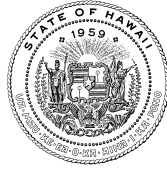


HB 2200

DAVID Y. IGE
GOVERNOR



WESLEY K. MACHIDA
DIRECTOR

RODERICK K. BECKER
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND WATER, LAND
AND AGRICULTURE
ON
HOUSE BILL NO. 2200, H.D. 2

March 18, 2016
1:15 p.m.

RELATING TO NATIVE HAWAIIAN RESOURCES

House Bill No. 2200, H.D. 2, authorizes the Chairperson of the Board of Land and Natural Resources to transfer funds of an unspecified amount from the department's land trust accounts to the Kahoolawe Rehabilitation Trust Fund.

The Department of Budget and Finance would like to point out that the land trust accounts are general revenue receipts, so the proposed transfers to the Kahoolawe Rehabilitation Trust Fund would have a general fund impact.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
HAWAIIAN AFFAIRS
and
WATER, LAND, AND AGRICULTURE**

**Friday, March 18, 2016
1:15 PM
State Capitol, Conference Room 016**

**In consideration of
HOUSE BILL 2200, HOUSE DRAFT 2
RELATING TO NATIVE HAWAIIAN RESOURCES**

House Bill 2200, House Draft 2 proposes to authorize the Chairperson of the Board of Land and Natural Resources to transfer public land trust funds to the Kahoolawe Rehabilitation Trust Fund. The measure also proposes to authorize the Office of Hawaiian Affairs (OHA) to expend public land trust funds for purposes consistent with those of the Kahoolawe Rehabilitation Trust Fund. **The Department of Land and Natural Resources (Department) cannot support this bill and offers the following comments and explanation.**

Pursuant to Act 178, Session Laws of Hawaii 2006, the annual payment to OHA from the use and disposition of ceded lands is currently fixed at \$15.1 million per year. However, recent legislative measures have proposed to increase the ceded land payment amount to OHA from the fixed annual \$15.1 million to 20% of gross receipts from the use or disposition of ceded lands by all state departments or agencies. This does not take into account that some receipts are prohibited by law from being transferred to OHA, such as those received by the Airports Division of the Department of Transportation, or are otherwise used to fulfill one of the other trust purposes under Section 5(f) of The Admission Act. If these divisions and agencies were to be assessed 20% of their gross receipts, the result would be \$15.2 million dollars that the state would have to come up with and pay to OHA in addition to the 20% that would be paid to OHA by the other state departments. In other words, there would be "shortage" of about \$15.2 million after all the other agencies pay over to OHA 20% of their public land trust proceeds.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

Considering the significant fiscal implications if such a measure would become law, the Department cannot support additional designations for the use of public land trust revenues at this time, but instead would respectfully suggest an alternative source of funding such as an annual general fund appropriation to the Kahoolawe Rehabilitation Trust Fund.

Additionally, the measure would set a dubious precedent, allowing for sizable expenditures outside of a request through the Executive Budget. This would result in bypassing the customary oversight and prioritization authority delegated to the Department of Budget and Finance, as well as the legislative budget committees. Furthermore, this exemption would only apply to a single administrative organ of the Department, the Kahoolawe Island Reserve Commission, while other Department divisions, as well as other state agencies, would still be subject to the standard budget requests.

Thank you for your consideration of this testimony.

Summary of Receipts from Lands Described in Section 5(f) of the Admissions Act by Department
For Fiscal Year 2014-2015
 Act 178, Session Laws of Hawaii 2006

Agency	Amount Retained by the State	Amount Transferred to OHA	Gross Receipt	Note	Reference
Accounting and General Services (DAGS)					
Automotive Management and Parking Control	\$103,577.00	\$20,716.00	\$124,293.00		Attachment 3
Agriculture (DOA)					
Agricultural Resources Management (ARM)	\$946,393.03	\$236,598.26	\$1,182,991.29		Attachment 4
Agribusiness Development Corporation (ADC)	\$789,131.67	\$197,282.92	\$986,414.59		Attachment 5
Business, Economic Development, and Tourism (DBEDT)					
Foreign Trade Zone (FTZ)	\$35,230.08	\$8,807.52	\$44,037.60		Attachment 6
Hawaii Community Development Authority (HCDA)	\$757,716.99	\$189,429.25	\$947,146.24		Attachment 7
Hawaii Housing Finance and Development (HHFDC)	\$3,459,981.14	\$40,411.85	\$5,752,970.99		Attachment 8
Natural Energy Laboratory of Hawaii (NELHA)	\$1,371,920.82	\$342,980.10	\$1,714,901.13		Attachment 9
Defense (DOD)	\$4,877.60	\$1,219.40	\$6,097.00		Attachment 10
Education (DOE)	\$2,189,929.00	\$112,921.00	\$2,302,228.00		Attachment 11
Hawaiian Home Lands (DHHL)				No Report	
Health (DOH)					
Hawaii Health Systems Corporation (HHSC)	\$1,311,326.00	\$0.00	\$1,639,157.00		Attachment 12
Human Services (DHS)					
Hawaii Public Housing Authority (HPHA)	\$3,066,987.37	\$0.00	\$3,066,987.37		Attachment 13
Office of Youth Services (OYS)				No Report	
Land and Natural Resources (DLNR)					
Boating and Ocean Recreation (DOBOR)	\$5,845,318.64	\$1,372,028.91	\$7,217,347.55		Attachment 14
Forestry and Wildlife (DOFAW)	\$211,064.58	\$29,240.25	\$240,304.83		Attachment 15
Land Division (LD)	\$8,882,354.56	\$2,233,732.64	\$11,116,087.20		Attachment 15
State Parks (SP)	\$3,005,748.52	\$749,162.82	\$3,754,911.34		Attachment 15
Transportation (DOT)					
Airports Division (DOTA)	\$71,275,380.00	\$0.00	\$71,275,380.00		Attachment 18
Harbors Division	\$50,735,634.56	\$12,683,923.58	\$63,419,558.14		Attachment 19
Highways	\$36,000.00	\$0.00	\$36,000.00		Attachment 20
University of Hawaii (UH)	\$2,573,157.92	\$643,289.48	\$3,216,447.40		Attachment 21
Totals	\$156,601,729.48	\$18,861,743.98	\$178,043,260.67		



KŪKULU KE EA A KANALO A

KAHO`OLAWE ISLAND RESERVE COMMISSION

811 Kolu Street, Suite 201, Wailuku, HI 96793
Telephone (808) 243-5020 Fax (808) 243-5885
Website: <http://kahoolawe.hawaii.gov>

COMMISSION MEMBERS

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Chairperson
AMBER NĀMAKA WHITEHEAD
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JOSHUA KAAKUA, Ed.D
CARMEN HULU LINDSEY

Michael K. Nāho`opi`i
Executive Director

**Testimony of
MICHAEL K. NAHO`OPTI
Executive Director**

Before the Senate Committee on

**HAWAIIAN AFFAIRS
And
WATER, LAND & AGRICULTURE**

**Friday, March 18, 2016
1:15 PM
State Capitol, Conference Room 016**

**In consideration of
HOUSE BILL 2200 HD2
RELATING TO NATIVE HAWAIIAN RESOURCES**

House Bill 2200 HD 2 authorizes the chairperson of the board of land and natural resources to transfer funds from the department of land and natural resources' public land trust accounts to the Kaho`olawe rehabilitation trust fund and authorizes the office of Hawaiian affairs to expend a portion of its public land trust revenues for purposes consistent with those of the Kaho`olawe rehabilitation trust fund. The Kaho`olawe Island Reserve Commission (KIRC) strongly supports this measure.

The Kaho`olawe rehabilitation trust fund (trust fund) was the primary source of funding for the KIRC to carry out its stated purposes in Hawaii Revised Statute Chapter 6K, the control and management of the Kaho`olawe Island Reserve. In the twenty-two years of the KIRC's existence, the KIRC has used the trust fund to protect and restore the natural and cultural resources of the Kaho`olawe Island Reserve from the ravages of its past environmental damage and years of neglect. Over the years, the KIRC has been able to implement innovative restoration projects, plant over 400,000 native plants and safely escort over 11,000 volunteers to Kaho`olawe through the use of the trust fund.

The initial investment into the trust fund were a series of federal appropriation, last made in 2004 that provided a considerable fund to begin the long task of restoring this natural and cultural treasure. In an 1994 agreement, signed between the United States Navy and the State of Hawaii, the Navy was responsible for the removal of unexploded ordnance from Kaho`olawe, while the State accepted the task to restore the damaged environment of Kaho`olawe caused by centuries of uncontrolled ranching and goat populations. Even though the initial funding was significant, it

was not enough to permanently fund the entire restoration effort. The Navy did not completed the unexploded ordnance clearance to the level agreed upon.

Additionally, the Kaho`olawe Island Reserve is held in trust by the State provided that the State shall transfer management and control of the island and its waters to the sovereign native Hawaiian entity upon its recognition by the United States and the State of Hawaii.

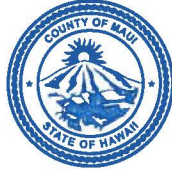
Since 2009, the KIRC has projected that without any further investments into the trust fund, the trust fund will be depleted by 2015. Since 2009, the KIRC has worked with the legislature and administration to identify a viable source of revenue that could sustain the continued restoration of Kaho`olawe. Past proposal include a Molokini user fees, outdoor recreation fees, portions of the conveyance tax and general fund appropriations. In 2015, a general fund appropriation authorized in Act 84 ensured the continuing function of the KIRC for fiscal year 2016 and 2017.

This measure further explores a possible future funding source that could sustain the continued restoration of a damaged and previously neglected island, protects the unique cultural and natural resources of Kaho`olawe and prepares the island for its future intended uses.

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

SUPPORT FOR HB2200, HD2

Please accept this testimony in support of House Bill 2200, HD2, which authorizes the Chair of the Board of Land and Natural Resources to transfer funds from the Department of Land and Natural Resources' public land trust accounts for the Kaho`olawe Island Reserve.

As the Chair and Maui County representative for the Kaho`olawe Island Reserve Commission (KIRC), I can attest to the urgency and importance of providing this secure source of funding.

When the State accepted the return of Kaho`olawe from the United States, it clearly accepted the responsibility to preserve and manage the Reserve while holding it as part of the public land trust until the island and its waters are transferred to the native Hawaiian sovereign entity. The terms of this acceptance were also stated in the federally-mandated Kaho`olawe Island Conveyance Commission final report to Congress in 1993: "in the short term, federal funds will provide the bulk of the program support for specific soil conservation projects and related activities. **In the longer term, however, state revenues will be needed to continue and enhance those activities initiated with federal funds**" (emphasis added). This funding responsibility, therefore, belongs to the State.

KIRC's Restoration, Ocean Resources and Cultural programs have made great strides in restoring and protecting Kaho`olawe's native ecosystems and cultural resources, which benefit all of Hawai'i's people. These activities are consistent with the authorized uses of public land trust revenues, and warrant secure state support for them to continue. HB2200, HD2, as originally proposed with an annual cap of \$3 million, would provide this funding support. Its passage will fulfill the State's commitment to restore and protect the Reserve.

Mahalo for your consideration and support,

A handwritten signature in blue ink, appearing to read "Michele McLean".

MICHELE MCLEAN
Deputy Planning Director, County of Maui
Chair, Kaho`olawe Island Reserve Commission



HB2200 HD2
RELATING TO NATIVE HAWAIIAN RESOURCES

Senate Committee on Hawaiian Affairs
Senate Committee on Water, Land, and Agriculture

March 18, 2016

1:15 p.m.

Room 016

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB2200 HD2. This measure, while well intended, goes against the intent of the people of Hawai‘i in 1978 to make the Trustees of the Office of Hawaiian Affairs, not the Legislature, constitutionally responsible for deciding how best to spend the pro rata share of the public land trust intended for the betterment of native Hawaiians.

Commendably, this bill seeks to facilitate the continuing preservation, restoration, and appropriate use of the Kaho‘olawe Island Reserve.

Kaho‘olawe, a kinolau of Kanaloa, remains a piko of Hawaiian culture, yet still retains visible scars from decades of previous mismanagement. Kaho‘olawe was critical to the Hawaiian cultural renaissance and continues to serve as an integral educational center for traditional navigation, hula, natural resource management and other cultural traditions and disciplines. In this light, OHA has in its discretion provided funding over the years to the Protect Kaho‘olawe ‘Ohana, including a current \$129,000 grant to facilitate cultural practitioner trips to the island to conduct Makahiki ceremonies, document kupuna fishing knowledge, and host workdays for environmental restoration projects. In addition, OHA assisted the Kaho‘olawe Island Reserve Commission (KIRC) with navigating the congressional appropriation request process last year, and we are still waiting for KIRC’s response to our April 8, 2015 request for additional information to support KIRC’s initial budget request to OHA.

Unfortunately, the funding mechanism in Section 2 of the bill would undermine the 1978 amendments to the State Constitution that created OHA. Section 2 of HB2200 HD2 authorizes the BLNR chair to transfer to the Kaho‘olawe Rehabilitation Trust Fund up to \$3 million annually from DLNR’s “public land trust accounts set aside . . . for the betterment of native Hawaiians.” However, public land trust moneys are ceded lands receipts, and in Opinion No. 03-04 of 2003, Hawai‘i’s Attorney General stated explicitly that the State Constitution makes the elected Trustees of OHA, not the Legislature, responsible for determining how the native Hawaiians’ portion of ceded lands receipts are spent to further the purpose of section 5(f) of the Admissions Act. Section 5(f) is the section of the Admission Act that establishes the betterment of the conditions of native Hawaiians as one of the five purposes of the public land trust.

The attorney general was adamant on this point, saying:

The plain language of article XII, section 6 [of the State Constitution] demonstrates an intent that OHA have exclusive authority to decide how much of, when, and in what specific way, the native Hawaiians' share of the ceded lands receipts is to be used to better the conditions of native Hawaiians.

Reinforcing this point, the attorney general commented that the Legislature's role is limited to quantifying native Hawaiians' share.

Section 2 of HB2200 HD2, then, directly challenges the constitutional authority of the OHA Trustees, acting as fiduciaries for native Hawaiians, to determine how public land trust funds allocated for native Hawaiians will be spent.

Furthermore, Section 4 of HB2200 HD2, which "authorizes" OHA to spend trust moneys for Kaho'olawe — an authority that OHA already holds— attempts to elevate the needs of Kaho'olawe, which after all are of concern not only to Hawaiians but also the general public, to a higher status than the plethora of other Hawaiian needs that compete for OHA's public land trust funds, including housing, education, health, income, and the protection and preservation of 'āina and cultural practices across Ka Pae 'Āina Hawai'i. Yet constitutionally only the OHA Trustees can determine the spending priorities.

In light of the above, we ask that your Committees hold this bill.

Mahalo for the opportunity to testify.

MARINE AND COASTAL ZONE ADVOCACY COUNCIL KE KAHU O NA KUMU WAI

[COMMITTEE ON HAWAIIAN AFFAIRS](#)

Senator Maile S.L. Shimabukuro, Chair

Senator J. Kalani English, Vice Chair

[COMMITTEE ON WATER, LAND, AND AGRICULTURE](#)

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

DATE: Friday, March 18, 2016

TIME: 1:15 p.m.

PLACE: Conference Room 016

TESTIMONY OF JAMES E. COON SPEAKING IN SUPPORT OF HB 2200

Aloha Chairs Shimabukuro, Gabbard, Vice Chairs English, Nishihara, Members of the Committees on Hawaiian Affairs and Water, Land, and Agriculture:

My name is James Coon. I have served as a Council Member of Ke Kahu O Na Kumu Wai (Marine and Coastal Zone Advocacy Council) since its inception in 2001.

I speak in Support of HB 2200

Kaho'olawe is not just one of the main islands in Hawaii, but it plays a vital role in protecting and preserving the Hawaiian culture and heritage. Continued funding is absolutely essential to continue the massive effort that has already been expended on this special island. This is also supported in the Ocean Resources Management Plan (ORMP) where I serve on the working group.

I humbly ask you to pass HB 2200 so that these important objectives for Kaho'olawe are met.

Sincerely,

James E. Coon, Member Ke Kahu O Na Kumu Wai (MACZAC)

Ocean Resources Management Plan Working Group



BEFORE THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND WATER, LAND, AND AGRICULTURE

March 18, 2016, 1:15 p.m.

House Bill No. 2200 HD2
Relating to Native Hawaiian Resources

Aloha Chairs Shimabukuro and Gabbard, Vice Chairs English and Nishihara and Members of the Committee:

The Ka Lahui Hawai‘i Political Action Committee (KPAC) affirms and defends our Hawaiian peoples’ right to over 1.8 million acres of our national lands.

KPAC submits the following testimony in opposition to HB 2200 HD2. This bill would authorize the BLNR Chairperson to transfer public land trust funds to the Kahoolawe Rehabilitation Trust Fund and authorizes OHA to expend public land trust funds for purposes consistent with those of the Kahoolawe Rehabilitation Trust Fund. The proposal to utilize public land trust funds for the US military’s failure to clean up Kahoolawe directly contradicts its intended purpose as detailed below and could also potentially be determined to be a breach of trust.

By way of background, Professor Williamson Chang of the UH Law School has detailed his analysis that the Joint Resolution was incapable of acquiring Hawaii at http://blog.hawaii.edu/aplpj/files/2015/09/APLPJ_16_2_Chang.pdf. Despite this analysis, the former Crown and government lands of the Kingdom of Hawaii were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawaii to be held as a public trust for 5 purposes including the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920. The Admissions Act further states that any other object besides the 5 purposes shall constitute a breach of trust for which suit may be brought by the United States. The Article XII Constitutional provisions further establish that the lands are held as a public trust for native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920 and should be used solely for that purpose.

Respectfully Submitted,

A handwritten signature in black ink that reads "M. Healani Sonoda-Pale".

Healani Sonoda-Pale
KPAC Chair

Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
Tel/Fax (808) 247-7942
Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS and
SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE
For hearing Friday, March 18, 2016

Re: HB2200, HD2 RELATING TO NATIVE HAWAIIAN RESOURCES.
Authorizes the BLNR Chairperson to transfer public land trust funds to the Kaho‘olawe Rehabilitation Trust Fund.
Authorizes the Office of Hawaiian Affairs to expend public land trust funds for purposes consistent with those of the Kaho‘olawe Rehabilitation Trust Fund.

TESTIMONY IN OPPOSITION

The concept of this bill is misguided, for reasons that will be explained below. But if the legislature unwisely chooses to enact the concept, please delete the leading sentence/paragraph because it is factually false.

Here are the four main points to be explained below.

1. The first sentence/paragraph of HB2200 is factually false and should be deleted.
2. 20% of ceded land revenue is already being given to OHA for the betterment of Native Hawaiians; therefore the other 80% should not be additionally diverted to that purpose.
3. Kaho'olawe is already set aside by law to become property of the Hawaiian tribe as soon as that tribe has received state and federal recognition, which is now underway. Therefore no state government money should be given to rehabilitate land which is already in the process of being given away to another "nation."
4. Let OHA give whatever funding is necessary to rehabilitate Kaho'olawe. OHA has \$620 Million in assets including \$350 Million in its investment portfolio. OHA can afford to pay for Kaho'olawe; the State cannot afford it.

1. The first sentence/paragraph of HB2200 is false and should be deleted.

There was never a federal law that mandated 20% of ceded land revenue to be used for the betterment of the conditions of native Hawaiians. In 1898 Article 2 of the Treaty of Annexation said ceded

land revenues "shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes." -- there was no mention of betterment of Native Hawaiians.

Section 5(f) of the Statehood Act of 1959 identified 5 purposes for ceded land revenues, with all or part of the money to be used for any one or more of the five purposes. One of those purposes was "betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920)" The purpose of that provision was obviously to ensure that some of the ceded land money COULD be (but was not required to be) used to support the implementation of the Hawaiian Homes Commission Act of 1920.

2. 20% of ceded land revenue is already being given to OHA for the betterment of Native Hawaiians; therefore the other 80% should not be additionally diverted to that purpose.

By setting aside 20% of ceded land revenue for OHA, the clear intention was that the other 80% of ceded land revenue should go to the general fund for the benefit of all the citizens of Hawaii (indeed, Native Hawaiians should be excluded from any of the benefits flowing from that 80%, since they already got their own 20% first).

However, if this bill HB2200 is enacted, then additional money from the ceded land revenue would be transferred to the Kaho'olawe Island Reserve Commission, where it would be used exclusively for the benefit of Native Hawaiians (explanation below), thereby depriving the other 80% of Hawaii's people of money that is rightfully theirs. Amazingly, nobody complains when Native Hawaiians demand "their" 20% of

ceded land revenue and then selfishly push for more through legislation such as this bill. Perhaps it's time for the rest of us to stand up for our own rights.

3. Kaho'olawe is already set aside by law to become property of the Hawaiian tribe as soon as that tribe has received state and federal recognition, which is now underway. Therefore no state government money should be given to rehabilitate land which is already in the process of being given away to another "nation."

Language in this bill explains why money going to KIRC is exclusively for the benefit of Native Hawaiians, because "... since its return to the State in 1993, the resources and waters of Kaho'olawe have been held in trust as part of the public land trust; provided that the State shall transfer management and control of the island and its waters to the sovereign native Hawaiian entity upon its recognition by the United States and the State of Hawai'i."

In Act 195 (2011) this legislature set in motion a process now underway to create a Hawaiian tribe; and the U.S. Department of Interior has now proposed a regulation whereby that tribe can get federal recognition. Both Act 195 and the Department of Interior regulation insist that the Hawaiian tribe must be exclusively for Native Hawaiians, and that anyone lacking a drop of the magic blood must be ruthlessly excluded. If events unfold as intended, a Native Hawaiian "nation" will become a federally recognized Indian tribe before President Obama's term in office comes to an end. As soon as

recognition happens, according to the language cited in this bill, the island of Kaho'olawe will be ripped away from the State of Hawaii and handed over to the Hawaiian tribe, to which people with no native blood are forbidden to belong.

4. Let OHA give whatever funding is necessary to rehabilitate Kaho'olawe

This bill proposes to authorize OHA to give money to assist the rehabilitation of Kaho'olawe. But no such authorization is necessary. OHA's primary mission is "the betterment of Native Hawaiians", and OHA has given millions of dollars in gifts (grants) to provide funding for various organizations devoted to helping Native Hawaiians (usually to the exclusion of all other people). Since Kaho'olawe is destined to become the property of the Hawaiian tribe, and OHA has loudly pledged to dissolve itself and transfer its assets to the forthcoming tribe, then the state should let OHA fulfill its responsibility.



Preventing Extinctions

2161 Delaware Ave, Suite A Santa Cruz, CA 95060 831-359-4787 www.islandconservation.org

March 16, 2016

Board of Directors

Angus Parker, *Chair*

Michael Sweeney, *Vice Chair*
The Nature Conservancy

Stephanie McAuliffe, *Secretary*

Richard McCombs, *Treasurer*

David Hartwell

Jon Hoekstra
Mountains to Sound Greenway Trust

Olivier Langrand
Critical Ecosystem Partnership Fund

Ingrid Parker
University of California – Santa Cruz

Daniel Simberloff
University of Tennessee

Michael Sweeney
The Nature Conservancy

Founding Advisors

Paul Ehrlich
Stanford University

Russell Mittermeier
Conservation International

Harold Mooney
Stanford University

David Quammen
Author and Journalist

Peter Raven
Missouri Botanical Garden

José Sarukhán Kermez
Institute of Ecology, UNAM

Michael Soule
University of California, Santa Cruz

Edward O. Wilson
Harvard University

To Whom it May Concern:

Island Conservation (www.islandconservation.org) supports HB 2200 HD2 which appropriates funds to the Kaho'olawe Rehabilitation Trust Fund. Island Conservation is a global, non-profit organization, headquartered in California, with a mission to prevent extinctions by removing invasive species from islands. Over the last 20 years, Island Conservation and partners have deployed to 52 islands (including islands in Hawaii (Lehua) and the tropical Pacific (Palmyra, Micronesia, French Polynesia)) protecting 994 populations of animals, including 57 seabird species.

We recognize the value of Kaho'olawe Island for Hawaiian biodiversity, and its unique status in Hawaii. Over the last 10 years, we have partnered with the KIRC and its volunteers to pursue the restoration of the island through the removal of invasive species, particularly invasive predators. The eventual and complete removal of invasive predators will create the largest predator free habitat in Hawaii, facilitating the natural restoration of the Kaho'olawe ecosystem and the active translocation of some of Hawaii's most imperiled species, including seabirds such as the Hawaiian Petrel and the Laysan Duck.

For the biodiversity value of Kaho'olawe Island to be fully realized, the island needs an effective manager with access to appropriate resources. The full funding of the Kaho'olawe Island Reserve Commission will allow the tradition of volunteer conservation action to continue, and provide a unique opportunity for the people of Hawaii to learn and connect with Kaho'olawe. Allocating funding to the Kaho'olawe Rehabilitation Trust Fund will benefit both Hawaiian biodiversity and the people of Hawaii.

Sincerely,

Gregg Howald
Director, North America Region

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: anelamarie@gmail.com
Subject: *Submitted testimony for HB2200 on Mar 18, 2016 13:15PM*
Date: Monday, March 14, 2016 2:41:10 PM

HB2200

Submitted on: 3/14/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Anela Evans	Individual	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

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: cassiehoku@yahoo.com
Subject: *Submitted testimony for HB2200 on Mar 18, 2016 13:15PM*
Date: Thursday, March 17, 2016 10:21:51 AM

HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Cassandra L. Smith	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: cmattyamamoto@gmail.com
Subject: *Submitted testimony for HB2200 on Mar 18, 2016 13:15PM*
Date: Tuesday, March 15, 2016 7:45:25 AM

HB2200

Submitted on: 3/15/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Yamamoto	Individual	Support	No

Comments:

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To: [HWNTestimony](#)
Cc: coral.wolf@islandconservation.org
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Wednesday, March 16, 2016 11:44:32 AM

HB2200

Submitted on: 3/16/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Coral Wolf	Individual	Support	No

Comments: I, Coral Wolf, am in support of HB 2200 which authorizes the BLNR Chairperson to transfer public land trust funds to the Kaho`olawe Rehabilitation Trust Fund. Kaho'olawe is a unique ecosystem preserving immensely valuable cultural and biological resources. It is surrounded by the richest marine ecosystems remaining in the Main Hawaiian islands and providing replenishment of fish and invertebrates to other islands' waters. It is also an important potential translocation site for the native species that will be impacted by sea level rise in the Northwestern Hawaiian Islands. The KIRC's massive restoration program designed to revitalize the ecology and cultural history of the island will benefit all of Hawai'i's people as well as its native flora and fauna. Please support this bill.

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Cc: ddemark@kirc.hawaii.gov
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Wednesday, March 16, 2016 1:40:58 PM

HB2200

Submitted on: 3/16/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
David L. DeMark	Individual	Support	No

Comments: Please support HB 2200

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Date: Tuesday, March 15, 2016 9:13:32 AM

HB2200

Submitted on: 3/15/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Tokishi	Individual	Support	No

Comments:

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HB2200

Submitted on: 3/16/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
James Bruch	Individual	Support	No

Comments:

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Subject: *Submitted testimony for HB2200 on Mar 18, 2016 13:15PM*
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HB2200

Submitted on: 3/15/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Vander Veur	Individual	Support	No

Comments:

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Cc: ferncanyon@hotmail.com
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Wednesday, March 16, 2016 4:19:12 PM

HB2200

Submitted on: 3/16/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
John Stephens	Individual	Support	No

Comments: I, John Stephens, support KIRC bill HB2200. Please support this important measure to provide financial support and stability of the restoration and protection of the Kaho'olawe Island Reserve, which will benefit all of Hawai'i's people for generations to come. As the only Island Reserve set up entirely in trust for a Native Hawaiian Sovereign Entity, the KIRC is well poised to change the economic landscape and life quality of Native Hawaiians and the communities in which they reside by means of a truly unique experience on the island of Kaho'olawe. The State must maintain the responsibility of supporting the Kaho'olawe Rehabilitation Trust Fund. As the only island listed on the National Register of Historic Places in its entirety, containing nearly 3,000 archaeological sites and features, it is imperative that the State preserves this important resource for current and future generations through this financial support system. Without the KIRC's ongoing protection of Kaho'olawe's coastal ecosystem, including the adjacent nearshore environment and coral reefs that can be covered with, and choked by, derelict fishing gear, nets, a huge variety of plastics and other debris items, species including the endangered Hawaiian monk seal, threatened green sea turtle, endangered hawksbill sea turtle, endangered humpback whale, endangered Hawaiian dark-rumped petrel, and endangered Newell's shearwater will be put at risk. It is imperative that a trust fund be stabilized to continue this work. Kaho'olawe is a unique ecosystem preserving immensely valuable cultural and biological resources. It is surrounded by the richest marine ecosystems remaining in the Main Hawaiian islands and providing replenishment of fish and invertebrates to other islands' waters. The KIRC's massive restoration program designed to revitalize the ecology and cultural history of the island will benefit all of Hawai'i's people for generations to come. Please support this bill. If you have other testimony that you feel should be added to this list for others to learn from, please hit reply to this email and share it.

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Cc: kmchugh@kirc.hawaii.gov
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Wednesday, March 16, 2016 7:28:35 AM

HB2200

Submitted on: 3/16/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly McHugh	Individual	Support	No

Comments: As the only Island Reserve set up entirely in trust for a Native Hawaiian Sovereign Entity, the KIRC is well poised to change the economic landscape and life quality of Native Hawaiians and the communities in which they reside by means of a truly unique experience on the island of Kaho'olawe. The State must maintain the responsibility of supporting the Kaho'olawe Rehabilitation Trust Fund.

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Cc: lwhite@kirc.hawaii.gov
Subject: *Submitted testimony for HB2200 on Mar 18, 2016 13:15PM*
Date: Wednesday, March 16, 2016 3:24:57 PM

HB2200

Submitted on: 3/16/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lopaka White	Individual	Support	No

Comments:

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I, Lynx Gallagher, support KIRC bill HB2200

I am a Conservation Biologist Working For Maui Nui Seabird Recovery Project on the Island of Maui. I have had the opportunity to go out first hand and witness the beauty and importance of this amazing island. For me, it represents the most realistic and viable option (of any Hawaiian Island) for the continued survival of a number of threatened and endangered native seabirds if restoration and predator elimination efforts continue.

Please support this important measure to provide financial support and stability of the restoration and protection of the Kaho'olawe Island Reserve, which will benefit all of Hawai'i's people for generations to come

As the only Island Reserve set up entirely in trust for a Native Hawaiian Sovereign Entity, the KIRC is well poised to change the economic landscape and life quality of Native Hawaiians and the communities in which they reside by means of a truly unique experience on the island of Kaho'olawe. The State must maintain the responsibility of supporting the Kaho'olawe Rehabilitation Trust Fund.

As the only island listed on the National Register of Historic Places in its entirety, containing nearly 3,000 archaeological sites and features, it is imperative that the State preserves this important resource for current and future generations through this financial support system.

Without the KIRC's ongoing protection of Kaho'olawe's coastal ecosystem, including the adjacent nearshore environment and coral reefs that can be covered with, and choked by, derelict fishing gear, nets, a huge variety of plastics and other debris items, species including the endangered Hawaiian monk seal, threatened green sea turtle, endangered hawksbill sea turtle, endangered humpback whale, endangered Hawaiian dark-rumped petrel, and endangered Newell's shearwater will be put at risk. It is imperative that a trust fund be stabilized to continue this work.

Kaho'olawe is a unique ecosystem preserving immensely valuable cultural and biological resources. It is surrounded by the richest marine ecosystems remaining in the Main Hawaiian islands and providing replenishment of fish and invertebrates to other islands' waters. The KIRC's massive restoration program designed to revitalize the ecology and cultural history of the island will benefit all of Hawai'i's people for generations to come. Please support this bill.

I am in support of HB 2200 which authorizes the BLNR Chairperson to transfer public land trust funds to the Kaho`olawe Rehabilitation Trust Fund. I am not originally from Hawaii but had the honor and privilege to volunteer on Kaho`olawe for both habitat and species restoration projects. Through this experience, working with the KIRC staff and other volunteers, I learned so much more in a very short time about Hawaii and returned to my home on Oahu with a renewed sense of love and respect for the islands. The experience was profound and I and my volunteer group were inspired by the mālama `āina practices and values learned on Kaho`olawe. Our volunteer group were energized and empowered to become actively engaged in the conservation of Hawaii in an entirely different and positive way. It was the specialized experience of being on Kaho`olawe, understanding the cultural significance of the island and exposure to the importance of the island in Hawaiian tradition that was truly inspiring. Providing trust funds to the Kaho`olawe Rehabilitation Trust Fund will allow this tradition of volunteer conservation in action to continue providing the unique opportunity for the people of Hawaii to learn and connect with Kaho`olawe through restoration and preservation projects. Funding the Kaho`olawe Rehabilitation Trust Fund will benefit Kaho`olawe Island restoration but it will also benefit the people of Hawaii.

Sincerely,
Mary Jo Mazurek

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: npuniwai@yahoo.com
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Tuesday, March 15, 2016 12:04:04 PM

HB2200

Submitted on: 3/15/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Noelani Puniwai	Individual	Support	No

Comments: I support additional resources in the restoration of Kahoolawe

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I, Rebecca Pederson, support KIRC bill HB2200.

Please support this important measure to provide financial support and stability of the restoration and protection of the Kaho'olawe Island Reserve, which will benefit all of Hawai'i's people for generations to come.

As the only Island Reserve set up entirely in trust for a Native Hawaiian Sovereign Entity, the KIRC is well poised to change the economic landscape and life quality of Native Hawaiians and the communities in which they reside by means of a truly unique experience on the island of Kaho'olawe. The State must maintain the responsibility of supporting the Kaho'olawe Rehabilitation Trust Fund.

As the only island listed on the National Register of Historic Places in its entirety, containing nearly 3,000 archaeological sites and features, it is imperative that the State preserves this important resource for current and future generations through this financial support system.

Without the KIRC's ongoing protection of Kaho'olawe's coastal ecosystem, including the adjacent nearshore environment and coral reefs that can be covered with, and choked by, derelict fishing gear, nets, a huge variety of plastics and other debris items, species including the endangered Hawaiian monk seal, threatened green sea turtle, endangered hawksbill sea turtle, endangered humpback whale, endangered Hawaiian dark-rumped petrel, and endangered Newell's shearwater will be put at risk. It is imperative that a trust fund be stabilized to continue this work.

I am the AmeriCorps Intern for Maui Nui Seabird Recovery Project and have worked with KIRC on two occasions. They provided us transportation to Molokini on two separate trips. The first trip was in November 2015 to band 218 Wedge-Tailed Shearwater chicks. The second trip was in January 2016 to conduct a survey on ants that negatively affect the island and its biodiversity. These trips would not have been possible without KIRC.

Kaho'olawe is a unique ecosystem preserving immensely valuable cultural and biological resources. It is surrounded by the richest marine ecosystems remaining in the Main Hawaiian islands and providing replenishment of fish and invertebrates to other islands' waters. The KIRC's massive restoration program designed to revitalize the ecology and cultural history of the island will benefit all of Hawai'i's people for generations to come. Please support this bill.

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Cc: gavagan001@hawaii.rr.com
Subject: *Submitted testimony for HB2200 on Mar 18, 2016 13:15PM*
Date: Thursday, March 17, 2016 10:05:45 AM

HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Terri Gavagan	Individual	Support	No

Comments:

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Cc: zwilson@hawaii.edu
Subject: *Submitted testimony for HB2200 on Mar 18, 2016 13:15PM*
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HB2200

Submitted on: 3/16/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary Wilson	Individual	Support	No

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Cc: aemmes@gmail.com
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Wednesday, March 16, 2016 8:01:16 AM

HB2200

Submitted on: 3/16/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Amanda Emmes	Individual	Comments Only	No

Comments: I, Amanda Emmes, support KIRC bill HB2200. ... Please support this important measure to provide financial support and stability of the restoration and protection of the Kaho'olawe Island Reserve, which will benefit all of Hawai'i's people for generations to come. ... As the only Island Reserve set up entirely in trust for a Native Hawaiian Sovereign Entity, the KIRC is well poised to change the economic landscape and life quality of Native Hawaiians and the communities in which they reside by means of a truly unique experience on the island of Kaho'olawe. The State must maintain the responsibility of supporting the Kaho'olawe Rehabilitation Trust Fund. ... As the only island listed on the National Register of Historic Places in its entirety, containing nearly 3,000 archaeological sites and features, it is imperative that the State preserves this important resource for current and future generations through this financial support system. ... Without the KIRC's ongoing protection of Kaho'olawe's coastal ecosystem, including the adjacent nearshore environment and coral reefs that can be covered with, and choked by, derelict fishing gear, nets, a huge variety of plastics and other debris items, species including the endangered Hawaiian monk seal, threatened green sea turtle, endangered hawksbill sea turtle, endangered humpback whale, endangered Hawaiian dark-rumped petrel, and endangered Newell's shearwater will be put at risk. It is imperative that a trust fund be stabilized to continue this work. ... Kaho'olawe is a unique ecosystem preserving immensely valuable cultural and biological resources. It is surrounded by the richest marine ecosystems remaining in the Main Hawaiian islands and providing replenishment of fish and invertebrates to other islands' waters. The KIRC's massive restoration program designed to revitalize the ecology and cultural history of the island will benefit all of Hawai'i's people for generations to come. Please support this bill.

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I, Jay F. Penniman, support KIRC bill HB2200.

I have been a volunteer, partner and supporter of restoration on Kaho'olawe for over 15 years. After the abuse of the aina by the US military and feral introduced animals for so many years the progress that the KIRC has made is truly remarkable. Please do the right thing and fully fund operations to continue the restoration of this valuable island.

Please support this important measure to provide financial support and stability of the restoration and protection of the Kaho'olawe Island Reserve, which will benefit all of Hawai'i's people for generations to come.

...

As the only Island Reserve set up entirely in trust for a Native Hawaiian Sovereign Entity, the KIRC is well poised to change the economic landscape and life quality of Native Hawaiians and the communities in which they reside by means of a truly unique experience on the island of Kaho'olawe. The State must maintain the responsibility of supporting the Kaho'olawe Rehabilitation Trust Fund.

...

As the only island listed on the National Register of Historic Places in its entirety, containing nearly 3,000 archaeological sites and features, it is imperative that the State preserves this important resource for current and future generations through this financial support system.

...

Without the KIRC's ongoing protection of Kaho'olawe's coastal ecosystem, including the adjacent nearshore environment and coral reefs that can be covered with, and choked by, derelict fishing gear, nets, a huge variety of plastics and other debris items, species including the endangered Hawaiian monk seal, threatened green sea turtle, endangered hawksbill sea turtle, endangered humpback whale, endangered Hawaiian dark-rumped petrel, and endangered Newell's shearwater will be put at risk. It is imperative that a trust fund be stabilized to continue this work.

...

Kaho'olawe is a unique ecosystem preserving immensely valuable cultural and biological resources. It is surrounded by the richest marine ecosystems remaining in the Main Hawaiian islands and providing replenishment of fish and invertebrates to other islands' waters. The KIRC's massive restoration program designed to revitalize the ecology and cultural history of the island will benefit all of Hawai'i's people for generations to come. Please support this bill.

...

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Cc: sforsyth17@gmail.com
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Monday, March 14, 2016 3:00:23 PM

HB2200

Submitted on: 3/14/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Forsyth	Individual	Comments Only	No

Comments: This HB 2200 should be supported by the State of Hawaii. I support this bill and so should our legislators who represent us. Kaho'olawe should NOT be abandoned as it represents as essential part of Hawaiian culture.

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HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Kalili	Individual	Oppose	No

Comments: I OPPOSE HB 2200 HD2, which authorizes the Board of Land and Natural Resources (BLNR) Chairperson to transfer public land trust (PLT) funds to the Kaho'olawe Rehabilitation Trust Fund (KRTF), and seems to require the Office of Hawaiian Affairs (OHA) to specifically expend PLT monies for the purposes of the KRTF, in addition to its existing statutory responsibilities. I sincere mahalo that the intent this of bill is to facilitate the continued preservation, restoration and appropriate use of the Kaho'olawe Island Reserve (KIRC). However, I CANNOT SUPPORT HB2200 because it would substantially erode the Hawaiian people's right to a share of the public land trust revenues as embodied in the constitution.

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Cc: makuahine5@gmail.com
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Thursday, March 17, 2016 12:21:08 PM

HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Anuheia Patoc	Individual	Oppose	No

Comments: Aloha mai, I am a Native Hawaiian and I STRONGLY OPPOSE HB2200. Why should public land trust funds set aside for native Hawaiians be used to support KIRC? These are funds that are currently being used to address grave issues facing our people, such as funding Native Hawaiian scholarships, to equalize charter school funding, to reduce chronic diseases like obesity, to support home ownership, to support savings accounts so people can get into a rental, to increase Native Hawaiian income which is less than the state average, to provide emergency grants if someone is about to get evicted because they can't pay their rent, and to support the preservation and conservation of nearly 30,000 acres of land which will eventually be transferred to the lāhui. It is important to understand the way these funds are being spent in context of the future of the lāhui. They are being invested in our people, and we continue to work towards building our lāhui, these investments are more critical than ever. me ka ha'aha'a, Anuheia Patoc

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Cc: aulliig@gmail.com
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Thursday, March 17, 2016 12:22:42 PM

HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Aulii Dudoit	Individual	Oppose	No

Comments: I oppose this measure. While it is commendable that there are efforts being made to restore and revitalize Kahoolawe, it is not clear to me how the millions of federal funds were used and what kind of plan is in place to make prudent and effective choices moving forward to restore and revitalize Kahoolawe with this measure. Why is OHA paying for this when they have a broad mandate and are not receiving a fair share of public land trust revenue?

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Cc: hawaiifishingfanatic@gmail.com
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Sunday, March 13, 2016 10:47:55 PM

HB2200

Submitted on: 3/13/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Oppose	Yes

Comments: Oppose this bill, in its current form, as it would take away from the Office of Hawaiian Affairs' (OHA) pro-rata share of the ceded land revenues. If the funding mechanism can be worked out with OHA, and not affect it's share it currently receives or will receive in the future, support would be more forthcoming. Notwithstanding, the value of Kaho'olawe Island to Native Hawaiians, anything that will take a portion of OHA's share, would be essentially be a disservice to the greater good of Native Hawaiians. Mahalo for the opportunity to testify.

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Aloha Senate Committees on Hawaiian Affairs and Water, Land, and Agriculture,

I **OPPOSE** HB 2200 HD2, which authorizes the Board of Land and Natural Resources (BLNR) Chairperson to transfer public land trust (PLT) funds to the Kaho'olawe Rehabilitation Trust Fund (KRTF), and seems to require the Office of Hawaiian Affairs (OHA) to specifically expend PLT monies for the purposes of the KRTF, in addition to its existing statutory responsibilities.

First, I appreciate that the intent this of bill is to facilitate the continued preservation, restoration and appropriate use of the Kaho'olawe Island Reserve (KIRC). However, **I CANNOT SUPPORT** HB2200 because it would substantially erode the Hawaiian people's right to a share of the public land trust revenues as embodied in the constitution.

In 1978, I was a part of the Constitutional Convention that was called to review and revise the functions and responsibilities of Hawai'i's government. At the convention, the Native Hawaiian Legislative Package was considered by the delegates. Among provisions voted on by the delegates and incorporated into the new state constitution was the establishment of OHA, as a quasi-independent, public trust agency, tasked with bettering the conditions of both native Hawaiians and the Hawaiian community in general. OHA was to be funded with a pro rata share of revenues from state lands described under subsection 5(b) and (f) of the Admissions Act; these "public land trust" lands made up a substantial portion of the "ceded" lands taken as a result of the unlawful overthrow of the Hawaiian monarchy. Importantly, OHA, and not the state, was to determine how its PLT funds should be used, to best fulfill its mandate. As I articulated in 1978, the portion of the trust that is to benefit solely native Hawaiians "would be transferred directly" to the entity "we are calling the Hawaiian affairs trust."

I am deeply concerned that this bill grants the authority to the BLNR to unilaterally transfer PLT monies set aside for OHA to the KRTF. This would subvert the spirit and intent of our state constitution, by allowing state officials – and not Native Hawaiians – to determine how OHA's pro rata PLT share should be spent. Such authority would be in complete contradiction to the underlying principles of Native Hawaiian self-determination embodied by OHA and its constitutional mandate.

Similarly, this bill would amend a 30-year old law establishing OHA's right to expend 20 percent of public land trust land revenues, to require OHA to spend its monies specifically on the purposes of the KRTF. Such a mandate would again contradict the long-held understanding that OHA – as an autonomous, Native Hawaiian trust agency – should have the broad and independent discretion to determine how its funds may best be used. Moreover, the arbitrary nature of this provision neglects to take into account the wide-ranging and numerous needs of the Native Hawaiian community, in areas such as housing, education, health, culture, environmental protection, and others, which must be carefully balanced and prioritized in the expenditure of relatively limited trust funds.

For these reasons, I **OPPOSE** HB2200 HD1.

Mahalo for this opportunity to testify!

-Gov. John Waihe'e

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: jching808@gmail.com
Subject: Submitted testimony for HB2200 on Mar 18, 2016 13:15PM
Date: Thursday, March 17, 2016 11:55:24 AM

HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Ching	Individual	Oppose	No

Comments: Aloha Chair Shimabukuro, Chair Gabbard, and Members of the Senate Committee on Hawaiian Affairs and Senate Committee on Water, Land, and Agriculture- I would like to submit written testimony in STRONG OPPOSITION to HB2200 HD2, which authorizes the Chairperson of BLNR to transfer public land trust funds to the Kaho'olawe Rehabilitation Trust Fund (KRTF), and amends Hawai'i Revised Statutes (HRS) Chapter 10 to require OHA to expend moneys for the purposes of the KRTF. While I support efforts to provide funding for Kaho'olawe Island Reserve Commission (KIRC) to continue its efforts in the restoration of Kaho'olawe to its former state after decades of desecration by the U.S. military, I do not support drawing funds from the state's public land trust to fund KRTF. While I recognize that the Kaho'olawe Island Conveyance Commission's final report to Congress in 1993 noted that, "in the short term, federal funds will provide the bulk of the program support for specific soil conservation projects and related activities. In the longer term, however, state revenues will be needed to continue and enhance those activities initiated with federal funds," HB2200 HD2's proposal to utilize state public land trust funds is neither the appropriate nor feasible way to provide state funding to allow KIRC to continue its operations. Given that the federal funds, appropriated by Congress, have not be sufficient to fully clear ordnance left on Kaho'olawe and the surrounding waters, I believe the U.S. Government should be the ones to provide more federal funds to continue the cleanup and preservation of the Kaho'olawe Island Reserve. Moreover, I do not support amending HRS section 10-13.5 to require that the OHA Board of Trustees expend a portion of its pro-rata share of the public land trust for the purposes consistent with those of the KRTF. Given the importance of Kaho'olawe to Native Hawaiians, OHA has provided funding over the years to the Protect Kaho'olawe 'Ohana to facilitate cultural practitioners' trips during the Makahiki ceremony, host community workdays, and involve environmental restoration projects. Amending HRS Section 10-13.5 to mandate OHA to expend a portion of its pro-rata share of the public land trust would elevate the needs of Kaho'olawe to a higher status than other mandates which OHA seeks to use its public land trust funds to serve its beneficiaries For the following reasons, I humbly ask the Committees to HOLD HB2200 HD2. Mahalo, Jonathan Ching Kaka'ako, Hawai'i

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HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kaala Franklin	Individual	Oppose	No

Comments: By allowing the state to determine how OHA's twenty percent PLT revenue is spent, we are violating the intent of why OHA was established in the first place -- to give Native Hawaiians the ability to determine how to address their own needs. Furthermore, how insulting that the state feels its appropriate to use Hawaiian public trust funds to clean up Kahoolawe.

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HB2200

Submitted on: 3/13/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Oppose	No

Comments:

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Date: Thursday, March 17, 2016 10:08:01 AM

HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kamaile Maldonado	Individual	Oppose	No

Comments: KIRC needs funding to complete its important work of restoring this sacred wahi pana, but this bill is not an appropriate method of securing such funding. Not only would it risk OHA's current pro rata portion, which is far less than 20% of the revenues currently being generated on PLT lands because of the \$15.1 million cap, it elevates KIRC's significance over all other programs and needs of the Hawaiian community. These types of difficult funding allocation decisions should be made by the trustees who were duly established and elected to do just that. Mahalo for the opportunity to provide these comments in OPPOSITION to this measure.

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Subject: *Submitted testimony for HB2200 on Mar 18, 2016 13:15PM*
Date: Thursday, March 17, 2016 1:16:39 PM

HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kuhio Lewis	Individual	Oppose	No

Comments:

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Melody Kapilialoha MacKenzie
579 Kāne‘apu Place, Kailua, Hawai‘i 96734

H.B. 2200, H.D.2
Relating to Native Hawaiian Resources
Senate Committee on Hawaiian Affairs
Senate Committee on Water, Land & Agriculture
Hearing: Friday, March 18, at 1:15 pm

Aloha, and thank you for the opportunity to submit written testimony in **opposition** to H.B. 2200, H.D. 2. I am a professor at the William S. Richardson School of Law but I submit these comments in my personal capacity. As a young graduate of the Law School, I had the honor to work at the 1978 Constitutional Convention. I have also written extensively on the legal issues involving the Public Land Trust and the constitutional and statutory mandates relating to the trust funds.

This bill authorizes the Chair of the Board of Land and Natural Resources (BLNR) to transfer Public Land Trust funds to the Kaho‘olawe Rehabilitation Trust Fund (KRTF), and requires the Office of Hawaiian Affairs (OHA) to expend trust funds for the purposes of the KRTF. I understand that the intent of this bill is to facilitate the preservation and restoration of the Kaho‘olawe Island Reserve. This is a worthy goal and I would fully support state funding from other sources to achieve this goal. H.B. 2200, H.D. 2, however, is not the right vehicle for funding the KRTF. This bill substantially erodes the Hawaiian people’s right to a share of the public land trust revenues as set out in the State Constitution.

As you know, OHA was created by a 1978 amendment to the State Constitution as a quasi-independent, public trust agency, with the goal of bettering the conditions of both native Hawaiians and the Hawaiian community in general. OHA was to be funded with a pro rata share of revenues from state lands described in the 1959 State Admission Act. The lands in the “public land trust” are substantially the lands taken as a result of the illegal overthrow of the Hawaiian monarchy and subsequent annexation to the United States. Significantly, the State Constitution tasks the OHA trustees, and not other State officials, with determining how the trust funds should be used to better the conditions of the Hawaiian community.

It is troubling that this bill would give the BLNR the authority to unilaterally transfer trust monies designated for OHA to the KRTF. Allowing state officials – and not OHA, the body established in the Constitution – to determine how OHA’s share of trust revenues should be spent, contradicts both the spirit and goal of the State Constitution. Clearly, one purpose of the constitutional mandate was to increase Native Hawaiian self-determination; this bill undermines that purpose.

Moreover, the bill would amend a decades old law establishing OHA’s right to expend 20 percent of public land trust revenues, and would require OHA to spend trust funds on the purposes of the KRTF. Such a mandate would again contradict the long-held understanding that OHA – as an independent, Native Hawaiian trust body – should have the discretion to determine how best to utilize trust funds. Finally, the bill neglects to take into account the many needs of the Hawaiian community in areas ranging from health and education to cultural and environmental protection. Indeed, one reason for OHA’s creation was to allow the trustees to balance the needs of the Hawaiian community and make the difficult decisions on how trust funds should be spent.

This bill, although seeking to address a valid and pressing need, should be held. For the above reasons, I **oppose** H.B. 2200, H.D. 2.

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HB2200

Submitted on: 3/17/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
robert dickson	Individual	Oppose	No

Comments: This attempt to pit two Hawaiian organizations against one another is HEWA. Shame on you Yamane!

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