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GOVERNOR OF HAWAII



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

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LAND  
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**TESTIMONY OF THE CHAIRPERSON**  
**OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

**On Senate Bill 1891, Senate Draft 1 – RELATING TO PUBLIC LANDS**

**BEFORE THE HOUSE COMMITTEE ON**  
**JUDICIARY**

March 27, 2008

Senate Bill 1891, Senate Draft 1 would authorize petty misdemeanor penalties for persons found guilty of a violation of Chapter 171, Hawaii Revised Statutes (HRS), or any rule adopted thereunder. The Department of Land and Natural Resources (Department) supports this bill, which would authorize these criminal penalties in addition to existing civil administrative penalties.

Currently, persons found to be in violation of Chapter 171, HRS, or administrative rules adopted thereunder, could be penalized in a civil process. The proposed language in this measure authorizes the use of criminal citations or arrest in order to prosecute an individual found to be in violation of this chapter. In addition, the proposed criminal penalties allow for escalating fines for individuals who are found to be repeat offenders while preserving the Department's right to seek restitution and recover damages in a civil process.

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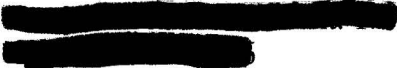
**JUDtestimony**

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**From:** Windward Ahupua`a Alliance [info@waa-hawaii.org]  
**Sent:** Wednesday, March 26, 2008 8:09 PM  
**To:** JUDtestimony  
**Subject:** SB 1891 SD1 - RELATING TO PUBLIC LANDS -

**SUBMITTED BY:**

*Windward Ahupua`a Alliance*  
P.O. Box 6366  
Kane`ohe, HI 96744



**COMMITTEE ON JUDICIARY**  
*Rep. Tommy Waters, Chair*  
*Rep. Blake Oshiro, Vice Chair*

**PUBLIC HEARING**  
**2:25 pm**  
**Thursday, March 27, 2008**  
**Conference Room 325**

**SB 1891 SD1 - RELATING TO PUBLIC LANDS**  
**STRONGLY SUPPORT**

**TO THE COMMITTEE ON JUDICIARY:**

Aloha, My name is Shannon Wood, submitting testimony on behalf of the *Windward Ahupua`a Alliance*, a **501c3** Hawai`i non-profit corporation, which was established in July, 2002, to create the **Ko`olau Greenbelt & Heritage Trails System** in order to restore, protect & provide public access to the *mauka* (mountain) lands on the Windward side of O`ahu along the base of *Na Ko`olau* up to **Kawela Bay** encompassing the two *moku* of *Ko`olau Loa* and *Ko`olaupoko*. as well as to support locally-owned sustainable economic activities in the more developed areas.

For over five years now, we have been working on a variety of stewardship projects on conservation/preservation lands in several different areas in Windward O`ahu. I can attest from first-hand experience that this bill is very much needed.

Earlier this session, another bill, **SB 2926 SD1**, tried to address these issues, however, it took a different approach and wound up generating opposition from off-roading enthusiasts.

The language in this bill focuses on creating criminal penalties in addition to civil violations of **Chapter 171, Hawaii Revised Statutes**. Civil penalties simply do not work. e strongly urge that you pass this out unamended so that it can be sent on to the *Governor* for her signature.

*Mahalo* for the opportunity to present this testimony.

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*The Windward Ahupua`a Alliance works to educate & inform residents, visitors, businesses, policymakers, and the media about using Smart Growth planning principles which promote sustainability. These include: Designing long-term waste management systems; improving illegal dumping/derelict vehicle legislation & enforcement; developing & implementing comprehensive curbside recycling programs; providing research & support on public access issues; establishing both state & county-level "legacy lands" funds to support affordable workforce housing initiatives and critical land purchases to protect against inappropriate development; creating alternative energy systems to reduce Hawai`i's dependency on fossil fuels & to mitigate the impacts of global warming; and, setting long-term watershed protection policies based upon ahupua`a concepts & principles.*

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