

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEN HENDERSON
DEPUTY TO THE CHAIRMAN

KAULANA H. PARK
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF MICAH A. KANE, CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEFORE THE HOUSE FINANCE COMMITTEE

ON H. B. 2704, H.D. 1

RELATING TO HA'IKU VALLEY

February 27, 2008

Chair Oshiro, Vice Chair Lee and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports the general intent of H.B. 2704, H.D. 1, as it seeks to establish uniform oversight of the Ha'iku Valley cultural preserve in perpetuity. However, as one of the major landowners of Ha'iku Valley property, DHHL believes there needs to be more dialogue with the Office of Hawaiian Affairs to address key issues about oversight, property conveyance, possible compensation, community concerns and continuity of existing DHHL commitments with the Samuel Kamakau Charter School prior to any formation of the Ha'iku Valley cultural preserve commission.

Thank you for the opportunity to testify on this measure.

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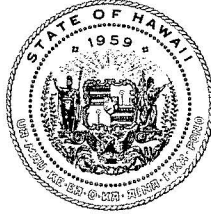
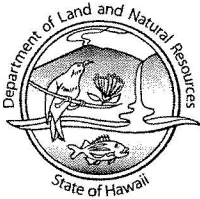
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Thank you for the opportunity to testify on this measure.

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

**TESTIMONY OF THE CHARIPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

On House Bill 2704, House Draft 1 - Relating To Ha'iku Valley

**BEFORE THE HOUSE COMMITTEE ON
FINANCE**

February 27, 2008

House Bill 2704, House Draft 1, establishes the Ha'iku Valley Cultural Preserve Commission to have policy and management oversight of the Ha'iku Valley cultural preserve. The Department of Land and Natural Resources (Department) supports the intent of preserving Ha'iku Valley, the Department nonetheless has strong reservations with the way this measure is presently written.

The Department believes that Ha'iku Valley is an important cultural resource in Hawaii and the creation of a Ha'iku Valley Cultural Preserve Commission provides a sensitive approach to appropriately managing the Valley. However, the Department asks that three sections of the bill be deleted.

§ -6 (6) strips the Department of its powers and duties in regard to approvals pertaining to the Valley. Section 183C-3(7), Hawaii Revised Statutes (HRS) specifically gives the Board of Land and Natural Resources (Board) the responsibility of establishing and enforcing land use regulations on within the Conservation District. Since a majority of the Valley is within the Conservation District, the Department would need to retain its role in regulating conservation lands within the Valley.

§ -6 (8) strips the Department's Oahu Burial Council of its powers and duties in regards to proper treatment of burial sites and human skeletal remains found in the valley. The Department would need to retain its responsibilities under Section 6E-43(b), HRS in this regard as well.

Finally, § -10 allows the use of the Department's Civil Natural Resources Violations System to process violations under the newly established chapter under this bill. Since the Department does not own any land in the Valley, the use of the Department's violations system would not be applicable.



HB 2704, HD1 RELATING TO HA'IKU VALLEY

House Committee on Finance

February 27, 2008

11:00 a.m.

Room: 308

Aloha Chair Oshiro, Vice Chair Lee, and members of the Committee. I am Clyde Namuo, Administrator of the Office of Hawaiian Affairs.

The Office of Hawaiian Affairs (OHA) **SUPPORTS, with Amendments,** HB 2704, HD1, which would establish the Ha'iku Valley Cultural Preserve Commission that would have policy and management oversight of the Ha'iku Valley Cultural Preserve.

In 2006, the Hawai'i State Legislature passed HCR 278, HD 1, signifying the intent of the 23rd Legislature to establish cultural preserves in both Ha'iku and Halawa valleys as an end result of the Halawa-Lulukou Interpretative Development Plan. OHA has been working with the Department of Transportation, Department of Hawaiian Homelands, Department of Land and Natural Resources, the City and County of Honolulu, the Honolulu Board of Water Supply, Kamehameha Schools, Queen Emma Foundation and representatives of 'ohana and other culturally knowledgeable persons in, and from, these two important areas, to help effectuate this important goal.

In our report to the 24th legislative session, we stated that there was a community sentiment for OHA to be a part of these cultural preserves, and several community members in the Ha'iku area felt OHA should be the steward in the Ha'iku Valley. We also stated that several planning issues needed clarity for good decisions to be made regarding this cultural preserve. Departmental jurisdiction and responsibilities, assessment of previous archaeology studies and integrity of the land, defining what is meant by "cultural preserve," and resolving access into Ha'iku Valley are some of the component issues. Clarity in these and other areas will aid the development of this cultural preserve.

Since April 2000, the Halawa-Lulukū Interpretive Development (HLID) project has worked with a working group of community stakeholders on mitigating the adverse impact created by construction of the H3 freeway. Within Ha`iku valley, two heiau sites are the focus of its mitigation, Kahekili Heiau and Kane ame Kanaloa Heiau. Community stakeholders have consistently advocated for Ha`iku Valley being a cultural preserve.

OHA has substantive obligations to protect the cultural and natural resources of Hawai`i for its beneficiaries, the people of this land. Part of this mission is to identify and protect traditional cultural landscapes which serve as the last vestiges of meaningful connections with the ancestors of Hawai`i and the unique and fragile natural, cultural, and historical resources these connections rely upon. H.B. 2704, HD1 would be a natural progression of this important kuleana to mālama Ha`iku Valley.

The establishment of the Ha`iku Valley Cultural Preserve Commission would greatly assist in the protection and perpetuation of this unique cultural landscape and heritage center for all the people of Hawai`i and more importantly, for future generations.

After consulting with our agency partners and analyzing practical implementation of this proposed legislation, OHA determined that the following amendments to our initial bill are warranted to properly effectuate the goals of this legislation. We urge the Committee to remove the following sections of the HD1 for a proposed House Draft 2:

1. From § -6 under Section 2 of the bill
"Responsibilities and duties of the commission" -
remove subsection (6), which would have removed the powers and duties of the Board of Land and Natural Resources and the Land Use Commission regarding permits pertaining to the valley, and remove subsection (8), which would have removed the O`ahu Island Burial Council from decision-making on burials and iwi kūpuna found in the valley; and
2. Remove all of § -10 under Section 2 of the bill
"Administrative violation system" - which would

have moved the enforcement and administration of civil and criminal violations from the Board of Land and Natural Resources.

OHA also urges that your Committee shorten § -11 "Transfer" under Section 2 of the bill to say simply, "Upon its conveyance to the office, all terms, conditions, agreements, and laws affecting the valley shall remain in effect unless expressly terminated." The existing references to OHA holding the land in trust and transferring management and control to a sovereign entity are not necessary for purposes of creating this preserve.

The inadvertent inclusion of these sections in our original draft of the bill probably resulted from modeling the bill too closely on Chapter 6K, HRS (Kaho'olawe Island Reserve). We regret any confusion that we may have caused, and strongly urge the deletions proposed above.

In addition, in the first paragraph of subsection (a) of § -5 under Section 2 of the bill "Commission," we urge the Committee to change the number of commission members from eight to nine to match the number of members stated in the remainder of the subsection.

Also, we urge that in Section 3 of the bill, page 13, line 14, "valley" be changed to "valley cultural preserve."

OHA urges the Committee to PASS H.B. 2704, HD 1, with the above amendments. Thank you for the opportunity to testify.

KO`OLAU FOUNDATION

February 27, 2008

TO: REP. MARCUS OSHIRO, CHAIR
& MEMBERS
COMMITTEE ON FINANCE

FROM: LEIALOHA ROCKY KALUHIWA
Lifetime Resident of He`eia Ahupua`a
Ko`olau Foundation President

SUBJECT: **H.B. 2704, RELATING TO HA`IKU VALLEY**

As a lifetime resident of the He`eia ahupua`a, and on behalf of the Ko`olau Foundation, I wish to speak in strong support of House Bill 2704, House Draft 1, to establish a cultural preserve for this very important `aina.

As a keiki o ka`aina, and on behalf of our kupa`aina of Ha`iku, Our kupa`aina families, who lived there on kuleana lands for over 200 years, still reside on Ha`iku Road and in He`eia.

The Ko`olau Foundation was formed many years ago by members of our community who were deeply concerned about the potential effects of building H-3 upon our Ko`olaupoko area. Through the years, our name and mission have evolved, and our primary objective today is to perpetuate and preserve our Hawaiian culture and traditions by advocating for historic preservation and promoting educational programs.

In the mid-1990s, when the Coast Guard first announced their plans to close down the OMEGA Station, the Ko`olau Foundation held public meetings to find out what our community's vision and desires were for the future of Ha`iku.

Their mana`o has been incorporated into our *Ulumahie*, our Vision for Ha`iku Valley, preserving the heritage of native Hawaiians by utilizing the ahupua`a as a learning environment.

Among our hopes for this cultural preserve are some of the following:

- Developing a cultural and environmental education program through partnerships with area schools, cultural organizations, the University of Hawai`i and others.

- Restoring the valley as a healing center by removing alien species and planting native Hawaiian herbs, plants, shrubs and trees – as this area was once known as our “hospital” for residents of Ko’olaupoko – and providing a place for kahuna la’au lapa’au.
- Establishing planting areas for local hula halau, where they could grow their own greens instead of gathering from kapu forest reserves.
- Establishing a new trail system.
- Providing a venue for cultural and community events, such as makahiki competitions and festivals, hula and slack-key music events, chant and craft demonstrations, and other activities.
- Ultimately, through an extensive nationwide fundraising drive, to convert the OMEGA Station into a new Ko’olau Museum which would house interpretive displays and artifacts taken from H-3 construction, honor the history and heritage of Ko’olaupoko, and celebrate the importance of the military’s OMEGA Station itself. The OMEGA Station was one of only 7 stations that communicated all over the world with aircraft and ships at sea.

In closing, mahalo for your patience in letting me share our mana’o on our vision for this cultural preserve. Again, I urge you to pass this bill and support its funding to make this wonderful cultural and natural resource available to our community once again.

P. O. BOX 4749
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rockyfromheeia@aol.com

To: Water Land Use Committee Chairman Rep. Ken Ito, Vice-Chairman Rep. Jon R. Karamatsu and Committee Members, and Finance Committee Chairman Rep. Marcus R. Oshiro, Vice-Chairman Rep. Marilyn B. Lee and Committee Members.

Good afternoon

Re: HB2704 HD1: Establishes the Ha'iku Valley cultural preserve commission to exercise policy and management oversight of the Ha'iku Valley cultural preserve.

From: Paulette A. Tam, Concerned Kaneohe Resident; P O Box 4787, Kaneohe, Oahu, Hawaii, 96744; email Ptam1861@yahoo.com. *Pat*

I support HB2704 HD1, because ample time was given to the City and County of Honolulu, former Mayor Jeremy Harris and Managing Director Ben Lee to submit or make available to the public their administrations' written Master Financial Operation and Preservation Plans: Plans for warning signs to minimize City and County of Honolulu's Liability and the Ha'iku Valley Preservation Plan protecting the twenty-one (21) archeological sites and sacred Native Hawaiian sites within Ha'iku Valley, including two (2) heiau, a burial cave (Kaualehu), and a large lo'i complex, *of which they failed to provide.*

Please pass HB2704 HD1.

Thank you for your time. I appreciate it.

May 1997 KNB voted to restore. I approved only if Hecac provided a Master Financial Operation + Preservation Plans.

Information from: ^{Honolulu testimony is} ~~the~~ according to Environmental Assessment = June 1997

*Base Closure 'Omega Station Hawaii'
Prepared by: US Coast Guard Civil Engineering
Unit Honolulu 300 Ala Moana Blvd
Honolulu HI 96850 in June 1997*

*33
33
33*

*Kaneohe Neighborhood Board Dec. 18, 2003
Regular Meeting Minutes*

Caroline Halualani Bright
46-317 Halualani Place
Kane'ohe, HI 96744
Ph. 235-6789

February 27, 2008

TO: REP. MARCUS OSHIRO, CHAIR
AND MEMBERS
HOUSE COMMITTEE FINANCE

FROM: CAROLINE HALUALANI BRIGHT
Kupa'aina of Ha'iku Valley
Kupuna, Komomua 'Ohana

SUBJECT: Support for House Bill No. 2704, H.D. 1, Establishing Ha'iku Valley Preserve

The lands at Ha'iku Valley were given to my ancestors, Chief Komomua and High Chiefess Koaomokumoku o He'eia, centuries ago by Kamehameha the First. Our extended family, all of their descendants, now numbers in the thousands. Some of our family members lived up mauka, in the valley, and were relocated further makai of the valley until the 1940s, when the military came in to build the Naval Station up there.

I know this valley is very sacred to our people, because it has many burials and heiau throughout the area. I am 83 years old and I remember, as a young girl, my grandmother was a healer. She would send my uncle up into the valley, and I would go with him to gather medicinal plants. She would send my aunty to the ocean to gather plants from the sea, and would combine the plants to make medicine for our people.

So I feel this valley is very important and should be set aside as a preserve, to protect our cultural areas and the Hawaiian plants that I know are still in there, hidden behind the bamboo. My tutu told me that some Hawaiian plants can only be found in their own natural environment, and would only grow there and no where else.

I support this bill, and ask only that you include add enough money to start this cultural preserve.

Mahalo for this opportunity to give my testimony.



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

LATE

February 26, 2008

To: Rep. Marcus Oshiro, Chair, and Members
House Finance Committee

From: Mahealani Cypher, President
Ko'olaupoko Hawaiian Civic Club

Subject: Support for H.B. 2704, H.D. 1, Relating to Ha'iku Valley

Aloha mai kakou. The Ko'olaupoko Hawaiian Civic Club strongly supports House Bill 2704, House Draft 1, which would create the Ha'iku Valley Cultural Preserve Commission and initiate the process of establishing a preserve in Ha'iku Valley.

While we understand that the Legislature and the Administration are struggling this year with the many demands on our state budget, we urge you to pass and fund this important legislation. The people of Kane'ohe have quietly observed millions of dollars being allocated to other communities for land conservation or other purposes, and we are thinking – are we doing all we can to safeguard our own lands of value and importance to our people?

We have come to realize that, in Kane'ohe, we really do have a special place which should be protected and restored to as an important cultural, environmental and educational resource: this valley known as Ha'iku. It has such great potential benefit not just to the keiki of our area, for the large Windward communities from Makapu'u to Kahuku, and for all the people of this state.

Already eligible for the national register of historic places is the OMEGA Station. It was one of only eight such communications facilities in the world which transmitted signals to aircraft and ships at sea. Ever since the state received control of the property from the Coast Guard some years ago, the buildings on this property have not been safeguarded and there has been extensive damage and vandalism done to the building.

Passage of this bill will enable us to work to secure the building and property from further vandalism, and to develop the entire area as a rich, cultural, and living learning environment in for cultural, environmental and educational purposes. Its proximity to a large urban community ensures its availability and benefit to the surrounding population for positive uses.

Please support this bill, and provide adequate funding to enable this cultural preserve to be established. Mahalo.

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