

SB 2330

**LATE
TESTIMONY**



KAKO'O O'IWI
EIN: 57-1236490

OFFICE
46-005 Kawa Street, Suite 104
Kane'ohe, Hawaii 96744

PHONE
(808) 235-8111

EMAIL
kakooiwi@gmail.com

WEB
www.kakooiwi.org

BOARD MEMEBERS

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Jerry Kaluhiwa

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Mahealani Cypher

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February 13, 2014

TO: Sen. Malama Solomon, Chair and Members
Committee on Water and Land

FROM: Leialoha "Rocky" Kaluhiwa
Vice President
Kako'o O'iwi

RE: Testimony on S.B. 2330 – Relating to the
Kane'ohe Bay Regional Council

Aloha, Senator Solomon and Members of this Committee:

My name is Leialoha "Rocky" Kaluhiwa, vice president of Kako'o O'iwi. Our organization is dedicated to preserving and perpetuating the Hawaiian culture, with a major focus on restoring 400 acres of lo'i kalo in what was commonly known as the He'eia wetlands.

We are deeply interested in making sure that these lands at He'eia, and Kane'ohe bay itself, are healthy and capable of producing food for our people.

As a kupa'aina resident of He'eia, whose family has lived in this ahupua'a for over 200 years, I am also personally concerned about the health of Kane'ohe bay. Many years ago, I was involved in working with our community to develop the Kane'ohe Bay Master Plan. There were many conflicts among the various users of the bay, and a master plan was needed to address critical issues and plan for future management of these waters. That is why I supported the establishment of this Regional Council then, and why I still support continuing this council today.

Kako'o O'iwi asks that you amend the bill to require the council to hold four quarterly meetings a year, instead of the single annual public hearing; and that you update the purpose of this council to include working with the state to resolve conflicts among public and private users of the bay.

Mahalo for this opportunity to offer our mana'o.



Ko`olau Foundation

P. O. Box 4749
Kane`ohe, HI 96744

February 14, 2014

To: Senator Malama Solomon, Chair
Members
Water & Land Committee, State Senate

From: Mahealani Cypher
Board Member

Re: Kane`ohe Bay Regional Council – S.B. 2330

Aloha Chair Solomon, and Members:

Mahalo for this opportunity to offer our testimony on Senate Bill 2330, which proposes changes to state statutes relating to the Kane`ohe Bay Regional Council.

The Ko`olau Foundation urges you to reinstate the meetings of the Regional Council and to increase those meetings to a total of four quarterly meetings per year. This council is needed to help the State Department of Land and Natural Resources deal with a myriad of conflicts and continuing concerns among the diverse users of Kane`ohe Bay.

When the Council was first established years ago, its main purpose at the time was to come up with a master plan for the management of Kane`ohe Bay. After many, many community meetings, which included all of the major stakeholders, government agencies, etc., they compromised on the language that is contained in the master plan. Unfortunately, the state DLNR has never adopted or implemented the plan. Instead, they complained to the legislature that they didn't have the staff to support this council, which is why its meetings were virtually suspended two years ago.

We never asked for DLNR to send six people to our Council meetings; one person would have sufficed, and he or she could gather the updates from DLNR staff regarding implementation of the plan. Hopefully, the department will now realize that they cannot resolve all of the problems in Kane`ohe bay without a vibrant and active partnership among the stakeholders and community members. This Council offers that opportunity.

We urge you to insert language to increase their meetings to four quarterly meetings a year, and to add the conflict resolution assistance among the duties of this council. Mahalo.



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

February 13, 2014

To: Chair Malama Solomon and Members
Committee on Water and Land

From: Alice P. Hewett, President
Ko`olaupoko Hawaiian Civic Club

Subject: Senate Bill 2330, Relating to the Kane`ohe Bay Regional Council

Aloha Chair Solomon and members of this committee:

The Ko`olaupoko Hawaiian Civic Club strongly supports the continuation of the Kane`ohe Bay Regional Council and the implementation of the Kane`ohe Bay Master Plan.

Our civic club is the second largest of all the Hawaiian civic clubs, and most of our members live and work in the Kane`ohe Bay region. We feel it is our kuleana to serve as guardians of this bay to ensure that this coastal area and waters are healthy and sustainable for generations to come.

We have some concerns and recommended changes in Senate Bill 2330 which we ask you to consider:

In section 2 of this proposed legislation, we ask that you include substitute language for the area which would be deleted by this bill. The new language for S200D-3, sub-section (12), should read, "Hold quarterly public meetings on the status of the implementation of the master plan and to work with the department of land and natural resources to resolve issues raised by public and private users of Kaneohe Bay."

Our club has witnessed first-hand the many conflicts that have arisen among various users of the bay, and the lack of an active regional council – and failure by the DLNR to implement the master plan – has exacerbated these conflicts.

We believe these changes in the law will help re-start the work of the regional council and re-establish the public-private partnership, in stewardship of the bay, that was envisioned when the Kane`ohe Bay Regional Council was first established and when the master plan was approved by our community and the agencies consulted, many years ago.

We stand ready to kokua, help with this work, as we move forward.

Mahalo for allowing us to share our mana`o.

The Ko`olaupoko Hawaiian Civic Club was established in 1937 and is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart".

From: [Bob Twogood](#)
To: [WTLTestimony](#)
Subject: Testimony on SB2330
Date: Friday, February 14, 2014 12:01:38 PM

TO: Sen. Malama Solomon, Chair/&Members
Water and Land Committee

FROM: Bob Twogood
46-094 Ipuka Street
Kaneohe, Hawaii, 96734

Kaneohe Bay Resident and recreational user.

RE: S.B. 2330, Relating to the Kane‘ohe Bay Regional Council

On behalf of myself, my family, and many of my neighbors, I offer my thanks and aloha to Chair Solomon, and to the members of this committee for the time and effort the put into representing our residents.

What happens to and within this Bay matters greatly to all of us who live on or near Kane‘ohe Bay.

Many of us have serious concerns about Senate Bill 2330, and urge your committee to either file this bill or make meaningful and sensible changes which would continue to address the original purpose of the law which created this Regional Council: to protect and preserve Kane‘ohe Bay for generations to come.

We have no argument with the proposed amendment to delete a representative of the Department of Education from the statutes — time and experience have demonstrated that this representation is not needed on the Council.

We do, however, take issue with the changes suggested in Section 200D-2, subsection 2(e), which currently states that the chair of this body should not be a governmental representative. For this advisory council to truly be representative of the people who live on, near, or visit Kane‘ohe Bay, the chairperson should continue to be someone who is a community representative. If the Chair is allowed to be a Government employee, **it will create an obvious conflict of interest. For example if the head of the Dept. of Boating and Ocean Recreation were to be the Chair of this council, he would be providing input to and oversight of himself as administrator and enforcer of the rules governing the Bay.** I has to be clear to anyone who is aware of this potential conflict that this would be unacceptable.

We are also greatly concerned about the suggested deletion of language in S200D-3, subsection 12, which calls for the holding of annual public meetings to discuss the status of the implementation of the Kane‘ohe Bay Master Plan. This plan was put together after years of hard work by many in our community, together with government representatives, to address a wide range of concerns regarding the health and use of this important natural and cultural resource. It is our view that the State is not enforcing some of the rules created by this plan. Because of this, we have seen a growing number of problems in Kane‘ohe bay, including new commercial activities that are presently being allowed. Because the state has been unwilling to allow the Council to hold meetings, these violations are not being brought before the council for recommended action.

So for subsection 12, we would like you to consider inserting the following language:
“(12) Hold quarterly public meetings to receive updates on the status of implementation of the master plan and to work with the Department of Land and Natural Resources to resolve concerns or problems raised by public and private users of Kane‘ohe Bay.”

As for Section 3 of S.B. 2330, we feel it is appropriate for the existing Kane‘ohe Bay Regional Council to hold meetings to review and evaluate the provisions of this law, and to ascertain what changes, if any, may still be needed. Those individuals who feel that holding four meetings a year would take too much time should decline any invitation to serve as a member of the advisory council.

We appreciate your consideration of these requests and urge you to include our suggested changes in this proposed legislation.

Mahalo.

Bob Twogood
46-094 Ipuka Street
Kaneohe, Hawaii 96744
Home phone: 808-235-3449
Office phone: 808-262-5656
Cell phone: 808-375-1030

Page 2 of 2

Aloha,

Bob Twogood
President

Twogood kayaks Hawaii, Inc.

134 B Hamakua Drive
Kailua, Hawaii 96734

Ph. 808-262-5656

fx. 808-261-3111

email: bob@twogoodkayaks.com

www.twogoodkayaks.com

February 13, 2014

TESTIMONY RE: S.B. 2330
RELATING TO KANEOHE BAY REGIONAL COUNCIL

Aloha, Senator Solomon and Members of the Water and Land Committee:

My name is Jerry Kaluhiwa. My family and I have lived in Kaneohe Bay for many generations. We are life-long fishermen who know just about everything about this bay. I should also mention that I am a member of the Kaneohe Bay regional council, representing Kahaluu Neighborhood Board.

Over my lifetime, I have seen this bay change – and not for the better. I have seen the small islands in the bay overrun by recreational boaters who take their animals onto Kapapa Island and disturb the nesting birds there.

I have seen hundreds of boats come into the bay for partying at Ahu o Laka, leaving `opala and sometimes creating unsafe conditions. I have seen people walking on the reef at night, collecting tropical fish and corals for sale to foreign companies for big money.

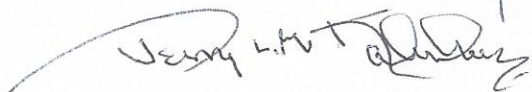
The native limu – manuwa – has been swallowed up by invasive species accidentally released into the bay.

And I have seen the numbers of island fish decline.

There are a lot of problems here, and I think that this Kaneohe Bay Regional Council can help the state resolve those problems.

I ask you to restore the council's meetings, but increase them to four meetings a year and make sure that the DLNR and other state officials use enforcement rules now to implement the master plan that our community agreed on so many years ago. That master plan was a compromise among all the different users of the bay – the fishermen, the boaters, the commercial tour companies, the scientists and the community. It took a lot of give-and-take, but it would really be a good model, if the state would take the time to make this plan work.

Mahalo for allowing me to testify.

A handwritten signature in black ink, appearing to read "Jerry Kaluhiwa". The signature is written in a cursive style with a long horizontal stroke extending to the left.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: jgoody@hawaii.rr.com
Subject: Submitted testimony for SB2330 on Feb 14, 2014 13:15PM
Date: Friday, February 14, 2014 10:48:15 AM

SB2330

Submitted on: 2/14/2014

Testimony for WTL on Feb 14, 2014 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
John Goody	Individual	Comments Only	No

Comments: My name is John Goody; I was the chairman of the Kaneohe Bay Task Force that established the original plan for managing user conflicts and environmental damage to the bay. The Regional Council has drifted far from its original intent of ensuring continued progress in addressing the issues of concern. Four (4) annual meetings are needed, and there is an urgent and continuing need for a dialog between the community and DLNR about issues in the Bay. This should be a primary purpose of the council, as it was in its original form; this dialog was very helpful then and it is badly needed today. Thanks for considering these comments. Respectfully, John B. Goody

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.

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