



SB691

RELATING TO THE KAHOOLAWE ISLAND RESERVE COMMISSION

Ke Kōmike ‘Aha Kenekoa o ka Wai a me ka ‘Āina
Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hawai‘i

Pepeluali 9, 2021

1:00 p.m.

Lumi 016

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the OHA Board of Trustees **OPPOSE** SB691, insofar as it proposes to task OHA with the operation and administration of the Kaho‘olawe Island Reserve Commission (KIRC), without any prior consultation with, or approval by, the OHA Board of Trustees.

OHA recognizes the significance of Kaho‘olawe. A kinolau of Kanaloa, the island remains a piko of Hawaiian culture, yet still retains visible scars from decades of previous mismanagement. Kaho‘olawe was critical to the Hawaiian cultural renaissance and continues to serve as an integral educational center for traditional navigation, hula, natural resource management and other cultural traditions and disciplines. In recognition of this continuing cultural connection, OHA has previously provided funding to the Protect Kaho‘olawe ‘Ohana, including grants to facilitate cultural practitioner trips to the island to conduct Makahiki ceremonies, document kupuna fishing knowledge, and host environmental restoration workdays. OHA also has representation on KIRC, with the chairperson of the OHA Board of Trustees currently serving as a KIRC Commissioner.

Nonetheless, OHA has a responsibility to commit its financial and human resources to further its mandate of bettering the conditions of Native Hawaiians. To this end, OHA’s Board of Trustees has the constitutional prerogative, subject to its fiduciary obligations, to carefully manage and administer the resources of the agency, and must independently weigh the costs and benefits of any commitment of these resources. Accordingly, OHA’s Board of Trustees has a policy to oppose any legislative measure that would place an entity into OHA, or that would require an OHA funding allocation, without prior consultation with, and approval by, the OHA Board of Trustees. Unfortunately, no such consultation or approval has occurred with respect to this bill’s proposal to place the administration and operation of KIRC within the agency, which would require a substantial commitment of agency resources. OHA therefore must oppose this measure.

OHA also has concerns about its ability to enforce KIRC’s entry and natural resource regulations, even with Department of Land and Natural Resources support.

For these reasons, OHA respectfully urges the Committees to **HOLD** SB691. Mahalo nui loa for the opportunity to testify on this measure.



KŪKULU KE EA A KANALOA
KAHO'OLAWÉ ISLAND RESERVE COMMISSION

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**Testimony of
MICHAEL K. NĀHO'OPT'I
Executive Director**

Before the Senate Committee on

**WATER & LAND
and
HAWAIIAN AFFAIRS**

**Tuesday, February 9, 2021
1:00 PM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 691
RELATING TO THE KAHO'OLAWÉ ISLAND RESERVE COMMISSION**

Senate Bill 691 transfers administrative duties of the Department of Land and Natural Resources (DLNR) for the Kaho'olawe Island Reserve Commission (KIRC) to the Office of Hawaiian Affairs (OHA). The Kaho'olawe Island Reserve Commission opposes this measure.

In Act 340, the creation of the KIRC and Hawaii Revised Statute Chapter 6K in 1993, the legislature found that “the extensive erosion and other ecological problems, presence of unexploded ordnance, archaeological sites and native and endangered flora and fauna that a management regime was needed to meet the challenges of restoring and presenting the island”.

The KIRC is responsible for the oversight and management the Kaho'olawe Island Reserve which includes not only the island of Kaho'olawe, its natural, cultural and historic resources, but also the two miles of water surrounding the island. The purpose and function of the KIRC, as a land and resource manager are more comparable and compatible to the management structure of DLNR than OHA.

As a DLNR attached agency, the KIRC not only utilizes the department's fiscal and personnel support but is also able to utilize the collective resource management services and expertise of the department. Some of the benefits that the KIRC have received from DLNR are:

- The Division of Conservation and Resources Enforcement (DOCARE) provides the necessary law enforcement to serve and execute warrants and arrest offenders or issues citations in matters relating to enforcement of the laws and rules applicable to the island reserve (HRS-6K-4(4)).

- The Division of Forestry and Wildlife (DOFAW) includes Kaho`olawe as part of their firefighting responsibilities which supported the effort to finally put out the February 2020 wildfire.
- Division of Boating and Ocean Recreation (DOBOR) has provided mooring support for our KIRC landing craft, Ohua at Maalaea when the Kihei Boat ramp is being repaired as well as working with the KIRC in the use of the Kihei Boat Ramp.
- The Engineering Division (ENG) provides in-house engineering and construction management support for our major on-island construction projects including the large Hakioawa Hale and the Honokanai`a Solar Field and Energy Improvements.
- The DLNR IT Division coordinates our network and intra and inter-island communications systems.

The measure proposes transferring the administrative operation of the KIRC from DLNR to OHA. For the past 28 years, the KIRC has worked closely with the DLNR to create long and lasting relationships to overcome the many challenging issues that a devastated, former bombing range has presented in Kaho`olawe restoration efforts.

The KIRC's greatest challenge today is not getting the support and expertise to continue the long-term restoration of Kaho`olawe and the oversight and management of its use, but the ability to secure the necessary long-term financial commitments needed to make sure Kaho`olawe will be available for the future generations. In this measure, without an attached dedicated funding source, there is no advantage for transferring KIRC's administrative operations from DLNR to OHA and may weaken the KIRC's ability to effectively and safely manage the Kaho`olawe Island Reserve. Therefore, the KIRC does not support this measure.



**KOHE MALAMALAMA O KANALOA
PROTECT KAHO'OLAWE FUND
P.O. Box 39
Kaunakakai, Hawai'i 96748**

Testimony Presented Before the Senate Committees on
Water & Land
and

Hawaiian Affairs

Tuesday February 9, 2021 @ 1:00 p.m.

By Joshua Kaakua for the
Protect Kaho'olawe 'Ohana

IN OPPOSITION TO SB 691

Aloha e Chair Inouye, Vice Chair Keith-Agaran and members of the Committee on Water and Land. Aloha mai Chair Shimabukuro, Vice Chair Keohokalole, and members of the Committee on Hawaiian Affairs. On SB 691 that transfers administrative duties for the Kaho'olawe Island Reserve Commission (KIRC) from the department of land and natural resources (DLNR) to the Office of Hawaiian Affairs (OHA), the Protect Kaho'olawe 'Ohana **opposes**.

The Protect Kaho'olawe 'Ohana (PKO/'Ohana) serves as a grassroots organization committed to the perpetuation of Aloha 'Āina and the activities that heal and revitalize the cultural and natural resources on Kaho'olawe. We are co-stewards with the KIRC to fulfill the strategic plan to give Life to Kaho'olawe: *I Ola Kanaloa! I Ola Kākou!* A well-supported KIRC, aligns with our commitment towards a healthy Kaho'olawe.

The PKO's position in opposition to the transfer of the administration operations is in synch with the position from the KIRC and the OHA. The KIRC's role as a land and resource management entity are more aligned with that of the management structure of the DLNR than OHA. The enforcement powers at DLNR allow for the necessary protection of cultural and natural resources, as well as to protect the general public from exposure to unexploded ordinance. The State of Hawai'i, following return of control of the island from the U.S. Navy, is required to manage the risks and exposure to ordinance and access by the general public. This involves rule-making and enforcement powers that OHA does not have. Lastly, while OHA has been and will continue to be a central partner in the PKO and KIRCs work for Kanaloa Kaho'olawe and transfer to the Native Hawaiian governing entity, OHA does not have the adequate resources or capacity to manage administrative duties for the KIRC.

Thank you for your consideration in OPPOSITION to SB 691.

Aloha 'Āina.

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Submitted on: 2/6/2021 1:07:28 PM

Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Davianna McGregor	Individual	Oppose	No

Comments:

Aloha Chair Inouye and Members of the Committee on Water Land & Hawaiian Affairs. My name is Davianna PÅ• maika'i McGregor and I have been a memeber of the Protect Kaho'olawe 'Ohana for over 35 years. I oppose SB 691 which proposes to transfer the Kaho'olawe Island Reserve Commission from the Department of Land and Natural Resources to the Office of Hawaiian Affairs (OHA). In May 1994, at the time of the transfer of the island from the U.S. Navy to the State of Hawai'i the Protect Kaho'olawe 'Ohana, working with the adminstration of Governor John Waihee determined that OHA did not have the capacity to adminster the KIRC for these reasons: (1) OHA does not have the authority to enforce the no entry zone of the Kaho'olawe Island Reserve; (2) OHA does not have the authority to administer the adminsitratve rules that protect the island's marine and natural resource from harvest; (3) OHA does not have land management experience and staff (4) OHA does not have the funding to sustain the KIRC budget. These reasons are still applicable. Transferring the KIRC to OHA will cripple the operations of the KIRC. Please do not pass this bill. Mahalo.

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Submitted on: 2/6/2021 1:30:54 PM

Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Faith Kahale Saito	Individual	Oppose	No

Comments:

I strongly oppose this bill. OHA does not have the capacity to properly manage Kaho'olawe.

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Submitted on: 2/8/2021 9:07:41 AM

Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner MPH	Individual	Oppose	No

Comments:

Aloha:

I am in OPPOSITION to SB 691 because the Office of Hawaiian Affairs (OHA) is severely underfunded due to the Hawaii State Legislature's failure to provide 20 percent of public land trust (PLT) revenue owed to Native Hawaiians and their fiduciary, OHA. Due to OHA's already limited resources and capacity, it is in my opinion that the agency will not be able to appropriately carry out the administrative operations of the Kahoolawe Island Reserve Commission. Until OHA's constitutional and statutory right to a pro-rata share is more adequately reflected and the state's PLT obligations to Native Hawaiians are fulfilled, please DO NOT PASS SB 691.

Me ke aloha,

Kamuela Werner