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HAWAII



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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER, LAND, & HAWAIIAN AFFAIRS**

**Friday, February 8, 2019
8:30 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1068
RELATING TO HEEIA STATE PARK**

House Bill 1068 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 element to consider is the federal Land and Water Conservation Fund administered by the National Park Service – which mandates 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 is subservient to this covenant. In addition, the funding 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'aina Kids has a volunteer management agreement with State Parks to subsume all park management functions. In addition, the Department is formalizing volunteer 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 Kaneohe Cultural Foundation (KCF) is the non-profit associated with the Kaneohe 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 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.



The Nature Conservancy, Hawai'i
Program
923 Nu'uuanu Avenue
Honolulu, HI 96817

Tel (808) 537-4508
Fax (808) 545-2019
nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1068 Relating to He'eia State Park
House Committee on Water, Land, & Hawaiian Affairs
Friday, February 8, 2019, 8:30AM, Room 325

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, 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 \$700,000 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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Ko`olau Foundation

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

February 7, 2019

To: Rep. Ryan I. Yamane, Chair
Rep. Chris Todd, Vice Chair
& Members, Committee on Water, Land & Hawaiian Affairs

From: Aaron Mahi, President
Ko`olau Foundation

Subject: Support for H.B. 1068, Relating to He`eia State Park

Aloha Chair Yamane, Vice Chair Todd, and Honorable Members of the Committee:

The Ko`olau Foundation is in strong support of House Bill 1068 to provide funding for a long-range, community-based plan for the future of He`eia State Park.

Our organization is dedicated to the preservation of our important cultural resources, our heritage so dearly cherished by the Hawaiian people and by all of us who love these islands.

We support this bill primarily because of He`eia State Park's rich cultural resources, its place in our history and its importance to our people. The heiau Kala`e`ula`ula, buried under a building that is rented out for money and offers little respect for the sanctity of the sacred place it once was. The leaping-off place – the leina – is the dividing line between He`eia Uli and He`eia Kea, where – our ancestors tell us – a Hawaiian's spirit came to be judged on the life he or she had led.

We support this bill because of the richness of the natural resources of the area's `aina and kai, of the estuary of He`eia cradled between Kealohi Point and Kane`ohe. This bill also would provide planning funds for an education center for the He`eia National Estuarine Reserve Reserve.

This bill would support an update and, hopefully, improved long-range plan for the future of this park so greatly valued by the people of Ko`olau. We urge that, if passed, such a plan incorporates the views and values of the people who are kupa`aina – grassroots – to the area, to He`eia and Kane`ohe Bay.

We urge your kokua and your vote in support of this important community initiative.

Mahalo for considering our mana`o.



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

February 7, 2019

To: Rep. Ryan Yamane, Chair
& Members, Committee on Water and Land

From: Alice P. Hewett, President

Subject: H.B. 1068, Relating to He`eia State Park – In Support

The Ko`olaupoko Hawaiian Civic Club strongly supports House Bill 1068, which provides funding toward a community-based, longrange plan for the future of He`eia State Park.

Our club, which is the second largest in the Association of Hawaiian Civic Clubs, is also the largest Hawaiian organization in the Ko`olaupoko region which encompasses Kane`ohe Bay and the site of He`eia State Park.

We have asked the Board of Land and Natural Resources to allow us to work with them to revisit their older plan for the park and ensure that the future of the park keeps it as an important public resource for our community. Our members were among those who worked hard, many years ago, to see that the lands at Kealohi point were acquired and that this park would be established for our community.

Our civic club strongly believes that the purpose of parks under state or county control should be to maintain its public identity, its connection with the communities that these parks serve. He`eia State Park has a distinct identity which bonds this `aina – this wahi kapu – to our community. It is at He`eia State Park that the heiau, Kala`eulaula, is found. Unfortunately, the heiau now has a building on top of it. Also at He`eia State Park is the leina, the leaping off point known by Hawaiians of the area from time immemorial. Adjacent to the park is the fishpond managed by Paepae o He`eia, and the lo`i kalo, Mahuahua Ai o Hoi, both part of the estuary of He`eia and both growing food to feed our people.

In this request are also funds to help plan for an education center for the He`eia NERRS, a perfect fit for the state park site on an empty footprint left vacant after an older building was demolished. Adjacent to the estuary, there could be no better learning place for our youth and our community to witness the restoration and protection of this important water and land feature.

We humbly urge your committee to approve our request for funding to support this longrange plan and NERRS education center at He`eia State Park

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."

He'eia National Estuarine Research Reserve
Ko'olaupoko, O'ahu, Hawai'i

Testimony on behalf of He'eia National Estuarine Research Reserve
Strongly Supporting HB 1068
House Committee on Water, Land and Hawaiian Affairs



February 8, 2019

Aloha Chair Yamane and members of the House Committee of Water, Land, and Hawaiian Affairs,

Thank you for the opportunity to provide testimony for HB 1068 relating to He'eia State Park. I am the Reserve Manager for the He'eia National Estuarine Research Reserve (HeNERR), and I am in strong support of this bill.

The HeNERR was officially designated in 2017 after years of effort by the He'eia 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 Hawai'i can be an example for the world, and the efforts to restore the *ahupua'a* of He'eia can be a model for Hawai'i. 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 *ahupua'a*. 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 Ko'olaupoko 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. He'eia 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 He'eia 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.

In my previous position, as the Director of Limahuli Garden and Preserve in Hā'ena (Kaua'i), I served on the community advisory council for the Hā'ena State Park Master Plan. A similar situation there necessitated the need for long-range planning. Tourist were run amok, and our cultural sites and treasures were being trampled to death. Long-range planning in Hā'ena State Park created a management scenario that fulfills the State's obligation to support traditional and customary practice, and has designed a park that the community not only feels welcome in, but can be proud of. I worked closely with Alan Carpenter and other staff at the Division of State Parks, and I have full confidence in them to lead a similar process for He'eia State Park in Ko'olaupoko (O'ahu).

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 He`eia was added as the 29th reserve in the nation. The number should be 29.
- **Page 2, Lines 18-19** 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,



Kawika Winter, Ph.D.

Reserve Manager, He`eia National Estuarine Research Reserve



O`ahu County Committee on Legislative Priorities

COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Rep. Ryan L. Yamane, Chair

Rep. Chris Todd, Vice Chair

DATE: Friday, February 8, 2019

TIME: 8:30 a.m.

PLACE: Conference Room 325, State Capitol

RE: HB 1068 Relating to Making an Appropriation for Iolani Palace

To the Honorable Ryan I. Yamane, Chair; the Honorable Chris Todd, Vice Chair; and Members of the Committee on Water, Land, and Hawaiian Affairs:

The O`ahu County Committee on Legislative Priorities (OCCLP) of the Democratic Party of Hawai`i (DPH) hereby submits its testimony in **SUPPORT of HB 1068 relating to Making an Appropriation for Iolani Palace.**

HB 1068 appropriate funds for a Hee±a state park community-based long-range plan and an education center for the Heeia National Estuarine Research Reserve System.

Native Hawaiians are the indigenous people of Hawai`i and deserve a just relationship with the State and Federal Governments. DPH supports the growth of Native Hawaiian farming, agriculture and healing practices. DPH values and wishes to foster the preservation of our host culture.

DPH acknowledges the past injustices and the misguided, harmful Federal and State policies and actions based on outdated and discredited values and beliefs that resulted in the destruction of the Hawaiian Nation's economies, social, and religious systems, the taking of their lands, and the creation of intergenerational trauma that exists to this day. DPH believes that we have a moral and profound duty to honor, respect, and uphold our sacred obligation to the Hawaiian Nation State and the Hawaiian people.

DPH also supports efforts for self-governance and self-determination of Native Hawaiians whose values are the foundation of the Hawaiian Islands. DPH supports proactive actions by the

Federal and State governments to enhance Native Hawaiian culture, health, language, and education. DPH recognizes and honors the contributions and sacrifices made in service to our county by Native Hawaiians.

DPH supports the continued engagement and empowerment of the Native Hawaiian community in decisions related to county and state affairs.

DPH supports Hawaiian-focused schools and courses that provide culturally-based education in order to maximize choices in life and work. DPH supports educational programming and efforts that embody Hawaiian values, language, culture and history as a foundation to prepare students for success in college, career and communities. *Democratic Party of Hawai'i Platform (2018), p. 15, ln. 32-35, 38-50, p. 16, ln. 1-4.*

For the foregoing reasons, i.e., to support educational programming and efforts that embody Hawaiian values, language, culture and history, OCCLP supports HB 1068 and urges its passage out of the Committee on Water, Land, and Hawaiian Affairs.

Mahalo nui loa
Me ka `oia`i`o

/s/ Melodie Aduja

Melodie Aduja

Chair, O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i

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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

For hearing Friday, February 8, 2019

Re: HB 1068 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.

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. The groups behind those two decades of political activism included 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."

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.

HB-1068

Submitted on: 2/6/2019 11:38:00 AM

Testimony for WLH on 2/8/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments: