

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
CARTY CHANG  
Interim Chairperson**

**Before the Senate Committee on  
WAYS AND MEANS**

**Wednesday, April 1, 2015  
1:30 pm  
State Capitol, Conference Room 211**

**In support of  
HOUSE BILL 207, HOUSE DRAFT 2, SENATE DRAFT 1  
RELATING TO TRAINING**

House Bill 207, House Draft 2, Senate Draft 1 proposes to mandate that the Office of Hawaiian Affairs (OHA) develop a training course on Native Hawaiian rights, and to require members of ten boards, commissions, or councils to attend these trainings. Training would be offered twice per year to ensure ample opportunity for board, commission, or council members to attend. **The Department of Land and Natural Resources' (Department) comments are limited to those boards and commissions under its jurisdiction. As such, the Department supports this measure.**

House Bill 207, House Draft 2, Senate Draft 1, notes that it is the duty of all boards, commissions, and councils to protect Native Hawaiian traditional and customary rights. However, many appointees to the boards, commissions, and councils that have the potential to impact native Hawaiian traditional and customary rights are not adequately trained in what those rights are, or the tools that they can use to protect those rights.

The Department notes that OHA has offered three such training courses since January 2013, and the Department has sent boards and commission members, as well as staff members, to the course each time. Everyone who attended had high praise for the course and indicated it was well worth their Saturday.

Thank you for the opportunity to testify.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING 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



*The Judiciary, State of Hawai‘i*

**Testimony to the Senate Committee on Ways and Means**

Senator Jill N. Tokuda, Chair  
Senator Ronald D. Kouchi, Vice Chair

Wednesday, April 1, 2015, 1:30 PM  
State Capitol, Conference Room 211

**WRITTEN TESTIMONY ONLY**

by  
Rodney A. Maile  
Administrative Director of the Courts

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**Bill No. and Title:** House Bill No. 206, House Draft 2, Senate Draft 1 Relating to Hawaiian Plants.

**Purpose:** Subject to exceptions, requires all plans, designs, and specifications for new or renovated landscaping of State-developed buildings, complexes, facilities, or housing to incorporate Hawaiian plants. Effective 7/1/2050. (SD1)

**Judiciary's Position:**

The Judiciary is in general support of this bill's intent in proposing revisions to HRS § 103D-408, the spirit of which the Judiciary has incorporated in the planning and design of its newer facilities, including that which is in progress for the new Kona Judiciary Complex in West Hawai‘i, as well as the recently completed landscaping renovations at Ali‘iōlani Hale in downtown Honolulu's Capitol District.

Thank you for the opportunity to testify on this measure.



**HB207 HD2 SD1**  
**RELATING TO TRAINING**  
Senate Committee on Ways and Means

April 1, 2015

1:30 p.m.

Room 211

The Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** HB207 HD2 SD1, which is a bill in OHA's 2015 Legislative Package. This bill would require the members of certain boards and commissions to attend a Native Hawaiian Law training course funded by OHA, and developed by third-party legal experts. Accordingly, HB207 HD2 SD1 represents an opportunity to ensure that key State policymakers understand and make decisions that are consistent with the State's fiduciary obligations to the Native Hawaiian people.

A training course in Native Hawaiian law for relevant board and commission members is necessary to fulfill the trust obligation and responsibility held by the State of Hawai'i towards Kānaka Maoli. The boards and commissions listed in HB207 HD2 SD1 administer resources and programs that directly impact Native Hawaiian traditional and customary rights, natural and cultural resources, and the public trust. As state entities, these boards and commissions have a duty to protect and enforce Native Hawaiian rights, and to administer the public trust in the interest of its beneficiaries, including Native Hawaiians. However, notwithstanding the broad range of expertise and experience of the individuals selected to serve on these boards and commissions, many may not possess knowledge of the unique legal rights and responsibilities that relate to the Native Hawaiians, or to the public trust. Unfortunately, this has likely contributed to a sense of disenfranchisement felt by many in the Native Hawaiian community, and policy decisions that have failed to uphold the duties of the State.

To address this problem, since 2013 OHA has offered a Native Hawaiian Law training course on a voluntary basis to state and county legislators, board and commission members, and other relevant individuals. This training course was developed in partnership with the Ka Huli Ao Center for Excellence in Native Hawaiian Law at the William S. Richardson School of Law, and has been presented in January 2013, January 2014, and July 2014. In total, over 250 individuals have attended the course, including members of all the boards and commissions enumerated in this bill. **Notably, training course attendees overwhelmingly indicated that as a result of the course, they better understood the State's legal responsibilities towards Native Hawaiians and the public trust.**

Requiring similar legal training for each member of the boards and commissions listed in this bill will ensure that *all* of these critical decisionmakers are provided with the

information they need to successfully fulfill the state's legal obligations towards Native Hawaiians and the public trust. Towards this end, OHA has and will continue to commit funds for the further development and administration of a Native Hawaiian Law training course, eliminating the need for appropriations from the state general fund.

As the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians, OHA is the appropriate agency to create and administer a Native Hawaiian Law training course. OHA's kuleana include serving as the agency responsible for the 1) performance, development, and coordination of programs and activities relating to Native Hawaiians, as well as 2) the assessment of policies and practices of other agencies impacting Native Hawaiians. HB207 HD2 SD1 accordingly furthers OHA's purpose and kuleana in these areas, by ensuring that agency officials making policy decisions on Hawaiian issues have a basic understanding of legal protections for Native Hawaiian rights and interests.

OHA strongly urges the Committee to **PASS** HB207 HD2 SD1. Mahalo nui loa for the opportunity to testify on this important measure.

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lieutenant Governor

**LUIS P. SALAVERIA**  
Director

**MARY ALICE EVANS**  
Acting Deputy Director



**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

**DANIEL ORODENKER**  
Executive Officer

**Bert K. Saruwatari**  
Planner  
**SCOTT A.K. DERRICKSON AICP**  
Planner

**RILEY K. HAKODA**  
Chief Clerk/Planner

**FRED A. TALON**  
Drafting Technician

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Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
Land Use Commission  
Before the  
**Senate Committee on Ways and Means**  
April 1, 2015  
1:30 PM  
State Capitol, Conference Room 211

In consideration of  
**HB 207 HD2 SD1**  
**RELATING TO TRAINING**

Chair Tokuda, Vice Chair Kouchi, and members of the Senate Committee on Ways and Means:

The Land Use Commission strongly supports HB 207 HD2 SD1 in that it provides the Land Use Commission (LUC) with training that is incredibly valuable for its staff who must advise the Commission and non-expert commissioners who deal with public trust issues involving Hawaiian traditional and customary rights, water, natural and archaeological resources, and burials.

These trainings have been cost-effective (offered at no cost to the agency), time-efficient, and at least for the LUC, highly relevant to the legal issues and the type of findings they are required to make in their decisions and orders. LUC staff and several of our past commissioners have attended OHA-sponsored training sessions with unanimous agreement as to their value and utility.

The LUC will continue to take advantage of such training opportunities for our staff and its commissioners in the future.

Thank you for the opportunity to testify on this matter.



March 30, 2015

Senator Jill N. Tokuda, Chair  
Senator Ronald D. Kouchi, Vice Chair  
Senate Committee on Ways and Means

**Comments, Concerns and Opposition to current form of HB 207, HD2, SD1 Relating to Training (Requires the Office of Hawaiian Affairs to administer a legal training course on native Hawaiian and Hawaiian legal rights. Requires members of certain state councils, boards, and commissions to attend the legal rights training course).**

**WAM Hearing: Wednesday, April 1, 2015, 1:30 p.m., in Conf. Rm. 211**

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

LURF **supports the intent** of providing State councils, boards and commission with training on native Hawaiian and Hawaiian rights and **supports the Office of Hawaiian Affairs (OHA) working with the Department of the Attorney General (Attorney General) in preparing that training course.**

However, LURF is **OPPOSED to the current version of HB 207, HD2, SD1**, and respectfully requests that this Committee **HOLD** this bill, based on the following:

**(1) This bill is unnecessary, because the State Administration and Attorney General could create a "comprehensive training program" for State councils, boards and commissions, and with guidance and assistance from OHA.** This comprehensive training could include areas relating to native Hawaiian and Hawaiian traditional and customary practices and legal rights, natural resources protection and access rights, and the public trust; and also include the State's trust responsibilities and include other legal issues relating to natural resources, agriculture, ranching, aquaculture, fishing, hunting, water, tourism, housing, education, business, military, land use, renewable energy, astronomy, sustainability, genetic modification, high technology and other areas of state interests.

(2) **This bill is unnecessary, because OHA and the Department of Land and Natural Resources have confirmed that even without legislation such as this bill, OHA has already offered three such training courses.** LURF understands that such training sessions have attracted attendees representing a broad spectrum of state and county government officials.

(3) The bill is unnecessary, because **current law already allows OHA to publicly present its factual and legal positions relating to native Hawaiian and Hawaiian traditional and customary practices and legal rights, to State councils, boards and commissions.** Current laws and rules also allow OHA to be official parties in matters, hearings, meetings, contested cases and quasi-judicial proceedings before those State entities.

(4) **The exclusive legal training by OHA would usurp the statutory authority of the Attorney General as the legal advisor for State councils, boards and commissions.** Also, OHA's legal training could be contrary to, or inconsistent with the legal interpretations and advice of the Attorney General, which could create confusion for members of those State entities.

(5) Pursuant to Hawaii Revised Statutes (HRS), Section 10-3 (4), **OHA's purposes include "conducting advocacy efforts" and "affecting public policy" relating to State councils, boards and commissions.** Thus, OHA's proposed mandatory legal rights training to those same State entities would represent **conflict of interest** between its statutory "*advocacy*" responsibilities to affect public policy and OHA's proposed mandatory legal rights training role;

(6) In situations where OHA is involved in a contested case hearing, or other quasi-judicial administrative matters, OHA's exclusive access and legal training will involve an opportunity for illegal **ex parte communications** on legal and factual issues that will come before State councils, boards and commissions. During those *ex parte* legal training sessions OHA will have the exclusive opportunity to affect the public policy decisions of those State entities, by providing information, advocating, supporting, opposing or criticizing various State, county or private initiatives and projects;

(7) In contested cases and quasi-judicial proceedings, OHA's exclusive *ex parte* legal training of will create **special and unfair access and advantage** for OHA over those State councils, boards and commissions. **Due process, equal protection and fairness** dictate that opposing parties and advocacy organizations, which may have different views on other important issues, should be afforded the same mandatory legal training opportunities. Differing legal interpretations and training could be provided by parties and advocacy organizations involved in areas including, but not limited to, natural resources, agriculture, ranching, aquaculture, fishing, hunting, water, tourism, housing, education, business, military, land use, renewable energy, astronomy, sustainability, genetic modification, high technology and other areas of state interests.

(8) **The dates that government officials start performing their duties would be based solely on the dates of the OHA training.** The bill also authorizes OHA to repeat the law training course at least twice per year; requires the governor to provide OHA with the names of the persons required to take the law training course within thirty

calendar days of their initial appointment; requires OHA to notify those persons; and requires those persons to take the law course within thirty calendar days of their initial appointments. **This scheduling requirement severely restricts the ability of the Governor's appointees to promptly serve on the various state councils, boards and commissions.**

**HB 207, HD2, SD1 OHA's native Hawaiian and Hawaiian Law Training Course.** The Office of Hawaiian Affairs ("OHA") website and legislative package describes this bill as "***OHA-3 Native Hawaiian Law Training Course.***" This bill proposes to require OHA to establish, design, and administer a "law training course" relating to native Hawaiian and Hawaiian traditional and customary rights, native Hawaiian and Hawaiian natural resources protection and access rights, and the public trust, including the State's trust responsibility; and specified members of the following councils, boards and commissions would be required to take the law training course:

- Land Use Commission
- Board of Land and Natural Resources ("BLNR")
- Commission on Water Resource Management
- Environmental Council
- Board of Directors of the Agribusiness Development Corporation
- Board of Agriculture
- Legacy Land Conservation Commission
- Natural Area Reserves Systems Commission
- Hawaii Historic Places Review Board
- Board of Health

This bill is somewhat similar to, and duplicative with some of the purposes of Act 288 (SLH 2012) (HB 2806, HB 2, SD 2, CD 1), which created the Aha Moku Advisory Committee ("Aha Moku") to advise the Office of the Chairperson of the BLNR on issues related to land and natural resource management through the aha moku system - a system of best practices based upon the indigenous resource management practices of moku (regional) boundaries, which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community.

**LURF's Position.** It appears that this is a well-intended bill regarding very important issues, which has been proposed in the past. LURF **supports the intent of the bill**, which is to provide training for certain State councils, boards and commissions relating to native Hawaiian and Hawaiian rights and **supports the involvement of OHA in that training process**. However, there are still serious and major concerns that have not been resolved by the prior legislative committees, or in the current version of this measure. Thus, LURF must **OPPOSE the current version of HB 207, HD2, SD1**; and respectfully recommends that it should be **HELD** in this Committee.

**Major concerns and issues.** HB 207, HD2, SD1 includes the following issues, concerns and objections:

- **This bill is unnecessary: the State administration could develop and implement a "comprehensive training program."** Instead of passing this bill, perhaps the State Administration and Attorney General could consider working with



various organizations, including OHA, to develop and implement a “**comprehensive**” **training course** for members of the certain boards, councils, and commissions relating to various issues that will come within their purview, including:

- ❖ native Hawaiian and Hawaiian traditional and customary rights, native Hawaiian and Hawaiian natural resources protection and access rights, and the public trust, including the State’s trust responsibilities;
  - ❖ the State responsibilities and legal rights in areas of natural resources, agriculture, ranching, aquaculture, fishing, hunting, water use, land use, tourism, housing, education, business, military, renewable energy, astronomy, sustainability, genetic modification, high technology and climate change; and
  - ❖ any “legal training” of State councils, boards and commissions should only be taught by the Attorney General or his deputies, as they are the legal advisors for State councils, boards and commissions.
- **The bill is unnecessary, because current law already allows OHA to publicly present its factual and legal positions relating to native Hawaiian and Hawaiian traditional and customary practices and legal rights, natural resources protection and access rights, and the public trust to State councils, boards and commissions and also allows OHA to be official parties in matters, hearings and meetings before those entities.**
  - **OHA’s mandatory law training could usurp the statutory authority of the Attorney General and could be contrary to the legal interpretation and advice provided by the Attorney General and cause unnecessary confusion for the State councils, boards and commissions.** The Attorney General is the legal counsel and advisor for the above-referenced State councils, boards and commissions. In the recent past, OHA’s interpretation of legal rights and responsibilities sometimes appear inconsistent with, or contrary to the Attorney General’s legal interpretations and advice to those State councils, boards and commissions. If OHA administers mandatory training and expresses legal interpretations, conclusions and advice which are inconsistent with, or contrary to the Attorney General, it will cause unnecessary confusion for the State councils, boards and commissions and could lead to messy legal challenges.
  - **OHA’s conflict of interest.** OHA’s website emphasizes its focus on advocacy:

*“OHA is focused on strategic priorities for improving the conditions of Native Hawaiians in the areas of aina, culture, economic self-sufficiency, education, governance and health. **OHA’s advocacy** involves conducting research whose findings are used **to guide decisions** and empower communities to inspire positive results in these areas. **OHA’s advocacy also calls for developing and shaping public policies** that have broad implications for the Hawaiian community. **OHA’s advocacy** is reflected in its efforts **to help ensure that laws are complied with** at the local, state and federal levels. In addition, **OHA’s advocacy** requires working with communities to share information and build public support for Hawaiian issues.”*

Given OHA's focus on advocacy and affecting public policy of State councils, boards and commissions, OHA will have a conflict of interest between its statutory "advocacy" responsibilities before government councils, boards and commissions and its proposed absolute power to implement the mandatory legal training for those same councils, boards and commissions. As noted above, OHA's statutory purposes include conducting "advocacy efforts" for native Hawaiian and Hawaiians" before the very same boards, councils and commissions for which they are they are establish, design, and administer a "mandatory law training course", **on the very same issues they are advocating for**. If OHA opposes a particular State or private initiative or project, it would have the statutory mandate and opportunity to advocate their own OHA's legal position and arguments to those State councils, boards and commissions.

- In contested case hearings, or other quasi-judicial matters, OHA's proposed legal training course could be considered **improper *exparte* communication** and opposition to, or criticism of current and future State and private initiatives and projects that will come before those same State councils, boards and commissions.

OHA's statutory purposes include "*Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and **conducting advocacy efforts for Native Hawaiians and Hawaiians.***" HRS §10-3(4). It is a responsibility that OHA performs often and well and is of great value. Over the years, OHA has opposed or expressed concerns with the State Administration's legislative package and with other major private and State-related initiatives or projects. OHA's past and continuing legal and other opposition to state projects are a healthy and necessary part of the public comment and advocacy process. However, given **OHA's statutory advocacy mission**, there are concerns whether OHA's legal training of State councils, boards and commissions will include such advocacy, opposition to and criticism of private and State-related projects or initiatives that will be the subject of contested case hearings or other quasi-judicial proceedings, and thus be considered **improper *exparte* communications**.

- **OHA will have a "special and unfair advantage" over other organizations and groups which have differing legal interpretations and are engaged in contested case hearings or other quasi-judicial proceedings involving OHA.** This bill gives OHA the absolute power to determine the legal training for State boards and commissions and provide OHA with "a special and unfair advantage" over any other individual or public interest organizations that seek to provide differing public input or legal interpretations to those State boards, councils and commissions. If this bill passes in its present form, other major public interest groups will not have a "level playing field" with OHA, including organizations with technical and legal expertise and interests in natural resources, agriculture, ranching, aquaculture, fishing, hunting, water, tourism, housing, education, business, military, land use, renewable energy, astronomy, sustainability, genetic modification, and high technology. The decisions of State councils, boards and commissions could be successfully challenged and overturned.

**Due process, equal protection and fairness** dictate that such other organizations, which may have different views on other important issues, should be afforded the same mandatory legal training opportunities. One of the main concerns is whether OHA's absolute power to establish and administer the mandatory legal training program will (1) Only provide OHA with a "**special process**" to provide its own legal training and

opportunity to make its legal arguments to State councils, boards and commission on facts and issues that will come before those State entities; (2) **Deny “equal rights and protections”** to other persons, organizations or parties that are in opposition to OHA in contested case hearings or quasi-judicial proceedings, and equal opportunity to provide exparte legal advice and training to state councils, boards, and commissions on the same facts and issues; and (3) Such **special and favorable legal advantages and benefits solely for OHA in connection with councils, boards and commissions in contested case and quasi-judicial proceedings**, would arguably have the effect of creating and favoring OHA as “a special class”, as it confers favorable treatment, special access, rights and privileges only to OHA, as one special interest group, thereby potentially rendering the measure unconstitutional and in violation of HRS Chapter 91 relating to public proceedings, and subject the decisions of such councils, boards and commissions to successful legal challenges.

- **Especially for councils, boards and commissions that engage in contested cases and other quasi-judicial proceedings, other organizations and special interest groups should have the same rights to provide legal training to certain State boards, councils and commissions.** Laws enacted by the Legislature must rightly support the free speech, due process and equal protection rights of all citizens, special interest groups, industry groups and stakeholders who may also wish to provide training or advice to specified members of State boards, councils, and commissions relating to the broad spectrum of subject matters and the law relating to land and natural resource management, which includes legal issues regarding natural resources, agriculture, ranching, aquaculture, fishing, hunting, water, tourism, housing, education, business, military, land use, renewable energy, sustainability, genetic modification, and high technology. All of the groups named above should have the same rights as OHA to conduct mandatory legal training of those State boards, councils and commissions regarding legal issues in contested cases and other quasi-judicial proceedings.

As stated above, LURF supports the intent of this bill and supports OHA’s involvement in such a training process.

However, based on the reasons stated above, LURF respectfully recommends that the current version of HB 207, HD2, SD1 should be **HELD** in this Committee.

Thank you for the opportunity to present LURF’s position in **OPPOSITION** to the current form of this measure.



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

Testimony of  
Leimana DaMate

Before the Senate Committee on  
Ways and Means

Wednesday, April 1, 2015  
1:30 P.M.  
State Capitol, Conference Room 211

**In SUPPORT of House Bill 207, HD 2 SD 1**

**Relating to Training**

House Bill 207 HD 1 SD 1 requires the Office of Hawaiian Affairs (OHA) to administer a training course on native Hawaiian and Hawaiian rights. It requires members of certain state councils, boards, and commissions to attend the training course.

The Aha Moku System encompasses the eight main Hawaiian Islands and supports the traditional and generational knowledge of the people who are connected to each of the 43 moku and 587 ahupua'a. Many of the state's regulatory policies and laws are derived from the foundation of cultural practices and codified within the Hawaii State Constitution. However, these laws and practices are not commonly translated into practical knowledge by sitting members of many of the state's official councils, boards, commissions and advisory committees. These same entities have great influence in the creation and implementation of current statutes and rules which directly impact the lives of the public trust including Native Hawaiians.

We believe that this bill is necessary and long-overdue. It will bring a much needed understanding of how public trust resources and programs directly impact Native Hawaiian and Hawaiian traditional and customary rights and natural resource protection and access rights.

We humbly ask that the Senate Ways and Means Committee pass this measure.



## **Association of Hawaiian Civic Clubs**

P. O. Box 1135  
Honolulu, Hawai`i 96807

### **SENATE COMMITTEE ON WAYS & MEANS**

### **HB 207HD2SD1 RELATING TO TRAINING**

Wednesday; 4/1/15; 1:30 pm; Room 211

Aloha Madam Chair Tokuda, Vice Chair Kouchi and members of the Senate Ways and Means Committee.

In January, 2015 staff of the Office of Hawaiian Affairs appeared before the Board of Directors of the Association of Hawaiian Civic Clubs (AHCC) to seek support for the OHA legislative package.

The AHCC Directors agreed that this bill relating to training has merit and feedback from trainings held in the past year have proven to be informative to appointees, newly elected and other decision makers that have attended training sessions.

We urge the passage of this bill that would help to provide further enlightenment on the issues of native Hawaiian and Hawaiian rights.

Thank you for the opportunity to provide support for this measure.

Contact: [Jalna.keala2@hawaiiantel.net](mailto:Jalna.keala2@hawaiiantel.net)



COORDINATING GROUP ON  
ALIEN PEST SPECIES

The Senate  
Committee on Ways and Means  
April 1, 2015  
1:30 p.m., Conference Room 211  
State Capitol

### **Testimony in Support of HB 206 HD2 SD1**

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

The Coordinating Group on Alien Pest Species (CGAPS) **supports HB 206 HD2 SD1**, which with exceptions, would require all new state-funded or renovated non-highway landscapes (and other exceptions) to incorporate at least 10% native or Polynesian introduced plants starting in five years; and increasing to 25% in 2025 and to 35% in 2030.

We have worked closely with the Landscape Industry Council of Hawai'i (LICH) on a variety of issues and projects, and we should continue to rely on these industry experts to help identify needs in research, practical application, and maintenance, and other knowledge gaps for successful implementation. However, research and development of native plants for public landscapes, and the knowledge and specifications for maintenance is poorly-funded. Much of the work is done by private businesses in private landscapes that have a vested interest in maintaining their landscapes. The only other work is being conducted by UH CTAHR for roadsides, and conservation groups for restoration work. Therefore, if this bill passes, it would also be important to use the next five years to prepare for implementation. Funds for R&D and information-sharing would help ensure success.

Your support of HB 206 HD2 SD1 will help us send the following clear message: that the use and care of Hawaiian plants in public places are a priority. Mahalo for your consideration.

Aloha,  
Christy Martin  
CGAPS

Professor Melody Kapilialoha MacKenzie  
Ka Huli Ao Center for Excellence in Native Hawaiian  
Law William S. Richardson School of Law, UH-Mānoa  
2515 Dole Street, Honolulu, Hawai'i 96822

**H.B. 207, H.D.2, S.D. 1  
Relating to Training**

**Committee on Ways and Means**

Senator Jill N. Tokuda, Chair

Senator Ronald D. Kouchi, Vice Chair

Decision Making - Wednesday, April 1, 2015, at 1:30 pm

Mahalo for the opportunity to submit written comments in **support** for H.B. 207, H.B. 2, S.D. 1 for your consideration in decision making. This bill relates to training of members of state councils, boards, and commissions on Native Hawaiian legal issues – especially the State's trust duties in relation to natural and cultural resources. I am a professor at the William S. Richardson School of Law and director of Ka Huli Ao Center for Excellence in Native Hawaiian Law.

Ka Huli Ao has partnered with the Office of Hawaiian Affairs to provide three Native Hawaiian Law training courses with the focus on the public land trust, water, traditional and customary rights, and iwi kūpuna or ancestral remains. Over 270 people have attended the day-long training courses. Most attendees were members of state and county boards, councils, and commissions or staff members. A number of state legislators and county councilmembers have also attended. The response to the training has been overwhelmingly positive. The training evaluations indicate that 75–80% of those responding believed that the training had improved their knowledge of the state's trust duties and responsibilities in each of the vital subject areas included in the training.

The training courses have greatly increased the understanding of attendees, and have given them the knowledge and tools to help make difficult decisions. Moreover, attendees from different agencies and departments have been able to interact and share concerns and possible solutions with each other, helping to build common understanding and increased cooperation among agencies and departments.

Ka Huli Ao has been honored to partner with OHA in this effort. We believe that it is important, particularly for newly-appointed members of councils, boards, and commissions, to be required to attend a training on areas of law that so strongly impact Hawai'i's natural and cultural resources and the Native Hawaiian community. Mahalo for the opportunity to express strong **support** for H.B. 207, H.D. 2, S.B. 1.



Testimony Before The Senate  
Committee on Ways and Means  
**IN SUPPORT OF HB 207 HD2 SD1**  
Wednesday, April 1, 2015, 1:30PM, Room 211

Honorable Senators,

My name is Kevin Chang and I am the Executive Director of Kua'āina Ulu 'Auamo (or KUA). KUA works to empower grassroots rural and Native Hawaiian mālama 'āina groups to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being.

**KUA supports HB 207 HD2 SD1 as an incremental step towards 'āina momona.**

This bill would require members of state councils, boards, and commissions that have an impact on Native Hawaiian and public trust resources to attend a training course on their fiduciary duties in regard to those resources.

We employ a community-driven approach that currently supports a network of more than 31 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a new and growing hui of Limu practitioners all from across our state.

Many of the communities in the networks we facilitate focus on improving natural resource management and restoration of native ecological systems, values and ethics more sensitive to the needs of their wahi (their places). Quite often the issues they work to advance come before state and county councils, boards and commission dealing with historical and cultural sites, land, agriculture and water issues. When members of these decision-making bodies are uninformed of their fiduciary duties confusion often results in un-necessary delay and drain of resources sometimes even resulting in prolonged and personally taxing lawsuits.

We commend the Office of Hawaiian Affairs for the development and implementation of these training sessions and advancement of this important issue before you. However, the long term vision for these programs should ultimately be one embraced and furthered by the broader community.

Our communities are committed to ensuring the long-term health of our cultural and natural resources because they have depended on them for generations. This bill among others is an exciting trend towards increasing government's role as a partner with our communities to restore the abundance that we are all often so nostalgic about.

Thank you for this opportunity to testify.

Aloha 'āina momona.



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [kamakane73@gmail.com](mailto:kamakane73@gmail.com)  
**Subject:** \*Submitted testimony for HB207 on Apr 1, 2015 13:30PM\*  
**Date:** Tuesday, March 31, 2015 9:51:58 AM

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**HB207**

Submitted on: 3/31/2015

Testimony for WAM on Apr 1, 2015 13:30PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kama Hopkins	Individual	Support	No

Comments:

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

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**Date:** Tuesday, March 31, 2015 9:50:33 AM

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**HB207**

Submitted on: 3/31/2015

Testimony for WAM on Apr 1, 2015 13:30PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert K. Lindsey, Jr.	Individual	Support	No

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**Date:** Tuesday, March 31, 2015 7:29:23 AM

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**HB207**

Submitted on: 3/31/2015

Testimony for WAM on Apr 1, 2015 13:30PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
C.R.P. Montague-Mullins	Individual	Support	No

Comments:

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**Date:** Monday, March 30, 2015 10:16:28 PM

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**HB207**

Submitted on: 3/30/2015

Testimony for WAM on Apr 1, 2015 13:30PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leimomi Khan	Individual	Comments Only	No

Comments: The Kalihi Palama HCC continues to strongly support HB207, HD2, SD1 Relating to Training, that requires OHA to administer a training course on native Hawaiian and Hawaiian rights and requires members of certain state councils, boards, and commissions to attend the training course. We are pleased to see the progress of the legislature on this bill. In previous legislative sessions, the bill provisions were positively received, but died at the last moment. Let this be the year of commitment by the legislature to assuring that key state leaders receive training on the host culture history and values. Knowledgeable leaders make sound decisions, recognize problems before they become a reality and devise solutions quickly, where necessary. Some Native Hawaiian issues are complex. Leaders who understand history and cultural values of Native Hawaiians tend to be more sensitive to the issues and find win-win solutions. Leimomi Khan, President

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**Date:** Monday, March 30, 2015 3:24:29 PM

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**HB207**

Submitted on: 3/30/2015

Testimony for WAM on Apr 1, 2015 13:30PM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bobby-John Campbell	Individual	Support	No

Comments:

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