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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 Committee on
WATER AND LAND

Monday, March 11, 2019
1:15 PM
State Capitol, Conference Room 229

In consideration of
HOUSE BILL 1068 HOUSE DRAFT 1
RELATING TO HEEIA STATE PARK

House Bill 1068, House Draft 1 proposes to make an appropriate for a He'eia State Park community-based long-range plan and education center for the He'eia National Estuarine Research Reserve System. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments.**

The Department realizes that this measure is requesting the funding for both the community planning process and a portion of the funds to construct the educational center. In 1993, a Final Environmental Impact Statement and Master Development Plan was prepared by PBR Hawai'i – so it may be warranted to re-evaluate the findings of the 1993 plan which could be possible with the \$250,000 provided for in this measure.

An important element to consider is that funds from the federal Land and Water Conservation Fund (administered by the National Park Service) have been used in this park. As such, covenants are in place that mandate that the park be open and accessible for the public for recreational and interpretive opportunities – so any structures, such as an educational center, built on the property are subservient to this covenant. In addition, the cost for the education center would be far higher than the \$150,000 allocated in this proposal.

The Department also works closely with the community at He'eia. Since 2008, Kama'āina Kids has a 25-year management lease agreement with State Parks and has subsumed all park management functions: gate operation, grounds maintenance, utility costs, security, in addition to managing the Banquet Hall for community and family events. In addition, the Department has received Board of Land and Natural Resources approval for volunteer stewardship and program

agreements with 3 other non-profit, community-based organizations to provide additional interpretive and educational programs for park visitors and to assist with restoration of the banks along He'eia Stream:

The Puakea Foundation of Hawai'i has been perpetuating the tradition of building and repairing koa canoes in the park for decades and is grandfathered into the lease. With private funds, the Puakea Foundation is completing the construction of a halau structure to house the canoes and provide a venue for workshops, educational programs, and interpretive displays.

The Kāne'ohe Cultural Foundation (KCF) is the non-profit associated with the Kāne'ohe Canoe Club that is also grandfathered into the lease that has been associated with the park first as a canoe club and more recently as a foundation in 2013. KCF focuses on cultural education around the themes of navigation, outrigger canoe paddings, and canoe repair. Like the Puakea Foundation, KCF utilizes a one-acre site for workshops and educational programs with planning underway to develop interpretive displays for park visitors.

Hui O Ko'olaupoko (HOK) is working on removal of the mangrove along bank of He'eia Stream, planting native species in the cleared areas, and installing interpretive signs to heighten awareness about the importance of a healthy estuarine environment. With grant funding and the support of numerous volunteers, HOK is coordinating their efforts with restoration work further upstream and at He'eia Fishpond.

The lessee, Kama'āina Kids, has raised \$180,000 to build a similar pavilion in the same location as proposed by National Estuarine Research Reserve System. This location in the park previously had an open-air pavilion that was destroyed by a hazardous tree that fell. A replacement structure requires approval by the Board of Land and Natural Resources prior to any construction.

The Department appreciates the intent of this measure and the opportunity to further discuss how to optimize the future of He'eia State Park.

Thank you for the opportunity to comment on this measure.

Heʻeia National Estuarine Research Reserve

Koʻolaupoko, Oʻahu, Hawaiʻi

Testimony on behalf of Heʻeia National Estuarine Research Reserve
Strongly Supporting HB 1068 HD1
Senate Committee on Water and Land



March 11, 2019

Aloha Chair Kahele and members of the Senate Committee on Water and Land,

Thank you for the opportunity to provide testimony for HB 1068 HD1 relating to Heʻeia State Park. The Heʻeia National Estuarine Research Reserve (HeNERR) is strong support of this bill.

The HeNERR was officially designated in 2017 after years of effort by the Heʻeia community and the support of the State legislature, with the Department of Land and Natural Resources as one of our official site partners. It is founded in a belief that Hawaiʻi can be an example for the world, and the efforts to restore the *ahupuaʻa* of Heʻeia can be a model for Hawaiʻi. The primary purpose of the HeNERR is to conduct the research needed to guide restoration efforts, and to educate the public about the value of healthy and functioning *ahupuaʻa*. Staff for the HeNERR was hired just this past summer, so we are now in the process of bringing this program to life.

The HeNERR is an economic engine for the Koʻolaupoko district. Our budget brings in approximately \$700k of federal money annually, which was increased to almost \$1 million in 2018 thanks to plus-up funding through Senator Schatz's support. Heʻeia State Park is also an economic engine for the community, but a lack of long-range planning and education center has resulted in many activities that are not in alignment with the communities and a missed opportunity to educate our *keiki* and our visitors. The money requested through the bill before you is needed to support the long-range planning that will bring the activities in Heʻeia State Park into alignment with the community's interests, and to plan an education center that will help us to fulfill the mission of this State-Federal partnership. This bill will also create an opportunity to bring even more federal money into our community to support the construction of the education center.

All that said, I would like to suggest a few friendly amendments to the bill as written.

- **Page 1, Line 5** describes the NERRS as a network of 28 reserves around the nation. This was true until Heʻeia was added as the 29th reserve in the nation. The number should be 29.
- **Page 2, Lines 8-9** describes the purpose of this bill is, "to appropriate funds for a Heeia state park community-based long-range plan and an education center for the Heeia National Estuarine Research Reserve System." To clarify, we only need State funding for the planning and design of the education center. Once the plan and design is in place, we will have access to federal monies for the actual construction of the education center. This is an important

point, because this bill essentially opens the door for my program to access other federal money to bring that into the state for construction related jobs.

Mahalo for your time and consideration,

A handwritten signature in black ink, appearing to read "Kawika Winter".

Kawika Winter, Ph.D.

Reserve Manager, He`eia National Estuarine Research Reserve



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

March 11, 2019

TO: Sen. Kaaial'i Kahele, Chair
Sen. Gilbert Keith-Agaran, Vice Chair
& Members, Committee on Water & Land

FROM: Leialoha Kaluhiwa
President, Ko'olaupoko Hawaiian Civic Club

SUBJECT: H.B. 1068, H.D.1 – Funding for He'eia State Park Planning – SUPPORT

Aloha Chair Kahele, Vice Chair Keith-Agaran and Committee Members:

The Ko'olaupoko Hawaiian Civic Club strongly supports passage of H.B. 1068, H.D. 1, which would provide funding for a longterm community-based plan for the future of He'eia State Park and plans for an education center for the He'eia NERRS on the park property.

As the largest Hawaiian organization in Ko'olaupoko and particularly among the nine ahupua'a around Kane'ohe Bay, we have paid close attention to the people, cultural and natural resources in our community.

He'eia State Park and the lands and ocean waters nearby are naturally among these resources that are important to us. Some of our members were involved in advocating for the state to acquire the lands at Kealohi – on which the park sits – when it was purchased from Matson.

Our club and our members are also strong supporters and partners with the He'eia National Estuarine Research Reserve, added to the national network in 2017. This public-private partnership includes several longtime grassroots community groups along with several state and federal agencies.

That's why it's only logical that the NERRS education center be located on an empty section of the park land which is vacant due to the demolition of the aging pavilion. We have also urged the Department of Land and Natural Resources to include our NERRS partners and the two neighborhood boards of the area in planning for the future of this important cultural resource and public park.

We urge your support for H.B. 1068, H.D. 1.

Mahalo.

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko'olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."



Ko`olau Foundation

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

February 20, 2019

To: Rep. Sylvia Luke, Chair
Rep. Ty Cullen, Vice Chair
& Members, Committee on Finance

From: Aaron Mahi, President
Ko`olau Foundation

Re: Support – H.B. 1068, H.D.1 – Relating to He`eia State Park

On behalf of the Ko`olau Foundation, aloha Chair Luke, Vice Chair Cullen, and members of this Committee:

The Ko`olau Foundation offers its strong support for House Bill 1068, House Draft 1, which provides funding for a community-based, longrange plan for He`eia State Park, as well as planning & design funds for a new education center for the He`eia National Estuary Research Reserve.

We wish to emphasize that the He`eia NERRS is a public-private partnership that includes grassroots community organizations and state and federal agencies which are committed to stewardship of the He`eia estuary, which lies adjacent to the park. Among those partners is NOAA, which offers a program with a 70% match to any state expenditures for capital projects as well as operating funds for the He`eia NERRS.

Our organization is particularly dedicated to preserving and protecting historic and cultural resources throughout the islands. He`eia State Park is an important wahi kapu, the site of the heiau Kala`e`ula`ula and the leina, the leaping-off place where the spirits of the Hawaiians of old traveled to be judged on the life they had led.

Unfortunately, the heiau now lies under a building that is used to make money, and there seems to be little respect for the sacred aspects of the heiau that existed at this site from centuries ago.

We are also hoping that, with funding for a community-based longrange plan for the future of this park, the state will accept our community's offer to include the He`eia NERRS groups to ensure that the future of this public park remains a community treasure.

Mahalo for this opportunity to offer our mana`o.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Water and Land
Monday March 11, 2019 at 1:15 pm

By

Judy Lemus, Interim Director
Hawai'i Institute of Marine Biology

And

Michael Bruno
Vice Chancellor for Research
University of Hawai'i at Mānoa

HB 1068 HD1 – RELATING TO HEEIA STATE PARK

Chair Kahele, Vice Chair Keith-Agaran and members of the committee:

As a unit of the University of Hawai'i at Mānoa, the Hawai'i Institute of Marine Biology is an official site partner of the He'eia National Estuarine Research Reserve (HeNERR), and we support HB 1068 HD1.

Now that He'eia has been designated as the 29th member of the NERRS in the Nation, the site partners have been working together with the recently-hired staff to implementing the HeNERR master plan. A key component of that master plan is to construct an education center in He'eia State Park, but doing so will require legislative support to provide for a community-based long-term plan for the park, and design plans for the education center.

As such, we are fully in support of HB 1068 HD1.

Thank you for the opportunity to present this testimony.



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Aha Moku Advisory Committee

Senate Committee on Water and Land

Monday, March 11, 2019
1:15 p.m.
Conference Room 229

LATE

**House Bill 1068 HD 1 - Support
Relating to the He'eia State Park**

Aloha Chair Kahele, Vice-Chair Keith-Agaran and members of the Committee,

House Bill 1068 HD 1 makes an appropriation for a He'eia State Park community-based long-range plan and education center for the He'eia National Estuarine Research Reserve System (NEERS). The Hawaii State Aha Moku (AMAC) strongly supports this measure.

Since the restoration of the Aha Moku Process by the Legislature in 2012, via Act 288, §171.4-5, the Aha Moku Advisory Committee (AMAC) has successfully brought the voices of the communities and 'ohana of ahupua'a districts forward to work with Hawai'i government in addressing and sustaining the natural and cultural resources of our Pae'Aina.

In the moku of Ko'olaupoko and the He'eia Ahupua'a that is part of it, I am the AMAC representative, who is also the He'eia Ahupua'a representative. I am a lineal and generational practitioner who continues the work of my 'ohana who have held the distinction of being the konohiki of He'eia for the past 300 years. He'eia is an ahupua'a that continues to practice their unique traditional customs today. My ancestors are buried in the He'eia State Park; my kupuna and 'ohana continue their religious practices in the park; and there are sacred heiau as well as having the deeply sacred Kalaeulaula Heiau at Kealohi Point, which is the Leina ka uhane, a leaping place for the soul.

Aha Moku is attached to DLNR administratively and as such have been working with the Division of State Parks (DSP) to bridge the existing needs of the He'eia community and the existing policies of DSP. DSP has been strongly supportive of the He'eia community and does its best to work with the Native Hawaiian cultural practitioners. Aha Moku supports the proposed education center as listed in this measure. We believe this center will ensure that the traditional and generational knowledge passed on to me and other kupuna of Heeiea will be accurate and treasured. This knowledge will help in educating all on the exceptional and exclusive individuality of the Heeiea Ahupuaa. As one of the few remaining areas where the host culture still thrives, it is important the place where the He'eia people hold most sacred, is protected and sustained.

We believe this measure will reinforce the community's role in He'eia State Park and urge this committee to pass this measure.

Mahalo nui loa,

Rocky Kaluhiwa, He'eia Ahupua'a Representative, Moku O Ko'olaupoko
Aha Moku Advisory Committee, Po'o, Moku O Kakuhihewa, Island of O'ahu
Phone: 808-286-7955
Email: rockykaluhiwa1122@gmail.com

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1068 HD1 Relating to He'eia State Park
Senate Committee on Water and Land
Monday, March 11, 2019, 1:15 PM, Room 229

LATE

The Nature Conservancy of Hawai'i is a non-profit conservation organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 40,000 acres in 13 nature preserves and work in over 30 coastal communities to help protect the near-shore reefs, waters and fisheries of the main Hawaiian Islands. We forge partnership with government, private parties and communities to protect forests and coral reefs for their ecological values and the many benefits they provide to people.

The Nature Conservancy supports H.B. 1068 HD1, which would appropriate funds for a He'eia State Park community-based long-range plan and an education center for the [He'eia National Estuarine Research Reserve](#). State funding in support of the He'eia NERR is annually matched by approximately \$690,000 in federal funds from the National Oceanic and Atmospheric Administration.

The ahupua'a of He'eia on the island of O'ahu is one of twelve NOAA-designated Sentinel Sites and in January 2017 was designated as the [29th National Estuarine Research Reserve](#). The [He'eia NERR](#) encompasses upland forests and grasslands, wetlands, reefs and seagrass beds, as well as Kāne'ohe Bay—the largest sheltered body of water in the Hawaiian Islands. The NERR designation reflects the community's desire to ensure the protection and sustainable management of valued cultural, historical and natural resources.

He'eia contains a world-class research institution (Hawai'i Institute for Marine Biology) and multiple community organizations including Ko'olaupoko Hawaiian Civic Club, Ko'olau Foundation, Kāko'o 'Ōiwi, Paepae o He'eia, and the He'eia State Park working together to develop and implement effective management strategies in an entire ahupua'a. Collaboration between these organizations coupled with education and outreach to the broader community are recognized as necessary because of the interconnected relationship each ecosystem has to another within the He'eia ahupua'a. Any effect up in the mountains will work its way into the community, into the wetlands and lo'i (traditional wetland agriculture systems), flow down to the coast, into the loko i'a (fishponds), and eventually into the bay and onto coral reefs—affecting people's lives, lifestyles and livelihoods all along the way.

The proposed community-based long-range plan and education center will contribute to greater community engagement and increase local and national support for research, education, and restoration efforts in the region.

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Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
(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 WATER AND LAND

For hearing Monday, March 11, 2019

Re: HB 1068, HD1 RELATING TO HEEIA STATE PARK.

Makes an appropriation for a Heeia State Park community-based long-range plan and education center for the Heeia National Estuarine Research Reserve System. (HB1068 HD1)

TESTIMONY IN OPPOSITION

This bill should be rejected because it provides zero information about the administrative structure, board of directors, or bylaws of the (startup?) organization(s) who would be given nearly a million dollars during a two year period; and there is also no requirement for a publicly available audit or at least a report on how the money gets spent. Dear legislators, it is your responsibility to the taxpayers to reject legislation which conceals such information. We demand transparency and accountability.

Suspicion is warranted about the political intentions and fiscal accountability of the (currently hidden) people behind this bill, because

of two decades of race-based political activism focused directly at the land and water resources at He'eia State Park, He'eia fishpond, and the associated upstream areas of Ha'iku Valley and 'Ioleka'a Valley. When testimony on this bill becomes visible to the public it will probably be easy to see the roles of leaders and members of the Ko'olaupoko Hawaiian Civic Club, Kako'o 'Oiwi, Paepae o He'eia, the Ko'olau Foundation, and an apparently dormant or defunct group known as the Ahupua'a Restoration Council of He'eia.

The Ahupua'a Restoration Council of He'eia (ARCH) started out looking like a grass-roots community effort to restore the environment in keeping with Hawaiian cultural values, but gradually revealed itself to be a Hawaiian sovereignty front organization. I, Ken Conklin, live in Kane'ohe and attended nearly all the meetings of this group from 1999 through 2002, which were held inside a large meeting hall at He'eia State park and later held in a small museum attached to it. As time went by the group leaders, including several activists who lived far outside the area, steered the meetings toward formalizing an organization which ended up as a 501(c)(3) tax-exempt with written bylaws. The bylaws explicitly established racial control by ethnic Hawaiians; at which point Ken Conklin ruined the unanimous "decision-making by consensus" [i.e., group pressure] by resigning and never returning. The complete story, including verbatim portions of the bylaws, is on a webpage "The Use of Cultural and Environmental Restoration as a Political Front for Hawaiian Sovereignty -- The Ahupua'a Restoration Council of He'eia" at <http://www.angelfire.com/hi2/hawaiiansovereignty/fraudahupuaa.html>

Those groups -- Ko'olaupoko Hawaiian Civic Club, Kako'o 'Oiwi, Paepae o He'eia, the Ko'olau Foundation, and ARCH -- have consistently maintained ethnic Hawaiian dominance in any community groups seeking to exercise control over environmental restoration or historical interpretation. Their own organizations usually have written bylaws or informal but well-enforced rules that allow membership to community residents of all races who are welcome to provide financial support and volunteer labor, but voting rights and leadership roles are restricted to

"Native Hawaiians." For example, the group "Kako'o 'Oiwi" has a lease on the He'eia wetlands where they grow taro; their name "Kako'o 'Oiwi" literally means "support Native Hawaiians". It is certainly immoral, and probably illegal, for the State government to provide monetary grants to organizations that allow first-class membership exclusively to a favored race but restrict all other races to second-class membership that does not allow voting rights or leadership positions.

All of these groups refuse to consider growing rice even though rice can be grown wherever taro can be grown, rice has been grown here decades ago, and rice would be a far more marketable crop important to food security because it is preferred by Hawaii's large Asian population. But in the Hawaiian creation story taro is the elder brother of "Native Hawaiians", and under Hawaii law taro gets special water rights not available to rice because taro cultivation was a "traditional and customary" Native Hawaiian cultural practice protected under the Hawaii Constitution as revised in 1978. Planting and cultivating taro is a method whereby "Native Hawaiians" assert and seize race-based control over water resources and therefore over the land, according to the "public trust" doctrine for water, as seen most notably in the litigation and contested case hearings regarding Wai'ahole Ditch on O'ahu and Na Wai 'Eha on Maui."

In previous years the template for government-mandated racial control of an ahupua'a was explicitly made clear in bills before the legislature to establish Ha'iku Valley (Kane'ohe) as a Hawaiian cultural preserve. Testimony from supporters (probably authors) of the bills was publicly visible, showing that they were (and remain today) leaders in the Ko'olaupoko Hawaiian Civic Club, the Ko'olau Foundation, etc.

The bill regarding Haiku Valley, HB2704, was actually passed by the 2008 legislature but vetoed by Governor Lingle. The Senate voted to override the veto, but the House failed to override it. The text of the bill can be seen at

http://www.capitol.hawaii.gov/session2008/Bills/HB2704_.htm

Notice that the 2008 bill was actually a Hawaiian sovereignty bill thinly disguised as a bill for environmental and cultural preservation. It specified that the Ha'iku Valley Cultural Preserve Commission would have seven members, including one member of the Ko'olau Foundation, two members of the Ko'olaupoko Hawaiian Civic Club, one appointee from OHA, and one appointed by the governor from a list provided by native Hawaiian organizations. Notice also that the bill requires that "the office shall transfer management and control of the valley cultural preserve to the sovereign native Hawaiian entity upon its recognition by the United States and the State."

Essentially the same bill was attempted in 2012, but failed. See webpage about this one particular 2012 bill: "Putting Haiku Valley, Kaneohe, Under Racial Control"
<http://www.angelfire.com/big09/HaikuValley2012HB2246.html>

Similar legislation was also attempted regarding Makua Valley and Kahana Valley, and probably other places where I was not paying attention. Those bills also included guaranteed ethnic Hawaiian racial majorities on the board of directors, and the same provision for transfer of the ahupua'a to a future Hawaiian tribe.

The Makua Valley Reserve Commission bill for 2015 was HB 1430. Bill text (including all amended versions), history, committee hearings, pdf of all testimony submitted to each committee (including by Ken Conklin), YEAs and NAYs, committee reports:
http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1430&year=2015

The description of the present bill relating to He'eia State Park says: "Makes an appropriation for a Heeia State Park community-based long-range plan and education center for the Heeia National Estuarine Research Reserve System."

The original version of this bill would appropriate \$800,000.00 at the rate of \$400,000.00 for each of the two fiscal years 2019-2020 and 2020-2021.

For each of the two fiscal years \$250,000.00 would be given to establish a "Heeia state park community-based long-range plan", and for each of the two fiscal years \$150,000.00 would be given to establish an education center there.

As a veteran of the ARCH fiasco, and with years of experience testifying against proposals for a Haiku Valley Cultural Preserve Commission, this current bill feels exactly the same. I believe it's a boondoggle to send nearly a million dollars to a shadowy group of Hawaiian sovereignty activists who have tried repeatedly for two decades to set up racial-supremacist organizations to control land under an umbrella of approval by the state legislature.

This bill should be rejected because it provides zero information about the administrative structure, board of directors, or bylaws of the (startup?) organization(s) who would be given nearly a million dollars during a two year period; and there is also no requirement for a publicly available audit or at least a report on how the money gets spent. Dear legislators, it is your responsibility to the taxpayers to reject legislation which conceals such information. We demand transparency and accountability.

Suspicion is warranted about the political intentions and fiscal accountability of the (currently hidden) people behind this bill, because of two decades of race-based political activism focused directly at the land and water resources at He'eia State Park, He'eia fishpond, and the associated upstream areas of Ha'iku Valley and 'Ioleka'a Valley. When testimony on this bill becomes visible to the public it will probably be easy to see the roles of leaders and members of the Ko'olaupoko Hawaiian Civic Club, Kako'o 'Oiwi, Paepae o He'eia, the Ko'olau Foundation, and the apparently dormant or defunct group known as the Ahupua'a Restoration Council of He'eia, in which I was an active participant for more than two years.