

LATE TESTIMONY



HB 1223, RELATING TO THE KAHO'OLAWE ISLAND RESERVE
House Committee on Hawaiian Affairs

February 2, 2011

8:30 a.m.

Room: 329

The Office of Hawaiian Affairs (OHA) offers the following comments on HB 1223, which would specify that forfeiture laws apply to violations of conservation and resources statutes and rules to protect the Kaho'olawe Island Reserve.

The OHA Administration will recommend that the OHA Board of Trustees support HB 1223. As the Hawai'i Supreme Court found, in Carlisle v. One (1) Boat, 119 Hawaii 245, 195 P.3d 117 (2008), authorized enforcement of natural and cultural resource protections cannot include forfeiture of related assets unless forfeiture is specifically and clearly allowed in applicable statutes. This bill's language would meet that intent for the Kaho'olawe Island Reserve Commission's (KIRC's) laws and rules.

It is imperative that the state do everything in its power to protect Hawai'i's treasured natural and cultural resources. The ability to apply forfeiture penalties to such violations within the Kaho'olawe Island Reserve would serve as both a critical tool to preserve the resources of this relatively isolated and extremely degraded part of Hawai'i. The possibility of asset forfeiture would also provide a major deterrent to those who seek to harm or pillage Kaho'olawe's environment and cultural resources. The marine and terrestrial components of the Kaho'olawe Island Reserve are beginning to heal from decades of extreme damage, and the KIRC has made such progress in part through the ability of isolation. Isolation can be both a benefit and a detriment to resource protection and conservation, however, if enforcement is not regular, swift and punishing.

This bill provides further clarity to enforcement officers that they have the authority to take away personal property that is being used by perpetrators of Hawai'i's appropriately stringent laws protecting the conservation and protection of our natural and cultural resources within the Kaho'olawe Island Reserve.

The OHA Administration will make this recommendation to our Board at its meeting on Feb. 3, 2011. Mahalo for the opportunity to testify.

Jennifer Wilbur

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 02, 2011 12:55 AM
To: HAWtestimony
Cc: aipohaku@hotmail.com
Subject: Testimony for HB1223 on 2/2/2011 8:30:00 AM

Testimony for HAW 2/2/2011 8:30:00 AM HB1223

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Comments: