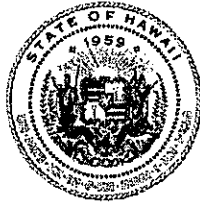


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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

**Department of Land and Natural Resources
Testimony Transmittal Cover Sheet**

Date Submitted: Tuesday, February 01, 2011

Testifier's Name/Title: Randy Awo, Division of Conservation and Resources Enforcement
Acting Division Administrator

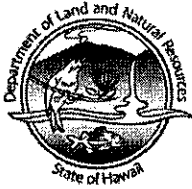
Committee Name: HOUSE COMMITTEE ON HAWAIIAN AFFAIRS (HAW)

Day and Date: Wednesday, February 02, 2011
Time/Location: 8:30 AM, Conference Room 329

Measure Number: HB 1223 – RELATING TO THE KAHOLAWE ISLAND RESERVE.

Requested Copies: 3 (including original) to Room 313 in the State Capitol.

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LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
HAWAIIAN AFFAIRS**

**Wednesday, February 02, 2011
8:30 AM
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 1223
RELATING TO THE KAHO'OLAWA ISLAND RESERVE**

House Bill 1223 would establish provisions to allow for the seizure and forfeiture of any equipment, article, instrument, aircraft, vehicle, vessel, business record, or natural resource used or taken in violation of the rules applicable to the Kaho'olawe Island Reserve. The Department of Land and Natural Resources supports this bill.

In Fiscal Year 2009, the Kaho'olawe Island Reserve Commission implemented a vessel permit and registration process that has raised the awareness of permitted activities within the Reserve. The addition of forfeiture provisions to Section 6K-8, Hawaii Revised Statutes, would greatly increase the penalties for violators, thus strengthening the Department's enforcement capabilities and allowing for greater protection of the Reserve's resources.



CRAIG NEFF
Chairperson
AMBER NĀMAKA WHITEHEAD
Vice-Chair
WILLIAM J. AILA, Jr.
COLETTE Y. MACHADO
DAVIANNA P. MC GREGOR, Ph.D
KA'IULANI MURPHY

KŪKULU KE EA A KANALOĀ
KAHO'OLAWE ISLAND RESERVE COMMISSION

811 Kolu Street, Suite 201, Wailuku, HI 96793
Telephone (808) 243-5020 Fax (808) 243-5885
Website: <http://kahoolawe.hawaii.gov>

Michael K. Nāho'opi'i
Executive Director

**Testimony of
MICHAEL K. NAHO'OPI'I
Executive Director**

**Before the House Committee on
HAWAIIAN AFFAIRS**

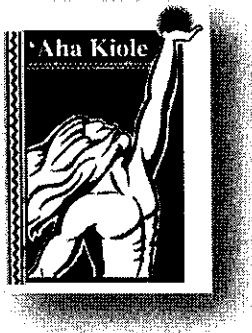
**Wednesday, February 2, 2011
8:30 AM
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 1223
RELATING TO THE KAHO'OLAWE ISLAND RESERVE**

House Bill 1223, provides for the seizure and forfeiture of a variety of equipment and instruments used or taken in violation of the laws or rules applicable to the island Reserve . The Kaho`olawe Island Reserve Commission (KIRC) supports this measure for it would strengthen our enforcement ability and provide the KIRC with another tool to manage the Kaho`olawe Island Reserve (Reserve).

The Hawai'i Supreme Court, in *Carlisle v. One (1) Boat and Tran* (Nov 17, 2008), overturned an Intermediate Court of Appeals decision that allowed asset forfeiture in cases of resource destruction – ultimately taking the teeth out of any enforcement rules in place. According to the decision, the penalty sections of DLNR (and, therefore, KIRC) rules must specifically authorize forfeiture.

The KIRC seeks the addition of the forfeiture clause to HRS 6K-8 to increase the penalties for violators, thus strengthening our enforcement capabilities and our protection of the Reserve's resources.



Aha Kiole Advisory Committee

TESTIMONY IN SUPPORT OF HB 1223,
Relating to the Kahoolawe Island Reserve

Submitted to: Hearing of the Committee on Hawaiian Affairs, Chair Representative Faye Hanohano and Members of the Committee

Hearing Date: February 2, 2011, 8:30 a.m.

Submitted by: Leslie Kuloloio, Kiole for Kahoolawe, and Vice-Chair of the Aha Kiole Advisory Committee.

Aloha Chair Hanohano and Members of the House Committee on Hawaiian Affairs,

Thank you for the opportunity to testify in support of H.B. 1223 that provides for the seizure and forfeiture of a variety of equipment and instruments used or taken in violation of the laws or rules applicable to the Island reserve.

The Aha Kiole Advisory Committee, created through Act 212 works to initiate the Aha Moku System, a system of best practices that is based upon the indigenous resource management practices of moku (regional) boundaries, which acknowledges the natural contours of land and ocean, the specific resources located within those areas, and the methodology necessary to sustain resources and the community.

As Kiole of Kahoolawe, I am a lineal descendant of the generational practitioners, lawai'a and mahiai, of Kahoolawe that come from Honuaula Moku on Maui. This moku has long been known to be strongly affiliated with Kahoolawe in marine and ocean practices. It was my ancestor, Awaloa, known as the Kahoolawe Man by J.P. Judd who passed down the generational knowledge of the waters, currents and marine resource species and habitats to my 'ohana. Another tutu of mine, John Kauwekane, ensured that the traditional place names of Kahoolawe were kept in place all through these years.

On behalf of my 'ohana of Honuaula I support the Kahoolawe Island Reserve Commission (KIRC) through H.B. 1223 in the quest to protect the resources of Kahoolawe, both marine and land by strengthening the penalties of those who violate the laws that are applicable to the island reserve. The assets of Kahoolawe are too few and precious to be squandered or stolen.

We urge you to support the passage of H.B. 1223.

Mahalo nui loa,

Leslie Kuloloio, Kiolo, Kahoolawe

Vice-Chair, Aha Kiolo Advisory Committee

469 Maalo Street, Kahului, HI 96732

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