



TESTIMONY BY:

JADE T. BUTAY
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 15, 2022
3:05 PM
State Capitol, Teleconference

S.B. 3161
RELATING TO OCEAN RECREATION

Senate Committee(s) on Transportation & Water and Land

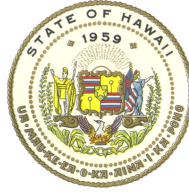
The Department of Transportation (DOT) **supports the intent** of S.B. 3161.

S.B. 3161 proposes to authorize DOT Harbor Police to enforce laws and rules adopted by the Department of Land and Natural Resources (DLNR) relating to ocean recreation.

Harbor Police currently lacks manpower and resources to take on the additional responsibilities as provided in S.B. 3161. Additional positions, funds, and equipment is required for Harbor Police to assist in addressing unlawful activity taking place on and within DLNR land and jurisdiction, relating to ocean recreation.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
TRANSPORTATION
and
WATER AND LAND**

**Tuesday, February 15, 2022
3:05 PM
Via Video Conference**

**In consideration of
SENATE BILL 3161
RELATING TO OCEAN RECREATION**

Senate Bill 3161 proposes to authorize the Department of Transportation (DOT) Harbor Police to enforce laws and rules adopted by the Department of Land and Natural Resources relating to ocean recreation. **The Department of Land and Natural Resources (Department) offers comments on this measure.**

The Department believes this measure may not be necessary. Existing statutes pertaining to DOT provide for authority to enforce ocean recreation laws and rules. These statutes include Section 261-17 (a), Hawaii Revised Statutes (HRS), relating to Enforcement of Laws, which provides authority for employees and agents of the DOT, including Harbor Police Officers to enforce laws and rules pursuant to Chapter 261, and all other laws of the state. Additionally, we note Section 261-17 (b), HRS, provide DOT Harbor Police Officers with police powers including the authority to make arrests and serve warrants.

While the Department believes the legal authority for DOT Harbor Police Officers to enforce existing ocean recreation laws and rules already exists, we note the scope of DOT Harbor Police duties lie mainly within the State's commercial harbors. As a result, we defer to DOT as to their capability to comply with the intent of this measure.

Thank you for the opportunity to comment on this measure.

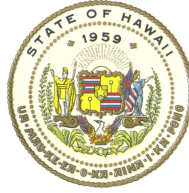
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

DAVID Y. IGE
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DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Before the Senate Committees on
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**Tuesday, February 15, 2022
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**In consideration of
SENATE BILL 3161
RELATING TO OCEAN RECREATION**

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Thank you for the opportunity to comment on this measure.

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LAND
STATE PARKS



**Department of Land and Natural Resources
Hawaii State Aha Moku
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Hawaii State Aha Moku

Before the Senate Committees on
Transportation
Water and Land

Tuesday, February 15, 2022
3:05 P.M.
Videoconference

In SUPPORT of
SENATE BILL 3161
Relating to Ocean Recreation

Senate Bill 3161 relates to ocean recreation and authorizes the Department of Transportation (DOT) Harbor Police to enforce laws and rules adopted by the Department of Land and Natural Resources (DLNR) relating to ocean recreation.

The Hawaii State Aha Moku (Aha Moku) supports this measure.

We find that although the DLNR Division of Conservation and Resources Enforcement (DOCARE) does as truly a good job as it can, it is not enough because it does not have the capacity to handle every unlawful action that unfortunately takes place in our ocean. The DLNR Division of Boating and Ocean Recreation (DOBOR) is responsible for thirty-five small boat harbors and launch ramps in six islands; The DOT-Harbor Police is responsible for 10 harbors on the same six islands.

DLNR (DOCARE & DOBOR) simply does not have the capacity to handle every unlawful activity or circumstance that happens within their jurisdiction. Until the legislature can fully fund DOCARE and DOBOR where they can maintain their maximum capacity for protection and enforcement, it makes sense for the communities who are impacted consistently by illegal happenings in the small boat harbors and launchings to have additional legal enforcement on the ocean.

We **SUPPORT** the passage of Senate Bill 3161. Thank you for the opportunity to testify on this measure.

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