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Michael K. Nāho'opi'i
Executive Director

**Testimony of
MICHAEL K. NAHO`OPTI
Executive Director**

**Before the House Committee on
HAWAIIAN AFFAIRS**

**Wednesday, February 2, 2011
8:30 AM
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 1223
RELATING TO THE KAHO'OLAWE ISLAND RESERVE**

House Bill 1223, provides for the seizure and forfeiture of a variety of equipment and instruments used or taken in violation of the laws or rules applicable to the island Reserve . The Kaho`olawe Island Reserve Commission (KIRC) supports this measure for it would strengthen our enforcement ability and provide the KIRC with another tool to manage the Kaho`olawe Island Reserve (Reserve).

The Hawai'i Supreme Court, in *Carlisle v. One (1) Boat and Tran* (Nov 17, 2008), overturned an Intermediate Court of Appeals decision that allowed asset forfeiture in cases of resource destruction – ultimately taking the teeth out of any enforcement rules in place. According to the decision, the penalty sections of DLNR (and, therefore, KIRC) rules must specifically authorize forfeiture.

The KIRC seeks the addition of the forfeiture clause to HRS 6K-8 to increase the penalties for violators, thus strengthening our enforcement capabilities and our protection of the Reserve's resources.