

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2012 8:18 PM
To: WLOtestimony
Cc: rnvfishing@gmail.com
Subject: Testimony for HB2682 on 2/13/2012 9:00:00 AM

Testimony for WLO 2/13/2012 9:00:00 AM HB2682

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Roy N. Morioka
Organization: Individual
E-mail: rnvfishing@gmail.com
Submitted on: 2/12/2012

Comments:

While I support the transition from criminal proceedings to civil proceedings I am however cautious about the extent of penalties that includes the confiscation and denial of a person's drivers license.

- 1) the penalty is not congruent with the type of violation. Example: Traffic related violations and subsequent loss of one's drivers license makes sense, but not for violating a resource violation.
- 2) In federal cases involving resource violations, one can lose their hunting permit, fishing permit, have his or her gear confiscated, etc. The penalty affects the nature of the violation.
- 3) I ask that you consider amending the measure to include penalties that "relates" to the nature of the violation.

Thank you for your consideration.
Respectfully,
Roy N. Morioka
808-349-9297

LATE TESTIMONY

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair
Rep. Sharon E. Har, Vice Chair

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair
Rep. Chris Lee, Vice Chair

HB2682 relating to commercial activities on ocean waters.

Aloha Chairs Chang and Hanohano, Vice Chairs Har and Lee and members of the Committees on Water, Land, and Ocean Resources and Hawaiian Affairs. Thank you for this opportunity to submit testimony in strong support of HB2682.

I strongly support HB2682 as it proposes to include regulating those that operate out of private marinas that are currently exempt from regulations regarding the commercial use of state waters and marine resources.

The inclusion of commercial activities originating from private marinas is of particular importance as it "levels the field" with operators originating from public facilities requiring compliance in particular with *SECTION 3. Section 200-4, Hawaii Revised Statutes*:

"(a) The chairperson may adopt rules necessary:

(1) To regulate the manner in which all vessels may enter the ocean waters and navigable streams of the State and moor, anchor, or dock at small boat harbors, launching ramps, and other boating facilities owned or controlled by the State;

As an example, currently, commercial activities originating from private marinas on the west coast of Oahu are transiting within the schooling and spawning zones of akule (*Selar crumenophthalmus*) or bigeye scad and opelu (*Decapterus sanctae-helenae*), are negatively impacting the behavior and sustainability of these species. Those operators originating from public facilities have been following an agreement with fishermen by transiting outside these zones keeping intact the habitat areas preferred by these species.

Further, *SECTION 3. Section 200-4, Hawaii Revised Statutes is amended by amending subsection (a) to read as follows:*

(9) To regulate commercial activities in state waters including those operations originating from private marinas; provided that no new or additional permits shall be required for those commercial activities regulated by any other chapter. For the purposes of this paragraph, "commercial activity" shall have the same meaning as in section 188-40.6.

Respectfully Submitted,
Roy N. Morioka
February 12, 2012