

MAR 10 2023

SENATE RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A COMPREHENSIVE MANAGEMENT
AUDIT OF THE DIVISION OF BOATING AND OCEAN RECREATION OF
THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

1 WHEREAS, the mission of the Division of Boating and Ocean
2 Recreation is to enrich the lives of people of all ages, both
3 residents and visitors alike, by providing ocean-based
4 opportunities, facilities, activities, skill development, and
5 area management, including boating of all types, saltwater
6 fishing, surfing, sailboarding, diving, ocean swimming, and
7 other ocean activities; and

8
9 WHEREAS, the Division of Boating and Ocean Recreation
10 manages the small boat harbors and boating facilities in the
11 State, which are part of the State's ocean recreation and
12 coastal areas programs under chapter 200, Hawaii Revised
13 Statutes; and

14
15 WHEREAS, the proper maintenance and operation of the
16 State's small boat harbors and boating facilities allow people
17 to benefit from the State's natural resources through
18 recreational boating, commercial and personal fishing, and other
19 maritime-related operations; however, the management of small
20 boat harbors and boating facilities has been a recurring problem
21 for the State; and

22
23 WHEREAS, in the last management audit of the Division of
24 Boating and Ocean Recreation, conducted in 2001, the Auditor
25 found that the boating program's mismanagement and neglect have
26 allowed facilities to deteriorate to the point where the
27 continued use of the facilities threatens public safety, as many
28 facilities need major repairs and face permanent closure if the
29 problems are not addressed; and

30
31 WHEREAS, the Auditor also found that many of the problems
32 facing the Division of Boating and Ocean Recreation stemmed from



1 poor planning, an insufficient fee structure, paying a
2 disproportionate share of the Department's enforcement expenses,
3 and funding programs with special fund monies that should be
4 supported by general funds and that little had changed since
5 these deficiencies had been reported in prior audits in 1993 and
6 1998; and

7
8 WHEREAS, the Auditor further found that the Division of
9 Boating and Ocean Recreation lacked adequate controls to ensure
10 the accuracy and integrity of its financial affairs; and

11
12 WHEREAS, the Auditor recommended the creation of a
13 strategic plan to address the short- and long-term issues facing
14 the Division of Boating and Ocean Recreation, such as ensuring
15 proper funding to address repair and maintenance issues;
16 ensuring the Division receives the Division's fair share of
17 enforcement services; stepping up requirements for boating and
18 mooring permits, certifications, and registrations; and
19 establishing better controls over the Division's financial
20 activities; and

21
22 WHEREAS, in 2019, the Division of Boating and Ocean
23 Recreation published its first strategic plan, *Modernizing Ocean*
24 *Recreation Management in Hawaii: Strategic Action Plan - 2019*,
25 which identified three goals; and

26
27 WHEREAS, the first identified goal is to expand ocean
28 recreation management to meet the Division of Boating and Ocean
29 Recreation's statutory mandate, as the Division uses much of its
30 resources on boating harbors and facilities management in
31 contrast to resources used on ocean recreation management; and

32
33 WHEREAS, the second identified goal is to provide world-
34 class boating facilities and services to meet the needs of ocean
35 recreation enthusiasts and the residents and visitors who
36 participate in ocean-based activities; and

37
38 WHEREAS, the third identified goal is to effectively manage
39 the Division of Boating and Ocean Recreation's real property,
40 such as the utilization of state-owned fast lands, which have
41 immense commercial development potential to attract greater
42 traffic in harbor areas and yield higher revenues; and



1
2 WHEREAS, despite the *Strategic Action Plan - 2019*, further
3 improvements to the conditions of the small boat harbors and
4 boating facilities are needed for the protection of public
5 safety; and

6
7 WHEREAS, the newly constructed ferry pier at the Lahaina
8 Harbor creates a rip current that sucks water under the pier,
9 which endangers the safety of swimmers and surfers in the area
10 and has required the rescue of multiple youth surfers; and

11
12 WHEREAS, the Mala Boat Ramp remains largely unusable during
13 low tide due to the accumulation of sand resulting from large
14 south swells; and

15
16 WHEREAS, several boating harbors and facilities continue to
17 exist in a dilapidated condition necessitating the need for
18 further evaluation into the management of the State's small boat
19 harbors and boating facilities; now, therefore,

20
21 BE IT RESOLVED by the Senate of the Thirty-second
22 Legislature of the State of Hawaii, Regular Session of 2023,
23 that the Auditor is requested to conduct a comprehensive
24 management audit of the Division of Boating and Ocean Recreation
25 of the Department of Land and Natural Resources; and

26
27 BE IT FURTHER RESOLVED that the comprehensive management
28 audit is requested to:

- 29
30 (1) Assess the Division of Boating and Ocean Recreation's
31 management of state-run boating facilities and the
32 Division's ability to maintain and operate these
33 facilities;
34
35 (2) Assess whether the Division's activities are achieving
36 their goals and, if not, how much improvement toward
37 meeting those goals has been made since the management
38 audit conducted in 2001;
39
40 (3) Assess whether the Division is appropriately using
41 taxes and fees collected within small boat harbors



1 solely for the operation, maintenance, and improvement
2 of those small boat harbors; and

3
4 (4) Make recommendations as appropriate; and

5
6 BE IT FURTHER RESOLVED that the Auditor is requested to
7 submit a report of its findings and recommendations, including
8 any proposed legislation, to the Legislature no later than
9 twenty days prior to the convening of the Regular Session of
10 2024; and

11
12 BE IT FURTHER RESOLVED that certified copies of this
13 Resolution be transmitted to the Chairperson of the Board of
14 Land and Natural Resources and Auditor.

15
16
17 OFFERED BY: 

