



**SB2874**  
**RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES**  
House Committee on Judiciary

March 27, 2014

2:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2874, which amends the composition of the Board of Land and Natural Resources (BLNR) to include one member with a background in Native Hawaiian traditional and customary practices. **Ensuring that a member of the BLNR has expertise in Native Hawaiian traditional and customary practices will help the BLNR to better administer our lands and resources with respect to Native Hawaiian issues and concerns, including traditional and customary cultural practices, the public land trust and the recognition of Native Hawaiian cultural values that are intrinsically tied to the ‘āina.**

The BLNR administers important programs that carry out the state’s responsibility to conserve and manage our natural and cultural resources on behalf of the people and environment of Hawai‘i.<sup>1</sup> In addition, the BLNR frequently makes critical decisions that impact Native Hawaiians and their cultural practices, which are protected by Article XII, Section 7 of the Hawai‘i State Constitution.<sup>2</sup> However, while many BLNR members possess specific expertise in a number of matters relating to natural resource management, water conservation and land use controls, BLNR members do not necessarily have specific expertise relating to the cultural value and significance of the lands and resources they administer, or of their specific fiduciary and constitutional duties relating to Native Hawaiians and the public land trust. Having a member with such expertise may therefore assist the BLNR in better fulfilling its obligations to the state and its people, including Native Hawaiians.

OHA notes that SB2874 is unclear as to whether the member with a background in Native Hawaiian traditional and customary practices could also concurrently satisfy the existing requirement that at least one BLNR member have a background in conservation and natural resources. HB1618 HD1, which is part of OHA’s Legislative Package and is substantially similar to this measure, would require the BLNR member with a traditional and customary practices background to be a different individual than the member with a conservation background. OHA believes that requiring these two background requirements to be fulfilled by two separate individuals will provide for more fully developed board discussions, and give more appropriate weight to these separate but related subject matter areas.

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<sup>1</sup> Hawai‘i Revised Statutes (H.R.S.) § 171-4 (2005).

<sup>2</sup> HAW. CONST. ART. XII Sec. 7 (1978).

To provide more clarity as to how the traditional and customary background requirement in this measure may be met, including OHA's suggestion that the BLNR member with a cultural background be a separate individual from the member with a conservation background, OHA recommends that the Committee replace page 2, lines 5-7, with the following language (with appropriate changes to subsequent subsection letters):

(b) At least one member of the board, other than the member with a background in conservation and natural resources appointed pursuant to subsection (a), shall have demonstrated expertise in native Hawaiian traditional and customary practices, as evidenced by:

- (1) A college degree in a relevant field, such as Hawaiian studies, native Hawaiian law, native Hawaiian traditional and customary practices, or related subject area;
- (2) Work history that demonstrates an appropriate level of knowledge in native Hawaiian traditional and customary practices; or
- (3) Substantial experience in native Hawaiian traditional and customary practices.

Therefore, OHA urges the Committee to **PASS** SB2874. Mahalo for the opportunity to testify on this important measure.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

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

**Before the House Committee on**  
**JUDICIARY**

**Thursday, March 27, 2014**  
**2:00 PM**  
**State Capitol, Conference Room 325**

**In consideration of**  
**SENATE BILL 2874**  
**RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES**

Senate Bill 2874 proposes to amend the composition of the Board of Land and Natural Resources by requiring that at least one member shall have a background in native Hawaiian traditional and customary practices. **The Department of Land and Natural Resources (Department) strongly supports this Administrative bill.**

Currently, nearly all of the boards and commissions under the Department require a member with a background in native Hawaiian traditional and customary practices. Last session, legislation was enacted requiring such expertise for the Natural Area Reserves System Commission. The remaining Department boards and commissions that need such expertise are the Board of Land and Natural Resources and the Endangered Species Recovery Committee.

As the Department is obligated under the Hawaii Constitution and Hawaii statutory and case law to preserve and protect the exercise of traditional and customary native Hawaiian rights, it would provide great value to have a member on the Board of Land and Natural Resources to have expertise in this area to provide guidance on natural resource protection and management decisions.

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

**JESSE K. SOUKI**  
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

**SB2874**

Submitted on: 3/24/2014

Testimony for JUD on Mar 27, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeannine Johnson	Individual	Support	No

Comments:

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