

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Wednesday, February 16, 2022
2:00 PM

State Capitol, Conference Room 325, Via Videoconference

In consideration of
HOUSE BILL 1653, HOUSE DRAFT 1
RELATING TO AQUATIC RESOURCES

House Bill 1653, House Draft 1 proposes to establish a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured; establish a criminal fine structure on a per-specimen basis for violations involving aquatic life; authorize the Department of Land and Natural Resources (Department) to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine; and authorize the Department to recommend to the court that defendants be restricted from entering specific geographical areas where aquatic resources may be found. **The Department supports this measure and offers the following comments and suggested amendments.**

A critical component of effective resource management is ensuring that management agencies have the appropriate suite of enforcement tools and penalties to encourage compliance with aquatic resource laws and to ensure just and reasonable punishment for violations.

SECTION 2 – Tiered administrative fines system for each specimen of aquatic life

Section 187A-12.5, Hawaii Revised Statutes (HRS), authorizes tiered administrative fines for aquatic resource violations (i.e., higher fines for repeat violations)¹ and additional non-tiered

¹ Section 187A-12.5, HRS, provides in relevant part:

(b) For violations involving threatened or endangered species, the administrative fines shall be as follows:

- (1) For a first violation, a fine of not more than \$5,000;
- (2) For a second violation within five years of a previous violation, a fine of not more than \$10,000; and

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COMMISSION ON WATER RESOURCE MANAGEMENT

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AQUATIC RESOURCES
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finest for each specimen of aquatic life unlawfully taken.² House Bill 1653, House Draft 1 proposes to establish tiered administrative fines for each specimen of aquatic life unlawfully taken. The Department does not have reason to believe that existing non-tiered per specimen fines are inadequate. However, having tiered per specimen fines provides greater flexibility to pursue higher per specimen penalties for repeat violations if warranted. Therefore, the Department supports SECTION 2 of the bill as written.

SECTIONS 3, 4, 5, and 6 – per specimen criminal fine structure

Sections 187A-13, 188-70, 189-4, and 190-5, HRS, set forth criminal penalties for violations of these chapters and rules adopted thereunder. Criminal cases are prosecuted by City or County Prosecutors' Offices and adjudicated by the Judiciary, typically at the State District Court level. Prosecutors typically pursue one criminal count per violation, even if the violation involves the unlawful take of multiple specimens of aquatic life. This often results in penalties that are disproportionately low in relation to the value of aquatic life unlawfully taken. For example, a defendant who has unlawfully taken five specimens will often receive the same minimum penalty (\$100) as a defendant who has unlawfully taken a single specimen of the same species. Prosecutors do have the ability to charge separate counts for each specimen of aquatic life unlawfully taken, but this process is rarely utilized. Currently, when a case involves multiple specimens, some prosecutors will request a higher fine to reflect the take. However, the results vary widely, and resulting sentences remain inconsistent. Amending existing criminal penalty sections to expressly authorize per specimen criminal fines would make it easier for prosecutors to seek penalties proportionate to the violation.

SECTIONS 3, 4, and 6 – Authorize the Department to recommend community service that benefits the resource damaged

Three existing aquatic resource penalty sections (Sections 187A-13, 188-70, and 190-5, HRS) authorize the court to require a defendant to perform community service in lieu of paying a monetary fine. SECTIONS 3, 4, and 6 of the bill propose to add language to allow the Department to recommend to the court community service that benefits the resource that was damaged. While this language is okay, it may not achieve the intended result. The court is already authorized to use resource-based community service as a sentencing tool, and the

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- (3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$15,000.
 - (c) For all other violations the administrative fines shall be as follows:
 - (1) For a first violation, a fine of not more than \$1,000;
 - (2) For a second violation within five years of a previous violation, a fine of not more than \$2,000; and
 - (3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$3,000.

² Section 187A-12.5, HRS, provides in relevant part:

(d) In addition to subsection (b), a fine of up to \$5,000 may be levied for each specimen of threatened or endangered aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder.

(e) In addition to subsection (c), a fine of up to \$1,000 may be levied for each specimen of all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder.

Department already has the ability to make specific community service recommendations. However, the Judiciary has a list of approved community service work sites where Defendants may be referred. The issue is that there may not be an available community service location where work performed would benefit the resource damaged. To achieve the goal of having defendants perform community service that benefits the resources damaged, more community service opportunities need to be identified and established. Legislation is not necessarily required for this.

SECTIONS 3, 4, 5, and 6 – Authorize the Department to recommend that defendants be restricted from entering specific geographical areas

The Courts have the existing discretionary authority to sentence a defendant to a term of probation pursuant to Chapter 706, HRS. Section 706-623 provides guidance on the period of probation for various levels of crimes. Section 706-624(2) sets forth a list of discretionary conditions that the Court may utilize in sentencing a defendant to probation. This list includes conditions that the defendant “refrain from engaging in a specified occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the crime,” “refrain from entering specified geographical areas without the court’s permission,” and “satisfy other reasonable conditions as the court may impose.”³ Despite this existing authority, these types of probationary sentences are extremely rare for aquatic resource violations. The Department supports the language in the bill that expressly authorizes the Department to recommend a geographical restriction. However, the Department believes this language can be strengthened by citing specifically to the existing probation statute and adding additional types of probationary conditions consistent with existing authority, such as restrictions on engaging in fishing or restrictions on handling, operating, or possessing certain types of fishing gear or boating equipment. **The Department has attached a proposed House Draft 2 (the Department’s proposed changes highlighted in yellow).**

Thank you for the opportunity to comment on this measure.

³ See HRS § 706-624(2)(f), -(m), and -(t).

A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's aquatic
2 resources are of significant economic, ecologic, cultural, and
3 aesthetic importance to agriculture, tourism, food production,
4 and fisheries in the State. The legislature recognizes the
5 importance of managing and conserving Hawaii's aquatic resources
6 and ecosystem for present and future generations. Careful
7 stewardship and protection of Hawaii's aquatic resources are
8 essential to the well-being of our island state.

9 The purpose of this Act is to strengthen the penalties for
10 violations of the State's aquatic resources law by:

11 (1) Establishing a tiered administrative fine system for
12 each specimen of aquatic life taken, killed, or
13 injured;

14 (2) Establishing a criminal fine structure on a per-
15 specimen basis for violations involving aquatic life;
16 and

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1 (3) Authorizing the department of land and natural
2 resources to recommend community service that benefits
3 the resource damaged when a person is ordered to
4 perform community service in lieu of a fine; and

5 (4) Authorizing the department of land and natural
6 resources to recommend to the court that defendants be
7 restricted from entering specific geographical areas
8 where aquatic resources may be found, including ocean
9 waters, estuaries, rivers, and streams.

10 SECTION 2. Section 187A-12.5, Hawaii Revised Statutes, is
11 amended by amending subsections (d) and (e) to read as follows:

12 "~~(d) [In addition to subsection (b), a fine of up to~~
13 ~~\$5,000]~~ A fine in addition to the fine under subsection (b) may
14 be levied for each specimen of threatened or endangered aquatic
15 life taken, killed, or injured in violation of subtitle 5 of
16 title 12 or any rule adopted thereunder[-] as follows:

17 (1) For a first violation, up to \$5,000 or the retail
18 market value of the specimen, whichever is higher;

19 (2) For a second violation, up to \$10,000 or the retail
20 market value of the specimen, whichever is higher; and

1 (3) For a third or subsequent violation, up to \$15,000 or
2 the retail market value of the specimen, whichever is
3 higher.

4 (e) [~~In addition to subsection (c), a fine of up to~~
5 ~~\$1,000]~~ A fine in addition to the fine under subsection (c) may
6 be levied for each specimen of all other aquatic life taken,
7 killed, or injured in violation of subtitle 5 of title 12 or any
8 rule adopted thereunder[~~er~~] as follows:

9 (1) For a first violation, up to \$1,000 or the retail
10 market value of the specimen, whichever is higher;

11 (2) For a second violation, up to \$2,000 or the retail
12 market value of the specimen, whichever is higher; and

13 (3) For a third or subsequent violation, up to \$3,000 or
14 the retail market value of the specimen, whichever is
15 higher."

16 SECTION 3. Section 187A-13, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§187A-13 General penalty; community service.** (a) Any
19 person violating this chapter or any rule adopted thereunder for
20 which a penalty is not otherwise provided, shall be guilty of a

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1 petty misdemeanor and, in addition to any other penalties, shall
2 be fined not less than:

- 3 (1) \$250 for a first offense;
- 4 (2) \$500 for a second offense; and
- 5 (3) \$1,000 for a third or subsequent offense.

6 (b) A fine in addition to the fine under subsection (a)
7 may be levied for each specimen of aquatic life taken, killed,
8 or injured in violation of this chapter or any rule adopted
9 thereunder as follows:

- 10 (1) For a first offense, up to \$250 or the retail market
11 value of the specimen, whichever is higher;
- 12 (2) For a second offense, up to \$500 or the retail market
13 value of the specimen, whichever is higher; and
- 14 (3) For a third or subsequent offense, up to \$1,000 or the
15 retail market value of the specimen, whichever is
16 higher.

17 [~~(b)~~] (c) The court may require the defendant to complete
18 an aquatic resources educational class administered by the
19 department in addition to or in lieu of paying all or any part
20 of any monetary fine authorized by this section.

1 [~~(e)~~] (d) The court may direct the defendant to perform
2 community service as administered by the department in lieu of
3 paying any monetary fine authorized by this section~~[-]~~; provided
4 that if community service is ordered pursuant to this section,
5 the department may recommend to the court community service that
6 benefits the resource that was damaged.

7 (e) The department may recommend to the court that the
8 defendant be ~~[restricted from]~~ sentenced to probation with
9 probationary terms and conditions consistent with sections 706-
10 623 and 706-624 including, but not limited to:

11 (1) Restrictions on entering specific geographical areas
12 where aquatic resources may be found, including ocean
13 waters, estuaries, rivers, and streams~~[-]~~;

14 (2) Restrictions on engaging in certain or all fishing
15 activities; and

16 (3) Restrictions on handling, operating, or possessing
17 certain fishing gear or boating equipment."

18 SECTION 4. Section 188-70, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§188-70 Penalties.** (a) Any person violating any
21 provision of or any rule adopted pursuant to this chapter,

1 except sections 188-23, 188-39.5, and 188-40.8, is guilty of a
2 petty misdemeanor and, in addition to any other penalties, shall
3 be fined no less than:

- 4 (1) \$100 for a first offense;
- 5 (2) \$200 for a second offense; and
- 6 (3) \$500 for a third or subsequent offense.

7 (b) A fine in addition to the fine under subsection (a)
8 may be levied for each specimen of aquatic life taken, killed,
9 or injured in violation of this chapter or any rule adopted
10 thereunder as follows:

- 11 (1) For a first offense, up to \$100 or the retail market
12 value of the specimen, whichever is higher;
- 13 (2) For a second offense, up to \$200 or the retail market
14 value of the specimen, whichever is higher; and
- 15 (3) For a third or subsequent offense, up to \$500 or the
16 retail market value of the specimen, whichever is
17 higher.

18 [~~(b)~~] (c) Any person violating section 188-23, is guilty
19 of a class C felony and shall be sentenced pursuant to chapter
20 706; provided that the environmental court, in addition to any
21 term of imprisonment or any other terms and conditions of

1 probation, shall order the defendant to pay a fine of not less
2 than \$1,000. Notwithstanding section 706-669 and any other law
3 to the contrary, any person in violation of section 188-23(b),
4 as a first offense, shall be sentenced to a mandatory minimum
5 period of imprisonment without possibility of parole of thirty
6 days. Repeat offenders shall be sentenced pursuant to chapter
7 706.

8 ~~[(e)]~~ (d) The environmental court may require the
9 defendant to complete an aquatic resources educational class
10 administered by the department of land and natural resources in
11 addition to or in lieu of paying all or any part of any monetary
12 fine authorized by this section.

13 ~~[(d)]~~ (e) The environmental court may direct the defendant
14 to perform community service as administered by the department
15 of land and natural resources in lieu of paying any monetary
16 fine authorized by this section~~[-]~~; provided that if community
17 service is ordered pursuant to this section, the department may
18 recommend to the environmental court community service that
19 benefits the resource that was damaged.

20 (f) The department may recommend to the environmental
21 court that the defendant be ~~[restricted from]~~ sentenced to

1 probation with probationary terms and conditions consistent with
2 sections 706-623 and 706-624 including, but not limited to:

3 (1) Restrictions on entering specific geographical areas
4 where aquatic resources may be found, including ocean
5 waters, estuaries, rivers, and streams[-];

6 (2) Restrictions on engaging in certain or all fishing
7 activities; and

8 (3) Restrictions on handling, operating, or possessing
9 certain fishing gear or boating equipment."

10 SECTION 5. Section 189-4, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§189-4 Penalties.** (a) Any person violating any of the
13 provisions of this chapter for which a penalty is not otherwise
14 provided, or any rule of the department adopted thereunder,
15 shall be guilty of a petty misdemeanor and punishable as
16 provided in subsection (b); provided that in the case of a
17 corporation violating any of the provisions, only the fine shall
18 be imposed, but any officer of the corporation who wilfully
19 procures or permits the violation of the provisions by the
20 corporation shall be punishable as in the case of an individual
21 violating the same.

1 (b) The punishment, in addition to any other penalties,
2 shall be a fine of not less than:

3 (1) \$250 for a first offense;

4 (2) \$500 for a second offense; and

5 (3) \$1,000 for a third or subsequent offense.

6 (c) A fine in addition to the fine under subsection (b)
7 may be levied for each specimen of aquatic life taken, killed,
8 injured, or sold in violation of this chapter or any rule
9 adopted thereunder as follows:

10 (1) For a first offense, up to \$250 or the retail market
11 value of the specimen, whichever is higher;

12 (2) For a second offense, up to \$500 or the retail market
13 value of the specimen, whichever is higher; and

14 (3) For a third or subsequent offense, up to \$1,000 or the
15 retail market value of the specimen, whichever is
16 higher.

17 [~~e~~] (d) The fines specified in this section shall not be
18 suspended or waived.

19 (e) The department may recommend to the court that the
20 defendant be ~~[restricted from]~~ sentenced to probation with

1 probationary terms and conditions consistent with sections 706-
2 623 and 706-624 including, but not limited to:

3 (1) Restrictions on entering specific geographical areas
4 where aquatic resources may be found, including ocean
5 waters, estuaries, rivers, and streams[-];

6 (2) Restrictions on engaging in certain or all fishing
7 activities; and

8 (3) Restrictions on handling, operating, or possessing
9 certain fishing gear or boating equipment."

10 SECTION 6. Section 190-5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§190-5 Penalty.** (a) Any person violating this chapter,
13 any rule adopted pursuant thereto, or the terms and conditions
14 of any permit issued under section 190-4, shall be guilty of a
15 petty misdemeanor and punished as provided in subsections (b)
16 [~~and (e).~~], (c), and (d).

17 (b) The punishment, in addition to any other penalties,
18 shall be a fine of not less than:

19 (1) \$250 for a first offense;

20 (2) \$500 for a second offense; and

21 (3) \$1,000 for a third or subsequent offense.

1 (c) A fine in addition to the fine under subsection (b)
2 may be levied for each specimen of aquatic life taken, killed,
3 or injured in violation of this chapter or any rule adopted
4 thereunder as follows:

5 (1) For a first offense, up to \$250 or the retail market
6 value of the specimen, whichever is higher;

7 (2) For a second offense, up to \$500 or the retail market
8 value of the specimen, whichever is higher; and

9 (3) For a third of subsequent offense, up to \$1,000 or the
10 retail market value of the specimen, whichever is
11 higher.

12 [~~e~~] (d) The court may require the defendant to complete
13 an aquatic resources educational class administered by the
14 department of land and natural resources in addition to or in
15 lieu of paying all or any part of any monetary fine authorized
16 by this section.

17 [~~d~~] (e) The court may allow the defendant to perform
18 community service as administered by the department of land and
19 natural resources in lieu of paying any monetary fine authorized
20 by this section[~~.-~~]; provided that if community service is
21 ordered pursuant to this section, the department may recommend

1 to the court community service that benefits the resource that
2 was damaged.

3 (f) The department may recommend to the court that the
4 defendant be ~~[restricted from]~~ sentenced to probation with
5 probationary terms and conditions consistent with sections 706-
6 623 and 706-624 including, but not limited to:

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8 where aquatic resources may be found, including ocean
9 waters, estuaries, rivers, and streams~~[-]~~;

10 (2) Restrictions on engaging in certain or all fishing
11 activities; and

12 (3) Restrictions on handling, operating, or possessing
13 certain fishing gear or boating equipment."

14 SECTION 7. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 2050.

H.B. NO.

1653
H.D. 1
Proposed H.D. 2

Report Title:

Aquatic Resources; Intentional Violations; Penalties; Fines

Description:

Establishes a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured. Establishes a criminal fine structure on a per-specimen basis for violations involving aquatic life. Authorizes the department of land and natural resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine. Authorizes the department of land and natural resources to recommend to the court that defendants be restricted from entering specific geographical areas where aquatic resources may be found. Effective 7/1/2050. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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A critical component of effective resource management is ensuring that management agencies have the appropriate suite of enforcement tools and penalties to encourage compliance with aquatic resource laws and to ensure just and reasonable punishment for violations.

SECTION 2 – Tiered administrative fines system for each specimen of aquatic life

Section 187A-12.5, Hawaii Revised Statutes (HRS), authorizes tiered administrative fines for aquatic resource violations (i.e., higher fines for repeat violations)¹ and additional non-tiered

¹ Section 187A-12.5, HRS, provides in relevant part:

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finest for each specimen of aquatic life unlawfully taken.² House Bill 1653, House Draft 1 proposes to establish tiered administrative fines for each specimen of aquatic life unlawfully taken. The Department does not have reason to believe that existing non-tiered per specimen fines are inadequate. However, having tiered per specimen fines provides greater flexibility to pursue higher per specimen penalties for repeat violations if warranted. Therefore, the Department supports SECTION 2 of the bill as written.

SECTIONS 3, 4, 5, and 6 – per specimen criminal fine structure

Sections 187A-13, 188-70, 189-4, and 190-5, HRS, set forth criminal penalties for violations of these chapters and rules adopted thereunder. Criminal cases are prosecuted by City or County Prosecutors' Offices and adjudicated by the Judiciary, typically at the State District Court level. Prosecutors typically pursue one criminal count per violation, even if the violation involves the unlawful take of multiple specimens of aquatic life. This often results in penalties that are disproportionately low in relation to the value of aquatic life unlawfully taken. For example, a defendant who has unlawfully taken five specimens will often receive the same minimum penalty (\$100) as a defendant who has unlawfully taken a single specimen of the same species. Prosecutors do have the ability to charge separate counts for each specimen of aquatic life unlawfully taken, but this process is rarely utilized. Currently, when a case involves multiple specimens, some prosecutors will request a higher fine to reflect the take. However, the results vary widely, and resulting sentences remain inconsistent. Amending existing criminal penalty sections to expressly authorize per specimen criminal fines would make it easier for prosecutors to seek penalties proportionate to the violation.

SECTIONS 3, 4, and 6 – Authorize the Department to recommend community service that benefits the resource damaged

Three existing aquatic resource penalty sections (Sections 187A-13, 188-70, and 190-5, HRS) authorize the court to require a defendant to perform community service in lieu of paying a monetary fine. SECTIONS 3, 4, and 6 of the bill propose to add language to allow the Department to recommend to the court community service that benefits the resource that was damaged. While this language is okay, it may not achieve the intended result. The court is already authorized to use resource-based community service as a sentencing tool, and the

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² Section 187A-12.5, HRS, provides in relevant part:

(d) In addition to subsection (b), a fine of up to \$5,000 may be levied for each specimen of threatened or endangered aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder.

(e) In addition to subsection (c), a fine of up to \$1,000 may be levied for each specimen of all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder.

Department already has the ability to make specific community service recommendations. However, the Judiciary has a list of approved community service work sites where Defendants may be referred. The issue is that there may not be an available community service location where work performed would benefit the resource damaged. To achieve the goal of having defendants perform community service that benefits the resources damaged, more community service opportunities need to be identified and established. Legislation is not necessarily required for this.

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Thank you for the opportunity to comment on this measure.

³ See HRS § 706-624(2)(f), -(m), and -(t).

A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's aquatic
2 resources are of significant economic, ecologic, cultural, and
3 aesthetic importance to agriculture, tourism, food production,
4 and fisheries in the State. The legislature recognizes the
5 importance of managing and conserving Hawaii's aquatic resources
6 and ecosystem for present and future generations. Careful
7 stewardship and protection of Hawaii's aquatic resources are
8 essential to the well-being of our island state.

9 The purpose of this Act is to strengthen the penalties for
10 violations of the State's aquatic resources law by:

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12 each specimen of aquatic life taken, killed, or
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15 specimen basis for violations involving aquatic life;
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15 life taken, killed, or injured in violation of subtitle 5 of
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19 (2) For a second violation, up to \$10,000 or the retail
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2 the retail market value of the specimen, whichever is
3 higher.

4 (e) [~~In addition to subsection (c), a fine of up to~~
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6 be levied for each specimen of all other aquatic life taken,
7 killed, or injured in violation of subtitle 5 of title 12 or any
8 rule adopted thereunder[~~er~~] as follows:

9 (1) For a first violation, up to \$1,000 or the retail
10 market value of the specimen, whichever is higher;

11 (2) For a second violation, up to \$2,000 or the retail
12 market value of the specimen, whichever is higher; and

13 (3) For a third or subsequent violation, up to \$3,000 or
14 the retail market value of the specimen, whichever is
15 higher."

16 SECTION 3. Section 187A-13, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§187A-13 General penalty; community service.** (a) Any
19 person violating this chapter or any rule adopted thereunder for
20 which a penalty is not otherwise provided, shall be guilty of a

1 petty misdemeanor and, in addition to any other penalties, shall
2 be fined not less than:

- 3 (1) \$250 for a first offense;
- 4 (2) \$500 for a second offense; and
- 5 (3) \$1,000 for a third or subsequent offense.

6 (b) A fine in addition to the fine under subsection (a)
7 may be levied for each specimen of aquatic life taken, killed,
8 or injured in violation of this chapter or any rule adopted
9 thereunder as follows:

- 10 (1) For a first offense, up to \$250 or the retail market
11 value of the specimen, whichever is higher;
- 12 (2) For a second offense, up to \$500 or the retail market
13 value of the specimen, whichever is higher; and
- 14 (3) For a third or subsequent offense, up to \$1,000 or the
15 retail market value of the specimen, whichever is
16 higher.

17 [~~(b)~~] (c) The court may require the defendant to complete
18 an aquatic resources educational class administered by the
19 department in addition to or in lieu of paying all or any part
20 of any monetary fine authorized by this section.

1 [~~(e)~~] (d) The court may direct the defendant to perform
2 community service as administered by the department in lieu of
3 paying any monetary fine authorized by this section~~[-]~~; provided
4 that if community service is ordered pursuant to this section,
5 the department may recommend to the court community service that
6 benefits the resource that was damaged.

7 (e) The department may recommend to the court that the
8 defendant be ~~[restricted from]~~ sentenced to probation with
9 probationary terms and conditions consistent with sections 706-
10 623 and 706-624 including, but not limited to:

11 (1) Restrictions on entering specific geographical areas
12 where aquatic resources may be found, including ocean
13 waters, estuaries, rivers, and streams~~[-]~~;

14 (2) Restrictions on engaging in certain or all fishing
15 activities; and

16 (3) Restrictions on handling, operating, or possessing
17 certain fishing gear or boating equipment."

18 SECTION 4. Section 188-70, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§188-70 Penalties.** (a) Any person violating any
21 provision of or any rule adopted pursuant to this chapter,

1 except sections 188-23, 188-39.5, and 188-40.8, is guilty of a
2 petty misdemeanor and, in addition to any other penalties, shall
3 be fined no less than:

- 4 (1) \$100 for a first offense;
- 5 (2) \$200 for a second offense; and
- 6 (3) \$500 for a third or subsequent offense.

7 (b) A fine in addition to the fine under subsection (a)
8 may be levied for each specimen of aquatic life taken, killed,
9 or injured in violation of this chapter or any rule adopted
10 thereunder as follows:

- 11 (1) For a first offense, up to \$100 or the retail market
12 value of the specimen, whichever is higher;
- 13 (2) For a second offense, up to \$200 or the retail market
14 value of the specimen, whichever is higher; and
- 15 (3) For a third or subsequent offense, up to \$500 or the
16 retail market value of the specimen, whichever is
17 higher.

18 [~~(b)~~] (c) Any person violating section 188-23, is guilty
19 of a class C felony and shall be sentenced pursuant to chapter
20 706; provided that the environmental court, in addition to any
21 term of imprisonment or any other terms and conditions of

1 probation, shall order the defendant to pay a fine of not less
2 than \$1,000. Notwithstanding section 706-669 and any other law
3 to the contrary, any person in violation of section 188-23(b),
4 as a first offense, shall be sentenced to a mandatory minimum
5 period of imprisonment without possibility of parole of thirty
6 days. Repeat offenders shall be sentenced pursuant to chapter
7 706.

8 ~~[(e)]~~ (d) The environmental court may require the
9 defendant to complete an aquatic resources educational class
10 administered by the department of land and natural resources in
11 addition to or in lieu of paying all or any part of any monetary
12 fine authorized by this section.

13 ~~[(d)]~~ (e) The environmental court may direct the defendant
14 to perform community service as administered by the department
15 of land and natural resources in lieu of paying any monetary
16 fine authorized by this section~~[-]~~; provided that if community
17 service is ordered pursuant to this section, the department may
18 recommend to the environmental court community service that
19 benefits the resource that was damaged.

20 (f) The department may recommend to the environmental
21 court that the defendant be ~~[restricted from]~~ sentenced to

1 probation with probationary terms and conditions consistent with
2 sections 706-623 and 706-624 including, but not limited to:

3 (1) Restrictions on entering specific geographical areas
4 where aquatic resources may be found, including ocean
5 waters, estuaries, rivers, and streams[-];

6 (2) Restrictions on engaging in certain or all fishing
7 activities; and

8 (3) Restrictions on handling, operating, or possessing
9 certain fishing gear or boating equipment."

10 SECTION 5. Section 189-4, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§189-4 Penalties.** (a) Any person violating any of the
13 provisions of this chapter for which a penalty is not otherwise
14 provided, or any rule of the department adopted thereunder,
15 shall be guilty of a petty misdemeanor and punishable as
16 provided in subsection (b); provided that in the case of a
17 corporation violating any of the provisions, only the fine shall
18 be imposed, but any officer of the corporation who wilfully
19 procures or permits the violation of the provisions by the
20 corporation shall be punishable as in the case of an individual
21 violating the same.

1 (b) The punishment, in addition to any other penalties,
2 shall be a fine of not less than:

3 (1) \$250 for a first offense;

4 (2) \$500 for a second offense; and

5 (3) \$1,000 for a third or subsequent offense.

6 (c) A fine in addition to the fine under subsection (b)
7 may be levied for each specimen of aquatic life taken, killed,
8 injured, or sold in violation of this chapter or any rule
9 adopted thereunder as follows:

10 (1) For a first offense, up to \$250 or the retail market
11 value of the specimen, whichever is higher;

12 (2) For a second offense, up to \$500 or the retail market
13 value of the specimen, whichever is higher; and

14 (3) For a third or subsequent offense, up to \$1,000 or the
15 retail market value of the specimen, whichever is
16 higher.

17 [~~e~~] (d) The fines specified in this section shall not be
18 suspended or waived.

19 (e) The department may recommend to the court that the
20 defendant be ~~[restricted from]~~ sentenced to probation with

1 probationary terms and conditions consistent with sections 706-
2 623 and 706-624 including, but not limited to:

3 (1) Restrictions on entering specific geographical areas
4 where aquatic resources may be found, including ocean
5 waters, estuaries, rivers, and streams[-];

6 (2) Restrictions on engaging in certain or all fishing
7 activities; and

8 (3) Restrictions on handling, operating, or possessing
9 certain fishing gear or boating equipment."

10 SECTION 6. Section 190-5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§190-5 Penalty.** (a) Any person violating this chapter,
13 any rule adopted pursuant thereto, or the terms and conditions
14 of any permit issued under section 190-4, shall be guilty of a
15 petty misdemeanor and punished as provided in subsections (b)
16 [~~and (e).~~], (c), and (d).

17 (b) The punishment, in addition to any other penalties,
18 shall be a fine of not less than:

19 (1) \$250 for a first offense;

20 (2) \$500 for a second offense; and

21 (3) \$1,000 for a third or subsequent offense.

1 (c) A fine in addition to the fine under subsection (b)
2 may be levied for each specimen of aquatic life taken, killed,
3 or injured in violation of this chapter or any rule adopted
4 thereunder as follows:

5 (1) For a first offense, up to \$250 or the retail market
6 value of the specimen, whichever is higher;

7 (2) For a second offense, up to \$500 or the retail market
8 value of the specimen, whichever is higher; and

9 (3) For a third of subsequent offense, up to \$1,000 or the
10 retail market value of the specimen, whichever is
11 higher.

12 [~~e~~] (d) The court may require the defendant to complete
13 an aquatic resources educational class administered by the
14 department of land and natural resources in addition to or in
15 lieu of paying all or any part of any monetary fine authorized
16 by this section.

17 [~~d~~] (e) The court may allow the defendant to perform
18 community service as administered by the department of land and
19 natural resources in lieu of paying any monetary fine authorized
20 by this section~~[-]~~; provided that if community service is
21 ordered pursuant to this section, the department may recommend

1 to the court community service that benefits the resource that
2 was damaged.

3 (f) The department may recommend to the court that the
4 defendant be ~~[restricted from]~~ sentenced to probation with
5 probationary terms and conditions consistent with sections 706-
6 623 and 706-624 including, but not limited to:

7 (1) Restrictions on entering specific geographical areas
8 where aquatic resources may be found, including ocean
9 waters, estuaries, rivers, and streams~~[-]~~;

10 (2) Restrictions on engaging in certain or all fishing
11 activities; and

12 (3) Restrictions on handling, operating, or possessing
13 certain fishing gear or boating equipment."

14 SECTION 7. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 2050.

H.B. NO.

1653
H.D. 1
Proposed H.D. 2

Report Title:

Aquatic Resources; Intentional Violations; Penalties; Fines

Description:

Establishes a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured. Establishes a criminal fine structure on a per-specimen basis for violations involving aquatic life. Authorizes the department of land and natural resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine. Authorizes the department of land and natural resources to recommend to the court that defendants be restricted from entering specific geographical areas where aquatic resources may be found. Effective 7/1/2050. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 1653, H.D. 1, RELATING TO AQUATIC RESOURCES.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

DATE: Wednesday, February 16, 2022 **TIME:** 02:00 p.m.

LOCATION: State Capitol, Room 325, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General,
Melissa D. Goldman, Deputy Attorney General.

Chair Nakashima and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill establishes a tiered administrative fine system for certain aquatic resource violations, authorizes the Department of Land and Natural Resources (Department) to recommend community service that benefits the resource damaged when community service is ordered in lieu of a fine, and also to recommend to the court "that the defendant be restricted from entering specific geographical areas where aquatic resources may be found, including ocean waters estuaries, rivers, and streams" as stated in section 3, page 5, lines 7–10; section 4, page 7, lines 15–18; section 5, page 9, lines 8–11; and section 6, page 11, lines 5–8.

The bill's wording authorizing the Department to recommend that the defendant be restricted from entering specific geographical areas where aquatic resources are found was added by the House Committee on Water and Land following its hearing on the measure. We advise that this Committee clarify the added wording by specifying that the Department is authorized to recommend that a defendant be restricted from entering specific geographical areas within the "waters of the State," over which state courts may exercise jurisdiction.

Under the Submerged Lands Act of 1953, 43 U.S.C. section 1301, *et seq.*, the federal government has recognized states' title to submerged lands within three geographical miles of their coastlines, with a few minor exceptions. 43 U.S.C. section 1312; *see also, e.g.*, 16 U.S.C. section 1856(a)(2)(A) (explaining that states' boundaries

are the same as the United States territorial sea, as established by the Geneva Convention on the Territorial Sea and Contiguous Zone—three nautical miles). Hawaii courts have likewise ruled that the State's waters extend three nautical miles from the low water mark on shore, *Detting v. United States*, 983 F. Supp. 2d 1184, 1201 (D. Haw. 2013) (citing *Civil Aeronautics Bd., et al. v. Island Airlines, Inc.*, 235 F. Supp. 990, 1007 (D. Haw. 1964), *aff'd Island Airlines, Inc. v. Civil Aeronautics Bd.*, 352 F.2d 735 (9th Cir. 1965), with the possible exception of channels between the islands, *see, e.g., In re Application of Island Airways*, 47 Haw. 1, 89–91 (1963) (discussing whether the channels were within the boundaries of the State); *compare Island Airways, Inc. v. Civil Aeronautics Bd.*, 363 F.2d 120 (9th Cir. 1966) (holding channels were not part of the Territory or the State). No matter the precise boundaries, it is clear that state courts do not exercise jurisdiction over *all* waters.

In order to prevent confusion, we recommend that the measure be amended to specify that the Department of Land and Natural Resources may recommend that the defendant be restricted from entering certain "waters of the State," to ensure that state courts have jurisdiction over the waters a defendant might be prohibited from entering following an aquatic resources violation case. *See generally* section 339-1, Hawaii Revised Statutes (defining "waters of the State" as "any stream, river, ocean, canal, harbor, bay, or the like located within the territorial limits of the State.").

For the above reasons, we respectfully ask that this bill be amended.

HB-1653-HD-1

Submitted on: 2/15/2022 9:05:05 AM

Testimony for JHA on 2/16/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Damien Kenison	Kauhako Ohana Association	Support	No

Comments:

Aloha no, I am submitting this testimony in support of HB 1653

DOCARE already has difficulty enforcing the Hawaii fishing rules and regulations due to inadequate staffing and the few commercial fishers who have no respect for our subsistence fishing communities have taken advantage of that. Although many of our commercial fishers are law abiding and respectful the “bad apples” have put a stain on that industry and turned subsistence fishers against them all.

Those bad apples take as much as they can and move on because they have no connection to our fishing communities and do not care if the resource is depleted. Sadly, although we are experiencing difficult economic times because of the pandemic and the high cost of living in Hawaii, there are also a few locals who have forgotten the values taught to them by kupuna and placed money above their integrity.

This proposed tier system will enable all fishers to understand and abide by our fishing rules without being overly chastised for their first violation, regardless of whether it was intentional or not. Continued violations will determine someone’s intent to knowingly harvest fish illegally and punish them accordingly. This bill will put some “teeth” into enforcement efforts without causing undue harm to those who are not familiar with the rules and regulations and abide by them..

I am a part of the Lawai'a Pono Initiative sponsored by KUA and rejoined the West Hawaii Fishery Council last year to be a positive influence on marine resource conservation here in our West Hawaii Regional Fishery Management Area which my home, Ho’okena, is a part of. My determination to represent the families of this district has prompted me to participate in the activities of the Legislature and support proposals that will protect our i’a and perpetuate our cultural practices. Please pass HB 1653 which will help DOCARE to protect our marine resources from illegal harvesting.

Mahalo nui,

Damien Kenison

Kauhakō Ohana Association

PO Box 38, Honaunau, HI. 96726



February 15, 2022

Re: **STRONG SUPPORT** for **HB1653 HD1**: Relating to Aquatic Resources

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary & Hawaiian Affairs,

Mālama Pūpūkea-Waimea (MPW) is a Hawai'i non-profit organization founded on the North Shore of O'ahu in 2005 that cares for, educates about, and protects the Pūpūkea Marine Life Conservation District (MLCD) one of only three on O'ahu and eleven statewide.

Mālama Pūpūkea-Waimea
Post Office Box 188
Hale'iwa, HI 96712

Board of Directors

Denise Antolini
Anne Chung
Sydney Covell
Bob Leinau
Jacqueline Leinau

Advisory Council

Athline Clark
John Cutting
Dr. Alan Friedlander
Debbie Gowensmith
Maxx E. Phillips
Bill Quinlan
Palakiko Yagodich

Staff

*Jenny Yagodich, Director of
Educational Programs &
Makai Watch Coordinator*

Federal Nonprofit Organization
501(c)(3) FEIN 27-0855937
www.pupukeawaimea.org
info@pupukeawaimea.org

We are proud to have been the first (and are currently the only) State of Hawai'i Makai Watch program on O'ahu, a collaborative statewide program where citizens and NGOs become directly involved with the Department of Land and Natural Resources (DLNR) in the management of marine resources through promoting compliance to rules, education, and monitoring.

We collaborate closely with the Division of Conservation and Resources Enforcement (DOCARE) and rely on their ability to respond to violations and enforce the rules and regulations protecting our marine resources. We are in **support of HB1653 HD1** which would establish a much-needed tiered administrative fine system for each specimen of aquatic life taken, killed, or injured. It would also establish a criminal fine structure on a per-specimen basis for violations involving aquatic life, would authorize the Department of Land and Natural Resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine, and would authorize the Department of Land and Natural Resources to recommend to the court that defendants be restricted from entering specific geographical areas where aquatic resources may be found.

In addition, we recommend including into HB1653 HD1 specifications that any violation occurring within an established Natural Area Reserve, Marine Life Conservation District, Fishing Management Area or any other Marine Protected Area be applied to the highest tier.

Mahalo nui for your consideration of HB1653 HD1,

Jenny Yagodich

Jenny Yagodich
Director of Educational Programs &
Makai Watch Coordinator
Mālama Pūpūkea-Waimea



February 16, 2022, 2pm

To: Chair Nakashima and House Judiciary Committee members

Re: SUPPORT with Amendments HB 1635; Relating to Aquatic Resource Violations

For the Fishes, dedicated to the protection of coral reef wildlife, supports HB1635, which proposes to raise fines and penalties for certain aquatic resource violations, including creating a new criminal penalty and clarifying that each violation constitutes a separate offense, with the below amendments to the House Draft 1.

DOCARE states that illegal fishing and other aquatic resource violations are the most challenging offenses to enforce, given they occur on and/or under the water, and often at night, where DOCARE lacks adequate resources, equipment (boats) and staffing. DOCARE relies heavily on tips and information from the public, including from boaters, fishers and other ocean users.

The penalties for such offenses must be commensurate with the retail sales values of the reef wildlife illegally captured, to serve as any deterrent for future violations. Otherwise, fines and penalties for aquatic resource violators simply become the “cost of doing business.” In addition, violators should have their CML and any other permits/licenses revoked upon conviction.

AMENDMENTS:

1. Threatened & Endangered species do not have a “retail market value” thus on **Page 2, lines 17-20 and Page 3, lines 1-3 strike reference to “or the retail market value of the specimen, whichever is greater”**
2. For proposed amendments to sections 187A-13, 188-70, 189-4, 190-5, the addition of “up to \$250 for the first offense” is not adequate...” given:
 - a. The courts may already fine up to \$1000 per offense but are not doing so
 - b. A mandatory minimum fine is needed**
3. Similar to criminal theft of property statutes, **a retail market value must be set to trigger fines that are 2 to 3 times the retail market value of the specimen.** For example, if the retail market value of the marine resources illegally taken exceeds \$750, the fine shall be 2 times the retail market value, if the retail market value exceeds \$1500, the fine shall be 3 times the retail market value.
4. A person convicted of violating these sections **must be subject to revocation of their Commercial Marine License.** While DLNR currently has this discretion, this same discretion must be provided to the courts and mandatory for DLNR, as they have not done so.

To exemplify the need for upgraded fines and penalties commensurate with value and revocation/suspension of CML’s, in 2020 alone, tips from the public led to the investigation and subsequent arrest of three large-scale aquarium poaching operations involving 8 individuals in West Hawaii. Below is a summary of the charges, animals poached, fines, retail value and CML status of defendants.

DEFENDANT	NO. OF AQUARIUM POACHING CHARGES	NO. OF ANIMALS TAKEN	CRIMINAL FINE	RETAIL VALUE OF ANIMALS	CML STATUS
TERAZONO- NEWMAN	11	550	5500	\$37,466	NEVER SUSPENDED
HOWARD- TORIYAMA	252	235	BENCH WARRANT ISSUED	\$24,730	NO CMLS
BEEVERS	344	336	\$4000	\$36,484	NEVER SUSPENDED
TOTALS	607	1121	\$9500.00	\$98,680.00	

Thank you for your consideration of the above amendments if the intent of this legislation is to serve as an adequate deterrent and penalty for violators.

Sincerely,

Inga Gibson, For the Fishes
Policy@FortheFishes.org

HB-1653-HD-1

Submitted on: 2/15/2022 1:59:06 PM

Testimony for JHA on 2/16/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Zachary LaPrade	Ocean Tourism Coalition	Oppose	Yes

Comments:

Dear Chair, Vice Chair and Members of the Committee

The Ocean Tourism Coalition (“OTC”) represents over 300 ocean tourism businesses statewide.

OTC’s greatest concern with HB1653 HD1 is that the term "intentional" was removed from the original version of HB1653 for the portions of the bill that imposes "criminal" penalties.

A violation that could result in criminal charges should include an "intentional" requirement. There should not be the same penalties for someone who intentionally takes marine life versus someone who loses their boat in a storm through no fault of their own.

Thank you for the opportunity to submit testimony and we look forward to testifying in person.

Ocean Tourism Coalitiion.

LATE

HB-1653-HD-1

Submitted on: 2/15/2022 4:19:56 PM

Testimony for JHA on 2/16/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kevin Chang	Kua'aina Ulu 'Auamo	Support	No

Comments:

Aloha,

Apologies for this late testimony but we generally support this bill.

Mahalo

Kevin



January 30, 2022

LATE

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: February 16, 2022
TIME: 200PM

Regarding: HB 1653, HD1 RELATING TO AQUATIC RESOURCES.

Support HB1653 HD1

HFACT is a not-for-profit, IRS 501c(5) organization, that advocates for small boat commercial, non-commercial, and recreational fishermen throughout Hawaii. HFACT board members sit on a number of federal fisheries management and endangered species advisory committees as well as state marine and coastal zone advisory committees; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the central Pacific.

HFACT supports HB 1653 HD1.

HFACT fully supports the provision of performing community service in lieu of a fine.

However, the section regarding the per-specimen basis of the tiered administrative fine system is flawed and requires an addition of categories of aquatic life. Not all aquatic life is equal in its ecological value. For example, uhu (parrotfish) provides a valuable ecological service of cleaning algae off of coral. Gravid (carrying eggs) Kona crab provides the valuable ecological service of providing hatchlings. In comparison, retaining an undersized (less than 10 inch) papio (jack) or kumu (goatfish) has significantly less ecological impact. (It should be noted that under spearfishing conditions, with magnification condition of a mask and water, it is very difficult to estimate the size of a fish prior to spearing, especially for young beginners.)

The over-simplified per-specimen rules would be difficult to apply to a violation of limu take (limu cannot be harvested when reproductive nodes are present).

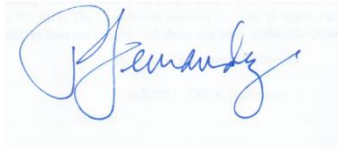
Therefore, HFACT asks the addition of provision to allow the Division of Aquatic Resources to create categories of aquatic resources. The tiered fine system may apply to some aquatic resources, but not to others. Additionally, multiple tier schedules may be necessary to have higher fines for certain (high value ecological service) resources, and lower tier schedules for other aquatic resources.

***Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.
75-796 Hiona Street, Holualoa HI 96725***

Finally, the effective date of this bill should be January 1, 2024, to give the division sufficient time to create categories and vetting the categories by consulting with the fishing communities, and to notify and educate the public prior to implementation.

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide comment and to assist in providing food to the people of Hawaii and to assist in the conservation of Hawaii's natural resources.

Sincerely and Aloha,

A handwritten signature in blue ink, appearing to read "Phil Fernandez", is centered below the closing. The signature is fluid and cursive.

Phil Fernandez
President

HB-1653-HD-1

Submitted on: 2/14/2022 7:12:53 PM

Testimony for JHA on 2/16/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Darrell Tanaka	Individual	Support	No

Comments:

I am a lifelong fisherman and I support this measure...we have too many problems with repeat offenders, we need dlnc to have better tools to manage our reefs...we need this bill to pass, thank you.

HB-1653-HD-1

Submitted on: 2/15/2022 9:39:04 AM

Testimony for JHA on 2/16/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maki Morinoue	Individual	Support	No

Comments:

Aloha

My name is Maki Morinoue and I am a 4th generation kama'aina from Holualoa. Growing up our shoreline was and still is our main playground and food source. Only in my son's generation have we lacked the care and now face infectious diseases as a daily precaution when going to our shorelines due to over development, sewage and brown water runoff.

I have observed the massive change in land use that directly impact our ocean as well as sea life of overharvesting with NO rules and regulations strong enough to keep our reef fish safe from vital herbivorous fishes that keep our coral reef healthy and invite other fish in a dance of an ecosystem we call the circle of life.

Please support and pass HB1653 which will increase penalties for illegal fish harvesting and other marine conservation legislation.

Today is the day to malama via modern legislative methods to ensure revitalization and protections from offshore investors from damaging our land and ocean ecology.

Mahalo for your time and I look forward to following this bill till the end and hope Ways and Means will support this important and necessary bill that impacts food security and overall ecology.

Maki Morinoue
Holualoa
96725

HB-1653-HD-1

Submitted on: 2/15/2022 12:38:41 PM

Testimony for JHA on 2/16/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mike Nakachi	Moana Ohana	Support	No

Comments:

Please support DLNR in protecting our resources with the bill