

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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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

**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 AND LAND**

**Wednesday, February 8, 2017
2:45 PM**

State Capitol, Conference Room 224

**In consideration of
SENATE BILL 641**

RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION

Senate Bill 641 proposes to amend Section 174C-7, Hawaii Revised Statutes (HRS), to add an eighth member, the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee, to serve as an ex-officio voting member on the Commission on Water Resource Management (Commission) of the Department of Land and Natural Resources (Department). **The Department offers the following comments.**

The Commission is committed to fulfill its mandate to incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in Section 221 of the Hawaiian Homes Commission Act, as provided in the State Water Code, Section 174C-101, HRS.

Towards that end, the Commission is working closely with the Department of Hawaiian Home Lands (DHHL) and the Department's Engineering Division to update the State Water Projects Plan, focusing exclusively on DHHL's lands and water needs. Based on the preliminary findings of this draft report, DHHL submitted a reservation request for the Keauhou Aquifer System Area (Kona, Hawaii) on December 5, 2014, and on August 15, 2015, the Commission approved DHHL's full request. The Department understands that DHHL is considering the submittal of additional petitions for water reservations, and the Commission is committed to timely action on all future petition for water reservation submitted by DHHL based on the data and findings of the updated State Water Projects Plan. (Statewide public hearing on the final draft of the State

Water Projects Plan update were held in January 2017. A copy of the draft report is available on our website at [http://dlnr.hawaii.gov/cwrp/planning/hiwaterplan/swpp/.](http://dlnr.hawaii.gov/cwrp/planning/hiwaterplan/swpp/))

All Commission members have constitutional and statutory responsibilities to protect and preserve the rights of DHHL. Adding a member for this specific interest may create a perception that the other Commissioners have no obligation to consider these important rights. The Hawaii Supreme Court has made it clear that in the context of water, the entire Commission has a responsibility to respect and protect native Hawaiian rights, including those of DHHL, and to carry out the State's public trust duties. This responsibility does not rest on a single member.

DHHL is often a party before the Commission, including important contested case hearings. Any member appointed by an organization would be required to recuse him or herself on any matter in which the organization has an interest. If the interest represented is broader than DHHL (as an organization), then the individual might be barred from a whole range of issues. This might actually defeat the very purpose of the appointment.

Thank you for the opportunity to testify on this measure.



SB641

RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION

Senate Committee on Hawaiian Affairs

Senate Committee on Water and Land

February 8, 2017

2:45 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees **SUPPORT** SB641, which would better ensure that the Commission on Water Resources Management (CWRM) understands the unique rights and needs of the Department of Hawaiian Home Lands, in its oversight of our public trust water resources.

Both the constitution and the state water code provide the Department of Hawaiian Home Lands (DHHL) with unique rights to our public trust water resources. These rights may be critical to fulfilling the State's and DHHL's critical responsibilities, to serve the beneficiaries and manage the assets of the Hawaiian Home Lands Trust; such rights include the right to reserve water for future DHHL needs, as well as the right to enjoy a priority for water use in designated water management areas, among others.

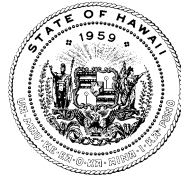
Unfortunately, the actual enforcement and practical implementation of DHHL's water rights may be often overlooked in CWRM decisionmaking. For example, while DHHL may apply for and receive reservations for water, CWRM has in the past failed to ensure that new private wells do not impair DHHL's future ability to actually use such reservations. Similarly, CWRM decisionmaking on whether or not to designate water management areas may not necessarily reflect a full consideration of how designation can better protect DHHL's rights and interests, particularly in aquifer areas where substantial future development may be planned.

By adding the Chairperson of the Hawaiian Homes Commission to CWRM, this measure may allow CWRM to more fully understand DHHL's unique water rights and needs, and better ensure that CWRM decisionmaking properly considers DHHL's historical and practical challenges and concerns relating to its water rights.

Accordingly, OHA urges the Committee to **PASS** SB641. Mahalo for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

**TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEES ON TRANSPORTATION & ENERGY AND
WATER & LAND**

IN SUPPORT OF

**SB 641 RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES
COMMISSION**

February 8, 2017

Aloha Chairs Shimabukuro & Rhoads and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this bill that amends the membership of the Commission on Water Resource Management to add the Chairperson of the Hawaiian Homes Commission or the Chairperson's designees to serve as an ex officio voting member. The Hawaiian Homes Commission (HHC) approved a Water Policy Plan in 2014 after conducting a series of statewide Beneficiary Consultation Meetings on the draft plan. One of the goals in the Water Policy Plan is to "aggressively, proactively, consistently and comprehensively advocate for the kuleana of the beneficiaries, the DHHL and the HHC to water before all relevant agencies and entities." While DHHL has been working closely with the Commission on Water Resource Management, this bill would allow for greater advocacy for beneficiaries of the Hawaiian Homes Commission Act. In addition, this bill would allow for the Chairperson or the Chairperson's designee to serve as an ex officio voting member of the Commission on Water Resource Management similar to the Director of Health or the Director's designee.

Thank you for your consideration of our testimony.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 2:49 PM
To: HWNTestimony
Cc: tasha96792@yahoo.com
Subject: Submitted testimony for SB641 on Feb 8, 2017 14:45PM

SB641

Submitted on: 2/7/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Natasha Boteilho	Individual	Support	No

Comments: Aloha Senators, I humbly ask your help in support of SB641 that lowers the blood quantum for successors currently on DHHL. I would be a successor if this bill is passed which would greatly help my family as my grandfather, mother and my siblings were raised in our house which ai may never be able to live in once my mother passes away. With the passage of this bill I can provide housing and security to my children and in fact pass my successor ship to them. Thank you for your time. Mahalo Natasha Boteilho

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 11:00 AM
To: HWNTestimony
Cc: naregion9@gmail.com
Subject: Submitted testimony for SB641 on Feb 8, 2017 14:45PM

SB641

Submitted on: 2/7/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Derek Kimura	Individual	Support	No

Comments: In support of SB641.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 10:12 AM
To: HWNTestimony
Cc: JIMCISLER@YMAIL.COM
Subject: Submitted testimony for SB641 on Feb 8, 2017 14:45PM

SB641

Submitted on: 2/7/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Cisler	Individual	Support	No

Comments: Please see this as an opportunity for us Kanaka Maoli to have a representative voice in decisions surrounding the most precious ingredient for successful existence: our water.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 9:31 AM
To: HWNTestimony
Cc: kilohanah@gmail.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/7/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Reis Haituka	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 9:05 AM
To: HWNTestimony
Cc: rkailianu57@gmail.com
Subject: Submitted testimony for SB641 on Feb 8, 2017 14:45PM

SB641

Submitted on: 2/7/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments: About time our legislators give back the first people their due rights.

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From: Brent K. Nakihei
P.O.Box 1626
Kaunakakai, Hawaii 96748
Ph: (808) 213-4858
Email: bnakihei@gmail.com

Submitted on: February 7, 2017

Testimony in support of SB 641, Relating to the Chairperson of Hawaiian Homes Commission
Submitted to: Committee on Hawaiian Affairs and Committee on Water and Land
Room 224

Aloha Chairman's Shimabukuro, Rhoads and their Committee Members,

I strongly support SB 641, as it pertains to Hawaiian Homes Commission Chairperson being involved with the process. The HHC Chairpersons involvement is pertinent to Native Hawaiians having a voice in this process. Again, I strongly support the passing of SB 641.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 7, 2017 7:30 AM
To: HWNTestimony
Cc: dkanealii02@gmail.com
Subject: Submitted testimony for SB641 on Feb 8, 2017 14:45PM

SB641

Submitted on: 2/7/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Kanealii	Individual	Support	No

Comments: Please support SB641. A member of the Hawaiian Homes Commission should sit on the Commission for Water Resources as Native Hawaiian have a inherit right to water and many of the Hawaiian Homes lands are without water to this day. The beneficiaries of the trust need a voice in CRWM to assure water is a;located fairly.
Mahalo

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 7:52 PM
To: HWNTestimony
Cc: crystalkpaul@yahoo.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Kia Paul	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:43 PM
To: HWNTestimony
Cc: lilia@papakolea.org
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lilia Kapuniai	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:18 PM
To: HWNTestimony
Cc: Kapaakeahomestead@gmail.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen Gaspar	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:11 PM
To: HWNTestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:52 PM
To: HWNTestimony
Cc: kamakane73@gmail.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:26 PM
To: HWNTestimony
Cc: bmalcon@hotmail.com
Subject: Submitted testimony for SB641 on Feb 8, 2017 14:45PM

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

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

Comments: I support DHHL having a seat on the water committee. We the people of this land should have an equal say as to the rights for the use of water.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 4:22 PM
To: HWNTestimony
Cc: kaimomuhlestein@yahoo.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimo Muhlestein	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 3:48 PM
To: HWNTestimony
Cc: lmokuahi@gmail.com
Subject: Submitted testimony for SB641 on Feb 8, 2017 14:45PM

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Leif k Mokuahi Jr	Individual	Support	No

Comments: I am in strong support of Senate Bill 641. This Bill will not only provide Hawaiian homes commission the necessary position to carryout section 174C-I01 of the Hawaii state water code, this Bill will allow representation and accountability on water resource management in rural Hawaiian Homes Commission Act lands such as Kailapa etc.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 3:05 PM
To: HWNTestimony
Cc: lady.flach@gmail.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 2:52 PM
To: HWNTestimony
Cc: cantodoreen@gmail.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/6/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen Canto	Individual	Support	No

Comments:

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DEMOCRATIC PARTY OF HAWAI‘I
HAWAIIAN AFFAIRS CAUCUS
email: leimomikhan@gmail.com

TESTIMONY IN SUPPORT OF
SB 641, RELATING TO THE
CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION

Hearing: Ke Kōmike no ka Kuleana Hawai‘i a me Ke Kōmike no ka Wai a me ka ‘Āina
Wednesday, February 8, 2017, 2:45 p.m., Room 225

Kenekoa/Senator Maile S. L. Shimabukuro, Luna Ho‘omalu
Kenekoa/Senator Brickwood Galluteria, Hope Luna Ho‘omalu

Kenekoa/Senator Karl Rhoads, Luna Ho‘omalu
Kenekoa/Senator Mike Gabbard, Hope Luna Ho‘omalu

a me nā lala O Ke Kōmike no ka Kuleana Hawai‘i a me
Ke Kōmike no ka Wai a me ka ‘Āina

Aloha,

The Hawaiian Affairs Caucus of the Democratic Party of Hawai‘i testifies in support of SB 641, Relating to the Chairperson of the Hawaiian Homes Commission that would amend the membership of the commission on water resource management to add the chairperson of the Hawaiian Homes Commission or the chairperson’s designee to serve as an ex-officio voting member.

The inclusion of the Chairperson of the Hawaiian Homes Commission or designee is logical given the lands managed by the Hawaiian Homes Commission and as noted in SB 641 would help to fulfill the implementation of the state water code, which requires that adequate reserves of water for current and foreseeable development of Hawaiian home lands be incorporated and protected by decisions of the commission on water resource management.

Mahalo for the opportunity to testify in support of this important legislation.

Respectfully

(By online testimony)

LEIMOMI KHAN
Chair

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 7:37 PM
To: HWNTestimony
Cc: phhlca@aol.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/3/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Brown	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 2:58 PM
To: HWNTestimony
Cc: shane.nelsen@gmail.com
Subject: *Submitted testimony for SB641 on Feb 8, 2017 14:45PM*

SB641

Submitted on: 2/3/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Nelsen	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 3:57 AM
To: HWNTestimony
Cc: dkapua@gmail.com
Subject: Submitted testimony for SB641 on Feb 8, 2017 14:45PM

SB641

Submitted on: 2/8/2017

Testimony for HWN/WTL on Feb 8, 2017 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	No

Comments: Aloha e Luna Ho'omalulu o ke Kōmike no ke Kuleana Hawai'i Shimabukuro, Aloha e Luna Ho'omalulu o ke Kōmike no ka Wai a me ka 'Āina Rhoades, Aloha e na lālā komike, Aloha kakou, Kako'o au i ka pila (I support) SB 641 RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION. Amends the membership of the commission on water resource management to add the chairperson of the Hawaiian homes commission or the chairperson's designee to serve as an ex officio voting member. Both the HHCA and the State Constitution, Article XII, identifies our water rights making it only fitting that we, the Department of Hawaiian Home Lands, finally becoming a voting member of the CWRM. Mahalo ia 'oukou no kō kokua no ka pila SB 641. Me ka ha'aha'a, Kapua Keliikoa-Kamai He hopohopo nei au mai ke kaiāulu Wai'anae Concerned Waianae Community Member

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