

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committee on  
WATER, LAND AND OCEAN RESOURCES**

**Monday, February 13, 2012  
9:00 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 2793  
RELATING TO BOARD OF LAND AND NATURAL RESOURCES**

House Bill 2793 proposes to create four additional seats to the Board of Land and Natural Resources (Board), whose new members specifically from fisheries, fisheries science, and seafood/marine industry specialties, would vote only on ocean resource issues that came before the Board. The Department of Land and Natural Resources (Department) acknowledges the intent of the bill but cannot support it.

This proposal strives to emphasize the importance of fishery resources in the State of Hawaii, but would create an off-balanced make-up of the Board. The Board already has the responsibility of evaluating all natural resource issues, including those involving aquatic resources. Ocean resources here, is not defined, and if interpreted broadly, could potentially involve these new members in virtually every Board meeting, as agendas often include items with some nexus to the ocean and its resources, eg. Land – submerged lands, the Office of Conservation and Coastal Lands – conservation district permitting of submerged lands, Boating – ocean management areas, etc..

Another concern is that membership that is added for a specific purpose could create a demand by other stakeholders to petition for increasing the Board's members to benefit their specific interests, in which case the Board could become unwieldy and its mission complicated due to its large size.

Alternatively, the Legislature could consider introducing a resolution that calls for an evaluation of the State's fisheries, and include supporters of this bill's provisions to assist in the outlining of the focal points of this evaluation. The Department would be supportive of working with the Legislature in this regard.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
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

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## A BILL FOR AN ACT

RELATING TO BOARD OF LAND AND NATURAL RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. Section 171-4, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "§171-4 Board of land and natural resources; terms and  
4 qualifications of members of the board; organization; expenses.  
5 (a) The board of land and natural resources shall be composed  
6 of seven members, one from each land district and three at  
7 large, to be nominated and, by and with the advice and consent  
8 of the senate, appointed by the governor as provided in section  
9 26-34[-]; provided that for the purposes of making  
10 determinations on ocean resources matters, the board shall  
11 consist of eleven members, the additional four ocean resource  
12 members being appointed pursuant to subsections (e) and (f).  
13 The term and removal of a member of the board and the filling of  
14 a vacancy on the board shall also be as provided in section 26-  
15 34. There shall be not more than three members on the board  
16 from the same political party. At least one member of the board  
17 shall have a background in conservation and natural resources,  
18 as evidenced by:



- 1           (1) A college degree in a relevant field, including  
2                   forestry, wildlife conservation, geology,  
3                   environmental science, or marine biology; or  
4           (2) Work history sufficient to demonstrate an appropriate  
5                   level of knowledge in the subject of land and natural  
6                   resources, including parks and recreation, public  
7                   lands management, natural area reserves, aquatic  
8                   resources, boating and recreation, forestry and  
9                   wildlife, water resources management, or conservation  
10                  and resources.

11           (b) Each member shall disclose and file with the board a  
12 list of all transactions with the department of land and natural  
13 resources in which the member has a direct interest. The member  
14 shall also disclose all transactions with the department  
15 involving any corporation, association, partnership, or joint  
16 venture in which the member is an officer, partner, or employee.  
17 Any member having any interest, direct or indirect, in any  
18 matter before the board shall disqualify oneself from voting on  
19 or participating in the discussion of the matter.

20           (c) The governor shall select a chairperson of the board  
21 from among its members. The chairperson shall call and preside  
22 at meetings and may appoint a member of the board as secretary.



1 The members of the board shall choose one of their number to act  
2 as chairperson during the absence or disability of the  
3 chairperson.

4 (d) The members of the board shall serve without pay but  
5 shall be entitled to reimbursement for necessary expenses while  
6 attending meetings and while in the discharge of their duties.

7 (e) The four ocean resources members of the board shall be  
8 appointed by the governor to represent at least four of the  
9 following categories:

10 (1) A fishery science representative with a master of  
11 science or doctorate degree in fisheries science and  
12 experience in Hawaii-based commercial, recreational,  
13 or subsistence fisheries; provided that for the  
14 purposes of this paragraph, a qualifying fishery  
15 science shall not include ecology, marine biology, or  
16 other non-fishery marine science fields;

17 (2) A fishing industry representative with experience in  
18 the commercial fishing industry and active  
19 participation in government agency fishery management  
20 and regulatory processes;

21 (3) A fishing community representative with experience and  
22 working knowledge of Hawaii non-commercial fisheries,



1 including recreation, subsistence, and indigenous  
2 fisheries and active participation in government  
3 fishery management and regulatory processes;

4 (4) A seafood industry representative with experience and  
5 working knowledge of Hawaii seafood processing and  
6 marketing industry and active participation in  
7 government fishery management and regulatory  
8 processes; and

9 (5) A marine industry representative with experience in  
10 Hawaii maritime industries of boating, shipping, and  
11 maritime products.

12 (f) The four ocean resources members, except as otherwise  
13 provided in this subsection, shall be appointed to the board by  
14 the governor pursuant to section 26-34. These four members  
15 shall be considered in determining quorum and majority only on  
16 issues relating to ocean resources and may vote only on issues  
17 related to ocean resources. The political party affiliation of  
18 the four ocean resources members, if any, shall not apply to the  
19 political party limitation in subsection (a), nor shall there be  
20 a limit on the number of ocean resources members from any one  
21 political party."

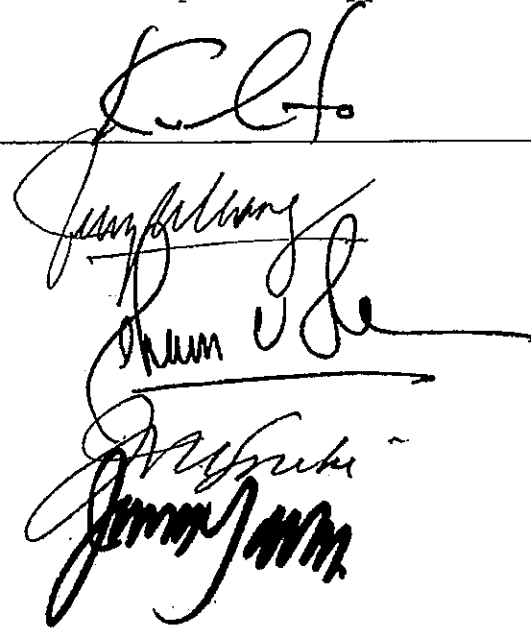


# H.B. NO. 2793

1 SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.  
4

INTRODUCED BY:



Handwritten signatures of legislators, including names like Kelly, J. Kelly, and others, written over horizontal lines.

JAN 25 2012



# H.B. NO. 2793

**Report Title:**

Ocean Resources; Board of Land and Natural Resources

**Description:**

Adds 4 members to the board of land and natural resources who shall be considered in determining quorum and majority only on issues relating to ocean resources and may vote only on ocean resources issues.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



# HB2793

Submit Testimony

Measure Title: RELATING TO BOARD OF LAND AND NATURAL RESOURCES.  
Report Title: Ocean Resources; Board of Land and Natural Resources  
Description: Adds 4 members to the board of land and natural resources who shall be considered in determining quorum and majority only on issues relating to ocean resources and may vote only on ocean resources issues.  
Companion:  
Package: None  
Current Referral: WLO, FIN  
Introducer(s): ITO, CHANG, HAR, Souki, Tokioka

<b>Sort by Date</b>		<b>Status Text</b>
1/25/2012	H	Introduced and passed first reading
1/27/2012	H	Referred to WLO, FIN, referral sheet 9
2/9/2012	H	Bill scheduled to be heard by WLO on Monday, 02-13-12 9:00AM in House conference room 325.