

STAND. COM. REP. NO. **1290**

Honolulu, Hawaii

APR 02 2015

RE: GOV. MSG. NOS. 540,
541, 542

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred Governor's Message Nos. 540, 541, and 542, submitting for study and consideration the nominations of:

BOARD OF LAND AND NATURAL RESOURCES

G.M. No. 540	ULALIA WOODSIDE, for a term to expire 6-30-2017 (as amended by GM543);
G.M. No. 541	CHRISTOPHER J. YUEN, for a term to expire 6-30-2017 (term amended to 6-30-2018 by GM544); and
G.M. No. 542	KEITH K. DOWNING, for a term to expire 6-30-2017,

begs leave to report as follows:

Your Committee has reviewed the personal histories, resumes, and statements submitted by the nominees and finds Ulalia Woodside, Christopher J. Yuen, and Keith K. Downing to possess the requisite qualifications to be nominated to the Board of Land and Natural Resources.

ULALIA WOODSIDE

Your Committee received testimony in support of Ulalia Woodside from the Department of Land and Natural Resources; Office of Hawaiian Affairs; Aha Moku Advisory Committee; Ko'olaupoko

2015-2190 GM SSCR SMA-1.doc



Hawaiian Civic Club; National Tropical Botanical Garden; Kai Kompany; Na Kua'aina O Waimanalo; 'Aha Kāne Foundation; The Trust for Public Land; Ko'olau Foundation; Conservation Council for Hawai'i; The Nature Conservancy; Kama'aha Education Initiative; Enterprise Honolulu; MW Commercial Realty, Inc; and numerous individuals.

Ulalia Woodside received a Bachelor of Arts degree in Political Science, a Bachelor of Arts degree in Hawaiian Studies, and a Certificate in Hawaiian Language from the University of Hawaii at Manoa. She is employed by the Kamehameha Schools as a Regional Assets Manager, Natural and Cultural Resources, in the Endowment Group - Land Assets Division, and previously was a Planner with the Wilson Okamoto Corporation. The nominee was a Land Agent, Administrative Assistant, and Student Intern with the Department of Land and Natural Resources from July 1988 to November 1995. She has been a member of the Hawai'i Conservation Alliance Executive Committee, Hawai'i Green Growth Steering Committee, Natural Area Reserves System Commission, Landscape Conservation Cooperative National Council, and Pacific Islands Climate Change Cooperative. She is currently an Interim Board Member of the Board of Land and Natural Resources.

Your Committee notes that Ms. Woodside understands that Hawaii's independence and sustainability depend on the prosperity of our land and resources and that 'āina is what feeds and nurtures us physically and spiritually. Referring to the constitutional mandate of the State to hold in trust all public natural resources for the benefit of the people, she notes in her personal statement, "These words embody the value of mālama and speak to intergenerational equity. By heeding this direction in its work, the department will help ensure that the natural and cultural resources that make Hawai'i unique are cared for, and that our future generations will have the opportunities to use and experience those treasures as well."

Testimony indicated that as the Regional Asset Manager for Natural and Cultural Resources at Kamehameha Schools' Land Assets Division, the nominee has consistently provided wise counsel about a broad spectrum of land management issues. She has significant experience with access issues, the reciprocal relationship between 'āina and people, land valuation, best conservation management practices, and the competing land use needs and desires of Hawai'i's people. Ms. Woodside also has a deep understanding and



appreciation for Hawai'i's cultural practices and the values of aloha 'āina (love of the land) and mālama 'āina (care for the land).

Your Committee further notes that the nominee believes the Department of Land and Natural Resources can focus on "increased collaborations across other sectors like agriculture or tourism, in both public and private sectors, to pool resources and effort. By finding common ground with other sectors in our community, we may identify areas where we are interdependent, and where we could more efficiently achieve our goals by being supportive [of] each other."

With regard to possible conflict of interests with her employment at Kamehameha Schools, Ms. Woodside testified that she would recuse herself from participation in discussions and voting on such matters if the Attorney General deems it a conflict and advises accordingly. She received helpful advice from Dr. Sam Gon, who advised her to announce her conflict or potential conflict to the Board relating to her employment with Kamehameha Schools, and seek legal advice from the Attorney General. She also reviewed the Ethics Commission Guidelines in this regard.

CHRISTOPHER J. YUEN

Your Committee received testimony in support of Christopher J. Yuen from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Pulama Lana'i, Conservation Council for Hawai'i, The Nature Conservancy, Armstrong Produce, Building Industry Association of Hawaii (BIA-Hawaii), and numerous individuals.

Christopher J. Yuen received a Juris Doctor degree from the William S. Richardson School of Law, a Master's degree in Environmental Science from the State University of New York, College of Environmental Science & Forestry, and a Bachelor of Arts degree in Human Biology from Stanford University. He is the owner and manager of The Family Farm, Inc., a 20-acre certified organic farm, supplying local markets with bananas, lychees, and rambutans. He was the Planning Director of Hawai'i County and a Deputy Corporation Counsel for the County of Hawai'i. Mr. Yuen also served on the Board of Land and Natural Resources from 1990 to 1998. He is currently an interim Board Member of the Board of



Land and Natural Resources. In addition, the nominee organized the Friends of Makalawena to preserve the coastline in Kona which culminated in the Kekaha Kai State Park, a 4.5 mile long, 1,300 acre coastal park. He organized a campaign to protect the Keaukaha shoreline in 1971, which led to the County of Hawaii's purchase of Richardson's and Carlsmith's properties for parks.

The nominee's resume indicates that during his time on the Board of Land and Natural Resources in the 1990s, he spearheaded the negotiations in the Awake'e-Manini'owali land exchange; revision of conservation district rules; review of more than four hundred Conservation District Use Permits; and approval of a master plan for Kekaha Kai State Park.

Your Committee notes that testimony indicated that Mr. Yuen is a member of the Advisory Councils for the Laupahoehoe and Pu'uwa'awa'a Experimental Tropical Forests. He has served on various Hawaii Island community groups organized to protect the Hawaii shoreline or forests, and in most cases these groups have been successful. Over the years, Mr. Yuen has demonstrated his successful negotiating skills and collaborative efforts toward resolving land use issues with regard to land exchanges and acquisitions to preserve beachfront land and open space.

Your Committee notes Mr. Yuen's response to written questions, that "For us to utilize natural resources in the future, we must protect the resource base in the present: to continue to draw water, we must protect the forest, to continue to harvest fish, we must protect the reefs, to continue to attract visitors, we must protect natural beauty." With regard to the values that directly motivate the Department's programs, he states those values as being respect for cultural heritage (historic preservation, many state parks); stewardship of our priceless heritage of unique plants and animals (forestry and wildlife, aquatic resources); love of nature and the outdoors (state parks, hunting, fishing, boating); protecting the rights of the majority against the misdeeds of a few (conservation enforcement); and prudent management of the State's assets (land management, small boat harbors, conveyances).

In his personal statement, the nominee says, "Often, those of us concerned about Hawai'i's environment fear a gloomy future. The story is one of loss and lament. Yet many good things are happening, and it's important to know that they are possible. I've seen dramatic regeneration of thousands of acres of koa



forests at Kamehameha School's Keauhou property, in the Volcanoes National Park, on the slopes of Mauna Kea at 'Umikoa Ranch. Even from miles away on the inter-island flight from Hilo to Honolulu, or on satellite photos, you can see the dark green of native plants established by volunteers at the Hakalau Wildlife Refuge."

As a former member of the Board of Land and Natural Resources, the nominee stated that it is important for Board members to get along with other Board members. He feels he can get along with the other nominees and he is ready to start working with them.

In oral testimony, Mr. Yuen stated that the major issues facing the Department of Land and Natural Resources include establishing community partnerships, fisheries management, watershed projects, and addressing distrust from stakeholders. Government cannot be an advocate for one side or the other on an issue, which leads to public mistrust of government.

KEITH K. DOWNING

Your Committee received testimony in support of Keith K. Downing from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Conservation Council for Hawai'i, and numerous individuals.

Keith K. Downing operates Downing Hawaii, Hawaii's oldest surf shop, specializing in innovative and custom surfboards and surf gear. Mr. Downing is a champion surfer who has won numerous surf competitions and is considered an expert as a big wave surfer in Hawaii.

Testimony in support of the nominee indicates that Mr. Downing is a Native Hawaiian cultural practitioner has expertise and traditional knowledge of ocean and land resources. Mr. Downing also studied Commercial Art at the California College of Arts and Crafts. He can bring experience and knowledge of ocean currents, reef formations, marine resource issues, and how these issues are vitally connected to the land. Mr. Downing belongs to an old and well-known kama'aina family who is strongly committed to the conservation of natural and cultural resources.

Mr. Downing feels that it is extremely important to engage the community of an area affected by an issue and that Board



members should sit, listen, observe, and understand the situation that affects the particular community.

In answer to the Committee's written questions concerning what he thinks is the role of a member of the Board, Mr. Downing replies, "Finding the best usage to enhance community by protecting our limited resources mauka to makai for generations. . . . if there is one accomplishment during my term it would be that we made all divisions accountable to engage community more in helping decision making that effects their communities needs as well as all of us with Hawaii's best interest in mind. As for myself, I hope to do the right thing, the right way, and for the right reasons." He adds, "I feel protecting our natural resources is in my DNA."

Your Committee notes that Mr. Downing's response to what he thinks is the role of a member of the Board of Land and Natural Resources. He stated, "We must listen, ask questions, acquire facts to help guide our policy makers in doing the best thing, the best way, making sure to stay true to our mission of enhancing, protecting, conserving, and managing."

Mr. Downing testified that he would like to protect surfing sites and beaches. He would be dubious of any development or project, including those touted as ecologically friendly, if it affects the farmers, water users, and fish. He will do what is best for Hawaii, not just for today, but for future times. Since he is an ocean person, he was asked what land issues he would be concerned with. He summarized that the most important thing is food. "The mountain is the start of everything." This is where water comes from which feeds the fish. It is all connected.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.



Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



LAURA H. THIELEN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL
Advise and Consent

Governor's Message No.:* GM 540	Committee Referral: WTL	Date: 03.27.15		
☐ The Committee is reconsidering its decision				
The Recommendation is: ☒ Advise and Consent 2340 ☐ Not Advise and Consent 2345				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SHIMABUKURO, Maile S.L.	✓			
SLOM, Sam	✓			
TOTAL	7			
Recommendation: ☒ Adopted ☐ Not Adopted				
Chair's or Designee's Signature: D				
Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy				

***Only one Governor's Message per Record of Votes**

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL
Advise and Consent

Governor's Message No.:* GM 541	Committee Referral: WTL	Date: 03.27.15		
☐ The Committee is reconsidering its decision				
The Recommendation is: ☒ Advise and Consent 2340 ☐ Not Advise and Consent 2345				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SHIMABUKURO, Maile S.L.	✓			
SLOM, Sam	✓			
TOTAL	7			
Recommendation: ☒ Adopted ☐ Not Adopted				
Chair's or Designee's Signature: _____ f				
Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy				

*Only one Governor's Message per Record of Votes

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL
Advise and Consent

Governor's Message No.:* GM 542	Committee Referral: WTL	Date: 03.27.15		
☐ The Committee is reconsidering its decision				
The Recommendation is:				
☒ Advise and Consent 2340 ☐ Not Advise and Consent 2345				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SHIMABUKURO, Maile S.L.	✓			
SLOM, Sam	✓			
TOTAL	✓ 27			
Recommendation:				
☒ Adopted ☐ Not Adopted				
Chair's or Designee's Signature:				
[Signature]				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one Governor's Message per Record of Votes