

Resource Protection - Enforcement

Problem Statement

The Department of Land and Natural Resources' prototype Makai Watch and Mauka Makai Watch programs involve partnerships between DLNR's Division of Conservation & Resources Enforcement (DOCARE) and neighborhood groups, in the same manner as the City's Neighborhood Watch program is structured. MACZAC recognizes that a major structural reorganization of DOCARE and the DLNR Boating & Ocean Recreation Division (DOBOR) is needed in order for a community-based partnership program to succeed.

The primary impediment is that, unlike Neighborhood Watch, there is no consistency in DOCARE's ability to respond to citizen calls from the beach or water regarding ongoing violations of DLNR fishing regulations. Similarly, citizens who encounter, say, a rogue surf instructor with clients at a surf break that is not compatible with surf instruction, e.g., Queen's Surf off Kuhio Beach, cannot get DOBOR to take action because the division is not set up to police unlicensed surf instructors. Likewise, the City's lifeguards maintain (correctly) that it is not their kuleana. Thus, we have a disconnect that needs to be addressed.

Recommendations

The means by which this issue can be resolved is through promulgation of administrative rules to reorganize DOCARE and DOBOR into a single ocean enforcement unit. In theory, combining the divisions will increase manpower without additional funding. Of course, the new ocean recreation and resource enforcement unit will have to retrain its enforcement personnel to take on both natural resource protection and ocean recreation enforcement responsibilities.

The focus of the new enforcement unit would be on near-shore areas. Perhaps a separate offshore/Northwest Hawaiian Islands unit would have to be established, particularly in light of the fact that our state's pelagic waters are among the ocean areas that still contain sustainable fisheries. Notwithstanding that consideration, protection of ocean resources most used by the public suggests that the unit's primary patrol area should be close to our shorelines and reefs.

In addition to administrative reorganization, additional funding to effectively staff and train the new ocean recreation and resource enforcement unit should be pursued through the Legislature. It is beyond the scope of MACZAC's expertise to suggest how much in additional funding should be sought. However, if the state is willing to take on the thorny issue of licensing fishers, such legislation could create a source of funds for ocean enforcement.

Coastal Development – Public Shoreline Access

Problem Statement

Two years ago, MACZAC mapped O`ahu's critical shoreline parking areas, in response to a problem that occurred at Ku`ulei Cliffs Park located at Diamond Head. The City proposed to ban parking along the makai side of Diamond Head Road, in response to a bikeway proposal by the neighborhood's vision team. The proposal to substantially decrease the amount of parking available at this popular surf site was successfully defeated by a petition effort organized by a local surfer.

In researching this issue and discussing it with staff from the City Department of Planning & Permitting, MACZAC discovered that certain projects implemented by transportation agencies occur "under the radar" of public scrutiny—and the scrutiny of agencies such as DPP—resulting in the loss of roadside parking areas used by the public. This loss of parking essentially restricts public access to the shoreline. MACZAC found that this problem has occurred on the neighbor islands as well, for example, when highway guardrails were installed near a surf site at Oluwalu.

In order to prevent a reoccurrence of the problem, MACZAC created GIS maps for O`ahu that identify critical shoreline parking areas. Copies of these maps were distributed in CD format to, among other agencies, the state DOT. Unfortunately, there is an apparent disconnect between DOT's planning and design sections. Although the shoulder on the makai side of Kalaniana'ole Highway near the Makai Range pier was identified as a critical shoreline parking area, the DOT Highways Division installed guardrails along the highway that effectively eliminated a substantial amount of shoreline parking. While guardrails are necessary for safety, the project approval process needs to be made more transparent when critical resources are at stake.

Recommendation

To address the above-described problem, state and county agencies should promulgate administrative rules or ordinances requiring public notice of such proposed actions. In addition, notice should be provided to legislators and council members representing the district where the project is located, as well as to the affected neighborhood board. However this is accomplished, the primary issue is to create a transparency protocol that will alert the public to the negative impacts of projects that reduce coastal access.