



KŪKULU KE EA A KANALOA

KAHO'OLAWE ISLAND RESERVE COMMISSION

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Michael K. Nāho'opi'i
Executive Director

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

Before the Senate Committee on
Judiciary and Labor

Wednesday, February 20, 2013
10:00 AM
State Capitol, Conference Room 01

In consideration of
SENATE BILL 1169
RELATING TO THE KAHO'OLAWE ISLAND RESERVE

Senate Bill 1169 clarifies that 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 (Reserve) may be seized and subject to forfeiture pursuant to section 199-7 and chapter 712A, Hawaii Revised Statutes (HRS). The Kaho'olawe Island Reserve Commission (KIRC) supports this measure with an additional amendment, for it would strengthen our enforcement ability and provide the KIRC with another tool to manage the Reserve.

In this measure's previous hearing before the Senate Committees on Water & Land and Tourism & Hawaiian Affairs, the KIRC testified on the need for this provision to strengthen the KIRC's and the Department of Land and Natural Resources' (DLNR) ability to effectively manage and protect the public and the island's important natural resources.

Additionally, the KIRC recommended additional language, in an interest to address public concerns regarding the application of this penalty for inadvertent entry into the Reserve boundaries. The additional language applied a one-mile buffer before assets forfeiture provisions of this measure would be in effect for non-fishing violations. The recommended language was inadvertently applied to the wrong provisions of the measure and therefore does not offer the desired effect. Additionally, the KIRC recommends clarifying the term "subject to this paragraph" to be changed to read "subject to this subsection." The KIRC recommends a second amendment that reads as follows:

Delete the following language from subsection (2) "provided that persons or vessels within one nautical mile of the boundaries of the island reserve shall not be subject to this paragraph" and add language to subsection (1) to read "provided that persons or vessels within one nautical mile of the boundaries of the island reserve shall not be subject to this subsection."

The final section should read:

SECTION 2. Chapter 6K, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§6K- **Offenses subject to forfeiture.** Offenses for which property is subject to forfeiture under this chapter are:

- (1) Any prohibited activity as designated through the adoption of a rule in accordance with chapter 91, *provided that persons or vessels within one nautical mile of the boundaries of the Reserve shall not be subject to the provisions of this subsection* ; or
- (2) Any violation of rules regulating fishing in waters within the island reserve adopted pursuant to chapter 91.

Property seized in accordance with section 199-7 may be forfeited under section 712A-10 or 712A-12. Any natural resource seized in accordance with section 199-7 may be disposed of as provided by that section."

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
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SB1169

Submitted on: 2/15/2013

Testimony for JDL on Feb 20, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Williams	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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