

# HB 1082 HD1

## RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND.

Establishes the Conservation and Resources Enforcement Special Fund in the Department of Land and Natural Resources for the purpose of setting aside moneys to be used toward the protection of the State's natural resources. Effective July 1, 2030. (HB1082 HD1)

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of  
WILLIAM J. AILA, JR.  
Chairperson

Before the Senate Committee on  
WATER, LAND, AND HOUSING

Thursday, March 17, 2011  
1:15 PM  
State Capitol, Conference Room 225

In consideration of  
**HOUSE BILL 1082, HOUSE DRAFT 1**  
RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT  
SPECIAL FUND

House Bill 1082, House Draft 1 would establish the Conservation and Resources Enforcement Special Fund in the Department of Land and Natural Resources (Department) for the purpose of setting aside monies to be used toward the protection of the State's natural resources. The Department **strongly supports** this Administration measure with further amendments. The Department **respectfully asks that its effective date be restored back to "upon its approval"** and that the appropriation amount be fully restored back to \$250,000 for Fiscal Year 2011-2012.

The Department's Division of Conservation and Resources Enforcement (DOCARE) has been approached by private grant-funding sources that are interested in partnering with DOCARE to improve natural, cultural and historic resources, public education, and information as well as providing an opportunity to enhance enforcement operations. However, the Department does not have a special fund to receive and access monies that could directly support DOCARE program activities.

This bill would establish a Conservation and Resources Enforcement Special Fund to receive supplemental funding from various sources for the enforcement of state, county or federal laws relating to natural, cultural, and historic resources management and protection. While the Department can accept and establish trust accounts to manage a one-year grant from foundations, multi-year non-governmental funding should be placed into an established and dedicated account.

This bill will benefit the public through the enhancement of our enforcement program and increase opportunities for better compliance through an improved public information and education program and strengthen the Department's efforts to enforce existing resources protection measures.

WILLIAM J. AILA, JR.  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE SENATE COMMITTEE ON WATER, LAND, AND HOUSING  
ON  
HOUSE BILL NO. 1082, H.D. 1

March 17, 2011

RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT  
SPECIAL FUND

House Bill No. 1082, H.D. 1, establishes the Conservation and Resources Enforcement Special Fund into which grants, awards, donations, gifts, transfers or moneys from public or private sources; fees, reimbursements, administrative charges and penalties collected for activities related to the enforcement of natural, cultural and historic resources protection laws and rules; moneys derived from interest, dividends, or other income from the above sources; and moneys appropriated to the fund by the Legislature shall be deposited.

The department recognizes the benefit of user fees to offset operational expenses and costs. However, as a matter of general policy, the Department of Budget and Finance expects the creation of any special fund would meet the requirements of Section 37-52.3 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to House Bill No. 1082, H.D. 1, it is difficult to determine whether the fund will be self-sustaining.



# Sierra Club Hawai'i Chapter

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## SENATE COMMITTEE ON WATER, LAND, AND HOUSING

March 17, 2011, 1:15 P.M.  
(Testimony is 1 page long)

### TESTIMONY IN **SUPPORT OF HB 1082 HD1**

Aloha Chair Dela Cruz and Members of the Committee:

The Hawai'i Chapter of the Sierra Club, with 8,000 dues-paying members and supporters, **supports** HB 1802. This measure would allow the Department of Land and Natural Resources to accept private donations to assist with currently understaffed and underfunded enforcement efforts.

Enforcement of our laws is sometimes as important as the language of the law itself. This measure is a small step in providing DLNR the resources needed to ensure our natural resources are protected for future generations.

Thank you for this opportunity to provide testimony.





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Hawai'i Program  
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Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 1082 HD1 Relating to Conservation and  
Resources Enforcement Special Fund  
Senate Committee on Water, Land, and Housing  
Thursday, March 17, 2011, 1:15PM, Room 225

The Nature Conservancy supports H.B. 1082 HD1.

Last year, the Conservancy was pleased to provide logistical support, and some financial assistance along with another local foundation, for the Division of Conservation and Resources Enforcement (DOCARE) to begin the process of seeking national law enforcement accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA [www.calea.org](http://www.calea.org)). We believe there are further opportunities for DOCARE to successfully compete for grant funds to complete the rigorous accreditation process, as well as for other projects and programs in support of DOCARE's mission and responsibilities. A dedicated financial account will facilitate these efforts.

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 Hawai'i.

"The overall mission of the Division of Conservation and Resources Enforcement is to promote the safe and responsible use of Hawai'i's natural resources."

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

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

There is widespread agreement amongst a variety of stakeholders that Hawai'i's fragile environment is in need of improved compliance, enforcement and prosecution of violations of our State natural resource laws. A 2006 State Auditor's report concludes that DOCARE officers are spread too thin and lack the equipment they need to do their jobs. In a better economy, the Legislature had been able to support an increase in the number of trained officers and equipment. Not to be deterred by the current tough fiscal climate, DOCARE undertook its own review and strategic planning effort to improve its operational processes. Seeking CALEA accreditation was an important outcome of that process.

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 partnered with DOCARE to raise awareness of natural resource laws and to improve compliance with those laws.

DOCARE needs the continued support and encouragement from the Legislature, the Administration, and the public. It is doing an admirable job of independently seeking non-State resources to keep building its capacity and expertise. H.B. 1082 will give them an important tool to achieve success.

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Testimony for WLH 3/17/2011 1:15:00 PM HB1082

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