

TESTIMONY

HB1330 HD1

Measure Title: RELATING TO THE DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT.

Report Title: Division of Conservation and Resources Enforcement; Department of Land and Natural Resources; Appropriation (\$)

Description: Restores funds cut from the DOCARE budget over the past four years. Appropriates funds. Effective July 1, 2030. (HB1330 HD1)

Companion:

Package: None

Current Referral: WTL, WAM

Introducer(s): CARROLL

<u>Sort by Date</u>		Status Text
3/7/2013	S	Received from House (Hse. Com. No. 356).
3/7/2013	S	Passed First Reading.
3/7/2013	S	Referred to WTL, WAM.
3/12/2013	S	The committee(s) on WTL has scheduled a public hearing on 03-19-13 1:20PM in conference room 225.

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 AND LAND**

**Tuesday, March 19, 2013
1:20 pm
State Capitol, Conference Room 225**

**In consideration of
HOUSE BILL 1330, HOUSE DRAFT 1
RELATING TO THE
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT**

House Bill 1130, House Draft 1 proposes to appropriate unspecified funds to restore the general fund budget of the Department of Land and Natural Resources' (Department) Division of Conservation and Resources Enforcement (DOCARE). **While the Department appreciates the overall concept of this bill as it includes initiatives supportive of our goals and objectives, the Department is nonetheless concerned about the cost implications it will have on the Administration's Biennium Budget Request.**

In 2009, due to economic decline, DOCARE's general fund budget was reduced from \$1.7 million dollars to approximately \$500,000, a reduction of about 2/3 of the general fund budget. This resulted in the elimination of eighteen (18) positions, reductions in funds for overtime and current expenses, and the elimination of funding for equipment and motor vehicle replacements. Seven (7) more positions were abolished in July 2010. As a result, DOCARE was left with an operating budget of \$540,000 to patrol the lands under the Department's jurisdiction on six islands, which reach from the top of the mountains to three miles out to sea. This jurisdiction encompasses nearly 1.3 million acres of State lands and 3 million acres of ocean and coastal waters, as well as 750 miles of coastline. It includes state parks, historic sites, forests and forest reserves, aquatic life and its sanctuaries, game management areas, public hunting areas, and natural area reserves. It also includes protecting the public's safety when using natural and cultural resources under the Department's jurisdiction.

In addition to the cost cutting measures (mandating furloughs, implementing hiring freezes, etc) mandated by the Governor, a directive was issued by the Department's Chair at that time, which directed each division including DOCARE to reduce total cost differentials (overtime, night differential, compensatory time, pay adjustments) by 50% from the prior fiscal year. Coupled with the Governor's measures, this directive had a devastating effect on DOCARE's operations.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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

In order to meet these cost cutting measures, DOCARE was forced to adopt the following:

- Scheduling officers to work during the hours of 6 am to 6 pm, thus eliminating work that created night differential pay.
- Eliminating regular and holiday overtime unless the overtime was reimbursed by other agencies.
- Assigning two officers per vehicle, per shift, to reduce motor vehicle gas/oil/repair costs. While aimed at cutting costs, this measure also limited patrol coverage, response to complaints and requests for service from the public.
- Cutting non-essential programs and services. For example, the after hours live answering service was eliminated as officers were not able to respond to complaints after 6 pm.
- Delaying the purchase of vehicles and equipment (body armor, communications, equipment, ammunition) that are critical to public and officer safety.

Through the generosity of the Legislature, DOCARE received funds from supplemental budget requests approved by the Legislature to purchase body armor for officers and to purchase radio equipment to comply with the Federal narrow banding requirement. DOCARE also received \$250,000 to partially restore its operating budget, however, this amount was not enough to restore the operating budget as a whole.

The Department recognizes that the restoration of DOCARE's general fund budget is essential, so that the Department can continue to enforce Hawaii's natural and cultural resources laws to the fullest extent possible. The Department will continue to pursue federal funding opportunities and explore partnerships with other state agencies, public/private partnerships, and county/state partnerships.

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1330 HD1 Relating to Division of Conservation and Resources Enforcement
Senate Committee on Water and Land
Tuesday, March 19, 2013, 1:20PM, Room 225

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports H.B. 1330 HD1.

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. A 2006 State Auditor's report concludes that DLNR Division of Conservation and Resources Enforcement (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 provide some relief with financial support and an increase in the number of trained officers and equipment but budgets have been reduced during the economic downturn.

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. With increased community involvement in marine resource management and enforcement, it will help DLNR, DOCARE, and community-based managers to have additionally general funding to support their critical programs.

Thank you for this opportunity to offer our support for this measure.

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Subject: *Submitted testimony for HB1330 on Mar 19, 2013 13:20PM*
Date: Sunday, March 17, 2013 3:45:07 PM

HB1330

Submitted on: 3/17/2013

Testimony for WTL on Mar 19, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Cleon Bailey	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for HB1330 on Mar 19, 2013 13:20PM
Date: Thursday, March 14, 2013 7:12:20 AM

HB1330

Submitted on: 3/14/2013

Testimony for WTL on Mar 19, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Darrell Tanaka	Individual	Support	No

Comments: you are not giving them new money, this is funding that was stripped away from them several years ago,hence they were severely crippled and unable to properly do their jobs. restore the funding please.

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Subject: Submitted testimony for HB1330 on Mar 19, 2013 13:20PM
Date: Thursday, March 14, 2013 12:05:09 PM

HB1330

Submitted on: 3/14/2013

Testimony for WTL on Mar 19, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
John Silberstein	Individual	Support	No

Comments: Dear Sir/Madame, I have been in the public safety profession in Hawaii since 1985 as a former County Ocean Safety Officer and U.S. Coast Guardsman. I have been a DLNR - DOCARE officer since 1997. I am passionate about our agencies critical mission to ensure for the protection and sustainability of Hawaii's natural, cultural, historical and recreational resources, as well as safeguarding our citizens and visitors alike. However, it has been my experience for the past 16 years that DOCARE has operated and "survived" in a very substandard state when compared to our counterparts in the other US states and territories. Our officers are placed at unnecessary risk on a daily basis due to not having the fiscal resources to embrace state of the art officer safety measures, and, offenses that threaten our natural resources often go unaddressed due to manpower shortages and archaic practices. We, (DOCARE), are often the last line of defense when it comes to stemming resource loss. The natural riches that DOCARE works to protect represents our lifeblood in Hawaii Nei. We do not live in a cornucopia of endless bounty as is often imagined. If Hawaii is to remain a paradise marketed to the world on a picture postcard, we must properly invest in those who work to preserve it. I humbly ask that you do what is Pono and restore DOCARE's budget to at the very least what was before it was drastically cut. Mahalo, John Silberstein

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Subject: Submitted testimony for HB1330 on Mar 19, 2013 13:20PM
Date: Wednesday, March 13, 2013 4:14:50 PM

HB1330

Submitted on: 3/13/2013

Testimony for WTL on Mar 19, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Chang	Individual	Comments Only	No

Comments: Aloha honorable legislators, My name is Kevin Chang and I personally support the restoration of DOCARE funds to pre-recession levels. It is a small step in the right direction. As an under-resourced institution, the Sisyphean task that DOCARE has bore creates a frustrating cycle of dashed expectations among both DOCARE and concerned community members, many of whom depend on our resources to sustain themselves physically, spiritually and culturally. These frustrations play out in a context that often overlooks the elephant in the room, our collective failure to live up to our constitutional mandate to preserve Hawai'i and her resources for present and future generations. We must increase DOCARE's capacity to do its job. In my work life as the executive director of Kua'āina Ulu 'Auamo (KUA)I am privileged to work with a movement of rural and Native Hawaiian communities working across pae'āina o Hawai'i to protect and renew the environmental and cultural legacy passed down to the many generations of these islands. A mission in the years ahead that I see will be to build the bridges we need to collectively fulfill our kuleana to preserve Hawai'i for present and future generations as we boldly stated in 1978. DOCARE is an essential part of making our community work. Your choice to begin bridging the looming gap between our collective aspirations and the current reality is not just an improvement in environmental governance it is a step towards rebuilding our community well-being. Aloha Kevin

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Subject: Submitted testimony for HB1330 on Mar 19, 2013 13:20PM
Date: Tuesday, March 12, 2013 1:03:15 PM

HB1330

Submitted on: 3/12/2013

Testimony for WTL on Mar 19, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Kimura	Individual	Support	No

Comments: I support this bill strongly. here are youtube videos of poaching in reserve/prohibited areas in broad daylight with the perpetrators car and license plate and no one is doing anything about this:

<http://www.youtube.com/user/DOCAREdontcare?feature=watch> here is a link to DLNR's DAR rules which clearly shows what these criminals are doing is illegal. just by watching the video you can clearly tell they know they're up to no good.

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Date: Thursday, March 14, 2013 9:58:21 AM

HB1330

Submitted on: 3/14/2013

Testimony for WTL on Mar 19, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Tanaka	Individual	Support	No

Comments: Mahalo nui for the opportunity to **STRONGLY SUPPORT** this measure, insofar as it will restore critical funding for the only agency focused on enforcing laws that protect our natural and cultural resources. It has been clear for years that DOCARE has been significantly underfunded, given its critical but extremely broad mission and jurisdictional responsibilities. A review of budget worksheets from the last ten years indicates past legislative appropriations for DOCARE have ranged from \$6 to \$8 million dollars annually; by contrast, the Honolulu Police Department – tasked with enforcing state and county laws in Honolulu county only, and primarily in developed or municipal areas – reported a budget of \$224 million in 2010 alone. Clearly, much greater investment is necessary to ensure that DOCARE has the resources to ensure that the laws protecting our natural and cultural resources have actual teeth, and to relieve mounting community concerns regarding the lack of support for DOCARE’s important mission. By restoring lost funding to DOCARE, this bill therefore provides a small but critical step in the right direction for investing in the conservation and protection of the resources that the Native Hawaiian community and the larger public rely upon. Mahalo nui for the opportunity to **SUPPORT** this very important measure.

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