

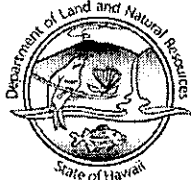
SB 3003, SD1

RELATING TO LAND

Establishes the County of Niihau under the jurisdiction of DLNR. (SD1)

PSM/WTL/WAM

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
WILLIAM AILA, JR
Chairperson

Before the Senate Committees on
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
and
WATER AND LAND
and
WAYS AND MEANS

Friday, February 14, 2014
9:45 am
State Capitol, Conference Room 211

In consideration of
SENATE BILL 3003, SENATE DRAFT 1
RELATING TO LAND

Senate Bill 3003, Senate Draft 1 proposes to create a separate County of Niihau which would include Niihau, Lehua and Kaula, to be managed by the Department of Land and Natural Resources (Department). This measure also proposes that the ability to tax real property on Niihau remain within the jurisdiction of County of Kauai, and the officer of the county will be the sheriff, who will be a resident of Niihau and whose salary will be paid by the Department. **The Department has concerns about this measure and offers the following comments.**

In recent months, the issue of natural resources management relating to Niihau has been of concern to the Legislature as well as the Department. As a result, several legislation have been introduced and the Department continues to develop rules itself regarding natural resources management for Niihau.

Given these developments, the Department believes that establishing Niihau as a separate county legislatively should not be undertaken at this time until the matter is initially and further discussed with the County of the Kauai, the Department, and the people of Niihau. This is a serious proposal that needs adequate consultation among relevant governmental agencies and stakeholders.

Testimony of the
County of Kaua'i
Bernard P. Carvalho, Jr., Mayor
4444 Rice Street, Suite 235
Līhu'e, Hawai'i 96766
Tel: (808) 241-4900; Fax (808) 241-6877

Re: SB 3003 SD1 Relating to Land
Before a joint hearing of the Senate Committees on:
Public Safety, Intergovernmental and Military Affairs
Water and Land
Ways and Means

February 11, 2014

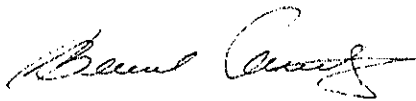
Aloha, and mahalo for considering my testimony in **strong opposition** to SB 3003 SD1.

As the Mayor of Kaua'i and Ni'ihau, I was surprised and extremely concerned to learn about the introduction of this measure to create a County of Ni'ihau under the jurisdiction of the Department of Land and Natural Resources.

Ni'ihau is a very special place, and we all wish to preserve the rich cultural history of the island and protect the best interests of its people. There has been much discussion in recent months about management of the natural resources both on Ni'ihau and in the surrounding waters. These issues involve the interests of many stakeholders and are worthy of a full and frank discussion among all.

To circumvent that discussion via a measure like this is counter to the spirit of 'ohana and stewardship that we all embrace when it comes to matters involving Kaua'i and Ni'ihau. I respectfully request that you defer any action relating to Ni'ihau until those discussions can take place and decisions can be made that are in the best interest of all concerned.

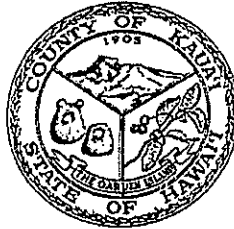
Mahalo nui loa,



Bernard P. Carvalho, Jr.
Mayor, County of Kaua'i

COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 12, 2014

**TESTIMONY OF GARY L. HOOSER
COUNCILMEMBER, KAUAI COUNTY COUNCIL**

ON

SB 3003, SD1, RELATING TO LAND

Committee on Public Safety, Intergovernmental and Military Affairs

Committee on Water and Land

Committee on Ways and Means

Friday, February 14, 2014

9:45 a.m., Conference Room 211

Dear Chair Espero, Chair Solomon, Chair Ige, and Committee Members:

Thank you for this opportunity to submit testimony in opposition of SB 3003, SD 1, relating to the establishment of the County of Ni'ihau. My testimony is submitted in my individual capacity as Councilmember of the Kaua'i County Council.

SB 3003, SD1, will impact the County of Kaua'i and the State tremendously, as it proposes to establish a whole new County. What is concerning is that this proposed concept was not thoroughly vetted with the public, and there are many important questions that need to be addressed before a decision is made. Details regarding the mechanics of establishing a new county, the process of managing a county through the Department of Land and Natural Resources, and the impact it will have on the state are some of the many issues that need to be thoroughly examined.

For the reasons stated above, I encourage this joint Committee to defer this measures until a thorough analysis has been completed. Again, thank you for this opportunity to submit testimony.

Sincerely,

GARY L. HOOSER
Councilmember, Kaua'i County Council

AB:mn

COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
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Lihue, Kaua'i, Hawai'i 96766

February 13, 2014

**TESTIMONY OF MEL RAPOZO
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

SB 3003, SD1, RELATING TO LAND

Committee on Public Safety, Intergovernmental and Military Affairs

Committee on Water and Land

Committee on Ways and Means

Friday, February 14, 2014

9:45 a.m., Conference Room 211

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Sincerely,

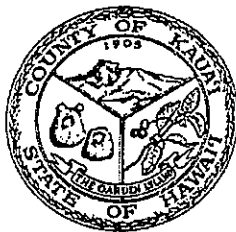
MEL RAPOZO

Councilmember, Kaua'i County Council

AB:mn

COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
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Lihu'e, Kaua'i, Hawai'i 96766

February 12, 2014

**TESTIMONY OF ROSS KAGAWA
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

SB 3003, SD1, RELATING TO LAND
Committee on Public Safety, Intergovernmental and Military Affairs
Committee on Water and Land
Committee on Ways and Means
Friday, February 14, 2014
9:45 a.m., Conference Room 211

Dear Chair Espero, Chair Solomon, Chair Ige, and Committee Members:

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For the reasons stated above, I encourage this joint Committee to defer this measures until a thorough analysis has been completed. Again, thank you for this opportunity to submit testimony.

Sincerely,

ROSS KAGAWA
Councilmember, Kaua'i County Council

AB:mn

SB3003

Submitted on: 2/12/2014

Testimony for PSM/WTL/WAM on Feb 14, 2014 09:45AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Ho`okipa Network - Kauai	Oppose	No

Comments: What? No opportunity for our Ni`ihau people to weigh in on something that will heavily impact their lives? What's the rush? All these Ni`ihau bills being rushed through are all hewa! The instigators of these grave issues will be held accountable for any harm or injury to the people of Ni`ihau and their families on Kaua`i. Since time immemorial, Kauai and Ni`ihau are connected. They have the same umbilical cord connected to their pikos. Stop this bill and kill it! Mahalo a nui, Puanani Rogers, Director Ho`okipa Network - Kauai

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 11, 2014 11:41 AM
To: PSMTestimony
Cc: MauiBrad@hotmail.com
Subject: *Submitted testimony for SB3003 on Feb 14, 2014 09:45AM*

SB3003

Submitted on: 2/11/2014

Testimony for PSM/WTL/WAM on Feb 14, 2014 09:45AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Oppose	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.

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SB3003

Submitted on: 2/12/2014

Testimony for PSM/WTL/WAM on Feb 14, 2014 09:45AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas F. Hirao	Individual	Oppose	No

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 13, 2014 8:16 AM
To: PSMTestimony
Cc: captmelwills@msn.com
Subject: Submitted testimony for SB3003 on Feb 14, 2014 09:45AM

SB3003

Submitted on: 2/13/2014

Testimony for PSM/WTL/WAM on Feb 14, 2014 09:45AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Mel Wills III	Ocean User's	Oppose	No

Comments: The Konohiki cannot also be a military contractor. The Robinson's have over 15 million in received military contracts. They are hiding under conservation to exploit Niihau. It is a military operation now , look at the contracts. If they are concerned about about how much fish they have , why did they allow another problem seal to be relocated last year , it will eat more then all there people need every day? Need more facts. Speak to the people of Kauai first .

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From: Mel Wills III <captmelwills@msn.com>
Sent: Wednesday, February 12, 2014 9:20 PM
To: PSMTestimony
Subject: FW: Testimony OPPOSING SB 3003 SD1
Attachments: Copy of USNavy_Niihau_ranch_federal_contracts_1995-2013.xls;
Niihau_Ranch_federal_contracts_95-13.pdf

Aloha , I am opposed to SB 3003 SD1 . Attached you will find Contracts from the military which are aprox 15 million dollars which are payable to Niihau Ranch. The Robinson's need to become a Private Entity to receive future contracts to conduct Drone testing on Niihau. They will become this if you allow them to become there own county. As they stand now they cannot receive these contracts. The Robinsons continue to hide under the name of conservation to exploit the island with military use. If you pass this bill you should also change the name to Niihau Military Base since after you review the attached documents it is. All the bills to restrict use or create exclusion zones are for this same purpose. Since when is a Konohiki a military contractor.

MEL WILLS III
Holoholo Charters
4353 Waialo Rd./ PO Box 50940
Ele'ele , Kauai HI. 96705

808 635 5795

From: captmelwills@msn.com
To: agrtestimony@capitol.hawaii.gov
Subject: FW: Testimony OPPOSING HB2357
Date: Mon, 10 Feb 2014 15:31:42 -1000

MEL WILLS III
Holoholo Charters
4353 Waialo Rd./ PO Box 50940
Ele'ele , Kauai HI. 96705

808 635 5795

From: captmelwills@msn.com
To: agrtestimony@capital.hawaii.gov
Subject: Testimony OPPOSING HB2357
Date: Mon, 10 Feb 2014 15:21:32 -1000

To The Legislation

Regarding HB 2357 Opposing

Attached you will find contracts that Niihau Ranch has had with the Military on Niihau . I do not think that the intent of the Aha Moku Advisory Committee or the knowledge of a Konohiki should be trusted when they also are engaged in Military contracts that total north of 13 million. If the Aha Moku representative is Keith Robinson on Niihau, then his fishery management practices will be influenced to allow him to do the following. He will hide under Conservation to advice a two mile restricted zone is in the name of Fishery management. When his intent is to have a two mile restriction zone so he can receive a contract for a Missile launch facility. He also needs this zone to receive contracts for Striker ops and Drone ops . He will use the legislation for his own personal gain and the continued exploitation of Niihau. He wants to call his military base a protection zone. I agree with the intent of the Aha Moku Committee , although your committee members are not what you need them to truly be.

Respectfully

MEL WILLS III
Holoholo Charters
4353 Waialo Rd./ PO Box 50940
Ele'ele , Kauai HI. 96705

808 635 5795

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 13, 2014 10:52 PM
To: PSMTestimony
Cc: kaheakeoki@gmail.com
Subject: Submitted testimony for SB3003 on Feb 14, 2014 09:45AM

SB3003

Submitted on: 2/13/2014

Testimony for PSM/WTL/WAM on Feb 14, 2014 09:45AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Keoki Faria	Individual	Support	No

Comments: Aloha mai, I am in support of SB3003 and request that the bill empower Niihau's autonomy as an independent County. Me ka mahalo, Keoki

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 13, 2014 10:53 PM
To: PSMTestimony
Cc: kaheaf@gmail.com
Subject: Submitted testimony for SB3003 on Feb 14, 2014 09:45AM

SB3003

Submitted on: 2/13/2014

Testimony for PSM/WTL/WAM on Feb 14, 2014 09:45AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kahea	Individual	Support	No

Comments: Aloha mai kakou, Mahalo for this opportunity to provide testimony. I am in support of the intent of this bill, and would like to make the following request: 1) Strike 171-A, Item b and c; replace department of land and natural resources with County of Niihau; 2) Section 3 - delete "Niihau shall be deemed to be included in the county of Kauai" and rather add Niihau along with Hawaii, Maui, and Kauai. 3) Section 13 - delete this section as this is a prohibited substance I am humbly requesting that Niihau's traditions and cultural practices be respected (i.e., the konohiki system in place on Niihau) without any changes that would jeopardize that system - Falling under the umbrella of DLNR would be problematic in keeping with the Niihau traditions and cultural practices. Rather, a suggestion would be that Niihau be allowed to negotiate a partnership with DLNR as Niihau deems appropriate. The intention of my testimony is simply to request that the bill empower Niihau's autonomy as an independent County. I truly thank you so very much for your efforts in this enormous undertaking. Me ka haahaa no, kahea faria

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