

**SB 1315**

**kim4 - Elizabeth**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 27, 2009 4:43 PM  
**To:** WAM Testimony  
**Cc:** sunshineorchids@gmail.com  
**Subject:** Testimony for SB1315 on 3/2/2009 9:30:00 AM

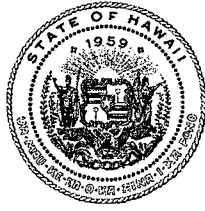
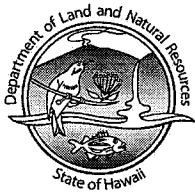
Testimony for WAM 3/2/2009 9:30:00 AM SB1315

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Darrell Tanaka  
Organization: Individual  
Address: Haiku, Maui  
Phone:  
E-mail: [sunshineorchids@gmail.com](mailto:sunshineorchids@gmail.com)  
Submitted on: 2/27/2009

**Comments:**

The difference in pay scale should be considered, as well as any future lawsuits that may be filed by DOCARE officers. Some of them uplifted their families and moved to outer islands specifically to be DOCARE officers, had they wanted to be Sheriffs, that's where they would have applied. Environmental groups may also sue the state for it's lack of protecting our natural resources, just like they did with the Superferry. There also may be repercussions from the Federal Government if there is no one to protect endangered species such as the Monk Seal. This bill is opening a can of worms.

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the Senate Committee on  
WAYS AND MEANS**

**Monday, March 2, 2009  
9:30 a.m.  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 1315, SENATE DRAFT 1  
RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM**

Senate Bill 1315, Senate Draft 1 seeks to transfer the Department of Land and Natural Resources' (Department), Division of Conservation and Resources Enforcement (DOCARE) to the Department of Public Safety (PSD). The Department strongly opposes this bill.

The primary mission of DOCARE is to effectively uphold the laws that serve to protect, conserve and manage Hawaii's unique, fragile and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawaii nei. To this end, the Department's Officers perform a unique and specialized law enforcement service and function. This service focuses on the enforcement of statutes and rules that are separate and apart from violations of the penal and traffic codes. In comparison, DOCARE's federal law enforcement counterparts in the National Parks Service, United States Fish and Wildlife Service and National Marine Fisheries Service, Office of Law Enforcement were never transferred to the Federal Department of Homeland Security. This is because these federal agencies, like DOCARE, perform a separate and unique law enforcement and educational function. In addition, DOCARE Officers statewide have a specialized understanding and knowledge of the areas within their working districts. This knowledge gained over time is used on a daily basis by our Officers as they conduct patrols of their respective districts and interact with visitors and residents alike.

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

In the December 1992 Report to the Legislature, the Auditor made the following findings that we believe are still true today: *DOCARE Officers must be familiar with the special environments, species, and habitats within their jurisdiction and the programs and rules which govern their use. To gain this knowledge, officers need frequent an extensive contact with DLNR program specialists. DOCARE's work relies on close and informal interaction with program experts in all DLNR divisions. This work experience can only be accomplished with DOCARE continuing to be a part of DLNR.* We also concur with the portion of the Auditors report that states *DLNR administrators and program specialist at the time felt that a transfer would result in reduced enforcement in their program's statutes and rules; it would increase the time it takes DOCARE to respond to a complaint; decrease DLNR's input into enforcement activities and change DOCARE's enforcement priorities from conservation enforcement to public safety.*

At the current time, DOCARE has completed its strategic planning process, which began about two years ago with funds appropriated by the Legislature. This strategic planning process has produced a new vision and direction for the division and our employees statewide. Objectives have been prioritized and each Branch is participating in the Division's Action Plans and implementation efforts. At the same time, DOCARE is working closely with a consultant to automate DOCARE's field data collection, storage, and information recall system. This system will have a direct impact on the operations of DOCARE to better manage our ability to protect or natural, historic and cultural resources. Law enforcement accreditation for DOCARE is one of the Department's primary strategic plan priorities and the Department working to secure a way to begin the accreditation process as soon as possible.

These efforts along with the activities of Department program managers and partners in government and the private sector is intended to provide DOCARE with the direction and tools to better protect Hawaii's unique, and valuable natural, cultural and historic resources. This specialized focus on the enforcement of laws and rules intended to better protect our precious resources is what Hawaii's natural, cultural and historic resources deserves. The Department asks that its DOCARE remain in the Department and be allowed to continue protecting our natural cultural and historic resources.