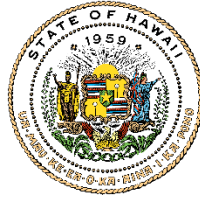


JOSH GREEN, M.D.
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SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
FINANCE

Monday, February 27, 2023
11:30 AM
State Capitol, Conference Room 308

In consideration of
HOUSE BILL 1200, HOUSE DRAFT 1
RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM

House Bill 1200, House Draft 1, proposes to: 1) require the Department of Land and Natural Resources (Department) to establish an unmanned aircraft systems program; 2) authorize Conservation and Resources Enforcement Officers to use unmanned aircraft systems (UAS); and 3) require the Department submit an annual report of the effectiveness of the UAS program to the Legislature. **The Department supports this bill, provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget request, and sufficient additional funds are provided.**

The Department acknowledges the potential for a UAS program to aid its Division of Conservation and Resources Enforcement (DOCARE) in carrying out its mission. Such a program can increase the effectiveness of the Department's limited number of enforcement officers by enabling them to survey, monitor, investigate, and obtain evidence more efficiently, especially in difficult to reach areas.

The Department appreciates the amendment as provided in the current House Draft 1 to extend the deadline to establish a UAS program in DOCARE to June 30, 2025. The Department believes this additional time will assist with successful implementation of a UAS program.

In consideration of a potential funding amount to establish a UAS program, the Department is aware of other agencies in the United States that have established a UAS program with a cost of approximately \$275,000.00. Should the Legislature provide a similar amount to establish DOCARE's program, we believe this funding could be used toward the following components of a UAS program:

- Purchase of UAS Aircraft and Equipment: \$100,000.00
- Training of DOCARE UAS Pilots statewide: \$100,000.00
- License and Certification Fees: \$50,000.00
- Administrative Support: \$25,000.00

Without sufficient funding, the Department would not be able to establish a viable UAS program. To sustain a UAS program once established, DOCARE will need a slight increase in annual funding for training and certification renewals, and administrative support.

Mahalo for the opportunity to provide testimony in support of this measure.



Mālama Pūpūkea-Waimea
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Makai Watch Coordinator*

Federal Nonprofit Organization
501(c)(3) FEIN 27-0855937
www.pupukeawaimea.org

Feb. 25, 2023

Re: **HB1200 HD1, FIN Hearing Feb. 27, 2023, Room 308, 11:30 am**

Aloha Chair Yamashita, Vice Chair Kitagawa, and House
Committee on Finance,

Mālama Pūpūkea-Waimea (MPW) is a Hawai'i non-profit organization founded on the North Shore of O'ahu in 2005. Our mission is "working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua'a for present and future generations through active community stewardship, education, and partnerships." For eighteen years, we have focused our stewardship and education efforts on the Pūpūkea Marine Life Conservation District (MLCD), one of only three MLCDs on O'ahu.

MPW strongly supports HB1200 HD1. Since 2006, MPW has been an official "**Makai Watch**" partner (the first on O'ahu) with the State Department of Land and Natural Resources (DLNR), Division of Conservation and Resources Enforcement (DOCARE). We actively work with DOCARE to increase community engagement in marine stewardship, act as the "**eyes and ears**" for DOCARE in the Pūpūkea MLCD area and offer training to the public annually with DOCARE on education, intervention, monitoring, and reporting. We recently started an **Ocean Education Ambassador** program to expand our efforts to educate new visitors about the rules and regulations of the Pūpūkea MLCD.

Currently, **only two DOCARE officers** are assigned to our large rural district. And while they are both wonderful, these officers are stretched thin, covering mauka to makai from Ka'ena to Wahiawa to Kawela – a **huge area that has many inaccessible and hard to observe areas** along the shoreline as well as mauka.

A DOCARE drone program, as authorized under HB1200 HD1, would be a **significant benefit** to community and DOCARE efforts to monitor and protect areas like the Pūpūkea MLCD. We often observe – and report – potential illegal activities in the MLCD that occur in areas that are **inaccessible to officers** on foot or vehicle. Poachers know how to hide from DOCARE – under cliffs, behind boulders, and along steep shorelines – and to do their illegal activities during the "off hours."

If DOCARE had drones, it would allow officers to monitor much larger areas, much more efficiently, boost overall coverage, deter sneaky behavior, and reduce violations. Drones also allow more effective evidence gathering, such as clear photos of the scene,

the violator, and vehicle and boat registration numbers. These challenges are currently real barriers to prosecution of sometimes blatant violations.

When DOCARE develops the proposed drone program, we understand that an **appropriation** is necessary, as well as certain **policy safeguards** to ensure the program is FAA compliant, protects privacy rights, and maintain **appropriate records** that can be shared with the Legislature and public.

With the Legislature's support, a new DOCARE drone program will be a **transformative new tool** in the enforcement toolbox for the outstanding women and men who serve as our State DOCARE officers.

We **SUPPORT HB1200 HD1** and look forward to working with DOCARE on this exciting new program.

Mahalo nui,

Jenny Yagodich
Director, Educational Programs &
Makai Watch Coordinator
Mālama Pūpūkea-Waimea

Denise Antolini
59-463 Alapio Road
Pūpūkea, HI 96712

Re: HB1200 HD1, FIN Hearing Feb. 27, 2023, Conference Room 308, 11:30 am

Aloha FIN Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee,

Mahalo for scheduling this bill for today's FIN hearing.

I write in **strong support of HB1200 HD1 – “Drones for DOCARE” – with the requested appropriation recommended by EEP (HCSR 237) and JHA (HSCR 541):**

“Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an **appropriation amount of \$125,000 for each of fiscal years 2023-2024 and 2024-2025.**”

Background:

DOCARE has enormous responsibility to oversee the enforcement of the laws that protect our State's natural and cultural resources -- across **one million** acres of state land and **three million** acres of state ocean waters. An unmanned aircraft system (UAS), or drone, program would add significant capacity to DOCARE, allowing new methods for monitoring, investigating, and evidence gathering with modern, efficient, and cost-effective technology.

Given the exponential increase in the use of drones in Hawai'i and across the U.S. (and world) in recent years by individuals, businesses, and governments, it makes sense for the Legislature to support a drone program for our State natural resources law enforcement agency. **Drone can be a very effective fact-gathering tool, used within appropriate policies and legal boundaries.**

For many years, as a law professor devoted to environmental protection and a community member involved in marine stewardship programs, I have worked on various projects to assist DOCARE build capacity and its enforcement toolkit. For example, through my position at the William S. Richardson School of Law, I was the principal investigator for a grant in 2018-19 that assisted DOCARE with designing the new DOCARE Academy, which is now completing training for its second class -- 42 new recruits who will graduate next month. I also worked with DOCARE on the passage of the “ASSET” bill (Act 67, SB2453) in 2016 to expand the enforcement options for sentencing marine resources violators to include community service and an education course. I have also collaborated with the State Judiciary on the biennial trainings for the Hawai'i Environmental Court, established in 2015 by the Legislature. And, for the past ten years, since 2014, I have partnered with DOCARE to place a recent law graduate – a full-time “law fellow” – inside DOCARE to provide legal research and writing capacity particularly related to supporting the enforcement cases in the Environmental Court.

Recently, as a way to further build DOCARE's capacity, through my position as the volunteer President of Mālama Pūpūkea-Waimea (MPW), I worked with two Richardson law students, Sophia Morgan and Kanani Smull, to analyze the potential for DOCARE to develop a drone program. We reviewed drone programs recently established by law enforcement agencies in Alaska,¹ Florida,² California,³ and Texas,⁴ and also found that the Honolulu Police Department adopted a drone policy in 2021.⁵ These programs provide excellent yet diverse models for a new DOCARE drone program.

HB1200 HD1

Testmony FIN Feb. 27, 2023

Page 2

In my view, to keep up with modern law enforcement methods, and to match the methods of increasingly clever and elusive violators of our state natural resources laws, a drone program is extremely important for DOCARE. I believe DOCARE *could* legally establish a drone program without a specific legislative authorization but as a matter of good public policy, it is best for DOCARE to have express statutory authority. However, the program must be **funded**, and the program must be **transparent** to ensure public confidence and support.

Please let me know if I may assist with any questions about this bill. We would be happy to conduct additional research to support the establishment of an effective drone program for DOCARE.

Mahalo nui loa for passing this important bill!

Best regards,



Denise Antolini

¹ Alaska Stat. Ann. § 18.65.902.

² Fla. State. Ann. § 934.50(4).

³ See, e.g., Drone Program, City of Chula Vista Police Department (July 2, 2022), <https://www.chulavistaca.gov/departments/police-department/programs/uas-drone-program>.

⁴ Texas Parks and Wildlife Department, Law Enforcement Division, 2019-2020 Small Unmanned Aircraft Systems Legislative Report (Dec. 31, 2020), <https://tpwd.texas.gov/warden/media/final-2019-2020-uas-report.pdf>.

⁵ Small Unmanned Aircraft System (sUAS) Policy, HPD Policy Number 2.73, 1 (May 19, 2021), <https://www.honoluluupd.org/wp-content/uploads/2021/05/HPD-Policy-273-05-19-2021.pdf>.

HB-1200-HD-1

Submitted on: 2/25/2023 3:57:39 PM

Testimony for FIN on 2/27/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sophia Morgan	Individual	Support	Written Testimony Only

Comments:

Aloha FIN Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee,

I write in **strong support of HB1200 HD1 with an appropriation of \$125,000 for each of fiscal years 2023-2024 and 2024-2025.**

I am a second-year environmental law student at the University of Hawai‘i at Mānoa William S. Richardson School of Law. I was a 2022 summer law extern for Mālama Pūpūkea-Waimea. As part of my externship project, I conducted legal research regarding the use of drones for natural resource law enforcement.

During my research, I found that several states have successfully implemented UAS programs for law enforcement, including conservation agencies. For example, Texas Parks and Wildlife Department Law Enforcement Division established a UAS program specifically to accomplish their mission of “the conservation of natural resources and protection of human life and property.” Within two years, the UAS program ran over 7,000 missions for law enforcement investigation and surveillance, conservation management, and wildlife damage assessment and survey. Texas Parks and Wildlife Department Law Enforcement Division, 2019-2020 Small Unmanned Aircraft Systems Legislative Report (Dec. 31, 2020), <https://tpwd.texas.gov/warden/media/final-2019-2020-uas-report.pdf>.

Another example comes from Alaska, where Alaska statute permits law enforcement to gather evidence in criminal investigations and other specific circumstances, as long as the drone use does not violate personal privacy rights and adheres to FAA guidelines. Alaska Stat. Ann. § 18.65.902. For example, Alaska’s Fish and Wildlife Service has implemented use of UASs to help aid in wildlife surveillance and animal recovery efforts. 2018 Alaska Fish and Wildlife Fund Grant Awards, AFWF (2018), <https://www.nfwf.org/sites/default/files/2020-04/2018-afwf-grant-slate.pdf>.

In Florida, law enforcement agencies are also permitted to use drones to gather evidence under specific circumstances. Fla. State. Ann. § 934.50(4). Florida has the fifth greatest number of public safety agencies implementing drones in the US: most of which consist of law enforcement agencies. For example, the Tuscaloosa County Sheriff’s Office has 30 certified pilot deputies, a fleet of 13 small and 2 large drones, and a mobile drone command unit. Stephen Dethrage, Sheriff’s Office Donates Its Helicopters to Tuscaloosa Police in Switch to Drone Program,

Tuscaloosa Thread (May 4, 2022), <https://tuscaloosathread.com/sheriffs-office-donates-its-helicopters-to-tuscaloosa-police-in-switch-to-drone-program/>.

In California, many county law enforcement agencies run drone programs. For example, since its first drone operation on October 22, 2018, City of Chula Vista Police Department (CVPD) has responded with drones to 11,375 calls, assisted in 1,324 arrests, been first on scene 6,467 times, and avoided the need to dispatch a patrol unit 2,874 times. Drone Program, City of Chula Vista Police Department (July 2, 2022), <https://www.chulavistaca.gov/departments/police-department/programs/uas-drone-program>. CVPD posts information on each flight publicly and provides public forums to involve their community in the program. *Id.* Chief Roxana Kennedy has called the Drone Program “one of her most important tools in improving situational awareness, de-escalating dangerous situations, and protecting her officers and community.” *Id.* See also UAS-Unmanned Aerial Systems, Placer County Sheriff’s Office (last visited July 1, 2022), <https://www.placer.ca.gov/5822/UASUnmanned-Aerial-System>.

Mahalo nui loa for your time and consideration of my testimony!

Best regards, Sophia Morgan

HB-1200-HD-1

Submitted on: 2/26/2023 4:42:59 PM

Testimony for FIN on 2/27/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

We do not Need any more SPYS!!!!