

TESTIMONY
SB 1315

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 Committees on
WATER, LAND, AGRICULTURE & HAWAIIAN AFFAIRS
and
PUBLIC SAFETY & MILITARY AFFAIRS**

**Friday, February 13, 2009
2:45 p.m.
State Capitol, Conference Room 229**

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

Senate Bill 1315 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

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FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

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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
KAIHOOLAWE 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 our 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.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 1:25 PM
To: WTLTestimony
Cc: sunshineorchids@gmail.com
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Darrell Tanaka
Organization: Individual
Address:
Phone:
E-mail: sunshineorchids@gmail.com
Submitted on: 2/11/2009

Comments:

DOCARE is constantly being crippled by politics, whether it be lack of funding, lack of manpower, lack of proper amenities to do their job, and now most importantly, a bad bill that negatively affects the morale of the men.

They signed on to protect our resources, for many of them, this is more than a job, it is their passion. If they wanted to work for Public Safety, that is where they would've applied to begin with!!!

Defer this bill, restore their morale.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 2:25 PM
To: WTLTestimony
Cc: msch4@ccmaui.net
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Madge Schaefer
Organization: Individual
Address: Kihei, HI
Phone:
E-mail: msch4@ccmaui.net
Submitted on: 2/11/2009

Comments:

DOCARE officers should stay at DLNR. They are the guardians and protectors of our natural resources and should have their own unit for operations. Please vote no on this Bill.
Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 2:34 PM
To: WTLTestimony
Cc: jazzontv@aol.com
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Ken K. Martinez Burgmaier
Organization: Individual
Address: Hana, Hi
Phone: 8085735530
E-mail: jazzontv@aol.com
Submitted on: 2/11/2009

Comments:

Please protect our Hawaiian Islands and our future, don't pass this bill!

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 3:23 PM
To: WTLTestimony
Cc: octopus@maui.net
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Rene Umberger
Organization: Individual
Address:
Phone:
E-mail: octopus@maui.net
Submitted on: 2/11/2009

Comments:

Please do not pass this bill. Keep DOCARE under the DLNR. Our resources need MORE protection - not less!

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 3:29 PM
To: WTLTestimony
Cc: lynn.all@maui.net
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Lynn Allen
Organization: Individual
Address:
Phone:
E-mail: lynn.all@maui.net
Submitted on: 2/11/2009

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 3:40 PM
To: WTLTestimony
Cc: robertw@snorkelbob.com
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Wintner
Organization: Individual
Address:
Phone:
E-mail: robertw@snorkelbob.com
Submitted on: 2/11/2009

Comments:
DOCARE should protect natural resources, NOT enforce civil law unrelated to natural resources.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 6:42 PM
To: WTLTestimony
Cc: wild@aloha.net
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Hannah Bernard
Organization: Hawai'i Wildlife Fund
Address: 2626 Alohia Pl Haiku HI
Phone: (808) 575-2046
E-mail: wild@aloha.net
Submitted on: 2/11/2009

Comments:

Aloha kakou,

We are vehemently opposed to this proposal to move DOCARE out of DLNR. I urge the Legislature to give DOCARE the respect and support it needs within the appropriate agency it is currently housed within. In fact DLNR needs more support in general. This proposed bill will not fix that problem but only add to it.

Mahalo

Hannah Bernard

President Hawai'i Wildlife Fund

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2009 8:57 AM
To: WTLTestimony
Cc: mmmmahalo2000@aol.com
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Mike Moran
Organization: Individual
Address: Kihei, HI
Phone:
E-mail: mmmmahalo2000@aol.com
Submitted on: 2/12/2009

Comments:

Testimony of The Nature Conservancy of Hawai'i
Opposing S.B. 1315 Relating to Conservation & Resources Enforcement Program
Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senate Committee on Public Safety & Military Affairs
February 13, 2009, 2:45PM, Room 229

The Nature Conservancy opposes S.B. 1315.

The DLNR Division of Conservation and Resources Enforcement (DOCARE) has a specialized mission requiring unique knowledge and training related to the protection of the globally unique and fragile aquatic and terrestrial resources of the State of Hawaii.

“The overall mission of the Division of Conservation and Resources Enforcement is to promote the safe and responsible use of Hawaii's natural resources.”

DOCARE notes as its first objective: “In partnership with others, to help lead the citizens of Hawaii in developing and maintaining a tradition of ethical use, stewardship and sustainability of our land and natural resources.”

<http://hawaii.gov/dlnr/docare/mission.htm>

With all respect to the State Department of Public Safety and its essential service to the people of Hawaii, DOCARE's mission and duties would not be appropriately housed in an agency with primary duties of operating jails and prisons, conducting narcotics enforcement, and providing law enforcement at State buildings and facilities.

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.

DOCARE needs the continued support, encouragement, and even pressure from, the Legislature, the Administration, and the public. It doesn't need to be transferred out of the Department of Land and Natural Resources.

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Stanley Hong J. Douglas Ing Mark L. Johnson Dr. Kenneth Kaneshiro Bert A. Kobayashi, Jr. Faye Watanabe Kurren Duncan MacNaughton
Bill D. Mills Wayne Minami Michael T. Pfeffer H. Monty Richards Jean E. Rolles Scott Rolles James Romig Eric Yeaman

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2009 12:03 PM
To: WTLTestimony
Cc: leinaur001@hawaii.rr.com
Subject: Testimony for SB1315 on 2/13/2009 2:45:00 PM

Testimony for WTL/PSM 2/13/2009 2:45:00 PM SB1315

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Roberts Leinau
Organization: Individual
Address: 59-524 Aukauka Pl. haleiwa
Phone: 808-638-7010
E-mail: leinaur001@hawaii.rr.com
Submitted on: 2/12/2009

Comments:

SB 1315 is not a good move for DOCARE. Their mission is focused & should stay that way.
Bob Leinau

TESTIMONY
SB 1315
(END)