

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 Committee on
WATER AND LAND**

**Wednesday, February 6, 2019
1:15 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE BILL 1134
RELATING TO HEEIA STATE PARK**

Senate Bill 1134 proposes to make 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. **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 the 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:

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

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.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Water and Land
Wednesday, February 6, 2019 at 1:15 p.m., Conference Room 229

By
Judy Lemus, Interim Director
Hawai'i Institute of Marine Biology
And
Michael Bruno
Vice Chancellor for Research
University of Hawai'i at Mānoa

SB 1134 – 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 SB 1134.

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 SB 1134.

Thank you for the opportunity to present this testimony.



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 S.B. 1134 Relating to He'eia State Park
Senate Committee on Water and Land
Wednesday, February 6, 2019, 1:15PM, Room 229

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 S.B. 1134, 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.

BOARD OF TRUSTEES

Mark E. Agne Duke E. Ah Moo Paul D. Alston Dr. C. Tana Burkert Richard A. Cooke III Ka'iulani de Silva Brian J. Doyle
Robert J. Dzielak Dr. Alan M. Friedlander James J.C. Haynes III Sean A. Hehir Brett MacNaughton Kathy M. Matsui
Janet Montag Alicia Moy James C. Polk Dustin E. Sellers Nathan E. Smith (Chair) Peter K. Tomozawa Richard N. Zwern

Ihupani Advisory Council: Christopher J. Benjamin Kenton T. Eldridge Eiichiro Kuwana Duncan MacNaughton Jean E. Rolles Crystal K. Rose
Founders: Samuel A. Cooke Herbert C. Cornuelle

SB-1134

Submitted on: 2/5/2019 1:14:37 PM

Testimony for WTL on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

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 Wednesday, February 6, 2019

Re: SB 1134 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. 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 Hee'ia State Park community-based long-range plan and education center for the Hee'ia 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.

Heʻeia National Estuarine Research Reserve

Koʻolaupoko, Oʻahu, Hawaiʻi

Testimony of Kawika Winter, Ph.D.

Strongly Supporting SB 1134

Senate Committee on Water and Land

February 6, 2019

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

Thank you for the opportunity to provide testimony for SB 1134 relating to Heʻeia State Park. I am the Reserve Manager for the Heʻeia 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 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.

In my previous position, as the Director of Limahuli Garden and Preserve in Hāʻena (Kauaʻi), I served on the community advisory council for the Hāʻena 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 Hāʻena 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 welcom 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 Heʻeia State Park in Koʻolaupoko (Oʻahu).

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 7-9** 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,



Kawika Winter, Ph.D.

Reserve Manager, He`eia National Estuarine Research Reserve

SB-1134

Submitted on: 2/2/2019 10:27:14 AM

Testimony for WTL on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mio Chee	Individual	Support	No

Comments:

SB-1134

Submitted on: 2/4/2019 5:31:58 PM

Testimony for WTL on 2/6/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jesse K. Souki	Individual	Support	No

Comments:

SB-1134

Submitted on: 2/5/2019 12:12:53 PM

Testimony for WTL on 2/6/2019 1:15:00 PM

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

Comments: