

GM 690

Measure Title: Submitting for consideration and confirmation to the Natural Area Reserves System Commission, Gubernatorial Nominee, CARL CHRISTENSEN, for a term to expire 6-30-2017.

Report Title: Natural Area Reserves System Commission

Description:

Companion:

Package:

Current Referral: WTL

Introducer(s):

<u>Sort by Date</u>		Status Text
3/1/2013	S	Received.
3/1/2013	S	Referred to WTL.
3/20/2013	S	The committee(s) on WTL has scheduled a public hearing on 03-28-13 1:15PM in conference room 225.

TESTIMONY
OF
CARL C. CHRISTENSEN
TO THE
SENATE COMMITTEE ON WATER AND LAND
March 28, 2013

G.M. 690

Submitting for consideration and confirmation
to the Natural Area Reserves System Commission,
Gubernatorial Nominee CARL C. CHRISTENSEN,
for a term to expire June 30, 2017

Chair Solomon and members of the Committee, thank you for the opportunity to appear before you today.

I would like to thank Governor Neil Abercrombie for nominating me for this position and for offering me this opportunity to assist our State in the management of some of its most precious public lands as a member of the Natural Area Reserves System Commission. I also want to thank those who have offered testimony in support of my nomination.

I first became acquainted with Hawaii's native plants and animals when I was in high school in 1962 and took a summer job as a curatorial assistant in the mollusk collection at Honolulu's Bishop Museum. On weekends, the curator in charge, Dr. Yoshio Kondo, would take his assistants on field trips into the mountains of Oahu, where we learned about Hawaii's unique native biota, especially the colorful Oahu Tree Snails of the genus *Achatinella*. In those days, *Achatinella* was still relatively common at such places as Mount Tantalus, Niu Valley, and the Waianae Mountains south of Kolekole Pass, all places that I first visited with Dr. Kondo. In the succeeding fifty years I have seen these snails disappear from many of the places they inhabited in the days of my youth. Because of the ongoing loss of many of our native plant and animal species, Hawaii is sometimes called the "Extinction Capitol of the World." To my regret, I can testify to the accuracy of that statement from personal experience.

Following college and service in the U.S. Navy, I undertook graduate studies in zoology and obtained my Ph.D. in 1978, specializing in the study of land snails. I then returned to Bishop Museum as a postdoctoral student and eventually became

Dr. Kondo's successor. I have authored or co-authored more than thirty articles and one book on the land snails of the Hawaiian Islands and elsewhere.

In 1985, I was laid off from my position at Bishop Museum; as employment opportunities in zoology were few, I obtained a law degree and passed the Hawaii bar in 1990. I was employed as a staff attorney with Native Hawaiian Legal Corporation from 1991 to 2001, as senior counsel to the U.S. Senate Committee on Indian Affairs from 2001 to 2004, and as Visiting Assistant Professor of Law at the William S. Richardson School of Law from 2005 to 2011. As a lawyer and law professor I have had extensive experience in the fields of administrative law, public land law, and the rights of Native Hawaiians and other Native Americans. Notwithstanding my legal employment, however, I have maintained my interest in land snails and the natural history of Hawaii and have continued to publish scientific papers in this field.

The NARS Commission oversees management of those public lands that the State of Hawaii has set aside as being particularly valuable for the preservation of our unique natural resources, including unusual geological features as well as native plants and animals. I believe my knowledge of Hawaii's native biota, together with my understanding of public land law and the rights of Native Hawaiians, will enable me to assist the Commission in managing the critically important public lands under its jurisdiction.

Disclosure: I hold a volunteer appointment as a Research Associate in Natural Sciences at Bishop Museum. In that capacity, I collaborate with other researchers in Hawaii and elsewhere in studies of our native land and freshwater snails. Dr. Robert Cowie, Ken Hayes, and Norine Yeung of the University of Hawaii at Manoa are among the individuals with whom I collaborate. They hold a permit from the NARS Commission to conduct research on land snails on lands under the Commission's control. To avoid any conflict of interest, if I become a member of the Commission I would recuse myself from participating in any proceeding regarding their activities or the activities of Bishop Museum personnel. I will not personally be conducting field studies on NARS lands.

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 Senate Committee on
WATER AND LAND**

**Thursday, March 28, 2013
1:15 p.m.
State Capitol, Conference Room 225**

**In consideration of
GOVERNOR'S MESSAGE 690, SUBMITTING FOR CONSIDERATION AND
CONFIRMATION TO THE NATURAL AREA RESERVES SYSTEM COMMISSION,
GUBERNATORIAL NOMINEE, CARL CHRISTENSEN, FOR A TERM TO EXPIRE 6-
30-2017**

The Department of Land and Natural Resources (Department) supports Governor's Message 690 to appoint Dr. Carl Christensen to the Natural Area Reserves System Commission for a term to expire 6-30-2017.

The responsibilities of the Natural Area Reserves System Commission include advising the Board of Land and Natural Resources and the Governor on matters that have to do with protection and enhancement of native ecosystems in as unmodified a condition as possible; to review, consider, and make recommendations for strengthening the Natural Area Reserves System, as well as to review and recommend management plans, policies, and permitted uses within the Natural Area Reserves System.

Dr. Christensen, a resident of O'ahu, is a Zoologist with a long-standing research interest in the non-marine mollusks of Hawaiian and other Pacific islands. This life-long interest began in the early 1960's as a Junior Curatorial Assistant to Dr. Yoshio Kondo in the Malacology Department at Bishop Museum, when it was still possible to go out in the field to observe many species of native land snails. He has been involved with long-standing research from 1981 to the present and has authored or co-authored twenty scientific publications concerning the systematics, ecology, and conservation of this important element in the native biota. He is also trained as a lawyer (Harvard 1990, *cm laude*) and has had more than twenty years of experience as a law professor, litigator, and legislative staff member dealing primarily with issues relating to the rights of Native Hawaiians and other Native Americans. His extensive scientific and legal backgrounds provide a very unique and important perspective for the Commission.

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

ESTHER KIA'AINA
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
KAIHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Per the requirements under Section 195-6, Hawaii Revised Statutes, Dr. Christensen possesses scientific qualifications as evidenced by an undergraduate degree in Zoology, and a Ph.D. in Zoology. As such, the Department supports Governor's Message 690 on the appointment of Dr. Carl C. Christensen to the Natural Area Reserves System Commission and looks forward to working with him in the future.

Dear Chairman Solomon and Members of the Senate Committee on Water and Land:

I am pleased to submit testimony in support of the appointment of Carl C. Christensen for a four-year term on the Natural Area Reserves Commission and to be able to do so with great enthusiasm.

Dr. Christensen's very strong background as a biologist, lawyer, and law teacher make him unusually qualified in terms of background and experience. In addition, however, he possessed an unusual depth of knowledge about and concern for the unique natural setting of Hawai'i and for the cultural, historical, and legal bases for the rights of Native Hawaiians. He is uniquely an environmental law expert who has also concentrated on indigenous rights through his important work in Washington, D.C. as well in Hawai'i.

For nearly a decade, I have known Carl and learned much from him. It is without hesitation that I strongly recommend him for this important appointment. Though I am off-island this week and thus not able to appear to support him in person, please feel free to contact me by phone at: 808-295-3488 or via e-mail at: soifer@hawaii.edu if you have any questions.

Mahalo nui.

Aloha,

Aviam Soifer
Dean and Professor of Law
William S. Richardson School of Law
University of Hawai'i

Piikea Tomczyk

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 23, 2013 11:57 AM
To: WTLTestimony
Cc: artilesc@hawaii.edu
Subject: *Submitted testimony for GM690 on Mar 28, 2013 13:15PM*

GM690

Submitted on: 3/23/2013

Testimony for WTL on Mar 28, 2013 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Artiles	University of Hawaii at Manoa	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Senator Malama Solomon
Committee on Water and Land

I am writing in support of Carl C. Christensen's nomination to membership on the Natural Area Reserves System Commission. Dr. Christensen is a professional colleague I have known for over 30 years. His background and professional training in natural history studies in Hawai'i would in itself make him a strong candidate for an appointment to the NARS Commission. He understands Hawai'i's natural environment, ecology, and evolution as evidenced by his publications in scientific journals. Furthermore, Dr. Christensen is also a practicing environmental attorney with a deep knowledge of the legal process in this area of law from his many years of legal work in Hawai'i. Dr. Christensen's professional training and experience in both the natural history and legal fields in Hawai'i are truly unusual. He unquestionably has the background to serve the interests of the people of Hawai'i to great benefit. The NARS is hugely important for insuring Hawai'i's unique natural heritage as a legacy for future generations, and we need knowledgeable people with appropriate backgrounds to serve in such important stewardship positions. I hope you and the Committee will give Dr. Christensen every consideration for his appointment on the NARS Commission. He is a first rate choice.

Sincerely,

J. Stephen Athens, PhD
International Archaeological Research Institute, Inc.
Honolulu, HI



UNIVERSITY
of HAWAII™
MĀNOA

CENTER FOR CONSERVATION RESEARCH AND TRAINING
PACIFIC BIOSCIENCES RESEARCH CENTER

March 25, 2013

Senate Committee on Water and Land
Hawaii State Capitol
415 Beretania St.
Honolulu, HI 96813

RE: Gubernatorial Nominee, CARL CHRISTENSEN: Hearing GM 690 - Mar. 28, 2013

Dear WTL Committee Members,


We are writing to strongly and unreservedly support Dr. Carl C. Christensen's nomination for membership on the Natural Area Reserves System (NARS) Commission. As scientists working with some of the most threatened fauna in the world we are uniquely qualified to understand the importance of this commission's work and the significance of having the most qualified and motivated individuals serving, which is why we do not submit this support lightly.

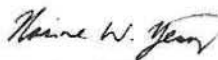
Dr. Christensen's career in ecology, conservation, and environmental law in Hawaii has spanned more than 40 years. His research interests have focused on Hawaii's natural history and conservation of the islands biota, in particular native terrestrial invertebrates, including highly endemic snails. He served as curator of Malacology at the Bishop Museum before pursuing a law degree that he has put to use helping conserve Hawaiian biota. He is a well-respected and active member of the scientific community both in Hawaii and internationally, as evidenced by his consistent and continuous publication record starting in 1975 and continuing to the present. Additionally, he has actively pursued all means at his disposal through the scientific and legal community to insure the preservation of native biota.

His astounding knowledge of Hawaii's natural history coupled with his understanding of environmental law and strong advocacy for preserving and conserving Hawaii's unique yet highly threatened biodiversity makes him an excellent candidate for the NARS commission. His strong record in this regard and his devotion to this endeavor makes him the natural choice for the commission and brings to it the full comprehension of and educational background in Hawaiian legal history and Native Hawaiian rights law that no other candidate can. His unique combination of skills and experience provide the exact perspective needed by the commission to deal with the complex and wide ranging needs and desires of the diverse stakeholders and partnerships involved in Hawaii's conservation community.

It is without reservation and with the desire to see the best decisions made on behalf of Hawaiian biota that we urge you to consider Dr. Christensen's appointment to the NARS commission positively. He will provide an exceptional level of scientific expertise and the strong ethos needed to advise the Board of Land and Natural Resources in protecting Hawaii's incredible flora and fauna.

Sincerely,


Kenneth A. Hayes


Norine W. Yeung

3050 MAILE WAY, GILMORE 408
HONOLULU, HAWAII 96822
TEL: (808) 956-0956
FAX: (808) 956-2647
EMAIL: nyeung@hawaii.edu
khayes@hawaii.edu

Piikea Tomczyk

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 23, 2013 10:56 PM
To: WTLTestimony
Cc: bholland@hawaii.edu
Subject: Submitted testimony for GM690 on Mar 28, 2013 13:15PM

GM690

Submitted on: 3/23/2013

Testimony for WTL on Mar 28, 2013 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
brenden holland	Individual	Support	No

Comments: Carl Christensen is an outstanding choice for this commission, he is quite knowledgeable in various relevant fields including Hawaii natural resource protection and relevant legal aspects. Dr. Chritensen is both a JD and a PhD. You don't see that everyday, therefore he has unique and critical insight to all aspects of NARS management.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Melody Kapilialoha MacKenzie, Esq.
579 Kāne'apu Place ♦ Kailua, Hawai'i 96734
(808) 780-8236 ♦ melodykmackenzie@gmail.com

GM 690

Nomination of Carl C. Christensen to the Natural Area Reserves System Commission

Senate Committee on Water and Land
Senator Malama Solomon, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Hearing on Thursday, March 28, 2013, at 1:15 p.m.

Mahalo for this opportunity to submit testimony in **support** of the nomination of Carl C. Christensen to the Natural Area Reserves System Commission. I am an associate professor at the William S. Richardson School of Law and director of Ka Huli Ao Center for Excellence in Native Hawaiian Law. I submit this testimony in my personal capacity as an attorney who has worked, litigated, and written on Native Hawaiian land and resources issues, and as one who has worked with Carl for many years.

Carl is uniquely qualified to sit on the NARS Commission. In addition to his scientific knowledge and dedication to the environment, Carl is also an expert in laws affecting the environment and historic preservation, as well as the rights of Native Hawaiians. I have known Carl for over twenty years in his capacity as an attorney at the Native Hawaiian Legal Corporation and, more recently, as a colleague and professor at the Law School. Carl taught both our Historic Preservation and Federal Indian Law courses and, even after retiring from full-time teaching, has graciously come back to co-teach Hawaiian Legal History with Prof. Williamson Chang. Carl has also been very active in coaching our award winning Native American Moot Court team.

Carl has a wealth of experience, knowledge, and insight that he will bring to the NARS Commission. His participation from both a legal and scientific perspective will be invaluable and I strongly support his nomination.

Mahalo for the opportunity to present this testimony.

SENATE COMMITTEE ON WATER AND LAND

Senator Malama Solomon, Chair
Senator Maile S.L. Shumabukuro, Vice Chair

Testimony submitted by Allen Allison

Thursday 28 March 2013 1:15 PM

Regarding GM 690

CONSIDERATION AND CONFIRMATION TO THE NATURAL AREA RESERVES
SYSTEM COMMISSION, GUBENATORIAL NOMINEE, CARL CHRISTENSEN,
FOR A TERM TO EXPIRE 6-30-2017.

Senator Malama Solomon, distinguished members of the Hawai'i Senate Committee on Water and Land, my name is Allen Allison. I am a senior scientist at the Bishop Museum and a member of the University of Hawai'i Graduate Faculty, but am providing this testimony as a private individual in favor of Dr. Carl Christensen's appointment to the Natural Area Reserves System (NARS) Commission for a term to expire on 30 June 2017.

I have known Dr. Christensen for more than 30 years. He has the character, temperament, expertise, and intelligence to become a truly outstanding member of the NARS Commission. With professional qualifications in both biology and law, together with considerable legal experience on land issues, and an in-depth knowledge on the plants, animals, and environment of Hawai'i, Dr. Christensen would bring an impressive and highly relevant set of credentials to the Commission.

I know him to be a quick study, as well as an extraordinarily fair and open-minded individual who is comprehensive and thorough in his approach to all issues. He has a strong academic and legal background and has served as an assistant to Hawai'i state legislators, and as a staff attorney assisting Senator Dan Inouye on the Indian Affairs Committee. Through this service he has gained important experience in government and a thorough understanding of the formulation of public policy. He also has an impressive understanding of Native Hawaiian issues, down to a detailed knowledge of the archaeological evidence related to these issues. In addition, he has a comprehensive knowledge of the history and natural history of Hawai'i. I doubt that there are many books on Hawai'i that he has not read. He can remember dates and details like few others.

Dr. Christensen is extremely conscientious and approaches all issues carefully and thoroughly, examining all available evidence and listening to different viewpoints. He is

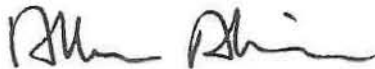
always well prepared. He is also a good and careful listener and is very respectful of others.

I strongly recommend that you give favorable consideration to confirming Dr. Christensen's appointment to the NARS Commission. He would bring an impressive combination of credentials and a strong interest and outstanding record of public service to this important position.

Thank you for the opportunity to present this testimony.

With best regards, I am,

Cordially yours,

A handwritten signature in black ink, appearing to read "Allen Allison". The signature is fluid and cursive, with the first and last names being the most prominent parts.

Allen Allison PhD

TO: Senator Malama Solomon, Chair, and
Senator Maile Shimabukuro, Vice Chair
Senate Committee on Committee on Water & Land and

FROM: Sara L. Collins, Ph.D., Legislative Chair
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

HEARING: Thursday, March 28, 2013 1:15 PM, Room 225

SUBJECT: Testimony in STRONG SUPPORT GM 690, Submitting for consideration and confirmation to the Natural Area Reserves System Commission, Gubernatorial Nominee, CARL CHRISTENSEN, for a term to expire 6-30-2017.

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. We would like to offer testimony in strong support of Dr. Carl Christensen's nomination to the Natural Area Reserves System (NARS) Commission, for a term to expire June 30, 2017.

Dr. Christensen is a longtime member of SHA and the Society has benefitted from both his research and legal perspectives over the years. He has served on several SHA Board of Directors standing committees and his contributions to committee deliberations have always proven invaluable. His points are consistently well-founded, well-argued, and never without good dose of wit.

Apart from his membership in SHA, we believe that Dr. Christensen is exceptionally well qualified to fill a position on this important public commission that oversees the management of Hawai'i's most fragile natural resources. He holds a Ph.D. in Zoology from the University of Arizona and worked as a research zoologist at Bishop Museum (1979 – 1985). Since that time he has continued his research on indigenous land snails of Hawai'i and other Pacific islands, as seen in his continuing record of publication in various professional journals.

Dr. Christensen also earned a J.D. at Harvard Law School in 1990 and since this time he has worked, taught, and published on environmental and historic preservation law. He has also taken a particular interest in native gathering and access rights, an issue that has frequently arises in areas managed by the NARS program. The program is mandated both to perpetuate the very resources that were traditionally gathered by native Hawaiians while also protecting them from unsustainable gathering. He served as Senior Counsel to the U.S. Senate Committee on Indian Affairs (2001-2005) and as Staff Attorney with the Native Hawaiian Legal Corporation (1991-2001). At the William S. Richardson School of Law at the University of Hawai'i at M