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Proposal 335
RELATING TO THE BOARD OF LAND AND
NATURAL RESOURCES

Statement for
Con Con Committee on Environment, Agriculture,
Conservation and Land
Public Hearing 11 August 1978

by
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Proposal 335 would add to Section 2 of Article X of the Constitution, certain provisions regarding the composition of the Board and Land and Natural Resources. This statement on the proposal does not reflect an institutional position of the University of Hawaii.

Section 2 now requires that the legislature vest the powers to manage the natural resources owned by the state in one or more boards or commissions. It does not require the establishment of any specific board or commission. An amendment specifying the composition of the Board of Land and Natural Resources that does not specify that there shall be such a Board could with complete legality be disregarded by the Legislature, and even if the Legislature established a Board of Land and Natural Resources with the specified composition it could transfer the powers held by the present board to some other board or commission.

The intent of the amendment seems clearly to be in part, to promote availability to and use by the present Board of Land and Natural Resources of professional knowledge in certain fields. The intent is worthy, but it should be recognized that the fields specified do not cover all that are pertinent, that there are other means of satisfying the intent than placing representatives of the fields on the Board itself, and that specifications as to details of the composition of boards are rarely appropriate in the Constitution, and even the appropriateness of specifying the boards in the Constitution is questionable. The fields specified in Proposal 335 cover many of those important in the Board's decisions. However, such fields as Agronomy and Horticulture are not specified, that language would permit the Botanist and the Zoologist to be marine experts, leaving the fields of land botany and zoology unrepresented, the Hydrologist might not have broad geologic knowledge, and the importance of the field of geography, which embraces all of the specified fields in terms of their human implications seems unrecognized.

Curiously, the historical-archaeological professional could not be any historian or archaeologist but would have to be the State Historic Preservation Officer.

It should be recognized that the Board of Land and Natural Resources has available to it all of the professional competence of the Department of Land and Natural Resources, that it can obtain additional competence under continuity and often simply by request, and that through such processes as public hearings and environmental impacts statement reviews it receives advice from the professional community without request.

There would be some advantages requiring placement of professionals from appropriate fields on the Board itself, though there is no bar to such placements now. However, there is a danger that a single professional may well not be sufficiently familiar with all of the pertinent aspects of his field to have sound overall judgement.

In summary, it seems best that placements of professionals in certain specified fields on the Board of Natural Resources should not be required in the Constitution.