



**TESTIMONY IN STRONG OPPOSITION OF SB470SD1
RELATING TO KAHO'OLAWE ISLAND RESERVE**

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
Hawaii State Capitol, Conference Room 016
February 24, 2015
9:15am.

Dear Chair Keith-Agaran, Vice Chair Shimabukuro &
Members of the Committee on Judiciary and Labor:

Aloha, I am writing as President of the Maui Chamber of Commerce in **Strong Opposition to SB470SD1** because if its impact on the activities industry and our residents as this bill seeks to seize property (vessels) and have them be forfeited if an offense occurs where the vessel comes within one nautical mile of the shoreline of Kaho'olawe island.

While we understand the need and importance of protecting Kaho'olawe, this bill should not move forward as written because:

1. The penalty could far outweigh the crime. Someone could have a legitimate emergency due to weather or other conditions that cause them to be closer than one nautical mile and then they lose their vessel. That is not right. The bill should be based on abuse, with fines for those who ignore the one nautical mile boundary, beginning with fines and leading to forfeiture if multiple offenses exist.
2. The bill is not equitable. The solution – to seize the vessel and have the owner forfeit ownership – is the same regardless of the cost of the vessel. So, whether a vessel costs \$25,000 or over \$1,000,000 to replace, the penalty is the same. That is not fair. Penalties should be consistent and fit the offense.
3. The bill does not weigh the impact on businesses. For many companies, their vessel is their livelihood. This bill could put many businesses out of business, causing extreme hardship for business owners and revenue and job losses for the state.
4. The bill does not weight the impact on residents. How many residents with boats who could be impacted by this bill are aware of this bill? This could have a huge impact on local boating enthusiasts to hobby fisherman.
5. The discretionary authority given enforcement in the determination of forfeiture is too broad. It does not provide for due process and allow one to take the matter before a court of law.

Therefore, would recommend a graduated system of fines for violations like those found in of the Hawaiian Islands Humpback Whale National Marine Sanctuary, which are very severe, but do not forfeit the vessel. This is a far more equitable method of penalizing offenders that is commensurate with the offense.

We humbly ask that you amend SB470SD1 to a graduated penalty system based on fines or, in the absence of that, hold this measure.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, February 24, 2015
TIME: 9:15 am
PLACE: Conference Room 016

Aloha JDL Chair Keith-Agaran,
Vice Chair Shimabukuro,
Committee Members,

Mahalo for this opportunity to FULLY SUPPORT SB470 SD1, RELATING TO KAHO'OLAWA ISLAND RESERVE, clarifying that property or natural resources used or taken in violation of laws or rules pertaining to Kaho'olawe Island may be subject to seizure, disposal, and forfeiture in accordance with existing law if the offense occurs within the fast lands of the reserve or by persons or on vessels located in the area extending seaward one nautical mile of the shoreline of Kaho'olawe island. Takes effect on 7/1/2050. (SD1)

This measure is needed to assist the Kaho'olawe Island Reserve Commission (KIRC) in meeting its mission to protect and preserve Kaho'olawe's natural resources. The addition of this forfeiture clause to HRS 6K-8 provides KIRC the necessary enforcement capabilities resulting in the reduction and elimination of illegal activities. Thanking you in advance for passing SB470 SD1 onto the Senate floor for approval.

Me ka ha'aha'a,
Kapua Keliikoa-Kamai

Kelvin Ho

Lawai Hawaii

Feb 24, 2015

Dear Senate Committee

I am writing to support KIRC Bill SB470. I feel it will help in the education and enforcement of the laws in place to help protect and preserve the ocean and resources in the reserve. The state needs to strengthen its ability to maintain the pristine nature of a completely unique marine ecosystem in Hawaii. I feel this bill will help to do so.

Mahalo for your time and consideration,

Kelvin Ho

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: *Submitted testimony for SB470 on Feb 24, 2015 09:15AM*
Date: Tuesday, February 24, 2015 12:45:09 PM

SB470

Submitted on: 2/24/2015

Testimony for JDL on Feb 24, 2015 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov