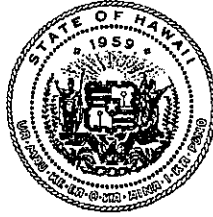


SB 2749

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

**TESTIMONY OF THE CHAIRPERSON OF THE
BOARD OF LAND AND NATURAL RESOURCES**

On Senate Bill 2749 – RELATING TO THE NI'HAU ISLAND RESERVE COMMISSION

**Before the SENATE COMMITTEES ON
AGRICULTURE AND HAWAIIAN AFFAIRS
and
WATER AND LAND**

February 12, 2008

Senate Bill 2749 proposes to create a Ni'ihau Island Reserve Commission with broad powers of governance in regard to cultural and natural resource issues. The Department of Land and Natural Resources (Department) opposes this measure, which circumvents both state and county authorities and conveys them to a small group of individuals who are not democratically elected.

The Department calls to attention that SECTION 4 of this measure which preempts the enforcement powers of the Department's Division of Conservation and Resources Enforcement in state waters surrounding Ni'ihau, SECTION 6 preempts the authorities of the County of Kauai, and SECTION 7 preempts the authorities of the Department's Division of Aquatic Resources to regulate public fisheries.

In closing, the Department believes that this bill as drafted would impede the State from fulfilling its public trust obligations as laid out in Article 11, Section 1 of the State Constitution.