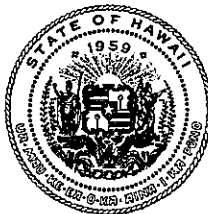
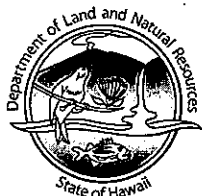


HB 2704 HD2

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 CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

On House Bill 2704, House Draft 2 - Relating To Ha'iku Valley

**BEFORE THE SENATE COMMITTEES ON
WATER AND LAND,
AGRICULTURE AND HAWAIIAN AFFAIRS,
and
JUDICIARY AND LABOR**

March 17, 2008

House Bill 2704, House Draft 2, establishes the Ha'iku Valley Cultural Preserve Commission to have policy and management oversight of Ha'iku Valley. The Department of Land and Natural Resources supports this measure in its present form and 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.

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 SENATE COMMITTEES ON AGRICULTURE AND HAWAIIAN
AFFAIRS, WATER AND LAND AND JUDICIARY AND LABOR

ON H. B. 2704, H.D. 2

RELATING TO HA'IKU VALLEY

March 17, 2008

Chair Tokuda, Chair Hee, Chair Taniguchi and Members of the
Joint Committees:

The Department of Hawaiian Home Lands (DHHL) supports the general intent of H.B. 2704, H.D. 2, 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.



HB 2704, HD2 RELATING TO HA'IKU VALLEY
Senate Committee on Agriculture and Hawaiian Affairs
Senate Committee on Water and Land
Senate Committee on Judiciary and Labor

March 17, 2008

2:45 p.m.

State Auditorium

Aloha Chairs Tokuda, Hee, and Taniguchi, Vice Chairs English, Kokubun, and Hee, and members of the Committees. I am Clyde Namu`o, Administrator of the Office of Hawaiian Affairs.

The Office of Hawaiian Affairs (OHA) **SUPPORTS, with Amendments,** HB 2704, HD2 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-Lulukū 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.

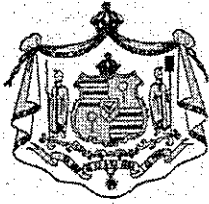
OHA has substantive obligations to protect the cultural and natural resources of Hawai`i for its beneficiaries, the people of this land. Part of this mission is to identify and protect traditional cultural landscapes which serve as the last vestiges of meaningful connections with the ancestors of Hawai`i and the unique and fragile natural, cultural, and historical resources these connections rely upon. H.B. 2704, HD2 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.

We urge that your Committees amend the bill as follows.

- In Section 2 of the bill, amend § -9 by, on page 8, line 3, deleting "department of land and natural resources" and using instead the word "office" (so as to refer to the Office of Hawaiian Affairs for the sake of accuracy). Also, on page 8, line 19, delete the word "and" following the word "cumulative" as the word "and" is unnecessary and unclear.
- In Section 3 of the bill, change "Ha`iku valley cultural preserve commission" on page 3, line 21 of page 3 to simply "Ha`iku valley cultural preserve," because the Preserve, not the Commission, would be conveyed pursuant to Section 3. (Note however that the reference to the Commission on line 18 of page 21 is correct and should not be changed.)
- In Section 5 of the bill, on page 12, line 11, instead of stating "This Act shall take effect on July 1, 2020," say, "This Act shall take effect upon its approval; provided that section 4 shall take effect on July 1, 2008."

OHA urges your Committees to PASS HB 2704, HD2 with the above amendments. Thank you for the opportunity to testify.



Association of Hawaiian Civic Clubs
P. O. Box 1135
Honolulu, Hawai`i 96807

TESTIMONY OF LEIMOMI KHAN, PRESIDENT
IN SUPPORT OF

HB 2704, HD 2 - RELATING TO HA`IKU VALLEY

**SENATE COMMITTEES ON AGRICULTURE AND HAWAIIAN AFFAIRS;
WATER AND LAND; AND JUDICIARY AND LABOR**

Hearing date and time: Monday, March 17, 2008 2:45 p.m. ; In person testimony

March 12, 2008

Aloha Chairperson Ito, Vice-Chairperson Sagum, and members of the House Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

The Association is a growing national confederation of fifty-three Hawaiian Civic Clubs, located throughout the State of Hawai`i and in the States of Alaska, California, Colorado, Illinois, Nevada, Utah, Virginia and Washington State. It initiates and works to support actions that enhance the civic, economic, educational, health and social welfare of our communities, and in particular, the culture and welfare of the Native Hawaiian community.

Thank you for this opportunity to testify in strong support of House Bill 2704, House Draft 2, which would establish the Ha`iku Valley cultural preserve commission to have policy and management oversight of the Ha`iku Valley cultural preserve.

On October 29, 2005, the Association passed Resolution 2005-28, "Urging the Association of Hawaiian Civic Clubs to Support the Establishment of Cultural Preserves in Halawa and Ko`olaupoko, O`ahu. Resolution 2005-28 identified Ha`iku Valley as wahi pana, sacred land. It also made note of the fact that many wahi pana show only remnants of their former glory, but are still consecrated and worthy of our care and respect.

The Association agreed with a basic premise of the Resolution, which is that to malama, or care for na wahi pana is to perpetuate our existence as a living Hawaiian culture, and that cultural preserves should be established to protect these areas. This is consistent with language in the bill, which states at Section 1: "The establishment of the commission will provide a system that recognizes the valley's unique challenges and preserves in perpetuity its cultural and historic resources for the people of Hawai`i."

The Association's member club, the Ko`olaupoko Hawaiian Civic Club, has advocated a Ha`iku Valley cultural preserve management regime for decades. We have

consulted with the leadership of our member club and they support the amendments contained in Standing Committee Report No. 1023-08 except that we strongly urge the following:

- 1) That either Section 4 or 5 be amended to provide that either OHA or the Commission is empowered to develop a partnership or MOU among the landowners in the valley to establish the preserve.
- 2) That the effective date of this legislation be July 1, 2008 instead of July 1, 2020.
- 3) That there be an appropriation to underwrite the costs of two staff and contract hires for security, as well as for temporary office space, approximately \$100,000.

We urge this Committee to support this bill with the three changes suggested above . Thank you for hearing this bill and thank you for this opportunity to testify.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.537.9019 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON AGRICULTURE AND HAWAIIAN AFFAIRS
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT
SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
March 17th, 2008, 1:15 P.M.

(Testimony is 4 pages long)

TESTIMONY IN SUPPORT OF HB 2843 HD2

Chairs Tokuda, Menor, and English and members of the committees:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports HB 2843 HD2, providing additional funding for invasives inspections by expanding the inspections fee to include freight brought into the state based on net weight. **The nexus between Hawaii's ports of entry and alien species introductions could not be more clear. This measure makes that connection by expanding the existing importation fee to cover freight brought into the state.**

We believe that the adequate funding for the control and prevention of invasive species has been lacking for too long. As a result, Hawaii's residents, businesses, and agricultural operations are footing the bill. Estimates by one state biologist show that alien pests cost residents and the agriculture industry upwards of \$400 million annually.

Hawai'i is losing the war on alien species. Some alien species, such as miconia, threaten to destroy watersheds and native ecosystems, jeopardizing freshwater supplies and pushing species to extinction. Other alien species, such as the coqui frog and dengue and its carriers, threaten our health, tourist industry, and our quality of life. Of particular concern is the introduction of the brown tree snake—a snake that nearly wiped out the native bird population on Guam.

Invasive pests from the Asia and the US mainland wreck havoc on native ecosystems. The cost—both economic and environmental—of introduced species in Hawai'i is astronomical. Tourism, agriculture, native species, and citizens' way of life are threatened with each new introduction. Sufficient funding to reduce introductions is clearly warranted; this is one area where an ounce of prevention is worth many pounds of cure.

The following pages contain articles highlighting the magnitude of Hawaii's invasive species problem. The first, from the February 7th, 2001 *Honolulu Advertiser*, describes the failure of the current mitigation methods efforts at the Kahului airport. The second, from the December 15th, 2005 *Honolulu Advertiser*, explains the dire situation with a recently introduced pest, the erythrina gall wasp, and the native wiliwili tree. Both make the case for expanded invasive species funding.

Thank you for the opportunity to testify.

Airport inspectors find plenty of trouble

By Timothy Hurley

Advertiser Maui Bureau

February 7, 2001

KAHULUI, Maui — A trial period of beefed-up agricultural inspections under way at Kahului Airport has turned up hundreds of insects and diseases, many not known to occur in Hawai'i.

State agriculture officials said yesterday that inspectors have returned contaminated shipments to the Mainland and have destroyed others as part of an effort to see exactly what's needed to intercept alien species at an airport that is soon expected to be accepting international flights.

At the same time, they said, the project may shed some light on weaknesses that may exist at inspection points at other ports of entry across the state.

Agriculture officials described their pest risk assessment study last night at a meeting sponsored by the Maui Invasive Species Committee and the Maui Farm Bureau.

The effort, they said, is being financed by \$300,000 in Federal Aviation Administration money and features more inspectors and dog teams, a doubling of the staff at Kahului Airport. The project was launched in late September and will continue during intermittent three- and four-week periods for a year.

Lyle Wong, Plant Industry Division administrator, said workers are conducting a 100 percent inspection of all incoming domestic flights and air cargo containers of agricultural products such as fresh fruits and vegetables and also are looking at aircraft cabin cargo and wheel wells.

Specifically, inspectors are looking for plant materials, insects, animals and other organisms that could wreak havoc on Maui's environment and crops.

Entomologist Neil Reimer said that Kahului Airport inspectors intercepted 90 plant diseases and 844 insects, mites, snails and other pests from Sept. 25 to Dec. 15. That compares to typical results of 1,200 interceptions a year islandwide.

Of the 844 pests, nearly 200 of them are not known to occur in Hawai'i, Reimer said, and about 200 more were too immature to be identified. The rest already are established in the Islands.

Lloyd Loope, U.S. Geological Survey scientist stationed at Haleakala National Park, said the numbers indicate the inspection system is "a leaky sieve."

"We're finding out just how leaky it is," Loope said.

The best solution for Hawai'i seems to be to push for pre-inspections before goods leave the Mainland, he said.

"Otherwise, Hawai'i will continue to accumulate a host of pests that impact all aspects of life and business in Hawai'i," Loope said.

When state officials announced plans to expand Kahului Airport 10 years ago, some critics questioned the wisdom of accommodating international flights and even more Mainland flights without a more serious quarantine effort to prevent invasive alien pests.

The critics complained that the existing inspection system was inadequate and getting less effective over time because of budget cuts.

More than two years ago, state and federal authorities signed an agreement on preventing introduction of alien species at Kahului Airport. A team of representatives from state and federal agencies, the airline industry and the Maui tourism industry was formed to look at the issue, and an Alien Species Action Plan was formulated.

Reimer said preliminary data show plants present a higher risk of bringing in pests, while passengers and baggage are a lower risk.

Fred Kraus, the state's alien species coordinator, said increased port-of-entry inspections statewide would help filter out many pests, including an increasing number of snakes.

Scientists have said more than 15 new pest species become established in Hawai'i each year.

Honolulu Advertiser

Thursday, December 15, 2005

Scientists step up battle to save wiliwili

By Jan TenBruggencate

Hawai'i researchers and plant experts are working in laboratories, gardens, native forests and soon even in Africa toward a common goal of saving the embattled Hawaiian wiliwili tree, which is being threatened across the state by a mysterious bug called the erythrina gall wasp.

The almost microscopic wasps appeared in Hawai'i only this year and have invaded all the main islands. They are soon expected to be everywhere wiliwili is found in the wild landscape.

"They're so tiny and they're spread on winds, so it just seems they're going to reach every population," said Honolulu botanist Maya LeGrande, who specializes in wiliwili. She said wiliwili is the only native dryland tree species that is still widespread.

The urban landscape is suffering, too. Native wiliwili and its relatives, sometimes known as coral trees, are popular landscaping plants that belong to the genus *erythrina*. Many of trees in parks and along streets in Honolulu and across the state are now bare, their branch tips overtaken by misshapen lumps, or galls, that are unformed leaves, swollen in reaction to eggs injected by the female wasps.

Scientists, foresters, landscapers and natural-resources managers launched a statewide multi-agency response soon after the bug was first noticed on O'ahu in April. But the wasp has spread so rapidly and its impacts are so severe that saving the wiliwili in the Hawaiian dry forest is in doubt.

Some botanists say a biological control — a disease or another insect that attacks the wasp — is the wiliwili's best hope, but state entomologists say it could be years before such a remedy could be approved for release, even if one is found soon.

The next best hope is that something already in the Hawaiian environment will identify the wasp as prey and begin attacking it.

But scientists wonder if there's time, and they are leading a complex series of efforts to bring living plant material into storage, to protect plants still in the wild and to find the magic biological bullet as soon as possible.

Alvin Yoshinaga, who runs the Center for Conservation Research and Training at the University of Hawai'i's Lyon Arboretum, is taking delivery of tens of thousands of seeds from hundreds of populations of wiliwili around the state as part of an effort to preserve the genetic diversity of the wild plants.

"We're refrigerating or freezing them. We're splitting the collections into three different locations," said Lauren Weisenberger, who oversees the arboretum's seed conservation lab. Wiliwili seeds germinate at a high rate and should survive for several years in cold storage, she said.

Scientists at the National Tropical Botanical Garden's new tissue culture laboratory in Lawa'i Valley on Kaua'i are trying a different tack. They are growing rare relatives of wiliwili in a sterile lab, then clipping off bits of leaf and placing them on agar in test tubes and petri dishes. If they can develop

techniques to grow erythrina from sterile plant tissue in the lab, they can keep species alive indefinitely in bug-proof rooms.

"If we can do this, we can keep it safe until the gall wasp is controlled in the wild," said Ellen Coulombe, administrative assistant in the garden's conservation department.

The National Tropical Botanical Garden and the Waimea Valley Audubon Center on O'ahu together have the world's largest collection of wiliwili and other erythrina. Each garden has more than 80 species, and both are working hard to protect their collections.

Waimea botanist David Orr said his gardeners drenched their plants with an insecticide called imidacloprid, which enters the plant's tissues and may protect it against the wasps.

"I'm really amazed at our results. Our plants are doing pretty well," he said.

State foresters with the Department of Land and Natural Resources are experimentally treating wild trees at Kekaha, Kaua'i, and Wai'anae, O'ahu, with applications of imidacloprid. Similar treatments at the National Tropical Botanical Garden, however, have not been that successful.

It is clear that some wiliwili cousins, notably some thick-leaved species from Africa, appear to be naturally resistant.

On Dec. 24, state Department of Agriculture entomologist Mohsen Ramadan will fly to Tanzania in Africa, where there are known to be relatives of the erythrina gall wasp. His goal is to find other insects that naturally attack the gall wasp and might be effective in controlling the pest in Hawai'i. Other insect experts are looking in Kenya and elsewhere in Africa.

"The rainy season will be starting there and plants will be beginning to flush. That will be a good time to be looking for the wasps," said Neil Reimer, plant pest control branch manager at the Department of Agriculture.

"I am confident that there are parasites in Africa and that we can get them."

But that's just the first step. Reimer said it could take several years to completely test any parasites to be sure they don't threaten native Hawaiian insects.

University of Hawai'i entomologist Russell Messing said scientists still don't clearly understand the interaction between the gall wasp and the wiliwili plant.

"The thing that's tricky about the project is you can have entire communities of things living within a gall. There's a lot of biology that needs to be done," Messing said.

**HAWAII FARM BUREAU FEDERATION
2343 ROSE STREET
HONOLULU, HI 96819**

March 17, 2008

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND HAWAIIAN AFFAIRS/
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT/
SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

TESTIMONY ON HB 2843, HD 2
RELATING TO INVASIVE SPECIES

Chair Tokuda, Menor and English and Members of the Committee:

My name is Alan Takemoto, Executive Director, of the Hawaii Farm Bureau Federation, which is the largest non-profit general agriculture organization representing approximately 1,600 farm and ranch family members statewide.

The Hawaii Farm Bureau Federation supports HB 2843, HD 2, which expands the items subject to the inspection fee and makes other amendments.

Invasive species have become one of the most devastating problems impacting Hawaii's agricultural industry. Invasive species have negatively impacted both Hawaii's environment and economy. The demise of the native wili wili tress, the recent infestation of imported Christmas trees, coqui frog, and others pests and diseases chronically devastate our agricultural crops. DOA's biosecurity program is a comprehensive plan to address our food security and invasive species control in Hawaii.

Thank you for allowing us to testify on this measure.



KO`OLAU FOUNDATION

March 17, 2008

TO: Senator Jill Tokuda, Chair/& Members
Committee on Agriculture and Hawaiian Affairs

Senator Clayton Hee, Chair/& Members
Committee on Water and Land

Senator Brian T. Taniguchi, Chair/& Members
Committee on Judiciary and Labor

FROM: Leialoha "Rocky" Kaluhiwa, President 
Ko`olau Foundation

RE: Testimony in Support of H.B. 2704, H.D. 2, RELATING
TO HA`IKU VALLEY

Aloha Chairs Tokuda, Hee, Taniguchi, and Committee members:

The Ko`olau Foundation strongly supports passage of House Bill 2704, House Draft2, which would provide for the establishment of a cultural preserve commission for Ha`iku Valley.

Our organization's goal is the preservation and perpetuation of the culture, history and heritage of our islands' first people, our native Hawaiians. We feel this bill would restore this wonderful cultural, environmental and educational resource to our community.

My family and I are deeply connected with Ha`iku Valley. We are kupa`aina, longtime residents of this area for almost 200 years. We have been saddened to see the valley made *kapu*, off-limits, to us and others since the Coast Guard closed the OMEGA Station some years ago. It has become a place for vandalism and other pono`ole behavior. The historic buildings on the property have been severely damaged.

This valley needs a unified oversight body to ensure that its resources are protected and cared for with aloha and with concern for future generations. We ask the Senate to approve this bill, but to change the effective date to July 1, 2008, add wording to clearly press for a partnership or other arrangement among the three major landowners, and provide some minimal support funding to staff the commission and provide security and other necessary start-up resources.

KO'OLAU FOUNDATION

Testimony on H.B. 2704, HD2

Page 2

We appreciate your taking the time to review this matter, and ask your kokua to approve this bill.

Mahalo for your kokua.

P. O. Box 4749
Kaneohe, HI 96744
Ph. (808) 286-7955
Email: rockyfromheeia@aol.com



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

March 17, 2008

Senator Jill Tokuda, Chair/& Members
Committee on Agriculture and Hawaiian Affairs
Senator Clayton Hee, Chair/& Members
Committee on Water and Land
Senator Brian T. Taniguchi, Chair/& Members
Committee on Judiciary and Labor

Re: Testimony in Support of H.B. 2704, HD2, Relating to Ha`iku Valley

Aloha mai kakou!

The Ko`olaupoko Hawaiian Civic Club strongly supports passage of House Bill 2704, House Draft 2, which would establish a cultural preserve in Ha`iku Valley, which is in the ahupua`a of He`eia, moku Ko`olaupoko, O`ahu.

Our club was established in 1937 and works to perpetuate and preserve native Hawaiian cultural practices, history and heritage. He`eia ahupua`a is one of nine around Kane`ohe Bay where our civic club works to educate the community about the rich heritage of our beautiful `aina.

We have worked long and hard to ensure that the cultural and environmental resources of Ha`iku Valley and protected and preserved for present and future generations to appreciate and enjoy, and we feel that this bill will go far to help us achieve that goal. It would provide a convenient venue to teach school students and the broader community, and to provide an uplifting healing environment for all people.

We would like to ask that the bill be further amended, however, to include the following three changes:

- 1) Amend either Section 4 or Section 5 to specifically state that either OHA itself or the Commission is empowered to develop a partnership or MOU among the landowners in the valley to establish the preserve. We noted that the purpose clause in Section 1 identifies the fact that there are multiple

owners, but there is no language in the enabling portion of the bill to address this.

- 2) Change the effective date to July 1, 2008.
- 3) Add sufficient funding to provide minimal staffing, security, and resources to enable the commission to function and provide better protection for the buildings.

Otherwise, we think this is a good bill and we urge your approval with the changes we have offered.

Mahalo for this opportunity to offer our mana`o.

Me kealoha pumehana,

A handwritten signature in cursive script, reading "Mahealani Cypher".

MAHEALANI CYPHER
President

P. O. Box 664
Kaneohe, HI 96744
Ph. (808) 235-8111
koolaupokohcc.org

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON AGRICULTURE AND HAWAIIAN AFFAIRS,
WATER AND LAND, AND JUDICIARY AND LABOR
ON
HOUSE BILL NO. 2704, H.D. 2

March 17, 2008

RELATING TO HA'IKU VALLEY

House Bill No. 2704, H.D. 2, establishes a Ha'iku Valley Cultural Preserve Commission in the Office of Hawaiian Affairs, which will have policy and management oversight of the Ha'iku Valley cultural preserve in preserving and protecting the valley's cultural, archeological, historical, and environmental resources.

The bill further establishes a Ha'iku Valley Cultural Preserve Trust Fund to be administered by the Office of Hawaiian Affairs. The fund is to be used to carry out the purposes of the Commission, including hiring employees, specialists and consultants. Revenues for the fund would come from the federal government, legislative appropriations, private contributions, and interest. The bill makes an unspecified general fund appropriation to be expended by the Office of Hawaiian Affairs for the purposes of the Act. While the Commission is authorized to set, charge and collect administrative fines, it is not stated what happens to the funds once collected.

As a matter of general policy, this department does not support the creation of any trust fund that does not meet the definition in Section 37-62, HRS, which states that a trust fund is a fund in which designated persons have a beneficial interest or equitable ownership; or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes. Under this bill,

the fund is to carry out the purposes of the Commission; however, it is difficult to determine whether the sources of funding will be realized to continue the fund. It does not appear that the proposed fund meets the definition of a trust fund and appropriations from the general fund may be required.

testimony

From: Ken Conklin [ken_conklin@yahoo.com]
Sent: Wednesday, March 12, 2008 7:07 PM
To: testimony
Subject: Senate Hearing Monday March 17 re HB 2704, HD2

testimony@capitol.hawaii.gov

Aloha PAR people,

Below the line is testimony I'd like to submit for the following hearing to the members of all three committees WTL/AHW/JDL Re: HB 2704, HD2

DATE: Monday, March 17, 2008
TIME: 2:45 P.M.
PLACE: Conference Room 414

Thank you for helping Hawaii's people express our views to our Legislators.

Ken Conklin

Kenneth R. Conklin, Ph.D.
46-255 Kahuhipa St. Apt. 1205
Kane'ohe, HI 96744
tel/fax (808) 247-7942
e-mail Ken_Conklin@yahoo.com

=====
TO: THE SENATE
COMMITTEE ON AGRICULTURE AND HAWAIIAN AFFAIRS Senator Jill N. Tokuda, Chair COMMITTEE ON WATER AND LAND Senator Clayton Hee, Chair COMMITTEE ON JUDICIARY AND LABOR Senator Brian T. Taniguchi, Chair

Date: March 12, 2008

Re: HB 2704, HD2
RELATING TO HA'IKU VALLEY.

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

From: Kenneth R. Conklin, Ph.D.
46-255 Kahuhipa St. Apt. 1205
Kane'ohe, HI 96744
tel/fax (808) 247-7942
e-mail Ken_Conklin@yahoo.com

Aloha Chairs Tokuda, Hee, and Taniguchi; members of the committees, and members of the public,

I must strongly object to certain provisions of SB 2727 HD2 relating to Ha'iku Valley.

For 15 years I have been a resident of Kane'ohe, and have visited Ha'iku Valley on many occasions.

Every time I stand at my doorway, I see the majestic Ko'olau peaks of Ha'iku Valley. I'm often blessed to see the rains and mists moving slowly across the landscape, with perhaps 20 waterfalls and occasionally a rainbow. It's easy to recognize the gods here -- that's why I have chosen to live here. The "Stairway to Heaven" is visible from my doorway when the sun shines on it at the right angle. I worked for a time with a community group in the 1990s trying to find a way to create a preserve to protect historical, natural, and cultural aspects of the valley; and I toured the old Omega Station and an outbuilding used

as a workshop/garage -- buildings which would be good for a museum, cultural center, or place for launching hikes.

While I applaud the effort to resolve jurisdictional conflicts in Ha'iku Valley and to preserve historical, natural, and cultural resources, I vehemently oppose (1) the effort to place the valley under the control of a racially and ideologically stacked commission, under the auspices of OHA; and (2) to turn over the valley to fee-simple ownership by OHA; and (3) to single out one particular racial group and its cultural heritage as the sole source of value for historic and cultural preservation.

Ha'iku Valley belongs to all the people of Hawaii, and should stay that way. Ha'iku Valley has been used for a variety of agricultural, cultural, and religious purposes by people of various racial heritages. May it always be so! That's why this bill must be rejected.

It appears that this bill is a trojan horse for establishing Hawaiian sovereignty in Ha'iku Valley and could very likely result in a loss of rights for access to the valley by people lacking Hawaiian native blood, and loss of the right to engage in any agricultural or religious activities other than taro growing and worshipping the Hawaiian or Christian gods.

I believe this entire bill should be thrown in the trash because it is hopelessly laced with racist provisions. But if the committee is determined to pass this bill in some form or other, then here are some proposed deletions and insertions:

Section 1: Delete the word "native" in sentence #1. The valley is indeed "of significant cultural and historic importance to ALL the people of Hawaii" -- Insert the word ALL.

In section 2, the proposed new chapter of HRS:

Title of the chapter should not designate Ha'iku Valley as exclusively a cultural preserve, but a rather a combination natural and cultural preserve. Subsection 3 has a list of enumerated purposes which clearly shows this is a natural preserve, not only a cultural preserve.

Subsection 1: Remove OHA as administrator of this chapter.

Subsection 4: "Office" [OHA] should be removed and replaced by DLNR

Sec. 5: The Commission. It should NOT be placed under OHA but under DLNR.

The requirements for selecting the 9 members of the commission are currently written to guarantee a racial majority of ethnic Hawaiians. The provisions cited here guarantee that at least seven of the nine members of the commission will be ethnic Hawaiians, even if the CC Honolulu representative in item #4 and the BLNR representative in item #5 might possibly not be. It is legally and morally bad for our multiracial, multicultural society to have any government commission where 7 out of 9 members are statutorially required to be of one particular racial group.

Sec. 6 item #5 should remove race-specific language and allow the Commission to enter into curator or stewardship arrangements with ANY cultural or environmental groups regardless of their specific race or culture. Many races, cultures and religions should be involved in preserving Ha'iku Valley and helping it to thrive for educational, cultural, and spiritual purposes.

Sec. 7 allows farming activities. Of course the writers of the bill have in mind that the land should be used for taro production; however, it should be noted that rice production and animal farming were also done here historically. So this section should avoid creating the impression that taro is the only farming activity likely to be allowed under management as envisioned. This section should specifically mention taro, rice, cattle, and poultry farming as examples of what would be permitted. Farmers who sell their produce should be required to pay a percentage of their gross revenue to the state for commercial farming use of the land. Subsistence farmers who only use their products to

feed their own families would not be selling it and therefore should pay only rent for the privilege of using our land.

Section 12, subsection 3 (page 11) "Transfer" should be deleted entirely, because it contemplates turning over the entire valley to OHA. Specifically it says:

"The office of planning and the department of the attorney general, after consulting with the Haâ€šïku valley cultural preserve commission, are authorized to initiate the conveyance of all of the Haâ€šïku valley cultural preserve in fee simple to the office of Hawaiian affairs"

Such a provision must never be allowed to pass, because the issue of how to chop up the lands and resources of Hawaii to be divided between the State of Hawaii and the Akaka tribe is a matter for negotiated settlement, not a matter for outright give-away even before such negotiations begin.

I am strongly opposed to taking any public lands now belonging to all the people of Hawaii and transferring them to a racially exclusionary governmental or private agency.

I note that the closing line of this bill says

"This Act shall take effect on July 1, 2020."

While I appreciate the fact that I will have 12 more years to enjoy this land before it is taken away from me, I also note that this line makes the bill a "sleeper." That is, it allows the bill to be enacted and then forgotten until Rip Van Winkle awakens to discover that his land has been stolen. This sleeper provision in effect binds future legislatures to the decisions made by this one. Here is improved language:

"This Act shall not take effect until July 1, 2020, and then will take effect only if a resolution affirming it is passed at that time."

PLEASE HAVE COURAGE TO EXERCISE YOUR RESPONSIBILITY TO REPRESENT THE INTERESTS OF ALL HAWAII'S PEOPLE, NOT JUST A VOCAL AND POWERFUL MINORITY. PLEASE DEFEND US AGAINST RACIAL SEPARATISM AND ETHNIC NATIONALISM.

See my book:

"Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State" available at the library or through webpage <http://tinyurl.com/2a9fqa>

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testimony

From: Mary Ikagawa [mikagawa@hawaii.edu]
Sent: Saturday, March 15, 2008 12:30 PM
To: testimony
Subject: Testimony on HB2843

TO: SENATE COMMITTEE ON AGRICULTURE AND HAWAIIAN AFFAIRS

FROM: Mary Ikagawa, Kailua, Oahu

IN SUPPORT OF House Bill 2843, House Draft 2 – RELATING TO INVASIVE
SPECIES

Scheduled for March 17, 2008 1:15 P.M. in Conference Room 224

Aloha Senator Tokuda and members of the Committee,

Given the enormous costs that accrue over time from invasive species, it is in everyone's best interests to find a mechanism to pay to prevent such animals and plants from entering Hawaii, and to control those that do enter while populations are still small. This bill provides an appropriate source of such funding. Please support HB2843.

To: Senator Jill Tokuda, Chair
Senator J. Kalani English, Vice Chair
Committee on Agriculture and Hawaiian Affairs

Senator Ron Menor, Chair
Senator Gary Hooser, Vice Chair
Committee on Energy and Environment

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair
Committee on Transportation and International Affairs

Honorable Committee Members

From: Ralph C. Boyea, Legislative Advocate, Hawai'i County Council

Subject: Joint Committee Hearing on Monday, March 17, 2008, 1:15 p.m.

Testimony in favor of HB 2843, HD2 RELATING TO INVASIVE SPECIES

On behalf of the Hawai'i County Council, I ask that you to pass House Bill 2843, HD2. This Bill expands the collection of the inspection, quarantine and eradication service fee to include any freight transported into the State of Hawai'i.

The Hawai'i County Council is very supportive of any efforts by the State Legislature to control invasive species. In recent years Hawai'i County has been subjected to invasion by coqui frogs, fire ants and apple snails, to name just a few invasive species. All of these species have created significant impact financially, emotionally and culturally. We are also very concerned about a possible future invasion of honey bee mites which could be devastating to our bee farmers and our agricultural industry. Hawaii County has also been invaded by numerous plant species that have literally taken over areas of our land and adversely affected our crops.

We are well aware that the Department of Agriculture needs additional financial support to increase it's efforts in maintaining our biosecurity and in controlling invasive species. We applaud the State Legislature for looking for ways to finance those efforts.

We urge you to pass HB 2843, HD2.