Stony Coral and Live Rock

I, Georgette Jordan am submitting testimony for the support of HB 3176, HD1. The protection of coral reef resources is of high importance. The fragile environment that exists within the coral reef holds an important balance in the ocean ecosystem and it needs to be protected. I strongly believe that increased fines should be put into place to deter reckless acts that could harm these environments. Therefore, I urge the committee to support HB 3176, HD1,
Thank you for the opportunity to testify.
Georgette "Jo" Jordan
Waianae Community member for 36 years

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RL: 2181

HB 3176 HD1
RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE TO STONY
CORAL
AND LIVE ROCK.

Senate Committee on Water and Land

Public Hearing – March 12, 2008
2:45 p.m., State Capitol, Conference Room 414

By
Paul Jokiel, Hawaii Institute of Marine Biology
John Stimson, Zoology
Peter Rappa, Environmental Center

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HB 3176 HD1 allows the Board of Land and Natural Resources (BLNR) to impose administrative penalties for damage to stony coral and live rock on a per square meter basis. Our statement on this measure does not represent an institutional position of the University of Hawaii.

We agree with the intent of this bill. The Department of Land and Natural Resources needs the authority to impose a fine for large scale reef damage. The fine of up to \$5000 per square meter is consistent with laws in other states and with the current economic valuation of a reef. As it stands, it is very difficult to protect reefs because of the lack of such a law. This law, if passed, would go a long way in helping to prevent a lot of damage to Hawaii's reef because it would cause developers, ship owners and polluters to be very careful with their actions. This law would also help set the penalty for violations such as those that occurred at Pilaa reef on Kauai. Although the damage to the reef was well documented and the violator identified, it was hard to determine a reasonable penalty because the way the present law is written.

In addition to this law, we would like to see the Division of Aquatic Resources (DAR) deploy more mooring buoys near more reefs. This would prevent damage to corals and live rock and make the public aware that DAR cares about these matters. Publication of policy about anchoring and fines that can be assessed for damaging coral would be a good adjunct to this bill and we encourage DAR to advertise the policy widely. We have noted that there are many grooves in reefs and corresponding broken coral caused by boat collisions/groundings within Kaneohe Bay. We recommend that DAR mark some of the

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reefs behind the popular sandbar in Kaneohe Bay as off limits for anchoring to help reduce the amount of damage that occurs frequently in this area.

We, however, do not agree on basing the fine on the amount of damage done to the reef. A fine is a deterrent to committing an illegal act. Part of its preventative power is to be able to advertise how much it could cost a potential violator if he/she breaks the law. We have suggested that publicizing the change in the amount of the fine is a way to bring about compliance. Trying to tie the amount of the fine to the damage done to the resource does not give a clear signal about what the punishment will be. In addition, it will take time to assess the economic valuation of damage to a natural resource and agreement on the amount may not be easy to obtain. This could open the door for delays in the payment of the fine. Fines work best when they are applied swiftly with the guarantee that there will be a penalty.

Thank you for the opportunity to comment on this bill.

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(END)