
HOUSE CONCURRENT RESOLUTION

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

1 WHEREAS, the Department of Land and Natural Resources'
2 Division of Boating and Ocean Recreation manages the State's
3 small boat harbors and statewide ocean recreation programs; and
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5 WHEREAS, the Division's responsibilities include enforcing
6 laws and rules pertaining to boating safety and regulation of
7 commercial activities, and overseeing permits for ocean
8 recreation events such as yacht races, canoe regattas, and
9 surfing contests; and
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11 WHEREAS, in recent years, community members have expressed
12 numerous concerns about the Division, particularly its lack of
13 effective communication with the boating community, an
14 inconsistent approach to interpreting and enforcing
15 administrative rules, and repeated and prolific complaints
16 across the State about the Division's management, and ongoing
17 issues of employee misconduct complaints and ethics violations;
18 and
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20 WHEREAS, it would be in the public interest for the Auditor
21 to conduct a performance audit of the Division of Boating and
22 Ocean Recreation, in light of the public's long-standing
23 concerns; now, therefore,
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25 BE IT RESOLVED by the House of Representatives of the
26 Twenty-ninth Legislature of the State of Hawaii, Regular Session
27 of 2017, the Senate concurring, that the Auditor is requested to
28 conduct a performance audit of the Department of Land and
29 Natural Resources' Division of Boating and Ocean Recreation; and



1 BE IT FURTHER RESOLVED that the Auditor address the
2 following matters in conducting the performance audit:

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- 4 (1) Statutory requirements for the management and
5 administration of statewide ocean recreation and
6 coastal areas programs pertaining to the ocean waters
7 and navigable streams of the State (exclusive of
8 commercial harbors), which include 21 small boat
9 harbors, 54 launching ramps, 13 offshore mooring
10 areas, 10 designated ocean water areas, 108 designated
11 ocean recreation management areas, associated aids to
12 navigation throughout the State, and beaches
13 encumbered with easements in favor of the public, as
14 well as a registry of small vessels;
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- 16 (2) Review of actions taken by the Division to communicate
17 with the boating community, including constituent
18 meetings, communications with representatives of the
19 boating community, public hearings, establishment of
20 advisory councils, and addressing of user conflicts;
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- 22 (3) Review of actions taken by the Division and by the
23 Board of Land and Natural Resources in interpreting
24 and enforcing administrative rules;
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- 26 (4) Review of actions taken by the Division and by the
27 Department of Land and Natural Resources to respond to
28 complaints from constituents and from public officials
29 about the Division's management, employee misconduct,
30 and ethics violations;
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- 32 (5) Capital improvement project needs identified to
33 maintain these public facilities statewide, including:
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- 35 (A) A list of current identified capital project
36 needs;
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- 38 (B) Estimated costs to complete those projects;
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- 40 (C) Requests from public and private entities or
41 persons to address facilities issues and whether
42 those projects would provide a public or private
43 benefit;



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2 (D) Adequacy of funding appropriated by the
3 Legislature for capital improvement projects;
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5 (E) Actions the Division has taken to address
6 specific identified facilities issues in the past
7 three years, and the costs associated with such
8 projects;
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10 (F) The methodology the Division uses to prioritize
11 facilities issues in light of the total estimated
12 cost versus the amount of funding available, such
13 as imminence of threat, public benefit of
14 projects, and feasibility of projects; and
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16 (G) Results to date and remaining needs; and
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18 (6) Review of actions taken by the Division and the
19 Department of Land and Natural Resources to ensure
20 that state resources are being adequately accounted
21 for and used according to statutes, rules, and
22 policies; and
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24 BE IT FURTHER RESOLVED that the Auditor is requested to
25 examine whether the Division is using government resources in
26 compliance with statutes, rules, and policies; whether the
27 Division's activities are achieving their objectives; and
28 whether those activities are being conducted effectively,
29 efficiently, economically, ethically, and equitably; and
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31 BE IT FURTHER RESOLVED that the Auditor is requested to
32 submit a report of any findings and recommendations, including
33 any proposed legislation, to the Legislature no later than 20
34 days prior to the convening of the Regular Session of 2019; and
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36 BE IT FURTHER RESOLVED that certified copies of this
37 Concurrent Resolution be transmitted to the Auditor and the
38 Chairperson of the Board of Land and Natural Resources.

