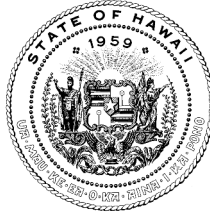


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

**Before the Senate Committee on
WAYS AND MEANS**

**Tuesday, February 28, 2012
9:00 AM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 2852, SENATE DRAFT 1
RELATING TO AQUATIC RESOURCE VIOLATIONS**

Senate Bill 2852, Senate Draft 1 seeks to provide for transformative administrative penalty alternatives, and for an enhanced collection mechanism for outstanding fines and penalties resulting from aquatic resource violations. The Department of Land and Natural Resources (Department) strongly supports this Administration measure.

For many years, the Department has received numerous criticisms relating to the perceived lack of enforcement capacity for its aquatic resource laws. Accordingly, the Department has recently made substantial efforts to improve the capacity of the Department's Division of Conservation and Resources Enforcement ("DOCARE") to better monitor, educate, and encourage compliance with aquatic resources regulations in the field.

However, it has become apparent that functions of natural resources law enforcement – including deterrence, rehabilitation, restoration, and providing the assurance of compliance necessary for community engagement in management strategies – cannot be properly fulfilled without addressing issues arising out of a nearly exclusive reliance on the criminal justice system.

This Administration measure therefore provides the tools necessary for the Department to more consistently, efficiently, and appropriately address aquatic resource violations through the expanded use of its civil, non-criminal administrative enforcement process. The express authority to apply transformative penalties through natural-resources related community service will also provide a unique opportunity to turn poachers into stewards and advocates for our nearshore aquatic resources, as demonstrated in a variety of other jurisdictions.

The Department therefore strongly supports this opportunity to take a significant step forward in fulfilling its responsibilities to conserve and manage the nearshore aquatic resources of the State.

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

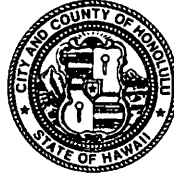
GUY H. KAULUKUKUI
FIRST DEPUTY

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 CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P.O. BOX 30300
HONOLULU, HAWAII 96820-0300

PETER B. CARLISLE
MAYOR



GAIL Y. HARAGUCHI
DIRECTOR

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

February 22, 2012

The Honorable David Y. Ige, Chair
and Committee Members
Committee on Ways and Means
The Senate
State of Hawaii
State Capitol, Room 215
Honolulu, Hawaii 96813

Dear Chair Ige and Committee Members:

Subject: S.B. No. 2852 SD1, Relating to Aquatic Resource Violations

The City and County of Honolulu has no objections to S.B. No. 2852 SD1, which will allow the denial or suspension of a driver license for noncompliance of penalties assessed by the Board of Land and Natural Resources.

We concur with the amendment in SD1 which requires the Board to provide the county examiner of drivers the Social Security Number or driver license number of the person whose license should be denied or suspended. This will ensure that the correct person's driver license is flagged.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Kamimura".

Dennis A. Kamimura
Licensing Administrator

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: meleoli@yahoo.com
Subject: Testimony for SB2852 on 2/28/2012 9:00:00 AM
Date: Monday, February 27, 2012 8:53:48 AM

Testimony for WAM 2/28/2012 9:00:00 AM SB2852

Conference room: 211
Testifier position: Support
Testifier will be present: No
Submitted by: Carol Wilcox
Organization: Malama Maunalua
E-mail: meleoli@yahoo.com
Submitted on: 2/27/2012

Comments:

Dear Chair Dela Cruz, VC Solomon, and members of the WAM Committee,
On behalf of Malama Maunalua, a community based organization whose mission is to conserve and restore a healthy and productive Maunalua Bay through community kuleana, I am asking for your support of this bill. The Maunalua community at large and fishermen in particular have expressed deep concern about the lack of enforcement of existing rules and regulation. Part of the reason for this is the absence of meaningful consequences for violations. This bill provides for such consequences. We respectfully ask that you support this bill.

Thank you for the opportunity to testify.
Carol Wilcox
Malama Maunalua



Emailed Feb. 26, 11:55 am, Feb. 26, 2012 to WAMTestimony@Capitol.hawaii.gov

Testimony for the Senate Ways & Means Committee
Decisionmaking on SB2852
Feb. 28, 2012
9:00 am, Conference Room 211

Dear Chair Ige, Vice-Chair Kidani, and Members of the Committee:

Mālama Pūpūkea-Waimea **SUPPORTS SB2852** the ABOUTFACE bill ("Authorizing the Board to Use Transformative, Fair, and Consistent Enforcement").

Mālama Pūpūkea-Waimea (MPW) is a North Shore community non-profit organization whose mission is to "to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea Ahupua'a for present and future generations through active community stewardship, education, and partnerships."

For the past seven years, MPW has focused its successful volunteer outreach and community education programs on protecting the Marine Life Conservation District (MLCD) at Pūpūkea-Waimea, including Shark's Cove, Three Tables, and Waimea Bay.

DLNR is a vital partner with MPW in our community stewardship efforts under the statewide Makai Watch Program. Strengthening DLNR's enforcement programs through the innovative and common sense approaches in SB2852 is critically important to protecting our precious ocean resources.

Please support DLNR and SB2852.

Mahalo,

Denise Antolini, President
MPW Board of Directors

**Mālama Pūpūkea-
Waimea**

Post Office Box 188
Hale'iwa, HI 96712

Board of Directors

Denise Antolini

John Cutting

Bob Leinau

Staff Members

Drew Wheeler

Jenny Yagodich

Federal 501(c)(3) FEIN27-0855937
State of Hawaii Non-Profit
GET W90711385-01

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: alika@malamamaunalua.org
Subject: Testimony for SB2852 on 2/28/2012 9:00:00 AM
Date: Sunday, February 26, 2012 6:07:40 PM

Testimony for WAM 2/28/2012 9:00:00 AM SB2852

Conference room: 211
Testifier position: Support
Testifier will be present: No
Submitted by: Alika Winter
Organization: Malama Maunalua
E-mail: alika@malamamaunalua.org
Submitted on: 2/26/2012

Comments:

I support SB2852, the About Face Act... which will help support effective aquatic resource violations enforcement efforts statewide.

I am the Makai Watch coordinator for Malama Maunalua, and have witnessed the ineffectiveness of our DOCARE office first hand.

We need to back up our DOCARE officers, and allow them to protect our precious ocean resources.

Mahalo NUI!

Alika Winter

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mendezj@hawaii.edu
Subject: Testimony for SB2852 on 2/28/2012 9:00:00 AM
Date: Sunday, February 26, 2012 11:15:23 AM

Testimony for WAM 2/28/2012 9:00:00 AM SB2852

Conference room: 211
Testifier position: Support
Testifier will be present: Yes
Submitted by: Javier Mendez-Alvarez
Organization: Individual
E-mail: mendezj@hawaii.edu
Submitted on: 2/26/2012

Comments:

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: fett4paz@gmail.com
Subject: Testimony for SB2852 on 2/28/2012 9:00:00 AM
Date: Sunday, February 26, 2012 12:03:23 PM
Attachments: [SB2852 Testimony.docx](#)

Testimony for WAM 2/28/2012 9:00:00 AM SB2852

Conference room: 211
Testifier position: Support
Testifier will be present: Yes
Submitted by: Doug Fetterly
Organization: Individual
E-mail: fett4paz@gmail.com
Submitted on: 2/26/2012

Comments:

Mahalo for helping save the marine life so our grandchildren will not be deprived.

Aloha Committee Chair and Committee Members,

Regarding SB2852 and aquatic resource violations, I would appreciate your YES vote so we can help reverse the downward spiral of the health and well-being of our marine environment and life. We need to send a strong message that poaching, that disrespect for this environment and all it supports, is not okay. Mahalo!

Doug Fetterly

Manoa

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: jbautista619@yahoo.com
Subject: Testimony for SB2852 on 2/28/2012 9:00:00 AM
Date: Sunday, February 26, 2012 9:34:42 AM

Testimony for WAM 2/28/2012 9:00:00 AM SB2852

Conference room: 211
Testifier position: Support
Testifier will be present: No
Submitted by: Jerome Bautista
Organization: Individual
E-mail: jbautista619@yahoo.com
Submitted on: 2/26/2012

Comments:

Introducing more stringent laws may help to protect our aquatic resources. While marine life conservation districts and small fines have been set up to deter people from stealing marine life for private use or sale, many people are not deterred and continue to take marine life from our precious reef systems that are battling environmental pollution, unknowing tourists stepping all over the reefs, spearfishers mangling the rocks and so forth. Without our marine life, the reef will not survive. Please support this bill and help preserve our reef systems.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: lbc@hawaii.rr.com
Subject: Testimony for SB2852 on 2/28/2012 9:00:00 AM
Date: Sunday, February 26, 2012 9:19:55 PM
Attachments: [I support SB2852.doc](#)

Testimony for WAM 2/28/2012 9:00:00 AM SB2852

Conference room: 211
Testifier position: Support
Testifier will be present: No
Submitted by: Lois Crozer
Organization: Individual
E-mail: lbc@hawaii.rr.com
Submitted on: 2/26/2012

Comments:

I support SB2852.

I support anything we can do to make it less attractive for people to abuse our oceans and wildlife. I've heard too many stories of no enforcement of blatant ocean raping in Waimanalo. Hopefully making and enforcing stiffer or more applicable punishments will deter these people or at least make them suffer as well so that they know we are serious about preserving our oceans for future generations.

The idea to require the perpetrator to pay a fine and/or to provide natural resource community service hours for each infraction and depending on the crime and/or to lose the right to drive sounds like the way to go to put some disincentives out there.

I hope this Bill passes, and I hope we have the money and the officers to enforce it!

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: anthuriumz@hotmail.com
Subject: Testimony for SB2852 on 2/28/2012 9:00:00 AM
Date: Sunday, February 26, 2012 3:03:18 PM

Testimony for WAM 2/28/2012 9:00:00 AM SB2852

Conference room: 211
Testifier position: Support
Testifier will be present: No
Submitted by: Wynn Hee
Organization: Individual
E-mail: anthuriumz@hotmail.com
Submitted on: 2/26/2012

Comments:

Please help save our delightful fish and beautiful coral and other aquatic life. We need to increase the consequences for those who deplete our marine life. Community service and loss of diving privileges is better than a little fine.