

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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Kahoolawe Island Reserve Commission
Land
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**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**on SENATE BILL 2154 – RELATING TO A PILOT COMMUNITY CONSERVATION
PROGRAM**

**BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS**

February 25, 2008

Senate Bill 2154 proposes to establish a five-year pilot community conservation program to educate ocean resource users on resource protection laws within the Department of Land and Natural Resources' (Department) Division of Conservation and Resources Enforcement (DOCARE), Maui Branch. While the Department appreciates the intent of this bill, the Department nonetheless has concerns with the fiscal implications this bill will have on the Executive Supplemental Budget request and the impact on the Department's request to increase statewide conservation resource enforcement staffing.

The pilot community conservation program called for in this bill would train volunteers in resource laws and enforcement, conduct education and outreach to natural resource users, coordinate with makai watch communities, enforce all natural resource laws, and identify new rules necessary to ensure long term sustainability of near-shore marine resources. The bill also proposes to establish additional conservation and resources enforcement officer supervisory positions, an accountant position, an educational specialist position, a research statistician position, a mechanic's positions, and additional clerk typist positions within DOCARE's Maui Branch.

The Department supports providing additional staff and funding resources for the Department's DOCARE branches across the State, and the Department has been working closely with the Legislature to obtain the necessary funds for this broader initiative. While the Department applauds the intent of this bill and the passion of our Maui residents, the Department must be mindful that all our islands are crying out of additional enforcement. Rather than passing out this measure, the Department respectfully asks for the Legislature's support of the addition of eleven conservation and resources enforcement positions and four clerk typist positions for deployment statewide to each of the four counties as identified in the Department's supplemental budget request. These additional positions would increase needed staffing statewide and would help improve conservation enforcement capabilities in each of the four counties.

In addition, Department respectfully asks for support on the passage of the Department's enforcement package, SENATE BILL 3099 - Relating To Penalties For Violations Within The Conservation District, SENATE BILL 3100 - Relating To Civil Penalties For Violations On Public Lands, and SENATE BILL 3098 - Relating To Administrative Penalties For Damage To Stony Coral And Live Rock .



The Nature Conservancy
Hawai'i Program
923 Nu'uuanu Avenue
Honolulu, HI 96817

tel (808) 537-4508
fax (808) 545-2019
www.nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 2154 Relating to a Pilot Community Conservation Program
Senate Committee on Ways & Means
Monday, February, 25, 2008, 10:30AM, Room 211

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy of Hawai'i supports S.B. 2154 Relating to a Pilot Community Conservation Program.

There is widespread agreement amongst a variety of stakeholders that Hawaii's fragile environment is in need of improved compliance, enforcement and prosecution of violations of our State natural resource laws. Specifically identified is the need for:

- Natural resource laws that are complete, clear and enforceable;
- Enhanced personnel and resources for enforcement;
- Community awareness and engagement to enhance compliance;
- Consistent and fair enforcement;
- Adequate investigation, prosecution and penalties for violations;
- Appropriate opportunity for administrative enforcement; and
- Improved understanding and management of cases in the court system.

A 2006 State Auditor's report concludes that the State's environmental enforcement officers are spread too thin, inadequately trained, and lack the equipment they need to do their jobs. To address the auditor's concerns, the Legislature has supported an increase in the number of trained enforcement officers and equipment. In addition to adding officers, the DLNR's Division of Conservation and Resource Enforcement has undertaken a review and strategic planning effort to improve its operational processes.

Against this backdrop, a number of communities across the state have been organizing themselves to become more directly involved in the care and management of their natural resources, particularly in coastal and near shore areas. Some communities have sought to partner with DOCARE to raise awareness of natural resource laws and to improve compliance with those laws.

S.B. 2154 seeks to test the effectiveness of a well organized and well funded effort to leverage increased enforcement staff with community engagement to better manage and protect Hawaii's unique and treasured natural resources. We believe this new operations model will prove to be a success that will warrant replication across the state.

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Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 2871 SD 1 Relating to Aquatic Resources
Senate Committee on Ways and Means
Monday, February 25, 2008, 10:30AM, Room 211

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawai'i's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy of Hawai'i supports S.B. 2871 SD 1 Relating to Aquatic Resources, including:

- The māka'i o ke kai program which reflects a collaborative and effective way to truly engage local communities in near shore marine resource management; and
- The community based marine resource management advisory committee as a balanced way for the DLNR to benefit from the advice of all stakeholders in marine resource and fisheries management.

Healthy reefs and fisheries have many economic, environmental and cultural benefits. We all have a stake in their future. Furthermore, fishing is integral to our cultural heritage and our island way of life. However, as anyone who has spent time in Hawaiian waters knows, many of our reefs and fisheries are at serious risk from a variety of threats and a precipitous decline in near shore populations of fishes. In fact, scientists estimate that our near shore fisheries are merely one-quarter of what they were a century ago—that is a decline of 75% over 100 years.

This bill supports broad-based community input and direct management of local fisheries and marine resources. It engages local community members in the management of the resources on which their lifestyles and livelihoods depend. It also helps to build true partnerships between DLNR and local communities by engaging them in a rule making process that *they* develop, enabling them to manage near shore marine resources surrounding their communities, and requiring them to monitor the effectiveness of their management actions to ensure they are having the desired effect of restoring degraded resources.

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**To: Senator Roz Baker, Chair
Senator Shan Tsutsui, Vice-Chair & Members of the
Committee of Ways and Means.**

**From: Darrell Tanaka,
Haiku, Maui, Hi, 96708**

**Re. Hearing on SB 2154 SD1, relating to a pilot community conservation
program.**

The committee(s) on WAM will hold a public decision making on 02-25-08 at 10:30 am in conference room 211.

Testimony in Support, as is.

Dear Chair Baker and committee members, thank you for hearing my testimony regarding enforcement. Prior to this bill, no credible enforcement plan has been proposed by the DLNR in the last few years. The DOCARE Administrator continually asks for more positions with no respect or acknowledgement of **"Span of Control"**, and that is wrong. Span of Control is a law enforcement model used to justify and measure positions such as the officer to supervisor ratio. The current DLNR budget is asking for Officers only, just like last years budget, but who will supervise all of these officers when the current staff of supervisors are overwhelmed as it is? This bill provides efficiency to an otherwise unbalanced system. The model within this bill is a good testament to proper management of personnel. I support this bill in it's entirety, unlike the DLNR budget request, as this management plan adheres to **"Span of Control"**.

Sincerely,
Darrell Tanaka

testimony

From: Robin Newbold [robin@mauirobin.com]
Sent: Friday, February 22, 2008 7:32 AM
To: testimony
Subject: Support for SB 2154

I support SB 2154 for increased DOCARE enforcement. We desperately need it to protect our reefs, our aina, our culture and economy. Please support this bill.

Thank you.

Robin Newbold
Kihei, HI
875-7661

**TO: Senator Rosalyn Baker, Chair
Senator Shan Tsutsui, Vice-Chair
Members Ways and Means Committee**

**From: Brooks Tamaye, CREO III, Maui Branch, DLNR-DOCARE
P.O. Box 2266
Wailuku, HI 96793
244-5751**

RE: Hearing on SB 2154 – Relating to a Pilot Community Conservation Program

February 25, 2008, 10:30 am

Conference Room 211 , State Capitol

Testimony in Support of SB 2154

Dear Chair Baker, Vice-Chair Tsutsui and Committee Members:

I am a Conservation and Resources Enforcement Officer III with the Department of Land and Natural Resources, Maui Branch.

As enforcement officers for the entire DLNR, DOCARE officers have a unique perspective on the connections between water, land and culture. DOCARE is also usually the first stop for agencies and the public looking for assistance on a multitude of issues.

Officers not only work to enforce laws but, are also drawn into helping to resolve complex issues. Requests for assistance continue to flow in daily and it is very difficult to respond to all the needs. Sustaining these efforts requires creative solutions.

The unique initiative before you will not only support our current efforts but, will allow us to evaluate its effectiveness. Our hope is that it will assist in development of a model that may eventually serve all communities throughout our State.

Some of the benefits of allowing officers to focus their efforts in a moku are an enhanced ability to:

1. Gain intimate knowledge of the natural and cultural resources.
2. Identify ongoing and potential threats to these resources.
3. Establish meaningful and sustainable partnerships with communities.
4. Institute educational efforts that instills a sense of personal and social responsibility toward protection of natural and cultural resources.

Testimony SB 2154
Brooks Tamaye
Page 2

5. Engage in more proactive enforcement efforts.

Maui DOCARE is willing to work toward these goals. I ask for your support in passing this bill to establish this program.

Sincerely,
Brooks Tamaye

The Honorable Rosalyn Baker, Chair
Shan Tsutsui, Vice-Chair and Members
Senate Ways and Means Committee
Hawaii State Senate
State Capitol
Honolulu, Hawaii 96813

Senate Ways and Means Committee
Hearing Date: Monday, February 25, 2008
Hearing Time: 10:30am
Conference Room: 211
Bill No. SB 2154

Dear Chair Baker, Vice-Chair Tsutsui and members,

SUBJECT: Senate Bill No. 2154, Relating to a Pilot Community Conservation Program.

Mam;

I am Harold "BUZZ" Hubert a DOCARE officer assigned to the Maui Branch, I am writing in support of this bill.

As you may or may not be aware, here on Maui the DOCARE branch prides its self on our tenacity to enforce our laws with untiring fever, we have shown our love for Hawaii and its resources and feel that we must succeed for failure will have dire effects on Hawaii's future, with what we can leave for future generations, and the impact of failure on Hawaii's primary economic bundle (Tourism).

This bill will help dramatically in the efforts in protecting & preserving Hawaii.

Aloha & Mahalo for your effort.

Harold D. Hubert
CREO III
State of Hawaii
DLNR/DOCARE (Maui Branch)

testimony

From: MMMMahalo2000@aol.com
Sent: Friday, February 22, 2008 7:34 PM
To: testimony
Subject: Testimony in favor of SB2154 on Monday 2/25

SB 2154 testimony, Senate Ways & Means Committee

Senator Roz Baker, Chair
Senator Shan S. Tsutsui, Vice-Chair
Committee on Ways and Means
Mike Moran (808) 891-9176
Maui, HI
Monday February 25, 2008 10:30 AM in conference room 211

Support of SB 2154, Relating to Law Enforcement

Aloha Senators;

Please support passage of this bill to support our DOCARE enforcement officers. As you know our few officers are responsible to enforce all state environmental & land use laws on the four islands of our county, as well as the 3 miles of ocean from shoreline of all these islands, a nearly impossible task for thrice the number we have, but any & all increases are positive steps. I have worked with the *Pump Don't Dump* group for several years in South Maui attempting to prevent the charter tour boats from dumping human waste off our shores, but with no enforcement, this disgusting practice continues. We need your help, & ask for passage on this bill. Mahalo.

Mike Moran Kihei

Delicious ideas to please the pickiest eaters. [Watch the video on AOL Living.](#)

February 24, 2008

Honorable Roz Baker, Chair
And Members
Senate Ways and Means Committee

Hearing Date: Monday, February 25, 2008
Time: 10:30 am.

SUBJECT: Testimony in Support of Senate Bill 2154, Relating to a Community Conservation Program.

FROM: **Konanae Awo
Ehukai Awo
Nainia Awo**

Dear Senator Baker and Members,

We are submitting testimony in support of Senate Bill 2154. As children growing up on Maui, our parents instilled within us values that centered on malama aina. We have been raised to understand our responsibilities in protecting this land and the ocean that surrounds us. As young adults we have also been taught to raise our voice by exercising our right to vote for political leaders that are committed to serving Hawaii's best interests.

We support SB 2154 because it is a model that reaches into the past in order to better protect what remains today. As young adults we must rely on the decisions of our government officials to promote practices that will usher us into a future that we would like to become a part of as we continue our journey into adulthood. This bill sets the way for establishing meaningful and sustainable partnerships between Maui DOCARE and our communities. Please support this bill so that we may inherit a better future.

Mahalo nui loa,

Ehukai Awo
Konane Awo
Nainoa Awo

testimony

From: ELLE COCHRAN [ellecochran@mac.com]
Sent: Saturday, February 23, 2008 4:27 PM
To: testimony
Subject: SB2154

Aloha to: Chair Senator Roz Baker & Vice-chair Shan Tsutsui on committee of Ways and Means, I am writing in support of SB2154 that will be heard on Monday 2/25/08 at 10:30am. Maui, DOCARE and the environment will be better served by this.

Mahalo for your time and consideration,

Elle Cochran
President
Maui Unite

testimony

From: Diane Shepherd [doctord@hawaii.rr.com]

Sent: Saturday, February 23, 2008 1:05 PM

To: testimony

Subject: SB 2154

I write to express support for SB 2154 regarding DOCARE.

Thank you, Diane Shepherd
300 Ohukai Rd. C108
Kihei, HI 96753
808-874-9372
doctord@hawaii.rr.com

testimony

From: Octopus Reef [octopus@maui.net]
Sent: Sunday, February 24, 2008 11:33 AM
To: testimony
Subject: Support: SB No. 2154

Senator Roz Baker, Chair
Senator Shan Tsutsui, Vice Chair
Senate Ways and Means Committee
Monday, Feb. 25, 2008, 10:30 AM, Room 211

From: Octopus Garden Divers, Inc., Kihei, HI

Support of SB No. 2154, RELATING TO A PILOT COMMUNITY CONSERVATION PROGRAM.

Aloha Senator Baker,

My name is Rene Umberger and I own a small dive business on Maui. I strongly support SB 2154. This type of program has been shown to be highly effective and all of Hawaii stands to benefit from this pilot project.

Thank you,
Rene Umberger

testimony

From: Jeff RODS [cop82@hotmail.com]
Sent: Saturday, February 23, 2008 6:38 PM
To: testimony
Subject: SB 2154

Senator Roz Baker, Chairman
Senator Shan Tsutsui, Vice-Chair and Members of the Ways and Means Committee
State Capitol
Honolulu, Hawaii, 96813

February 25, 2008 @ 10:30am
Congerence Room 211, State Capitol

Testimony in Support of SB 2154

Dear Chair Baker and Committee Members:

**SUBJECT: Hearing on SB 2154, Relating to a Pilot Community
Conservation Program**

Thank you for hearing my testimony regarding SB 2154. The passing of this bill will maximize the efficiency of the Conservation and Resources Enforcement program on the Island of Maui. It makes sense and is detailed to meet the needs f the Division as well as the public. Please pass this bill.

Respectfully,
Howard J RODRIGUES
State of Hawaii, DLNR/DOCARE MAUI DIVISION
Kahului, Maui, Hawaii, 96732

Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)

February 23, 2008

The Honorable Roz Baker, Chair
And Members
Senate Ways and Means Committee

Hearing Date: Monday, February 25, 2008
Time: : 10:30 am

SUBJECT: Testimony in Support of Senate Bill 2154, Relating to a Community Conservation Program

Aloha Ms. Roz Baker and Members,

My name is Randy Awo. I am employed by the Department of Land & Natural Resources, Division of Conservation and Resources Enforcement, serving Maui Nui. Our agency is commonly referred to as Maui DOCARE. I am submitting testimony as a private citizen in support of Senate Bill 2154. This Bill creates a pilot Community Conservation Program within Maui DOCARE.

This Bill recognizes the growing need for the DLNR to engage in meaningful and sustainable partnerships with our communities by restructuring their organization in a manner that better serves the joint efforts of DLNR as well as communities in protecting Hawaii's cultural and natural resources.

This Bill further recognizes the value of applying traditional management practices to mitigate the effects that modern society continues to have on our forests, streams, shoreline and ocean resources. This management by moku (district) model provides greater opportunities for the Maui DOCARE Officer to gain intimate knowledge on the resources contained within the moku to which he is assigned, while learning, understanding and responding to the voice and needs of community members.

The Community Conservation Program further recognizes that by adding positions intended to increase administrative operational efficiency, Maui DOCARE will significantly improve its ability to service its citizens at the community level. This 5 year pilot program which requires legislative over site will bring validation to a program that can be expanded to the entire DOCARE program in the future.

Therefore, I strongly urge you to support Senate Bill 2154. Mahalo for allowing me the opportunity to testify in support of this Bill.

February 24, 2008

Senator Roz Baker, Chairperson
Senator Shan Tsutsui, Vice-Chair
and Members of the Ways and Means Committee
State Capitol
Honolulu, HI 96813

February 25, 2008 @ 10:30 am
Conference Room 211, State Capitol

Testimony in SUPPORT of SB 2154

Dear Chair Baker and Committee Members:

SUBJECT: Hearing on SB 2154, Relating to a Pilot Community Conservation Program.

My name is John P. DE JESUS. I am a Conservation and Resources Enforcement Officer for the State of Hawaii and am currently assigned to the Island and County of Maui.

I have been in Law Enforcement field, going on ten years now. I began my Police experience with the State of Alaska then in Oregon and finally here in Hawaii. The concept of "Community Policing" has been around for as long as I have been in the Law Enforcement field.

I have seen the benefits of the program first hand and would like to express my strong SUPPORT for Senate Bill 2154.

Thank you for your time.

Respectfully,

/signed/

John P. de Jesus
Field Officer – West District
State of Hawaii, DLNR-DOCARE
Kahului, Hawaii 96732

February 24, 2008

The Honorable Roz Baker, Chair
And Members
Senate Ways and Means Committee

Hearing Date: Monday, February 25, 2008
Time: 10:30 a.m.

**SUBJECT: TESTIMONY IN SUPPORT OF SENATE BILL 2154, RELATING
TO COMMUNITY CONSERVATION PROGRAM.**

Aloha Ms. Baker,

My name is Momilani Awo. I am submitting testimony in support of SB 2154 which creates a pilot Community Conservation Program for the island of Maui.

As a lifelong resident of Maui I have long been witness to the daily strain and destruction of our cultural and natural resources. The DLNR and specifically the Maui DOCARE has built a credible reputation on our island for protecting and for standing firm on issues related to the laws that protect our natural resources. The Maui DOCARE has developed meaningful and sustainable partnerships with our communities throughout Maui Nui.

I believe this bill promotes strong community involvement and recognizes the value in the living application of traditional Hawaiian management practices that are designed to protect our forests, streams, shoreline and ocean resources. This model of management by *moku* (district) gives greater opportunities for the Maui DOCARE Officer to gain intimate knowledge on the resources contained within the *moku* to which he is assigned, while learning, understanding and responding to the voice and needs of the citizens within the *moku*. This model also offers reciprocal learning, understanding and communication from the community.

This is an exciting model that is a creative and viable solution to cultural and resource management that is built upon a strong traditional Hawaiian foundation. This model will increase the efficient and effective protection of our island's resources and recognizes the role we all must share in this effort.

Therefore, I strongly urge you to support Senate Bill 2154. Mahalo for allowing me the opportunity to testify in support of this bill.