
Management Audit of the Division of Conservation and Resources Enforcement

A Report to the
Governor
and the
Legislature of
the State of
Hawai'i

Report No. 06-01
January 2006



THE AUDITOR
STATE OF HAWAII

Office of the Auditor

The missions of the Office of the Auditor are assigned by the Hawai'i State Constitution (Article VII, Section 10). The primary mission is to conduct post audits of the transactions, accounts, programs, and performance of public agencies. A supplemental mission is to conduct such other investigations and prepare such additional reports as may be directed by the Legislature.

Under its assigned missions, the office conducts the following types of examinations:

1. *Financial audits* attest to the fairness of the financial statements of agencies. They examine the adequacy of the financial records and accounting and internal controls, and they determine the legality and propriety of expenditures.
2. *Management audits*, which are also referred to as *performance audits*, examine the effectiveness of programs or the efficiency of agencies or both. These audits are also called *program audits*, when they focus on whether programs are attaining the objectives and results expected of them, and *operations audits*, when they examine how well agencies are organized and managed and how efficiently they acquire and utilize resources.
3. *Sunset evaluations* evaluate new professional and occupational licensing programs to determine whether the programs should be terminated, continued, or modified. These evaluations are conducted in accordance with criteria established by statute.
4. *Sunrise analyses* are similar to sunset evaluations, but they apply to proposed rather than existing regulatory programs. Before a new professional and occupational licensing program can be enacted, the statutes require that the measure be analyzed by the Office of the Auditor as to its probable effects.
5. *Health insurance analyses* examine bills that propose to mandate certain health insurance benefits. Such bills cannot be enacted unless they are referred to the Office of the Auditor for an assessment of the social and financial impact of the proposed measure.
6. *Analyses of proposed special funds* and existing *trust and revolving funds* determine if proposals to establish these funds are existing funds meet legislative criteria.
7. *Procurement compliance audits* and other *procurement-related monitoring* assist the Legislature in overseeing government procurement practices.
8. *Fiscal accountability reports* analyze expenditures by the state Department of Education in various areas.
9. *Special studies* respond to requests from both houses of the Legislature. The studies usually address specific problems for which the Legislature is seeking solutions.

Hawai'i's laws provide the Auditor with broad powers to examine all books, records, files, papers, and documents and all financial affairs of every agency. The Auditor also has the authority to summon persons to produce records and to question persons under oath. However, the Office of the Auditor exercises no control function, and its authority is limited to reviewing, evaluating, and reporting on its findings and recommendations to the Legislature and the Governor.



THE AUDITOR

STATE OF HAWAII

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OVERVIEW

Management Audit of the Division of Conservation and Resources Enforcement

Report No. 06-01, January 2006

Summary

As requested by the Legislature through House Concurrent Resolution No. 200, House Draft 1, Senate Draft 1, of the 2005 Regular Session, we conducted a management audit of the Division of Conservation and Resources Enforcement. We found that Hawai'i's resources have deteriorated through overuse or abuse and from factors such as agriculture, grazing, and urban and residential developments. Examples of deterioration include the decline in coastal water quality, decrease of inshore marine resources, endangerment of inshore ecosystems by alien seaweeds, decline of coral reefs, and increase in the number of impaired streams. Similarly, our cultural resources have also been abused and suffered deterioration. Although there are laws and rules to protect Hawai'i's resources and the public's safety, the Department of Land and Natural Resources (DLNR) and the Division of Conservation and Resources Enforcement (DOCARE) have not provided the leadership necessary to provide for their effective and efficient enforcement.

The department and division leaders have not achieved full and effective enforcement. DOCARE generally only has enough officers on duty in its various branches to patrol for about 18 hours a day, seven days a week. Officers provide only partial coverage of the lands and waterways. In fact, enforcement officers rarely patrol the State's waterways in available boats, many of which are stored in parking lots several miles from the ocean. Growth of the enforcement division's conservation enforcement workload over the past ten years—possibly by as much as 50 percent—along with a mission that has shifted away from protecting natural and cultural resources and towards deterring illegal and criminal activity has caused the enforcement workforce to be spread too thin. Further, leaders do not know how much enforcement capacity is enough because performance measures are not established to identify the degree of compliance with laws and rules or the overall health of natural and cultural resources.

Branch officers who patrol the land and waterways spend too much time performing administrative duties due to cumbersome, archaic work methods. Their time would have been better spent in the field protecting Hawai'i's resources. While many officers assigned to the various branches are extremely productive and carry the bulk of the workload, about a quarter of the officers are very unproductive, accomplishing far fewer enforcement actions than other officers. Additionally, the Kaua'i branch's production per work year is far less than the other three branches on Hawai'i, Maui, and O'ahu. DOCARE leaders need to develop tighter controls over the activities of enforcement officers, many of whom patrol unsupervised and do not have to account for their whereabouts. Leaders also need to schedule work during late evening and early morning hours; automate manual processes; and ensure that there are enough trained officers, including volunteers, who have the necessary equipment.



Contrary to the intent of the Hawaii State Constitution, resources have not been used in a manner consistent with their conservation. Hawai'i's natural and cultural resources will continue to deteriorate unless the DLNR and its DOCARE aggressively address many of the weaknesses noted in this report.

Recommendations and Response

To improve the *effectiveness* of enforcement operations, we recommended that the DLNR develop a strategic plan and, as part of that plan, evaluate the enforcement division's mission; develop performance measurement plans to determine whether progress is made on goals and objectives addressing the overall health of the natural resources; establish goals and objectives addressing the extent of compliance with laws and rules along with performance measurement plans to determine whether progress is made in achieving compliance; and establish cross-divisional working groups to develop strategies and action plans to encourage compliance.

To enhance the *efficiency* of enforcement operations, we recommended that the DOCARE develop specific expectations for branch chiefs, field supervisors, and enforcement officers and hold them accountable for performance; require branch chiefs and field supervisors to maintain frequent contact with subordinates over the radio and cellular phones during work shifts and require mandatory responses within specified timeframes; have the branches periodically schedule field supervisors and enforcement officers to work evening and early morning hours to catch poachers and troublemakers off-guard; and acquire a management information system along with laptop computers or handheld computer devices for use in the field.

Perhaps as a diversionary tactic, the DLNR responded to our draft report with a lengthy reply that sidesteps many of the issues presented in the report and instead highlights department initiatives that often do not relate to issues raised. Some initiatives, however, such as the proposal for placing uniformed security personnel at state parks and small boat harbors and shifting responsibility for cruise ship security, appear promising and align with our report recommendations.

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Submitted by

THE AUDITOR
STATE OF HAWAI`I

Report No. 06-01
January 2006

Foreword

This management audit of the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement, was conducted in response to House Concurrent Resolution No. 200, House Draft 1, Senate Draft 1, of the 2005 Regular Session. Our audit focused on the effectiveness and efficiency of the Division of Conservation and Resources Enforcement in enforcing laws and rules relating to natural and cultural resources.

We wish to express our appreciation for the cooperation and assistance extended to us by officials of the Department of Land and Natural Resources and others whom we contacted during the course of the audit.

Marion M. Higa
State Auditor

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Chapter 1

Introduction

During the 2005 legislative session, several measures were introduced calling for audits of the Department of Land and Natural Resources and several of its divisions. Supporters of the measures claimed the department possesses ineffective leadership, mismanagement, and an overall lack of accountability. After much testimony and debate, the Legislature focused on the department's Division of Conservation and Resources Enforcement. Through House Concurrent Resolution No. 200, House Draft 1, Senate Draft 1, it requested the Auditor to conduct an audit of the division.

The Legislature believed there were significant jurisdictional, procedural, and administration problems within the division. It noted that an audit of the division's fiscal and management practices would objectively identify whether the division is being effectively administered or improvements need to be made. The Legislature also intended for the audit to clarify, augment, and improve the manner in which the division interacts with other department divisions and with state and county agencies. The resolution directed the State Auditor to submit a report with findings and recommendations to the 2006 Legislature.

Background

The Hawai'i State Constitution recognizes the value of conserving and protecting Hawai'i's natural beauty and all natural resources, including land, water, air, minerals, and energy sources. All public natural resources are held in trust by the State for the benefit of the people. The state constitution requires the state and its political subdivisions to promote the development and use of these resources in a manner consistent with their conservation.

Major budget programs: **Environmental Protection and Culture and Recreation**

The State of Hawai'i's Department of Land and Natural Resources along with the departments of Agriculture and Health are the agencies responsible for protecting the State's *natural resources*. The three agencies share the same objective: to protect, restore, and enhance where appropriate the State's natural and man-made physical environment. The agencies are funded, in part, under the same major program, *Environmental Protection*.

The Department of Land and Natural Resources, the University of Hawai'i, and the Department of Accounting and General Services are agencies responsible for protecting and preserving natural and *cultural*

resources and for their recreational use. The three agencies are all partially funded under the *Culture and Recreation* program, and share the objective of enriching the lives of people of all ages by providing and preserving opportunities and facilities for cultural and recreational activities.

Department of Land and Natural Resources' organization, mission, and resources

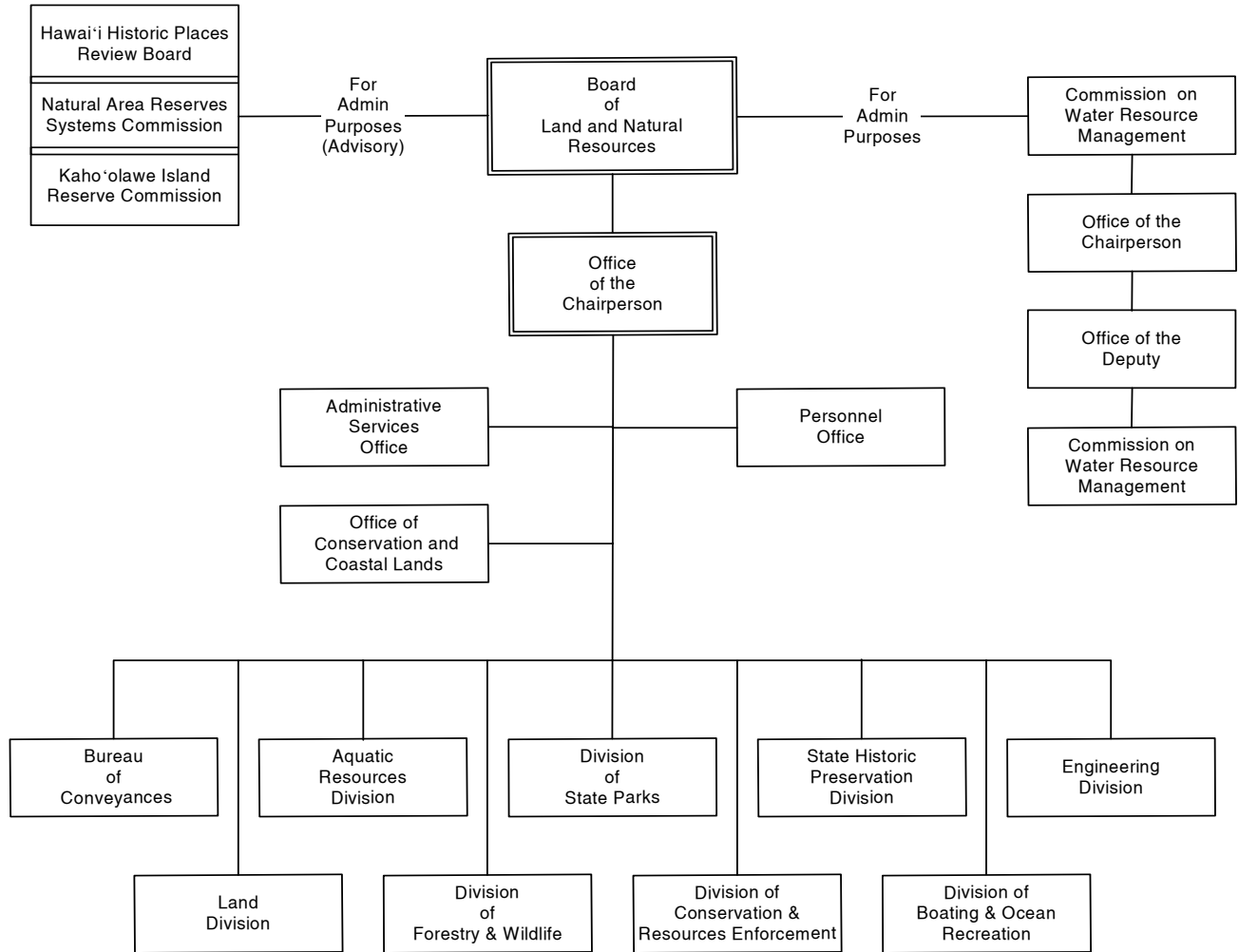
The Department of Land and Natural Resources, headed by an executive Board of Land and Natural Resources, is responsible for managing, administering, and exercising control over public lands, water resources, ocean waters, navigable streams, coastal areas (except commercial harbors), minerals, and all interests therein. The department's jurisdiction encompasses nearly 1.3 million acres of State lands, beaches, and coastal waters as well as 750 miles of coastline (the fourth longest in the country). It includes state parks; historical sites; forests and forest reserves; aquatic life and its sanctuaries; public fishing areas; boating, ocean recreation, and coastal programs; wildlife and its sanctuaries; game management areas; public hunting areas; and natural area reserves.

Resources are managed by the department's functional divisions, offices, and commissions. The department's organization chart is depicted in Exhibit 1.1. For FY2005-06, the department had about 660 authorized positions with an operating budget of about \$77 million. The following functional divisions, office, and commission have the most influence over conserving and protecting natural and cultural resources as well as developing and using resources in a manner consistent with conservation.

Division of Aquatic Resources

The Division of Aquatic Resources manages the State's marine and freshwater resources through programs in commercial fisheries and aquaculture; aquatic resources protection, enhancement, and education; and recreational fisheries. The division oversees 750 miles of coastline, 410,000 acres of coral reef around the main Hawaiian Islands, and 3 million acres of state marine waters. To protect aquatic resources, the division has established 11 marine life conservation districts, 19 fishery management areas, nine fishery replenishment areas, two wildlife sanctuaries, and 18 bottom fish restricted areas. The division also co-manages the Hawaiian Islands Humpback Whale National Marine Sanctuary covering about 900,000 acres. Most recently, the division created a marine refuge in the Northwestern Hawaiian Islands and eliminated all commercial and recreational fishing along the entire 1,000 mile island chain.

Exhibit 1.1
Organizational Chart of the Department of Land and Natural Resources



Source: Department of Land and Natural Resources

Division of Boating and Ocean Recreation

The Division of Boating and Ocean Recreation manages statewide ocean recreation and coastal areas programs pertaining to the State's ocean waters and navigable streams (excluding commercial harbors). It oversees 21 small boat harbors, 54 launching ramps, 13 offshore mooring areas, ten designated ocean water areas, 108 designated ocean recreation management areas, navigation aids throughout the state, and beaches with public access easements.

Forestry and Wildlife Division

The Forestry and Wildlife Division manages about 643,134 acres of state-owned forests, approximately 109,164 acres of natural areas reserves, nearly 94,900 acres of plant and wildlife sanctuaries, and public hunting areas on public and private lands. Its programs cover watershed protection; native resources protection, including unique ecosystems and endangered species of plants and wildlife; outdoor recreation; and commercial forestry.

Historic Preservation Division

The Historic Preservation Division strives to preserve and sustain items and places of historical significance. The division has three branches: History and Culture, Archaeology, and Architecture. The division's statewide inventory of historic properties includes more than 38,000 sites. The division uses reviews of development projects as its primary means of lessening impacts on the State's historic and cultural assets. The division's burial sites program, historic preservation program, and maintenance of the Hawai'i and National Register of Historic Places help promote the use and maintenance of historic properties for the education, inspiration, pleasure, and enrichment of Hawai'i's citizens and visitors.

Land Division

The mission of the Land Division is to manage state-owned lands in ways that promote the well-being of Hawai'i's people and ensure the lands are used in accordance with the goals, policies and plans of the State. Lands not reserved for other government agencies come under the division's purview. The division maintains an official inventory of state lands and handles the acquisition and disposal of state lands through sales, leases, permits, easements and other means. It oversees about 800-900 leases per year.

Office of Conservation and Coastal Lands

The Office of Conservation and Coastal Lands manages about two million acres of private and public lands within the State Land Use

Conservation District. In addition to privately and publicly zoned conservation district lands, the office oversees 750 miles of beach and marine lands extending to the seaward limit of the State's jurisdiction.

State Parks Division

The State Parks Division manages 52 state parks covering nearly 25,000 acres on the five major islands.

Commission on Water Resource Management

The Commission on Water Resource Management administers the State Water Code, created by the 1987 Hawai'i State Legislature. The commission's general mission is to protect and enhance the state's water resources through wise and responsible management.

Division of Conservation and Resources Enforcement's organization, mission, and resources

The Division of Conservation and Resources Enforcement was established within the department in 1978 to unify responsibility for the enforcement of departmental laws and rules under one division. Prior to 1978, enforcement officers were assigned to separate divisions. For example, the former Fish and Game Division had its own enforcement officers.

The enforcement division enforces resources laws under Title 12, Chapters 6D, 6E, and 6K, Hawai'i Revised Statutes (HRS), and any rules adopted thereunder. The authority of enforcement officers, who have police powers delegated by the Board of Land and Natural Resources, includes enforcing all laws and rules relating to natural and cultural resources under the department's jurisdiction, spanning from mountain tops to three miles out to sea. Their authority also includes protecting the public's safety when using natural and cultural resources under the department's jurisdiction. Officers are also responsible for:

- Investigating complaints, gathering evidence, and conducting investigations;
- Cooperating with enforcement authorities and county, state, and federal government search and rescue agencies;
- Verifying all leases, permits, and licenses issued by the Department of Land and Natural Resources;
- Enforcing laws related to firearms, ammunition, and dangerous weapons contained in Chapter 134, HRS;
- Enforcing laws in Chapter 291E, HRS related to operating a vessel in state waters while intoxicated; and

- Enforcing rules in the areas of boating safety, conservation, and search and rescue relative to State boating facilities, ocean waters, navigable streams, and beaches.

The enforcement division's expenditures for FY2004-05 were about \$7.1 million and the division's budget for FY2005-06 was about \$7.5 million. The division, headed by an enforcement chief, is comprised of five support offices in Honolulu and four branch offices on Hawai'i, Kaua'i, Maui, and O'ahu. Each branch has a chief supported by a secretary and/or a clerk, field supervisors responsible for districts or specialized teams, and enforcement officers.

Enforcement officers are collectively expected to cover from the top of the mountains down to the coastline, and out to the 3-mile limits as depicted in Exhibits 1.2, 1.3, 1.4, and 1.5. The maps, which show the coverage area for each branch, are not on the same scale. Some locations routinely patrolled by enforcement officers, such as fish markets, are not shown on the maps.

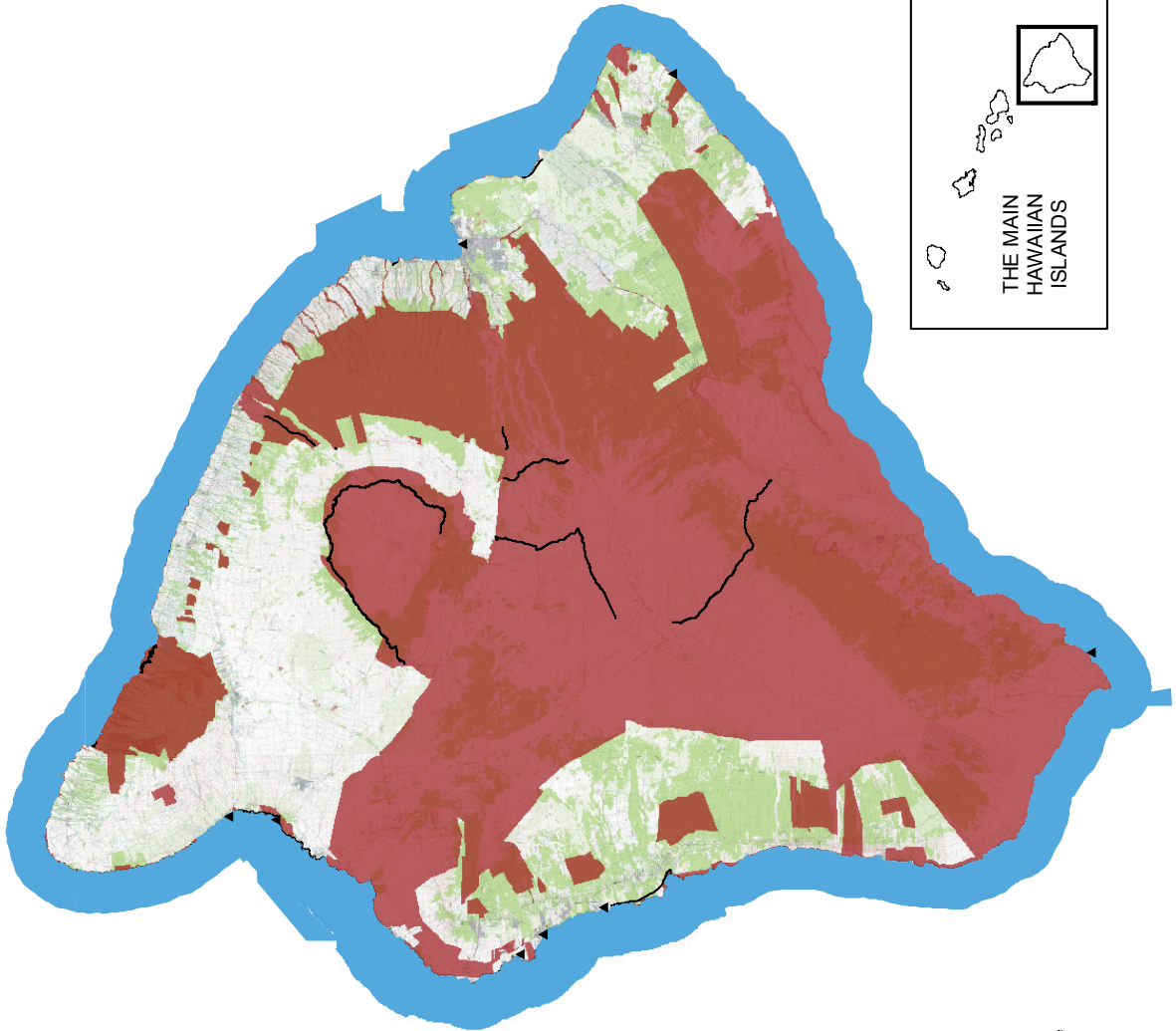
As of October 2005, the division had 124 authorized positions, including six temporary positions. One hundred and three of the authorized positions were filled. Twenty-one authorized positions were in the process of being filled, including one education specialist, one hunter education specialist, two facility security officers, three clerk typists, three account clerks, and 11 enforcement officers. The filled positions at the division, support offices, and branch offices are listed in Exhibit 1.6.

Exhibit 1.2

Lands, Marine Areas and Facilities

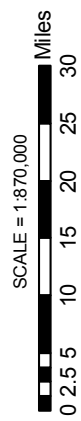
Under the Jurisdiction of the Division of Conservation and Resources Enforcement

Hawai'i Branch



Legend

- Marine Areas
- Terrestrial Areas
- Na Ala Hele Trails
- Parks and Boating Facilities



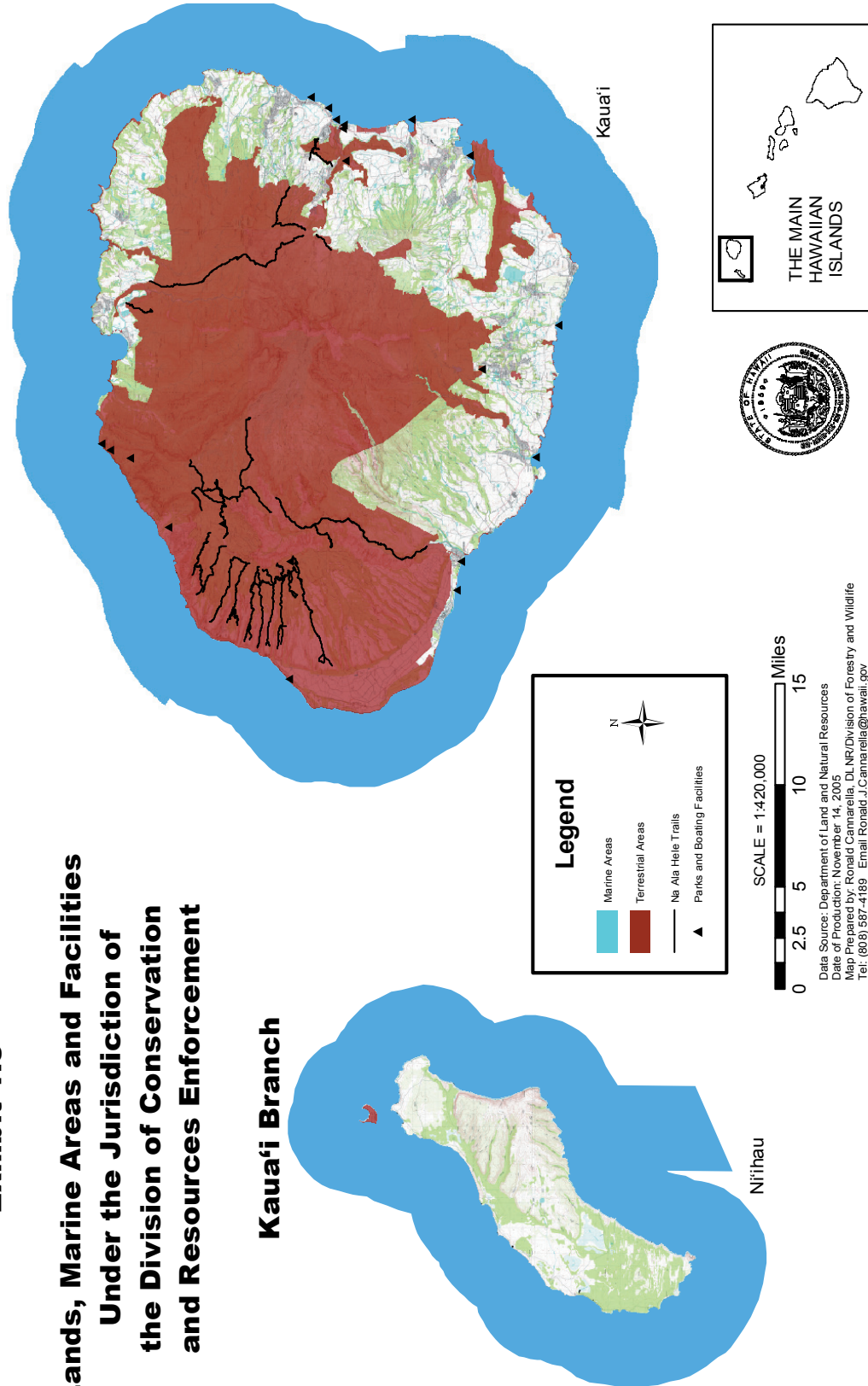
Data Source: Department of Land and Natural Resources
 Date of Production: November 14, 2006
 Map Prepared by: Ryan Carrillo, DLNR/Division of Forestry and Wildlife
 Tel: (808) 587-4189 Email: Ronald.J.Camarelle@hawaii.gov

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Exhibit 1.3

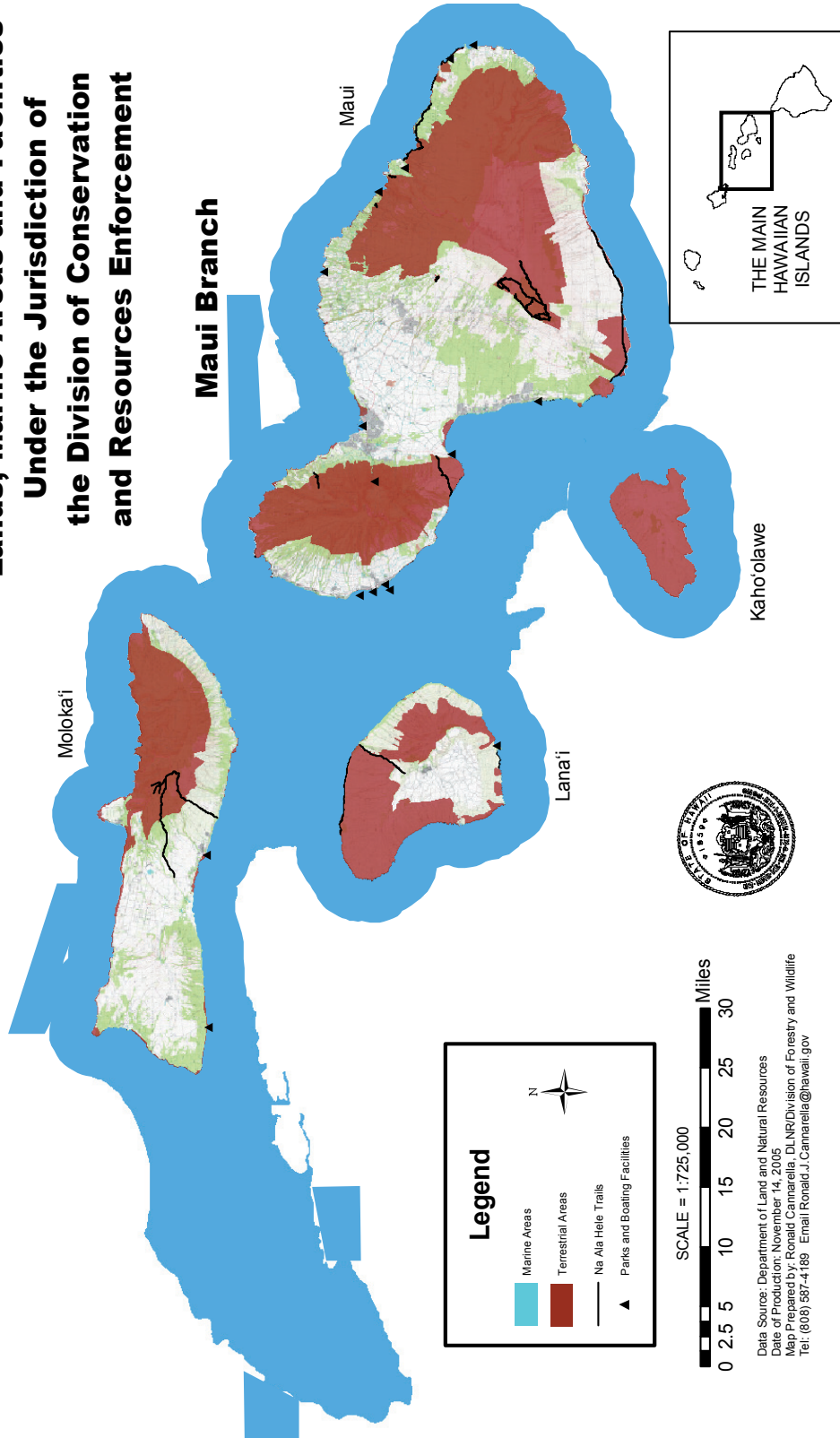
Lands, Marine Areas and Facilities Under the Jurisdiction of Conservation and Resources Enforcement

Kaua'i Branch



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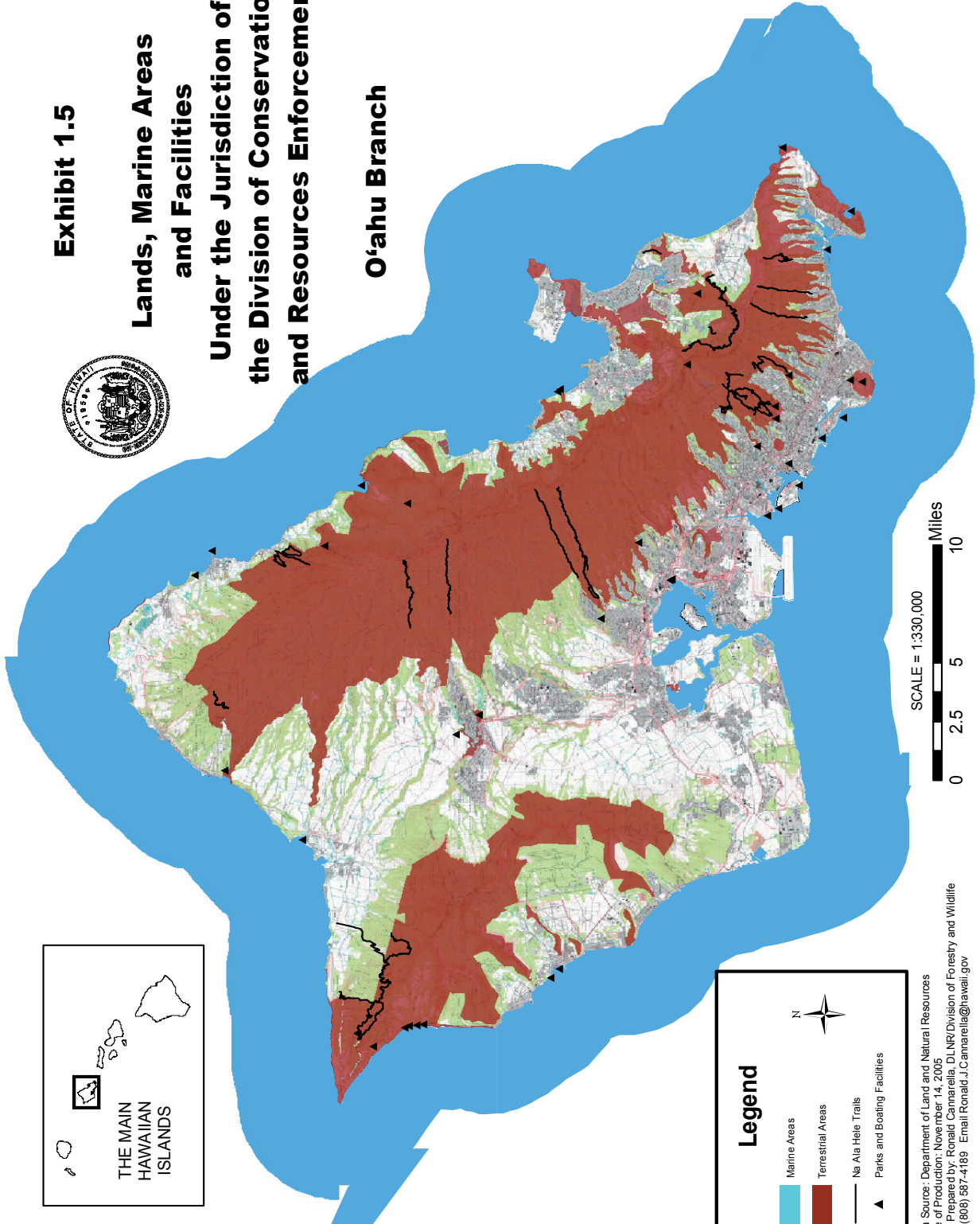
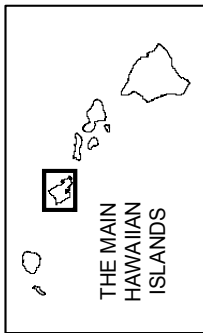
Exhibit 1.4
Lands, Marine Areas and Facilities
Under the Jurisdiction of
the Division of Conservation
and Resources Enforcement



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Exhibit 1.5

**Lands, Marine Areas
and Facilities
Under the Jurisdiction of
the Division of Conservation
and Resources Enforcement
O'ahu Branch**



Legend

- Marine Areas
- Terrestrial Areas
- Na Ala Hele Trails
- Parks and Boating Facilities

SCALE = 1:330,000
 0 2.5 5 10 Miles

Data Source: Department of Land and Natural Resources
 Date of Production: November 14, 2005
 Map Prepared by: Ronald Cannarella, DLNR/Division of Forestry and Wildlife
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Exhibit 1.6
Distribution of Personnel Assigned to the Division of
Conservation and Resources Enforcement as of
October 2005

Organizational Element	Main Office	Authorized Positions	Personnel Assigned
Division and Support Offices	Honolulu	13	9
Hawai'i Branch	Hilo	28	26
Kaua'i Branch	Lihue	16	16
Maui Branch	Wailuku	26	16
O'ahu Branch	Pearl City	41	36
TOTAL		124	103

Source: Department of Land and Natural Resources records as of October 2005

Each branch has one or more offices where the branch chief and administrative personnel work. Field supervisors and enforcement officers visit branch offices less often as they are provided four-wheel drive trucks and start and finish their work shifts from home. Conservation enforcement officers wear a blue uniform with insignia, are assigned vehicles with radios for communications, and are issued hand guns. Branch offices also have boats available for patrolling waterways. Enforcement officers usually patrol land areas and waterways under the department's jurisdiction and respond to calls made by citizens to the enforcement hotline. Branch office personnel take hotline calls and relay the information to enforcement officers over the radio or via telephone.

Prior audits

We have conducted several audits of the Department of Land and Natural Resources, some of which mentioned the Division of Conservation and Resources Enforcement. However, this is our first comprehensive audit of the division. Our 2001 report, *Audit of the Management of State Boating Facilities by the Department of Land and Natural Resources*, Report No. 01-09, found the enforcement division was lax in enforcing boating laws and rules. Our 1992 audit, *A Review of the Transfer of the Marine Patrol and Potential Transfer of Division of Conservation and Resources Enforcement*, Report No. 92-28, reviewed the potential transfer of the enforcement division to the Department of Public Safety and concluded it should not be transferred.

Objectives of the Audit

1. Assess the effectiveness and efficiency of conservation and resources enforcement operations achieved by the leaders of the Department of Land and Natural Resources and the Division of Conservation and Resources Enforcement.
2. Make recommendations as appropriate.

Scope and Methodology

House Concurrent Resolution No. 200 requested that the Auditor conduct a financial and management audit of the Division of Conservation and Resources Enforcement. However, our audit does not address fiscal practices because, with one exception, we did not identify any fiscal weaknesses exclusive to the enforcement division. The only fiscal weakness that came to our attention was related to overtime expended by the enforcement division for cruise ship security. This weakness is addressed under management practices in this report. A financial audit of the entire department was ongoing at the time of our audit and any other fiscal weaknesses identified as a result of that audit will be included in that audit's report.

This audit covered the management practices of the department's and division's enforcement program. We focused on FY2004-05 to December 2005, but included analyses of information from 1995 onwards. To accomplish our audit objectives, we visited the department, its support offices, most of its division offices, the enforcement division office and its branch offices on Hawai'i, Kaua'i, Maui, and O'ahu. Our most extensive audit work was performed at the O'ahu branch office.

We reviewed relevant documents on the management of the enforcement program to determine whether it is effectively and efficiently managed. We conducted interviews, reviewed pertinent laws, rules, policies, and procedures, and accompanied enforcement officers on both land and water patrols at all branches. We contacted other enforcement organizations to identify best practices and other federal, state, and local government entities to determine whether the division adequately coordinates its actions. We performed limited tests to determine whether reports generated by branches showing enforcement activity are reliable and found that most were reasonably reliable with the exception of the Maui branch, whose reports were more than six months behind. Where analyses required a year's worth of information, we annualized Maui's information based on the most recent six months of reported information.

Our audit was conducted from May 2005 to December 2005 according to generally accepted government auditing standards.

Chapter 2

Expanded Coverage and Improved Efficiency Are Needed To Better Protect Hawai‘i’s Resources

Hawai‘i’s resources have deteriorated through overuse or abuse and from factors such as agriculture, grazing, and urban and residential developments. Examples of deterioration include the decline in coastal water quality, decrease of inshore marine resources, endangerment of inshore ecosystems by alien seaweeds, decline of coral reefs, and increase in the number of impaired streams. Similarly, cultural resources have also been abused and suffered deterioration. On Mauna Kea, for example, adze stones were removed. Although there are laws and rules to protect Hawai‘i’s resources, the Department of Land and Natural Resources and the Division of Conservation and Resources Enforcement have not provided the leadership necessary to provide their effective and efficient enforcement.

Moreover, the enforcement workforce has not provided full and effective coverage, which has contributed in part to the lack of compliance. Officers expected to patrol land and waterways spend too much time performing administrative duties, time which would be better spent in the field, engaging in conservation enforcement. About a quarter of enforcement officers are extremely unproductive.

To provide more effective enforcement, department and division leaders need to develop strategic plans and focus attention and resources on conservation enforcement operations. Leaders also need to develop more efficient methods of enforcement. Unless improvements are made, Hawai‘i’s resources will likely continue to be abused and overused while the public’s safety continues at risk.

Summary of Findings

1. Lacking strategic planning, the chairperson and the enforcement chief have allowed mission expansion to divert attention and resources away from conservation enforcement.
2. To make the best use of limited resources, the enforcement chief needs to develop more efficient methods of performing enforcement operations.

Department Leaders Have Allowed Mission Expansion To Divert Attention and Resources Away from Conservation Enforcement

Enforcement workforce does not provide effective coverage

Department and division leaders have not achieved effective enforcement of laws and rules designed to protect Hawai'i's natural and cultural resources and the public's safety. The division generally does not have the capacity to do the job; that is, it does not have enough officers on duty in its various branches to patrol land and waterways and also respond to hotline calls. The absence of enforcement coverage contributes, in part, to overuse and abuse of Hawai'i's resources. To provide more effective enforcement, department and division leaders need to shift their mindsets and adopt more long-term strategic thinking. As part of an overall strategic plan, leaders need to focus attention and resources on conservation enforcement operations.

The enforcement division generally does not have enough officers to patrol land and waterways and also respond to hotline calls. As of October 2005, the enforcement division consisted of 103 personnel (filled positions). Of those, 79 were branch level field supervisors or enforcement officers who are regularly scheduled on patrols.

This is not enough to provide full coverage 24 hours a day, seven days a week for the nearly 1.3 million acres of State lands, beaches, near shore waters and 750 miles of coastline for which the department is responsible. The workforce provides partial coverage for about 18 hours a day, seven days a week. Branches usually do not have officers on duty during the late evening and early morning hours—a favorite time for poachers and troublemakers. Also, personnel are usually not available to answer hotline calls after hours.

Because of these shortages, enforcement officers rarely use available boats to patrol the State's waterways. During FY2004-05, officers patrolled waterways on only 163 occasions totaling about 846 hours—less than a half work year—and providing virtually no coverage of the coastline out to the three-mile limit. Though we were not able to find any staffing standards or models applicable to a conservation enforcement workforce, the enforcement division's officers are clearly spread too thin to achieve their mandate.

Maui branch is in a reactive mode

The Maui branch has a small staff considering the size of the land, waterways, and population it serves. As of October 2005, the Maui branch had 16 personnel, including a branch chief, an officer working as an administrative assistant, a secretary, three field supervisors, and ten enforcement officers. At the most, the branch has four or five officers on duty at any one time patrolling the islands of Maui, Lāna'i, and Moloka'i, and all the waterways in between. In addition, the branch has

responsibility for patrolling waters around the island of Kaho'olawe. The Maui branch chief said his workforce is in a reactive mode—primarily responding to hotline calls rather than patrolling land and waterways.

Hawai'i branch covers more land area than the other islands combined

Similarly, on the Big Island of Hawai'i—which covers more land than the other islands combined—the branch has a small staff of 26 personnel. This includes a branch chief, an officer working as an administrative assistant, a secretary, a clerk, three field supervisors, and 19 enforcement officers. The size of Hawai'i in relation to the other islands is shown in Exhibit 2.1. The island is more than one and a half times the size of the other islands combined; it has 2.6 million acres while the other islands have 1.5 million acres combined. During a typical shift, a single Big Island officer is expected to cover the whole Ka'u district, an area the size of O'ahu.

Kaua'i branch rarely patrols the Nāpali coastline

On Kaua'i we found more of the same. The Kaua'i branch has 16 personnel: a branch chief, a field supervisor working as an administrative assistant, a secretary, a clerk, a field supervisor, and 11 enforcement officers. The officers on Kaua'i are also spread thin and, for example, rarely patrol the Nāpali coastline, one of the most popular ocean recreation management areas in the state, as is shown in Exhibit 2.2.

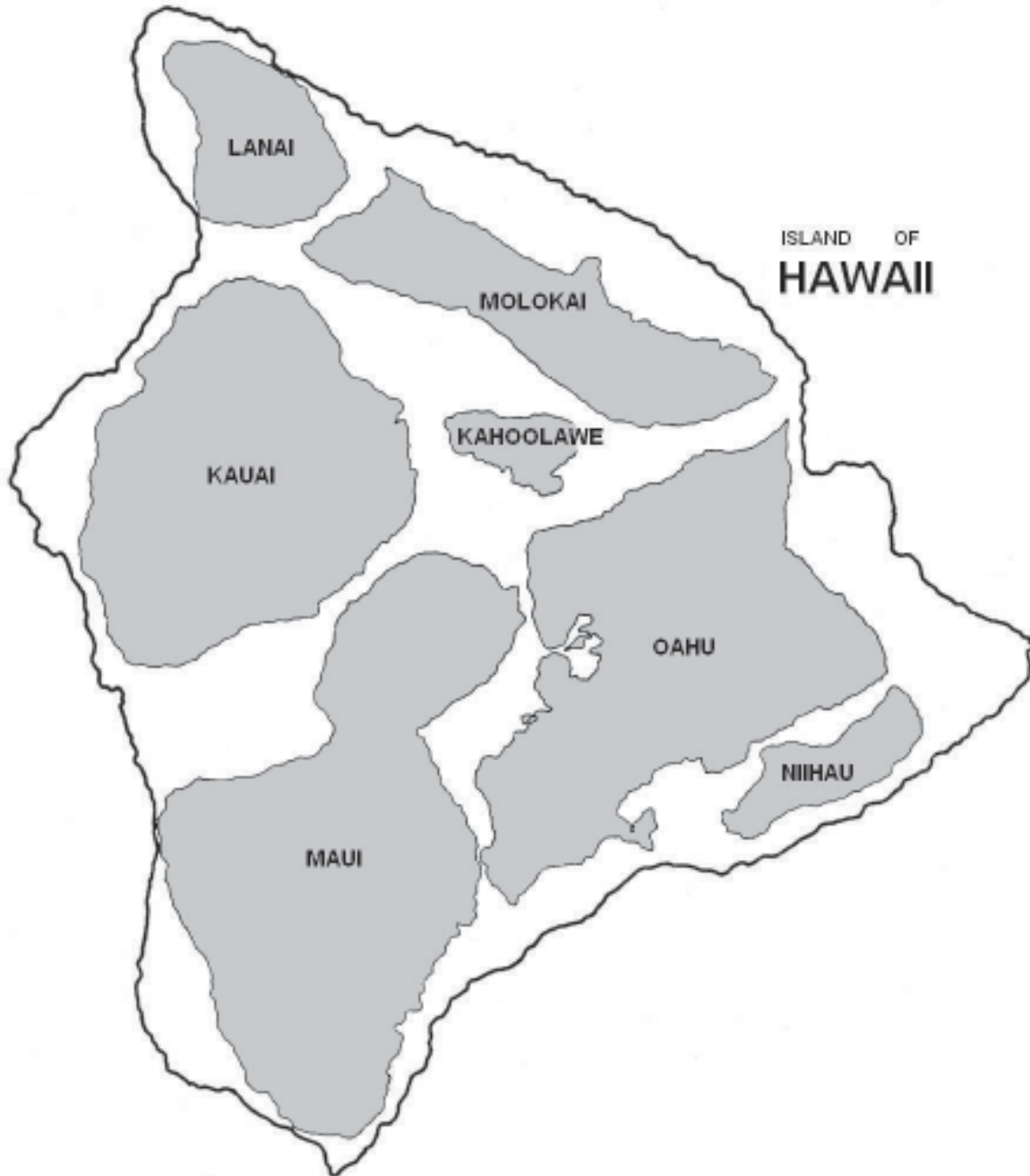
The O'ahu branch faces a large population and wide use of resources

The O'ahu branch has the most staff, with 36 personnel. They include a branch chief, an officer working as an administrative assistant, a secretary, a clerk, five field supervisors, and 27 enforcement officers. We performed a detailed review of the enforcement coverage on O'ahu, recognizing that the workforce is stretched even thinner on the other islands.

O'ahu has extensive land and water requiring conservation enforcement coverage. About 34,232 acres (9 percent of O'ahu's total land area), mostly mountainous with numerous hiking trails and natural reserves, are managed by the department's Forestry and Wildlife Division. O'ahu is also home to 23 of the department's state parks, monuments, waysides, and recreation areas covering about 8,763 acres.

O'ahu also has five of the department's small boat harbors, 20 boat ramps, 1,279 moorings/berths, and one pier. The department has

Exhibit 2.1
Map of Big Island With the Other Islands Inlaid



Map courtesy of County of Hawai'i, County Data Book 2004

Exhibit 2.2 Nāpali Coastline



Kaua'i's popular Nāpali coastline attracts numerous excursion boats, yet is rarely patrolled by enforcement officers. *Photograph courtesy of the Department of Land and Natural Resources.*

designated several marine protected areas where fishing, boating, or other activities are controlled. For example, there is a Humpback Whale National Marine Sanctuary co-managed by the federal government and the department; three marine life conservation districts; five fishery management areas; two wildlife sanctuaries; and four bottom fish restricted areas. The department also has designated offshore ocean recreation management areas where private and commercial recreational boating activities are restricted. Ocean recreation management areas encompass most of the 112 miles of shoreline around the island, extending 3,000 feet seaward. Furthermore, O'ahu's shoreline, including beaches, belongs to the department.

O'ahu is the most populous island and also has many visitors. Including visitors, its population is more than 900,000 people. Natural and cultural resources are used widely, especially on weekends. Therefore, we did our analyses of the O'ahu branch's enforcement coverage on a Saturday: July 2, 2005, the beginning of a busy three-day holiday weekend.

Twenty-six of the 32 field supervisors and enforcement officers assigned to the O'ahu branch and available for patrols were scheduled to work that Saturday. Enforcement officers usually work weekends and take their days off during the week. Two officers called in sick that Saturday, leaving 24 officers on duty. The branch did not have any officers on duty from 11:45 p.m. Friday night until 6:00 a.m. Saturday morning. Of the 24 on-duty officers, 15 were scheduled for day shifts starting as early as 6:00 a.m. The remaining nine officers were scheduled for evening shifts ending as late as 11:45 p.m. The branch did not have any officers on duty from 11:45 p.m. that Saturday night until 6:00 a.m. Sunday morning.

Many on-duty officers were assigned to geographic districts. All nine field supervisors and enforcement officers assigned to the Honolulu district, which stretches from Makapu'u Point to Pearl Harbor, were scheduled for the day shift, leaving the district uncovered after 5:45 p.m. On the other hand, officers assigned to the other three geographic districts were evenly split between day and evening shifts. Five of the 24 officers were assigned to a crime prevention task force called "Operation Safe Summer." The task force worked the evening shift, focusing on preventing teenage drinking and drug ingestion at state parks and small boat harbors, not on enforcing laws and rules protecting natural and cultural resources. Therefore, only 19 enforcement officers island-wide were focused on resource violations. Records showed that officers only did land-based patrols and did not use any of the available patrol boats—leaving waterways unpatrolled. The O'ahu branch did not have any all-terrain vehicles or dirt bikes, so officers were generally confined to locations easily reachable by four-wheel drive trucks or on foot. Also, most O'ahu branch boats were stored at the Pearl City base yard rather than pre-positioned at small boat harbors where enforcement officers could have promptly reacted to protect resources, as shown in Exhibit 2.3.

Our observations of insufficient enforcement coverage are corroborated in several published reports. For example, the department's *State Comprehensive Outdoor Recreation Plan* (March 2003) reported the enforcement division had limited staff considering its wide range of responsibility. The National Oceanic and Atmospheric Administration's *National Study of U.S. Coral Reef Ecosystems* (August 2005) indicated that fishers frequently cite a lack of adequate enforcement of fishing and marine resource laws in Hawai'i. The report noted that although

Exhibit 2.3 Boats Stored at the O'ahu Branch's Pearl City Base Yard



Rather than pre-positioning boats at any of the department's five small boat harbors, the O'ahu branch stores its rarely used boats at its base yard in Pearl City. *Photograph courtesy of the Office of the Auditor.*

legislation indicates the primary duty of enforcement officers is to enforce conservation and resource laws, the proportion of citations (including arrests) related to natural resources violations in Hawai'i has decreased in recent years and constitutes only about a third of citations issued. Finally, according to the department's *Hawai'i's Comprehensive Wildlife Conservation Strategy* (October 2005), the enforcement division's funding limits its capability to enforce existing laws, rules, and regulations protecting native wildlife and habitats.

The enforcement division is understaffed and underfunded. Public perception is that the state is unable to respond effectively to or enforce laws relating to the conservation of natural resources—making the public less likely to comply voluntarily.

Absent strategic planning, leaders have saddled the enforcement workforce with new work without providing enough resources

To ensure the enforcement division's capacity to provide full and effective enforcement coverage, department and division leaders need to think more strategically and develop comprehensive strategic plans. Without comprehensive plans to guide the department's and the division's activities, core deficiencies have evolved and persisted. For example, leaders have not aligned resources with workloads. They have not provided additional resources even though the enforcement division's conservation enforcement mission has grown and moved away from protecting natural and cultural resources towards deterring illegal and criminal activity.

Furthermore, leaders have not established meaningful goals, objectives, or appropriate performance measures for assessing program effectiveness; they have not linked the budget to past performance results, strategies, or action plans; and have not aggressively sought federal grants for enforcement operations. Additionally, leaders have not collaborated across division lines to achieve compliance with laws and rules, strategically managed their people by ensuring sufficient numbers of information technology experts are positioned within the department to respond to department-wide needs, or determined the necessary staffing to achieve compliance.

From FY1994-95 to FY2005-06, both the Legislature and department saddled the enforcement division with new work above and beyond its original conservation enforcement mission without providing enough resources. Additional responsibilities included the transfer of the marine patrol function to the enforcement division, new conservation enforcement work, and work only loosely connected to the enforcement division's conservation enforcement mission. The division also continued on its own accord to do work only loosely connected to its conservation enforcement mission. As a result, the enforcement workforce has been spread very thin.

The Legislature mandated the transfer of the marine patrol function to the enforcement division

Through Act 296, Session Laws of Hawai'i 1996, the Legislature mandated the transfer of the marine patrol function from the Department of Public Safety to the enforcement division. Under the Department of Public Safety, marine patrol had jurisdiction over all 750 miles of shore waters between the State's three-mile offshore limit and the shore's mean high tide mark, including beaches, docks, piers, and landings. Marine patrol officers enforced rules on boating safety, conservation, small boat harbors, and offshore mooring. Officers also conducted underwater investigations, surveillance, and search and rescue missions. Although the function had been budgeted for 47 positions at the Department of Public Safety, only 18 positions were transferred to the enforcement division in 1996.

The enforcement division's budget testimony, presented a year later in January 1997, mentioned that the governor requested an additional 29 positions to make up for the shortfall and resurrect the understaffed enforcement division. However, only 24 of the 29 positions were approved by the Legislature, leaving the enforcement division five positions short of the original strength level at the Department of Public Safety. Position counts at the enforcement division for the marine patrol function have since remained static.

The department added new conservation enforcement work without additional resources

Over the past decade, new conservation districts, fisheries management areas, and state parks have been added—all of which require additional enforcement presence. Since 1996, seven new resource areas were added by the department: five on the island of Hawai'i and two on Kaua'i. For example, the department added the West Hawai'i Regional Fisheries Management Area, an area that covers about 35 percent of the West Hawai'i Coast. The area adopted rules in 1999 prohibiting the taking of aquatic life for aquarium purposes.

More recently, a marine refuge created in the Northwestern Hawaiian Islands eliminated all commercial and recreational fishing along the entire island chain. The Northwestern Hawaiian Islands span about 1,000 of the 1,500 mile Hawaiian Archipelago while the main Hawaiian islands only cover about 500 miles. The Northwestern Hawaiian Islands consist primarily of ten main atoll systems, each of which has one or more islands. The refuge, a joint effort with the federal government, added a significant amount of enforcement work but did not provide any new resources—without even considering that the enforcement division did not have boats big enough to patrol such a large area. The closest island is Nihoa, shown in Exhibit 2.4, which lies 130 miles northwest of Ni'ihau. It is the largest volcanic island in the Northwestern Hawaiian Islands chain, with about 170 acres of land. Kure is the northernmost coral atoll.

The department directed the enforcement division to provide security for cruise ships—work only loosely connected to its mission

In reaction to the September 11, 2001 terrorist attacks, the enforcement division began providing security for cruise ship passengers in 2002. Congress passed the Maritime Security Act of 2002 and, a year later, the Department of Homeland Security's U.S. Coast Guard developed regulations implementing the act. The act applies to the department's Lahaina Small Boat Harbor and Kailua-Kona Wharf. In 2003, the department directed the Division of Boating and Ocean Recreation to use

Exhibit 2.4 Nihoa Island



Nihoa is a steep remnant of volcanic peak while most other islands apart from the main Hawaiian chain are atolls (ring-like coral islands and reefs that nearly or entirely enclose a lagoon). *Photograph courtesy of the Department of Land and Natural Resources.*

proceeds from the cruise ship mooring fees to pay the enforcement division to perform cruise ship security at both locations. The department also directed that the work be done on overtime. Exhibit 2.5 shows passengers standing in line before undergoing a security check at Kailua-Kona Wharf. Enforcement officers assigned to the Hawai'i branch oversee security checks conducted by contract personnel.

Federal regulations contained a series of facility security requirements including: developing and executing a facility security plan; appointing a facility security officer; providing security training; performing drills and exercises; acquiring and maintaining security systems and equipment; and performing facility security assessments. Both the Maui and Hawai'i branches of the enforcement division have completed the federal regulatory requirements and regularly provide security each time cruise ships anchor near the department's harbors. The branches usually provide two or three officers to perform security patrols for periods up to 11 or 12 hours a day including travel time from their homes, all at overtime rates.

Exhibit 2.5
Cruise Ship Security at Kailua-Kona Wharf



Passengers stand in line for a security check before being ferried to the cruise ship anchored offshore. *Photographs courtesy of the Office of the Auditor.*

During FY2004-05, the two branches worked a total of 8,780 hours at rates averaging \$36.90 an hour, for a total cost of \$324,000. The premium pay made the cruise ship security work more costly than necessary. The time spent performing cruise ship security equated to about five work years of effort. Because the branches did the work on overtime, it did not directly detract from the time regularly spent on patrol. However, enforcement officers told us that overtime took its toll and tired them out on days they would have normally been off duty. Because they were tired after working their off days, the overtime, in effect, detracted from accomplishment of the division's mission.

The 2005 Legislature approved five positions requested by the enforcement division specifically for cruise ship security. Once filled, these new positions will provide some of the necessary resources. It should be noted, however, that the cruise ship business is growing and with commercial harbors at or near full capacity, the enforcement chief expects cruise ship security at Lahaina and Kailua-Kona to grow—perhaps even expanding to small boat harbors on other islands.

Cruise ship security work is necessary but only loosely connected to the enforcement division's conservation enforcement mission. As long as marine security levels remain low and armed waterborne security is not required, the department should evaluate the feasibility of having a contractor do cruise ship security work rather than enforcement officers. If contractors are hired, it would be advisable to use enforcement officers to periodically perform land-based and waterborne patrols in areas near the harbors so they are close by in case marine security levels rise.

The department directed the enforcement division to participate in a joint crime-prevention task force

In June 2005, the department agreed to have the enforcement division participate in a joint crime-prevention task force at the request of the lieutenant governor. The task force, known as Operation Safe Summer, was designed to rid O'ahu state parks and small boat harbors of the chronic summertime problems of teenage drinking and drug use. The enforcement division joined forces with the O'ahu Sheriffs Division to patrol parks and harbors at regular intervals throughout the evening and early morning hours, seven days a week for the entire summer. The enforcement division spent 3,913 hours participating in Operation Safe Summer, or about 2.2 work years of effort.

The crime-prevention task force work was also necessary but again only loosely connected to the enforcement division's mission. Based on our review of Hawai'i law, the main mission of the enforcement division is to protect the state's natural and cultural resources. Deterring illegal and criminal activity is clearly a secondary mission.

The enforcement division continues to perform or initiate new work only loosely connected to its mission

The enforcement division continues to participate in the marijuana eradication program formally known the Domestic Cannabis Eradication/Suppression Program. The federal Department of Justice's Drug Enforcement Agency sponsors the program and provided the enforcement division with a \$470,000 grant for calendar year 2005. Under the grant the enforcement division was expected to gather and report intelligence data; investigate and report instances of drug trafficking; provide officers for eradication efforts; arrest and prosecute defendants; and provide samples of eradicated marijuana.

The program has a loose connection to the conservation enforcement mission because it reduces illegal marijuana growing operations, which often are located on state lands. Growers sometimes clear-cut everything in sight, disturbing the ecosystem where the marijuana is grown. During FY2004-05, the enforcement division spent 6,453 hours on the marijuana eradication program, or about 3.7 work years of effort. Exhibit 2.6 shows a patch of marijuana under cultivation found on the Big Island of Hawai'i.

Exhibit 2.6 Marijuana Cultivation



An aerial reconnaissance team flying over the Ka'u district on the Big Island detected about 600 marijuana plants growing in the Manuka Natural Area Reserve. *Photograph courtesy of the Department of Land and Natural Resources.*

The enforcement division's Hawai'i branch initiated another program with an even looser connection to the conservation enforcement mission. The federal Department of Justice provided the enforcement division with a \$150,000 grant for the federal fiscal year that ended September 30, 2005 to "document the extent of drug trafficking within the maritime sector." We were not able to determine how much effort was spent in support of this grant.

Finally, the enforcement division's O'ahu branch formed its own crime-reduction unit in 2004, similar to the previously mentioned crime-prevention task force. As the name implies, the crime-reduction unit focused on criminal and illegal activities on the department's lands as opposed to protecting natural and cultural resources. The unit worked as a team and frequently performed undercover surveillance of targeted operations such as illegal drug trafficking. The O'ahu branch had eight full-time officers assigned to this unit. Again, the work was necessary but detracted from accomplishing the division's conservation enforcement mission.

The enforcement division's mission needs reevaluation

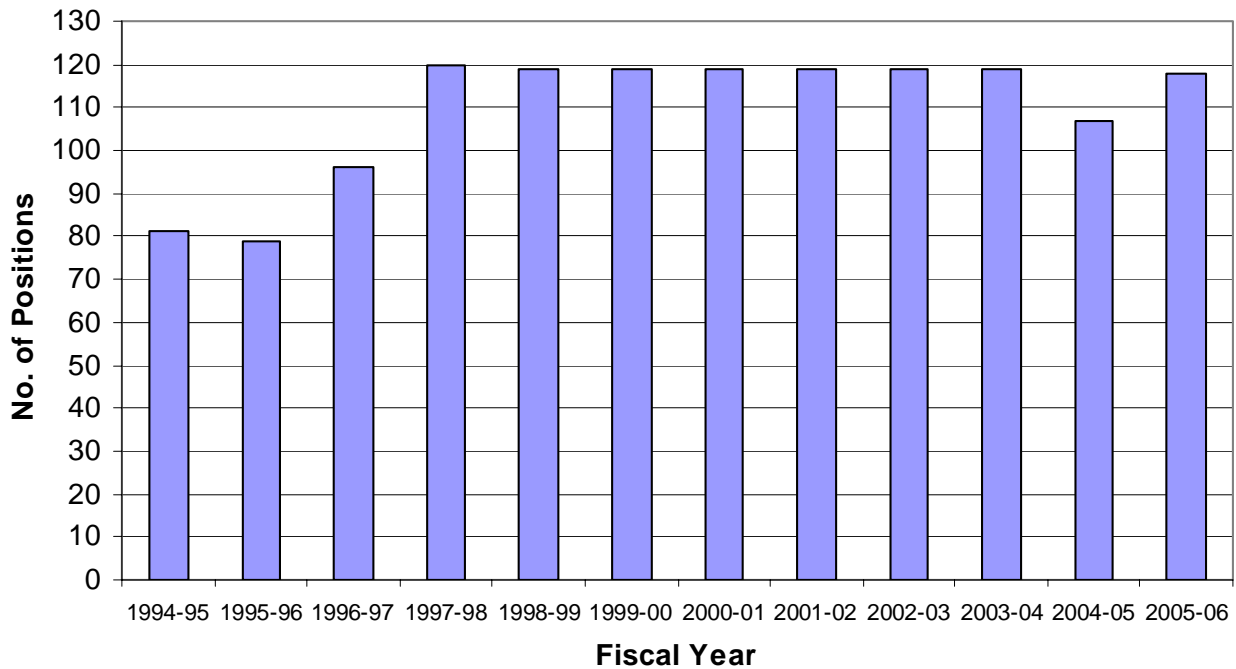
Growth of the enforcement division's conservation enforcement workload—possibly by as much as 50 percent—along with a mission that has shifted away from protecting natural and cultural resources towards deterring illegal and criminal activity has caused the enforcement workforce to be spread too thin. Overall, we identified almost 19 work years of effort expended performing missions only loosely connected with the division's primary mission. In comparison, the division's growth in budgeted positions as reported in Exhibit 2.7 was not commensurate with the growth in its work. It should be noted that six temporary positions listed in Exhibit 1.6 are not included as part of the budgeted positions for FY2005-06 shown in Exhibit 2.7.

Beside a recent increase in budgeted positions for FY2005-06, the only other sizable increase in budgeted positions was due to the transfer of the marine patrol function in 1996.

Meaningful performance measures for assessing program effectiveness are missing

Key to any strategic plan are clear, specific, and measurable goals and objectives. According to the State's Executive Budget System, program objectives represent an end result, or product or state of condition desired—that is, a statement of what activities are expected to accomplish if carried out. Measures of program effectiveness specify the degree to which results are expected. Department and division leaders have not established goals and objectives with meaningful performance measures for reports to the Legislature. As a result, legislators have not learned much about the division's overall effectiveness. The department

Exhibit 2.7
Division of Conservation and Resources Enforcement Trends in Budgeted Positions



Source: Department of Land and Natural Resources

and the division both need to develop more meaningful performance measures and convey these results to legislative decisionmakers.

According to the Government Accountability Office report *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making* (GAO Report No. 05-927), the goals, objectives, and associated performance measures developed by a department within an organization should be aligned with higher-level objectives. Measurable goals and objectives can be established on a continuum starting at the operational level with inputs, activities, and outputs; and moving up to a higher departmental level to include immediate and long-term outcomes. A department should cascade its goals and objectives throughout its organization and align performance measures to objectives from the departmental level down to the operational level. According to the Government Accountability Office report, *High Performing Organizations Forum* (GAO Report No. 04-343SP), high performing organizations focus on achieving results

and outcomes. High performing organizations also seek to develop data-driven understandings of how their efforts contribute to overall results.

Department's divisions need meaningful performance measures

The department's divisions, commissions, and offices (hereafter referred to as "divisions") have developed goals and objectives and associated performance measures for inclusion in annual reports required by the Legislature and as part of the budget process. Organizations within the department funded totally or in part by the major budget program *Environmental Protection* were expected to develop goals and objectives in support of the overall state objective to protect, restore, and enhance where appropriate the state's natural and man-made physical environment. The goals and objectives developed by the department's divisions usually support the overall state objective. However, many of the associated performance measures apply to the operational level addressing inputs, activities, and outputs. To support the overall state objective, they should address results and outcomes. Because performance measures are often not outcome-oriented, they do not say much about the department's or the division's overall program effectiveness.

For example, the Division of Aquatic Resources had an objective to preserve and enhance native and indigenous fish and other aquatic species and their habitats for Hawai'i's people and its visitors through active protection, public information and education, and other management measures. It had some performance measures related to the overall size and health of the fish population, but did not have measures directly addressing other outcomes such as the health of the three million acres of state marine waters or the health of the 410,000 acres of coral reef. Instead, the division reported on performance measures related to operational level activities such as the number of marine protected areas. In theory, each new marine protected area contributes to the protection of the marine waters and the reef; however, higher-level outcome-oriented performance measures are needed to provide more meaningful reports to the Legislature. Indicators of the health of the waters and reef are available, but were not included in the department's annual report or as part of its budget process.

Similarly, the Division of Forestry and Wildlife had an objective to protect and enhance the condition of Hawai'i's forested watersheds, unique native plant and animal species, and native ecosystems. Some performance measures directly addressed parts of the objective, such as the percentage of invasive species. However, the performance measure referred to a planned percentage but lacked any details about the plan. Without knowing the plan, the measure was meaningless. The other

performance measures were related to operational level activities such as the percentage of fires controlled in fewer than ten acres. Unless the divisions focus on outcomes and measure their progress, they will not know whether the management actions they take are sufficient to meet the higher-level state goal to protect, restore, and enhance the natural and man-made physical environment.

As part of the department's strategic plan, divisions should establish performance measurement plans for the higher-level goals and objectives that directly address the health of the natural resources for which they are responsible, whether it be land, lakes, streams, marine waterways, wildlife, fish, or associated ecosystems. Performance measures should focus on outcomes rather than outputs.

Enforcement division's performance measures are not meaningful

The enforcement division was funded primarily by the major budget program *Environmental Protection* and therefore was expected to develop goals and objectives in support of the program's corresponding goal. The highest-level objective established by the enforcement division was to provide a desirable environment for the people of Hawai'i by enforcing laws and rules. However, none of the enforcement division's performance measures relate to this goal. Instead, the division's performance measures relate to an operational activity—the percentage of patrol time spent at various locations such as state parks, boating, and so on. Because the measure does not address outcomes, program results have not provided meaningful information.

Goals adopted by the department's other divisions should be shared by the enforcement division

First, the enforcement division should share in the higher-level goals and objectives and performance measures related to the overall State goal to protect, restore, and enhance the environment. By doing so, the enforcement division will directly address the health of the natural resources, and realign itself with its core conservation enforcement mission. After reviewing numerous agencies' missions and higher-level goals, we found that the U.S. Fish and Wildlife Service's Office of Law Enforcement's mission offers a good example:

Through effective enforcement of Federal Laws, the Office contributes to Service efforts to recover endangered species, conserve migratory birds, preserve wildlife habitat, safeguard fisheries, combat invasive species, and promote wildlife conservation.

Each year, the Office of Law Enforcement reports on its accomplishments by showing how it contributed to the mission. Should the enforcement division adopt a similar mission statement and establish supporting goals and objectives, its report to the Legislature would include how it has contributed to the health of Hawai'i's natural and cultural resources, thus providing Hawai'i's decisionmakers with more valuable information.

Second, the enforcement division should collaborate with the department's divisions that adopt rules to establish goals and objectives focused on achieving compliance. Unless users comply with conservation and resources laws and rules, the department cannot achieve its overall goal of protecting, restoring, and enhancing the environment. At the time of our audit, compliance was generally viewed as an enforcement division responsibility even though enforcement (defined as compelling observance of or obedience to laws or rules) is only one part of a compliance program. In theory, many resource users will comply voluntarily if they are aware of departmental conditions and restrictions. Other divisions in the department were responsible for the remaining parts of the compliance program such as developing laws and rules, posting signs notifying the public of restrictions, and providing education and public outreach explaining the reasons for laws and rules.

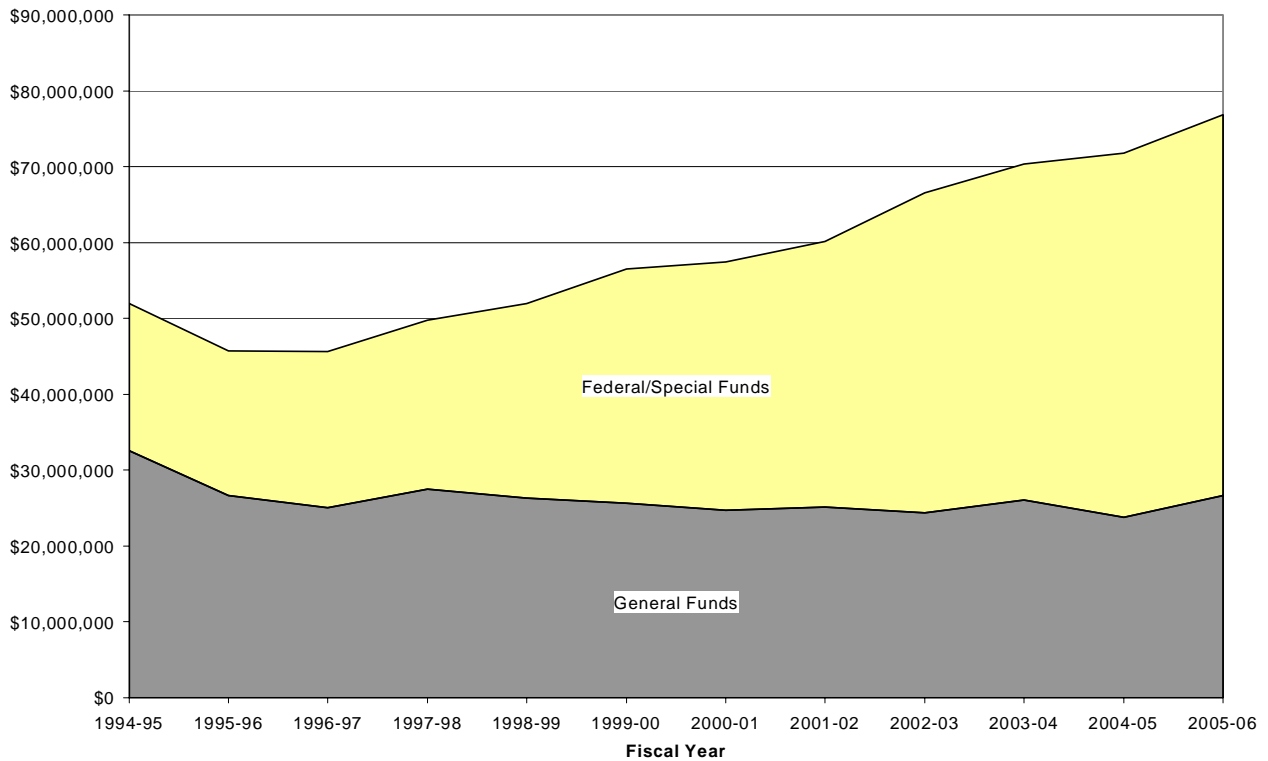
Performance measurement plans to determine whether progress is made in achieving compliance should also be developed. However, measuring compliance is difficult. Relying on observed compliance rates and devising methods such as statistical sampling to provide reasonable estimates about the extent of compliance with laws and rules is one method of measuring compliance. Even rough estimates of compliance rates could be trended over time and would provide better information than is currently available. Once completed, the enforcement division should share its results with the department and the responsible divisions.

Without information on performance results, strategies, and action plans, enforcement division leaders cannot compete favorably for limited resources

Enforcement division leaders are unable to make convincing arguments for additional resources using performance outcomes and do not have a strategic plan for using such resources. As a result, the enforcement division has not compared favorably with other organizational units for limited resources over the period FY1994-95 to FY2005-06. Operating budgets for the department are reported in Exhibit 2.8.

The department kept pace with the statewide budget over the period, receiving slightly less than 1 percent of the state's total budget each year. The department began the period with a budget of about \$52 million, which grew to about \$77 million by the end of the period—outpacing inflation. Federal grants increased substantially as did user fees, permits, and other self-supporting revenue under the special fund, while general

Exhibit 2.8
Department of Land and Natural Resources Operating Budget FY1994-95 to FY2005-06



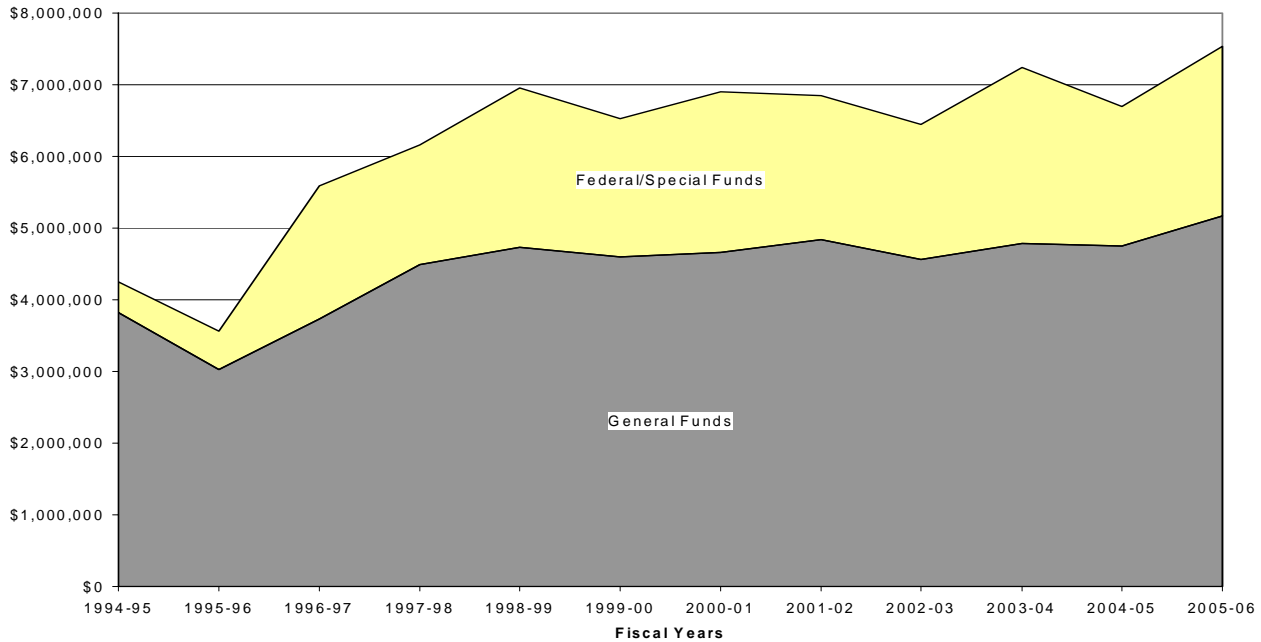
Source: Department of Land and Natural Resources

fund contributions declined by 18 percent. Operating budgets for the enforcement division are shown in Exhibit 2.9.

Unlike the department, the enforcement division did not keep pace with the statewide budget after considering that the workload grew by more than 50 percent over the period with the addition of the marine patrol function, other conservation enforcement work, and work loosely connected to conservation enforcement. The enforcement division began the period with a budget of about \$4.2 million, which grew to about \$7.5 million; the only growth beyond inflation resulted from addition of the marine patrol function in 1996. Federal grants increased slightly, while special funds increased from zero revenue to about \$1.3 million because of the marine patrol transfer. Despite the transfer, general funds just barely kept pace with inflation.

Lacking meaningful performance measures and a strategic plan, legislators and other decisionmakers did not learn much about the division's overall effectiveness from reading the information reported

Exhibit 2.9
Enforcement Division Operating Budget FY1994-95 to FY2005-06



Source: Department of Land and Natural Resources

through the budget process and in annual reports to the Legislature. In the absence of meaningful information about program effectiveness (outcomes), legislators could not know the impact of their decisions to withhold funding of enforcement program requirements. It is essential to measure the effectiveness of programs because good resource allocation decisions can only be made when costs and benefits are compared. By developing higher-level, outcome-oriented performance measures and reporting those results in budget program narrative descriptions and memoranda as well as the annual report, leaders will present a stronger, more convincing argument that the enforcement division needs additional resources.

To expand the resources available, the enforcement division should more aggressively seek federal grants. The enforcement division consistently had three or four federal grants every year, but leaders did not proactively seek them. As of October 2005, the enforcement division had four active federal grants in various stages of completion:

- U.S. Department of Interior-Conservation Education Facility: \$857,000;
- U.S. Department of Justice-Maritime Intelligence and Enforcement: \$150,000;

- U.S. Department of Justice-Domestic Cannabis Eradication/Suppression: \$469,794; and
- U.S. Department of Homeland Security-State Homeland Security: \$303,428.

We researched federal grants and found two that looked promising. The first, known as the Cooperative Enforcement Program, is offered by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Law Enforcement. The grant aims to increase federal maritime conservation enforcement while strengthening state marine conservation enforcement resources. The National Marine Fisheries Service, Office of Law Enforcement asks states to sign joint enforcement agreements to conduct specific work on behalf of the federal government addressing federal priorities in exchange for a corresponding level of financial support.

The Office of Law Enforcement strives to create agreements permitting simultaneous enforcement of state and federal priorities. The Office distributed about \$14.25 million in the federal fiscal year ending September 30, 2005 among 25 coastal states and territories. Funds were distributed to 23 of 29 coastal states—Hawai'i being one of the few states that did not participate—for an average of \$570,000 per state. For example, the Office of Law Enforcement provided \$900,000 to the State of Washington's Department of Fish and Wildlife to increase enforcement of fisheries regulations at sea, dockside, and on land. The agent in charge of the National Marine Fisheries Service, Office of Law Enforcement's Honolulu office indicated that based on current grant guidelines, the Office of Law Enforcement would likely be able to provide about \$500,000 to \$750,000 for Hawai'i.

The second promising grant is offered by the U.S. Department of Interior, Fish and Wildlife Service. Known as Conservation Law Enforcement Training Assistance, the grant provides special agents to assist in conservation law enforcement training efforts as instructors for short periods of time.

During the audit, the enforcement division chief said he had been in contact with the National Marine Fisheries Service, Office of Law Enforcement and planned to discuss within the department the possibility of participating in the Cooperative Enforcement Program. In the future, we believe the enforcement division should aggressively seek federal grants to help offset costs to the state.

Compliance is subject to a range of influences other than enforcement

While it is often assumed that low levels of compliance stem from inadequate enforcement, compliance is actually subject to a range of influences. According to several studies cited in a National Oceanic and Atmospheric Administration report, *Enforcing U.S. Marine Protected Areas: Synthesis Report* (July 2005), a large majority of users will comply with laws and rules even in the absence of enforcement—assuming they are aware of the laws and rules. Therefore, there is a critical need for ongoing education and outreach programs to improve users' understanding of ethical use, stewardship, and sustainability of Hawai'i's land and natural resources.

The report explained that compliance can be justified by several theories. Both the general deterrence theory and the normative compliance theory point to the need for the enforcement division and the department's other divisions to work together towards an increased understanding of users' behaviors to encourage compliance:

General Deterrence Theory. Compliance is most heavily influenced by users' potential economic gains from an illegal activity; their perceived risk of detection; and the severity of sanctions. The probability of detection can be raised through increased enforcement presence including the number of enforcement officers, patrols, ship boarding, enforcement technologies, and so forth.

Normative Compliance Theory. Other psychological factors are equally important in a users' decisionmaking process concerning compliance. Factors related to socially acceptable or prescribed behaviors (normative factors), include perceptions that compliance with rules will result in short- and long-term benefits; moral obligation or social pressure to obey the law; belief that others are obeying the law; and acting out of habit rather than modifying behavior to obey a newly introduced law. Normative factors also include perceptions of legitimacy of laws and rules such as:

- Whether it is easy for a user to understand and comply with the law;
- Whether it is easy for officers to enforce the law;
- Whether there are regulatory inequities between commercial and recreational users; and
- Whether enforcement officers are fair.

Both the department and its divisions need to change their collective mindset and approach enforcement as a collaborative effort rather than as solely the enforcement division's responsibility.

The department should establish cross-division working groups to achieve compliance

Department leaders have tried to encourage collaboration across divisional lines to break down barriers and organizational choke points. They have held weekly staff meetings, published weekly notes to update the staff, and encouraged inter-divisional meetings on each island. However, division leaders have not collaborated across division lines to achieve strategies and action plans for compliance.

According to the Government Accountability Office report, *Results-Oriented Government: Practices That Can Help and Sustain Collaboration among Federal Agencies* (GAO Report No. 06-15), key practices that can help enhance and sustain collaboration among agencies include: defining and articulating a common outcome; establishing joint strategies to achieve an outcome; identifying and addressing needs by leveraging resources; establishing compatible policies and procedures to operate across boundaries; and establishing mechanisms to monitor, evaluate, and report the results of collaborative efforts. Using this model as a blueprint for change, department leaders should formally establish working groups that cut across divisions to develop strategies and action plans that encourage compliance.

Working groups could address topics similar to the ones discussed in the Maryland Department of the Environment's *Annual Enforcement and Compliance Report, Fiscal Year 1999*, which includes, among other things, attention to developing a more statistically valid method for determining compliance rates of a regulated community. More importantly, however, working groups should develop a strategy and action plan to promote the safe, responsible, and compliant use of Hawai'i's natural resources. Department and division personnel need to fully recognize that while the enforcement division is responsible for compelling users to obey the law, other divisions must encourage and promote voluntary compliance.

Department and division leaders do not strategically manage their staff

People are the primary resource of high performing organizations. Strategic workforce planning is a systematic approach to determining staffing needs, analyzing current workforces, and developing strategies and action plans to address gaps in staff numbers and competencies. According to the Government Accountability Office report, *High Performing Organizations Forum* (GAO Report No. 04-343SP), high performing organizations strategically manage their people. However,

the department's and enforcement division's leaders have not done this—they have not made sure there are appropriate numbers of enforcement officers as well as skilled information technology personnel on staff.

The number of enforcement officers needed to achieve compliance is unknown

Department and enforcement division leaders have not determined the number of enforcement officers needed to achieve compliance. Leaders do not have any staffing formulas or models for determining the number of officers needed to provide effective coverage. The enforcement chief told us he generally requires more enforcement officers at heavily used venues near population centers, but does not have any formulas.

We researched both federal and state agencies with law enforcement responsibilities related to the environment and did not find any staffing formulas or models applicable to the enforcement division. Although there may be no staffing formulas or models to assess the adequacy of the enforcement division's workforce, we found strong evidence that the workforce—consisting of 79 enforcement officers available for patrol and 103 personnel overall—was spread too thin, given the scope and breadth of their work.

The question of how many enforcement officers are enough is difficult. According to the Government Accountability Office report, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making* (GAO Report No. 05-927), managers should use performance information to identify problems in existing programs and causes of problems and to develop corrective actions. Taking the approach suggested by the GAO, the question of how much enforcement capacity is enough could be answered if the department's leaders started measuring progress against the overall statewide objective (to protect, restore, and enhance, where appropriate, the natural and man-made physical environment). Leaders would also need to establish goals and objectives for compliance and measure compliance rates.

Using these performance measurements, leaders could analyze and determine why goals and objectives are not met. If the department's leaders find that goals and objectives related to protecting, restoring, and enhancing the environment have not been met and compliance rates are low, then more enforcement is likely needed. However, compliance rates may be low for reasons other than lack of enforcement, such as the users' lack of knowledge about the responsible and safe use of natural resources. Stricter laws and rules or ones that are easier to understand also might be needed.

On the other hand, if the department's leaders find that influences beyond the control of the departments of Land and Natural Resources, Health, and Agriculture are causing the deterioration of resources, such as uncontrolled urban sprawl, then more enforcement would not be the answer.

Poorly positioned information technology experts do not provide department-wide services

At the beginning of FY2005-06, the department had about 660 authorized positions including eight authorized positions requiring information technology expertise. Of the eight, six were filled and two vacant as of October 2005. Further, the positions were dispersed throughout the department, with six of the eight positions in the Data Processing Office, one in the Land Division, and one in the Division of Boating and Ocean Recreation.

Although the organization chart and functional statement showed the data processing staff as part of the Administrative Services Office, that was not the case. The head of the Data Processing Office reported directly to the Ground Water Regulation Branch within the Commission on Water Resource Management. We were told the Data Processing Office was moved from under the Administrative Services Office in the late 1990s because the chief of the Ground Water Regulation Branch had a better understanding of the information technology function. The Data Processing Office personnel worked on the network, web technologies, and geographic information systems. In addition to the eight authorized data processing positions, we identified five other people working for the Division of Forestry and Wildlife who were experts in other fields but performed information technology functions in the areas of radio communications, web page technologies, and geographic information systems. There may be more such people in other divisions as well.

With the organization and staffing described, the department does not have enough information technology capability to do much more than operate and maintain existing systems. For example, it does not have any business systems analysts capable of studying business operations and translating the information into management information systems requirements. It also does not have any engineers for the radio system. Moreover, the Data Processing Office was not even represented at weekly department staff meetings and therefore has not responded to department-wide needs. Further, the department lacks an information technology steering group to discuss and make recommendations about information technology requirements and priorities.

As a result, the divisions are left to fend for themselves. Some divisions, such as the enforcement division, which have very limited technological

knowledge, have not been successful in procuring any new systems and are still using manual forms developed 20 to 25 years ago. Other divisions, such as the Division of Forestry and Wildlife, have been fortunate in obtaining more resources to sponsor contract studies or have had technologically savvy personnel.

Given these conditions, department leaders should perform a review to determine the types and quantities of information technology positions needed to modernize, operate and maintain their information technology systems. We also believe the information technology positions should be assigned to one office, preferably where they can respond to department-wide needs. To give information technology the visibility it deserves, the chief of the Data Processing Office should also attend weekly department staff meetings. Towards that same end, the department should form an information technology steering group to oversee department-wide information technology requirements and priorities.

Insufficient enforcement coverage contributes to the deterioration of resources and puts public safety at risk

Hawai'i's resources have deteriorated, in part, because of overuse or abuse by commercial and recreational users. Unless action is taken to provide full and effective enforcement coverage in the future, users will continue to deplete Hawai'i's unique and fragile environment.

Incidents of users abusing natural and cultural resources are observed and documented

Sensing the absence of full enforcement coverage, resource users often break laws and rules protecting natural and cultural resources and public safety. Although the department has not kept statistics on compliance rates, many newspaper articles and editorials have reported on non-compliance. Some examples include:

- Poachers spear-fishing and tourists walking on the reef at low tide offshore at Three Tables, a small beach on O'ahu's north shore in an area designated a marine conservation district designed to protect the reef and fishes; and
- Off-roaders driving vehicles and dirt bikes into the brush, causing erosion and crushing bird nesting areas at Ka'ena Point State Park. Portions of the park are designated as a natural area reserve designed to protect endangered plant and animal species. Tracks from four-wheel drive vehicles are visible in Exhibit 2.10.

Exhibit 2.10
Ka'ena Point State Park



Ka'ena Point State Park prohibits the use of motor vehicles off the main road. Despite this prohibition, the park continues to be a favored spot for off-road driving. *Photograph courtesy of the Department of Land and Natural Resources.*

During the audit, we observed many instances of non-compliance. For example, while on patrol with an enforcement officer in Kaua'i, we saw erosion caused by illegal dirt bikes in an area known as Bowls at Waimea Canyon State Park and the illegal use of jet skis in Hanalei Bay. We also noted that many complaints are received daily on the enforcement division's hotline regarding illegal activity in progress. Unfortunately, due to inadequate coverage, many calls could not be investigated in time to catch the alleged perpetrators.

Non-compliance with laws and rules contributes to the deterioration of resources and puts public safety at risk

Recognizing that other factors also have also played a role, we found that non-compliance with laws and rules contributes to the deterioration of resources and to putting the public's safety at risk. Although many violations, such as over fishing, are seemingly harmless, they collectively hinder the capability of fish and delicate ecosystems to replenish themselves. Other violations, such as illegal grading of lands near Pīla'a Bay on Kaua'i, have caused more obvious damage. Heavy storms that came in 2001 shortly after the illegal grading washed tons of mud through conservation district lands into Pīla'a Bay, damaging or killing at least 5,830 square feet of coral.

According to Hawaii's Environmental Report Card and numerous technical reports published by the federal government or the state, Hawai'i's natural resources have suffered severe deterioration, including:

- Declines in coastal water quality for all main Hawaiian Islands, most notably on O'ahu and Moloka'i;
- A significant decrease in the abundance of inshore marine resources over the past three decades;
- Five alien seaweeds that have become ecologically dominant at some locations, causing serious threat to inshore ecosystems;
- A decline in the majority of Hawai'i's coral reef sites, including Hanauma Bay, studied over three decades by the National Oceanic and Atmospheric Administration's U.S. Coral Reef Task Force;
- An increase in the number of impaired streams statewide from 55 in 2002 to 70 in 2004;
- The ecological domination in some locations of non-native plants and animals;

- The rarity or even extinction of native bird species;
- A decline in populations of native invertebrates; and
- A rise in contaminants over the past year in eight wells used for drinking water, although they are still below maximum contaminant levels established by Federal Drinking Water Standards.

Furthermore, non-compliance with historic preservation laws and rules has contributed to the abuse of resources of historic significance. For example, public access to cultural resources at Mauna Kea has not been controlled because the cultural value of Mauna Kea, which includes a large concentration of Hawaiian shrines on the North Slope, went largely unrecognized. In the absence of controls, adze stones have been removed.

Recreational users' overuse or abuse of natural resources in locations such as state parks, forest reserves, and boat harbors also puts the public's safety at risk. For example, the lack of an enforcement presence has put those who use Ka'ena Point State Park at risk when all-terrain vehicles take over the beach late in the afternoon on weekends. The absence of an enforcement presence patrolling the waterways has also become the subject of a successful lawsuit in Kaua'i challenging the Division of Boating and Ocean Recreation's authority to require permits for boating excursions to the Nāpali coastline. Because rules regulating ocean recreation on the Nāpali coastline were not enforced, a boating excursion company contended that the permit fee was an unfair tax—and won the case. Afterwards, the boating excursion company was no longer required to pay a fee for its trips to the Nāpali coastline.

More Efficient Methods for Performing Enforcement Operations Are Needed To Maximize Limited Resources

Division leaders have not achieved effective enforcement operations protecting Hawai'i's natural and cultural resources and public safety. During FY2004-05, the branches that patrolled the land and waterways spent too much time performing administrative duties due to cumbersome, archaic work methods. The branch's time would have been better spent in the field protecting Hawai'i's resources. While many officers assigned to the various branches were extremely productive and carried the bulk of the workload, about a quarter of officers were very unproductive, accomplishing far fewer enforcement actions than other officers. Additionally, the Kaua'i branch's production per work year was far less than the other three branches on Hawai'i, Maui, and O'ahu. Inefficiencies in enforcement operations have contributed, in part, to the lack of compliance with laws and rules.

Enforcement division leaders need to develop more efficient methods of achieving resource enforcement. More specifically, leaders need to establish better controls over enforcement officers; improve scheduling of the workforce; automate many of the manual processes; and ensure there are enough trained officers, including volunteers, who have the necessary equipment.

Inefficiencies exacerbate deterioration of natural and cultural resources and risk to public safety

The enforcement division does not use its workforce efficiently and therefore does not provide as much enforcement coverage as could be possible with its available staff. Through improved work methods and better scheduling, available staff could provide more widespread coverage for longer periods each day. Because the enforcement division lacks sufficient capacity and does not use the capacity it has efficiently, users continue to be non-compliant, contributing to the deterioration of resources and increasing risk to public safety.

Enforcement officers are mired with administrative tasks

As of October 2005, the enforcement division had 103 personnel on staff. Of those, only 79 field supervisors and enforcement officers were regularly scheduled to patrol lands and waterways while the other 24 personnel generally stayed in the division and branch offices. These 24 either managed the division, the branches, or performed administrative duties. Additionally, the branches spent an extraordinary amount of time performing administrative duties. Over the past three fiscal years ending June 30, 2005, the four branches spent on average about 56 percent of their time performing supervisory, administrative, and training functions (including leave) and about 44 percent of their time patrolling lands and waterways. This is not a good ratio for an enforcement operation.

The military uses an analogy comparing its fighting force and support elements to a “tooth” and a “tail.” In the enforcement division, the “tooth” would be field supervisors and enforcement officers who patrol lands and waterways. The “tail” would be the overhead—supervisory and administrative personnel who occasionally perform enforcement functions but are not usually expected to do so. When considering the tooth-to-tail ratio, it is desirable to improve the ratio by having more “tooth” than “tail.”

We found that there is a potential for improving the tooth-to-tail ratio at the enforcement division by adopting more efficient work methods. The objective would be to reduce the number of administrative personnel, transition them to work in the field, and allow them to free field enforcement officers of burdensome administrative duties.

About a quarter of enforcement officers are unproductive

We obtained production statistics from the enforcement division for all four branches over the three fiscal years ending June 30, 2005. Although branches kept statistics on many types of enforcement activities accomplished by officers, including arrests, citations, investigations, inspections, parking tickets, warnings, and contacts, the division's reports for individual officers only showed three types of enforcement activities: arrests, citations, and investigations.

Using the available reports, we determined that over the three-year period an average of about 16 officers accomplished 100 or more enforcement actions. These officers carried the bulk of the workload, far exceeding the average production for the four branches, which was about 76 enforcement actions per work year of effort. On the other hand, in FY2004-05, many officers were unproductive. We identified the lowest producers on each of the islands (Hawai'i branch - 6, Kaua'i branch - 4, Maui branch - 4, and O'ahu branch - 6) and determined that these 20 officers, representing about a quarter of the 79 officers who regularly patrol lands and waterways, only accomplished an average of 23 enforcement actions per year—far fewer than the average of 76 per year. Many of the low producers in FY2004-05 also had low production in the preceding two fiscal years.

The Kaua'i branch is unproductive

The Kaua'i branch is by far the least productive of the four branches. Using reports for the three fiscal years ending June 30, 2005, we determined the average production of enforcement actions per work year of effort for each branch was as follows: Maui – 111, Hawai'i – 91, O'ahu – 67, and Kaua'i – 25. The Kaua'i branch's production per work year was also far below the division's three-year average of 76 enforcement actions per work year.

Policy manual lacks strategies for conservation enforcement

The enforcement division's leaders do not provide clear direction to the enforcement workforce regarding the division's statutory responsibilities. The enforcement division issued a policy manual to each officer in July 2000. Other than the section about its mission, which states that the division is to promote safe and responsible use of Hawai'i's natural resources and provides applicable sections of Hawai'i law, the policy manual is devoted almost entirely to issues other than the protection of natural and cultural resources.

The enforcement division's policy manual includes sections on standards of conduct, resistance control, firearms, uniforms and equipment, motor vehicles, body armor, and defensive tactics. However, the manual does

not address techniques or strategies for enforcing laws and rules protecting natural and cultural resources. For example, the manual does not describe the hotline for concerned citizens to report violations of laws and rules. It also fails to mention various enforcement partnerships such as the mauka-makai watch concept (like a neighborhood watch), which encourages people who use, live closest and are involved with resources to watch out for biological and human threats and call the hotline when necessary. Nor does the manual mention waterborne patrols.

Based on best practices of other conservation enforcement organizations, we expected the enforcement division would have developed strategies based on analyses of crime statistics, compliance rates, and information about wildlife, fish, and habitat conservation needs. However, the enforcement division has not developed or distribute strategies governing conservation enforcement operations.

Most initiatives and strategies are focused on deterring illegal and criminal activity at the expense of protecting natural and cultural resources, causing “mission creep.” We did not find any indication that the enforcement division targets enforcement activities on key events, holidays, or time periods when poaching may be more tempting; focused enforcement activities towards sensitive habitat areas; increased night patrols; or considered using remote monitoring technologies.

To reverse the effects of “mission creep,” division leaders should expand their policy manual to cover topics pertaining to the protection of natural and cultural resources and develop strategies for achieving higher compliance rates with laws and rules protecting natural and cultural resources. One of the areas in dire need of policy direction and a strategy is waterborne patrols. In the absence of any policy statement or any strategies, the State’s waterways are left almost entirely unpatrolled.

Leaders need to hold workforces accountable for productivity

Division leaders and branch chiefs do not evaluate productivity or hold subordinates accountable for specific levels of performance. Instead, they have rationalized unproductive behavior by blaming imperfections in performance measures. For example, the enforcement chief told us that a reduction in the number of arrests might be a sign that more users are complying with laws and rules. Although possible, after riding on patrol with officers on five different islands and observing numerous indications that violations had occurred, we do not think this is very probable. Another rationalization was that holding branch chiefs, field supervisors, or enforcement officers accountable for arrests or citations would amount to nothing more than a quota system. The chief explained that the union would not permit supervisors to hold enforcement officers accountable for specific levels of performance. When pressed, however, the chief said he had not broached the subject with the union.

The enforcement chief does not hold branch chiefs accountable for specific performance levels

The enforcement chief does not specify the quality, quantity, and timeliness of work expected from the branches. Because little or no emphasis is placed on achieving specific expectations, branch chiefs are not under any obligation to account for their branch's time. The enforcement chief rated branch chiefs' performance at year-end as meeting or exceeding performance standards regardless of their branch's performance. In fact, the enforcement chief was not aware that over the past three years the Kaua'i branch accomplished significantly fewer enforcement actions than the other three branches.

According to the State Department of Human Resource Development's Supervisory Manual on the Performance Appraisal System, supervisors should evaluate employee performance annually. Supervisors should communicate with subordinates about performance expectations and requirements addressing the quality, quantity, and timeliness of work unit output. Supervisors should monitor and coach subordinates as the year progresses, complete the appraisal forms, and hold a conference at the end of the rating period.

To comply with the Performance Appraisal System, the enforcement chief should first establish meaningful performance measures for assessing program effectiveness. As mentioned earlier, performance measures should relate to the overall state goal to protect, restore, and enhance the environment. Goals and objectives should also relate to achieving compliance with laws and rules. Next, the enforcement chief should translate the high-level division-wide goals and objectives into branch expectations addressing the geographic area and missions under their control. Also, the division should add some expectations for activities performed at the operational (branch) level. Branch expectations should relate to the enforcement actions necessary to achieve compliance: quality and timeliness; number of arrests, citations, investigations, inspections, parking tickets, warnings; number of contacts, boat boarding, education sessions, marijuana eradication raids, cruise ship security activities; and so on.

After performance expectations for branch chiefs are established, the enforcement chief should make sure activities are captured in recurring reports so he can monitor and coach branch chiefs as the year progresses. At the end of the rating period, the enforcement chief should review information gathered over the rating period, review performance category benchmarks, rate each performance category, complete the appraisal forms, and hold a conference with each branch chief to apprise them of their progress over the year.

The O'ahu branch chief does not hold field supervisors and enforcement officers accountable for specific performance levels

On O'ahu, we found that the branch chief does not specify the quality, quantity, and timeliness of work expected from field supervisors and the field supervisors, in turn, do not specify expectations from enforcement officers. Instead, the branch chief and field supervisors stated performance expectations in vague terms or not at all. Although we conducted a detailed review of only the O'ahu branch operations, discussions with supervisory personnel indicated that our findings on O'ahu were also applicable to the neighbor islands.

Because little or no emphasis is placed on achieving specific expectations, field supervisors and enforcement officers do not have to account for their time. Generally, branch chiefs and field supervisors gave field supervisors and enforcement officers, respectively, performance ratings at year-end indicating that they met or exceeded performance standards regardless of their performance. Even though six O'ahu branch enforcement officers were extremely low producers, field supervisors rated these officers as having met expectations.

The O'ahu branch chief and other branch chiefs should comply with the Performance Appraisal System and translate branch expectations received from the enforcement chief into expectations for field supervisors and work units under their control. Field supervisors should translate work unit expectations into individual officer expectations. The work unit and individual expectations should not only relate to sharing higher-levels goals and objectives like protecting the environment and achieving compliance with laws and rules, but also to activities at the operational level—meaning the enforcement actions necessary to achieve compliance.

At the operational level, expectations should focus on the quality and timeliness of enforcement activities; number of arrests, citations, investigations, inspections, parking tickets, warnings; contacts, boat boarding, education sessions, marijuana eradication raids, cruise ship security activities (if applicable); and so on. After performance expectations for the field supervisors and enforcement officers are established, branch chiefs and field supervisors should monitor and coach subordinates as the year progresses and, at the end of the rating period, complete appraisal forms and hold a conference.

In addition to providing more specific expectations, branch chiefs should strengthen controls over the daily activities of field supervisors and enforcement officers. Field supervisors and enforcement officers are usually free to go anywhere they want during the day without accounting

for their whereabouts. They attend branch meetings once a month and turn in daily logs and other recurring reports once a week. Field supervisors and enforcement officers are assigned four-wheel drive trucks and are permitted to start and end each shift at their homes. The branch chief and field supervisors expect enforcement officers to patrol certain areas, but rarely give them specific directives. Enforcement officers generally work independently throughout each shift with little or no contact from immediate supervisors and, as mentioned earlier, are not held accountable for any production. Branch chiefs or clerical staff occasionally contact them relaying hotline complaints, but otherwise there is little communication with branch supervisors and staff.

When interviewed, many field supervisors and enforcement officers were upset about the lack of accountability. They pointed out that about two-thirds of the workforce was self-motivated and put in a hard day's work. However, the other third was not motivated and hardly did any work. They stated that, in the absence of controls, the system is wide open for abuse.

To rectify this situation, branch chiefs should keep in frequent contact with field supervisors over the radio or cellular phone and, similar to the Honolulu Police Department, require responses to calls within specified timeframes. Branch chiefs should occasionally make surprise visits in the field to supervisors within their districts. Likewise, field supervisors should frequently contact enforcement officers over the radio or cellular phone, develop mandatory response times, and occasionally make surprise visits to enforcement officers on patrol. Again, while our detailed analyses were made at the O'ahu branch, these suggestions for improvement can be applied to all branches.

Additionally, we reviewed the O'ahu branch's work schedules for the nine month period ending September 2005 and found that, on average, the branch only provided coverage for 18 hours a day, seven days a week. O'ahu branch work schedules also were predictable, providing concentrated coverage from around 6:00 a.m. to 8:00 p.m. From around 8:00 p.m. until about 6:00 a.m. the following day coverage was sparse, especially after midnight. We noticed gaps in coverage, as have poachers and troublemakers.

The need for wider coverage is well-recognized. The enforcement division's legislative testimony dated January 12, 2000 to the Senate Ways and Means Committee stated, "Experience has demonstrated that resource violations occur statewide 24 hours a day, seven days a week, including weekends and holidays." Knowing this, work schedules should address vulnerabilities during off hours.

For example, a November 2003 newspaper article stated that the Ke'ehi Small Boat Harbor became a magnet for illegal activities from about 10:00 p.m. until 5:00 a.m. The boat launch ramp area was taken over by groups of people who drank alcohol, played loud music, and fought each other. Frequent calls were reportedly made to the police, often without any response. If calls had been made to the enforcement division, there would not have been anyone on duty at the O'ahu branch office to answer and most likely there would not have been any officers on duty to respond. To be proactive about security concerns of this nature, the enforcement division should consider establishing a presence at the harbor when it knows when and where troublemakers will congregate.

We recognize that only 32 field supervisors and enforcement officers are available for scheduling. However, to make the work schedules less predictable, the O'ahu branch should periodically schedule field supervisors and enforcement officers to work evening and early morning hours to catch poachers and troublemakers off-guard. Other branches should check their schedules and do the same. If staffing were increased substantially, it would also be advisable for branches to have personnel on duty to answer hotline calls 24 hours a day. However, during our audit, branches generally only scheduled staff to answer calls between 8:00 a.m. and 4:30 p.m.

Many enforcement division processes are manual

Personnel assigned to the enforcement division and its four branches perform many processes manually. Because of this, enforcement officers spend an extraordinary amount of time on administrative duties rather than patrolling land and waterways.

Manual preparation of standard reports is slow and duplicative

Many manual forms developed 20 to 25 years ago are still in use. Though the division recently acquired desktop computers for many of its branch and district offices of which many are connected via digital subscriber lines to the State's wide area network, most work is still done manually primarily because the division does not have a management information system to replace its manual forms.

Most field supervisors and enforcement officers prepare reports manually and turn them in once a week. For example, field supervisors and enforcement officers prepare boat boarding reports; citations; complaint forms; individual time sheets (also known as the bi-weekly statistics report); daily narrative reports; investigation reports; monthly repair and maintenance records; parking tickets; property reports; and warning cards. Field supervisors and enforcement officers enter information into daily narrative reports, for example, and much of the same information is

re-entered into individual time reports. Branch administrative personnel have to re-enter much of the same information several times onto numerous automated spreadsheets to produce a series of monthly reports for the division office. Oftentimes, clerks must reconcile information from various sources.

Manual process of answering hotline calls and dispatching officers to investigate is slow and duplicative

Branch personnel use a similar manual process to record hotline calls and the actions taken in response. Clerical personnel typically record call information on a complaint form and then, using the radio or telephone, contact enforcement officers patrolling in the area near the incident and ask them to investigate. During an investigation, officers may have to call the branch office to get information about criminal backgrounds, permits, or licenses. After investigating, which may take several days or longer, enforcement officers contact clerks and report the disposition of cases. Next, clerks complete complaint forms showing the disposition. Enforcement officers also report their actions in an investigation report.

Automating manual functions would reduce the administrative burden

By automating manual functions, the enforcement division would reduce its administrative burden, which took about 56 percent of its time over the past three fiscal years. Reducing its administrative burden may have several benefits. First, field supervisors or enforcement officers who assist clerical staff in performing administrative tasks and work full time in the office might be able to go into the field. Second, enforcement officers already in the field would have fewer administrative tasks and could spend more time on patrol.

The enforcement division is aware that it needs an automated solution and contracted for an assessment of its needs more than five years ago. A contractor completed the assessment in October 2000 and recommended that the division acquire standardized desk-top computers for branch and district offices with access to the State's wide area network via digital subscriber lines; and develop a management information system to track and report enforcement activity. Five years later, in October 2005, the enforcement division had completed the acquisition of most of the necessary equipment and interfaces for most offices, but had not made any progress in developing a management information system.

To realize the potential for long-term savings, the enforcement division needs to seek expertise elsewhere in the state or hire a consultant to develop a secure, web-based management information system capable of

providing timely information to decisionmakers. The division should have the experts study enforcement division work processes, define management information system requirements, and identify commercially available software that meets its requirements or can be tailored to do so. The enforcement division should then seek necessary funding for its management information system through the budget process. We identified several commercially available systems developed for other law enforcement agencies that could be tailored to meet the enforcement division's needs.

Furthermore, the enforcement division should seek guidance and funding to acquire computers for use in the field. The division should get experts to help make this selection. The division needs to provide field supervisors and enforcement officers with portable laptop computers, similar to those used by the Honolulu Police Department, or other handheld computer devices. Computers could be mounted in vehicles or boats and easily removed. Computers with online access would permit officers to prepare and forward reports on a real-time basis rather than weeks or a month later. Online access to various data bases to check on criminal backgrounds, permits, and licenses would also become available in the field. We estimate that rugged laptop computers would cost about \$4,500-\$5,000 each, including mounts and safes for storage. The annual cost of subscriber and maintenance fees would be about \$1,000 per computer.

Officer training program is inadequate

The enforcement division does not have a structured system in place to ensure its workforce is adequately trained. The division does not have a manual identifying the training required upon "initial entry" to acquire needed knowledge, skills, and abilities, and afterwards to sustain competencies. The division does not publish a training schedule nor keep accurate and complete training records. Without such records, we cannot determine whether enforcement officers are adequately trained. It is especially critical for law enforcement agencies to keep good training records because the competency of officers can be challenged in a court of law.

Key training position remains vacant

The division trainer, who is the only person assigned to the Staff Development Office, was temporarily transferred to another position more than two years ago before having an opportunity to organize the training program. Other leaders within the division office tried to pick up some of the trainer's responsibilities, but did not have time to properly manage the program.

“Initial entry” training program is not formally established

The enforcement division does not have a formally established “initial entry” training program. The enforcement division usually hires law enforcement officers who have worked for county police departments and have been trained at accredited police academies. Therefore, most new recruits have the knowledge, skills, and abilities needed for law enforcement. On the other hand, new recruits rarely have any conservation enforcement experience and the division does not provide any formal training on conservation and conservation enforcement topics.

Conservation and resources laws and rules are quite extensive and, in our opinion, cannot be learned without rigorous study. In 1996, when the marine patrol function was transferred from the Department of Public Safety and marine patrol officers transferred into the enforcement division, some general guidelines were developed for training the new officers. Included in the orientation training were the following topics:

- Chairman’s office – identify key personnel within the Chairman’s office and the programs closely functioning under the office;
- Enforcement division – history, duties, responsibilities, mission, sustainability and hotspots, standards of conduct;
- Basic law enforcement – application of theories, concepts and principles as they relate to basic law enforcement and conservation enforcement;
- Functions and duties of the department’s divisions, commissions, and offices along with related programs and laws;
- Report writing – fundamental report writing techniques and practical exercises incorporating the use of various enforcement division forms;
- Firearms training – classroom training and live fire training;
- Radio communications; and
- Additional training – First Aid, Cardiopulmonary Resuscitation, boating, and drug identification.

As of October 2005, none of the above training topics were formalized as part of a training program for new hires. The enforcement division should formally establish a training program for its new recruits and,

depending on their background, provide training on the topics listed above. Considering the shortage of enforcement officers to serve as instructors, especially on neighbor islands, the enforcement division should, where possible, arrange to make use of the training programs offered by other larger law enforcement agencies at the federal, state, and county levels.

For example, the Honolulu Police Department offers over 1,000 hours of training to its new recruits on all facets of law enforcement. Furthermore, as mentioned earlier, a federal grant offered by the U.S. Department of Interior, Fish and Wildlife Service known as Conservation Law Enforcement Training Assistance makes special agents available as instructors to assist in conservation law enforcement training efforts for short periods of time. Additionally, the Federal Law Enforcement Training Center at Glynco, Georgia offers an 18-day course on operation of marine patrol vessels—a course that might be especially useful to those without experience on the water.

Poor recordkeeping makes evaluation of “sustainment” training difficult

The enforcement division does not have a formally established “sustainment” training program. Enforcement division leaders told us that courses are given on the following topics:

- Firearms qualification;
- Use of force;
- Oleoresin Capsicum Spray;
- Pressure point control tactics; and
- Specialized training including diving, rappelling, and canine handling.

However, we could not evaluate whether enforcement officers received required training because training records were not accurate and complete. We could not determine the training the enforcement division required, training sessions conducted, or attendees.

Conspicuously absent from the list of “sustainment” training was any mention of conservation enforcement training. Further, there was no mention of agility training or testing. New recruits were required to pass an agility test, but there was no agility training or testing thereafter. We also noted there was no documentation showing that seven of the 34 enforcement officers at the O‘ahu branch as of September 2005 passed

the agility test as new recruits. The agility test consisted of swimming 100 meters within three minutes and hiking one mile within 20 minutes. We believe that, similar to the military, agility training and annual tests should be phased into the “sustainment” training program to ensure enforcement officers remain agile throughout their careers. Though physical stature can be deceiving, many enforcement officers did not appear capable of passing the agility test.

Volunteer officer program is shrinking

The enforcement division has permitted the volunteer enforcement officer program to shrink over the last few years. At its peak in FY1999-2000, volunteer officers worked over 13,000 weekend hours or an equivalent of more than seven work years in branches statewide. More recently, the Kaua'i and Maui branches no longer had any volunteer enforcement officers and the O'ahu and Hawai'i branches had fewer than in prior years.

Over the past three fiscal years, the enforcement division averaged only about 3,100 volunteer hours at the O'ahu and Hawai'i branches combined—an equivalent of less than two work years. Division leaders cited the large investment in training volunteers on weekends and the high cost of equipment—\$1,200 for bullet proof vests alone—as reasons for the general decline. Branch chiefs on Maui and Kaua'i cited difficulty in training new volunteer officers as the primary reason for the volunteer program's demise on those islands. More experienced officers who served as instructors were also needed on patrol on the weekends. The enforcement division needed to revitalize the volunteer program to increase the number of volunteers available on weekends, a time when many resource violations occur.

Unavailable or inoperable equipment hampers officers' ability to shoot, move, and communicate

The division's enforcement officers lack some of the equipment needed to enforce laws and rules. For instance, the division does not provide shotguns or rifles, all-terrain vehicles, or dirt bikes; and the division's radios have many “dead spots” where they do not work. Enforcement officers must be able to shoot, move, and communicate to perform their jobs in safe and efficient manner.

Shotguns or rifles are needed to patrol hunting areas

The enforcement division provides handguns and ammunition along with periodic training, but not shotguns or rifles with ammunition and training. The division, however, gave officers the option of carrying and using their own shotguns, rifles, and ammunition. Branch chiefs and many officers believe that there is a need for shotguns or rifles, for example, when patrolling in hunting areas. The division should emulate other comparable federal and state law enforcement agencies that use

shotguns or rifles and develop a policy for using them and provide a small number of those weapons along with ammunition and training.

All-terrain vehicles and dirt bikes are needed to patrol beaches and mountainous areas

The division provides enforcement officers with four-wheel drive trucks as well as a variety of boats for both shallow and deep water, but does not provide all-terrain vehicles or dirt bikes for patrolling the hundreds of miles of beaches and mountainous areas without roads. Although the Maui branch acquired an all-terrain vehicle from a recent forfeiture and a few dirt bikes from a federal grant in 2001, the enforcement chief will not permit their use until a policy governing their use is developed. We believe the enforcement division should promptly develop a policy for the use of all-terrain vehicles and dirt bikes. Afterwards, the enforcement division should look into acquiring a few all-terrain vehicles and dirt bikes for each branch along with the necessary safety gear and training. Unless officers can patrol beaches and mountainous areas, they will continue to be unable to monitor and enforce responsible use of the natural and cultural resources.

Radio “dead spots” hamper communications and put officer safety at risk

Enforcement officers generally patrol alone and often depend on radio communications to request backup assistance in emergency situations. Each officer is equipped with an analog radio. When we rode along with enforcement officers on the various islands, we observed there were several areas where the radios do not work—areas with bad or no radio coverage, known as “dead spots.” We were told these dead spots are widespread. For example, the Maui branch chief pointed out that the island has large areas without coverage: one area extends from Huelo to Kaupō and another from Waihe‘e to Kapalua. To compensate for radio dead spots, enforcement officers often use personal cellular telephones.

In addition to dead spots, we noted that the radios are not compatible with radio systems used by other public safety and enforcement agencies and first responders. To address the compatibility problem, the Maui branch made arrangements with its county police department to share radio systems. Thus, officers in that branch carry two radios. Officers in other branches rely on an awkward arrangement whereby they call their branch office and ask clerical personnel to contact county police departments on their behalf.

The Division of Forestry and Wildlife also uses the radios. It commissioned a radio system strategic plan in 2003. Among other things, the plan pointed out that there were numerous dead spots on every

island. The study identified weaknesses in the existing radio systems, including aging equipment and a lack of adequate repeater sites on the islands. The contractor who did the study made recommendations for the short-term to retain the existing radio system, but to replace many older radios and improve the connectivity of the existing radio systems by working to place repeater antennas at strategic locations throughout the islands. The contractor also recommended that in the long-term the department should participate in planning for a statewide radio system for public safety and begin planning for a digital upgrade.

As of October 2005, little progress has been made on either short- or long-term recommendations. Older radios have not been replaced and repeater antennas have not been placed at strategic locations to eliminate or minimize dead spots. The department's Division of Forestry and Wildlife tried to address the problem by installing additional repeater antennas; however, it encountered problems in negotiating the use of space on existing antenna towers or buildings. Progress was not made primarily because the department did not have an experienced radio engineer on staff or contractor dedicated to overseeing radio communications and undertaking negotiations. As to long-term recommendations, the State has not made progress in developing a statewide radio system for public safety and the department has not made progress on planning for a digital upgrade.

Conclusion

Contrary to the intent of the Hawai'i State Constitution, which provides that public resources are held in trust by the State for the benefit of the people, resources have not been used in a manner consistent with their conservation. Hawai'i's natural and cultural resources will continue to deteriorate unless the Department of Land and Natural Resources and its Division of Conservation and Resources Enforcement aggressively address many of the weaknesses noted in this report. Strategic thinking is needed to envision Hawai'i's future and a strategic plan is needed to map out action plans to achieve conservation and enforcement goals and objectives. If resources continue to be depleted at their current rate and conservation enforcement remains ineffective and inefficient, Hawai'i's future generations will lose the enrichment of abundant wildlife, a fertile environment, and a rich cultural heritage. Enforcement responsibility must be shared by all departments and divisions responsible for protecting Hawai'i's environment and resources. It will take a collective and collaborative effort to conserve and preserve Hawai'i's abundant resources.

Recommendations

General recommendations are provided below. Detailed recommendations for department implementation are provided in Appendix A.

1. The Department of Land and Natural Resources should:
 - a. develop a strategic plan covering department-wide and cross-divisional issues;
 - b. evaluate the enforcement division's mission in coordination with the administration, the Legislature, and the enforcement chief and decide whether the expanded work should be done by the enforcement division or another state organization or a contractor;
 - c. have its divisions develop performance measurement plans to determine whether progress is made on goals and objectives addressing the overall health of the natural resources they are responsible for—whether it be land, lakes, streams, marine waterways, wildlife, fish, or associated ecosystems;
 - d. have its divisions collaborate with the enforcement division to establish goals and objectives addressing compliance with laws and rules. Also, have the divisions develop performance measurement plans for compliance;
 - e. have enforcement division leaders use performance outcomes as part of the budget process to make a more convincing argument to legislative decisionmakers about the need for the resources. Also, have leaders use strategies and action plans as part of the budget process to show legislators there is a plan to use resources wisely. Additionally, have leaders aggressively seek federal grants;
 - f. formally establish cross-divisional working groups to develop strategies and action plans for compliance;
 - g. have its divisions review progress against overall statewide *Environmental Protection* program goals and objectives and review progress against goals and objectives established for compliance. If goals and objectives are not met, conduct research to determine the best way to meet the goals and objectives;

- h. review information technology staffing to determine the types and quantities of positions needed to modernize, operate and maintain the department's information technology systems; and
 - i. Add a radio engineer to the data processing office staff and provide the resources necessary to address short- and long-term communications issues.
2. The Division of Conservation and Resources Enforcement should:
- a. expand the policy manual to fully cover topics pertaining to the protection of natural and cultural resources and develop strategies for achieving higher compliance rates with laws and rules protecting natural and cultural resources;
 - b. translate high-level division-wide goals and objectives into branch expectations. Also, develop expectations related to enforcement actions performed at the branch level and monitor branch performance;
 - c. have branch chiefs translate branch expectations into expectations for field supervisors and individual officers and then monitor performance;
 - d. require branch chiefs and field supervisors to maintain frequent contact with subordinates over the radio and cellular telephone during work shifts and require mandatory responses within specified timeframes and make surprise visits to the field;
 - e. periodically schedule field supervisors and enforcement officers to work late evening and early morning hours. If staffing becomes available, also schedule personnel to answer hotline calls during off-hours;
 - f. seek expertise to help acquire a management information system along with laptop computers or handheld computer devices for use in the field;
 - g. fill the training position in the staff development office as soon as possible. Have the trainer develop a comprehensive, structured training program to make sure enforcement officers acquire and sustain the knowledge, skills and abilities required to do their jobs;
 - h. revitalize the volunteer program to increase the number of volunteers available on weekends, when many resource violations occur;

- i. develop a policy for the use of shotguns or rifles to patrol hunting areas, acquire a small number of shotguns or rifles for each branch along with necessary ammunition, and provide training for enforcement officers; and
- j. develop a policy for the use of all-terrain vehicles and dirt bikes to patrol beaches and mountainous areas, acquire a small number of these vehicles for each branch along with the necessary safety gear, and provide training for enforcement officers.

Appendix A

Detailed Recommendations for Department Implementation

1. The Department of Land and Natural Resources should:

a. Develop a strategic plan covering department-wide issues and cross-divisional issues.

At a minimum, the department should:

- address its vision, mission, values, goals, objectives, strategies, and action plans;
- include in its planning process outside stakeholders such as the departments of Agriculture and Health, which share the State's overall *Environmental Protection* program goal; and the University of Hawai'i and the Department of Accounting and General Services, which share the State's overall *Culture and Recreation* program goal; and
- direct each division, commission, and office, including the enforcement division, to develop strategic plans conforming to the department's strategic plan.

b. Evaluate the enforcement division's mission.

In coordination with the administration, the Legislature, and the enforcement chief, the department should make policy decisions about whether expanded work that is loosely connected to its original conservation enforcement mission should be performed by the enforcement division or another state organization or a contractor.

c. Have its divisions develop performance measurement plans to determine whether progress is made on goals and objectives addressing the overall health of the natural resources.

Whether it be land, lakes, streams, marine waterways, wildlife, fish, or associated ecosystems, the enforcement division should make public its goals, objectives, and performance measurements.

d. Have its divisions that adopt rules collaborate with the enforcement division.

The divisions should:

- establish goals and objectives addressing the extent of compliance with laws and rules;
- develop performance measurement plans to determine whether progress is made in achieving compliance; and
- devise methods such as statistical sampling to estimate the extent of compliance with laws and rules.

- e. To compete more favorably with other divisions, have enforcement division leaders use performance outcomes, derived from implementing recommendations 1c and 1d, as part of the budget process.**

To make a more convincing argument to decision makers about the need for resources, the division should:

- have enforcement division leaders use strategies and action plans, developed from implementing recommendation 1a, as part of the budget process to show legislators they have a plan to use the resources wisely; and
- have enforcement division leaders aggressively seek federal grants.

- f. Formally establish cross-divisional working groups to develop strategies and action plans.**

To encourage compliance, working groups should include the enforcement division and functional divisions, commissions, and offices responsible for adopting rules.

- g. Have its divisions:**

- review progress against statewide *Environmental Protection* program goals and objectives as we recommended in 1c;
- review progress against the goals and objectives established for compliance with laws and rules, as recommended in 1d; and
- if goals and objectives are not met, conduct research to determine the best way to achieve them, including estimating the number of additional enforcement officers needed.

- h. Review information technology staffing.**

To determine the types and quantities of positions needed to modernize the department's information technology systems as well as operate and maintain them, the department should:

- assign all information technology positions to a single office;
- place that office where it can be responsive to department-wide needs,
- have the data processing office chief attend weekly department staff meetings to give information technology the visibility it deserves; and
- form an information technology steering group to oversee information technology requirements and priorities towards that same end.

- i. Add a radio engineer to the data processing office staff and provide the resources necessary to address short- and long-term communications issues.**

- in the short-term, have the radio engineer focus on improving the connectivity offered by the analog radio system by replacing many of the older radios and placing repeater antennas at

strategic locations to eliminate “dead spots” and have the enforcement division provide officers with cellular telephones for backup communications; and

- in the long-term, continue participating in planning efforts to acquire a statewide radio system for public safety and seek a digital radio system that suits the department’s needs and permits statewide interoperability among all first responders to provide improved public safety.

2. The Division of Conservation and Resources Enforcement should:

a. Expand its policy manual to fully cover topics pertaining to the protection of natural and cultural resources.

This should include:

- developing strategies for achieving higher compliance rates with laws and rules protecting natural and cultural resources; and
- ensuring leaders address the need for more waterborne patrols throughout the islands.

b. Translate high-level division-wide goals and objectives, developed as a result of implementing recommendations 1c and 1d, into branch expectations addressing the specific geographic areas of responsibility.

This should include:

- adding branch expectations related to enforcement actions at the branch level. Branch expectations should relate to enforcement actions necessary to achieve compliance including quality and timeliness; number of arrests, citations, investigations, inspections, parking tickets, warnings, contacts, boat boardings, education sessions, marijuana eradication raids, cruise ship security activities and so on; and
- upon establishing performance expectations for branch chiefs, the enforcement chief should ensure actions are periodically reported so that the enforcement chief can monitor and coach branch chiefs and complete appraisals at the end of the reporting period.

c. Have branch chiefs translate branch expectations, received from division leaders after implementation of recommendation 2b, into expectations for field supervisors and work units.

Branch chiefs should also:

- have field supervisors translate work unit expectations into individual officer expectations;
- ensure work unit and individual expectations relate not only to sharing higher-level goals and objectives like protecting the environment and achieving compliance with laws and rules, but also to branch level activities such as quality and timeliness; number of arrests, citations, investigations, inspections, parking tickets, warnings, contacts, boat boardings, education sessions, marijuana eradication raids, cruise ship security activities, and so on; and

- upon establishing performance expectations for field supervisors and enforcement officers, have branch chiefs and field supervisors monitor and coach subordinates throughout the year and complete performance appraisals at the end of the rating period.

d. Require branch chiefs to maintain frequent contact with field supervisors via radio and cellular phone during work shifts and require mandatory responses within specified timeframes.

In addition,

- branch chiefs should occasionally make surprise visits to field supervisors within their districts; and
- field supervisors should similarly maintain frequent radio or telephone contact with enforcement officers, require mandatory responses, and occasionally make surprise visits to enforcement officers while on patrol.

e. Periodically schedule field supervisors and enforcement officers to work late evening and early morning hours.

To catch poachers and troublemakers off-guard, enforcement officers should occasionally patrol during off-hours. If staffing becomes available, personnel should also be scheduled to answer hotline calls during off-hours.

f. Seek expertise elsewhere in the state or hire a consultant to help acquire a management information system and laptop computers or handheld computer devices for use in the field.

Specifically:

- have experts study enforcement division work processes, define management information system requirements, and identify commercially available software that meets requirements;
- seek necessary funds for such a management information system through the budget process; and
- have experts assist in selecting laptop computers or handheld computer devices for use in the field and seek the necessary funds through the budget process.

g. Fill the training position in the staff development office.

This should be done as soon as possible. In addition:

- the trainer should develop a comprehensive, structured training program to ensure enforcement officers acquire and sustain the knowledge, skills, and abilities required to do their jobs;
- expand the use of training offered by county police departments and other law enforcement organizations to reduce branches' administrative burden;

- include conservation enforcement as a topic for “initial entry” training to new recruits and for “sustainment” training given to experienced officers;
- include boat handling as a topic for new recruits who do not have water experience;
- phase agility training into the curriculum and administer annual agility tests; and
- develop a system to keep accurate and complete records of the training provided.

h. Revitalize the volunteer program.

To increase the number of volunteers available on weekends, when many resource violations occur, the division should:

- have the staff development office trainer ensure “initial entry” training programs are available on weekends; and
- include equipment requirements for new volunteer recruits as part of the budget process.

i. Develop a policy for the use of shotguns or rifles.

For patrolling hunting areas, a policy should be developed and:

- A small number of shotguns or rifles for each of the branches acquired;
- Necessary ammunition acquired; and
- Training for enforcement officers provided.

j. Develop a policy for the use of all-terrain vehicles and dirt bikes.

To patrol beaches and mountainous areas without dirt roads a policy should be developed, after which the division should:

- acquire a small number of all-terrain vehicles and dirt bikes for each of the branches;
- acquire necessary safety gear; and
- Provide training for enforcement officers.

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Response of the Affected Agency

Comments on Agency Response

We transmitted a draft of this report to the Department of Land and Natural Resources on December 22, 2005. A copy of the transmittal letter is included as Attachment 1. The response from the department is included as Attachment 2.

Perhaps as a diversionary tactic, the Department of Land and Natural Resources responded to our draft report with a lengthy reply that sidesteps many of the issues presented in the report and instead highlights department initiatives that often do not relate to issues raised.

The department's response mentions that the most recent version of its strategic plan is posted on its website. During the audit, we asked the department for its strategic plan. Initially, none was provided. About two weeks later, the department delivered a collection of undated documents labeled "Strategic Plan." The documents appeared to be a compilation of various divisions' goals, objectives, and performance measures similar to ones used previously for annual reports and budget testimony. The version of the strategic plan that is posted on the website appears to be more of the same. There is no indication that the department brought its division administrators together to take a fresh, strategic look at Hawai'i's and the department's future and address department-wide, cross-divisional, and divisional issues, many of which are discussed in this report. Instead, the strategic plan appears to have been cobbled together in anticipation of our audit finding that none exists.

The department's response states that it has initiated actions to assist with its statewide enforcement efforts. The response refers to a budget proposal for placing uniformed security personnel at 22 state parks and small boat harbors to deter inappropriate behavior. The department is also experimenting with the use of rangers at selected natural area reserves and state parks. Although not presented as alternatives to our recommendations, these actions appear promising, especially if measurement plans are developed showing that compliance rates are improved and the deterioration of natural and cultural resources is significantly reduced.

The department's response says that we misunderstand the role of enforcement agencies across the country and that roles of law enforcement have expanded to include areas such as marijuana eradication, homeland security, and cruise ship security due to the nature of the changing world and expanded needs. In the report, we

acknowledge that changes have occurred and the importance of taking action in these areas, but point out that changes in activities impact resources. For that reason, we recommended the department evaluate the enforcement division's mission and decide whether the expanded work should be done by the enforcement division or by another state organization or a contractor.

Further, the department's response indicates that the Division of Boating and Ocean Recreation will now take the lead for cruise ship security and revise the facilities security plans for Lahaina and Kailua-Kona. In the future, contracted security personnel will play a larger role and the enforcement division's officers will play a distant, more secondary role. Although the department did not express agreement with our recommendations, the planned actions meet the intent of our recommendation to have the department evaluate the enforcement division's mission and decide whether the expanded work, in this case cruise ship security, should be done by the enforcement division or by another state organization or a contractor. We made this recommendation because of concern regarding work being done by the enforcement division on overtime at premium rates and on their days off, which took its toll and tired them out when they would have normally been off duty. The recommendation was also based on the expectation that the cruise ship industry would continue to grow.

The department's response also says that we misunderstand department jurisdictional issues. As an example, the department asserts that the creation of the marine refuge in the Northwestern Hawaiian Islands did not expand the department's or the enforcement division's mission. On the contrary, our audit showed that creation of the marine refuge eliminated all commercial and recreational fishing along the entire island chain. To gain compliance with this comprehensive fishing ban in an area where there has been much commercial fishing, at a minimum the department needs to educate fishers about the new rules and monitor regulatory compliance. Contradicting its statement about the lack of an expanded mission in the Northwestern Hawaiian Islands, the department's response further states that it plans to partner with the state Department of Defense to use state-of-the-art satellite technology to monitor the fishing activity in the Northwestern Hawaiian Islands. If the satellites detect any illegal fishing activity, then the enforcement division or its federal counterparts will be required to confront them. We consider these actions as new work that became necessary because of the marine refuge designation.

The department's response mentions that our assessment of physical agility testing appears to be inaccurate. It states that each new enforcement officer is required to satisfactorily complete an agility test comprised of a thorough medical examination and timed hike and swim

tests. After the first year, enforcement officers are given an annual medical examination. Recognizing the enforcement division's entry level requirement, our audit reviewed the enforcement division's records and we found no documentation of having passed the agility test as new recruits for seven of the 34 enforcement officers assigned to the O'ahu branch as of September 2005. Though the agility test may have been given, no documentation on file supports that contention. In fact, we found the enforcement division's records for initial testing and sustainment training are not accurate and complete, making evaluation of such records difficult.

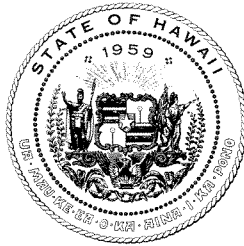
Further, we recommended that, similar to the military, agility training and annual tests should be phased into the "sustainment" training program to make sure that enforcement officers remain agile throughout their careers. We made this recommendation recognizing enforcement officers already undergo an annual medical examination in a doctor's office. Though physical stature can be deceiving, many enforcement officers do not appear capable of passing the agility test.

Finally, the department's response interprets "performance levels" as "quotas" and suggests that we are recommending the establishment of quotas for the number of citations written. The department has twisted the intent of our recommendation. Contrary to the department's statement, we recommended supervisors evaluate employee performance annually and communicate with subordinates about performance expectations and requirements addressing the quality, quantity, and timeliness of work unit output. This recommendation grew from our observations during the audit that generally enforcement officers were unsupervised, did not have to account for their time or whereabouts, began and ended their workday at their homes, and reported to their respective branch offices only once a week.

We also recommended that the enforcement chief first establish meaningful performance measures for assessing program effectiveness and goals and objectives that relate to achieving compliance with laws and rules. Next, the enforcement chief should translate the high-level division-wide goals and objectives into branch expectations addressing the geographic area and missions under their control. Also, the division should add some expectations for activities performed at the operational (branch) level, which expectations should relate to the enforcement actions necessary to achieve compliance. We do not see how our words can be construed as recommending the establishment of quotas for citations.

ATTACHMENT 1

STATE OF HAWAII
OFFICE OF THE AUDITOR
465 S. King Street, Room 500
Honolulu, Hawaii 96813-2917



MARION M. HIGA
State Auditor

(808) 587-0800
FAX: (808) 587-0830

December 22, 2005

COPY

The Honorable Peter T. Young, Chairperson
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawai'i 96813

Dear Mr. Young:

Enclosed for your information are three copies, numbered 6 to 8, of our confidential draft report, *Management Audit of the Division of Conservation and Resources Enforcement*. We ask that you telephone us by Friday, December 23, 2005, on whether or not you intend to comment on our recommendations. If you wish your comments to be included in the report, please submit them no later than Wednesday, December 28, 2005.

The Governor and presiding officers of the two houses of the Legislature have also been provided copies of this confidential draft report.

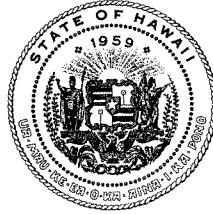
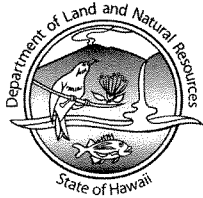
Since this report is not in final form and changes may be made to it, access to the report should be restricted to those assisting you in preparing your response. Public release of the report will be made solely by our office and only after the report is published in its final form.

Sincerely,

Marion M. Higa
State Auditor

Enclosures

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING 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

December 28, 2005

Ms. Marion Higa, Auditor
Office of the Auditor
State of Hawaii
465 South King Street, Room 500
Honolulu, Hawaii 96813-2917

RECEIVED

2005 DEC 28 PM 3:08

OFFICE OF THE AUDITOR
STATE OF HAWAII

Dear Ms. Higa:

SUBJECT: Management Audit of the Department of Land and Natural Resources -
Division of Conservation and Resources Enforcement

Thank you for your comprehensive review of Department of Land and Natural Resources (DLNR) - Division of Conservation and Resources Enforcement (DOCARE). We appreciate the attention you gave to this task. Also, thank you for this opportunity to comment, as well as reinforce information on issues contained in your review of DOCARE.

The DLNR's Strategic Plan

The DLNR's strategic plan is a compilation of plans for each of its divisions. Under the broad banner of the Department's Mission Statement, each division's strategic plan clearly identifies its goals as they relate to the respective division's mission statement.

Important objectives are incorporated into these plans. Estimated timeframes are identified and easy to assess measures of effectiveness are identified for each of the objectives.

This strategic plan that highlights each division is displayed on our official DLNR website and is reviewed and updated annually.

The most recent version of the DLNR's strategic plan is posted on the DLNR's website for review, comment and support by the community at large.

The DLNR Mission Statement noted in our strategic plan is:

Seek, develop and implement cost-effective strategies for the long-term sustainable management, maintenance, protection and utilization of existing and potential ocean, land, natural and cultural resources of the State of Hawaii in an integrated manner and in partnership with others from the public and private sectors.

In addition to the principles in this mission statement, at DLNR, today and everyday, we seek to reinforce the priority to the resources and the importance of working together. As you can see, we focus on prevention and education as it is more cost effective and a better use of public resources, rather than reacting to actions by others. We offer the following summary of our areas of focus:

- Spread the message that our natural and cultural resources are not limitless nor resilient; they are scarce and fragile
- Hierarchy of priorities:
 1. Natural and Cultural Resources - protection and preservation
 2. Public use of public resources
 3. Commercial use
- Promote responsible use, understanding and respect for Hawaii's natural and cultural resources
- Promote understanding and respect for Hawaii's endangered species and work for protection and enhancement of species and their habitat
- Where appropriate, seek and provide maintained, clean, safe and enjoyable public and commercial use of Hawaii's land and resources without compromising the protection and preservation of the land and resources
- Reinforce the importance of working together - division with division; DLNR with other State departments/community/others
- Seek, recognize and implement cooperative, collaborative, overlapping and interrelated opportunities with others (whether community, private interests, county, State and/or federal jurisdictions) - partnerships are priorities
- Constantly look for and implement ways to serve the public (better, faster, more efficient, cost-effective, etc.) and include the public in the decision-making and implementation process; help public "make a difference"
- Look for better ways to do a better job
- In addressing challenges, prevention is better than reaction
- Maintain open, honest and frequent communication with the public and all constituency groups - communicate early and often

Make Hawaii a great place to live - for now and for the future.

DOCARE

The DLNR's Strategic Plan notes that DOCARE is responsible for enforcement activities. The division, with full police powers, enforces all State laws and rules involving State lands, State Parks, historical sites, forest reserves, aquatic life, wildlife areas, coastal zones, Conservation districts, State shores, as well as county ordinances involving county parks. The division also enforces laws relating to firearms, ammunition and dangerous weapons.

Goals of the DOCARE

- To protect human life, property and the natural resources of the State.
- To actively enforce laws, rules and regulations designed to protect and sustain Hawaii's unique fragile natural resources.
- To promote the safe and responsible use of Hawaii's natural resources through public education and community outreach efforts.

In the following, we have summarized responses to the issues you raise in the audit. As you can see, many of these focus on "compliance," rather than strictly looking at "enforcement" of DLNR's laws and rules.

Noncompliance of laws and rules could result in negative impacts to Hawaii's natural and cultural resources. We, therefore, seek compliance over catching wrongdoing. However, we continue to aggressively enforce against wrongdoing.

Too often, people simply feel that the only answer to enhanced enforcement is merely adding staff to the ranks. While increased numbers is an important enforcement tool, there are many other opportunities that we can and should consider and be involved with. Effective enforcement requires consideration of all available alternatives. While considering all options, we will look closely at existing manpower, equipment and funding for operations, in order to identify where increases may be necessary.

An issue with any enforcement detail is the question of sufficient personnel to address enforcement needs. The DLNR has implemented several initiatives that not only enhance our enforcement efforts, but, more importantly, expands the DLNR's enforcement function well beyond the strict limits of DOCARE staffing. Without community support, without voluntary compliance, without our individual and collective commitment to take responsibility, no level of law enforcement will ever be enough to protect and preserve Hawaii's unique and precious natural and cultural resources.

Board of Land and Natural Resources "Hierarchy of Uses" Policy

In 1998 the Board of Land and Natural Resources adopted a policy that essentially established a hierarchy of uses of our public resources - the policy continues today. This policy is the basis for and directs all decision making at DLNR.

The Department, when considering commercial proposals or management actions on State-owned lands and waters, will use the following hierarchy of priorities:

1. The Natural or Cultural Resource - The highest priority should go to the conservation of the resource. Only if an activity can be done in a way that does not unduly damage the resource, should it be allowed.
2. The General Public - If use or activity by the public can be done without undue damage to the resource, it should be the next priority.
3. Commercial Activities - Commercial activities should be considered only if their impacts do not impinge on the resources, No. 1 above, or use by the general public, No. 2, above.

The policy implies that if the resources are unduly damaged, commercial activities will be the first to be further restricted or eliminated. And it also suggests that there may be occasions that we will limit or prohibit public use in order to protect the resources.

The DLNR strives to promote responsible use, understanding and respect for Hawaii's natural and cultural resources.

Budgeting Principles

Underlying the many deliberations and decisions that culminated in the State's budget was a general fiscal discipline that encompasses four basic principles:

1. We must learn to live within its means. We need to recognize that DLNR is part of a bigger budget picture.
2. The budget should have structural balance. Recurring expenses should match our recurring revenues.
3. The budget should adhere to sound budgeting principles. Presentations should be clear and simple.
4. We strive to establish fiscal stability and reduce fiscal stress.

Legislative Cuts to DOCARE's Personnel

In 2004, over our strong objections, the legislature cut 87 positions from DLNR. We continue to feel the impact of this action today. Of that total, the legislature cut 12 DLNR enforcement positions.

Last year, we requested and received reinstatement of some of these positions. Of the total 36 positions reinstated last year to DLNR, 11 enforcement positions were added (of which five were for cruise ship security.)

The legislature ultimately controls the budgeting and personnel matters of the DLNR. As noted, over our objections they cut positions from the Department.

Innovative Enforcement Component in DLNR's Present Supplemental Budget Request

To assist with the enforcement response effort, this year we are initiating an innovative program that significantly adds to our enforcement presence.

The DOCARE statistics indicate approximately 40% of their officers' time deal with parks and boating concerns (15% and 25%, respectively.)

To assist our statewide enforcement efforts, we are asking for nearly \$800,000 to place on-site security personnel at State parks and harbors statewide.

Our budget proposal calls for placing uniformed security personnel at 22 of our State parks and patrolling our harbors across the State. Some facilities will have coverage seven days a week, some during peak usage or historically problem times.

Uniformed security personnel will patrol the State parks and harbors, curtail vandalism and break-ins, handle gates and by their presence will eliminate loitering and illegal activities.

This effort will deter inappropriate behavior at these facilities and free DOCARE personnel to focus on natural and cultural resources' enforcement priorities.

We will encourage the legislature to support our innovative enforcement proposal we submitted this year.

Innovative Use of Student Help

The DOCARE has effectively used student hires (near minimum wage, temporary, part-time assistance) to deal with paperwork and dispatch services in the office. We recently received approval to expand this program at DOCARE.

While clerical staff will continue with these functions during the normal working hours, student helpers will deal with dispatch services during weekend and evening hours. In addition, student helpers assist with paperwork and filing.

**The DLNR's Proactive Actions Already Undertaken to Enhance Enforcement Activities:
"Ho'okuleana" (to take responsibility)**

"Ho'okuleana" (to take responsibility) is the theme of the DLNR's outreach efforts that strive to involve communities and constituencies in assisting in the management of our natural and cultural resources - Responsibility through Participation, Prevention and Preservation.

This is not really a "program," but, rather, an attitude we want people to share about resource management and protection.

A goal of the "Ho'okuleana" perspective is to encourage local community members to support DLNR in outreach, education, regulation and observation to protect our precious natural and cultural resources.

"Ho'okuleana" spreads the message that our natural and cultural resources are not limitless, nor are they resilient; they are scarce and fragile. As citizens of the State of Hawaii, each of us shares in the responsibility of wise stewardship and conservation of our resources.

In a single word, "Ho'okuleana" is focused on "responsibility" - our individual and collective responsibility to: Participate - rather than ignore, Prevent - rather than react and Preserve - rather than degrade.

No one constituency, no one community, no one resource management entity has the sole responsibility for and jurisdiction over the resources. Each of us shares the responsibility for the protection and preservation of our natural and cultural resources. The DLNR strives to promote better understanding, respect, use, caring about and taking care of the natural and cultural resources.

**The DLNR's Proactive Actions Already Undertaken to Enhance Enforcement Activities:
Board of Land and Natural Resources (BLNR) Coastal Policy - Enforcement**

Recognizing the need to enhance statutory and rule compliance and enhancement to enforcement capabilities, on March 11, 2005, the BLNR adopted, in principle, a "Chapter" in its overall Coastal Policy on "Enforcement." This process addresses many of the issues you raise in the audit and are already being implemented, even before you started your audit.

It is an objective of the DLNR to foster a Statewide Comprehensive Coastal Policy to improve overall management of coastal resources. This effort is intended to produce a unified vision for future actions by government as a whole.

Rather than confront the daunting task of an overall, comprehensive policy in a single effort, the proposed policy can be broken down into component "Chapters," and the respective stakeholder groups can address each chapter.

A concurrent theme throughout each chapter concerns issues of government jurisdiction, education and outreach, intergovernmental cooperation, and the marshalling of resources necessary to accomplish these objectives.

Rather than focusing solely on the “enforcement” side, it is the DLNR’s hope that through added outreach, education and cooperation with other agencies, the Department will be able to prevent incidents from occurring before enforcement action is needed.

The DLNR’s preference is to foster compliance and prevent violations from occurring before they lead to enforcement action. When a violation occurs, the damage to our natural and cultural resources may make recovery difficult or, in some cases, impossible. The DLNR believes that the first step in preventing these violations from occurring is to educate the public about our natural resources.

Over the years, many divisions within the DLNR have initiated programs to involve the communities in resource protection and management. Up until now, these various programs worked interdependently but, although very successful, lacked a coordinated effort by the Department.

Recently, interest in these types of programs has increased as the public began to realize that the DLNR does not have the resources to “be everywhere, all the time.” Communities are becoming aware of their ability to take more active roles in resource protection.

The DLNR’s DOCARE has primary responsibility for resource enforcement in the State and is the lead division for the “Enforcement” Chapter of the Coastal Policy. The DOCARE’s overall mission is to promote the safe and responsible use of Hawaii’s natural resources. The program objectives are:

In partnership with others, to help lead the citizens of Hawaii in developing and maintaining a tradition of ethical use, stewardship and sustainability of our land and natural resources.

To educate and inform citizens and visitors alike of the responsible use of Hawaii’s natural resources and the application of natural resource laws, including Hunter Education.

In partnership with others, to educate the public in the safe and responsible use of firearms, boats and personal watercraft.

To ensure the right of all persons to safely use, share and enjoy Hawaii’s natural resources through firm, fair and effective law enforcement.

Public Outreach

The Department realizes the value of outreach to the public. Many local residents and visitors alike are unaware of how their actions can affect the natural and cultural environment around them. In most cases once people are educated as to what the rules are, and why they are in place, they are willing to comply.

Mauka and Makai Brochures

Making public outreach a priority, the Department has developed mauka and makai brochures. These brochures, one highlighting the State's mauka region and the other the makai region, serve as tools in summarizing both the natural and cultural importance of these regions.

These brochures are available to commercial tour operators and others for use as part of a natural and cultural briefing. The brochures will help set a sense of place for activities. For example, a commercial kayak operator will be able to use the brochure to convey the importance of the ocean to the native Hawaiians as well as offer tips to visitors how they can help preserve and protect Hawaii's ocean resources.

Community Meetings

Community meetings are another way the Department can expand its presence in the community. The DOCARE officers statewide often hold community meetings to address public concerns regarding illegal activities on State lands. On the Big Island DOCARE officers stage public forums at various locations throughout the Big Island community where specific issues and concerns can be discussed.

These community meetings serve as an opportunity for DOCARE officers to interact with the public in a community setting. The meetings offer residents the chance to voice their concerns and relay to the officers any issues they are experiencing in their particular community. The officers offer advice and recommendations for residents and community members to be better able to handle situations when they arise.

Theme Years

Another way the Department continues to reach the public is through its Public Information Office (PIO). The PIO keeps the community aware of events and initiatives of the Department through press releases and other outreach efforts.

One such effort is the creation of theme years, highlighting activities within a particular division for an entire year. We designated 2003 as the "Year of the Hawaiian Forest," and DOFAW used this designation to bring awareness to the community of the importance of the State's forest and watershed resources.

Similarly, 2004-2005 were themed, "A Living Reef Gives Our Islands Life." The Division of Aquatics Resources (DAR) took the lead in creating publications and related events throughout the year, which focused on the importance of coral reefs. The DAR was also able highlight their division and gain added exposure to all of their programs, not just those related to coral reefs.

The Department intends on continuing with this program and will be highlighting the Division of Historic Preservation next year.

Public Service Announcements

Besides continuing with its successful outreach programs, the Department, through the PIO, will expand upon the development and implementation of Public Service Announcements (PSA) through various means of media including television, radio and print. These PSA will help to educate the public regarding resource protection and rules and ways in which the public can become involved in outreach activities.

By increasing the DLNR's presence in the media, it is envisioned that the public will become more aware of what functions the Department serves and ways in which they can help. Most of the divisions within the DLNR will be included in the PSA. Divisions will be able to highlight their accomplishments and spread the word on how they are working to preserve and protect Hawaii's natural and cultural resources.

Interagency Cooperation

In keeping with the "Ho'okuleana" theme of responsibility (partnerships and working together), the DLNR has made expanding partnerships a priority.

All of the DLNR's 11 divisions are involved in partnerships, which occur on a multitude of levels, including government agencies (federal, State, county) and the community.

The DOCARE partners with many varied counterparts, communities and constituencies on enforcement issues, outreach and prevention. Many times these partnerships give agencies including DOCARE, the ability to pool resources to better enforce, educate and manage overlapping jurisdictions.

Other divisions including DOFAW and DAR are involved in these same types of partnerships with other agencies. The Department is seeking a more proactive approach in formalizing partnerships to help facilitate cooperation between the DLNR and other entities.

Taking Enforcement Actions to the BLNR for Processing

The DLNR is a multifaceted department with each of its divisions governed by its own specific set of rules. These rules are tailored to the activities in which each division is involved. Contained within these rules are penalties and rules guiding prosecution and enforcement actions.

There are a variety of ways in which divisions can deal with violations. They include going through the State criminal court system, dealing with violations administratively and taking cases to the BLNR for action.

The first option has been the common process for most of the DLNR's divisions. However, the Office of Conservation and Coastal Lands (OCCL) has been at the forefront of using both the administrative system, as well as taking violations before the BLNR. The division brings at least one violation to the BLNR at every meeting.

Recently, other divisions within the Department have begun bringing issues to the BLNR for processing as well. At the BLNR meeting on August 13, 2004, the DOFAW's Natural Area Reserve System brought before the BLNR a case involving an illegal kayak operation within the Ahihi Kinau Natural Area Reserve. The operator then asked for a contested case, which is currently being conducted.

At the February 25, 2005, BLNR meeting, the DOFAW's Na Ala Hele Trails and Access System brought before the members the case of an illegal trail tour operator at Manoa Falls Trail. The BLNR found the operator in violation and fined the alleged operator \$2,500 for violating commercial rules and not having the proper permits to operate.

One advantage of bringing issues before the BLNR is the exposure these cases have. A BLNR processes is an open meeting that allows the public to attend and testify. Cases seem to receive more attention from the public and media when they are brought before the BLNR rather than the courts.

The DLNR has been criticized for not taking action in the enforcement of its rules. The added exposure when these issues are brought before the BLNR helps to get the message out to Hawaii's communities that something is being done to address illegal activities that happen under the DLNR's jurisdiction.

The DOCARE supports this approach and will assist each division in the preparation of enforcement actions. Prior to initiating an enforcement action through this approach, the DLNR employees have been encouraged to work with DOCARE.

By making the public aware that the Department is taking action against violators, the Department hopes it will act as a deterrent to others to obey the rules. Additionally, this exposure can serve as an educational opportunity for the public to be made more aware of the rules and regulations which govern the State's natural and cultural resources.

**DLNR's Proactive Actions Already Undertaken to Enhance Enforcement Activities:
Mauka-Makai Watch**

The DLNR, The Nature Conservancy, the Community Conservation Network and Hawaii Wildlife Fund are partnering in a new community program to help protect Hawaii's natural and cultural resources.

The "Mauka-Makai Watch" is modeled after the nationally successful Neighborhood Watch Program in which community members act as the "eyes and ears" for law enforcement to help deter, identify and report crimes.

Community-supported natural and cultural resource protection and preservation programs represent a win-win opportunity; we want and need citizens to take more personal responsibility for protecting the resources.

We've seen tremendous interest at the community level to help protect our coastal resources and upland forests - and that's a major reason we are involved in the Mauka-Makai Watch.

We believe local communities in Hawaii can really help to increase the amount of protection our natural resources receive, and we encourage and appreciate partnering with the community.

The Mauka-Makai Watch has three primary components:

1. Through education and outreach, community members learn and provide information to resource users about ecology, regulations and best practices;
2. The DLNR's DOCARE officers train community members in surveillance and accurate reporting to reduce the incidents of willful disregard for laws and regulations governing resource use; and
3. Conservation groups train community members in biological, human use and threat monitoring so that they can interpret changes in the resources and how they are used over time.

The Mauka-Makai Watch program will initially focus on those communities with nearshore marine resources of statewide significance. For other interested communities, group training opportunities and a "how to" manual for them to start their own programs will be provided.

By looking out for suspicious activity, monitoring and caring for the resources and reporting inappropriate activity to law enforcement and to each other, communities can begin to share responsibility for the places that make Hawaii unique.

The benefits of the Mauka-Makai Watch are many. Local communities gain a sense of pride and accomplishment as they play a stronger role by assisting in resource assessment and management and protection of our natural and cultural resources. Resource managers and enforcement personnel benefit from increased surveillance, outreach and education.

The Mauka-Makai Watch serves as a vehicle in helping people “make a difference” in their own community. A goal of the Mauka-Makai Watch is to help ensure that community members support the DLNR and other resource managers and regulators in education, regulation, monitoring and observation to protect our natural and cultural resources.

As areas under the Mauka-Makai Watch gain a reputation for increased attention, enforcement violations will likely be reduced; and, as a result, the resources will be more fully protected and the DLNR’s workload in these areas will decrease. While there is still a long way to go to improve and expand the existing Mauka-Makai Watch program, together we have set a good foundation for success.

The presence of the Mauka-Makai Watch volunteers serves as a significant deterrent to inappropriate behavior and is a critical component of the enforcement actions of the Department.

The DLNR’s Divisions Working Together and with DOCARE

You seem to suggest that the DLNR Divisions are not working together, or not with DOCARE. Let me remind you of the many programs we have initiated that already succeed at this. As noted, DOCARE is an active participant in all of these activities:

Weekly Updates

Weekly, we ask each division administrator to prepare a summary of activities and accomplishments dealt with by each division.

These summaries are put into a departmental summary and it is distributed weekly to all DLNR staff via e-mail (and will soon be posted on the Department's intranet site).

This initiative gives each DLNR employee a constant update on DLNR activities throughout the Department.

Brown Bag in the Boardroom with the Boss

Mondays, at noon, I meet with the DLNR staff to discuss any issue of interest they may have. These informal discussions have led to departmental procedural changes, proposed legislation and provide the opportunity to discuss any issue with the Chairperson.

Weekly Staff Meetings

Weekly, (typically Tuesdays) division administrators, deputies and director meet for approximately one hour to discuss departmental issues. Administrators give a weekly update on their respective division.

Monthly DLNR Neighbor Island Leadership Meetings

We have initiated regular monthly meetings of the DLNR neighbor island leadership to discuss issues of common concern. This program started under the initiative of the DOCARE. Under the DOCARE leadership and interest, now the DLNR neighbor island division leadership meets monthly to keep each division informed on DLNR activities overall.

These island-based and -focused meetings give staff the ability to interact and work through island-specific issues internally. These meetings also ensure that other divisions are kept abreast of activities on each island.

Multi-Divisional Task Forces

The DLNR is a multifaceted department with 11 distinct but interrelated divisions. Management of many issues should be dealt with on a multidivisional format.

Under our leadership, the DLNR has focused on taking a holistic approach to management of the State's natural and cultural resources.

As a mechanism to encourage interdepartmental discussions we have formed "task forces" to address issues that have overlapping divisional concerns.

This approach assures that all divisions have an opportunity to give input as well as expertise in the appropriate management of specific areas or issues.

By working together the Department is better able to effectively and efficiently deal with the management of the State's natural and cultural resources.

Of recent note are the Task Forces formed to address:

- Kawainui Marsh (this could be viewed simply as a wetland or wildlife issue, however several divisions are now working together on this matter),
- Kealakekua Bay (thought by some as simply a Boating concern, we now have eight DLNR divisions working together),
- Heeia Wetlands (nine DLNR divisions are working together on this issue that some initially thought only included a wildlife concern),

- Rockfall Hazard Assessments (not just the focus on our geologists, this includes six DLNR divisions),
- Input through the Hawaii Ocean and Coastal Council on the update to the Ocean Resources Management Plan (nine DLNR divisions help to provide input in this important Plan update) and
- Mauna Kea Neighbors (the DLNR initiated a broader discussion on Mauna Kea matters and includes several DLNR divisions in these periodic meetings).

It should be noted that DOCARE is an active participant in each of these task forces.

The DLNR's Proactive Actions Already Underway to Enhance Enforcement Activities: Environmental Education Centers

Natural and cultural resource education centers (Environmental Education Centers) can be loosely defined as facilities that are open to the public, with programs and resources that promote and conduct natural and cultural resource education. Programs are taught that increase understanding of the world around us and the importance of taking responsibility to help protect and preserve it.

The DLNR is in an active program of making State land available to private environmental education operators. These include making portions of State parks available for environmental education, as well as other state owned-lands.

The program includes a public procurement process used to select an operator. The intent is to seek free and/or reduced-cost educational programs focused on providing environmental education to Hawaii's children.

Examples of Environmental Education Centers include: Hawaii Nature Center, Tropical Reforestation and Environmental Education, Sea Grant, Audubon and others.

Environmental Education Centers help to teach the process of informed decision making, taking constructive action and making the commitment to ensure stewardship of Hawaii's environment.

The DLNR's Proactive Actions Already Undertaken to Enhance Enforcement Activities: Experimental Ranger Program

This is an experimental program initially started with a grant to the DLNR from the Hawaii Tourism Authority. The first "Ranger" was stationed at the Ahihi-Kinohi'o Natural Area Reserve on Maui. Subsequent Rangers are being placed at Haena Park (Kauai), Ke Kahakai Park and Kealahou (Big Island), and Diamond Head and Kaena Point Parks (Oahu). Other sites are under consideration for this initial experimental program.

The ranger program helps the DLNR better manage recreational areas for the protection of the resources and the enjoyment and safety of residents and visitors. The ranger program significantly supports efforts to manage, improve and protect. The presence of a ranger will add to the visitor experience, and it will also help to protect Hawaii's natural resources so they may be enjoyed by future generations.

Rangers interact with guests to promote an understanding, awareness and respect for the natural and cultural resources and the recreational opportunities through one-on-one discussions and interpretive talks. This guest interaction provides information on rules and regulations, health and safety concerns, resources and the cultural and natural history of the area. Rangers focus on:

- **Resource Protection** - While roaming the area to interact with visitors, the ranger also patrols the area for illegal or harmful activities that might damage the resource. While the ranger does not serve as a law enforcement officer, he or she addresses issues by educating guests. In situations where significant illegal activities occur, the rangers will alert the appropriate enforcement agencies. Rangers also are responsible for regularly monitoring the condition of the natural and cultural resources and report resource management needs to the appropriate DLNR staff.
- **Public Safety** - By increasing guest awareness, the ranger decreases the chance of guests encountering a harmful situation. Much like a roaming lifeguard, their presence also increases safety in the area due to their training and access to law and public safety officials.
- **Information and Education** - Rangers interact with guests and resource users to promote an understanding, awareness and respect for the natural and cultural resources and the recreational opportunities through one-on-one discussions and interpretive talks.

Rangers are responsible for interpretation, monitoring guest activities, making periodic field inspections, conducting resource management activities, assisting with safety and emergency procedures, and monitoring all field activities. Their presence serves as a significant deterrence to inappropriate behavior and is a critical component of the enforcement actions of the Department.

Expanded Role of Enforcement Agencies

You misunderstand the expanding role of enforcement agencies across the country. Not only is there greater interagency activity and cooperation, but the roles of law enforcement have expanded due to the nature of the changing world and expanded needs.

Marijuana Eradication

The cultivation, sale, and abuse of marijuana are still recognized as national problems. The State of Hawaii is known worldwide for producing top-quality marijuana and national figures consistently ranks Hawaii as one of the top five states in marijuana cultivation.

The DLNR became actively involved in eradication for a number of reasons:

- The safety/welfare of forest users, such as hunters, hikers, DLNR employees, researchers and flower gatherers, is a priority for our Department. Hostile encounters and booby traps along with a variety of other criminal acts have been associated with the illegal cultivation of marijuana on State land.
- Cultivation has the potential of destroying native habitat due to the introduction of clear cutting, fertilizers, pesticides, rodenticide, alien species and trash. This, in turn, has a direct negative impact on our fragile natural resources and disrupts sensitive wildlife species.
- Large tracts of State land are being used for marijuana cultivation. Since much of this land is under the jurisdiction of the DLNR, we have the primary responsibility to eradicate these plants.
- It has been estimated that approximately 75% of all marijuana eradicated in Hawaii was found on DLNR land. More plants could and would be eradicated if adequate funding were available.

Even though a large number of plants are eradicated during each mission, replanting occurs almost immediately afterward. As long as there are individuals who engage in substance abuse and there are large profits to be realized from the sale of marijuana, growers will continue to plant. If we are prohibited from eradicating these plants due to lack of funding (or that this activity is beyond the scope of our responsibilities, as you suggest), there is no other way to prevent the cultivation and ultimate distribution of marijuana. The problems from the use and availability of drugs will exacerbate throughout our State.

The DLNR is the lead agency for eradication missions that occur on lands under the control of the Department. These missions are restricted to unpopulated, undeveloped tracts of land like forest reserves, State parks, watersheds and unencumbered lands.

Prior to 1986, the main thrust against cultivation was manual eradication. In 1986, the DLNR initiated a series of eradication operations, which involved the aerial spraying of plots with herbicide. Personnel developed a spray rig, which allowed for the spot application of a chemical agent directly over specific plants. This method proved to be more efficient than manual eradication efforts resulting in a dramatic increase in the number of plants eradicated.

Helicopter operations associated with marijuana surveillance and eradication also affords the DLNR with the only opportunity to evaluate large tracts of otherwise inaccessible land. Issues and concerns relating to hunting areas, injured and missing persons, watersheds, forest reserves and other DLNR-related areas of jurisdiction have been discovered and/or addressed during marijuana eradication missions.

Homeland Security - Federally Mandated Activities

On September 11, 2001, terrorist attacks against the United States tested our country's security and changed forever our view of national security and how we protect our citizenry. In anticipation of additional acts of terrorism immediately following the World Trade Center attacks, Hawaii's State Civil Defense, local law enforcement and a variety of federal, State and county agencies began to plan for the overall security needs of our State in order to protect its people and critical infrastructure. The DLNR - DOCARE officers were included in this early response planning to detect potential threats and to repel additional attacks and have participated in Hawaii Homeland Security planning, preparation and response ever since.

Specializing in remote-area and water-related response, our officers have been assigned to primary response activities along with all other law enforcement agencies in our State. Additional funding for security and emergency response in the form of federal grants were secured. This includes membership in the State of Hawaii's Law Enforcement Coalitions (SLEC) made up of law enforcement officers from various state agencies, including the State Departments of Defense, Transportation, Public Safety and Land and Natural Resources. The SLEC's primary focus has been to prepare to respond to all manmade or natural hazards.

Our cooperative participation in Homeland Security matters does not mean that our primary mission of protecting the State's natural and cultural resources has been abandoned.

Cruise Ship Security

The terrorist attacks of September 11, 2001, changed our nation's view of domestic security and highlighted our need to bolster security in all areas of daily life in the United States. These attacks lead to the establishment of more stringent federally mandated, minimum-security requirements for cruise ships and cruise ship operations.

As the landowner of locations identified as federally approved sites to receive cruise ships, the DLNR is required to meet all security requirements. These new and improved mandated security requirements extends to offshore operations and includes all shore side activities. Facilities Security Plans have been written in consultation with the United States Coast Guard in order to better prepare staff and our facilities that are directly associated with these new federal cruise ship security requirements.

Security plans are exercised, and employees are provided with ongoing recall training. The need for armed law enforcement escalates as threat conditions rise; and this means that, in addition to DOCARE assets, county police and other law enforcement agencies will be called upon to augment DOCARE in the event of an emergency.

Unlike harbors or piers in major metropolitan areas where the cruise ship ties up to a major port facility, cruise ships calling upon DLNR facilities are required to anchor approximately one-half (1/2) mile off shore.

As the law enforcement arm of the Department, DOCARE officers have been tasked with a variety of security duties associated with cruise ship operations in Kailua-Kona and Lahaina. Assigned, as Facilities Security Officers and general operations security these officers are onsite to respond to any manmade or natural emergency that may arise.

In addition to day-to-day ship security, these same officers assist residents, visitors and boat operators who come in close contact with normal cruise ship operations. In the event of an emergency, these officers are able to immediately respond to the incident and to take those necessary steps to protect life and property. Failure to provide adequate cruise ship security could result in substantial federal fines, closure of the site and a federal prohibition on future ship arrivals.

We are in the process of rewriting the Facilities Security Plans for Lahaina and Kailua-Kona. Under the new plan the DLNR - Division of Boating and Ocean Recreation (DOBOR) will take the lead for security at these ports. In the future, the security protocols will include contracted security personnel, and DOCARE officers will play a distant, secondary role. The revisions to the plans have been discussed with the Captain of the Port (Coast Guard).

Law and Order, Public Health and Safety

The DLNR's many divisions have enacted rules to manage and protect their particular activities, and we are responsible to enforce these rules. For example, many of the rules established by State Parks, DOFAW and DOBOR have specific sections that are designed to protect public health and safety. These issues are integral parts of the established rules.

Prohibitions against possession and consumption of alcohol, illegal parking, illegal drug use, securing closed areas, firearms safety and boating safety are some examples of the "Law and Order" responsibilities that are inherent when dealing with the public.

Protection and preservation of our natural and cultural resources remain the focus of our efforts, and we structure our training and patrol priorities around our precious resources and outdoor recreational activities. In addition, firearms training and defensive tactics training are not only for the personal protection of our officers but also for the protection of the public, if necessary. Our officers are trained to handle emergency situations that may require the use of first aid or cardiopulmonary resuscitation. This is good for the public and our co-workers alike.

Providing public health and safety services is a basic responsibility that all federal, State and county law enforcement entities provide. Our DOCARE officer designation does not diminish the fact that public health and safety takes precedence over the enforcement of laws that protect our natural and cultural resources.

Public health and safety, along with law and order, will continue to be an integral part of the duties being provided by the DOCARE.

The DLNR Jurisdiction Does Not Change with Rules or Assignment to Divisions

You appear to misunderstand the process of assigning certain State lands to specific DLNR divisions and suggest that these assignments somehow expand DLNR's responsibilities.

The DLNR, DOCARE and other DLNR divisions have jurisdiction over all property held by the DLNR. Making a new rule to cover a particular geographic area does not add to the already existing jurisdiction and responsibility of the DLNR.

Your assessment that recent rules adopted for the Northwestern Hawaiian Islands (NWHI) somehow expand DOCARE's responsibilities is not correct.

The waters surrounding the NWHI have been and are presently under State jurisdiction. Changing the rules for the NWHI (or rules affecting any other State land) did not change or expand any jurisdictions or responsibilities for DLNR or DOCARE.

The DLNR is working closely and having regular discussions with the U.S. Coast Guard, National Oceanic & Atmospheric Administration, Marine Sanctuaries program, National Marine Fisheries Service and the U.S. Fish and Wildlife Service with respect to management and enforcement in the NWHI. We are actively pursuing a co-management process with the Marine Sanctuaries program, much like the Humpback Whale Sanctuary in the Main Hawaiian Islands, where we receive federal support in the management and enforcement of the area.

In addition to these partnerships, the DLNR is partnering with the State Department of Defense (DOD) on surveillance and enforcement in the NWHI. The DOD will make satellite time available to the DLNR to monitor and identify vessels in the NWHI, as well as other parts of the State.

It is physically impossible to have presence over the entire 1,200-mile expanse of the NWHI. Using this state-of-the-art satellite technology, through this innovative partnership, the DLNR will be able to better monitor and address enforcement matters in the NWHI and other State waters.

Employee Appraisals

Effective immediately the DOCARE will review all duties, responsibilities and expectations with each employee, including Branch Chiefs and Supervisors. Performance Appraisals will contain written instructions regarding what is expected of each and every employee. In addition, the DOCARE will begin meetings with DLNR - Personnel and the State Department of Human Resources Development to review employee performance and productivity in an effort to maximize the effectiveness of each employee.

Minimum Physical Requirements

Your assessment of regular physical agility testing appears to be inaccurate. Each new DOCARE officer is required to satisfactorily complete the an entry agility test that is comprised of a thorough medical physical, timed hike and a timed swim test. These agility tests are on a pass/fail basis.

After the initial entry period, the officers undergo an annual medical examination with a physician selected by the DLNR. These comprehensive medical examinations are based on the duties and responsibilities of a DOCARE officer and a general outline of the officer's duties are included on the Certificate of Medical Examination.

In addition, the Certificate of Medical Examination lists a series of physical requirements and environmental factors that are evaluated by the physician during the examination. The examining physician assesses each of the physical requirements, signs the Certificate of Medical Examination and environmental factors are noted on the certificate.

The following are examples of requirements on the Certificate of Medical Examination that an officer must be able to perform:

1. Operates 4-wheel drive vehicles over paved or unpaved roads, in all types of terrain, night and day hours, in all weather conditions.
2. May have to physically restrain violators in an arrest process.
3. Walking, hiking, and swimming in all weather conditions, level ground, hills, and mountains.
4. Carry loads, game mammals, seized evidence, freight, and other gear, often in excess of 150 pounds.
5. Routine office work, preparing and typing reports.

Each Certificate of Medical Examination is "signed off" by the physician certifying that the officer is capable of performing effectively in his/her present physical condition. Any officer who fails this annual medical examination is not permitted to participate in field duties until cleared by a physician. Lastly, our officers are subject to random drug and alcohol testing.

"Performance Levels" (aka Quotas)

The analysis suggests that there are no specific performance standards for DOCARE officers. While your reference is "performance levels," though you don't specifically say it, this clearly is interpreted as "quotas." Your critique suggests that certain branches are "more productive" than others - in fact, it cites that the Kauai Branch is "unproductive" due to the "performance levels" (i.e., the number of citations issued).

This discussion and argument suggests that the DLNR should establish quotas for our officers - suggesting a “productive” officer is one who meets the quota and produces more citations than another with less.

The DLNR and DOCARE do not have quotas for any enforcement activities conducted. The problem with mandating a specified quota is that it takes away the officer’s discretion to make a decision. It may also be looked upon as a ploy to generate additional funding for the State. Currently, an officer has the discretion to either issue a warning or citation or effect an arrest.

A quota may undermine efforts to obtain convictions in court and greatly undermine our relationship with the public. A specified quota may also be used in defense of an issued citation with the defense citing that because of the “quota system,” the officer was “forced” to issue the citation.

Better Collaboration with the DOCARE and Other DLNR Divisions

The DLNR division administrators collectively meet each week with the DLNR Chairperson and Deputies to discuss issues of common concern. There is ongoing discussion and collaboration between divisions. Likewise, as noted in the “Enforcement” chapter of the BLNR “Coastal Policy,” each division is encouraged to assist in the enforcement effort by bringing respective rule violations to the BLNR, with the assistance of DOCARE.

The DLNR is in the process of finalizing an internal civil/administrative penalty process that will be used to penalize violators of the DLNR’s natural and cultural resources. This system requires close working ties between DOCARE and all of the DLNR’s line divisions. This system will also give the line division’s real time opportunities to pursue violators independently upon discovery of a violation.

“Marine Patrol”

The DLNR - DOBOR is responsible for the management and administration of statewide ocean recreation and 21 small boat harbors and 54 launching ramps.

The DOBOR is almost entirely supported by the revenues it generates through its boating special fund, which was first established in 1972 for the purpose of administering a comprehensive boating program, boating safety, vessel registration, casualty investigation, law enforcement, pollution abatement, and other related activities.

Recreational boating facilities have existed in Hawaii since the early 1900s. In 1951, the Legislature recognized and differentiated small boat harbors from larger commercial harbors by specifying that small boat harbors were to be used for recreation and the landing of fish.

However, it was not until 1976 that Hawaii's boating program, which encompassed all of the State's recreational boating facilities, was officially created as a spin-off of the Department of Transportation's Harbors Division.

Prior to 1976, all boating facilities were maintained and operated by the Harbors Division and their associated costs were paid from either general or special funds. However, Act 221, Session Laws of Hawaii (SLH) 1976 was intended to create a more efficient and responsive administration of the small boating program by establishing a separate branch in the Harbors Division. The branch's sole purpose was to administer small boat harbors and a comprehensive boating program.

In 1991, the boating program was transferred from the Department of Transportation to the DLNR pursuant to Act 272, SLH 1991. The Legislature based this transfer on the premise that the primary function of the Department of Transportation's Harbors Division is to move people and goods in and out of Hawaii, whereas, the boating program's recreational nature is better aligned with the DLNR's function that already includes other outdoor recreational activities.

As a result, the boating program including all boating facilities, equipment, personnel, and funding was transferred intact on July 1, 1992. Act 272 also transferred law enforcement, security functions and employees (otherwise known as the marine patrol) of the Department of Transportation to the Department of Public Safety effective July 1, 1991.

Under the Department of Public Safety, the marine patrol continued its responsibility of enforcing laws and rules of the boating, ocean recreation and coastal areas programs. However, five years later, Act 296, SLH 1996, transferred 18 marine patrol officer positions to DLNR - DOCARE and re-described them as DOCARE officers.

While positions were transferred, corresponding State general funding was not. The 18 transferred positions are paid for through DOBOR's special fund. Overall, DOCARE officers spend approximately 25% of their time on DOBOR issues. The transfer of funds from DOBOR to DOCARE (for the 18 positions transferred by the legislature) represents approximately 16 - 18% of DOCARE's overall budget. All DOCARE officers are trained and participate in enforcement of all rules and laws associated with the DLNR. The division is not separated into specialized tasks (i.e., all officers can and do participate in marine-related activities, as well as terrestrial enforcement.)

Technology

The DOCARE recognizes the need for an automated data collection, storage and retrieval system and has begun evaluating possible hardware and software that may be purchased to meet these needs. It will identify options, costs and funding sources associated with improving field communications. This information will be used to formulate a recommendation to the Department for review and consideration.

Ms. Marion Higa, Auditor

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SUBJECT: Management Audit of the Department of Land and Natural Resources -
Division of Conservation and Resources Enforcement

The DOCARE will identify potential options and costs associated with hiring an Information Technology person for the Division. This background information will be used to formulate a recommendation to the Department for consideration and evaluation.

Prior to your audit, I have already had discussions with the eHawaii.gov personnel, and we are investigating ways to incorporate DOCARE officer reporting through secured means on the Internet. The intention is to have officers fill in electronic forms once, on-line that can then be used for electronic reporting and data storage.


In addition, we are working toward a "paperless" process within the Department where forms and other recurring documents are available on-line through an internal intranet system available to all DLNR employees.

We note you made some recommendations concerning equipment, vehicles, etc. We will identify potential options and costs associated with these issues and formulate recommendations and/or actions.

In closing, I want to again express my appreciation for your review of DLNR's DOCARE. I know you have seen in your review, and I am sure you will agree, that we have an excellent staff of committed and hardworking people who are doing their best to protect this special place we all call home. We are focusing on making Hawaii a great place to live.

Sincerely,



 Peter T. Young
Chairperson