



**TESTIMONY OF JAN K. YAMANE, ACTING STATE AUDITOR,
ON HOUSE BILL NO. 438, HOUSE DRAFT 1,
MAKING AN APPROPRIATION TO THE KAHO‘OLawe ISLAND
RESERVE COMMISSION**

Senate Committee Hawaiian Affairs

March 18, 2015

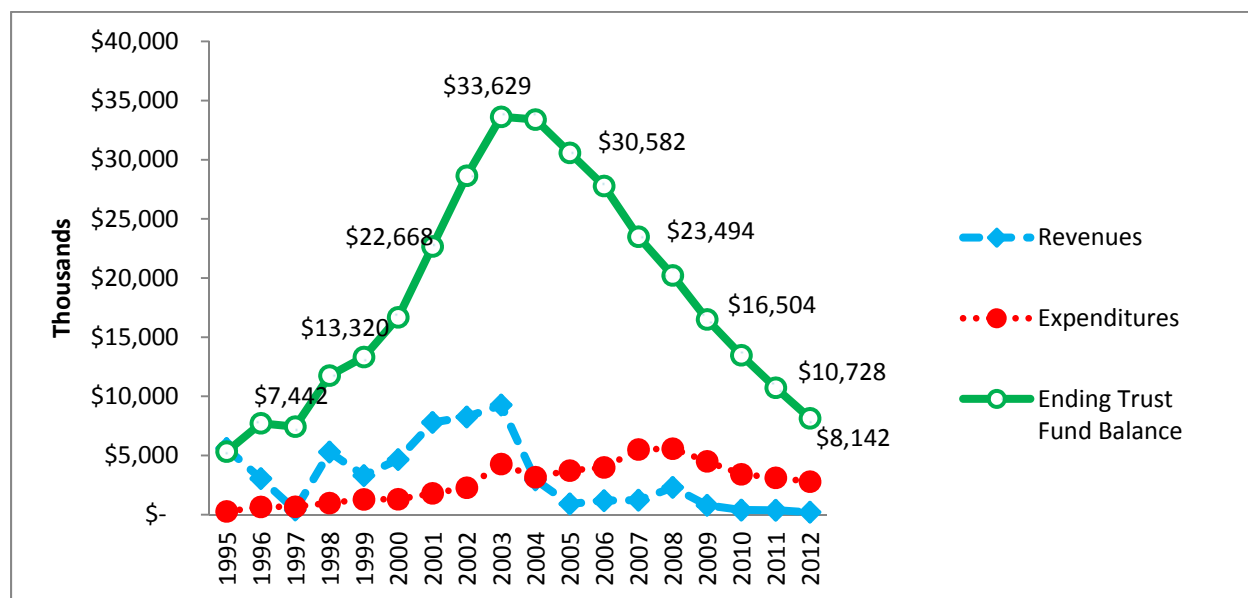
Chair Shimabukuro and Members of the Committees:

I am Jan Yamane, Acting State Auditor. Thank you for the opportunity to offer comments on House Bill No. 438, House Draft 1, making an appropriation to the Kaho‘olawe Island Reserve Commission. This bill would, among other things, appropriate funds to the Kaho‘olawe Island Reserve Commission for restoration and preservation projects.

In July 2013, we released Report No. 13-06, *Audit of the Kaho‘olawe Rehabilitation Trust Fund*, which responded to a request by the 2012 Legislature via Senate Concurrent Resolution No. 63, Senate Draft 1, asking the Auditor to conduct a fiscal audit of the Kaho‘olawe Rehabilitation Trust Fund. The Legislature requested that the audit include a determination of whether trust funds are being used in compliance with state laws and any applicable grant agreements, and to effectuate the purposes of the Chapter 6K, HRS, including the performance of duties and responsibilities of the Kaho‘olawe Island Reserve Commission. In our report, we had two findings:

1. At its current rate of spending, the Kaho‘olawe Island Reserve Commission will drain the remaining balance of the Kaho‘olawe Rehabilitation Trust Fund by 2016; and
2. The Kaho‘olawe Island Reserve Commission has not developed a comprehensive and measurable restoration plan, including estimated costs and timeframes for completion.

The following exhibit from our report illustrates the Kaho‘olawe Rehabilitation Trust Fund’s financial revenue, expenditures, and decreasing trust fund balance for FY1995–FY2012. As you can see, expenditures have outpaced revenues for the past decade.



Our report noted that the commission has been unsuccessful at meeting its fundraising goals and unable to secure long-term funding. Although it has cut its budget, it continues to deplete the trust fund and at its current rate of spending, the trust fund will be completely exhausted by 2016.

While this measure will appropriate needed funds to the depleting trust fund for FY 2016–2017, it does not address the commission’s rate of spending and inability to successfully raise funds to preserve the trust. If the Kaho‘olawe Rehabilitation Trust Fund requires annual appropriations, it raises the question whether the trust fund is needed or should be repealed. The commission could be supported through general fund appropriations.

Thank you for the opportunity to offer comments on House Bill No. 438, House Draft 1. I am available for your questions, should you have any.



KŪKULU KE EA A KANALOA

KAHO`OLawe ISLAND RESERVE COMMISSION

811 Kolu Street, Suite 201, Wailuku, HI 96793
Telephone (808) 243-5020 Fax (808) 243-5885
Website: <http://kahoolawe.hawaii.gov>

COMMISSION MEMBERS

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Chairperson
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C. KALIKA BAKER, PhD
CARTY S. CHANG
HŌKŪLANI HOLT

Michael K. Nāho`opi`i
Executive Director

Testimony of MICHAEL K. NAHO`OPTI Executive Director

Before the Senate Committee on

HAWAIIAN AFFAIRS

Wednesday, March 18, 2015

1:20 PM

State Capitol, Conference Room 224

In consideration of HOUSE BILL 438 HD1 MAKING AN APPROPRIATION TO THE KAHO`OLawe ISLAND RESERVE COMMISSION

House Bill 438 appropriates out of the general revenues of the State of Hawai`i funds to be used for projects undertaken by the Kaho`olawe Island Reserve Commission, including but not limited to the restoration and preservation of the natural, cultural and historic resources of the Kaho`olawe Island Reserve and its meaningful and safe use by the people of Hawai`i. The Kaho`olawe Island Reserve Commission (KIRC) strongly supports this measure.

When the State of Hawai`i accepted the return of the island of Kaho`olawe in 1994, it accepted the responsibility "to preserve and protect a corner of their island state so that future generations can become familiar with their island's past human and natural heritage. For many Native Hawaiians and others, Kaho`olawe is a special place that has been sanctified by the loss of life in a struggle between traditional values and Western concepts of land use and management" (Restoring a Cultural Treasure, Kaho`olawe Island Conveyance Commission).

As stated in the Federally-mandated Kaho`olawe Island Conveyance Commission (KICC) final report to Congress in 1993, "in the short term, federal funds will provide the bulk of the program support for specific soil conservation projects and related activities. In the longer term, however, state revenues will be needed to continue and enhance those activities initiated with federal funds." For the past 20 years, the initial Federal funding has allowed the KIRC to establish many of its innovative programs that emphasize ancestral and traditional knowledge, provide a cultural approach of respect and connectivity to the environment, and integrate ancient and modern resource management techniques. Those initial funds will run out by 2016 if no other funding source is secured.

With 25% of the island still uncleared of unexploded ordnance and only 10% cleared for intensive use, the KIRC's continuing presence on Kaho'olawe is needed to ensure the protection of the general public. Without funding, the KIRC will have to terminate on-island operations and close the doors to public access to Kaho'olawe.

Over the past two years, the KIRC in partnership with several dozen community organizations conducted as of state-wide community gatherings to solicit and document the public's input regarding the future of Kaho'olawe. The resultant community-wide planning document entitled "*I OLA KANALOA!*" represents a foundation to encourage the collective impact of many individuals, organizations, and the community-at-large. This arrangement acknowledges that the power, energy and resources to secure the future of Kaho'olawe is shared and dispersed among its many partners.

The funding being sought in this measure is to provide a bridge to allow the KIRC to develop these community-wide partnerships, establish collaborative enterprises with other state and federal government entities, and launch long-term revenue generation and sustainable funding opportunities supporting the future of Kaho'olawe. The passage of this measure is critical to ensure that the struggle, hard work, dedication and lives given to the island will not be wasted, but forms the foundation for Kaho'olawe role as the spiritual, cultural and physical *piko* (center) of the people of Hawai'i.

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: tchowhoy@hotmail.com
Subject: Submitted testimony for HB438 on Mar 18, 2015 13:20PM
Date: Monday, March 16, 2015 3:12:35 PM

HB438

Submitted on: 3/16/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Chow-Hoy	Kaho`olawe Island Reserve Commission	Support	No

Comments: I, Todd Chow-Hoy, support KIRC Bill HB438. Please support this important measure to provide financial support and stability of the restoration and protection of the Kaho'olawe Island Reserve, which will benefit all of Hawai'i's people for generations to come. Having had my first access this past summer, I can attest to the power and "specialness" of being on-island, helping to do the work needed to ho`ola Kaho`olawe. It would be sad to think that those who follow in future generations may not get that opportunity.

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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 Kuloloio
Po'o, Moku O Kanaloa (Kahoolawe)
Aha Moku Advisory Committee

Before the Senate Committee on
HAWAIIAN AFFAIRS
Wednesday, March 18, 2015
1:20 P.M.
State Capitol, Conference Room 224

In **SUPPORT** of
House Bill 438 HD 1
Making an Appropriation to the Kaho'olawe Island Reserve Commission

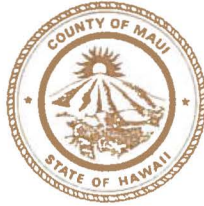
House Bill 438 HD 1 appropriates funds to the Kaho'olawe Island Reserve Commission for restoration and preservation projects. **The Aha Moku supports this bill as it reflects the State's commitment to oversee the use and restoration of the reserve as it was stated in 2004 when the management and control of the island was transferred to the State of Hawaii from the United States Navy.**

The Aha Moku encompasses the eight main Hawaiian Islands and supports the traditional and generational knowledge of the people who are connected to Kanaloa, the traditional name for Kahoolawe. This includes Native Hawaiians who have generational knowledge of the island yet live within the Moku of Honuaua on the Island of Maui. Traditionally, they traveled back and forth to Kahoolawe and are intimately involved with the cultural practices still held there.

It is imperative that KIRC continue to implement their pioneering restoration projects that have proven to be effective in the extremely harsh conditions on the Island caused by the destructive actions of the past including extensive soil erosion, destruction of sacred places and natural and cultural resources. After 10 years of escalating hope of the Hawaiian people that Kanaloa would one day be a place of safety and peace, we cannot lose this hard-won faith of our people and the public trust in this endeavor because of a lack of funding. Value cannot be measured by funding.

Aha Moku supports this bill provided that its passage does not replace or adversely impact priorities indicated in the DLNR Executive Budget request.

ALAN M. ARAKAWA
MAYOR



KEITH A. REGAN
MANAGING DIRECTOR

OFFICE OF THE MAYOR

Ke'ena O Ka Meia

COUNTY OF MAUI – Kalana O Maui

TESTIMONY OF MAYOR ALAN M. ARAKAWA COUNTY OF MAUI

RE: FUNDING FOR THE KAHO`OLAWA ISLAND RESERVE COMMISSION

Please accept this testimony in strong support of state funding for the Kaho`olawe Island Reserve Commission (KIRC). Whether through a share of conveyance tax revenue as proposed by SB 867, or a direct appropriation as proposed by SB 897 and HB 438, support of the KIRC is a state responsibility.

When the state accepted Kaho`olawe back from the U.S. military in 1994, it was recognized that state funding would eventually be needed to maintain and restore the island. As Section 1 notes in each of the above-reference bills, the federally-mandated Kaho`olawe Island Conveyance Commission reported to Congress in 1993 that KIRC's federal trust fund would be used to initiate conservation and other programs, but that state funding was required for the long term.

I was able to travel to Kaho`olawe last month to view the incredible work that the KIRC performs every day – its Restoration Program planting native shrubs and grasses to minimize erosion and restore native ecosystems, its Ocean Program monitoring marine species and the Island Reserve's pristine waters, its Culture Program preserving archaeological sites and promoting traditional Hawaiian practices, and its Operations staff providing all kinds of logistical and maintenance support to these program efforts. The KIRC's annual budget is less than \$3 million; they manage and are steadily restoring an entire island reserve – a former bombing range with 45 square miles of land and 90 square miles of ocean – for less than \$3 million per year; this has to be one of the most efficient government agencies in the state.

The Legislature has rightly recognized the state's responsibility to providing funding for the KIRC, and clearly appreciates the successes that KIRC has achieved. Your careful consideration of these funding measures comes at a critical time, and I respectfully request your support.

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

Hearing Date: March 18, 2015

Senator Maile S.L. Shimabukuro, Chair
Senator Brickwood Galuteria, Vice Chair
and Members of the Senate Committee on Hawaiian Affairs
Conference Room 224
State Capitol
415 South Beretania Street
Honolulu, Hawai'i

Aloha Chair Shimabukuro, Vice Chair Galuteria and Committee Members,

SUBJECT: SUPPORT FOR HB438, HD1

Please accept this testimony in support of House Bill 438, House Draft 1, which seeks a direct appropriation for the continued restoration and management of the Kaho`olawe Island Reserve (Reserve), which includes the island of Kaho`olawe and 90 square miles of its surrounding waters.

As the Chair and Maui County representative for the Kaho`olawe Island Reserve Commission (KIRC), I can attest to the urgency and importance of providing this secure, short-term source of funding. Those of you who have been able to visit Kaho`olawe would hopefully agree.

When the State accepted the return of Kaho`olawe from the United States in 1994, it clearly accepted the responsibility to preserve and manage the Reserve. The terms of this acceptance were also stated in the federally-mandated Kaho`olawe Island Conveyance Commission final report to Congress in 1993: "in the short term, federal funds will provide the bulk of the program support for specific soil conservation projects and related activities. **In the longer term, however, state revenues will be needed to continue and enhance those activities initiated with federal funds**" (emphasis added). This funding responsibility, therefore, belongs to the State.

Senator Maile S.L. Shimabukuro, Chair
Senator Brickwood Galuteria, Vice Chair
and Members of the Senate Committee on Hawaiian Affairs
March 18, 2015
Page 2

With 25 percent of the island remaining uncleared of unexploded ordnance, a continued round-the-clock 24/7 presence on Kaho`olawe is needed to ensure the protection of the general public. KIRC's Restoration, Ocean Resources and Cultural programs have made great strides in restoring and protecting Kaho`olawe's native ecosystems and cultural resources, which benefit all of Hawai'i's people. Thousands of volunteers from throughout the state have contributed to these efforts over the years; their work should be honored by providing support for these programs to continue. HB438, HD1 can provide this funding support.

Passage of HB438, HD1, and the appropriation of \$3 million per year, will fulfill the State's commitment to restore and protect the Reserve; your support will be sincerely appreciated.

Mahalo for your consideration,



MICHELE MCLEAN
Deputy Planning Director, County of Maui
Chair, Kaho`olawe Island Reserve Commission

Council Chair
Mike White

Vice-Chair
Don S. Guzman

Presiding Officer Pro Tempore
Michael P. Victorino

Councilmembers
Gladys C. Baisa
Robert Carroll
Elle Cochran
Don Couch
Stacy Crivello
Riki Hokama



Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 15, 2015

TO: Honorable Maile S.L. Shimabukuro, Chair
Senate Committee on Hawaiian Affairs

FROM: Stacy Crivello *Stacy Crivello*
Councilmember

DATE: March 18, 2015

SUBJECT: **SUPPORT OF HB 438 H.D. 1, MAKING AN APPROPRIATION TO THE
KAHO'OLAWA ISLAND RESERVE COMMISSION**

Thank you for the opportunity to testify in support this important measure. The purpose of this measure is to appropriate funds to the Kaho'olawe Island Reserve Commission for restoration and preservation projects.

I support this measure for the following reasons:

1. The trust fund created by the approximately \$44,000,000 of federal funding provided for the cleanup and restoration of the island will be exhausted by 2016. As far back as 1993, it was recognized by the Kaho'olawe Island Conveyance Commission that State revenues would eventually be required to continue the cleanup, restoration and preservation of the island.
2. KIRC has made great strides in its restoration of the island and protecting its cultural and environmental and archaeological resources, however there still remains 25% of the island left to clear of unexploded ordnance.
3. Kaho'olawe is the only island listed in its entirety on the National Register of Historic Places and as such it is imperative that we continue to preserve this important resource for future generations.

For the foregoing reasons, I support this measure.

Testimony:SSC:HB438HD1

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: darakawa@lurf.org
Subject: Submitted testimony for HB438 on Mar 18, 2015 13:20PM
Date: Saturday, March 14, 2015 1:58:39 PM

HB438

Submitted on: 3/14/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

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 (LURF) SUPPORTS HB 438, HD1, MAKING AN APPROPRIATION TO THE KAHOLAWE ISLAND RESERVE COMMISSION (Commission), which appropriates general funds, in an amount to be determined by the Legislature, to the Commission for restoration and preservation projects. LURF also respectfully recommends that this Committee and the Commission consider adding a provision to address the issues raised in the State Auditor's July 2013 Report No. 13-06, Audit of the Kaho'olawe Rehabilitation Trust Fund (pursuant to SCR 63 SD1 (2012)). The 2013 Auditor's report: (1) found that the Commission has not developed a comprehensive and measurable restoration plan, including estimated costs and timeframes for completion; and (2) noted that the Commission has been unsuccessful at meeting its fundraising goals and has been unable to secure long-term funding. LURF believes that the continued restoration and preservation of Kaho'olawe is important to the State of Hawaii. Thus, as noted in the 2013 Auditor's report, if the Commission cannot establish a successful long-term funding plan, the Commission could be supported through general fund appropriations such as this measure.

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PROTECT KAHŌ'OLAWĒ 'ŌHANA
P.O. Box 39
Kaunakakai, Hawai'i 96748



Testimony Presented Before the Senate
Committee on Hawaiian Affairs
Wednesday, March 18, 2015
1:20 pm
State Capitol, Conference Room 224

By Joshua Kaakua for the
Protect Kaho'olawe 'Ohana

IN SUPPORT OF HB 438 HD1

Aloha e Chair Shimabukuro, Vice Chair Galuteria, and members of the Senate Committee on Hawaiian Affairs. My name is Joshua Kaakua testifying on behalf of the Protect Kaho'olawe 'Ohana ('Ohana) **in support of HB 438 HD1.**

The island of Kanaloa Kaho'olawe is of significant historical and contemporary importance to the people of Hawai'i and to Kanaka Maoli. The all-volunteer, grassroots organization Protect Kaho'olawe 'Ohana understands the unique challenges of restoring, preserving, and stewarding the cultural and natural resources of the island. In this regard, the 'Ohana fully supports the valuable work of the Kaho'olawe Island Reserve Commission (KIRC) to address future restoration, appropriate use management, and safe and meaningful access to the island reserve. The 'Ohana is in support of HB 438 HD1 as a means to ensure continuation of the vital service that KIRC provides to the State and for the cultural and natural resources of Kanaloa Kaho'olawe.

Thank you for the opportunity to provide testimony.

Aloha 'Āina.

Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
Tel/Fax (808) 247-7942
Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS
For hearing Wednesday, March 18, 2015

Re: HB 438, HD1 MAKING AN APPROPRIATION TO THE KAHO‘OLawe ISLAND RESERVE COMMISSION.

Appropriates funds to the Kaho‘olawe Island Reserve Commission for restoration and preservation projects. (HB438 HD1)

TESTIMONY IN OPPOSITION

SB438 should be deferred or defeated for two reasons:

- (1) More than \$400 Million was appropriated by the U.S. government to clean up unexploded ordnance on Kaho'olawe; and a trust fund totaling \$44 Million was established for restoration work to be done by KIRC after the island was transferred to the State of Hawaii. However, there has not been a fiscal or management audit for how the money was spent, which individuals or companies were paid how much money to do what work, whether contracts were awarded in

compliance with state procurement laws, and whether the work was completed satisfactorily. Such management and fiscal audits should be completed and reported to the legislature before any additional funds are appropriated.

(2) So long as the island of Kaho'olawe is set aside by law to be transferred to a future sovereign Native Hawaiian entity, state government taxpayer dollars should not be spent to maintain or improve it. The Office of Hawaiian Affairs has more than \$650 Million in assets in its "trust fund", and its stated purpose is to provide for "the betterment of Native Hawaiians." OHA is the primary entity pushing to create a Native Hawaiian tribe, and has publicly stated that it plans to turn over all its assets to that tribe. Either this bill should be amended to include a clause rescinding HRS Section 6K-9 and making clear that Kaho'olawe is an unalienable part of the State of Hawaii, or else this bill should be amended to require that all funds for the rehabilitation, improvement, and operation of Kaho'olawe must come from the assets of OHA.

As the text of this bill explains, "Pursuant to section 6K-9, Hawaii Revised Statutes, the management and control of the Kaho'olawe island reserve will be transferred to a sovereign Native Hawaiian entity upon its recognition by the state and federal governments. This event is anticipated to occur within the timeframe of the 2026 strategic plan." And indeed, Act 195, Session Laws of 2011, began the process of creating a state-recognized Native Hawaiian tribe with the expectation that once it has been established it will then seek federal recognition. During 2014 the U.S. Department of Interior held hearings in Hawaii and on the mainland to take testimony regarding an Advance Notice of Proposed Rule-Making to change federal law regarding the criteria for recognizing Indian tribes, specifically for the purpose of facilitating federal recognition of the anticipated state-recognized tribe now being created under Act 195.

Does our state legislature really intend to create a Hawaiian tribe and divide the lands and people of Hawaii along racial lines? Will this legislature do anything to protect the 80% of our people who lack a

drop of Hawaiian blood, against the rapacious demands of the tribe for land, money, and jurisdictional authority? Please rescind HRS Section 6K-9 and do not appropriate any money to do what OHA has a responsibility to do. I expect my legislature not to give away the store before negotiations with the Hawaiian tribe have even begun.

HISTORIC HAWAII FOUNDATION

TO: Sen. Maile S.L. Shimabukuro, Chair
Sen. Brickwood Galuteria, Vice Chair
Committee on Hawaiian Affairs

FROM: Kiersten Faulkner, Executive Director
Historic Hawaii Foundation

Committee: Wednesday, March 18, 2015
1:20 p.m.
Conference Room 224

RE: **HB 438 HD1 , Making an Appropriation to the Kaho‘olawe Island Reserve Commission**

On behalf of Historic Hawaii Foundation, I am writing in **support for HB 438 HD1**. The bill would make an appropriation to the Kaho‘olawe Island Reserve Commission for the restoration and preservation of natural, cultural and historic resources of the Kaho‘olawe island reserve and its meaningful and safe use by the people of Hawai‘i.

Since 1974, Historic Hawai‘i Foundation has been a statewide leader for historic preservation. HHF’s 850 members and numerous additional supporters work to preserve Hawai‘i’s unique architectural and cultural heritage and believe that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

The entire island is home to cultural, historic and archaeological resources. Despite years of military bombardment, Kaho‘olawe retains great cultural and historic significance. While much work has been accomplished to address the issues of degradation of these sites, more work is needed. The bill would provide funding to the Kaho‘olawe Island Reserve Commission to continue the important work of preserving, restoring and sharing this significant site.

Therefore, Historic Hawai‘i Foundation supports HB 438 HD1.

Thank you for the opportunity to comment.

THE TRUST *for* PUBLIC LAND

LAND FOR PEOPLE

THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF HB438 HD1 APPROPRIATING FUNDS TO THE KAHO'OLawe ISLAND RESERVE COMMISSION FOR RESTORATION AND PRESERVATION PROJECTS

HAWAI'I STATE SENATE
SENATE COMMITTEE ON HAWAIIAN AFFAIRS
MARCH 18, 2015 @ 1:20PM, HAWAI'I CAPITOL CONFERENCE ROOM 224

March 17, 2015

Aloha Chair Shimabukuro, Vice Chair Galuteria, and Members of the Senate Committee on Hawaiian Affairs,

The Trust for Public Land **SUPPORTS HB438 HD1** which appropriates funds for the Kaho'olawe Island Reserve Commission for FY2015-2016, and FY2016-2017, so that much needed restoration and preservation projects may continue on Kaho'olawe.

The Trust for Public Land assists public agencies and other nonprofits to protect Hawai'i's most special places. Many of the State, County and Federal staff that we work with, as well as many of the nonprofit staff and volunteers that we assist, have shared with us over the years that their love of the land stemmed from a powerful experience on Kaho'olawe with the Kahoolawe Island Reserve Commission and/or the Protect Kaho'olawe 'Ohana. Inspired by the mālama 'āina practices and values learned on Kaho'olawe, they have gone on to become natural resource managers that serve all Hawai'i residents and visitors by caring for the places that sustain us all. Kaho'olawe is therefore the piko, or center, of our island chain, from which aloha 'āina and a desire to mālama 'āina spreads to the other islands through those who have spent time on Kaho'olawe. Funding for Kaho'olawe Island Reserve Commission will allow Hawai'i's people to continue learning from and connecting with Kaho'olawe through restoration and preservation projects. Funding for FY2015 and 2016 Kaho'olawe Island Reserve Commission's projects will benefit Kaho'olawe and its surrounding marine environment, but most importantly, it will benefit Hawai'i's greatest resource – it's people.

The Trust for Public Land Hawaiian Islands Program, 1003 Bishop Street, Suite 740, Honolulu, Hawai'i 96813 -- Ph: (808) 524-8562 -- Fax: (808) 524-8565 -- www.tpl.org

Mahalo for hearing this important matter,

A handwritten signature in cursive script, reading "Laura H. E. Kaakua". The signature is written in dark ink on a light-colored background.

Laura H. E. Kaakua

Laura H. E. Kaakua
Native Lands Project Manager
The Trust for Public Land
1003 Bishop Street, Pauahi Tower, Suite 740
Honolulu, Hawai'i 96813
Ph: (808)524-8562
Email: laura.kaakua@tpl.org

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: amybrinker@mac.com
Subject: *Submitted testimony for HB438 on Mar 18, 2015 13:20PM*
Date: Sunday, March 15, 2015 4:32:13 PM

HB438

Submitted on: 3/15/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

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To: [HWNTestimony](#)
Cc: anelamarie@gmail.com
Subject: *Submitted testimony for HB438 on Mar 18, 2015 13:20PM*
Date: Monday, March 16, 2015 8:12:52 AM

HB438

Submitted on: 3/16/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Anela Evans	Individual	Support	No

Comments:

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Davianna Pōmaika'i McGregor
1942 Naio St.
Honolulu, HI 96817

TESTIMONY IN SUPPORT OF HB 438 MAKING AN APPROPRIATION TO THE KIRC

Chair Shimabukuro, Vice-Chair Galuteria, and members of the Senate Committee on Hawaiian Affairs, aloha kākou. My name is Davianna Pōmaika'i McGregor. I am a Professor of Ethnic Studies at the University of Hawai'i, Mānoa. I am testifying in STRONG SUPPORT OF HB 438, HD1 because I strongly support funding of the Kaho'olawe Island Reserve Commission so that it can continue its innovation approaches to the restoration of the natural resources of the island.

I have been a member of the Protect Kaho'olawe 'Ohana for the past thirty years and a supporter of the movement to stop the bombing of the island from its beginning in January 1976. The bombing stopped in October 1990 and the U.S. Congress established the Kaho'olawe Island Conveyance Commission, which recommended the termination of all military use of the island and its transfer to the State of Hawai'i to manage as a national cultural treasure.

Federal and state law and the deed of transfer define very limited uses of the island because the island has been used as a live fire ordnance delivery range for over fifty (50) years and every kind of convention weapon had been tested and delivered on the island.

Both Title X and the Memorandum of Understanding, which are encumbrances on the deed that transferred control of the island from the U.S. Navy to the State of Hawai'i, limit the uses of the areas cleared of unexploded ordnance to a depth of four feet, **(2,646 acres - only 10% of the island)** for the following: "(a) grassland or other vegetation; or (b) trail or road; or (c) historical, cultural, or archaeological site; or (d) reservoir; or (e) heliport; or (f) suitable human habitation." Moreover, the U.S. Navy can only guarantee that they are ninety percent (90%) confident that eighty -five percent (85%) of the ordnance was cleared to a depth of four (4) feet. Commercial uses were not anticipated in these areas

In addition 66% of the island (17,819 acres) have only be cleared of surface ordnance and 23% of the island (6,691 acres) and ALL of the surrounding ocean have not been cleared at all. Commercial uses should not be permitted in these areas.

Throughout the past twenty-one (21) years, the KIRC has managed the island with funds appropriate by the U.S. Congress for the clean up and restoration of the island. As these original federal funds will all be spent by the end of 2015, it is timely for the Hawai'i state legislature to now fulfill the responsibility that it assumed for the island at the time of its transfer in 1994. Please appropriate the monies now needed to provide for the ongoing security, management and culturally appropriate uses of the island.

The I Ola Kanaloa 2026 plan projects the expansion of community partnerships with the KIRC in helping to fund and carry out twenty-nine (29) projects within eight (8) programmatic areas over the next eleven (11) years. The island of Kanaloa Kaho'olawe is a unique and sacred place that inspired my generation to revive our Native Hawaiian cultural and spiritual customs and practices and assume our responsibilities to Aloha 'Āina. By 2026, the I Ola Kanaloa plan envisions the island as a premier Hawaiian learning center for the refining, mastering and expanding of Hawaiian skills and practices, nurtured by Kanaloa Kaho'olawe. It will also be a model of living sustainably wherein the resources of the island are used in a responsible and sustainable manner using little or no fossil fuels. As in the past, the island will continue to be a place for renewing connections through honoring the natural environment and revitalizing cultural relationships. The achievement of these goals will not only enrich the State of Hawai'i, it will also provide a firm foundation for the emergence of the Hawaiian nation as envisioned by the Hawai'i legislature in Act 195. The monies that would be appropriated by HB 438, HD1 will be carefully spent in meaningful ways that will enrich the lives of the people of Hawai'i

TESTIMONY IN SUPPORT OF HB 438 MAKING AN APPROPRIATION
TO THE KAHO`OLAWA ISLAND RESERVE COMMISSION

Aloha Kaua Senator Maile Shimabukuro, Chair, Senator Brickwood Galuteria, and members Senators Lorraine Inouye, Gilbert Kahele and Sam Slom of the Senate Committee of Hawaiian Affairs.

I am Noa Emmett Aluli, MD a primary health care physician in Family Practice on Moloka`i since 1976, and a Medical Director of the Molokai General Hospital since 1995.

I am a member of the Protect Kaho`olawe `Ohana (PKO) - one of the "nine" who occupied the island in 1976; the lead plaintiff in our civil suit against the Navy, and one of many PKO members who negotiated a Consent Degree with the Navy which allowed accesses to the Kaho`olawe for religious, cultural, educational and restoration purposes; and again one of many who actively orchestrated the "bipartisan" ending of the bombing and the establishment of the Kaho`olawe Island Conveyance Commission, whose final report to Congress recommended restoring Kaho`olawe as a National Cultural Treasure.

I have served on the Kaho`olawe Island Reserve Commission (KIRC) for 4 interrupted terms and have had the privilege to be deeply involved in the "greening of Kanaloa Kaho`olawe, a legacy that we all carry on the shoulders of George Helm and Kimo Mitchell, and our kupuna who sparked our generation to "imua na pua lanakila Kaho`olawe" - bring victory to Kaho`olawe.

I passionately support HB 438 to provide funding to the KIRC, without any provision for commercial activities or revenue generation, as an individual!

I ask you to kokua the funds for KIRC to continue its work these next two years, and to allow us to unfold *I Ola Kanaloa* - a plan for Kanaloa Kaho`olawe through 2026 before making any changes to HRS 6K.

I ask that you allow us the opportunity to develop partnerships to make a collective impact to bring life to Kanaloa for the generations to follow us, as Kaho`olawe is the first lands for our nation.

I ask that you also establish and fund a Task Force to continue our visions and discussions .

Mahalo, our work is not "uku pau."

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: hstarbuck@gmail.com
Subject: Submitted testimony for HB438 on Mar 18, 2015 13:20PM
Date: Tuesday, March 17, 2015 4:23:33 PM

HB438

Submitted on: 3/17/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hannibal Starbuck	Individual	Support	No

Comments: I strongly support the KIRC in their mission to watch over, care for, and heal Kaho'olawe. I hope that they can continue to get the resources necessary to continue their current state of operations.

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Cc: kamakane73@gmail.com
Subject: *Submitted testimony for HB438 on Mar 18, 2015 13:20PM*
Date: Monday, March 16, 2015 10:19:43 AM

HB438

Submitted on: 3/16/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Support	No

Comments:

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Subject: Submitted testimony for HB438 on Mar 18, 2015 13:20PM
Date: Sunday, March 15, 2015 2:26:39 PM

HB438

Submitted on: 3/15/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keala Norman	Individual	Support	No

Comments: I, Keala Norman, support KIRC bill HB438 ... This measure could help the KIRC not only in its efforts to conserve the unique resources of the Reserve but also help educate the public in the importance of its mission. ... Please support this important measure to provide financial support and stability of the restoration and protection of the Kaho'olawe Island Reserve, which will benefit all of Hawai'i's people for generations to come. ... As the only Island Reserve set up entirely in trust for a Native Hawaiian Sovereign Entity, the KIRC is well poised to change the economic landscape and life quality of Native Hawaiians and the communities in which they reside by means of a truly unique experience on the island of Kaho'olawe. The State must maintain the responsibility of supporting the Kaho'olawe Rehabilitation Trust Fund. ... As the only island listed on the National Register of Historic Places in its entirety, containing nearly 3,000 archaeological sites and features, it is imperative that the State preserves this important resource for current and future generations through this financial support system. ... Without the KIRC's ongoing protection of Kaho'olawe's coastal ecosystem, including the adjacent nearshore environment and coral reefs that can be covered with, and choked by, derelict fishing gear, nets, a huge variety of plastics and other debris items, species including the endangered Hawaiian monk seal, threatened green sea turtle, endangered hawksbill sea turtle, endangered humpback whale, endangered Hawaiian dark-rumped petrel, and endangered Newell's shearwater will be put at risk. It is imperative that a trust fund be stabilized to continue this work. ... Kaho'olawe is a unique ecosystem preserving immensely valuable cultural and biological resources. It is surrounded by the richest marine ecosystems remaining in the Main Hawaiian islands and providing replenishment of fish and invertebrates to other islands' waters. The KIRC's massive restoration program designed to revitalize the ecology and cultural history of the island will benefit all of Hawai'i's people for generations to come. Please support this bill.

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Date: Saturday, March 14, 2015 7:13:05 PM

HB438

Submitted on: 3/14/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
KEANI RAWLINS-FERNANDEZ	Individual	Support	No

Comments:

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Date: Monday, March 16, 2015 1:47:43 PM

HB438

Submitted on: 3/16/2015

Testimony for HWN on Mar 18, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kylee Mar	Individual	Support	No

Comments:

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