

NAME	ORGANIZATION/INDIVIDUAL	SUPPORT/OPOSE
ADRIENNE Y SHIMONISHI	YAMAMOTO CALIBOSO LLLC	SUPPORT
ANTOINETTE DAVIS	A3H	SUPPORT
BILL MOORE	WILLIAM L MOORE PLANNING INC	SUPPORT
BILL WALTER	WH SHIPMAN LIMITED	SUPPORT
CARLITO P CALIBOSO	YAMAMOTO CALIBOSO LLLC	SUPPORT
CATHY GOEGGEL	ANIMAL RIGHTS HAWAII	OPPOSE
CLYDE HAYASHI	HAWAII LECET	SUPPORT
DAVID HENKIN	EARTHJUSTICE	OPPOSE
DAVID Z ARAKAWA	LAND USE RESEARCH FOUNDATION OF HAWAII	SUPPORT
DEBRA MENDES	OFFICE OF PLANNING	SUPPORT
DENISE EDWARDY TOWLE	ADVOCATS HAWAII	OPPOSE
ERIC ELKIND	SCHLACK ITO LLLC	SUPPORT
HAWAII THOUSAND FRIENDS	HAWAII THOUSAND FRIENDS	OPPOSE
JAMES K NISHIMOTO	DEPARTMENT OF HUMAN RESOURCES & DEVELOPMENT	SUPPORT
JAMES NAKATANI	AGRIBUSINESS DEVELOPMENT CORPORATION	SUPPORT
JEN CHAHANOVICH	PALI MOMI MEDICAL CENTER	SUPPORT
KALANI MATSUURA	HOI MAI KA LEI I MAMA O	OPPOSE
KALEO	AHA WAHINE	OPPOSE
LEONARD LEONG	ROYAL CONTRACTING CO LTD	SUPPORT
LESLIE APIU KULOLOIO	AHA MOKU ADVISORY COMMITTEE	SUPPORT
MARTI TOWNSEND	THE OUTDOOR CIRCLE	OPPOSE
MEL MALINOWSKI	SOUTH KOHALA REEF ALLIANCE	OPPOSE
MELODY BUTAY DACANAY	CAPITOL CONSULTANTS OF HAWAII LLP	SUPPORT
MICHAEL GOLOJUCH JR	GLBT CAUCUS OF THE DEMOCRATIC PARTY OF HAWAII	OPPOSE
MICHAEL ROBINSON	HAWAII PACIFIC HEALTH	SUPPORT
NEAL YOKOTA	STRYKER WEINER & YOKOTA PUBLIC RELATIONS INC	SUPPORT
NOLAN MORIWAKI	MASONS UNION LOCAL 1	SUPPORT
OFFICE OF THE COUNTY CLERK COUNCIL SERVICES DIVISION	COUNCILMEMBER KAUAI COUNTY	OPPOSE
OFFICE OF THE GOVERNOR	OFFICE OF THE GOVERNOR	SUPPORT
PHILIP FERNANDEZ	HAWAII FISHERMENS ALLIANCE FOR CONSERVATION AND TRADITION INC	SUPPORT
PIILANI KAAWALOA	AHA MOKU ADVISORY COMMITTEE	SUPPORT
PONO SHIM	ENTERPRISE HONOLULU	SUPPORT
RICKY TAMASHIRO	MASONS UNION LOCAL 1	SUPPORT

RILEY SMITH	LANIHAU PROPERTIES LLC	SUPPORT
SARA COLLINS	SOCIETY FOR HAWAIIAN ARCHAEOLOGY	OPPOSE
SHANNON ALIVADO	GENERAL CONTRACTORS ASSOCIATION OF HAWAII	SUPPORT
SHANNON WOOD	WINDWARD AHUPUAA ALLIANCE	OPPOSE
SHERRY MENOR-MCNAMARA	CHAMBER OF COMMERCE HAWAII	SUPPORT
STUART COLEMAN	SURFRIDER FOUNDATION	OPPOSE
SUE WHITE	EARTHTRUST	OPPOSE
THOMAS HASHIMOTO	AHA MOKU ADVISORY COMMITTEE	SUPPORT
TIMOTHY VANDEVEER	DEFEND OAHU COALITION	OPPOSE
TODD A CULLISON	HUI O KOOLAUPOKO	OPPOSE
TOM LODGE	HAWAII HUNTING ASSOCIATION	SUPPORT
TYLER DOS SANTOS-TAM	HAWAII CONSTRUCTION ALLIANCE	SUPPORT
WEST MAUI PRESERVATION SOCIETY	WEST MAUI PRESERVATION SOCIETY	OPPOSE
WINNIE BASQUES	AHA MOKU ADVISORY COMMITTEE	SUPPORT
OFFICE OF HAWAIIAN AFFAIRS	OFFICE OF HAWAIIAN AFFAIRS	COMMENTS

From: [Adrienne Elkind](#)
To: [WTLTestimony](#)
Subject: GM 514 - Testimony for CARLETON CHING, Gubernatorial Nominee
Date: Monday, March 09, 2015 3:52:04 PM
Attachments: [Ltr from ASE to Sen. Thielen and Galuteria in support of Carleton Ching for DLNR Chair \(3-9-15\) \(00285124\).pdf](#)

Please see the attached testimony in support of Carleton Ching.

Thank you,
Adrienne Elkind

Adrienne Y. Shimonishi Elkind

Yamamoto Caliboso
A Limited Liability Law Company
1099 Alakea Street, Suite 2100
Honolulu, Hawaii 96813
Main: (808) 540-4500
Direct: (808) 540-4506
Fax: (808) 540-4530
Email: aelkind@ychawaii.com
Website: www.ychawaii.com

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March 9, 2015

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair
and Members of the Water and Land Committee
Conference Room 229
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Writer's Direct Dial: (808) 540-4506
Writer's Email: aelkind@ychawaii.com

Re: **GM 514 – CARLETON CHING, Gubernatorial Nominee, to serve as
Chairperson for the Department of Land and Natural Resources
Hearing on Wednesday, March 11, 2015, at 10:00am**

Dear Chair Thielen, Vice Chair Galuteria and Members of the Committee:

I am writing **in support of** Carleton Ching's nomination as Chairperson of the Department of Land and Natural Resources ("DLNR").

As an attorney practicing in the real estate area, I represent companies that need to work with the DLNR on various matters. The DLNR is an important State Department, which will thrive under the guidance and leadership of a strong, experienced, forward-thinking and collaborative Chair. I believe that Mr. Ching will provide that type of leadership for the DLNR.

Mr. Ching has many years of experience managing lands and dealing with a variety of issues pertaining to land in both the private and public sectors. He has dealt with matters relating to affordable housing, natural resources, renewable energy projects, agriculture and environmental issues. He deeply cares about Hawaii and protecting our lands. Mr. Ching is also a person with integrity and strong work ethic. He is community-minded, fair and works well with people.

For the foregoing reasons, I express my support for Mr. Ching's confirmation to serve as Chairperson for the DLNR. Thank you for your consideration of my testimony.

Very truly yours,



Adrienne Y. Shimonishi Elkind
for
YAMAMOTO CALIBOSO
A Limited Liability Law Company

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: Toni@a3h.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 4:15:49 PM
Attachments: [GM514 Support Carleton Ching.pdf](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Antoinette Davis	A3H	Support	No

Comments:

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Activities & Attractions Association of Hawaii
PO Box 598, Makawao, Hawaii 96768
(808)871-7947 Main (808)877-3104 Fax

**Testimony to the Senate Committee on Water and Land
Wednesday, March 11, 2015, 10:00 am
Conference Room 229**

**RE: SUPPORT OF GM 514 RELATING GUBERNATORIAL NOMINEE,
CARLETON CHING/DLNR CHAIRPERSON**

Chair Senator Thielen, Vice Chair Senator Galuteria & Members of the committee;

Mahalo for this opportunity to testify, my name is Toni Marie Davis. For the last 17 years it has been my honor to serve the activity & attraction industry of Hawaii through my position as the Executive Director of the Activities & Attractions Association of Hawaii (A3H). A3H represents over 200 businesses statewide. Our members range in size from very large (over 300 employees) to very small (1-2 employees). **A3H supports the nomination of Carleton Ching as Chairperson of the DLNR, GM 514.**

As Chair knows first-hand DLNR's various divisions impact our members via small boat harbors, parks, unencumbered and/or other state lands. For decades the DLNR has experienced dysfunction and missed opportunity of working together with the stakeholders. Our members, these stakeholder, also serve as stewards to the natural resources they utilize. We need a balanced, common sense approach to this position. We believe strongly that Carleton Ching has what it takes to provide the necessary solution.

Those opposed to Carleton Ching's appointment have concern based in "What If?" e.g.: an over turn of the LUC, Historic Preservation and conservation. There exists checks & balances to prevent any of this from taking place. Mr. Ching doesn't claim to be something he is not; he admits he's not experienced in conservation on a big scale. The Division heads are the experts and they will remain. He's a servant leader of people with business smarts.

Thank you for the opportunity to testify.

Sincerely,

Toni Marie Davis
Executive Director

From: [Bill Moore](#)
To: [WTLTestimony](#)
Subject: Confirmation of Carlton Ching as Chairperson of the Department of Land and Natural Resources
Date: Tuesday, March 10, 2015 9:10:47 AM
Attachments: [Confirmation of Carleton Ching as Chair - DLNR.pdf](#)

Committee on Water and Land,

Please find attached my testimony in support of the confirmation of Carleton Ching as Chairperson of the Department of Land and Natural Resources which will be considered at the hearing scheduled for Wednesday, March 11, 2015.

Thank you for your attention to this matter.

Bill Moore

.

WILLIAM L. MOORE PLANNING, INC.

159 HALAI STREET
HILO, HAWAII 96720
(808) 987-7336
wlmoore@outlook.com

March 10, 2015

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair
Senate Committee on Water and Land
Hawaii State Capitol
415 South Beretania
Honolulu, HI 96813

Via email: WTLTestimony@capitol.hawaii.gov

Dear Senators Thielen, Galuteria and Committee Members:

Re: Consideration and Confirmation of Carleton Ching as the Chairperson of the Department of Land and Natural Resources

Thank you for the opportunity to express my view on the above-referenced applicant. I fully support Governor Ige's nomination of Carlton Ching as the Chairperson of the Department of Land Natural Resources.

I first met Carlton in high school when we faced off against each other as centers for our respective basketball teams. I subsequently worked with him professionally when we both served as advocates for affordable housing in the early 1980's; Carlton for the State while I was the housing planner for the County of Hawaii. We have been friends and colleagues ever since.

Once of the best measures of a person is sports. Carlton was an avid basketball player. Through the years, I have had the pleasure of playing with and against him in various leagues and pickup games throughout the State. One thing I have learned in my many years of playing and coaching is that you cannot hide your true inner person during a highly competitive activity. What Carlton showed me that while highly competitive, he was always caring about others, could laugh at himself, but most importantly he was always concerned about the team's results and not personal glory.

I know that he will bring these same traits to the position of Chairperson of the Department of Land and Natural Resources. It is just who he is; always a team player. Given the breadth of the responsibilities, this will probably be the most important trait in overseeing the Department.

It is easy to characterize a person as a "developer" or an "environmentalist". However, every good developer I have met in my forty years in the land use planning field has been an environmentalist at heart. It is comes with the commitment to the land where you are going to spend your entire life and hope that your children will stay for theirs. Carleton has always shown this deep commitment for the State and his community.

There is always need for balance between preservation and development. I believe that Carleton is the perfect choice to manage this balance for the benefit of all of the residents of Hawai'i.

Sincerely,



William L. Moore, President

From: [Bill Walter](#)
To: [WTLTestimony](#)
Subject: Governor's Message No. 514
Date: Tuesday, March 10, 2015 10:43:08 AM

Committee Members,

Thank you for this opportunity to endorse Mr. Ching.

It is rare that a Governor is able to find and convince a person of Carleton Ching's experience, sensitivity and intelligence to give up a responsible and well paying non-government job to run a department as important as DLNR. Carleton is such a person and one who I commend to you with pleasure. I ask you to seriously consider his nomination and the understanding of the issues that he has as the new DLNR Chair. Over the years he has shown great integrity, thoughtfulness and equity in decisions he has made. His love for Hawaii and all of its resources - as demonstrated throughout his career - is clear. His understanding of the public trust that you would confer on him is outstanding.

Bill Walter

President

W.H. Shipman, Limited

www.whshipman.com

808-966-9325 x 6

808-345-1890 (cell)

808-966-8522 (fax)

March 10, 2015

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair
and Members of the Water and Land Committee
Conference Room 229
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **GM 514 – CARLETON CHING, Gubernatorial Nominee, to serve as
Chairperson for the Department of Land and Natural Resources
Hearing on Wednesday, March 11, 2015, at 10:00am**

Dear Chair Thielen, Vice Chair Galuteria, and Members of the Committee:

I am writing ***in support of*** Carleton Ching's nomination as Chairperson of the Department of Land and Natural Resources ("DLNR").

I believe Mr. Ching would be an asset to the State as the Chairperson of the DLNR. I know him to be an intelligent, respectful, fair, honest and hardworking individual. He is well-versed in land and environmental issues, and I believe he would bring a fresh, practical, balanced, and reasonable perspective to the position, which is sorely needed in such an important leadership position.

For the foregoing reasons, I express my support for Mr. Ching's confirmation to serve as Chairperson for the DLNR. Thank you for this opportunity to testify.

Very truly yours,



Carlito P. Caliboso

for

YAMAMOTO CALIBOSO
A Limited Liability Law Company

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: cathyg@animalrightshawaii.org
Subject: *Submitted testimony for GM514 on Mar 11, 2015 10:00AM*
Date: Monday, March 09, 2015 5:38:27 PM

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: chayashi@hawaiilecet.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 6:29:05 PM
Attachments: [15-03-09-GM514-Testimony- CTH.pdf](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Clyde Hayashi	Hawaii LECET	Support	Yes

Comments:

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TESTIMONY BY CLYDE T. HAYASHI
HAWAII LECET

THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

COMMITTEE ON WATER AND LAND

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, March 11, 2015
TIME: 10:00 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

TESTIMONY ON GM 514

TO THE HONORABLE LAURA H. THIELEN, CHAIR, BRICKWOOD GALUTERIA, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Clyde T. Hayashi, and I am the Director of Hawaii Laborers-Employers Cooperation and Education Trust (LECET). Hawaii LECET is a labor-management partnership between the Hawaii Laborers Union, Local 368, and its 250+ unionized contractors.

Mahalo for the opportunity to testify in **STRONG SUPPORT** for GM 514, which submits for consideration and confirmation gubernatorial nominee, CARLETON CHING, as the Chairperson of the Department of Land and Natural Resources, for a term to expire on 12-31-2018.

I have had the privilege of working with Carleton for a number of years and can attest that he is a man of character and integrity. I have found him to be fair and open to listening to all sides of an issue and strongly believe that as Chairperson of the Department of Land and Natural Resources (DLNR) he will do an excellent job of fulfilling DLNR's mission, which is to "Enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei, and its visitors, in partnership with others from the public and private sectors." In addition to conservation and enforcement of natural resources, DLNR is responsible for proper stewardship of State lands, which means that the land should be held to the standard of highest and best



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use. I strongly believe that Carleton has the experience necessary to formulate public-private partnerships to properly manage areas such as the State harbors, parks, etc. to generate the necessary revenue that hopefully can make DLNR self-sustaining. Having been born and raised in Hawaii, Carleton understands the significance and value that land in Hawaii has and I believe he has the skillset to develop programs to properly manage these lands.

As an employee of Castle & Cooke, Carleton has engaged in many conservation projects, such as establishing critical habitat areas on Lanai in conjunction with the U.S. Fish and Wildlife Services (USFWS), conveyance of 4,525 acres of pristine forest reserve on Oahu to the USFWS, and the designation of over 670 acres of privately owned land from Castle & Cooke as Important Agricultural Lands, to name just a few. I firmly believe that his honesty and sincerity will guide him in making the right decisions regarding stewardship of Hawaii's lands.

I strongly believe Carleton Ching will be an outstanding Chairperson for the Department of Land and Natural Resources. His political and government experience is invaluable, and his ability to work with people from varied backgrounds and to bring them together in a spirit of collaboration will prove to be a significant asset to DLNR and for the State of Hawaii.

For these reasons, I humbly ask for your **SUPPORT** of CARLETON CHING as Chairperson for the Department of Land and Natural Resources.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: dhenkin@earthjustice.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 1:20:45 PM
Attachments: [GM 514 testimony - Opposition to Carleton Ching at DLNR.pdf](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
David Henkin	Earthjustice	Oppose	No

Comments:

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SENATOR LAURA H. THIELEN, CHAIR
SENATOR BRICKWOOD GALUTERIA, VICE-CHAIR
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY IN OPPOSITION TO GOVERNOR'S MESSAGE NO. 514
NOMINATION OF CARLETON CHING TO CHAIR DLNR

March 11, 2015, 10:00 a.m.
Conference Room 229

Good morning Chair Thielen, Vice-Chair Galuteria, and members of the Committee:

My name is David Henkin, and I am an attorney with Earthjustice. We appreciate the opportunity to offer this testimony regarding Governor's Message No. 514, nominating Carleton Ching to Chair the Department of Land and Natural Resources (DLNR), and respectfully urge the Committee not to approve the nomination.

Earthjustice rarely takes positions on nominees for positions in the Governor's cabinet. We do so today because, with due respect to Mr. Ching, he is unusually unqualified to head DLNR, the agency charged with protecting for future generations Hawai'i's precious natural and cultural resources. We attended a meeting with Mr. Ching to learn about his background and vision for DLNR and found him remarkably uninformed about the Department's constitutional and statutory duties and about the various, vital programs the Department administers. Hawai'i's public trust resources are too precious and too vulnerable to be entrusted to someone who would be learning on the job.

Supporters have emphasized Mr. Ching's business background as a substitute for his lack of experience managing natural and cultural resources. As the Hawai'i Supreme Court famously stated in the Waiāhole Ditch case, however, "[t]he duties imposed upon the state are the duties of a trustee and not simply the duties of a good business manager." In re Waiāhole Ditch Combined Contested Case Hr'g, 94 Hawai'i 97, 143 (2000).

As a member of the board of the Land Use Research Foundation and its former president, Mr. Ching has fought hard to weaken or repeal the very rules that DLNR is duty-bound to uphold and enforce to protect Hawai'i's rare and endangered species, watersheds, cultural sites and practices, and iwi kūpuna. Appointing him to lead DLNR and to chair the Board of Land and Natural Resources, chair the Commission on Water Resource Management, and head the State Historic Preservation Division would eliminate checks-and-balances that are

Earthjustice Testimony in Opposition to GM 514

March 11, 2015

Page 2

vital to ensure sustainable, responsible stewardship of Hawai'i's resources and to promote the interests of all of Hawai'i's people.

We appreciate the opportunity to offer this testimony and respectfully ask you to withhold consent from this nomination.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: darakawa@lurf.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 4:45:05 PM

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
David Z. Arakawa	Land Use Research Foundation of Hawaii	Support	No

Comments: The Land Use Research Foundation of Hawaii is in STRONG SUPPORT of Governor's Message No. 514, which submits Gubernatorial Nominee, CARLETON CHING, to the Senate for consideration and confirmation as the Chairperson of the Department of Land and Natural Resources, for a term to expire on December 31, 2018.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LAND USE RESEARCH
FOUNDATION OF HAWAII

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March 9, 2015

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair
Senate Committee on Water and Land

Strong Support of Governor's Message No. 514 Submitting for consideration and confirmation as the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, CARLETON CHING, for a term to expire on December 31, 2018.

WTL Hearing: Wednesday, March 11, 2015, 10:00 a.m., in Conference Room 229

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide testimony in **strong support for** Governor's Message No. 514 (GM 514), and to offer comments in support of the confirmation of Gubernatorial Nominee, Carleton Ching as the Chairperson of the Department of Land and Natural Resources (DLNR).

Background. Unlike others who may be challenging this nomination, but do not personally know Mr. Ching and have never worked with him, this testimony is based on working with Mr. Ching since 2007, relating to **land use planning, agriculture, housing and stewardship of natural resources.**

Mr. Ching presently the Vice President of Community and Government Relations for Castle & Cooke Hawaii, and has had previous experience in its real estate development section. He represents the company in various community, public and governmental strategic planning, policy and outreach covering issues related to areas of residential, commercial, agricultural, resort and renewable energy operations and developments on Oahu, Lanai, and Hawaii Island.

Mr. Ching has over 25 years of professional experience in private corporate management and governmental positions in the areas of real estate strategic planning, operations, management and development. His background spans government and private sectors involving a wide array of development functions such as master planning, feasibility/analysis, budgeting, design, sales and marketing, governmental processing, development implementation and operations. His resort/hospitality experience covered varied operations and personnel management, as well as strategic land planning and development. As a private consultant, he provided project management services to a wide cross section of private corporations and public agencies.

LURF's Position. LURF strongly supports the confirmation of Mr. Ching based on, amongst other things, the following:

- **Stewardship of Hawaii's unique natural resources.** Based on his work with Molokai Ranch and Castle and Cooke, some of the largest landowners in the State, Mr. Ching has had first-hand experience in the stewardship of Hawaii's natural resources. At Molokai Ranch, Mr. Ching was personally involved on a day-to-day basis in areas relating to water system maintenance for agricultural and potable water; erosion control; the propagation, tree planting and maintenance of the Cooke Pine Tree Orchard; livestock fencing; eradication of deer and wild bulls to protect natural resources; educational/recreational programs relating to Molokai's culture and ecosystems; maintenance of cultural sites, including Molokai's Rain Heiau and Hula Piko, the restoration and renovation of historic Maunaloa Town, Plantation Manager's homes; maintenance of recreational hiking and biking trails; public hunting programs; and employee hunting and fishing programs. With Castle and Cooke, Mr. Ching had experience with collaboration with U.S. Fish and Wildlife and DLNR for a habitat conservation plan and incidental take permit and license; establishment of critical habitat; conservation easements; water resource and watershed area management; tree snail habitat improvement; fencing to protect against feral ungulates; maintenance of Agricultural fire breaks; Cooperative Game Management Area; public and employee hunting programs; harbor facility and mooring improvements; and renewable energy projects.
- **Outreach and communication with diverse parties.** In his various positions, Mr. Ching has successfully communicated with the community, hunters, fishermen, farmers, as well as technical experts, attorneys, government and private company management and staff, elected and appointed officials and millionaire owners. He has helped to schedule and participated in numerous public meetings and strategic planning with residents, businesses and various community organizations on Oahu, Molokai and Lanai. These diverse communication skills are similar to former successful DLNR Chairs William Paty and Tim Johns, who both served in management position for large landowners prior to their appointment as DLNR Chair.
- **Collaboration with different interests and balancing environmental goals with residents and landowners.** Mr. Ching has collaborated with diverse interests, playing a major role in the passage of the Important Agricultural Lands (IAL) laws in 2005 and 2008, working with the Hawaii Farm Bureau Federation, the Department of Agriculture, agricultural land owners and other agricultural stakeholders. Also, as part of the management team that did strategic planning on the island of Lanai, Mr. Ching played a role in balancing the needs and concerns relating to the environment, the community and landowners relating to renewable energy.

Conclusion. The appointment of Mr. Ching will recognize the significance of, and need for stakeholders to work collaboratively to advance the interrelationships between the public and private sectors and non-governmental organizations to preserve and perpetuate Hawaii's unique natural resources, and establish efficiencies and opportunities to achieve DLNR's objectives, goals and mission. LURF believes that DLNR and the State of Hawaii will be well served by Mr. Ching in the position of DLNR Chair.

For the reasons stated above, LURF is **in support of the confirmation of Mr. Ching**, and respectfully urges your favorable consideration of the **GM 514**.

Thank you for the opportunity to present testimony regarding this measure.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: dmendes@dbedt.hawaii.gov
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 9:43:46 AM
Attachments: [GM514 BED-OP 03-11-15 WTL.pdf](#)

GM514

Submitted on: 3/10/2015

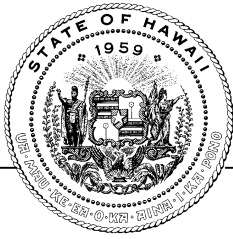
Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Mendes	Office of Planning	Support	No

Comments: Please see attached testimony.

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**OFFICE OF PLANNING
STATE OF HAWAII**

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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
ACTING DIRECTOR
OFFICE OF PLANNING

Statement of

LEO R. ASUNCION
Acting Director, Office of Planning
before the
SENATE COMMITTEE ON WATER AND LAND

Wednesday, March 11, 2015
10:00 AM
State Capitol, Conference Room 229
in consideration of
GM 514.

Chair Thielen, Vice Chair Galuteria, and Members of the Senate Committee on Water and Land.

I support Governor David Y. Ige's nomination of Carleton Ching to serve as the Chairperson of the Department of Land and Natural Resources (DLNR).

Mr. Ching has the breadth of managerial and subject matter knowledge to lead DLNR, a department that manages, administers, and exercises control over public lands, water resources, ocean waters, navigable streams, coastal areas, and minerals, as well as state parks, historical sites, forests, forest reserves, aquatic life, aquatic life sanctuaries, public fishing areas, boating, ocean recreation, coastal programs, wildlife, wildlife sanctuaries, game management areas, public hunting areas, natural area reserves, and other functions prescribed by law. Mr. Ching's background in government, planning and project management, and building partnerships will serve him well as DLNR Chairperson.

I have known Mr. Ching, both professionally and personally, for 15 years, and his collaborative nature of addressing tough issues has always been an asset, and he continues to demonstrate the highest level of leadership. He has gained my trust as a colleague and friend to ensure that the DLNR will stay true to its purpose and mission.

I respectfully encourage the Committee to advise and consent to the nomination of Mr. Ching as DLNR Chairperson.

Thank you for considering my testimony in your deliberations.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: advocatshawaii@aol.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 7:44:31 AM
Attachments: [Chair nomination DLNR.txt](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Denise Edwardy Towle	AdvoCats Hawaii	Oppose	No

Comments: Please appose this nomination of Carleton Ching!

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This is to inform you that I appose Carleton Ching for
Chairperson, Department of Land and Natural Resources.
His views and postitions on animals are not one we wish
for the head of DLNR!

While he headed up Moloka'i Ranch, he boasted of deer and wild cattle eradication.
During his tenure, Moloka'i Ranch conducted canned hunts and was cited for violations
of the federal Animal Welfare Act at the Ranch's safari park. While at Castle and Cooke
he ordered the "trapping/killing "- his words- of feral cats.

Please reconsider nominating Carleton Ching as Chair of DLNR!



Eric A. Elkind
Attorney at Law

DIRECT 808.523.6090
eelkind@schlackito.com

MAIN 808.523.6040
FAX 808.523.6030

Topa Financial Center
745 Fort Street • Suite 1500
Honolulu, Hawaii 96813

March 9, 2015

Via Online Submission

The Honorable Laura Thielen, Chair
and Members of the Senate Committee on Water and Land
Hawaii State Capitol, Room 231
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: Written Testimony in Support of GM 514
Confirmation of Carleton Ching's Nomination as
Chairperson Of the Board of Land and Natural Resources

Dear Chair Thielen and Members of the Senate Committee on Water and Land:

I am writing in support of Carleton Ching's nomination as Chairperson of the Board of Land and Natural Resources. I first met Carleton over ten years ago when he joined Castle & Cooke, Inc. Over the years, I have had a chance to work with him on a number of matters, and have always found him to be a very capable, fair and open-minded individual. His depth and breadth of experience would be a significant asset to the Board of Land and Natural Resources. Consequently, I urge your support and confirmation of Carleton's nomination.

Very truly yours,

A handwritten signature in black ink that reads 'Eric A. Elkind'.

Eric A. Elkind



25 Malunui Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

March 11, 2015

COMMITTEE ON WATER AND LAND
Senator Laura Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

GM 514 Consideration of Carleton Ching
As Chairperson of the Department of Land and Natural Resources

Committee Chair and Members,

Hawaii's Thousand Friends opposes the confirmation of Carleton Ching as Chairperson of the Department of Land and Natural Resources (DLNR).

In evaluating this nomination let us not forget the mission of DLNR to "Enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei..."

Carleton Ching's professional background is in land development and lobbying and public relations.

Our testimony will make two basic points.

First, it has frequently been mentioned that other DLNR chairpersons shared the nominee's dedication to land development. This is untrue. Previous chairpersons had backgrounds, philosophies and life experiences with some environmental and natural resources, where the nominee does not.

Most notably, former DLNR director **Bill Paty** was a sugar plantation manager. In context, this was at a time when the plantations had become acutely aware of the need for protecting and managing the upland forest as a means of preserving the water resource; second, the plantations favored protecting agricultural land from scattered development, which was the basis of the coalition behind passage of the Land Use Law in 1959. Furthermore, Mr. Paty chaired the 1978 Constitutional Convention, where he helped shape the State Water Code and enshrined Hawaiian customary and traditional rights in Article XII Section 7 of the State Constitution. The LUC enforces these rights. As chairman of DLNR, 1984-1992, he had a chance to fulfill his dream of "helping to conserve Hawaii's natural environment for future generations."

Prior to being the head of DLNR, **Mike Wilson** was a leader in Hawaii's Thousand Friends. He was known specifically for playing a prominent role in such movements as Save Our and Beaches, the Ad Hoc Committee to Save the North Shore, Save Mount Olomana and the Sandy Beach Initiative Coalition.

Peter Young is partly remembered as a DNLN chief whose nomination to a second term was voted down by this legislative body. In contrast to the nominee before you, he was professionally involved with land-use and environmental planning. His ongoing and knowledgeable concerns for alien species and watershed protection on his home island, Hawai'i, were most recently reflected in a column for the Star Advertiser.

Gilbert Keith-Agaran worked with the Tri-Isle resource Conservation and Development Council, "whose primary objective is to promote community development and natural resource and conservation." He was also a boardmember of the Maui Coastal Land Trust.

Prior to becoming head of DLNR, **Tim Johns** was for three years the Director of Protection of the Nature Conservancy of Hawai'i. He developed programs for land, water, and species protection at a particularly critical time, when awareness of the alien species threat was rising.

Before DLNR, **William Aila** fought to regulate long line fishing, fought against shark finning and also in opposition to privatizing the state's small boat harbors.

Laura Thielen was a former Director of the Office of Planning and was the City's Agricultural Liaison, tasked with Important Agricultural Lands (IAL).

From all of this you can see that whether DLNR directors came from the public or private sector, their involvement with resource protection was genuine, long-standing and knowledge-based. In contrast, the work of the nominee before you has consistently been about lobbying or generally propagandizing on behalf of land development.

It is urgent to make one additional point: that is the tremendous amount of discretion delegated to the DLNR director by the Board of Land and Natural Resources and Hawai'i Administrative Rules (HAR). It is a myth, currently making the rounds that the Board might function as a check. On the contrary:

- Nothing goes on a BLNR agenda unless the chairperson puts it on the agenda
- Staff submittals must be approved by the chairperson before they are placed on a BLNR agenda
- The chairperson has broad discretion to determine if the scope of a proposed use or the public interest requires a board permit. (§13-5-33)
- The chairperson can determine if the scope of a proposed use or the public interest requires a public hearing on applications for commercial activity, changes of subzones or boundaries, establishment of new subzones, and other changes in identified land use or amendments to this chapter. (§13-5-40)
- Designate future camping areas for the state park system

- Convene a special meeting at any time. (§13-1-5)
- Issue requests for proposals (RFP), award and execute multi-year contracts
- Approve and modify revocable permits
- Sign, execute and amend agreements and contracts
- Award service contracts at state small boat harbor facilities
- Negotiate, approve, execute, amend, sign and extend Memorandum of Agreements (MOA)
- Grant an extension of an action or “permit the act to be done” after the expiration of a specified period. (§13-1-14)
- Prepare an annual report of the department’s activities, accomplishments, and recommendations to the governor and to the legislature. (§13-1.8)
- Select a hearing officer for a contested case. (§13-1-32)
- Resolve administrative appeals of a shoreline certification. (§13-222-10)
- Deny standing to a person or entity seeking to appeal a shoreline certification. (§13-222-26)
- Issue requests for proposals (RFP), award and execute multi-year contracts.
- Shorten or lengthen the usual twenty-one day period for responding to a contested case to a hearings officer report and recommendations. (§13-1-42)
- Appoint an administrator to manage the civil resource violations system. (§13-1-56)

The challenges facing Hawaii’s finite and fragile resources have never been more daunting. The department tasked with protecting our islands’ public trust land, water, archeological, historical and cultural resources must not be placed in the hands of someone whose philosophy is not aligned with conserving and protecting. The knowledge and the values of conservation and protection are complicated; they do not come to a person in the middle of the night but rather from a combination of preparation and practice. In the present nominee, these are lacking. Please vote no.

Attachments:

- DLNR Administrative Rules
- BLNR delegation to chairperson



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March 11, 2015

Chairperson's power under
DLNR Administrative Rules

Title 13 Rules of Practice and Procedure

- The chairperson may convene a special meeting at any time. (§13-1-5)
- The chairperson prepares an annual report of the department's activities, accomplishments, and recommendations to the governor and to the legislature. (§13-1.8)
- The chairperson may grant an extension of an action or "permit the act to be done" after the expiration of a specified period. (§13-1-14)
- The chairperson can select a hearing officer for a contested case (§13-1-32)
- The chairperson can change the twenty-one day time limit to respond to a hearings officer report and recommendations in a contested case. (§13-1-42)
- The chairperson appoints an administrator to manage the civil resource violations system (§13-1-56)
- The board may delegate to the chairperson the ability to render the final decision in a Civil Resource Violations System (CRVS) contested case. (§13-1-58)
- The chairperson has the ability to stay enforcement of a final decision on administrative fines, other monetary assessments and non-monetary sanctions. The chairperson's decision as to the request for stay is final. (§13-1-72)

Title 13-222 Land Division Shoreline Certification

- The chairperson has the ability to resolve an administrative appeal. (§13-222-10)
- The chairperson has the ability to confirm the validity of a certified shoreline. (§13-222-11)
- The chairperson has the ability to certify an existing shoreline if after one year from loss due to subsidence the shoreline is not restored and grant a time extension. (§13-222-18)
- The chairperson can deny standing to appeal a shoreline certification. (§13-222-26)

Title 13 Chapter 5 Conservation District

- After acceptance of a completed application, the department, the chairperson, or the board fails to render a decision a landowner may automatically put the land to the use or uses requested. (13-5-31)
- **The chairperson has broad discretion to determine if the scope of a proposed use or the public interest requires a board permit.** (§13-5-33)
- The chairperson may authorize through an emergency permit any land use deemed to be essential to alleviate any emergency threat to public health, safety, welfare and natural resources. (§13-5-35)
- **On applications for use of land for commercial, changes of subzone or boundary, establishment of a new subzone, changes in identified land use or amendments to this chapter the chairperson can determine if the scope of the proposed use or the public interest requires a public hearing on the application.** (§13-5-40)

- The chairperson can approve construction plans and specifications for consistency with the conditions of the permit. (§13-5-42)
- The chairperson may grant time extensions on all departmental permits. (§13-5-43)

Chapter 190D Ocean and Submerged Lands Leasing

- If the chairperson finds reasonable cause to believe that an activity conducted by the lessee is causing immediate danger to human or marine life or the environment in state marine waters he/she may direct a temporary or permanent suspension of commercial activities. (§190D-23)



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March 11, 2015

Board of Land and Natural Resources
delegation to Chairperson

The following are a few examples of the Board delegating authority to the chairperson to:

- Issue requests for proposals, award and execute multi-year contracts
- Designate future camping areas for the state park system
- Set and establish temporarily closure of bottom fishing season for all state marine waters
- Approve and modify revocable permits
- Establish schedule of visiting hours and closure or restriction of public use of all or portions of any state park
- Award, execute and extend contracts for the implementation of Watershed Partnership Management Plans
- Approve HRS 343 Environmental Compliance Requirements including approval of declaration of exemptions, for watershed partnership program.
- Issue a RFP and award and execute a multi-year contract for the planning and implementation of wildlife conservation projects and determine and approve HRS 343 Environmental Compliance Requirements, including approval of declarations of exemptions under the contract pursuant to this RFP
- Sign, execute and amend agreements, contracts and other documents regarding the Moanalua Gardens Foundation plans, research, designs and construction of road improvements in Honolulu Forest Reserve and declaration of exemption to HRS 343 compliance
- Sign contracts for architectural historians to conduct reviews, make determinations and propose mitigation as mandated by the National Park Service and sign all future contracts approved by the Governor
- Award service contracts at state small boat harbor facilities
- Award and execute a contract to develop, coordinate and implement the process for a new draft of the State Plan for submission and acceptance by the National park Service
- Award, execute and extend contracts for the implementation of Watershed partnership Management Plans Statewide
- Award and execute a contract for implementation of selected elements of the State Historic Preservation Division Corrective Action Plan
- Determine and approve the process, terms and conditions for the disposition of a long-term master lease and issue a master lease for property located in Waipahu Industrial Park, Hoaeae, Ewa, Oahu.
- Issuance of revocable permit for diversified agricultural and pasture purposes to Gay & Robinson, Kauai
- Negotiate and approve final terms and conditions of lease and easements with Kaheawa II and negotiate and approve ancillary land disposition documents necessary to effectuate Wind Farm II project

- Negotiate, approve, execute, amend, sign and extend Memorandum of Agreements (MOA)
- Negotiate, approve, execute, amend and extend MOU with Kawailoa Wind LLC and Kahuku Wind Power and request approval of declaration of exemption to HRS 343 Environmental Compliance Requirements for the activities funded by the subject MOU agreements (4/25/14)
- Award and execute contract approval as to form by the AG under a competitive bidding process for a contract for goods and services to collect entrance fees and conduct parking management services at Diamond Head, Kapahulu, Waikiki.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: gina.m.williams@hawaii.gov
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 10:10:25 AM
Attachments: [GM514_HRD_03-11-15_WTL_DLNR_Carleton_Ching.pdf](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
James K. Nishimoto	Department of Human Resources & Development	Support	No

Comments:

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DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
DIRECTOR

RANDY BALDEMOR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

March 10, 2015

**TESTIMONY TO THE
SENATE COMMITTEE ON WATER AND LAND**

For Hearing on Wednesday, March 11, 2015
10:00 a.m., Conference Room 229

BY

JAMES K. NISHIMOTO
DIRECTOR
DEPARTMENT OF HUMAN RESOURCES AND DEVELOPMENT

Governor's Message No. 514
Consideration & Confirmation as the Director of the Department of Land and
Natural Resources, Gubernatorial Nominee, Carleton Ching

CHAIRPERSON LAURA THIELEN AND MEMBERS OF THE COMMITTEE ON
WATER AND LAND:

Thank you for the opportunity to provide testimony in support of the confirmation of Carleton Ching to serve as the Director of the Department of Land and Natural Resources.

In the short time that I have had the opportunity to work with Mr. Ching, I have found him to be very articulate, open minded and committed to serving the public. I believe that he will be able to consider the many diverse perspectives and work collaborative with interest groups in the development to solutions that will best serve our community.

I urge that the Committee give Mr. Ching's confirmation favorable consideration.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: ken.t.nakamoto@hawaii.gov
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 9:21:15 AM
Attachments: [GM514_ADC_03-11-15_WTL.doc](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
James Nakatani	Agribusiness Development Corporation	Support	No

Comments:

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DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

TESTIMONY OF JAMES J. NAKATANI
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE SENATE COMMITTEE ON WATER AND LAND

Wednesday, March 11, 2015
10:00 AM

GM 514 - Submitting for consideration and confirmation as the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, CARLETON CHING, for a term to expire 12-31-2018.

Aloha Chair Thielen and Members of the Committee,

Thank you for the opportunity to testify. The Agribusiness Development Corporation (“ADC”) supports the nomination of Mr. Carleton Ching to serve as Chairperson of the Department of Land and Natural Resources (“DLNR”).

ADC is embarking on a path to transform fallow land in to thriving agricultural fields. Realizing the goal of transitioning former plantations in to diversified farming operations requires vision and a lot of teamwork. As an attached agency, partnerships are essential to ADC’s work, which includes helping the State achieve its goal of reducing the amount of imported food.

Mr. Ching's in-depth experience in the area of land use enables him to recognize and deliberate the complex issues involved in DLNR. His real estate background provides him a keen insight into the importance of balancing the

needs of Hawaii's people and the environment. Moreover, his involvement in the community and passion for the islands validates his commitment to put Hawaii and its people first.

When it mattered the most, Mr. Ching has proven himself to be a stalwart defender and a fierce adversary which is the type of leader we want fighting to protect, conserve, and utilize our State's natural resources. His experience in the area of community and government relations coupled with his professional experience in the private sector makes him an excellent candidate and for these reasons, we respectfully ask for your consideration and support of his nomination to serve as Chairperson for the Department.

We appreciate the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: michaelr@kapiolani.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 6:49:30 PM
Attachments: [Testimony in Strong Support Jen Chahanovich Pali Momi Medical Center GM 514 Carleton Ching Gubernatorial Nominee Chair DLNR 3.11.2015.doc](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jen Chahanovich	Pali Momi Medical Center	Support	No

Comments: Testimony in support

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Wednesday, March 11, 2015 – 10am
Conference Room 229

The Senate Committee on Water & Land

To: Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

From: Jen Chahanovich
Chief Executive Officer

Re: **GM 514 – Carleton Ching – Gubernatorial Nominee**
Chairperson of the Department of Land & Natural Resources

Testimony in Strong Support

My name is Jen Chahanovich. I am the Chief Executive Officer at Pali Momi Medical Center (Pali Momi). Pali Momi is a not-for-profit hospital located in West O'ahu, and is dedicated to the health and well-being of all Hawai'i residents. With 128 beds and more than 400 physicians on its medical staff, Pali Momi offers a full range of services. The hospital is an affiliate of Hawai'i Pacific Health, the state's largest health care provider.

I am writing in strong support of Carleton Ching, Gubernatorial Nominee for the Chairperson of the Department of Land and Natural Resources. I have had the pleasure of working with Carleton while he served as a member of the Pali Momi Medical Center Board of Directors.

Pali Momi's service area represents both one of the fastest growing as well as one of the most vulnerable populations on our island. Approximately 52% of the patients cared for at Pali Momi are either uninsured or underinsured. As a not-for-profit hospital, Pali Momi has for its 25-year history cared for inpatients, outpatients, and emergency patients regardless of a patient's ability to pay.

In order to for us to live up to our mission, we rely on the expertise and leadership provided by our volunteer board members. As a board member, Carleton's deep concern for the broader community has been a constant which has guided Pali Momi as it has embarked upon a history of delivering many medical firsts for the community. These medical firsts include providing Central and West O'ahu's only interventional cardiac catheterization unit to detect and treat heart disease, a fully integrated minimally invasive surgical suite, CT scan and MRI services and the state's first retina center. Carleton's knowledge of our community and desire to make Hawai'i a better place makes him an ideal candidate for the Chairperson of the Department of Land and Natural Resources.

I ask that you confirm Carleton Ching to serve as Chair of the Department of Land and Natural Resources.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kaleimamo@gmail.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 7:00:20 AM

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani Matsuura	Hoi Mai Ka Lei I Mamo	Oppose	No

Comments: Chair Thielen, Vice Chair Galuteria and Committee on Water and land Hoi Mai Ka Lai I Mamo, strongly opposes the nomination of Charlton Ching as Head of the Department of Land and Natural Resources. We feel that his nomination and confirmation does not best serve the mission of the Department nor does he bring to the table the knowledge and skill needed to preserve and protect our resources. Hoi Mai Ka Lei I Mamo is a Hawaiian run State non profit organization whose mission is to protect and preserve the Hawaiian culture coming from a native perspective. Our decision was not based upon his previous employment but rather that his perspective may not have the interest of preservation and protection at heart. Once again, we ask the committee to oppose Carlton Ching's nomination.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kaleopaik@yahoo.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 7:07:13 AM

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleo	Aha Wahine	Oppose	No

Comments: Senator Thielen, Chair Senator Galuteria, Vice Chair Members of the Water and Land Committee With great thought and consideration, Aha Wahine opposes the nomination of Charlton Chang to head the Department of Land and Natural Resources. Our decision was based upon looking at what was needed in order to bring balance and public trust back to this very powerful department. We failed to speak out on the nomination of William Aila and missed our opportunity to voice our concerns. We therefore must speak out for this nomination to assure that the Hawaiian voice is heard in the legislative process of confirmation. We believe the individual best suited for the position is one whose very core beliefs and actions are for preservation and protection of our resources. That would bring balance to an already strained department trying to accommodate the different interest groups with the core mission of the department. Trails, sacred sites, iwi and watershed, just to name a few, are of great importance to our group and many other Hawaiian organizations within our circle. Once again, we ask the committee to vote in opposition of this nomination and to ask the Governor to search for another individual more in line with the core mission of the Department.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: leonard@royalcontracting.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 8:47:12 AM
Attachments: [img-310071806.pdf](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Leonard Leong	Royal Contracting Co., Ltd	Support	No

Comments:

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Leonard K.P. Leong
Vice President

THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015
COMMITTEE ON WATER AND LAND
Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

NOTICE OF HEARING
DATE: Wednesday, March 11, 2015
TIME: 10:00 AM
PLACE: Conference Room 229
State Capitol
415 South Beretania Street
A G E N D A

Submitting for consideration and confirmation as the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, CARLETON CHING, for a term to expire 12-31-2018. WTL



Dear Chairperson of the Department of Land and Natural Resources,

I am submitting testimony in support of Mr. Carleton Ching because of his experience.

He has been criticized for being associated with land development.

In land development, environmental studies are conducted as required under law to review matters, including, but not limited to, best use of lands, effects on water resources, transportation, cultural impact and many other concerns that may be raised as question.

With the background of understanding these issues Mr. Ching brings the needed knowledge to be effective and understanding. He can engage in and dialogs on the issues and discuss & evaluate the pros and cons.

While concerns of Mr. Ching's background have been questioned, there has been no specific instance of his judgments being "anti-environment" instead there have only been allegations raised without anything to back it up.

Governor Ige was correct with saying that he is looking at the heart of this man.

Mr. Ching is a man that knows what is right and wrong.

He is a native son and he cares about Hawaii.

I trust Mr. Ching to keep our natural resources for future generations.

We need trails to hike, streams to cross, a clean ocean to swim in and fresh air to breathe as we enjoy all the islands.

DLNR is responsible for our islands and we need an individual who cares.

Carleton Ching cares and he will do right as the Director of the Department of Land and Natural Resources.

Sincerely,



Leonard K.P. Leong
Vice President

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: Leimana.K.Damate@hawaii.gov
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 2:57:44 PM
Attachments: [AMAC Testimony GM 514.pdf](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Apiu Kuloloio	Aha Moku Advisory Committee	Support	No

Comments: AMAC Executive Director, Leimana DaMate will be available to answer questions if necessary. Thank you.

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

Testimony of
Leslie Kulolio, Chair
Aha Moku Advisory Committee

Before the Senate Committee on WATER AND LAND

Wednesday, March 11, 2015
10:00 a.m.
State Capitol, Conference Room 229

Governor's Message No. 514

Submitting for Consideration and Confirmation to the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, Carleton Ching for a Term to Expire December 31, 2018

The Aha Moku Advisory Committee (AMAC), on behalf of the Island Po'o of Hawaii, Kahoolawe, Lana'I, O'ahu, Kaua'i and Ni'ihau supports Governor's Message No. 514 on the appointment of Mr. Carleton Ching to serve as the Chairperson of the Department of Land and Natural Resources (DLNR) for a term to expire on December 18, 2015.

The purpose of the AMAC is to advise the Chairman of the Board of Land and Natural Resources (BLNR) on issues related to land and natural resources management through the Aha Moku System, a system of best practices that is based upon the indigenous resource management practices of moku (regional) boundaries which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community.

As the AMAC is attached to DLNR, we work extensively with the BLNR, the many divisions of DLNR and with the Water Commission in bringing specific natural and cultural resource issues sent to us by the many ahupua'a districts throughout the state. It is critically important that the Chairman be able to understand the nuances of these issues and the differences that are inherent to the autonomous cultural make-up of each island, moku and ahupua'a. After meeting with and conversing extensively with Mr. Ching, we are confident that he has the necessary demeanor and skill set to competently address the oftentimes complex and challenging issues that are brought to the Chair by the general public, including ahupua'a communities.

We believe that Mr. Ching who was born and raised in Hawaii and learned natural resource sustainability skills as a child from his grandparents in Kaimuki grew up with the basic local foundation and mindset of protecting our resources. We also believe that his extensive past experience and expertise in sound management and business practices will benefit the Department and the Aha Moku which is attached to it.

Mr. Ching has shown us that he has the passion, the commitment to better the conditions of Native Hawaiians in their symbiotic relationship to natural resources, and the willingness to be open and accessible to all. He is genuine in his commitment to serve. We believe in him, and respectfully request this Committee's favorable consideration for Mr. Carleton Ching as the next Chairperson of the Department of Land and Natural Resources.

From: [Marti Townsend](#)
To: [WTLTestimony](#)
Subject: GM514 In Opposition to the Confirmation of Carleton Ching for DLNR
Date: Monday, March 09, 2015 7:32:20 PM
Attachments: [GM514 Opposition The Outdoor Circle.pdf](#)

Aloha,

Please find the testimony The Outdoor Circle attached.

Thank you,
Marti.

--

Martha Townsend, Esq.
Executive Director of The Outdoor Circle
Working to keep Hawai`i clean, green, and beautiful since 1912

1314 S. King Street, #306
Honolulu, HI 96814
tel: 808-593-0300

www.outdoorcircle.org | facebook.com/TheOutdoorCircle | [@OutdoorCircleHI](https://twitter.com/OutdoorCircleHI)



**TESTIMONY OF MARTHA TOWNSEND
EXECUTIVE DIRECTOR**

**in Opposition to
GM514, Confirmation of Carleton Ching as
Director of the Department of Land and Natural Resources**

**before the
Senate Committee on Water and Land**

**held on
March 11, 2015 at 10:00 a.m. in room 229**

Dear Chairwoman Thielen and members of the Water and Land Committee,

Thank you for the opportunity to present our testimony in strong opposition to the confirmation of Carleton Ching as Director of the Department of Land and Natural Resources (also referred to as DLNR or department).

For more than a century, The Outdoor Circle has worked to keep Hawai'i's natural resources clean, green, and beautiful. Because of our advocacy, Hawai'i enjoys a billboard-free environment and healthy, historic urban forests. Our volunteers help maintain public parks, forest preserves, and native botanical gardens. From its earliest days, the Department of Land and Natural Resources has relied on the efforts of our volunteers to achieve its goals, and we have appreciated the department's commitment to fulfilling our complementary missions.

After interviewing the nominee, reviewing his resume, and assessing his work product, it is our opinion that he lacks the minimum expertise, experience, and perspective necessary to lead this crucial department. We strongly urge the Committee to recommend against confirmation of this nominee for Director of the Department of Land and Natural Resources.

Dangerously Steep Learning Curve

The nominee is not familiar with the duties, responsibilities and challenges of the department. Mr. Ching's resume indicates no professional experience with the department or in managing large, multi-layered organizations.

Moreover, the nominee has not demonstrated an aptitude for the job. In meetings with individuals and organizations held over the last month, the nominee did not appear familiar with

the essential elements of this department. Even after repeated inquiries, his responses have not evolve; they continue to be alarmingly vague. He was not familiar with seminal court decisions that direct agency actions to protect specific constitutional rights, like PASH CITATION, or public policy concepts fundamental to the mission of the department, like the public trust doctrine. He described the organizational chart for the department as a bowl of spaghetti. It is with this background that the nominee proposes to “find efficiencies” in the agency. This nominee does not have the familiarity with the department sufficient to describe its work, much less identify which parts are expendable.

While it may be possible for a “quick study” to cure some of these deficiencies through “on the job training,” such a significant training period in this case would pose an unacceptable risk to our public trust natural and cultural resources. DLNR’s responsibilities are fundamental to the health and wealth of our islands. Issues like ensuring clean and sufficient fresh water supplies for our families and our environment, and respecting our unique traditional and customary practices should not be left to a novice. Without a solid grasp on the bedrock principles of this department, it will be extremely difficult for the nominee to succeed in his role as director if he were confirmed.

Debilitating Trust Challenges

We agree with those from the development community that have said "just because he worked for a developer doesn't mean he's a bad guy." (Honolulu Star-Advertiser, “Land Board pick praised, panned” January 24, 2015). Developers are not inherently ill-suited to serve as DLNR Director, and indeed private sector experience can be helpful in public service. However, in this situation, the legislative record shows that Mr. Ching has a philosophical commitment to narrowing the rights of the public and weakening protections for the environment where those interests may conflict with private property rights.

In his capacity as paid lobbyist and volunteer leader, Mr. Ching advocated to weaken the very laws meant to protect the public’s interest in having a clean and healthy environment. Mr. Ching advocated to introduce urban land uses into sensitive conservation areas and highly productive agricultural districts. Mr. Ching served in leadership roles for industry lobby groups that regularly advocate for less government oversight and reduced protections for public interests where the environment is concerned. This includes attempting to:

- oppose establishment of the Environmental Court (SB632/2014),
- limit public access to the beach and mountains (HB 227/2011, HB1950/2012, SB2728/2014),
- weaken protections for historic resources (SB1171/2013, SB2633/2014, HB1678/2014),
- reduce permit requirements (HB1133/2013 (the PLDC Repeal Bill)),
- minimize EIS reporting requirements (SB755/2012, HB1586/2014), and
- curtail public participation in permit decision-making (HB1582/2015, SB2927/2012).

The nominee's philosophical approach to these issues is significant because so much of the DLNR Director's job is left to the nominee's discretion. If confirmed as Director, Mr. Ching would control, among other things:

- content of all Board agenda, including whether an item is placed on the agenda, and if it is, then the timing and description of that agenda item, as well as the location of the Board meeting where the agenda item is considered.
- enforcement of permit terms, conditions, and violations,
- assignments for top-level department staff,
- analysis and comments on other agency actions, such as Environmental Impact Statements, reports to the Legislature, and participation in task forces.

In addition to the inherent power and discretion of the DLNR Director, there is also a well-established practice of delegating authority from the Board to the Director to:

- issue requests for proposals, negotiate, award, execute, oversee, and extend contracts, multi-year agreements, memoranda of agreement or understanding, rental agreements, construction projects, cost-sharing agreements, action plans, resource management arrangements, liability agreements, goods and services contracts, and grant agreements,
- close fishing areas and/or seasons
- designate camping areas throughout the state park system
- approve certain kinds of permits, such as those for commercial use, right-of-entry, "minor uses" in conservation districts
- determine and approve Chap. 343 (EIS) compliance requirements, including whether a project is exempt from Chap. 343
- appoint hearing officers in contested case hearings
- close or restrict public access to state parks, determine visiting hours, etc.

The broad discretion and delegation practiced at the DLNR means the Director has considerable leeway to act as he or she sees fit; requiring the Senate and the public to trust that the Director will uphold the public's interests in protecting our shared natural resources. After years of pushing against policies protecting the environment, the nominee has not earned this trust. The nominee has made a career of deriving profit from nature, which puts him naturally at odds with the society-wide move towards sustainable living. The nominee's philosophical commitment to restricting environmental protections puts him naturally at odds with the mission and purpose of the department to protect Hawai'i's environment. This lack of trust will plague any proposal offered by the nominee, debilitating his administration, if he were confirmed.

Considering the Ethics Code

The nominee's background also raises serious practical concerns in terms of the State Ethics Code (Haw. Rev. Stat. §84). We know that the Ethics Code would require Mr. Ching to recuse himself from those official actions that could result in a benefit accruing to him due to a current private interest that he or his immediate family holds. (HRS §84-14). Recusal in this situation would mean Mr. Ching could not participate in any aspect of a DLNR action affecting his private

interest; pushing the burden of his duties to other staff in the department. It is difficult to assess the extent to which the nominee would be required to recuse himself from DLNR actions without knowing the details of the nominee's financial interests. If the nominee has extensive financial interests in companies subject to DLNR oversight, then confirming this candidate would place a significant burden on DLNR staff acting in the stead of the conflicted Director.

Equally important to the Committee's deliberation of this nominee in this regard is what the Ethics Code does not require. The Ethics Code does not require a state employee to recuse him or herself from an official action that benefits a past employer. This means that if Mr. Ching does not hold an interest in the Castle & Cooke Company, for example, then he could participate in decisions benefitting this company the day he is confirmed as DLNR Director. This is true of any corporation seeking action from the department under Mr. Ching.

The one provision of the Ethics Code that seeks to protect the public's interests from this type of impropriety is Chap. 84-13, which prohibits state employees from using their position to provide an unfair advantage. It is not clear what steps the nominee could take to comply with this provision in the day-to-day operation of the department. How would the public know if and when a Chap. 84-13 filter is or should be applied to an inquiry with the department head? Ideally, if he were confirmed, Mr. Ching would voluntarily apply a liberal interpretation of this provision to his work so as to build the public's confidence in his decision-making, but doing so would certainly add an immense burden on the DLNR staff called upon to fill-in for the conflicted Director. On balance, the expertise Mr. Ching's background may offer to the department is outweighed by the burden that it carries.

Hawai'i is at an important crossroads in its evolution as a steward for our shared natural and cultural resources. We need a leader at the helm of DLNR that can unite us in the common cause of protecting these resources for future generations. In our assessment, while he is indeed a very nice person, Mr. Ching is not the right fit for this position. We call on the Senate and this Committee to rise above the politics of this confirmation and make a decision that ensures our shared resources have the best possible steward and our public interests have the best possible advocate.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mel@malinowski.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 9:59:08 AM

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mel Malinowski	South Kohala Reef Alliance	Oppose	No

Comments: Hawai'i needs a conservation-oriented head of the DLNR. The nominee has no experience in this central role, and is not a suitable choice. Please reject this nomination, and ask the governor to submit someone with the knowledge and experience to take care of our 'aina properly.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mbutay@aol.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 4:38:41 PM
Attachments: [GM514 CHING RAD WTL Testimony.pdf](#)

GM514

Submitted on: 3/9/2015

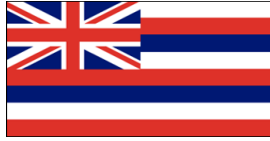
Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Melody Butay Dacanay	Capitol Consultants of Hawaii, LLP	Support	Yes

Comments: Attached is a testimony from John Radcliffe in support of GM514 Carleton Ching for Director of Department of Land and Natural Resources.

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CAPITOL CONSULTANTS OF HAWAII, LLP
222 South Vineyard Street Suite 401, Honolulu, Hawaii 96813
Office: (808) 531-4551 Fax: (808) 533-4601 Website: www.808cch.com

March 9, 2015

Senator Laura Thielen Chair
Senator Brickwood Galuteria, Vice Chair
Committee on Water and Land
State Capitol, Room 229
415 South Beretania Street
Honolulu, HI 96813

RE: GM514 Submitting for consideration and confirmation as the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, CARLETON CHING, for a term to expire 12-31-2018.

Dear Chair Thielen, Vice Chair Galuteria and Members of the Committee:

My name is John Radcliffe and please place my name alongside those others who support Governor Ige's nomination of Carleton Ching to be Director of the Department of Land and Natural Resources.

Carleton is qualified to run the Department. It is a red herring argument to say otherwise. However, this nomination is not about his qualifications. Instead it is about whether or not anyone can be confirmed to any position by the State Senate if the leadership of the Hawaii Sierra Club does not want that individual.

This nomination has gone well beyond the bounds of a fair, dispassionate, independent, Senate tribunal and devolved more into a political gauntlet.

David Ige is a middle of the road political practitioner whose cabinet appointments are all of people who are similarly situated. This nomination is entirely in keeping with the rest of the new Governor's picks.

Mr. Ching is neither a Left or a Right Winger. He has a long and honorable record of achievement in a small political universe.

Please put an end to the character assassination, the out of control, loud, and unfair

Senator Laura Thielen Chair
Senator Brickwood Galuteria, Vice Chair
Committee on Water and Land
March 9, 2015
Page 2 of 2

attacks, and vote to confirm Carleton Ching because, on the basis of his record, he deserves to be confirmed. Then too, the Governor has a right, and ought to have a good deal of latitude, in picking his own staff.

Thank you for the opportunity to testify in favor of Carleton Ching.

Respectfully Submitted,

John H. Radcliffe
President

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mgolojuch@hotmail.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 7:22:50 PM
Attachments: [GM514_GLBTCaucus.pdf](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	GLBT Caucus of the Democratic Party of Hawaii	Oppose	Yes

Comments:

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**GAY LESBIAN
BISEXUAL AND
TRANSGENDER
CAUCUS**



**DEMOCRATIC
PARTY OF
HAWAII**

March 9, 2015

Senate's Committee on Water and Land
Hawaii State Capitol, RM 229
415 South Beretania Street
Honolulu, HI 96813

RE: OPPOSITION to the Carleton Ching's Confirmation as Chairman of the Department of Land and Natural Resources

Aloha Chair Thielen, Vice Chair Galuteria and fellow Committee Members,

The GLBT Caucus's primary function is to ensure justice and equality for all of Hawaii's lesbian, gay, bisexual and transgender citizens. If we fail to pay attention and support other important issues like the environment during our struggle it won't matter when we reach "Justice for ALL" if the environment is damaged beyond repair. That being said is why I am writing on behalf of the GLBT Caucus of the Democratic Party of Hawaii in OPPOSITION to the confirmation of Carleton Ching as Chairman of the Department of Land and Natural Resources (DLNR).

The mission of the DLNR is "Enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei, and its visitors, in partnership with others from the public and private sectors."

While Mr. Ching is an accomplished lobbyist for developers there is nothing in his work history or personal achievements that points to any conversation activities or environmental protections. It is clear to us that his skill sets are not a match for the mission of protecting our 'aina and our precious natural resources.

The person we all need as the chairperson of DLNR is a champion for the environment. This person would also have a solid background in protecting our cultural, historic and natural resources and that is just not Mr. Ching. There are other departments and/or agencies that could use his skill sets as a developer lobbyist but DLNR is not the right fit.

We do not feel that Mr. Ching is the right person to chair DLNR and so we ask that you vote his confirmation down.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: michaelr@kapiolani.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 7:16:54 PM
Attachments: [Testimony in Strong Support Michael Robinson Hawaii Pacific Health GM 514 Carleton Ching Gubernatorial Nominee Chair DLNR 3.11.2015.doc](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Robinson	Hawaii Pacific Health	Support	No

Comments: Testimony in Strong Support.

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Wednesday, March 11, 2015 – 10am
Conference Room 229

The Senate Committee on Water & Land

To: Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

From: Michael Robinson, Executive Director
Government Relations & Community Partnerships

Re: **GM 514 – Carleton Ching – Gubernatorial Nominee**
Chairperson of the Department of Land & Natural Resources

Testimony in Strong Support

My name is Michael Robinson, Executive Director of Government Relations & Community Partnerships for Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system and the state's largest health care provider and non-government employer. We are committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four hospitals, more than 50 outpatient clinics and service sites, and over 1,600 affiliated physicians. Hawai'i Pacific Health's hospitals are Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital.

I am writing in strong support of Carleton Ching, Gubernatorial Nominee for the Chairperson of the Department of Land and Natural Resources. I have known Carleton for several years as we both serve as members of the Hawai'i Business Roundtable Legislative Advisory Group. As a member of this group, I have always been impressed with Carleton's commitment to making Hawai'i a better place for working families. Carleton has always provided thoughtful comment and discussion at our meetings and has a deep understanding on a variety of issues, not just limited to housing.

Access to affordable housing is intrinsic to an individual's quality of life and a basic foundation for a healthy lifestyle. An understanding of the marketplace dynamics in the provision of housing is essential in order to ensure that the basic needs of a vast segment of our population is met. We would be fortunate to have Carleton serve as DLNR Chair as he will bring a balanced and experienced perspective to this department. Moreover, as a respected community leader in a variety of settings – Carleton has the integrity and reputation to make tough choices and implement change as needed.

Carleton Ching is an ideal candidate to serve as Chair of the Department of Land and Natural Resources and I enthusiastically support his confirmation to this position.



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March 10, 2015

The Honorable Laura Thielen, Chair
The Honorable Brickwood Galuteria, Vice Chair
Committee on Water and Land
Hawai'i State Senate
State Capital
415 Beretania Street
Honolulu, Hawai'i 96813

**TESTIMONY ON GM 514
IN SUPPORT OF CONFIRMATION OF
CARLETON CHING
AS THE CHAIRPERSON OF
THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

Thank you for the opportunity to submit this testimony in support of the confirmation of Carleton Ching as the Chairperson of the Department of Land and Natural Resources (DLNR).

Over the last several years, I have come to know Carleton Ching, both on a personal and professional level. And I am confident that Carleton will be a tremendous asset to DLNR, the State of Hawai'i, and all of the members of our community.

I have worked directly with Carleton in his role with Castle & Cooke Hawai'i. And I have always been impressed with his knowledge, his leadership abilities and his ability to collaborate with a broad range of community stakeholders on a wide range of community, cultural and environmental issues. Many people are aware of his advocacy for housing and renewable energy. But most people are not aware that many of the projects he was involved in required extensive outreach to the community. This including spending a great amount of time to engaging with, and listening to stakeholders, even with those that were critical of the projects and initiatives that he represented. And Carleton's role often meant that he took community concerns into consideration and used them to help shape a project so it better fit the community's needs.

On a personal basis, I have found Carleton to be a person of great integrity who sincerely cares about Hawai'i and its people. And he understands and appreciates his role as a steward of our natural resources, our multi-cultural community and the legacy that we will leave for Hawai'i's future generations.

Hawai'i is entering an important period in its history and, as a community, we will be facing critical decisions that will affect our children and grandchildren.

We need community leaders like Carleton Ching who understand the delicate balance that must be made between the various needs of our State. And I encourage you to support his confirmation as the Chairperson of the Department of Land and Natural Resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neal Yokota', enclosed in a thin black rectangular border.

Neal Yokota

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: 1mu630@gmail.com
Subject: *Submitted testimony for GM514 on Mar 11, 2015 10:00AM*
Date: Tuesday, March 10, 2015 8:46:10 AM

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nolan Moriwaki	Masons' Union Local !	Support	No

Comments:

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To: [WTLTestimony](#)
Cc: ssato@kauai.gov
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 8:24:56 AM
Attachments: [JY - GM 514 \(2015\).pdf](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Office of the County Clerk, Council Services Div.	Councilmember, Kauai County Council	Oppose	No

Comments: Attached is testimony from Councilmember JoAnn A. Yukimura of the Kauai County Council in opposition of the nomination of Carleton Ching as the DLNR Chairperson.

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COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

March 10, 2015

**TESTIMONY OF JOANN A. YUKIMURA
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

**GM 514 RELATING TO THE CONSIDERATION AND CONFIRMATION OF
GUBERNATORIAL NOMINEE CARLETON CHING AS THE CHAIRPERSON OF
THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

Committee on Water and Land
Wednesday, March 11, 2015
10:00 a.m.
Conference Room 229

Dear Chair Thielen and Members of the Committee:

Thank you for this opportunity to submit testimony in opposition to the confirmation of Gubernatorial Nominee Carleton Ching as the Chairperson of the Department of Land and Natural Resources (DLNR). I am writing in my capacity as an individual member of the Kaua'i County Council.

I have withheld judgment until now out of respect for Governor Ige and because, in not knowing Mr. Ching personally, I have no personal knowledge of any deficiency in competency or integrity. I believe Mr. Ching is a good and honorable man. I also respect Governor Ige's desire to have his nominee for DLNR chair have a background in business and development, which, I believe, could be a valuable asset.

However, when considering what the minimum requirements should be for a DLNR chair, it is important to me that a nominee have some experience and expertise in the conservation and management of natural resources and a demonstrated commitment to conservation. Although Carleton Ching has notable business and management experience, I am deeply concerned about his lack of experience or track record in the area of conservation and restoration of natural resources. Lacking core knowledge and a deep and demonstrated understanding of the importance of the State's natural resources to the economy and the sustainability of life and society, Mr. Ching, in my opinion, does not appear to meet minimum requirements.

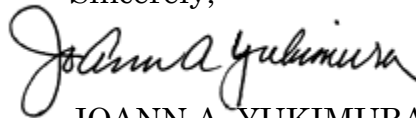
Chair Thielen and Members of the Committee
Re: Confirmation of Carleton Ching as DLNR Chairperson
March 10, 2015
Page 2

In such an important and pivotal position it is also important that he have the confidence and trust of the environmental and conservation communities with whom he must work. It is clear from the testimony, that such is not the case.

I respectfully ask the Committee on Water and Land to disapprove this nomination. What is required is not just a good and honorable man; DLNR and the people of the State of Hawai'i need a recommendation of a leader with experience and expertise fundamentally connected to the goals and objectives of the department, stellar management skills and an impeccable and demonstrated commitment to the protection and sustenance of the natural resources of the State.

Thank you, again, for this opportunity to provide testimony. Should you have any questions, please feel free to contact me or the Office of the County Clerk, Council Services Division, at 808) 241-4188.

Sincerely,

A handwritten signature in cursive script that reads "Joann A. Yukimura". The signature is written in black ink and is positioned above the printed name.

JOANN A. YUKIMURA
Councilmember, Kaua'i County Council

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: susan.m.hirai@hawaii.gov
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 5:54:44 PM
Attachments: [GM514_WTL - Carleton Ching.pdf](#)

GM514

Submitted on: 3/9/2015

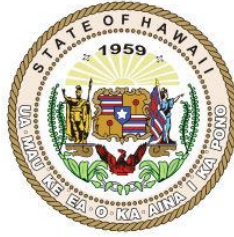
Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Office of the Governor	Office of the Governor	Support	Yes

Comments:

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EXECUTIVE CHAMBERS
HONOLULU, HAWAII

David Y. Ige
Governor

Testimony on GM 514
Confirmation of Carleton Ching
Chairperson, Department of Land and Natural Resources

Governor David Y. Ige

SENATE COMMITTEE ON WATER AND LAND
March 11, 2015
10:00 a.m., Room 229

Chair Thielen, Vice Chair Galuteria and committee members:

I respectfully request your support in confirming the appointment of Carleton Ching as the Chairperson of the Department of Land and Natural Resources (DLNR). Carleton Ching has over 25 years of experience in corporate management and governmental positions in the areas of real estate strategic planning, operations, feasibility/analysis, budgeting, design, and processing.

Ching's career building homes and creating communities for the people of Hawai'i has provided experiences that exemplify the complex issues that must be resolved to preserve and enhance both our natural resources and quality of life.

Effective stewardship of our unique and limited natural, cultural and historic resources requires efficient, effective and productive management of the employees who are dedicated to fulfilling the department's mission. Ching has the skills, experience, management style, desire and dedication to be an effective steward. He has pledged to uphold DLNR's mission and work solely in the interest of the public's trust.

Mahalo for your consideration.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: philferna@gmail.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 6:56:45 AM
Attachments: [HFACT_Ching.pdf](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Philip Fernandez	Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.	Support	No

Comments: Hawaii Fishermen's Alliance for Conservation and Tradition SUPPORTS the confirmation of Mr. Carleton Ching.

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Senator Laura H. Thielen Chair
Senator Brickwood Galuteria, Vice Chair
Committee on Water & Land

From: Hawaii Fishermen's Alliance for Conservation and Tradition, Inc. (HFACT)

Date: March 9, 2015

Subject: SUPPORT OF MR. CARLETON CHING
GUBERNATORIAL NOMINEE
CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES

Hawaii Fishermen's Alliance for Conservation and Tradition, Inc. (HFACT) is Hawaii 501(c) 5 non-profit organization that advocates for fishermen throughout the State of Hawaii. HFACT advocates for well managed fisheries that will be sustainable for generations to come.

HFACT supports Mr. Carleton Ching for appointment to the position of Chairperson of the Board of Land and Natural Resources.

Mr. Ching will bring a breath of fresh air to the state government. While public service in the state government is not the same as being an executive in the private sector, his orientation toward identifying and serving customers should be highly valued by the state and the people of Hawaii. HFACT believes that his skills from the private sector will be transferrable to leadership in state government, and as a result will improve the Department's effectiveness and efficiency.

Mr. Ching makes it clear that he intends to help the people and stakeholders of Hawaii collaborate with one another to create plans and to solve problems. Through his leadership, the state and its people will benefit from Mr. Ching's vision of collaboration.

With over 800 employees, DLNR is a large and complex organization that requires an individual with strong management skills and experience. DLNR is one of the most important departments in state government. It is paramount that an enthusiastic and charismatic leader with strong management skills be appointed to run this organization. Mr. Ching has the desire, strategic thinking abilities, and management skills to transform this large organization for the betterment of state government.

HFACT fully understands that Mr. Ching's confirmation hearing may be controversial and lengthy. HFACT asks Senator Thielen and Senator Galuteria to work toward a rapid conclusion. The fact remains that Mr. Ching can only be evaluated after-the-fact – only after he has been Chairperson of BLNR for several years. History has shown with prior confirmation hearings that fears of a nominee's background or prior occupation does not translate to poor performance as the Chairperson of BLNR.

Sincerely,

Phil Fernandez
President

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: Leimana.K.Damate@hawaii.gov
Subject: *Submitted testimony for GM514 on Mar 11, 2015 10:00AM*
Date: Tuesday, March 10, 2015 10:15:48 AM

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Piilani Kaawaloa	Aha Moku Advisory Committee	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: bmccartney@enterprisehonolulu.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 2:17:55 PM
Attachments: [GM514_Support.pdf](#)

GM514

Submitted on: 3/9/2015

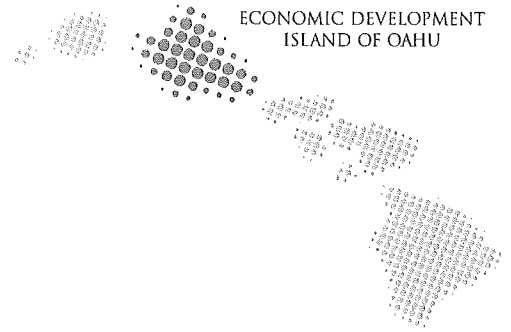
Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Pono Shim	Enterprise Honolulu	Support	Yes

Comments:

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SENT VIA EMAIL

March 11, 2015

Senator Laura H. Thielen
Chair, Committee on Water and Land
Senator Brickwood Galuteria
Vice Chair, Committee on Water and Land
Hearing on GM 514
Relating to the Confirmation Hearing for Carleton Ching as Director of
the Department of Land and Natural Resources.
State Capitol, Conference Room 229

Aloha Chair Thielen and Vice Chair Galuteria!

Enterprise Honolulu stands in strong support for the confirmation of
Carleton Ching as Director of the Department of Land and Natural
Resources.

In 2009 I was asked to take over the leadership of Enterprise Honolulu.
It was extremely intimidating for me and met with great criticism by
various members in the community. To those, I did not fit the profile of
the type of leader they wanted and lacked background in Economic
Development without expected credentials. My appointment was cause
for concern and the wisdom of it was not something that could be argued
for; it could only be experienced over time as I was placed in projects,
discussions, and issues that were part of the ecosystem of Hawaii's
economy. I am grateful that Enterprise Honolulu is today a valuable
resource and leadership hub in Hawaii, and I hope that you will give Mr.
Ching and the Ige administration the opportunity to reveal the wisdom in
his appointment. I implore you to give them the same chance that was
given me.



ENTERPRISE
HONOLULU

THE BUSINESS CLIMATE OF PARADISE

735 Bishop Street, Suite 424, Honolulu, Hawaii 96813 • 808-521-3611
Fax: 808-536-2281 • www.enterprishonolulu.com

Please feel free to contact me directly should you have any questions. I pledge my active support in real time to the big issues they have kuleana over.

Sincerely,

A handwritten signature in black ink, appearing to be 'Pono Shim', with a large, stylized initial 'P' and a horizontal flourish extending to the right.

Pono Shim
President and CEO
Enterprise Honolulu, Oahu Economic Development Board

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: 1mu630@gmail.com
Subject: *Submitted testimony for GM514 on Mar 11, 2015 10:00AM*
Date: Tuesday, March 10, 2015 8:44:59 AM

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ricky Tamashiro	Masons' Union Local 1	Support	No

Comments:

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Lanikai Properties, LLC

P.O. Box 9032

Kailua-Kona, HI 96745

Phone: (808) 936-7129 • Fax: (808) 329-8044

Email: rsmith@lanikai.net

March 9, 2015

Honorable Senator Laura H. Thielen, Chair
Honorable Senator Brickwood Galuteria, Vice Chair
Committee on Water and Land
Hawaii State Capitol
415 South Beretania
Honolulu, HI 96813

Via email: wlttestimony@capitol.hawaii.gov

Dear Senators Thielen, Galuteria and Senate Members:

Re: Support for Governor's Message 514: Nomination of Carleton Ching as Chairperson, Department of Land and Natural Resources

Thank you for the opportunity to express my view on the above-referenced applicant. I support Governor Ige's appointment of Carleton Ching as Chairman of the Department of Land and Natural Resources.

I have known Mr. Ching since the 1980s, when I lived and worked on Oahu. Mr. Ching worked for the Hawaii Housing Authority and I worked for a consulting engineering firm that designed civil improvements on the various HHA housing tracts (Kalihi Valley Homes, Palolo Valley Homes, Kamehameha Homes). I always found him to be a people person, someone who was raised on Oahu, attended public school and could relate to those that were less fortunate. He also understands the fiscal realities of budgets and the difference between what is "nice to have", compared to what you "need to have".

Over the years, I have seen him grow to positions of higher responsibility and authority. As he has always done, he has taken the time to assess what the goals of the organization are, what resources he has available and how best to motivate those under him, to achieve the goals set before him.

Throughout his career, I've seen him tackle asset/facility management, conservation of resources and perpetuation of land stewardship. This blend of having worked in both the public and private sectors will enable him to work effectively through collaboration and community engagement to find win-win solutions to many of the challenges that the Department of Land and Natural Resources faces. He knows how to nurture his subordinates, so that they work together as a team, in order to accomplish the responsibilities within our parks, aquatic resources, water resources, ocean recreation, trails, forestry and wildlife, as well as historic preservation divisions.

As Chief Executive Officer of Lanikai Properties and Palani Ranch, I know how important it is to be a good steward of our natural resources and mauka watersheds. Similarly, I feel that Mr. Ching is ably qualified to lead this Department forward and address the many challenges ahead.

Should you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink that reads "Riley W. Smith". The signature is written in a cursive style with a large initial "R".

Riley W. Smith, P.E.
President/Chief Executive Officer

TO: Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice-Chair
Senate Committee on Water and Land

FROM: Sara L. Collins, Ph.D., President
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

HEARING: Wednesday, March 11, 2015 at 10:00 AM in Conference Room 229

SUBJECT: Testimony in STRONG OPPOSITION to GM 514, Submitting for consideration and confirmation as the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, CARLETON CHING, for a term to expire 12-31-2018

I am Dr. Sara Collins, President of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. On behalf of our membership, I am testifying in STRONG OPPOSITION to the confirmation of Carleton Ching as Chairperson of the Board of Land and Natural Resources (BLNR).

If confirmed, Mr. Ching will probably be designated the State of Hawai'i State Historic Preservation Officer (SHPO), a position in which he would represent the state's interests in Federal historic preservation matters, in accordance with the National Historic Preservation Act (NHPA). Historically, the Chairperson of the BLNR and Department of Land and Natural Resources (DLNR) has also been appointed as the SHPO. In his capacity as Director of DLNR, Mr. Ching would also oversee the implementation of state historic preservation law (Chapter 6E, Hawaii Revised Statutes) as well as the operations of the State Historic Preservation Division (SHPD), the DLNR agency charged with oversight of historic preservation compliance in Hawai'i.

Many of our members routinely work with the SHPD and have done so for years. We regularly deal with historic preservation compliance matters under both Federal and State law. Consequently, our opposition to Mr. Ching's nomination is based on extensive knowledge of the division's operations and our belief that Mr. Ching is unsuited to oversee SHPD, be the SHPO and, by extension, to serve as Director of the BLNR and DLNR.

We are primarily concerned by this nomination because Mr. Ching has been a prominent member of organizations with a record of active and prolonged opposition to the state's historic preservation law and SHPD, the DLNR agency that has oversight for historic preservation. Our members rely heavily on this important function of DLNR and do not want see it eroded or diminished.

Mr. Ching has belonged to and served on the boards of the BIA-Hawaii and Land Use Research Foundation (LURF) for years, only recently resigning from both due to this pending nomination. Both organizations have actively worked to gut the state's historic preservation law and generally weaken SHPD. The BIA-Hawaii, in particular, has undertaken an aggressive campaign to undercut Chapter 6E-42, and has widely portrayed SHPD as an enemy of its members if not the general public. As an example of this negative attitude, we include the following graphic, taken from a BIA-Hawaii members' alert currently posted at the BIA-Hawaii website:

Count Me In!

Sign our petition to let your legislator know that single family homes that are 50 years old or older should **NOT** be required to be reviewed by the **State Historic Preservation Division (SHPD)** unless that home is on, or nominated to, the Hawaii and National Register of Historic Places or the List of National Historic Landmarks.

Sign Petition

(www.biahawaii.org, accessed 8 March 2015). Mr. Ching was on BIA-Hawaii's board as this campaign got underway and, presumably, supported its purpose and goals as well as its approach. To date, he has neither retracted his support nor has he indicated how support of such a negative campaign will assist him protecting Hawai'i's irreplaceable cultural resources, one of the core duties of the position he seeks.

Furthermore, while this particular logo clearly supports a petition targeting a specific provision of Chapter 6E, BIA-Hawaii has also circulated a flyer with a cover bearing a similar logo (seen below). While the flyer claims to be focused on the issue of private residences requiring historic preservation review, the cover image conveys a more general hostility to the work of SHPD. The overall effect is one of disrespect and contempt for cultural resources and the state agency that protects them.



How can anyone associated with such campaigns as a board member of BIA-Hawaii be an effective SHPO for Hawai'i or oversee the administration of Chapter 6E? We respectfully ask that members of the Water and Land Committee question Mr. Ching closely on these apparent conflicts and ask how he would perform the duties of the SHPO and Director of DLNR while apparently holding these views of historic preservation and SHPD.

The SHPO should be an individual who supports and promotes “a comprehensive program of historic preservation at all levels of government to promote the use and conservation of such property for the education, inspiration, pleasure, and enrichment of its citizens.” To date, we have not seen any evidence or heard any statements by Mr. Ching that indicate that he would provide this support. On the contrary, Mr. Ching’s affiliation with BIA-Hawaii and, presumably, agreement with its opposition to existing legal protections for Hawaii’s cultural resources sends a negative message to SHPD staff and those who work with the division, including many SHA members – a message that indicates Mr. Ching does not value or understand historic preservation and those who work in that field. We are very concerned that Mr. Ching, as Director and SHPO, would work to weaken our historic preservation laws and to undermine efforts to enforce them. While his many abilities would undoubtedly qualify him for various positions in State government, he is an inappropriate candidate for Director of the Department of Land and Natural Resources. Therefore, we respectfully ask that you NOT CONFIRM Mr. Carleton Ching as Director of the BLNR.

Mahalo for considering our testimony. Should you have any questions, please feel free to contact me at the above email address.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: sara.l.collins.sha@gmail.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 8:19:11 AM
Attachments: [GM 514 FINAL 2015.pdf](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Collins	Society for Hawaiian Archaeology	Oppose	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: shannon@gcahawaii.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 8:20:48 AM
Attachments: [SUPPORT GM 514 CARLETON CHING DIRECTOR DLNR 3 11 15.pdf](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Alivado	General Contractors Association of Hawaii	Support	Yes

Comments: See attached.

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1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcawhawaii.org
Website: www.gcawhawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

March 11, 2015

TO: HONORABLE LAURA THIELEN, CHAIR, HONORABLE BRICKWOOD GALUTERIA, VICE CHAIR SENATE COMMITTEE ON WATER AND LAND

SUBJECT: **SUPPORT OF GM 514: For consideration and confirmation as the Director of the Department of Land and Natural Resources, Gubernatorial Nominee, CARLETON CHING, for a term to expire 12-3-2018.**

Hearing

DATE: Wednesday, March 11, 2015
TIME: 10:00 a.m.
PLACE: Conference Room 229

Dear Chair Thielen, Vice Chair Galuteria, and Members of the Committee,

The General Contractors Association of Hawaii (GCA) is an organization comprised of over hundred five hundred eighty (580) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

GCA supports Governor's Message 514 and nomination of Carleton Ching to serve as Director for the Department of Land and Natural Resources ("Department"). Mr. Ching's wide spectrum of public and private experience, work ethic, ties to the community at large and background in overall land management qualifies him to run the Department of Land and Natural Resources. From his record, it is evident that Mr. Ching's expertise lies with his ability to build relationships and foster valued results. His ability to involve the affected communities during various land use processes reflects in his work through the maintenance of cultural sites on Molokai, building respected Hawaii neighborhoods, and in leading efforts to voluntarily designate Important Agricultural Lands on Oahu. Mr. Ching will not only be instrumental in overseeing the Department of over 900 committed staff, many of whom are experts in their field, but will also be required to work together with the Board of Land and Natural Resources and other Boards, and in engage the public.

In December 2014 the Department of Land and Natural Resources delivered an Annual Report (required under Act 100 (SLH 1999) since 1999) to the Legislature identifying the priorities of the Department and allocation of limited public funds and human resources ("Report"). Eleven of the programs submitted their goals and objectives, while also reinforcing the Department's overall mission to:

enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources, held in public trust for current and future generations of the people of Hawaii nei, and its visitors, in partnership with others from the public and private sectors.

The Report reflects the current and future needs of the Department and provides a measurable tool in setting its priorities for the various programs affecting harbors, state parks, conveyance systems, water resources, conservation lands, agricultural lands, invasive species and other Department areas.

Mr. Ching's background and collaborative approach can assist in the delivery of the Department's overall mission by: partnering with others, collaborating resources, identifying challenged areas, and spearheading initiatives that can make the Department more sustainable, all while protecting Hawaii's fragile environment for generations to come. For example, one of the goals of the Division of State Parks

is to “develop realistic partnerships/agreements with non-profit organizations, volunteer curator groups, and community groups to provide both educational opportunities and augment fundamental maintenance needs . . .” Further, many of the different divisions have goals of reaching self-sustainability, developing financial plans for revenue that will accomplish program missions. These goals can be further developed by collaborating with other partners, and Mr. Ching brings the background and expertise to partner with others in working toward the Department’s goal. Furthermore, his knowledge of how different departments operate will be a catalyst in working with other government agencies to develop possible partnerships to further enhance the Department’s resources.

GCA supports Governor’s Message 514 and respectfully requests the consent of this Committee. Thank you for the opportunity to share our support.

From: [Shannon Wood](#)
To: [WTLTestimony](#)
Subject: GM 514 - CARLETON CHING - Chairperson Nominee, Department of Land and Natural Resources
Date: Monday, March 09, 2015 4:36:29 PM

COMMITTEE ON WATER AND LAND

Senator Laura Thieien, Chair
Senator Brickwood Galuteria, Vice Chair

10 AM
CONFERENCE ROOM 229
STATE CAPITOL

Submitting for consideration and confirmation as the Chairperson of the
Department of Land and Natural Resources Nominee,

CARLETON CHING

Since 1988, I've been personally & professionally actively involved in a wide range of environmental issues at all three levels of government to address a number of concerns which would require not only administrative rules but also updated national, state and county laws.

Given my 25+ years of working directly with the *Department of Land and Natural Resources* administrators who were appointed by four different governors, I am very concerned about the professional qualifications of Carleton Ching who has been nominated by **Governor David Ige**. Mr. Ching' has no demonstrated professional expertise or volunteer experience in the protection and stewardship of Hawai'i's natural and cultural resources, including rare and endangered species, habitats, watersheds, Hawaiian and historic sites, *iwi kupuna* and other burials, **Native Hawaiian** water rights, the **Public Trust Doctrine**, public shoreline access, *mauka* access, trails, outdoor recreation, or climate change.

Therefore, I request that you do not support **Governor Ige's** nominee, Carleton Ching.
Mahalo.

Shannon Wood, **President**
Windward Ahupua`a Alliance, a **501c3** organization established in July, 2002
P.O. Box 6366
Kane`ohe, HI 96744
Voicemail: [808/247-6366](tel:8082476366); Cellular: [808/224-4496](tel:8082244496)
Website: <http://www.waa-hawaii.org>; E-mail: info@waa-hawaii.org

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Windward Ahupua`a Alliance, a **501c3** Hawai`i non-profit corporation, was established in July, 2002, to create the **Ko`olau Greenbelt & Heritage Trails System** in order to restore, protect & provide public access to the *mauka* lands on the Windward side of O`ahu along the base of *Na Ko`olau* as well as to support locally-owned sustainable economic activities in the more developed areas. Its mandate, however, has expanded over the past twelve-plus years well beyond these important regional issues.

WAA now works to educate & inform residents, visitors, businesses, policymakers at all levels of government, and the media about using **SMART GROWTH** principles which promote sustainability through urban (re)development to protect agricultural and conservation lands.

In addition to planning how & where we will live, work & play, **WAA** also advocates on matters as diverse as setting long-term watershed protection policies based upon *ahupua`a* concepts; supporting renewable energy standards to help reduce greenhouse gas emissions; and mitigating the impacts of global warming & rising sea levels around the world by working on public policy changes at all three levels of government.

WAA has also played a significant role in strengthening state statutes & county ordinances as well as administrative rules dealing with recycling & illegal dumping as well as funding state & county "legacy lands" laws.

Since its founding, **WAA** has established partnerships with over three dozen organizations, coordinated field trips to meet with people who are engaged in sustainable economic activities in agriculture, tourism & high technology, and co-sponsored or played an active role in seminars, workshops & conferences on a wide range of public policy issues including health, education, social justice, and workforce housing issues.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: jlee@cochawaii.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 5:13:22 PM
Attachments: [03-11-2015 Sen WTL GM 514 - Carleton Ching.docx](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Menor-McNamara	Chamber of Commerce Hawaii	Support	Yes

Comments:

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**Testimony to the Senate Committee on Water and Land
Wednesday, March 11, 2015 at 10:00 A.M.
Conference Room 229, State Capitol**

**RE: GOVERNOR'S MESSAGE 514 SUBMITTING FOR CONSIDERATION AND
CONFIRMATION AS THE CHAIRPERSON OF THE DEPARTMENT OF LAND AND
NATURAL RESOURCES, GUBERNATORIAL NOMINEE, CARLETON CHING**

Chair Thielen, Vice Chair Galuteria, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **strongly supports** the confirmation of Mr. Carleton Ching as the Chairperson of the Department of Land and Natural Resources.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

As the media has reported, Mr. Ching was a member of the Chamber of Commerce Committee on Infrastructure, Transportation and Quality of Life. We provide this testimony in support of Mr. Ching's qualifications to lead the Department of Land and Natural Resources (DLNR). The DLNR Mission Statement is to:

"Enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei, and its visitors, in partnership with others from the public and private sectors."

The DLNR is comprised of nine (9) Divisions, one (1) Office and two (2) independent Commissions.

- Aquatic Resources Division (DAR)
- Bureau of Conveyances (BOC)
- Boating and Ocean Recreation (DOBOR)
- Conservation and Resource Enforcement (DOCARE)
- Engineering Division (ENG)
- Forestry and Wildlife (DOFAW)
- Land Division (LAND)
- State Parks (SP)
- State Historic Preservation (SHPD)



Chamber of Commerce HAWAII

The Voice of Business

- Office of Conservation and Coastal Lands (OCCL)
- Commission on Water Resource Management (CWRM)
- Kaho`olawe Island Reserve Commission (KIRC)

The DLNR is responsible for management of all state owned lands which is approximately 1.4 million of the total 4 million acres in the state and does not include all of the submerged lands within the State waters. DLNR is also responsible for management of the Conservation District which is comprised of approximately 1.9 million acres or roughly half of the land in the entire state.

These two areas of responsibility illustrate the need to have a responsible, balanced and transparent leadership in this department. As an owner of state lands, the DLNR is tasked with receiving the “highest and best” use of its lands in commercial operations. The DLNR must also weigh what uses could or should be allowed in the Conservation District through the Conservation District Use Application process. The focus here is not on the highest and best use but on protecting and conserving our natural resources.

We need diverse views expressed in managing the States’ natural and cultural resources that is why the Board of Land and Natural Resources make most of the policy decisions for the Department with the Divisions and staff offices left to implement. The Chairperson of the BLNR oversees the proceedings of the Board but only has one of the seven (7) votes on the Board.

Over the last few years, the Chairperson of the DLNR has brought with them a wide range of experiences and personalities. Susumu Ono, William (Bill) Paty, Keith Ahue, Michael Wilson, Tim Johns, Gil Agaran, Peter Young, Laura Thielen and William (Bill) Alia all brought their own experiences and perspectives in managing the DLNR. They all managed the Department to the best of their abilities and dealt with the issues that came before them in a balanced and objective manner.

We see no difference in the experiences of the past DLNR Chairpersons and those of Mr. Ching. We believe he has the right temperament and intelligence to bring together contrasting views in seeking out the best decision for the Department. We strongly encourage the Senate to confirm Mr. Ching’s nomination as the Chairperson of the Department of Land and Natural Resources.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: scolemansurfrider.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 7:49:54 AM
Attachments: [SF-DLNR NominationHrg-GM514-3-11-15.doc](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Coleman	Surfrider Foundation	Oppose	Yes

Comments:

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March 10, 2015

To: Chair Thielen, Vice Chair Galuteria and Members of the House Committee on Water & Land (WTL)
Re: Strong Opposition to GM 514 (Carleton Ching's nomination as Director of DLNR)
Hrg: Wed., Mar. 11, 2015 at 10:00 am, Room 229

Mahalo for the opportunity to submit testimony in strong opposition of GM 514. The Surfrider Foundation rarely gets involved with the Governor's administrative appointments, but we oppose the current candidate to head up the Dept. of Land and Natural Resources (DLNR) because of his lack of experience and expertise.

As a lobbyist for Castle & Cooke, one of the biggest developers in the state, Carleton Ching is not an appropriate candidate to be in charge of the Dept. of Land and Natural Resources. He doesn't have any experience running such a large state agency, and his background as a real estate developer and lobbyist for Castle & Cooke should exclude him from heading up a department dedicated to protecting and preserving our natural resources.

When his nomination was first announced, many groups came together to write a formal letter protesting Gov. Ige's controversial appointment. In the face of such strong opposition, many hoped that the Governor would withdraw his candidacy. But if this doesn't happen, we ask that the nomination to be defeated by the Senate to show that our elected officials will not allow such a clear conflict of interests.

We have nothing against the man but seriously question his ability to manage such a large agency without any experience in this area. His background as a lobbyist for a large development corporation just adds salt to the wound.

If this nomination goes through, it will cast a dark cloud over the current administration and send a signal that powerful corporate influence is more important than the public's interest in conserving our fragile environment. Mahalo for your consideration and leadership on this issue and let me know if you have any questions.

Sincerely,

Stuart Coleman
Stuart H. Coleman
Hawaii Coordinator

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: earthtrustwildlifeprograms@gmail.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 10:40:33 AM

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Sue White	Earthtrust	Oppose	No

Comments: TESTIMONY BY EARTHTRUST, Kailua, Hawaii IN OPPOSITION TO GM 514 COMMITTEE ON WATER AND LAND Senator Laura H. Thielen, Chair Senator Brickwood Galuteria, Vice Chair RELATING TO THE CONSIDERATION OF AND CONFIRMATION AS THE CHAIRPERSON OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES GUBERNATORIAL NOMINEE: CARLETON CHING HEARING: Date: Wednesday, March 11, 2015 Location: Room 229 Honorable Senator Thielen, Chair and Honorable Members of the Committee: Earthtrust is a Hawaii based environmental organization with a long history of work both in Hawaii and internationally on endangered species and sustainable fisheries issues. Decisions made by the Department of Land and Natural Resources are critical to the survival of Hawaii's endangered wildlife and to the future of Hawaii's fisheries and thus its leadership is of great concern. The Department of Land and Natural Resources (DLNR) is one of the most complex and critically important agencies in the State of Hawaii. DLNR is the "heart" of Hawaii. The men and women who work for DLNR are responsible for the future of Hawaii's sustainable forests and fisheries, its historical preservation and the custodians of Hawaii's critically endangered species. The job of this committee is to carefully and thoroughly evaluate the credentials, experience and core values of the person nominated to be their leader. While a decision to oppose a gubernatorial nomination is not a light one, there is precedent. In 2007 the then director of DLNR went through 5 days of a tough confirmation hearing and was not recommended to be confirmed. Following that decision, then Governor Lingle appointed a 30 – member committee to search for a nominee. The committee members included representatives from user groups, environmental groups, and the development community (including a representative from Castle and Cook). This committee selected a candidate who had spent her adult life to that point educating herself on and defending the environment as an environmental attorney, Laura Thielen. In evaluating nominees for Chair of DLNR, the committee must look beyond their expertise in administration, consensus building and financial analysis. Those skills are found in many of Hawaii's distinguished leaders and in many of Hawaii's very capable administrative staff workforce. The endangered species of Hawaii, the forests, near-shore aquatic life, and Hawaii's open lands deserve and need a passionate and knowledgeable protector. The aforementioned, Ms. Thielen was such a Chairperson, as was Governor Waihee's

appointee, Bill Paty. Bill brought his passion for preserving natural resources to the position. His dedication to wildlife was evident both before, during and after his tenure as Chair of DLNR. As an example, Bill served on our Earthtrust Advisory Board for many years. Among the concerns that Earthtrust has regarding Mr. Carleton Ching is that we could find no evidence of a long-standing passion or even interest in the environment, and even after being asked to be the Chair by Gov. Ige, there appeared to be a lack of curiosity about the very department that he was asked to be the Chair of. He has admitted in public that when he was asked to take on this responsibility that he did not know what DLNR did. One would have thought that he would have immediately gone, at least, to the DLNR website to research it. Yet, when he was asked at a meeting with concerned citizens what he saw as the pressing issues for DLNR, he only said "finances" and a concern for the Profit/ Loss of each area of DLNR. Subsequently, he has met with various employees and division heads and has a much better idea of what it entails. However, in a video taped "Talk Story" we noted that he deferred to the nominee for deputy director on most of the questions regarding actual substance and knowledge of the issues. Mr. Ching insisted during the "Talk Story" referred to above that he would never take on a job whose "core values" he did not believe in. This lead us to be very concerned based on the work he has done in the development field. He chose to serve on the board of directors of the BIA and was President of LURF. His passion, therefore, in both his professional and volunteer choices appear to be in advocating development. LURF, the organization that he chose to helm, actively pushed hard to persuade the U.S. Fish and Wildlife Service to reduce critical habitat designations for endangered species. While the action by LURF (proudly listed in a report on their accomplishments on their website) took place before Mr.Ching was the President of LURF, he chose to surrounded himself with and advocate for those who, among other values that appear to not be compatible with the mandates of DLNR, have a core value of diminishing critical habitat for endangered species. Mr. Ching specifically said on video that he would not take on a job whose values he did not believe in. To appoint someone to be the director of DLNR who has apparently demonstrated that one of his core values is to diminish, not enhance, protections for Hawaii's fragile endangered species would just be wrong. For anyone taking on the difficult task of chairing this complex department there will be a steep learning curve. This is even greater for someone in Mr.Ching's position who has no prior background in any of the areas of expertise of the department except, perhaps, from a developer point of view. DLNR needs someone who has the experience, knowledge, background and ability to weigh the hard decisions that will arise as director of DLNR. We urge the Committe to suggest to the governor that Mr. Ching's skills will better serve Hawaii in capacities that assist the State to analyze and suggest improvements to the way in which agencies are managed but to not be put in charge of an agency that requires that the Chair has a deep commitment to the preservation of our lands, fisheries, forests and endangered species. We urge the Committee to oppose the nomination of Mr.Ching as Chair of DLNR. We urge the Committee to convene a selection committee, or urge the governor to do so, that mirrors the committee that chose Laura Thielen to head DLNR. We suggest that it include as many of the past directors of DLNR as are willing to serve. Hawaii will benefit by having a broad-based committee suggest a nominee as the next Chair of DLNR. Thank you for allowing us to submit testimony. Submitted by : Sue White, Vice-

President Earthtrust 1118 Maunawili Road Kailua, Hawaii 96734

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: Leimana.K.Damate@hawaii.gov
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 3:56:17 PM
Attachments: [Hashimoto Testimony GM 514.pdf](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Hashimoto	Aha Moku Advisory Committee	Support	No

Comments:

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

Testimony of
Thomas Hashimoto, Po'o
Aha Moku Advisory Committee
Manokalanipo (Kaua'i)

Before the Senate Committee on WATER AND LAND

Wednesday, March 11, 2015
10:00 a.m.
State Capitol, Conference Room 229

Governor's Message No. 514

Submitting for Consideration and Confirmation to the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, Carleton Ching for a Term to Expire December 31, 2018

As the Po'o of Manokalanipo, Island of Kauai, I had the opportunity to meet Carleton Ching recently and talk at length with him on how he planned to address the many problems and issues on natural resource management that comes with the position of Chairman of the Department of Land and Natural Resources. I was particularly concerned with the issues of Kaua'i.

Mr. Ching was courteous and knowledgeable. He was willing to listen and learn. He understood that as Po'o, I have the trust and respect of my people that was given to me because of a lifetime of serving the people of Ha'ena and Hanalei, the areas that I am from. And now, serving the entire island of Kauai as Po'o, or representative on the Aha Moku Advisory Committee, I have a strong kuleana to the people who live on Kauai. That is why I must be very careful in my deliberations on resource issues.

I found Mr. Ching to be truly interested in our concerns on Kauai. I believe he is sincere. As an individual, he should be given the chance to keep his promise to serve and contribute to the balance of our land and oceans. Our resource is our wealth. For me, this is the natural world of an indigenous community.

I support this nomination, and ask that this committee approve Mr. Ching to be the next Chairperson of the DLNR.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: defendoahucoalition@gmail.com
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 8:55:15 AM

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Timothy Vandever	Defend Oahu Coalition	Oppose	Yes

Comments: Aloha Senator- The Defend Oahu Coalition is a 501(c)(3) non-profit organization comprised of a diverse group of community residents, environmentalists, activists and religious leaders, all working toward one immediate goal: protecting communities in rural Oahu from the dangerous effects of large-scale development. For the past decade, our coalition has been the vanguard of the movement to "Keep the Country COUNTRY!" and was an integral part of the recent conservation agreement reached between the State of Hawaii and Turtle Bay Resort, which preserved over 600 acres of open space and nearly five miles of coastline for future generations. As a practical matter, the Defend Oahu Coalition has an interest in seeing experienced people serve in all areas of government that pertain to the preservation of land and protection of natural resources, and particularly in an agency as important as the Department of Land and Natural Resources (DLNR). Given its expansive mission and increasingly difficult job, DLNR needs the kind of energetic leadership that will position the agency to deal with critical issues such as climate change and invasive species. Based upon a cursory reading of his resume alone, it is clear that Carleton Ching is not qualified to do the job. Indeed, Mr. Ching has admitted that he has no substantive experience protecting watersheds, streams, trails, coral reefs, endangered species, Hawaiian and historic sites, iwi kupuna, Native Hawaiian water rights, public shoreline access, or mauka access trails. He did not apply for the position and initially declined the nomination. He is currently on leave from Castle & Cooke. Mr. Ching has no professional or volunteer experience, or apparent interest in the stewardship of Hawai'i's natural and cultural resources and instead has volunteered his time for an organization that according to its website is "devoted exclusively to promoting the interests of the development community." He has spent a good part of his professional career working for large land development companies, lobbying for them, and serving on the boards of their lobbyist organizations. These organizations are committed to free enterprise, treating land and water as a commodity, and dismantling land use regulations and policies that protect the public interest and public trust. Mr. Ching was also President, and is now a Vice President of the Land Use Research Foundation (LURF), which also represents large private landowners and developers. LURF and the Building Industry Association (BIA) have consistently lobbied on bills that are contrary to protecting the public interest and the public trust, including ceded lands, conservation lands, and

water resources. LURF and its Executive Director were recently fined by the Ethics Commission for violating state lobbying laws over several years. Governor Ige apparently nominated Mr. Ching to run the DLNR more like a business. Government is not a business however, and our coalition does not feel that it is an appropriate goal of the State of Hawai'i to promote the exploitation of our finite natural resources. For the above reasons, as well as perceived conflicts of interest relating to land development in the state that would follow Mr. Ching, Defend Oahu Coalition strongly opposes his confirmation as head of DLNR. Sincerely, Tim Vandever Co-Chair, Defend Oahu Coalition (808) 388-0660 www.defendoahucoalition.org

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From: [Todd Cullison](#)
To: [WTLTestimony](#)
Subject: DLNR Nomination Testimony
Date: Tuesday, March 10, 2015 8:51:59 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[DLNR Director Testimony 2015.pdf](#)

Aloha, please see attached testimony for the current DLNR Nomination.

Mahalo,

Todd A. Cullison
Executive Director


hui o ko'olaupoko
1051 Keolu Dr. #208
Kailua, HI 96734
808-277-5611 (p)
www.huihawaii.org





hui o ko'olaupoko

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Kailua, HI 96734
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www.huihawaii.org*

March 10, 2015

Committee on Water and Land
Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

Re: Current Nomination to DLNR Director

Dear Senator Thielen and Senator Galuteria,

Please accept this letter as official testimony regarding Governor Ige's nomination for DLNR Director for the State of Hawai'i. In short, we do not support this nomination.

Our organization is a 501 (c) (3) non-profit entity focused on community-based watershed management in windward O'ahu, specifically Ko'olaupoko. We feel that Mr. Ching does not possess the credentials to serve in the capacity as DLNR Director.

We'd like to see a nomination that possesses a greater understanding of:

- ✓ Land and Water Conservation issues;
- ✓ Engager Species Act (ESA);
- ✓ Water Resources;
- ✓ Watershed (ahupua'a) science;
- ✓ Water quality;
- ✓ Oceanography;
- ✓ Historic Preservation;
- ✓ Public Trust Doctrine;
- ✓ Agricultural;
- ✓ Sea-level rise; and/or
- ✓ Climate Change.

Possessing any combination of these would serve the State of Hawaii and our constituents in a greater capacity in the DLNR and the natural resource area. As such, we encourage you to not approve this nomination, rather, to encourage Governor Ige to seek an individual that understands the sensitive and immediate situation Hawai'i is facing when it comes to our natural resource. If you have any questions, please feel free to contact me as you schedule allows at 808-277-5611 or todd@huihawaii.org.

Mahalo,

Todd Cullison
Executive Director

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: hawaiihuntingassociation@hawaiiantel.net
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Monday, March 09, 2015 8:38:53 PM
Attachments: [Carlton Ching.pdf](#)

GM514

Submitted on: 3/9/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Lodge	hawaii hunting association	Support	No

Comments:

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***To Protect & Promote Sustainable
Public Hunting in Hawaii***

Senate Committee on Water and Land
Confirmation Hearing of Carlton Ching
Wednesday, March 11, 2015
10:00 AM Conference Room 229

March 9, 2015

Aloha Chairperson Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair, and members of Water and Land,

The Hawaii Hunting Association Supports the nomination of Carlton Ching for the following reasons.

- 1) He promises to bring a management strategy to DLNR and treat it as a business which it needs desperately.
- 2) He promises to bring more efficiency to DLNR a sorely needed change.
- 3) He promises to follow the law, and this is a good time to have DLNR stop the use of Findings of No Significant Impact in place of Environmental Review of projects in forests and watersheds.
- 4) He promised to hold public hearings with the goal of collaboration. As an example of how important this is, our current rules changes, forced onto DLNR because of a lawsuit prompted by their disregarding Administrative procedure has taken 7 years to effect basically only housekeeping items rather than the plethora of changes submitted. An unfortunate waste of time and resource that is all too often the case with DLNR.

- 5) Instead of going to the State Year after Year begging for money without accountability, promised not only accountability but also looking for new sources of money and efficiency which might finally wring some profit from oft wasted activity.
- 6) He promised that fees wouldn't be raised for the sake of an increased fees. How refreshing, for now it seems that service is expected to be delivered for the fees charged. Another advantage to increasing efficiencies in our opinion across all aspects of DLNR.
- 7) DLNR is Hawaii's largest land manager which span services from sea level to 13,000 feet and $\frac{3}{4}$ of a million acres statewide, a massive management undertaking that has been neglected for decades. Nominee Ching promises a rightful change to an organization in need of just such.

Much Aloha,

Tom Lodge

hawaiihuntingassociation@hawaiiantel.net

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: execdir@hawaiiconstructionalliance.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 9:51:11 AM
Attachments: [031015 Ching.pdf](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Tyler Dos Santos-Tam	Hawaii Construction Alliance	Support	No

Comments:

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Hawai'i Construction Alliance

P.O. Box 179441
Honolulu, HI 96817
(808) 348-8885

March 10, 2015

The Honorable Laura H. Thielen, Chair
The Honorable Brickwood Galuteria, Vice Chair
and members

Senate Committee on Water and Land
Hawai'i State Capitol
Honolulu, HI 96813

RE: Support for GM514, Gubernatorial Nominee, Carleton Ching

Dear Chair Thielen, Vice Chair Galuteria, and members,

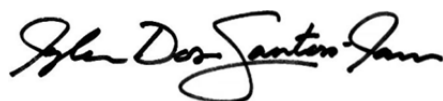
The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

Our unions are in strong support of the nomination of Carleton Ching as Chairperson of the Department of Land and Natural Resources. Based on numerous conversations we have had with Mr. Ching since his nomination, we find that he thoroughly understands and will be able to fairly and thoughtfully implement the department's mission to "enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawai'i nei, and its visitors, in partnership with others from the public and private sectors."

Mr. Ching's extensive background in the public and private sector including Castle & Cooke, Molokai Ranch, and the Hawaii Housing Authority, as well as his deep community involvement in various nonprofit organizations including Pali Momi Hospital, Hawaii Pacific University, and the Pacific Housing Assistance Corporation Board make him uniquely qualified to lead this complex and broad-reaching department.

Therefore, we humbly request your committee's favorable consideration of Mr. Ching's nomination to serve as Chairperson of the Department of Land and Natural Resources.

Mahalo,



Tyler Dos Santos-Tam
Executive Director
Hawai'i Construction Alliance
execdir@hawaiiconstructionalliance.org

RECEIVED
MAR 09 2015



P. O. Box 11150
Lahaina, HI 96761

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair
COMMITTEE ON WATER AND LAND

Senate of the State of Hawai'i

Wednesday, March 11, 2015 at 10:00 AM
Opposition to GM514, Nomination of Carleton Ching to the BLNR

The West Maui Preservation Association strongly opposes the nomination of Carleton Ching as Chairman of the Board of Land and Natural Resources for the State of Hawai'i.

The Department of Land and Natural Resources is composed of ten separate divisions (Aquatic Resources, Bureau of Conveyances, Conservation and Coastal Lands, Conservation and Resources Enforcement, Engineering, Forestry and Wildlife, Historic Preservation, Land, and State Parks). The Department also oversees several important boards and commissions (Aha Moku Advisory Committee, Commission on Water Resource Management, Endangered Species Recovery Committee, Hawaii Historic Places Review Board, Island Burial Councils, Kaho'olawe Island Reserve Commission, Legacy Land Conservation Commission, and the Natural Area Reserves Systems Commission).

While WMPA does not believe that it is necessary for a nominee to have extensive specialized knowledge and experience regarding the Department's specific work in each division, it is essential that a nominee demonstrate sufficient knowledge and experience to lead the agency. Mr. Ching has not disclosed any skills that may be relevant for this position except for his work as a long time lobbyist for one of the Big Five companies and other land development companies and his familiarity with "profit and loss statements."

Mr. Ching has expressed his belief that the DLNR is beset by problems and those problems stem from "inefficiencies." Unlike private land developers, public agencies cannot pick

and choose among those who will receive services or pick and choose which natural resources will be protected and preserved. Unlike private land developers, the Department is also in the role of a fiduciary with respect to public trust resources. The Senate has an obligation to assure that nominees have the knowledge and commitment to meet the demands of the position. Thus far, no such information has been provided by the governor or the nominee to the Senate.

In the 1980s, federal executive agencies were stocked with people who lacked knowledge and experience regarding the agencies' work but were strongly supportive of the administration's goals and objectives and were philosophically in line with its beliefs about government and public sector management. Unfortunately, in many instances, these political appointees were seen as the enemy of the agency. As a result, they were unable to effectively lead the department and were regularly excluded from important policymaking responsibilities.

Public resources and public trust obligations cannot adequately be protected under Mr. Ching's expressed management philosophy – one based upon the forces of supply and demand or entrepreneurial strategies for generating profit. These philosophical orientations are appropriate in the private sector but have no place for the fiduciary of the public trust or the head of this complex department.

Mr. Ching will unquestionably have a conflict of interest hanging over his whole tenure. There is a substantial risk that his professional judgment or actions regarding the principal goals of the DLNR will be unduly influenced by his personal desires for things such as professional advancement after any tenure as chairperson and promoting his long friendships in his current and previous employment and professional associations.

For all these reasons, WMPA strongly urges the Senate to reject the nomination of Carleton Ching as Chairman of the Board of Land and Natural Resources.

Mahalo for this opportunity to testify.

//

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: Leimana.K.Damate@hawaii.gov
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 10:12:31 AM
Attachments: [Basques Testimony GM 514.docx](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Winnie Basques	Aha Moku Advisory Committee	Support	No

Comments:

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

Testimony of
Winnie Basques, Po'o
Aha Moku Advisory Committee
Nana'I Kaula (Lana'i)

Before the Senate Committee on WATER AND LAND

Wednesday, March 11, 2015
10:00 a.m.
State Capitol, Conference Room 229

Governor's Message No. 514 – IN SUPPORT

Submitting for Consideration and Confirmation to the Chairperson of the Department of Land and Natural Resources, Gubernatorial Nominee, Carleton Ching for a Term to Expire December 31, 2018

As the Po'o of Manokalanipo, Island of Lana'i, I met Carleton Ching recently and we spoke about the concerns and problems of Lana'I. Because we are such a small island that is owned mostly by one owner and managed by Pulama Lana'I, we worry that our traditional practices will be swallowed by development.

Carleton Ching assured us that he would be open and reachable. He is genuine and wants to help. He has promised to look into our concerns and support our Aha Moku. I believed him.

Please support Mr. Carleton Ching and approve his nomination as the Chairperson of DLNR.

Thank you very much.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: publicpolicy@oha.org
Subject: Submitted testimony for GM514 on Mar 11, 2015 10:00AM
Date: Tuesday, March 10, 2015 9:18:50 AM
Attachments: [GM514 Carleton Ching BLNR Chair WTL 031115 FINAL.pdf](#)

GM514

Submitted on: 3/10/2015

Testimony for WTL on Mar 11, 2015 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Office of Hawaiian Affairs	Office of Hawaiian Affairs	Comments Only	No

Comments: Mahalo

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GM514
SUBMITTING FOR CONSIDERATION AND CONFIRMATION AS THE CHAIRPERSON
OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, GUBERNATORIAL
NOMINEE, CARLETON CHING, FOR A TERM TO EXPIRE 12-31-2018
Senate Committee on Water and Land

March 11, 2015

10:00 a.m.

Room 229

The Office of Hawaiian Affairs (OHA) submits the following **COMMENTS** for GM514, which seeks the appointment of Carleton Ching as Chairperson of the Board of Land and Natural Resources (BLNR). OHA's comments are limited to the scope of the duties of the Chairperson of the BLNR and his or her role in decisions that may have profound impacts on the interests of Native Hawaiians including, but not limited to, public lands, water resources, historic preservation, natural resource management, and protecting and perpetuating Native Hawaiian traditional and customary practices.

The Chairperson of the BLNR oversees the Department of Land and Natural Resources (DLNR), which, through recommendations to the BLNR as well as through its own administrative authorities, is tasked with the use and management of approximately 1.3 million acres of public lands under its jurisdiction (most of which are former Hawaiian Kingdom government and crown land), as well as with the regulation of all uses within the conservation state land use district on state and private lands. Responsibilities of the DLNR and BLNR thus include the conservation and protection of natural and cultural resources; the disposition of public lands through sales or leases of up to 65 years; the protection of iwi kūpuna and sacred historic sites; the management of state parks, small boat harbors, ocean recreation areas, and beaches, including the maintenance of lateral access to coastal areas; the promotion of aquifer recharge through watershed protection and restoration; and the enforcement of laws relating to these resources and areas. This makes this role particularly critical to ensuring that adequate consideration is given to the exercise of constitutionally-protected Native Hawaiian traditional and customary practices and the finite fragile resources that the Native Hawaiian people rely upon.

Notably, the BLNR Chair must also consider distinct and specific constitutional trust responsibilities under the public trust and public land trust. The public lands under the DLNR's authority are subject to the public trust, and must thereby be managed for the benefit of present and future generations.¹ Much of these lands are also subject to the public land trust created by Article XII of the Hawai'i State Constitution, which requires that a portion of revenues derived from public land trust lands be dedicated to OHA, for

¹ HRS § 171-3; see also HAW. CONST. ART. XI SEC. 1.

the purpose of bettering the conditions of Native Hawaiians.² The trust nature of these lands imposes upon the DLNR and the BLNR fiduciary obligations of due diligence and impartiality in ensuring their best use for both Native Hawaiians and the general public, including future generations of these beneficiaries.

In the capacity as Chairperson of the BLNR, the Chairperson also serves in other leadership roles. Foremost, the Chairperson of the BLNR oversees the staff of the Commission on Water Resources Management (CWRM), while also serving as the Chairperson of CWRM. CWRM is tasked with ensuring the protection and appropriate management of our islands' critical and limited public trust water resources, which are held in trust for the benefit of present and future generations, and are of singularly critical environmental, cultural, and economic importance to our islands. Accordingly, CWRM decisions have direct, long-term impacts on Native Hawaiians' ability to access healthy and adequate water resources to support their ability to grow food, gather stream and ocean marine life, and to exercise other traditional and customary practices that rely upon freshwater.

The Chairperson also serves as the State Historic Preservation Officer (SHPO), who is charged by the National Historic Preservation Act (16 U.S.C. § 470, et seq.) with administering the State historic preservation program, and developing and implementing a comprehensive statewide historic preservation plan to provide guidance for effective decision making. This responsibility includes serving as the state's representative for consultation with federal agencies regarding federal historic preservation in Hawai'i. It is the SHPO's responsibility to ensure that processes are in place and adequate attention is paid to preserve the highly valued and threatened sacred and storied sites, artifacts, resources, and burials of our Native Hawaiian ancestors. Due to the critical role the SHPO serves, the Hawai'i legislature in 1976 also determined that the SHPO should be appointed on the basis of professional competence and experience in the field of historic preservation.

Finally, in addition to a number of other roles³ particularly pertinent to the Native Hawaiian community, the Chairperson is also a member of the Kaho'olawe Island Reserve Commission, which manages the Kaho'olawe Island Reserve in trust for the future Native Hawaiian sovereign entity; is an ex-officio voting member of the Natural Area Reserves System (NARS) Commission, which oversees the protection of native ecosystems; and has oversight over the Aha Moku Advisory Committee, which serves in an advisory capacity to

² HAW. CONST. ART. XII SEC. 4-6.

³ The Chairperson of BLNR serves as an ex-officio, voting member of the Hawai'i Board of Agriculture, which oversees the Department of Agriculture and makes implements policies which contain incentives to promote agricultural and aquaculture viability and protection of agricultural and important agricultural lands. The BLNR Chair also serves: (1) as an ex-officio nonvoting member of the NELHA Board of Directors; (2) as a member of the Interagency Climate Adaptation Committee (administratively placed within DLNR); (3) as a member of the Hawaii state emergency response commission; and (4) ex-officio, voting member of the Agribusiness development corporation.

the BLNR on issues related to land and natural resource management through indigenous place-based practices within moku (regional) boundaries.

Given the breadth and depth of the BLNR Chairperson's responsibilities and authority over resources of such critical importance to the public and to Native Hawaiians in particular, OHA urges the Committee to consider the significance of these roles and how they intersect with the state's trust obligations to the Native Hawaiian community and all of Hawai'i's people, for both present and future generations.

Mahalo nui for the opportunity to provide comments on GM514.