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HB 2750-78 and HB 3058-78

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES

Statement for the
House Committee on Water, Land Use Development and Hawaiian Homes
Public Hearing 23 February 1978

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Both HB 2750 and HB 3058 propose reorganization of the Department of Land and Natural Resources (DLNR). The reorganization in HB 2750 would involve:

- a) Splitting the present Division of Fish and Game into two components, a game component and a fish component.
- b) Transferring the game component to the Division of Forestry, in which it would be designated as a wildlife branch.
- c) Combining the fish component with aquaculture concerns as a new Division of Fisheries and aquaculture.
- d) Transferring most enforcement functions of present Divisions to a new Enforcement Division.

The reorganization proposed in HB 3058 pertains only to the enforcement functions, for which it would establish a Conservation and Enforcement Program .

With any reorganization, certain strengths achieved by closer coordination are achieved at the expense of weaknesses produced by separating related functions. HB 2750 and HB 3058 are no exceptions. We find it easiest to comment, first, on those aspects of reorganization that would be accomplished under HB 2750 alone; and, second, on those that would be accomplished under either bill. Our comments do not reflect an institutional position of the University.

Reorganization under HB 2750 alone

With the split of the present Division of Fish and Game into two components, the transfer of the game (wildlife) component to the Division of Forestry, and the combination of the fish component with aquaculture as a Division of Fisheries and Aquaculture, the separation of functions would be based, essentially, on the distinction between the terrestrial biota (and their environment) and the aquatic biota (and their environment). This separation of functions is a rational one. It is not clear to us what happens to the sport fisheries and particularly the fresh-water sport fisheries program of the Division of Fish and Game. It should be clarified whether fresh-water sport fishing will come under the Wildlife Branch of the Division of Forestry or under the Division of Fisheries and Aquaculture. If the separation of functions is intended to be the terrestrial/aquatic one we identify, the latter placement seems appropriate.

We note with approval the fact that the Animal Sciences Advisory Committee will serve both the Wildlife Branch of the Division of Forestry and the Division of Fisheries and Aquaculture. We note, however, that, in aquaculture, there should be concerns with the introduction of plant species and not merely animal species.

An alternative to the retention of aquaculture concerns in DLNR would be their transfer to the Department of Agriculture. We note that not only that Department but also the Department of Planning and Economic Development has played a role in aquaculture development. DLNR's aquacultural development role has been an active and effective one. However, the culture aspect of aquaculture has close parallels in agriculture, the federal government seems to be placing its aquacultural efforts primarily in the federal Department of Agriculture, and the State Department of Agriculture is served by an Advisory Committee on [both] Plants and Animals.

Reorganization of enforcement under HB 2750 and HB 3058

Both HB 2750 and HB 3058 propose centralization of DLNR enforcement functions. Under HB 2750, the reorganization is mandatory, the transfer of enforcement powers are specifically identified, and the transfer would be to a new Division of Enforcement. Under HB 3058, a program of conservation and enforcement would be created, its best placement in DLNR is left to DLNR to determine, and the extent to which enforcement powers are transferred from the several divisions to the enforcement program is also left to DLNR to determine.

The gain from centralizing enforcement powers is that an enforcement officer would not be restricted to enforcing the regulations of a single division. The loss is the separation of the development of regulations from their enforcement. The loss would seem greatest under HB 2750, in which the separation is the more specifically spelled out. As we read HB 3850, which would even allow appointment of unpaid enforcement officers, it would seem possible that enforcement officers might remain attached to the several Divisions but be deputized with broad enforcement powers under the Conservation and Enforcement Program. Thus some (or most) of the enforcement officers might retain special competence with respect to the enforcement of the regulations of one Division, although not restricted to enforcing their regulations alone.

In this respect the enforcement provisions of HB 3058 seem superior to those of HB 2750.