

STAND. COM. REP. NO. 2748

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2727
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2727, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HA`IKU VALLEY,"

begs leave to report as follows:

The purpose of this measure is to establish the Ha'iku Valley Cultural Preserve Commission which shall have policy and management oversight of the Ha'iku Valley Cultural Preserve.

Specifically, this measure:

- (1) Establishes the Ha'iku Valley Cultural Preserve and limits its future uses in perpetuity to cultural, archaeological, and environmental preservation, restoration, protection, and education;
- (2) Establishes the Ha'iku Valley Cultural Preserve Commission within the Office of Hawaiian Affairs to have authority over the policy and management of the Ha'iku Valley Cultural Preserve;
- (3) Creates penalties for violating laws or rules applicable to the Ha'iku Valley Cultural Preserve;
- (4) Authorizes the conveyance of "all of Ha'iku Valley" in fee simple to the Office of Hawaiian Affairs and



appropriates an unspecified amount for the acquisition of Ha'iku Valley;

- (5) Provides for the preserve's eventual transfer to a sovereign Hawaiian entity upon its recognition by the United States and the State; and
- (6) Establishes the Ha'iku Valley Cultural Preserve Trust Fund.

Testimony in support of this measure was submitted by Kupuna o Kahana, The Koolau Foundation, Koolaupoko Hawaiian Civic Club, and five concerned individuals. Comments on this measure were submitted by the Department of Land and Natural Resources.

Your Committee finds that Ha'iku Valley is home to significant cultural, historical, and environmental resources. Your Committee finds that the creation of the Ha'iku Valley Cultural Preserve and the Ha'iku Valley Cultural Preserve Commission may provide an effective mechanism for preserving these resources.

However, your Committee has concerns with several important provisions relating to the measure and believes that further clarification is needed. Your Committee understands that Ha'iku Valley generally includes several landowners, including the Department of Hawaiian Home Lands. Your Committee believes that this measure ultimately needs to include precise boundaries for the lands to be included in the Ha'iku Valley Cultural Preserve and also needs to address potential impacts that the establishment of the preserve may have on other landowners in the valley.

Furthermore, your Committee notes that the measure limits future activities in the Ha'iku Valley Cultural Preserve, including a prohibition on commercial activities. However, section -7 allows the Ha'iku Valley Cultural Preserve Commission to adopt rules that permit farming activities in the preserve. Your Committee believes that more clarity is needed on the impact on farming in the preserve as a commercial activity.

Upon further consideration, your Committee finds that key provisions of this measure deserve further clarity and discussion as the bill moves forward. Accordingly, your Committee has amended this measure by:



- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on this measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2727, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2727, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


ROSALYN H. BAKER, Chair



