

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
SUZANNE D. CASE  
Chairperson

Before the House Committee on  
WATER & LAND

Tuesday, February 1, 2022  
8:30 AM

State Capitol, Via Videoconference, Conference Room 430

In consideration of  
HOUSE BILL 1653  
RELATING TO AQUATIC RESOURCES

House Bill 1653 proposes to authorize the imposition of a criminal fine for violations involving aquatic resources; 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; and 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. **The Department supports this measure subject to the following comments and suggested amendments.**

SECTION 2 – Authorization of criminal fines for aquatic resource violations

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. Existing laws provide the Department with both administrative<sup>1</sup> and criminal<sup>2</sup> penalties for aquatic resource violations. Therefore, proposed subsection (a) under SECTION 2 of the bill is unnecessary.

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<sup>1</sup> Section 187A-12.5, Hawaii Revised Statutes (HRS), provides general administrative penalties for violations of subtitle 5 (Aquatic Resources and Wildlife) of title 12 or any rule adopted thereunder. It also authorizes additional per specimen fines for violations involving the take of aquatic life.

<sup>2</sup> Section 187A-13, HRS, provides criminal penalties for violations of Chapter 187A, HRS (Aquatic Resources) or any rule adopted thereunder for which a penalty is not otherwise provided. Section 188-70 HRS, provides criminal penalties for violations of chapter 188 (Fishing Rights and Regulations) or any rule adopted thereunder. Section 189-4, HRS, provides criminal penalties for violations of Chapter 189, HRS (Commercial Fishing) or any rule adopted thereunder. Section 190-5, HRS, provides criminal penalties for violations of Chapter 190, HRS (Marine Life Conservation Program) or any rule adopted thereunder.

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AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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Proposed subsection (b) under SECTION 2 of the bill would require criminal fines to be deposited to the conservation and resources enforcement special fund established pursuant to Section 199-1.5, HRS. The Department supports the concept of depositing criminal fines into departmental special funds to support resource management and enforcement. However, the Department notes that this requirement already exists. Criminal fines for sport fishing violations are required to be deposited into the Department's Sport Fish Special Fund pursuant to Section 187A-9.5, HRS.<sup>3</sup> Fines for commercial fishing violations are required to be deposited into the Department's Commercial Fisheries Special Fund.<sup>4</sup> Fines for all other aquatic resource violations are required to be deposited into the Department's new Ocean Stewardship Special Fund, which was established by Act 46 (Session Laws of Hawaii 2021). Therefore, proposed subsection (b) under SECTION 2 of the bill is unnecessary.

SECTION 3 – Tiered administrative fines system for each specimen of aquatic life

Section 187A-12.5, HRS, authorizes tiered administrative fines for aquatic resource violations (i.e., higher fines for repeat violations)<sup>5</sup> and additional non-tiered fines for each specimen of aquatic life unlawfully taken.<sup>6</sup> House Bill 1653 proposes to establish tiered administrative fines for each specimen of aquatic life unlawfully taken. The Department does not have reason to

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<sup>3</sup> Section 187A-9.5, HRS (Sportfish Special Fund) provides in relevant part:

(b) The following proceeds shall be retained by or transmitted to the department for deposit into the sport fish special fund:

- (3) Moneys, other than informers' fees authorized under section 187A-14, collected as fines or bail forfeitures for sport fishing violations of this chapter and chapters 188, 189, and 190;

<sup>4</sup> Section 189-2.4, HRS (Commercial Fisheries Special Fund) provides in relevant part:

(b) The following revenues shall be deposited into the commercial fisheries special fund:

- (3) Moneys, other than informers' fees authorized under section 187A-14, collected as fines or bail forfeitures or administrative fines for violations of this chapter;

<sup>5</sup> 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  
(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.

<sup>6</sup> 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.

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 3 of the bill as written.

SECTION 4a – 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.

SECTION 4 of the bill proposes to amend Section 187A-13 to add subsection (b) to establish a per specimen criminal fine for all aquatic resource violations under subtitle 5 of title 12, with increased maximum per specimen fines for repeat violations. The Department recommends making amendments to all four criminal penalty sections mentioned above to establish per specimen criminal fines that are consistent with the per violation fines established in each respective chapter. Proposed language is offered in the attached proposed House Draft 1.

SECTION 4b – 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. SECTION 4 of the bill proposes 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 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.

**The Department has attached a proposed House Draft 1 (the Department's proposed changes highlighted in yellow).**

Thank you for the opportunity to comment on this measure.

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# 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) ~~[Authorizing the imposition of a criminal fine~~  
12 ~~involving aquatic resources;~~

13           (2) Establishing a tiered administrative fine system for  
14 each specimen of aquatic life taken, killed, or  
15 injured;

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1        ~~[(3)]~~ (2) Establishing a criminal fine structure on a per-  
2                    specimen basis for violations involving aquatic life;  
3                    and

4        ~~[(4)]~~ (3) Authorizing the department of land and natural  
5                    resources to recommend community service that benefits  
6                    the resource damaged when a person is ordered to  
7                    perform community service in lieu of a fine.

8        ~~[SECTION 2. Chapter 187A, Hawaii Revised Statutes, is~~  
9        ~~amended by adding a new section to be appropriately designated~~  
10       ~~and to read as follows:~~

11        ~~"§187A. **Criminal fine.** (a) In addition to any other~~  
12        ~~civil or administrative penalties that may apply under this~~  
13        ~~chapter, any person who is convicted of intentionally violating~~  
14        ~~this chapter may be subject to a fine imposed under section~~  
15        ~~706-640.~~

16        ~~(b) Moneys from the fine collected pursuant to this~~  
17        ~~section shall be deposited to the credit of the conservation and~~  
18        ~~resources enforcement special fund established pursuant to~~  
19        ~~section 199-1.5."]~~

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1 SECTION **[3]** 2. Section 187A-12.5, Hawaii Revised Statutes,  
2 is amended by amending subsections (d) and (e) to read as  
3 follows:

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

- 9 (1) Up to \$5,000 for a first violation;  
10 (2) Up to \$10,000 for a second violation; and  
11 (3) Up to \$15,000 for a third or subsequent violation.

12 (e) [~~In addition to subsection (c), a fine of up to~~  
13 ~~\$1,000]~~ A fine in addition to the fine under subsection (c) may  
14 be levied for each specimen of all other aquatic life taken,  
15 killed, or injured in violation of subtitle 5 of title 12 or any  
16 rule adopted thereunder[~~-~~] as follows:

- 17 (1) Up to \$1,000 for a first violation;  
18 (2) Up to \$2,000 for a second violation; and  
19 (3) Up to \$3,000 for a third or subsequent violation."

20 SECTION **[4]** 3. Section 187A-13, Hawaii Revised Statutes,  
21 is amended to read as follows:

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1           "**§187A-13 General penalty; community service.** (a) Any  
2 person violating this chapter or any rule adopted thereunder for  
3 which a penalty is not otherwise provided, shall be guilty of a  
4 petty misdemeanor and, in addition to any other penalties, shall  
5 be fined not less than:

- 6           (1) \$250 for a first offense;
- 7           (2) \$500 for a second offense; and
- 8           (3) \$1,000 for a third or subsequent offense.

9           (b) A fine in addition to the fine under subsection (a)  
10 may be levied for each specimen of aquatic life taken, killed,  
11 or injured in violation of ~~[subtitle 5 of title 12]~~ this chapter  
12 or any rule adopted thereunder as follows:

- 13           (1) Up to \$250 for a first offense;
- 14           (2) Up to \$500 for a second offense; and
- 15           (3) Up to \$1,000 for a third or subsequent offense.

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

20           ~~[(e)]~~ (d) The court may direct the defendant to perform  
21 community service as administered by the department in lieu of

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1 paying any monetary fine authorized by this section~~[-]~~; provided  
2 that if community service is ordered pursuant to this section,  
3 the department may recommend to the court community service that  
4 benefits the resource that was damaged."

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

7 "**§188-70 Penalties.** (a) Any person violating any  
8 provision of or any rule adopted pursuant to this chapter,  
9 except sections 188-23, 188-39.5, and 188-40.8, is guilty of a  
10 petty misdemeanor and, in addition to any other penalties, shall  
11 be fined no less than:

12 (1) \$100 for a first offense;

13 (2) \$200 for a second offense; and

14 (3) \$500 for a third or subsequent offense.

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

19 (1) Up to \$100 for a first offense;

20 (2) Up to \$200 for a second offense; and

21 (3) Up to \$500 for a third or subsequent offense.



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1        [~~(b)~~] (c) Any person violating section 188-23, is guilty  
2 of a class C felony and shall be sentenced pursuant to chapter  
3 706; provided that the environmental court, in addition to any  
4 term of imprisonment or any other terms and conditions of  
5 probation, shall order the defendant to pay a fine of not less  
6 than \$1,000. Notwithstanding section 706-669 and any other law  
7 to the contrary, any person in violation of section 188-23(b),  
8 as a first offense, shall be sentenced to a mandatory minimum  
9 period of imprisonment without possibility of parole of thirty  
10 days. Repeat offenders shall be sentenced pursuant to chapter  
11 706.

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

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

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

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

5 "**§189-4 Penalties.** (a) Any person violating any of the  
6 provisions of this chapter for which a penalty is not otherwise  
7 provided, or any rule of the department adopted thereunder,  
8 shall be guilty of a petty misdemeanor and punishable as  
9 provided in subsection (b); provided that in the case of a  
10 corporation violating any of the provisions only the fine shall  
11 be imposed, but any officer of the corporation who wilfully  
12 procures or permits the violation of the provisions by the  
13 corporation shall be punishable as in the case of an individual  
14 violating the same.

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

- 17 (1) \$250 for a first offense;
- 18 (2) \$500 for a second offense;
- 19 (3) \$1,000 for a third or subsequent offense.

20 (c) A fine in addition to the fine under subsection (b)  
21 may be levied for each specimen of aquatic life taken, killed,

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1 injured, or sold in violation of this chapter or any rule  
2 adopted thereunder as follows:

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

6 ~~[-e-]~~ (d) The fines specified in this section shall not be  
7 suspended or waived."

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

10 "§190-5 Penalty. (a) Any person violating this chapter,  
11 any rule adopted pursuant thereto, or the terms and conditions  
12 of any permit issued under section 190-4, shall be guilty of a  
13 petty misdemeanor and punished as provided in subsections (b),  
14 ~~[and -e-]~~ (c), and (d).

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

- 17 (1) \$250 for a first offense;  
18 (2) \$500 for a second offense; and  
19 (3) \$1,000 for a third or subsequent offense.

20 (c) A fine in addition to the fine under subsection (b)  
21 may be levied for each specimen of aquatic life taken, killed,

# H.B. NO. 1653

1 or injured in violation of this chapter or any rule adopted  
2 thereunder as follows:

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

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

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

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

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

18 SECTION [5] 7. This Act does not affect rights and duties  
19 that matured, penalties that were incurred, and proceedings that  
20 were begun before its effective date.

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1           SECTION ~~[6]~~ 8. Statutory material to be repealed is  
2 bracketed and stricken. New statutory material is underscored.

3           SECTION ~~[7]~~ 9. This Act shall take effect upon its  
4 approval.

# H.B. NO. 1653

**Report Title:**

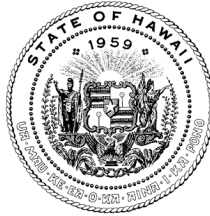
Aquatic Resources; Intentional Violations; Penalties; Fines

**Description:**

~~[Authorizes the imposition of a criminal fine for violations involving aquatic resources.]~~ 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.

*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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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. Existing laws provide the Department with both administrative<sup>1</sup> and criminal<sup>2</sup> penalties for aquatic resource violations. Therefore, proposed subsection (a) under SECTION 2 of the bill is unnecessary.

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Proposed subsection (b) under SECTION 2 of the bill would require criminal fines to be deposited to the conservation and resources enforcement special fund established pursuant to Section 199-1.5, HRS. The Department supports the concept of depositing criminal fines into departmental special funds to support resource management and enforcement. However, the Department notes that this requirement already exists. Criminal fines for sport fishing violations are required to be deposited into the Department's Sport Fish Special Fund pursuant to Section 187A-9.5, HRS.<sup>3</sup> Fines for commercial fishing violations are required to be deposited into the Department's Commercial Fisheries Special Fund.<sup>4</sup> Fines for all other aquatic resource violations are required to be deposited into the Department's new Ocean Stewardship Special Fund, which was established by Act 46 (Session Laws of Hawaii 2021). Therefore, proposed subsection (b) under SECTION 2 of the bill is unnecessary.

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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) ~~[Authorizing the imposition of a criminal fine~~  
12 ~~involving aquatic resources;~~

13           (2) Establishing a tiered administrative fine system for  
14 each specimen of aquatic life taken, killed, or  
15 injured;

# H.B. NO. 1653

1        ~~[(3)]~~ (2) Establishing a criminal fine structure on a per-  
2                    specimen basis for violations involving aquatic life;  
3                    and

4        ~~[(4)]~~ (3) Authorizing the department of land and natural  
5                    resources to recommend community service that benefits  
6                    the resource damaged when a person is ordered to  
7                    perform community service in lieu of a fine.

8        ~~[SECTION 2. Chapter 187A, Hawaii Revised Statutes, is~~  
9        ~~amended by adding a new section to be appropriately designated~~  
10       ~~and to read as follows:~~

11        ~~"§187A. **Criminal fine.** (a) In addition to any other~~  
12        ~~civil or administrative penalties that may apply under this~~  
13        ~~chapter, any person who is convicted of intentionally violating~~  
14        ~~this chapter may be subject to a fine imposed under section~~  
15        ~~706-640.~~

16        ~~(b) Moneys from the fine collected pursuant to this~~  
17        ~~section shall be deposited to the credit of the conservation and~~  
18        ~~resources enforcement special fund established pursuant to~~  
19        ~~section 199-1.5."]~~

# H.B. NO. 1653

1 SECTION **[3]** 2. Section 187A-12.5, Hawaii Revised Statutes,  
2 is amended by amending subsections (d) and (e) to read as  
3 follows:

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

- 9 (1) Up to \$5,000 for a first violation;  
10 (2) Up to \$10,000 for a second violation; and  
11 (3) Up to \$15,000 for a third or subsequent violation.

12 (e) [~~In addition to subsection (c), a fine of up to~~  
13 ~~\$1,000]~~ A fine in addition to the fine under subsection (c) may  
14 be levied for each specimen of all other aquatic life taken,  
15 killed, or injured in violation of subtitle 5 of title 12 or any  
16 rule adopted thereunder[~~-~~] as follows:

- 17 (1) Up to \$1,000 for a first violation;  
18 (2) Up to \$2,000 for a second violation; and  
19 (3) Up to \$3,000 for a third or subsequent violation."

20 SECTION **[4]** 3. Section 187A-13, Hawaii Revised Statutes,  
21 is amended to read as follows:

# H.B. NO. 1653

1           "**§187A-13 General penalty; community service.** (a) Any  
2 person violating this chapter or any rule adopted thereunder for  
3 which a penalty is not otherwise provided, shall be guilty of a  
4 petty misdemeanor and, in addition to any other penalties, shall  
5 be fined not less than:

- 6           (1) \$250 for a first offense;
- 7           (2) \$500 for a second offense; and
- 8           (3) \$1,000 for a third or subsequent offense.

9           (b) A fine in addition to the fine under subsection (a)  
10 may be levied for each specimen of aquatic life taken, killed,  
11 or injured in violation of ~~[subtitle 5 of title 12]~~ this chapter  
12 or any rule adopted thereunder as follows:

- 13           (1) Up to \$250 for a first offense;
- 14           (2) Up to \$500 for a second offense; and
- 15           (3) Up to \$1,000 for a third or subsequent offense.

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

20           ~~[(e)]~~ (d) The court may direct the defendant to perform  
21 community service as administered by the department in lieu of

# H.B. NO. 1653

1 paying any monetary fine authorized by this section~~[-]~~; provided  
2 that if community service is ordered pursuant to this section,  
3 the department may recommend to the court community service that  
4 benefits the resource that was damaged."

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

7 "**\$188-70 Penalties.** (a) Any person violating any  
8 provision of or any rule adopted pursuant to this chapter,  
9 except sections 188-23, 188-39.5, and 188-40.8, is guilty of a  
10 petty misdemeanor and, in addition to any other penalties, shall  
11 be fined no less than:

12 (1) \$100 for a first offense;

13 (2) \$200 for a second offense; and

14 (3) \$500 for a third or subsequent offense.

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

19 (1) Up to \$100 for a first offense;

20 (2) Up to \$200 for a second offense; and

21 (3) Up to \$500 for a third or subsequent offense.

## H.B. NO. 1653

1        ~~[(b)]~~ (c) Any person violating section 188-23, is guilty  
2 of a class C felony and shall be sentenced pursuant to chapter  
3 706; provided that the environmental court, in addition to any  
4 term of imprisonment or any other terms and conditions of  
5 probation, shall order the defendant to pay a fine of not less  
6 than \$1,000. Notwithstanding section 706-669 and any other law  
7 to the contrary, any person in violation of section 188-23(b),  
8 as a first offense, shall be sentenced to a mandatory minimum  
9 period of imprisonment without possibility of parole of thirty  
10 days. Repeat offenders shall be sentenced pursuant to chapter  
11 706.

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

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

# H.B. NO. 1653

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

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

5 "**§189-4 Penalties.** (a) Any person violating any of the  
6 provisions of this chapter for which a penalty is not otherwise  
7 provided, or any rule of the department adopted thereunder,  
8 shall be guilty of a petty misdemeanor and punishable as  
9 provided in subsection (b); provided that in the case of a  
10 corporation violating any of the provisions only the fine shall  
11 be imposed, but any officer of the corporation who wilfully  
12 procures or permits the violation of the provisions by the  
13 corporation shall be punishable as in the case of an individual  
14 violating the same.

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

- 17 (1) \$250 for a first offense;
- 18 (2) \$500 for a second offense;
- 19 (3) \$1,000 for a third or subsequent offense.

20 (c) A fine in addition to the fine under subsection (b)  
21 may be levied for each specimen of aquatic life taken, killed,



# H.B. NO. 1653

1 injured, or sold in violation of this chapter or any rule  
2 adopted thereunder as follows:

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

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

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

10 "§190-5 Penalty. (a) Any person violating this chapter,  
11 any rule adopted pursuant thereto, or the terms and conditions  
12 of any permit issued under section 190-4, shall be guilty of a  
13 petty misdemeanor and punished as provided in subsections (b),  
14 ~~[and (e)].~~ (c), and (d).

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

- 17 (1) \$250 for a first offense;  
18 (2) \$500 for a second offense; and  
19 (3) \$1,000 for a third or subsequent offense.

20 (c) A fine in addition to the fine under subsection (b)  
21 may be levied for each specimen of aquatic life taken, killed,

# H.B. NO. 1653

1 or injured in violation of this chapter or any rule adopted  
2 thereunder as follows:

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

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

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

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

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

18 SECTION [5] 7. This Act does not affect rights and duties  
19 that matured, penalties that were incurred, and proceedings that  
20 were begun before its effective date.

# H.B. NO. 1653

1           SECTION ~~[6]~~ 8. Statutory material to be repealed is  
2 bracketed and stricken. New statutory material is underscored.

3           SECTION ~~[7]~~ 9. This Act shall take effect upon its  
4 approval.

# H.B. NO. 1653

**Report Title:**

Aquatic Resources; Intentional Violations; Penalties; Fines

**Description:**

~~[Authorizes the imposition of a criminal fine for violations involving aquatic resources.]~~ 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.

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

**HB-1653**

Submitted on: 1/29/2022 2:09:22 PM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
leslie farnel	for forgotten felines	Support	No

Comments:

Please impose heavier penalties on reef poaching. Low penalties are easily paid from the profits of the sold aquatic life so perpetrators continue the practice. Existing penalties are not solving the problem.



*Dedicated to the conservation of coastal and marine environments,  
emphasizing stewardship of the natural resources of Hanauma Bay*

To: Representative David A. Tarnas, Chair; Representative Patrick P. Branco, Vice  
Chair; and Members of the Committee on Water and Land

Date: Tuesday, February 1, 2022

Time: 8:30 a.m.

Place: Conference Room 430 & Videoconference

Re: STRONG SUPPORT FOR HB1653 RELATING TO AQUATIC RESOURCES

Aloha Chair Tarnas, Vice Chair Branco, and Committee Members,

Friends of Hanauma Bay strongly supports HB1653 which establishes a tiered  
administrative fine system for violations involving aquatic resources.

In 2020, three major aquarium poaching cases in West Hawaii resulted in the illegal  
capture of almost 1000 reef animals, with a retail value exceeding \$100,000. Two  
poachers faced paltry fines and defendants in the third case did not show up in court.  
Fines must be commensurate with the sales value of these animals to ever serve as an  
adequate deterrent for aquarium poachers.

Mahalo for the opportunity to testify in strong support of HB1653.

With Aloha,

Lisa Bishop  
President  
Friends of Hanauma Bay



January 30, 2022

Rep. David A. Tarnas, Chair  
Rep. Patrick Pihana Branco, Vice Chair  
COMMITTEE ON WATER & LAND

DATE: Tuesday, February 1, 2022  
TIME: 8:30 am

Regarding: HB 1653 RELATING TO AQUATIC RESOURCES.

**Support the intent HB1653, but request modification of the bill.**

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 the intent of HB 1653.

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).

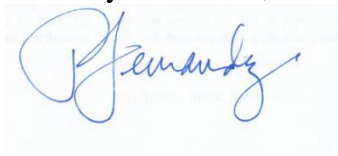
Therefore, HFACT asks the addition of provision to allow the Division of Aquatic Resources to create categories of aquatic resources. The tiered fine system may apply to some aquatic resources, but not to others. Additionally, multiple tier schedules may be necessary to have higher fines for certain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



Phil Fernandez  
President





**PET INDUSTRY JOINT  
ADVISORY COUNCIL**  
1615 Duke Street, Suite 100  
Alexandria, VA 22314  
Tel: 202-452-1525

TESTIMONY OF THE PET INDUSTRY JOINT ADVISORY COUNCIL  
FOR CONSIDERATION OF THE HAWAII HOUSE COMMITTEE ON WATER & LAND  
IN SUPPORT OF HB 1653

To be considered February 1st, 2022

February 1, 2022

**Position: SUPPORT**

HB 1653 is an important bill which advances sound science, sound safety practices, and common sense by substantially increasing the penalties for criminals without harming the responsible small businesses operating as Hawaiian aquarium fishermen.

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer our views regarding HB 1653, a bill that would protect the state's aquatic resources by strengthening the penalties for violators of Hawaii's aquatic resource laws. As the country's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its members national associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, PIJAC represents the interests of fishers, pet stores, suppliers, distributors, pet supply manufacturers, breeders, retailers and pet owners throughout the state of Hawaii and across the country.

Let me start by saying that nobody cares more about healthy and safe pets than PIJAC and its members. We have for many years provided a well-respected animal care certification program that is widely utilized by not only persons in the commercial pet trade but shelters, humane societies and institutes of higher education as well. Our association has long been recognized as the voice for a responsible pet trade, and we routinely advocate legislative and regulatory proposals establishing governmental mandates where appropriate to advance the public interest and welfare of pets and the environment. PIJAC works closely with US Department of Agriculture and Department of the Interior to ensure effective enforcement of the federal Animal Welfare Act, management of threatened or endangered species and control of invasive species, and have since its inception. We regularly work with federal and state agencies as well as local governments to advance animal welfare and environmental interests.

Hawaiian aquarium fishers have, until the recent court injunction which we anticipate having lifted soon, been responsibly operating for decades. While a small group of very vocal and well-funded activists have repeatedly attempted to kill off this entire industry for philosophical reasons, this bill recognizes that the science and data overwhelmingly support the sustainability of the fishery and seeks to punish those who would put that sustainability at risk.

As several Hawaiian organizations have pointed out, and a mountain of scientific data demonstrates, this is a model fishery (see <http://www.huntfarmfish.com/blog/>). Science has shown that the fishery operates in harmony with nature, and consistent with cultural values. The fishery operates sustainably

and in close cooperation with state regulators to ensure that resources are not taken in a way that negatively impacts the ecosystem. Isn't this exactly what every industry in Hawaii should be doing?

PIJAC supports the responsible pet trade. As such, we support increased enforcement and strict penalties to protect this vital and renewable Hawaiian resource.

Hawaii's aquarium industry is considered one of the best regulated near-shore fisheries in the world. The DLNR, pursuant to State law, submits a report every five years to the legislature entitled "Relating to the West Hawaii Regional Fishery Management Area." The 2015 Report found that the "The Hawaii marine aquarium fishery is currently the most economically valuable commercial inshore fishery in the State with FY 2014 reported landings greater than \$2.3 million." The regulatory mechanisms covering the Hawaiian aquarium fishery supports the tenets of the sustainable use of renewable natural resources supported in the IUCN's Policy Statement on sustainable use. PIJAC strongly support HB 1653 and asks the Hawaii Legislature to side with science over unfounded accusations. We ask that you vote YES on HB 1653.

Thank you for considering our comments and concerns.

Robert Likins  
Vice President of Government Affairs  
Pet Industry Joint Advisory Council (PIJAC)  
bob@pijac.org



**PET INDUSTRY JOINT  
ADVISORY COUNCIL**  
1615 Duke Street, Suite 100  
Alexandria, VA 22314  
Tel: 202-452-1525

TESTIMONY OF THE PET INDUSTRY JOINT ADVISORY COUNCIL  
FOR CONSIDERATION OF THE HAWAII HOUSE COMMITTEE ON WATER & LAND  
IN SUPPORT OF HB 1653

To be considered February 1st, 2022

February 1, 2022

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Hawaiian aquarium fishers have, until the recent court injunction which we anticipate having lifted soon, been responsibly operating for decades. While a small group of very vocal and well-funded activists have repeatedly attempted to kill off this entire industry for philosophical reasons, this bill recognizes that the science and data overwhelmingly support the sustainability of the fishery and seeks to punish those who would put that sustainability at risk.

As several Hawaiian organizations have pointed out, and a mountain of scientific data demonstrates, this is a model fishery (see <http://www.huntfarmfish.com/blog/>). Science has shown that the fishery operates in harmony with nature, and consistent with cultural values. The fishery operates sustainably

and in close cooperation with state regulators to ensure that resources are not taken in a way that negatively impacts the ecosystem. Isn't this exactly what every industry in Hawaii should be doing?

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Thank you for considering our comments and concerns.

Robert Likins  
Vice President of Government Affairs  
Pet Industry Joint Advisory Council (PIJAC)  
bob@pijac.org

**HB-1653**

Submitted on: 1/31/2022 7:00:56 AM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Maxx Phillips	Center for Biological Diversity	Support	No

Comments:

The Center is in strong support of HB1653. Increased penalties for aquatic resource violations is imperative. For example, in 2020, three separate aquarium poaching cases in West Hawai'i resulted in the illegal capture of nearly 1000 reef animals, with a retail value exceeding \$100,000. Two parties faced only minimal fines and defendants in the 3rd case never even showed up in court. Fines must be commensurate with the sales value of these animals to serve as an adequate deterrent for poachers.

Mahalo for considering this testimony,

Maxx Phillips, Esq.

Hawai'i Director and Staff Attorney

Center *for* Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawai'i 96813



February 1, 2022, 830am

To: Chair Tarnas, Vice-chair Branco, and House Water & Land Committee members

**Re: STRONG SUPPORT HB 1635; Relating to Aquatic Resource Violations, with amendments.**

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 proposed two amendments.

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. **AMENDMENTS: The penalties for such offenses must be commensurate with the sales/market 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, and their CML suspended during any criminal investigation.**

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 support of this most necessary measure to both hold offenders accountable and to adequately deter others from committing similar aquatic resource violations. We especially appreciate your consideration of the above two-noted amendments.

Sincerely,

Inga Gibson, For the Fishes  
[Policy@FortheFishes.org](mailto:Policy@FortheFishes.org)

**HB-1653**

Submitted on: 1/29/2022 7:36:30 AM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Angela Huntemer	Individual	Support	No

Comments:

Yes we need more enforcement of regulations and more fines paid in FULL. If parties are genuinely unable to pay fines or portions of fines levied for violations - they must complete community service. There are TWO very critical factors here. ONE - the violation must be penalized to the maximum extent possible. No more negotiating down fines to be paid etc. and in this case - community service to be done. TWO - Whatever tasks the violator is given must be closely supervised. Someone who has wantonly disregarded regulations and disrespected our native flora and fauna cannot be trusted to perform any work in that arena without proper supervision. Also, if there is an issue paying - the "going rate" for community service is minimum wage. This amount must be used to factor the equivalent of any fines. These measures are necessary to maintain a deterrent for infractions of our laws. Mahalo.



**HB-1653**

Submitted on: 1/29/2022 1:07:11 PM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Keith Neal	Individual	Support	No

Comments:

Reef herbivores are critical to a healthy coral environment. Tragically, these marine creatures are the target of the Aquarium trade. Hawaiian corals are in trouble. If the reefs die, the waves take the land. It is critical that regulations protect the coral environment.

I support this measure, with amendments.

Penalties in Section 4, subsections C & D are far too weak.

These subsections should be amended to require classes and/or community service in addition to paying the fine ...not in lieu of!

Furthermore, repeat offenders must forfeit their gear and equipment.

**HB-1653**

Submitted on: 1/29/2022 9:30:25 PM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Robert Culbertson	Individual	Support	No

Comments:

In 2020, three major aquarium poaching cases in West Hawaii resulted in the the illegal capture of almost 1000 reef animals, with a retail value exceeding \$100,000. Two perpetrators faced paltry fines and defendants in a 3rd case never showed in court.

Fines must be commensurate with the market value of these precious marine assets to serve as an adequate deterrent for aquarium poachers.

In as much as conviction rates for poachers are paltry to begin with, the need to make penalties severe enough might need to go beyond misdemeanor monetary fines and include 'felony level' charges (according to an applicable value of takings) AND/OR confiscation of gear and vehicles used in the illegal acts. All proceeds from monetary assets forfeited ideally should be plowed back into agencies such as DOCARE to invigorate the morale and effectiveness of these beleaguered civil servants. We need to show them that WE CARE!

Mahalo nui loa,

R A Culbertson

Honokaa

**HB-1653**

Submitted on: 1/30/2022 12:28:11 AM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lynn Ryan	Individual	Support	No

Comments:

My name is Lynn Ryan, retired registered nurse, and I am in support of HB1653. Fines must be commensurate with the sales value of these animals to ever serve as an adequate deterrent for aquarium poachers. I live oceanfront and I snorkel the waters on the Big Island of Hawai'i. I subscribe to, read our local newspapers, and try to stay informed and engaged about local issues. I cannot understand why the state of Hawai'i allows poaching of reef animals to continue with poachers getting a slap on the hand instead of big fines to deter repeat offenses. We talk about the economy of tourism being important here, while causing great harm to the beauty and solace of our ocean, a high tourism attraction. In addition, so many animals die in the process of being poached and being transported to pet shops and collectors.

Thank you for accepting this testimony.

Sincerely,

Lynn Ryan

75-6016 Ali'i Dr. #134

Kailua Kona, Hi 96740

707-845-2825

**Bill:** House Bill 1653  
**Title:** Relating to Aquatic Resources  
**Position:** SUPPORT  
**Committees:** Water and Land  
**Date:** February 1, 2022 8:30 am

Aloha Honorable Chair, Vice Chair and Committee Members,

My name is Vickie Parker Kam and I am writing to you in support of HB1653 to authorize the imposition of a criminal fine for violations involving aquatic resources.

It is time to get serious about protecting Hawaii's natural resources. This should include establishing a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured and impose a criminal fine structure on a per-specimen basis for violations involving aquatic life.

It is also imperative that those who are injuring or destroying natural resources be educated as to the trauma of their actions. As a veteran educator for HIDOE, I know the power of learning. HB 1653 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, thereby allowing the person to give ho'iho'i and restore the damage.

We are blessed with the most amazing natural resources and should take action to protect them for future generations.

Mahalo Nui Loa,  
Vickie Parker Kam

**HB-1653**

Submitted on: 1/30/2022 4:00:03 PM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Diane Ware	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

I strongly support this bill and urge you to pass it through your committee. Increased penalties for precious aquatic resource violations. in 2020, three major aquarium poaching cases in West Hawaii resulted in the the illegal capture of almost 1000 reef animals, with a retail value exceeding \$100,000. Two faced paltry fines and defendants in the 3rd case no showed in court. Fines must be commensurate with the sales value of these animals to ever serve as an adequate deterrent for aquarium poachers. I have spoken to our Hawai'i island prosecutors about the value of our wildlife for future generations and our current prosecutor Waltjen has posted a petition in favor of increasing fines and level of criminality of illegal extraction of our precious aquatic resources.

Mahalo nui for your Kokua,

Diane Ware

99-7815 Kapoha Pl

Volcano HI 96785

Ka'u Moku, Keauhou ahupua'a

**HB-1653**

Submitted on: 1/30/2022 6:28:00 PM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Darrell Tanaka	Individual	Support	No

Comments:

Aloha Representatives, I am testifying in strong support for some meaningful changes,

Suggest change of wording for 187A-13 section d) "the dept. may recomend to the court community service that benefits the resources that was damaged"...suggest you add on " or any other community service program that is available". Just in case at any one time there isn't a community service program related to aquatic resources that can accept the criminal, especially if said criminal has a violent background.

Suggest adding wording to include a "Geographical Restriction" where the DLNR can request the judge issue an order to ban the suspect from state waters, which should also include but not limited to estuaries, rivers and streams or any body of water that contains aquatic life for a duration to be determined by DLNR.

Suggest adding wording for violators of any Natural Area Reserve, Marine Life Conservation District, Fishing Managent Area or any other area considered a Marine Protected Area, and say that upon conviction, the perpetrator would be required to surrender any vehicle, boat, or any device used as transportation to commit the crime....by having the perpertrator surrender said vehicle after the conviction it allows for dlnr to confiscate their means of committing the crime while not burdening the department with holding on to and maintaining said vehicle while the suspect awaits trial.

thank you.

**HB-1653**

Submitted on: 1/30/2022 9:33:31 PM

Testimony for WAL on 2/1/2022 8:30:00 AM

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

Comments:

Aloha

My name is Maki Morinoue, I am a 4th generation kama'aina who was lucky to grow up in Hawaiian culture and my kupunas and parents that valued the land and sea relationships. Today we lack the simple connections of our ahupua'a system.

Please support HB1653. It is absolutely detrimental to our ocean habitat to revitalize by the thousands, our precious herbivore fish that keep our coral healthy. The way nature intended was to have plentiful herbivores. That is the way it was when I was a keiki. Now our reefs are dead, dying and our food circle is collapsing as we over fish and fish when ever we want.

Especially the Yellow Tang and others that Hawaiians used to observe the health of the coral reef. The yellow tang enter and rehabilitate the reefs and it invites other variety of life forms to flourish. To ignore ancient wisdom is a dangerous path. The penalty should be steep for a multi billion dollar industry. Send a message that it is not a worth while venture.

Get Aquarium Hunter and Fishing out of our state.

Mahalo  
Maki Morinoue  
Holualoa  
96725

**HB-1653**

Submitted on: 1/31/2022 6:18:35 AM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
William K. Chang	Individual	Support	No

Comments:

I support Bill HB1653.



**HB-1653**

Submitted on: 1/31/2022 7:40:05 AM

Testimony for WAL on 2/1/2022 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Klayton Kubo	Individual	Support	No

Comments:

Support... Yes "Intentional"... In the end with the lack of conservation officers how will enforcement be? Will all can continue making Bills that because Acts but without all the tools Bills and Acts are useless