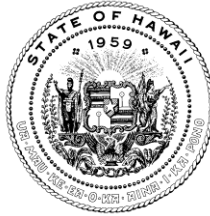


DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Monday, April 9, 2018
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
GOVERNOR'S MESSAGE 605
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LEGACY
LAND CONSERVATION COMMISSION, GUBERNATORIAL NOMINEE,
FREDERICK WARSHAUER, FOR A TERM TO EXPIRE 06-30-2022**

**The Department of Land and Natural Resources (Department) strongly supports
Governor's Message 605, nominating Mr. Frederick ("Rick") Warshauer to the Legacy
Land Conservation Commission for a term to expire June 30, 2022.**

Pursuant to Section 173A-2.5, Hawai'i Revised Statutes (HRS), the Legacy Land Conservation Commission shall: 1) Advise the Department and the Board of Land and Natural Resources (Board) on any proposal, public or private, for the acquisition of any interests or rights in land having value as a resource to the State; 2) Advise the Department and the Board on any requests for grants from the fund to a qualifying state or county agency or nonprofit land conservation organization for the preservation of lands having value as a resource to the State; 3) Recommend to the Board the acquisition of interests or rights in certain lands having value as a resource to the State; and 4) Review and adopt rules relating to the criteria it applies in advising the Department and the Board and making recommendations to the Board regarding land acquisitions and grants made pursuant to Chapter 173A, HRS.

Mr. Frederick ("Rick") Warshauer is a professional botanist and biologist, born and raised in Hawai'i, with over 35 years of experience in conserving resources for public benefit. He earned a M.S. degree in Zoology and worked in key roles for federal and local government, including Wildlife Biologist and Botanist for the U.S. Fish and Wildlife Service; Senior Research Associate for the U.S. Geological Survey, Pacific Islands Ecosystems Research Center; and Coastal Zone Management Planner for Hawai'i County.

Mr. Warshauer continues to make significant contributions to the existing body of knowledge about Hawai‘i’s natural and cultural resources through field surveys, technical reports, scientific publications, and freely shares his knowledge with others on a person-to-person basis. He recently helped Department staff to plan and conduct a site visit to inspect the condition of property and resources acquired through a land acquisition grant, and would be a great asset for assisting with further development and implementation of the monitoring component of the Legacy Land Conservation Program.

Overall, Mr. Warshauer’s broad knowledge and deep experience in natural history and resource protection fills a valuable niche on the Legacy Land Conservation Commission, and the Department requests that the Senate confirm him for a second term as a member from Hawai‘i County, possessing scientific qualifications (*see* Section 173A-2.4(a), HRS).

Thank you for the opportunity to comment on this measure.

GM-605

Submitted on: 4/6/2018 10:49:27 AM

Testimony for WTL on 4/9/2018 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Haase	Testifying for Molokai Land Trust	Support	No

Comments:

Rick Warshauer has been an important and valuable asset of the Legacy Lands Conservation Commission for the past term, and as head of Molokai Land Trust, Rick has my full endorsement for a subsequent term on the Commission based on his prior contributions as a LLCP Commissioner, his incredible experience and understanding of our native resources, management history and strategies, and the threats they face.

William "Butch" Haase, Executive Director for Molokai Land Trust

GM-605

Submitted on: 4/6/2018 4:00:44 PM

Testimony for WTL on 4/9/2018 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Menard	Individual	Support	No

Comments:

As the current chairperson of the Legacy Land Conservation Commission, I have had the pleasure and privilege of working with Rick Warshauer during the past two years. Rick's botanical knowledge and wealth of field experience is relied upon as we deliberate on the pros and cons of the applications for land acquisition funds. I have known Rick for more than 25 years. He is a dedicated conservation biologist. Please confirm him for this term on the LLCC. Sincerely, Theresa Cabrera Menard

Requested responses to Senator Karl Rhoads, Chair, Senate Committee on Water and Land, re. nomination of Frederick R. Warshauer by Governor Ige to the Legacy Land Conservation Commission.
30MAR2018

Aloha Senator Rhoads,

The following are answers to the questions which you have posed.

1. *“Please describe your understanding of the role and jurisdiction of the Legacy Land Conservation Commission (Commission).”*

The role and jurisdiction of the Legacy Land Conservation Commission is to evaluate applications to the Legacy Land Conservation Program after acceptance by the program’s manager, to do our version of due diligence in reviewing the land and application, and to recommend the top-ranked applications to the Board of Land and Natural Resources. In this process, commissioners may:

- scrutinize the application materials at home;
- join in on a site visit with the applicant and/or their representatives to see the land itself and to ask applicant questions about the property;
- present or hear observations from the site visit at a commission meeting;
- listen to and ask questions of applicant representatives or public testifiers at a commission meeting;
- discuss merits and shortcomings of applications with commissioners at a commission meeting;
- and rank each application individually in a secret ballot.

The result is a collectively well reviewed, ranked recommendation to the deciding Board of Land and Natural Resources. I also understand that the commission’s jurisdiction allows it to advise the Board and Department of Land and Natural Resources on any proposal for acquisition of any interest or rights in land having value as a resource to the State or to suggest such actions.

2. *“How do you perceive the role and responsibilities of a Commission member?”*

The views of up to nine commissioners contribute to the collective evaluation and ranking process. Commissioners individually represent varied knowledge and experiences from across the archipelago and their expertise contributes to that of DOFAW staff to result in a well-rounded review of each application. Like other commissions, the Legacy Land Conservation Commission operates in an open process that incorporates public input in the application review before the recommendations are made. Commissioners receive information and perspectives from the applicants and the public alike in their commission meetings, and commissioner questioning can also contribute to a better understanding of each application than can the information on the application form alone. Including the commissioners into the Legacy Land Conservation Program insures that the public has a role in the process of selecting significant properties for acquisition and protection.

3. *“Why do you wish to continue serving as a member of the Commission?”*

Personally, I strongly endorse the commission’s role in recommending lands to be given permanent protection for their natural, cultural and recreational values. Throughout the Islands, such lands are rapidly being acquired by offshore interests and thereafter are lost to development or speculative real estate sales. The sooner the involvement and the greater the extent of acquisition by Legacy Land Conservation Program and other partnering entities, the more of Hawaii’s privately owned resources can be saved for Hawaii people. Operationally, the commissioners represent a good diversity of skills, experiences and geographic representation. In addition, the commissioners are all personable. I have seen that each is effective in the commissioner role and adds much to the value of the Legacy Land Conservation Program. I enjoy serving on this commission and learning from my colleagues there. I have served in other groups where the preceding statements were not the case.

4. *“Please describe why you believe that you are qualified for the position of Commission member who possesses relevant scientific knowledge.”*

I am a field biologist who has worked with native plants and vegetation on all the main islands but Ni’ihau over the last forty-five years, and who has gotten to know the islands well in the process. During that time I also worked for six years as a Coastal Zone Management Planner for the Hawaii County Planning Department, back when much of the zoning and land use changes were happening that redirected the island’s future irrevocably. I saw firsthand the fallibilities of existing land use regulatory structures to protect that which made Hawaii unique in many ways. Given the tendency of private properties to change hands and get exploited, I realize that the best way to preserve some of these special properties is for government to assist in acquiring full or partial ownership that is dedicated to preservation and management of the properties’ natural, cultural or public access values. Growing up and living on three islands and witnessing the scale and speed of changes to the land and resources of my youth have motivated me to spend time and effort where my skills and experiences can be applied to preserve the resources and sense of place that I treasure. Serving on the Legacy Land Conservation Commission is one of those roles.

5. *“What are some of your accomplishments as a member of the Commission and what would you like to accomplish during an additional term?”*

My accomplishments as a commissioner, like those of the other members, has been to participate in the steps outlined in responses “1” and “2”. Our result is a collective effort which I would hope to continue into another term.

6. *“What issues do you believe that the Commission has handled well in the past? What issues do you believe that the Commission should address in the future?”*

I believe that the Legacy Land Conservation Commission has handled our limited suite of tasks well in the past and should continue to do the same in the future. Within the sideboards defined by commission’s statute and administrative rules, the main way we could contribute more is to be able to

see a larger portion of the Land Conservation Fund be available for awards. Each year we review very worthy applications which collectively request far more than available funds. The hardest part of the commission service is seeing some of the best of them rank below the amount of available funds in that year and possibly succumb to sale for development before they can benefit from the Land Conservation Fund in another year.

7. *“During your service on the Commission, were there any possible conflicts of interests involving you that arose? How were those potential conflicts addressed? If you were to continue to serve, can you foresee any other possible conflicts involving you?”*

There is one instance on some south Kona lands that I had been familiar with for forty years, and where I had been working as a volunteer over the last several years with the new landowner and a conservation organization to help conserve biological resources. I was surprised to see an application come to the commission involving both of them. I reviewed conflicts of interest text in the Hawaii State Ethics Commission Ethics Guide and, just to be sure, I requested an informal opinion from the State Ethics Commission staff. Given that I have no financial ties, family ties, or employment prospects, they indicated that they did see any conflict of interest. The only possible issue in this case might be a perceived “fair treatment” concern of preferential treatment as a commissioner, and that was more of an appearance than concern. I erred on the side of caution, and at the recommending meeting of the commission I announced that I would not be ranking this project.

I do not foresee future conflicts of interest, as I lack the generic conflicts potentially inherent in having significant land holdings, consulting business, regulatory connections, employment and legal operations. I do not see personal gain resulting from public acquisitions in which I have no financial interest.

8. *“Is there any other information regarding your experience and background that you believe should be considered for your nomination?”*

I have already served actively on the commission for three funding cycles, and by already having the experience and interactions with the commission work and commissioners, a second term will increase my effectiveness on the commission.

Mahalo,

Frederick R. Warshauer