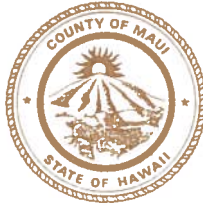


ALAN M. ARAKAWA
MAYOR



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

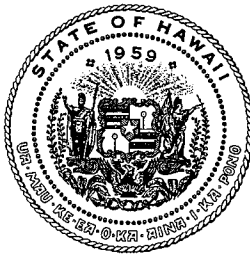
RE: FUNDING FOR THE KAHO`OLAWA ISLAND RESERVE COMMISSION

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.



**TESTIMONY OF JAN K. YAMANE, ACTING STATE AUDITOR,
ON SENATE BILL NO. 897, SENATE DRAFT 1,
RELATING TO THE KAHO'OLawe ISLAND RESERVE COMMISSION**

(written testimony only)

**Senate Committee on Ways and Means
February 26, 2015**

Chair Tokuda and Members of the Committees:

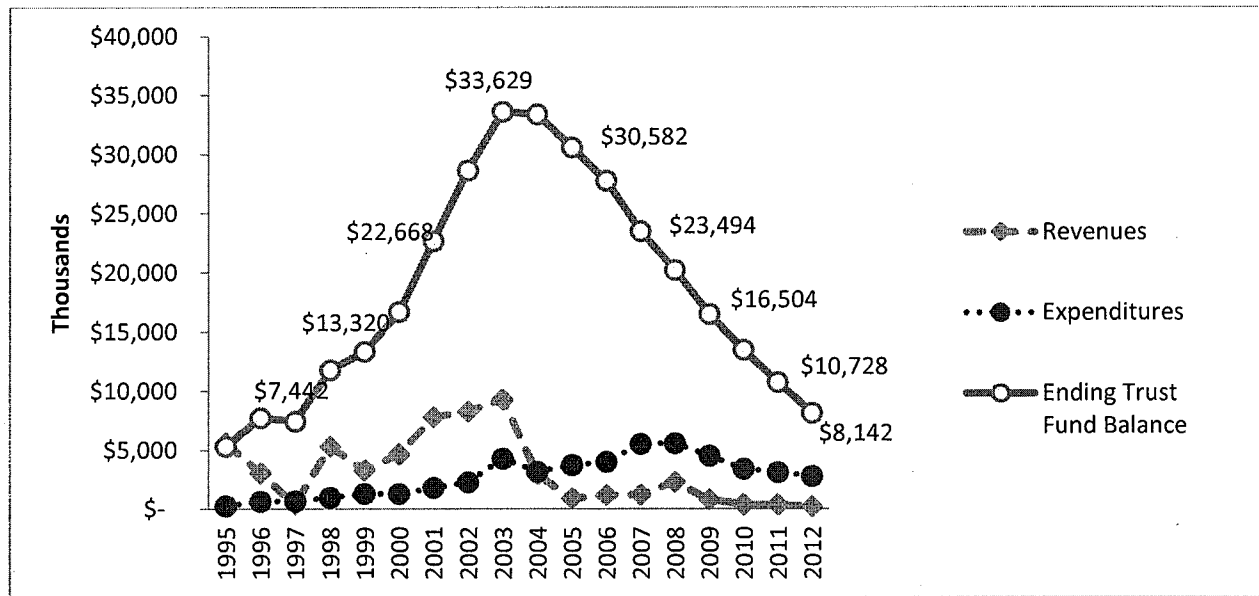
I am Jan Yamane, Acting State Auditor. Thank you for the opportunity to offer comments on Senate Bill No. 897, Senate Draft 1, relating to the Kaho'olawe Island Reserve Commission. This bill would, among other things, appropriate funds to the Kaho'olawe Island Reserve Commission for the management, restoration, and preservation of the reserve.

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.

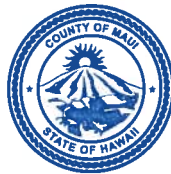
While this measure will appropriate needed funds to the depleting trust fund for fiscal year 2016-2017, it does not address the commission’s rate of spending and inability to successfully raise funds to preserve the trust. If the Kaho‘olawe Rehabilitation Trust Fund requires annual appropriations to continue, 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 Senate Bill No. 897, Senate Draft 1.

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING
Hearing Date: February 26, 2014

Senator Jill N. Tokuda, Chair
Senator Ronald D. Kouchi, Vice Chair
and Members of the Senate Committee on Ways and Means
Conference Room 211
State Capitol
415 South Beretania Street
Honolulu, Hawai'i

Aloha Chair Tokuda, Vice Chair Kouchi, and Committee Members,

SUBJECT: SUPPORT FOR SB897

Please accept this testimony in support of Senate Bill 897, 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.

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 provides this funding support.

Passage of SB897 will fulfill the State's commitment to restore and protect the Reserve; your support will be sincerely appreciated.

Mahalo for your consideration,

A handwritten signature in blue ink, appearing to read "Michele McLean".

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

SB897

Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Nahoopii	KIRC	Support	Yes

Comments: Please disregard previously submitted testimony from file SB897_KIRC_02_09_15 and replace with this testimony

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PROTECT KAHO‘OLAWÉ ‘OHANA
P.O. Box 39
Kaunakakai, Hawai‘i 96748



Testimony Presented Before the Senate Committee on
Ways and Means
Thursday, February 26, 2015
1:00 pm
State Capitol, Conference Room 211

By Joshua Kaakua for the
Protect Kaho‘olawe Johanna

IN OPPOSITION TO SB 897 S.D. 1

Aloha e Chair Jill Tokuda, Vice-Chair Ron Kouchi and members of the Senate Committee on Ways and Means. My name is Joshua Kaakua testifying on behalf of the Protect Kaho‘olawe ‘Ohana in **Opposition to SB897, S.D. 1.**

The Protect Kaho‘olawe ‘Ohana was founded thirty-nine (39) years ago in January 1976 and have served as the cultural and spiritual steward of Kanaloa Kaho‘olawe since then. Through our dedicated work with our island communities the bombing of the island was stopped in 1990 and the island was returned to the people of Hawai‘i in 1994. Reflecting upon the sacrifice of our members and families, our kupuna, and of George Helm and Kimo Mitchell, to stop the military use of the island, HRS 6K was designed to protect the island from further exploitation and to recognize the island of Kanaloa Kaho‘olawe as a sacred wahi pana (legacy land) and pu‘uhonua (refuge) by including Section 6K-3 (a) Reservation of uses and (b) the strict prohibition of commercial uses of the island. We cannot, in good faith to our kupuna and to the ‘āina of Kanaloa support Draft 1 of SB 897.

We strongly support the state fulfilling its responsibility to fund the KIRC. We submitted testimony in support of the original wording of SB 897, and we stand by that support for the original version of SB 897. However, consistent with our longstanding position, we strongly oppose the amendments in SB897 S.D. 1 that would allow commercial uses of the island and its surrounding waters, especially the elimination of the wording "Commercial uses shall be strictly prohibited." in HRS 6K-3 (b).

We would also like to remind the senators that the deed transferring the island from the U.S. Navy is encumbered with a limitation on the uses of the island under Title X and the Memorandum of

Understanding that are cited and included in the deed. Under the deed the uses of the areas cleared of unexploded ordnance, which comprises only ten percent (10%) of the island, are limited to: "(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." Commercial use of the island does not appear to be one of the uses allowed under the deed of transfer.

We urge the Senate Ways and Means Committee to amend SB 897 S.D. 1 to include the original language of the bill, so that the State of Hawai‘i may fulfill its responsibility to manage the island as a national cultural treasure and a sacred place recognized throughout the world as a center of Native Hawaiian cultural and spiritual learning and knowledge. We embrace the vision of the Kaho‘olawe Island Reserve Commission for the island:

“The kino of Kanaloa is restored. Forest and shrublands of native plants and other biota clothes its slopes and valleys. Pristine ocean waters and healthy reef ecosystems are the foundation that supports and surrounds the island.

Nā po‘e Hawai‘i care for the land in a manner which recognizes the island and ocean of Kanaloa as a living spiritual entity. Kanaloa is a pu‘uhonua and wahi pana where Native Hawaiian cultural practices flourish”

The piko of Kanaloa is the crossroads of past and future generations from which the Native Hawaiian lifestyle spreads throughout the islands”

Mahalo and 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 WAYS AND MEANS
For hearing Thursday, February 26, 2015

Re: SB 897, SD1 RELATING TO THE KAHO‘OLAWA ISLAND RESERVE COMMISSION.

Appropriates funds for the 2016-2017 fiscal year to the Kaho‘olawe Island Reserve Commission for the management, restoration, and preservation of the Kaho‘olawe island reserve.

TESTIMONY IN OPPOSITION

SB897 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.

Pursuant to HRS section 6K-9, 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. 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.

SB897

Submitted on: 2/24/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

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

Comments:

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I, Ashley Watts, support KIRC bill *SB897*.

...

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.

SB897

Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Bobby-John Campbell	Individual	Comments Only	No

Comments: I support the intent of this bill to help increase the capacity of KIRC to continue sustainably. I am, however, slightly concerned with the commercial activities clause. I would prefer more specific language targeting not simply "commercial activities," but activities not in contrary to KIRC's existing goals under this chapter, which also create a sustainable source of revenue for rehabilitation/restoration efforts. I support the language KIRC has submitted for this hearing as alternative language that could be used for §6K-3(a)(5).

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SB897

Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Charles r. Lindsey	Individual	Support	No

Comments:

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SB897

Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Support	No

Comments: I support helping the island recover but hope that the decisions are done with restraint and what is best for the island. It has already suffered enough.

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Colette Y. Machado
PO Box 142
Kaunakakai, HI 96748

February 25, 2015

SB897 SD1- Relating to the Kaho'olawe Island Reserved Commission
Senate Committee on Ways and Means
Thursday February 26, 2015 1:00 pm
Conference Room 211

I am in opposition of SB897 SD1 and any amendments to change language to permit commercial activities to the Kaho'olawe Island Reserve. I am also opposed to any amendments to HRS 6k. I am the elected Office of Hawaiian Affairs, Trustee for the islands of Molokai and Lanai. My testimony reflects my own personal testimony and does not reflect the Board of Trustees of OHA. I am a member of the Protect Kaho'olawe Ohana and previously served as a Commissioner with Kaho'olawe Island Reserved Commission.

I stand firm with the Protect Kaho'olawe 'Ohana's longstanding position regarding commercial activities. I support the original wording of Hawaii Revised Statue 6K and oppose any compromise to allow "limited commercial activities".

Kaho'olawe was critical to the Hawaiian cultural renaissance, and continues to serve as an integral education center for traditional navigation, hula, natural resource management, and other cultural tradition and disciplines.

As the only Island Reserve set up entirely in trust for a Native Hawaiian Sovereign Entity, the Kaho'olawe Island Reserve Commission 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. To many, Kaho'olawe is a symbol of resilience, hope for the future of the Hawaiian Nation, and an opportunity to rebuild a cultural heritage.

The mission of the Kaho'olawe Island Reserve Commission is to implement the vision for Kaho'olawe Island in which the kino (body) of Kaho'olawe is restored and na poe o Hawai'i (the people of Hawai'i) care for the land. The Commission has pledged to provide for the meaningful and safe use of Kaho'olawe for the purpose of the traditional and cultural practices of the native Hawaiian people and to undertake the restoration of the island and its waters.

The State must maintain the responsibility of supporting the Kaho'olawe Rehabilitation Trust Fund. This measure is critical to ensure that the struggle, hard work and dedication and lives given to the island will not be wasted. Please fulfill the State's responsibility to fund the Kaho'olawe Island Reserve Commission and look for alternate language that will be appropriate for revenue generation regarding Kaho'olawe.

Mahalo for the opportunity to testify on this important measure.

Colette Y. Machado

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

February 25, 2015

TO: Honorable Jill N. Tokuda, Chair
Senate Committee on Ways and Means

FROM: Stacy Crivello *Stacy Crivello*
Councilmember

DATE: February 26, 2015

SUBJECT: **SUPPORT OF SB 897 S.D. 1, RELATING TO THE KAHO'OLAWÉ ISLAND RESERVE**

Thank you for the opportunity to testify in support this important measure. The purpose of this measure is to allow for limited commercial uses to generate revenue. It further appropriates funds to the Kaho'olawe Island Reserve Commission for the management, restoration, and preservation of the Kaho'olawe island reserve.

I support this measure for the following reasons:

1. In 2004 when the State accepted control and responsibility of Kaho'olawe, it also accepted the responsibility for continuing to fund those activities initiated by millions of federal funds that came with the cleanup.
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. While I do support this measure I have reservations regarding "limited commercial activities". This term is too broad leaving the door wide open for interpretation. The measure needs to clarify the types of activities allowed in order to continue protecting its cultural, environmental and archaeological resources.

For the foregoing reasons, I support this measure with reservations.

Testimony:SSC:SB897SD1

SB897

Submitted on: 2/24/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
David Z. Arakawa	Individual	Support	No

Comments: The Land Use Research Foundation of Hawaii SUPPORTS SB 897, SD1 Relating to the Kahoolawe Island Reserve Commission, which proposes to allow for limited commercial uses to generate revenue. Appropriates funds to the Kaho'olawe Island Reserve Commission for the management, restoration, and preservation of the Kaho'olawe Island Reserve. (SD1)

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SB897

Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Tokishi	Individual	Support	No

Comments:

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SB897

Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Donne Dawson	Individual	Support	No

Comments: I support the intent of SB897 SD1 to provide critical funding necessary for the Kaho'olawe Island Reserve Commission to continue its important work for the protection and environmental restoration of Kaho'olawe. However I have concerns about the amendments in the current draft that would open the door to commercial activity on the island. We need to craft appropriate language to allow for an acceptable and sustainable funding mechanism for the KIRS to ensure the future protection of Kaho'olawe. Mahalo for the opportunity to provide comments.

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SB897

Submitted on: 2/24/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Vuong	Individual	Oppose	No

Comments:

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SB897

Submitted on: 2/24/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
James Bruch	Individual	Support	No

Comments:

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My name is Jeffrey M.K. Oka.

I support this effort to fund the Kaho‘olawe Island Reserve Commission (KIRC) to further serve the island and its people.

I am currently a student the University of Hawai‘i at Mānoa William S. Richardson School of Law. Through the efforts of KIRC and my fellow law school peers, I have been fortunate enough as a young Hawaiian to travel to Kaho‘olawe. My first trip to Kaho‘olawe allowed me to reconnect not only with my culture and language, but also with Maui, my home island. I was fortunate enough to have an opportunity to return to Kaho‘olawe a few months later. While on our second trip, I saw the positive results of our hard work from our first trip while continuing to help restore the island. Personally, my second trip to Kaho‘olawe provided newfound inspiration and desire to give back and serve not only Kaho‘olawe, but also to our culture and community.

This funding measure will ensure that KIRC will be able to continue its role as a steward of Kaho‘olawe and continue to do great work for the island for at least another year. With regards to the language in SB 897(a)(5) that states, “commercial use,” we respectfully ask the committee to consider “revenue-generating” instead. This similar language reflects the current intent of the amendment while still adhering to the Legislatures’s intent of prohibiting “commercial uses” on the island.

§6K-3 Reservation of uses.

(a) The Kaho‘olawe island reserve shall be used solely and exclusively for the following purposes:

- (1) Preservation and practice of all rights customarily and traditionally exercised by native Hawaiians for cultural, spiritual, and subsistence purposes;
- (2) Preservation and protection of its archaeological, historical, and environmental resources;
- (3) Rehabilitation, revegetation, habitat restoration, and preservation; [and]
- (4) Education[.]; and
- (5) Limited revenue-generating activities, as permitted by the Commission pursuant to rules adopted in accordance with Section 6K-6(9), for the purpose of supporting the rehabilitation and environmental restoration of the island reserve, and other purposes consistent with this chapter.

(b) The island shall be reserved in perpetuity for the uses enumerated in subsection (a). Commercial uses shall be strictly prohibited except as authorized pursuant to subsection (a)(5).

I will forever be grateful to KIRC for providing me an opportunity to reconnect with my culture and help instill a willingness to give back to the community that has already given me so much. I urge the committee to pass this to help future Hawai‘i residents and Hawaiians be able to visit this precious island and have the same life-changing experiences that Kaho‘olawe has blessed me with. Mahalo for the opportunity to testify and for your consideration.

Respectfully,
Jeffrey M.K. Oka

I, Jennifer Vander Veur, support KIRC bill SB897.

This measure to help ensure the future funding of the Kaho'olawe Island Reserve Commission (KIRC) will not only help the continued restoration of Kaho'olawe, but will help ensure the island and its resources are cared for and protected for generations to come. The island is a unique treasure for all of Hawaii's people and it is all of our responsibility to malama Kaho'olawe. Supporting this act will show the people of Hawaii you care for them, these islands, and the future of this Kaho'olawe.

The cultural and natural resources of this island are priceless and without active management of this land and the surrounding waters the restoration and conservation efforts of the previous decades would be wasted. Without watering many of the planting areas would die, without active erosion control efforts the island would continue to lose topsoil, decimating the adjacent reefs, and without active patrols and management the semi-pristine coral reefs and abundant fish populations would plummet due to erosion and overharvesting.

Kaho'olawe has the most intact and least impacted marine environment of all the main Hawaiian Islands. With a high abundance of fish and predators, Kaho'olawe's fish populations are closer to Kure Atoll's than any of the main islands. As such, Kaho'olawe has the ability to be like a 'seed bank' for the surrounding islands and can result in 'spill over' (when there are so many fish in one area some of them have to leave that area for another) thereby increasing the abundance of fishes in other areas. This means the protected waters of Kaho'olawe are invaluable to the rest of the state and will help ensure fish populations don't crash.

Kaho'olawe is also the home to critically endangered and protected species such as the Hawaiian Monk Seal and Spinner Dolphins. Annually 1-2 monk seal pups are born on Kaho'olawe, and we have recently seen females born on Kaho'olawe return to have their own pups. As well as pups returning to Kaho'olawe after a few years and utilizing the marine resources. The marine environment of Kaho'olawe is an incredibly valuable resource for Hawaii's people both now and in the future, but will only remain so if action is taken to ensure the proper future management of this island by supporting measures to provide funding for this critical work.

The KIRC takes thousands of people to Kaho'olawe to help in the restoration efforts, educate them about the Hawaiian culture and natural resource of Hawaii and encourages them to malama their own community resources with a sense of kuleana and aloha. The impact the KIRC has is far reaching and meaningful not only for the individuals the visit the island but for the greater community of Hawaii nei. Please fulfill your individual kulena to Kaho'olawe and support this bill and future measures to ensure the longevity of the KIRC and the continued care for Kaho'olawe.

My name is Jordan Kealaikalani Inafuku.

I support this effort to fund the Kaho‘olawe Island Reserve Commission (KIRC) and satisfy the State’s fiduciary duty as trustee of the public lands trust.

As a young Hawaiian attending the University of Hawai‘i at Mānoa William S. Richardson School of Law, I found my recent experiences on Kaho‘olawe to be immeasurably beneficial both to my development as a Hawaiian man and to my development as an effective legal advocate. Without KIRC, these accesses would not have been possible. KIRC reconnected me to the land and its history and reminded me of my greater responsibility to take care of our island. I benefitted from KIRC’s instruction on our State’s history, Hawaiian culture, archaeology and environmental preservation, marine ecology, farming, astronomy, and navigation. Additionally, the experience served as a true bonding experience for my law school hui. The island offered us a refreshed perspective, one sorely needed amidst the daily grind of legal instruction and competition for grades, cases, jobs, etc. KIRC facilitated this experience and reminded us of our greater purpose: to serve this island and its people. State funding ensures that both Kaho‘olawe and the public continue to benefit from KIRC’s efforts.

Further, this funding measure may be necessary to satisfy the State’s public trust duties. As part of the public lands trust, HRS §6k-9, the State may have a fiduciary obligation to use reasonable skill and care to preserve the trust property for current and future generations. For the past twenty years, federal funding provided nearly all financial support for Kaho‘olawe’s restoration. With those initial funds nearly depleted, the State’s fiduciary duty to provide funds for KIRC becomes clearer. This bill strengthens the State’s fulfillment of its public trust responsibility.

S.B. 897 amends language concerning “commercial use” to provide for additional revenue-generating activities to supplement KIRC funding. I ask the committee to consider changing the term “commercial” to “revenue-generating” to more accurately reflect the current intent of the change while adhering to the Legislature’s original policy reasons for prohibiting commercial uses. This may reduce the risk that commercial activities may interfere with KIRC’s overall mission to restore the island.

§6K-3 Reservation of uses.

(a) The Kaho‘olawe island reserve shall be used solely and exclusively for the following purposes:

- (1) Preservation and practice of all rights customarily and traditionally exercised by native Hawaiians for cultural, spiritual, and subsistence purposes;
- (2) Preservation and protection of its archaeological, historical, and environmental resources;
- (3) Rehabilitation, revegetation, habitat restoration, and preservation; [and]
- (4) Education[.]; and
- (5) Limited revenue-generating activities, as permitted by the Commission pursuant to rules adopted in accordance with Section 6K-6(9), for the purpose of supporting the rehabilitation and environmental restoration of the island reserve, and other purposes consistent with this chapter.

(b) The island shall be reserved in perpetuity for the uses enumerated in subsection (a). Commercial uses shall be strictly prohibited except as authorized pursuant to subsection (a)(5).

Mahalo nui for the opportunity to submit testimony, and thank you for your consideration of this important funding measure.

SB897

Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ka`onohi Lee	Individual	Support	No

Comments: As the State agency with the kuleana of managing the island of Kaho`olawe, KIRC has expanded the restoration of a devastated island into a multi-faceted "gem". Kaho`olawe is a "living" symbol of hope to all people; not only those who are fortunate to set foot on the island, but those who contribute through all the various means of supporting this restoration efforts; funding through grants, direct financial contributions, stewardship and sacrifice. The island is a "field lab" for current and future reports and thesis in various fields of study. High on the list is the importance that the vision is continued and sustained. Any assistance to get to be self sustaining would be greatly appreciated. Mahalo for the opportunity to submit testimony - though a little late. Me ka 'oia`i`o, Ka`onohi Lee

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SB897

Submitted on: 2/24/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Keone Nakoa	Individual	Support	No

Comments: Email: kjnakoa@hawaii.edu I strongly support SB 897 SD1, RELATING TO THE KAHO'OLawe ISLAND RESERVE COMMISSION Dear Chair Tokuda, Vice Chair Kouchi, and Members of the Committee: My name is Keone J. Nakoa. I strongly support SB 897 because the Kaho'olawe Island Reserve Commission (KIRC) plays a critical role in the upkeep and stewardship of the island reserve known as Kaho'olawe or Kanaloa. I have been fortunate enough as a young Hawaiian to be able to travel to Kaho'olawe in the past couple years, and both experiences were unforgettable trips. KIRC made both of these cultural access trips possible and the experience gave me a connection to my own language and culture, as well as a sense of service to that culture, that is irreplaceable. It is critical that KIRC be able to continue playing this role as a steward and cultural trustee of the many cultural assets on this island, in addition to their major role in the clean up and rehabilitation of the island. This funding measure would ensure that KIRC will at least be able to continue their great work for another year, while longer term funding can be put in place by both KIRC and this State. I urge this committee to pass this bill to help the next generations of Hawai'i residents and Hawaiians be able to visit this deeply cultural place and feel this connection to their culture and the ancestors. Respectfully, Keone J. Nakoa

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SB897

Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberley Newhouse	Individual	Support	No

Comments: I, Kimberley Kehaulani Newhouse, Na Pua No'eau student and mentor, Native Hawaiian student advocate, and UH Faculty, support KIRC bill SB 897. Having accessed Kaho'olawe through KIRC over the past 15 years, I have seen the growth and changes in the landscape, flora and fauna and energy from those who continue to do volunteer work with the highly qualified natural resource managers who genuinely care for the island. It is the State's kuleana to continue to fund this office and its programs which are directed at reestablishing native hawaiian ecosystems through planting native shrubs and trees, decreasing erosion and bringing life back to the island that was so wrongly desecrated. 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. There are so many of us who aloha aina in many ways and are want our voices to be heard - KIRC funding is critical to the continued healing of Kaho'olawe. Mahalo, K. Kehaulani Newhouse

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SB897

Submitted on: 2/24/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
KUIOKALANI L GAPERO	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Mei Mailou-Santos	Individual	Support	No

Comments:

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Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Roy Alameida	Individual	Comments Only	No

Comments: Aloha kākou, This testimony is in support of SB897 to provide appropriate funds to the Kahoʻolawe island Reserve Commission for the management, restoration, and preservation of Kahoʻolawe island for as long as is needed to ensure the island is safe. Mahalo.

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Submitted By	Organization	Testifier Position	Present at Hearing
Terri Gavagan	Individual	Support	No

Comments: I believe the state has a responsibility to continue the important work being done at Kaho'olawe so that the future generation can pursue its dream of perpetuating Native Hawaiian culture, restoring the 'aina as well as taking care of the ocean. One of those members of the future is my daughter whose dream is to become a marine biologist as well as an astronomer (only in Hawaii is this not seen as mutually exclusive fields) and work in the Reserve to preserve both its natural resources and her Native Hawaiian cultural heritage. Please help her to achieve her dreams by providing funding to continue the work on Kaho'olawe. Mahalo.

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Submitted on: 2/25/2015

Testimony for WAM on Feb 26, 2015 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Brennon	Individual	Oppose	No

Comments: Any commercial activity on Kanaloa should not be allowed. The original wording of this bill or its intent should not be changed. generating funds for KIRC should not occur on Kanaloa, else where is fine, Maui for instance. Commercialism is American culture at its worse. We are visioning for a Nation, a sovereign Nation that has a culture free of the constraints of the United States.

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