

HR-154

Submitted on: 3/21/2018 8:21:33 PM

Testimony for WAL on 3/23/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

HR-154

Submitted on: 3/21/2018 10:30:07 PM

Testimony for WAL on 3/23/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

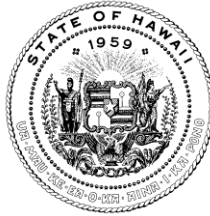
Comments:

We STRONGLY SUPPORT this resolution. Mahalo.

DAVID Y. IGE
GOVERNOR OF HAWAII



LATE



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
DEPUTY DIRECTOR - WATER

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

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER & LAND**

**Friday, March 23, 2018
10:30 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 183/HOUSE RESOLUTION 154
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REMOVE
ABANDONED VEHICLES AND GARBAGE FROM PUBLIC PARKS AND BEACHES
IN THE STATE WITHIN TEN BUSINESS DAYS OF THE DATE THAT THE
ABANDONED VEHICLE OR GARBAGE WAS REPORTED TO THE DEPARTMENT.**

House Concurrent Resolution 183/House Resolution 154 urges the Department of Land and Natural Resources' (Department) Division of State Parks to assess potentially hazardous ocean conditions at beach parks and ensure that safety concerns are addressed prior to undertaking access improvements that will increase use, and to provide information about potentially hazardous conditions at State beach parks on the Division's website and in its printed materials. **The Department appreciates the intent of these measures and offers comments as to why this action is an impractical request to implement.**

These measures identify two increasing issues urging a response of within 10 working days of being notified. These issues are 1) abandoned vehicles and 2) the more general issue of garbage that is left or abandoned along state beaches and within state parks. These issues are increasing statewide in specific park and beach locations and can be attributable to the increase in homelessness and members of the public engaged in either illegal activities or who are marginalized economically.

The Department manages 52 public parks that constitute approximately 32,000 acres with 17 adjacent to the ocean that may have beaches or beach access. These areas are maintained with a static number of 81 maintenance personnel (this is approximately 1.5 workers per park unit) who are tasked with the primary and routine cleaning and restocking of restrooms, removal and disposal of rubbish from designated areas and the collection of rubbish that is either from

careless use or intentionally dumped in area accessible by vehicles to avoid refuse disposal fees. Grounds keeping is conducted where it is warranted based on public access, recreation and view plane enhancement. There are also the variable and fluctuating tasks of repairing aging or vandalized ancillary park features. Of the 52 State Parks, 17 are adjacent to the ocean that may have beach access, of which there are 3 on Oahu that have been routinely subjected to frequent abandonment of vehicles: Ahupua'a O Kahana State Park, sections of Kaena Point State Park, and Sand Island State Recreation Area.

Kaena vehicles are typically abandoned in coastal areas that are inaccessible to the towing company, in a specific case requiring the vehicle to be cut up into pieces and removed by section – or in some cases are left in place due to these physical constraints. Kahana over the past year has had 26 abandoned vehicles that cost \$9,258 to contract with a towing service to remove. Prior to the contracted towing company removing the vehicle, it must be posted as abandoned by law enforcement. To further complicate this issue, absent clear designation of jurisdiction between the park units, state or county highway – or adjacent public or private land owners, it may be difficult to then confirm jurisdiction and cite the appropriate regulatory sections for the posting of a notice. Contacting the registered owner to recoup costs is challenge due to confirming owners and a lack of capacity to initiating a legal process to collect.

This process alone frequently takes more than 10 days after discovery of the vehicle.

Regarding rubbish collection, in accessible areas of the maintained park unit, staff inspect and collect rubbish daily. They do not typically inspect beach areas for rubbish unless it is large and visible, such as illegal camping paraphernalia, day use debris or marine debris. As the garbage or materials may be either deposited in remote areas not frequented by staff, or in such large quantities that a contractor is solicited to collect the materials, the 10 day response is unlikely feasible.

This is especially the case with disposing of homeless related rubbish. Prior to the disposal of the rubbish of homeless encampments, the homeless are first notified that they are illegally camping, and are offered social services. Prior to the actual removal of the possessions and/or rubbish, the individual is asked to differentiate between their possession and what may be disposed of. After that is accomplished, if this is a large amount of material to dispose of, a private contractor is solicited provide a cost estimate to accelerate the removal and allow staff to continue with their normal park duties to avoid a disruption of service at managed park areas.

Both actions are increasing the operating cost of managing the Division of State Parks – and draining the available funds and staff time for standard park operations to maintain quality. For example, last year 90 cubic yards of abandoned rubbish and materials from homeless camps was collected on the challenging topography of the exterior slopes of Diamond Head State Monument - at a cost of \$26,676.

The Department also wishes to share that pursuant to Section 46-12, Hawaii Revised Statutes, the various counties are responsible to clean the beaches, including removing debris, which would include removing abandoned vehicles:

§46-12 Cleaning shores and beaches of seaweed, limu, and debris. The various counties shall be responsible for removing and clearing all seaweed, limu, and debris which are likely to create an unsanitary condition or to otherwise become a public nuisance from the shores and beaches situated within the respective counties; provided that to the extent any of the foregoing work is a private responsibility, the responsibility may be enforced by the county in lieu of the work being done at public expense. [L 1965, c 191, §1; Supp, §138-55; HRS §46-12]

Case Notes

County has sole responsibility for shores and beaches likely to be used with some frequency by members of the public. 66 H. 55, 656 P.2d 1336.

For these reasons, while the Department appreciates the intent of these measures, executing these actions within 10 days is not a realistic timeframe. However, as funds and staff become more available, the Department is committed to implementing actions to protect the surrounding beach and park environment and the attempt to optimize the quality of the park and beach experience.

Thank you for the opportunity to offer comments.