

HOUSE COMMITTEE ON FINANCE
BUDGET REQUEST FOR SUPPLEMENTAL BUDGET 2008-2009

January 2008

Program Structure: 04 02 05
Program I.D. and Title: LNR 405 - Conservation and Resources Enforcement

I. Introduction

A. Summary of Program Objectives

The Division of Conservation and Resources Enforcement has primary responsibility for resource enforcement in the State. Our overall mission is to promote the safe and responsible use of Hawaii's natural resources.

B. Description of Program Objectives

The program objectives are:

1. 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.
2. To educate and inform citizens and visitors alike of the responsible use of Hawaii's natural resources and the application of natural resource laws, including Hunter Education.
3. In partnership with others, to educate the public in the safe and responsible use of firearms, boats and personal watercraft.
4. To ensure the right of all persons to safely use, share and enjoy Hawaii's natural resources through firm, fair and effective law enforcement.

C. Explain how the Program intends to meet its objectives in the upcoming supplemental year.

DOCARE intends to meet its objectives through the efforts of our officers, as they enforce the laws and rules related to natural resources protection and outdoor recreation. The division will guide this effort by providing the officers with the training, direction and support necessary to accomplish these objectives.

II. Program Performance Results

- A. Discuss the performance results achieved by the Program in FY 2007.

The performance results during the past two years have met the revised measurements of effectiveness established in FY 2006. Fluctuations are attributed to the an increase/decrease in calls for service and enforcement actions in the areas of aquatic resources, forestry and wildlife, state parks, public lands/conservation districts, boating and ocean recreation enforcement, emergency and/or disaster assistance and special projects. In addition, an increase in the number of reported incidents due, in part, to the newly activated DLNR hotline and continued efforts by specialized units, multi-agency operations and increased patrols of high usage areas have had a direct influence on program activities.

- B. Explain how these results relate to the Program's Objectives and Department's mission.

The goal of the Department is to promote a life-sustaining Hawaii through the protection of our fragile environment, its natural resource base, and the function and viability of natural systems on which all life depends. Hawaii must protect its ecosystem and manage its natural resources wisely so that a strong foundation is maintained for future prosperity.

Our program objectives support the Department's mission, as they are a gauge in measuring enforcement presence and visibility, resource protection through enforcement actions and preventive action measures through education programs and community outreach.

- C. Explain how the effectiveness of the Program is measured (i.e.: outcome, measures of effectiveness, benchmarks, etc.) and discuss the performance results achieved during the past two years.

Program effectiveness is primarily measured by the number of complaints, investigations and enforcement actions (citations, arrests, warnings) in relation to the amount of time spent on patrol of the areas where these violations occur. Other measures of program effectiveness include the number of conservation education presentations, the number of hunter education students certified, and the number of marijuana plants eradicated from state lands.

D. Discuss actions taken by the Program to improve its performance results.

Actions taken to increase efficiency and effectiveness of the program are:

1. Completed all necessary requests for approval to recruit and fill ten newly established Conservation and Resources Enforcement Officer and five clerical positions to be deployed statewide. Active recruitment of these positions is underway.
2. Our Data Processing Analysis IV continues to work on strategic planning with the assistance of a consultant to modernize our field data collection capabilities, preparation of various tracking reports and processing, and easy retrieval and storage of necessary documents and reports.
3. Our Telecom Planner continues to assist with the maintenance and upgrades of our existing conventional land mobile communication system. In addition our Telecom Planner has been overseeing a statewide multiple DLNR division land mobile communications strategic planning effort. The focus of this planning effort is to improve coverage statewide while meeting all federal and state standards.
4. DOCARE along with DOFAW is in the process of preparing a land mobile communications supplemental budget request that will direct necessary funds to fix chronic shortfalls in our current system. This effort will also prepare recommendations on how best to ensure interoperability with our county, state and federal partners.
5. Began a statewide DOCARE strategic planning effort with assistance from a strategic planning consultant. This planning process will include input from DOCARE employees as well as representatives from DLNR's many other divisions.
6. Continued involvement and partnerships with community groups and public events to help foster closer working relationships between the Department, Division and the public.
7. Continued participation in the ongoing statewide planning with ICSD, State Civil Defense (SCD) and our county, state and federal partners to update and improve our statewide communication system for DLNR. At the present time there are several areas throughout the State that lack in connectivity and direct communication between remote field and office staff. This lack of vital communications jeopardizes officer and public safety.

8. Continued with implementation of computer consultant's recommendations including upgrading of existing electronic data processing equipment statewide as well as purchasing of new computer hardware and related software to build up statewide infrastructure and connectivity.
 9. Completed statewide training of officers with regard to newly enacted or amended natural resources related statutes and rules, included statewide recall training on the principles of justification for the use of force in law enforcement, self-defense and use of non-deadly force.
 10. Began the process of identifying and selecting both hardware and software to be used to electronically collect field data and information that could be recorded, processed, incorporated into summary reports and stored electronically.
- E. Please identify all modifications to your program's performance measures and discuss the rationale for these modifications.

There have been no new modifications to our program's performance measures.

III. Problems and Issues

A. Discussion of Problems and Issues Encountered

There is an ongoing perception of some of Hawaii's resource users that Hawaii's unique natural resources are unlimited and can withstand unregulated pressure. This demonstrates the need for more enforcement in order to ensure compliance and resource protection.

Customary practices brought to Hawaii by newcomers sometimes conflict with local laws and management efforts, creating a greater need for enforcement and education.

Significant population increases and the creation and/or expansion of resource areas (i.e. parks, forests, hunting, hiking trails, restricted areas, fishing and recreational boating) designated for public use increase the need for conservation enforcement and education. DLNR's conservation and resources enforcement program's budget and manpower levels have not kept pace with our ever increasing population, expansion of program, and greater then ever areas of responsibility.

Increased utilization of land and water resources under the management of the Division of Water Resource Management and Land Division require greater involvement by DOCARE in monitoring compliance with Department regulations.

Environmental consciousness of our State's unique natural resources continues to rise, resulting in an increased demand on DOCARE to protect and preserve natural areas, historic sites, refuges, unencumbered state lands and sanctuaries. User conflicts caused by competing interests have resulted in increased demand for more conservation enforcement intervention.

Native Hawaiian rights and related issues play an increasing role in DLNR's effort to manage natural resource usage. More attention must be given to community input and recommendations in order to foster voluntary compliance.

Current DOCARE staffing levels make it impossible to provide for adequate resources protection coverage on a 24-hour basis. Occasionally, complaints wait 24 hours or longer before an officer can respond to investigate the case. Limited funding for regular and holiday overtime also diminishes our ability to respond to resource violations at the time when our officers are needed the most.

Lack of an adequate staffing level has limited our ability to respond to alcohol, drug and violent behavior activities in all our major areas of responsibilities.

DLNR lacks a viable comprehensive statewide informational and educational program. More public education from all sectors is needed to promote public awareness and voluntary compliance with sustainable resource use restrictions.

The issues and problems affecting the program require pro-active measures. With limited manpower and funding, DOCARE is primarily responding in a reactive manner. This makes it difficult to protect Hawaii's unique natural resources and meet community expectations.

B. Program Change Recommendations to Remedy Problems

1. Organization – initiate integrated planning and restructuring to make efficient and effective use of all enforcement personnel and staff. DOCARE will collect and compile monthly data and written reports in order to examine the time and resources spent on the various functions of the Division. By doing this, DOCARE will be able to best utilize its limited resources both from a staffing and financial viewpoint.
2. Innovation – obtain the necessary equipment to provide immediate access to information that will aid management and enforcement personnel in their duties. DOCARE is working to develop a statewide networking system that will allow the various branches to communicate via personal computer.

3. Funding – budgetary resources must be sufficient to satisfy current operational needs and to ensure responsiveness to emerging issues and opportunities. This includes the need for funding for more manpower, after hours and holiday response efforts.
 4. Coordination – maintain, enhance and optimize our working relationships with other local, state and federal agencies to address shared enforcement concerns and responsibilities.
 5. Penalties – increase the use of civil penalties through a Department of Land and Natural Resources administrative hearing process thereby reducing the need to process minor offenses through the criminal justice system.
 6. Education – continue to work with various DLNR Divisions, PIO, community groups, resource users and interested individuals in order to ensure voluntary compliance with departmental conditions and restrictions.
 7. Establish and maintain a dedicated DLNR information and education program.
- C. Identify any program issues or problems that have affected or will affect the implementation of the program, and the corrective measures or remedies established or planned.

None

IV. Projected Expenditures for Fiscal Year 2007-2008

	<u>Appropriation Act 213/2007 FY 2007-08</u>	<u>Collective Bargaining</u>	<u>Transfer In Transfer (Out)</u>	<u>Governor's Restrictions</u>	<u>Estimated Total Expenditures</u>
(Pos. Count)	(152.00)				(152.00)
Personal Services	7,404,134	261,428	0	0	7,665,562
Current Expenses	1,814,470	0	0	0	1,814,470
Equipment	802,675	0	0	0	802,675
Motor Vehicles	579,435	0	0	0	579,435
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(Pos. Count)	(152.00)				(152.00)
Total Requirements	10,600,714	261,428	0	0	10,862,142
Less:					
(Pos. Count)	(23.00)				(23.00)
Special Funds	1,630,890	37,698	0	0	1,668,588
(Pos. Count)	(2.75)				(2.75)
Federal Funds	662,088	4,600	0	0	666,688
(Pos. Count)	(125.25)				(125.25)
General Funds	8,243,905	207,885	0	0	8,451,790
(Pos. Count)	(1.00)				(1.00)
Revolving Funds	63,831	11,245	0	0	75,076

A. Explain all transfers within the Program I.D. and its impact on the program.

None

B. Explain all transfers between program I.D.'s and its impact on the program.

None

C. Explain any restrictions and the impacts on the program.

None

V. Supplemental Budget Request FY 2008-2009

	<u>Appropriation Act 213/2007 FY 2008-09</u>	<u>Budget Adjustment FY 2008-2009</u>	<u>Supplemental Request FY 2008-2009</u>
(Pos. Count)	(162.00)	(10.00)	(172.00)
Personal Services	7,882,422	311,409	8,193,831
Current Expenses	1,739,220	220,000	1,959,220
Equipment	475,675	-	475,675
Motor Vehicles	579,435	330,000	909,435
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(Pos. Count)	(162.00)	(10.00)	(172.00)
Total Requirements	10,676,752	861,409	11,538,161
Less:			
(Pos. Count)	(23.00)	5.00	(18.00)
Special Funds	1,630,890	(264,323)	1,366,567
(Pos. Count)	(2.75)	0.00	(2.75)
Federal Funds	662,088	0	662,088
(Pos. Count)	(135.25)	(15.00)	(160.25)
General Funds	8,319,943	1,125,732	9,445,675
(Pos. Count)	(1.00)	0.00	(0.00)
Revolving Funds	63,831	0	63,831
	10,676,752	861,409	11,538,161

Provide the total counts and funds requested.

A. Workload or program request:

1. Description of the Request

The Division is requesting the addition of 11 CREO and 4 Clerk Typist II positions in FY 09 for deployment statewide. In addition, the Division is requesting the funds necessary to meet operational needs, as well as the equipment, vehicles and other miscellaneous costs necessary to outfit and put these new positions into service.

Hawaii's ever increasing resident and visitor populations have a direct and often negative impact on our natural and cultural resources. User conflicts are increasing, as more people are competing to access or use our unique resources. Experience has demonstrated that natural resource violations occur statewide 24 hours a day, 7 days a week.

The eleven positions, to be distributed statewide, will make it possible to meet daily enforcement demands by adding necessary staff to the field where they are needed most. Without adequate staffing and funding, violations will go undetected, violators will go unpunished and overall compliance will decline.

The requested clerical positions to be distributed statewide are crucial to the day-to-day operation of the Division. Clerical positions are needed to process and record various documents, handle calls and complaints from the public, assign complaints to the officers in the field via phone or radio, and ensure that all reporting requirements are completed in a timely manner. At the current time experienced field officers are assigned to the office in order to supplement the shortage of clerical staff.

The establishment of these positions will be a significant, proactive step that will help to protect and conserve our fragile natural resources before damage can occur.

Startup funds are needed to outfit the new CREO hires. Examples of items to be purchased with these funds: uniforms, body armor, firearms, duty belt and accessories, portable/mobile communications, training materials, vehicles and other essential safety gear.

2. Listing/Description of Positions

New Division of Conservation and Resources Enforcement (DOCARE) positions – Eleven (11) Conservation and Resources Enforcement Officer (CREO) III and 4 Clerk Typist II.

New officer startup costs @ \$50,000 per officer.

MOF: A Total: \$1,125,732

B. Position Count Reductions

Description of the Request

The division is requesting the transfer of two (2) CREO positions and three (3) account clerk positions from DOCARE to the Division of Boating and Ocean Recreation (DOBOR). This request transfers Homeland Security functions for cruise ship activities to DOBOR.

The two CREO supervisor positions have already been re-described and will be responsible for managing contract harbor security activities associated with cruise ship arrivals/departures at DLNR owned and managed small boat harbors.

The account clerk positions have been reassigned to work directly for DOBOR and will be responsible for recording and tracking all fees, expenditures, account receivables, employee costs and other expenses related to cruise ship activities.

MOF: B Total: (\$264,323)

VI. Program Restrictions

Identify Restrictions Carried Over from FY08 as well as Additional Reductions due to the Department of Budget and Finances Budget Ceilings for FY09.

None

VII. Capital Improvement Program (CIP) Requests for FY09: CIP data for all projects within the agency being heard shall be combined into a single appendix in the department's testimony.

See Appendix A

VIII. Proposed Lapses of CIP Projects:

None

HOUSE COMMITTEE ON FINANCE
DEPARTMENT-WIDE BUDGET SUMMARY INFORMATION

CIP REQUESTS FOR SUPPLEMENTAL YEAR 2008-2009

1. DOCARE Office, Honokohau Harbor, Hawaii

<u>Prog ID</u>	<u>Project Title</u>	<u>FY2009 (in thousands)</u>	
LNR 405	DOCARE Office Honokohau Harbor, Hawaii	Plans	10
		Design	30
		Constr	60
		TOTAL	100

Project No.

Scope of Work: Plan, design and construction of office and facility improvements including: cesspool closure, new septic system and leach field; demolition of existing Harbor Master Office; new office facility; replacement of perimeter fencing and secured gate, and related improvements.

Justification: The existing facility is owned by the State of Hawaii and provides a cost effective means to implement public safety and environmental protection responsibilities. The existing office structure is unsafe and deteriorated from termite damage, office space is limited, the existing fencing has deteriorated from age, and the sewer system is not in compliance with current standards.

Senate District 03 House District 006

2. DOCARE Office and Baseyard, Oahu

<u>Prog ID</u>	<u>Project Title</u>	<u>FY2009 (in thousands)</u>	
LNR 405	DOCARE Office and Baseyard, Oahu	Plans	10
		Design	50
		Constr	440
		TOTAL	500

Project No.

Scope of Work: Plan, design and construction of improvements to the DOCARE office and baseyard facility in Pearl City, Oahu, including; roofing replacement and improvements including rain barriers; accessibility improvements including pathway, ramps and entry improvements, replacement of exteriors siding, construction of covered parking for patrol vehicles, storage security improvements and related improvements.

Justification: The existing wooden structures have incurred significant water damage from the lack of appropriate weather protection measures, and connecting ramp and pathways are not compliant with current accessibility requirements and regulations. Also, there is no adequate protection for patrol vehicles from exterior elements.

Senate District 16 House District 036