



UNIVERSITY OF HAWAI'I SYSTEM

TESTIMONY

Legislative Auditor's Report #04-14

Management and Fiscal Audit of the Harold L. Lyon Arboretum

Testimony Presented Before the
Senate Committee on Higher Education

January 11, 2005

by

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Committee on Higher Education

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Tuesday, January 11, 2005
2:00 p.m.

Chairperson Hee, Vice Chairperson Inouye, and members of the Higher Education Committee, thank you for the opportunity to come before you today to discuss the problems identified by the Legislative Auditor at the Lyon Arboretum and to share the progress we have made to make the arboretum a safe and productive place to visit and work.

During the 2004 Legislative Session the Legislature passed a concurrent resolution requesting a management and financial audit of the Harold L. Lyon Arboretum. The University of Hawai'i (University) was supportive of this request, believing that it would provide a much-needed perspective on the management issues that had vexed the Arboretum for decades.

The auditor worked closely with the University, and the conclusions reached are not surprising to the University. The Arboretum's structures are very old, and the maintenance needed in a tropical rainforest has not taken place on a regular basis for one reason or another for many years. The Lyon Arboretum has never been connected to the city sewer system, and has relied over the years on septic tanks for its sewage disposal, not an optimum system in an area with well over 100 inches of rainfall a year and thousands of keiki and adults walking through the grounds and around the above mentioned structures. In addition to the health and safety concerns, the Lyon Arboretum is not ADA compliant.

In the past 6-9 months the University, and the Dean of Natural Sciences in particular, has worked diligently and with great speed to remediate issues that presented immediate endangerment to our visitors and our staff and visitors. The University believes that a great deal of progress has been made, the net result of which is that the Arboretum is already in a very different state today than it was even 6 months ago. This is manifested in our ability to re-open the Arboretum this month after consultation with the Risk Office of AON Insurance Company.

Specifically, the University has:

- Closed Buildings A, B and C (accomplished by wrapping orange fencing around each building and screwing the doors shut).
- Engaged Nagamine Okawa Engineering to evaluate the construction of Buildings D, E, F, G, and H as well as the Children's Center. They determined that Building E was rated as 'marginal' and G as 'poor'. Both are now closed and are off-limits.
- Engaged One Two Tree Trimming to take down trees that were about to fall; one tree was as high as a 12 story building (one tree of this type at Paradise Park fell across

the road in December, but fortunately no one was injured.). Limbs on other trees were removed.

- Engaged HECO to move low hanging electrical lines and the phone company to move low hanging phone lines. One power line was within 10 inches of a metal roof of one building. Wires were hanging so low in the children's area that anyone could reach up and touch them.
- Purchased a power washer and implemented a cleaning procedure to eliminate slipping problems on walkways. Staff have been assigned the responsibility to keep certain walkways clean in the Arboretum.
- Developed maps and distributed them to visitors to help them not get lost.
- Placed signs along the trails to guide location and inform of safety concerns such as certain new trail closures.
- Developed an emergency plan and trained staff in CPR to handle emergencies.
- Continue to develop a means of communication with any person in the grounds of Lyon Arboretum if an evacuation needs to take place. Walkie talkies have been tested and found to function in about 90% of the area. The University is planning to purchase more than the one set currently in place.
- Installed an ADA approved portable toilet.
- Created a system to officially approve volunteers and each have a staff sponsor work with them. The volunteers fill out forms to provide information such as who to contact in case of an emergency.
- Contracted with Group 70 to develop an AFT-CDUA (After The Fact Conservation District Use Application) to bring Lyon Arboretum into conformity with DLNR rules and regulations. This will allow, for example, hazardous buildings to be repaired, the gift shop to be reopened, and other commercial activities to take place, such as: kava festival, plant sales, jam and jelly sales, lei sales, wedding and memorial services.
- Paid \$10,000 fine to DLNR for past construction and commercial activities that had been performed without permits.
- Created a 54 page document now submitted to DLNR to inform them of the current situation at Lyon Arboretum.

There are still lingering issues that will need attention to keep the Arboretum functioning in its current state, which include:

- Roadwork: Work is needed on the narrow roadway children must walk along to get to the Children's Center from their school buses that must park outside Lyon Arboretum. This is an example of what still needs to be handled before the children's activities can be re-opened. Work is also needed to restore the internal jeep road that was washed-out by the flashflood, resulting in a 10 foot drop-off.
- Sewage Problems: Lyon Arboretum is not connected to the city sewage line. The EPA will fine the University over \$30,000 per day starting in April for each day certain toilets are used in Building A and B. Currently the toilets are sealed off from use. The EPA has also identified problems with toilets in Buildings D, E and H, and the University is working with EHS on these problems. An ADA toilet is needed for the Children's Center.
- Electrical and Plumbing: The laboratory where major conservation work on endangered plants is done needs electrical and plumbing work.

It is obvious to all involved that there is a need to evaluate how the University operates and funds Lyon Arboretum, and what missions the University can continue to support at Lyon Arboretum. To do this, the Chancellor of Mānoa has established a Task Force made up of University faculty and interested parties to evaluate how the University can maintain this marvelous asset in a responsible and sustainable manner.

The specific Charge to this Task Force is as follows:

- Define the various missions of the Lyon Arboretum, in alignment with the core mission of the University of Hawai‘i at Mānoa.
- Evaluate the best organizational form for the delivery of the missions, in or outside of the University.
- Oversee the development of a Master Plan.
- Develop a Long Range Business Plan for the Lyon Arboretum to support each of the various missions and taking into consideration the findings of the State Auditor.
- Investigate the necessity of revising the Deed, in light of current and future use.

I hope that this has been of assistance to the members of the committee, and in the absence of Dean Hayes, who is off island at the moment, I have Dr. Will McClatchy, Professor of Botany, available to answer specific questions regarding actions taken at the Arboretum.