

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 COMMITTEE ON WATER, LAND, OCEAN RESOURCES AND  
HAWAIIAN AFFAIRS

ON H. B. 2704  
RELATING TO HA'IKU  
VALLEY

February 6, 2007

Chair Ito and Members of the Committee:

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

Testimony On H.B. 2704  
House Committees On Water, Land, Ocean Resources and Hawaiian  
Affairs  
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**HB2704, RELATING TO HA'IKU VALLEY**

House Committee on Water, Land, Ocean Resources & Hawaiian  
Affairs

February 6, 2007  
Room: 312

8:30 a.m.

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Aloha Chairman Ito and members of the committee. My name is Clyde Namuo, Administrator to the Office of Hawaiian Affairs. The Office of Hawaiian Affairs (OHA) **SUPPORTS, with Amendments,** H.B. 2704, 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, and the HLID Working Group unanimously supports this bill.

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 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 bill for a proposed House Draft 1:

1. From Section -6 "Responsibilities and duties of the commission" - -- 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 -- 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. All of Section -10 "Administrative violation system" - which would have moved the enforcement



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

We also urge the Committee to insert the words "to preclude" after the word "deemed" in the last sentence of subsection (c) in line 7 of page 10 of the bill, in the proposed HRS section on general administrative penalties, for purposes of clarity.

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

**Report Title:**

Ha'iku Valley

**Description:**

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

HOUSE OF REPRESENTATIVES  
TWENTY-FOURTH LEGISLATURE, 2008  
STATE OF HAWAII

**H.B. NO.**

2704

Proposed  
HD1

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# A BILL FOR AN ACT

RELATING TO HA`IKU VALLEY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that Ha`iku valley on Oahu is of significant cultural and historic importance to the native people of Hawai`i. Ha`iku valley is renowned for its archaeological and other cultural and historic sites, including lo`i, sacred sites, and burial sites, and for the presence of native and endangered flora and fauna. Preserving the valley's cultural and historic resources and educating the public about these resources are of paramount importance.

The legislature further finds that ownership of the valley is segmented among several entities. The valley's segmented ownership and limited stewardship have placed its cultural and

historic resources at high risk. Adequate management of the valley, and appropriate access to the valley, have proven elusive.

The purpose of this Act is to establish the Ha`iku Valley cultural preserve commission, which shall have policy and management oversight of the Ha`iku Valley cultural preserve. 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.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**"CHAPTER**

**HA`IKU VALLEY CULTURAL PRESERVE**

§ -1 **Administration of chapter.** The Ha`iku valley cultural preserve commission and the office of Hawaiian affairs shall administer this chapter.

§ -2 **Definitions.** As used in this chapter, unless the context otherwise requires:

"Commission" means the Ha`iku valley cultural preserve commission.

"Department" means the department of land and natural resources.

"Office" means the office of Hawaiian affairs.

"Valley cultural preserve" means the area designated as Ha`iku valley.

**§ -3 Reservation of uses.** (a) The Ha`iku valley cultural preserve shall be used solely and exclusively for the following purposes:

- (1) Preservation and practice of all rights customarily and traditionally exercised by native Hawaiians for cultural, spiritual, and subsistence purposes;
- (2) Preservation and protection of the area's cultural, archaeological, historical, and environmental resources;
- (3) Rehabilitation, revegetation, habitat restoration, and preservation;
- (4) Education; and
- (5) Other purposes as determined by the commission.

(b) The valley shall be reserved in perpetuity for the uses enumerated in this section. Commercial uses shall be strictly prohibited.

**§ -4 Powers and duties.** The office and other departments and agencies of the State shall be subject to the oversight of the commission with regard to the control and management of the valley cultural preserve. Subject to section

-6, the office shall:

- (1) Implement controls and permitted uses for the valley cultural preserve;
- (2) Enforce this chapter;
- (3) Provide administrative support to the commission; and
- (4) Authorize those of its employees as it deems reasonable and necessary to serve and execute warrants and arrest offenders or issue citations in all matters relating to enforcement of the laws and rules applicable to the valley cultural preserve.

§ -5 **Commission.** (a) There is established the Ha`iku valley cultural preserve commission to be placed within the office of Hawaiian affairs for administrative purposes as provided in section 26-35. The commission shall consist of seven members to be appointed in the manner and to serve for the terms provided in section 26-34; provided that:

- (1) One member shall be a member of the Ko`olau Foundation;
- (2) Two members shall be appointed by the governor from a list provided by the Ko`olaupoko Hawaiian Civic Club;
- (3) One member shall be a representative of the office of Hawaiian affairs;
- (4) One member shall be an official of the city and county of Honolulu appointed by the governor from a list of

nominees provided by the mayor of the city and county of Honolulu;

(5) One member shall be a representative of the board of land and natural resources; and

(6) One member shall be appointed by the governor from a list provided by native Hawaiian organizations.

(b) The chairperson shall be elected from among the members of the commission and by the members of the commission.

(c) The members of the commission shall serve without pay but shall be reimbursed for their actual and necessary expenses, including travel expenses, incurred in carrying out their duties.

(d) Any action taken by the commission shall be approved by a simple majority of its members. Four members shall constitute a quorum to do business.

(e) The commission, without regard to the requirements of chapter 76, may hire employees necessary to perform its duties.

**§ -6 Responsibilities and duties of the commission.** The general administration of the valley cultural preserve shall rest with the commission. In carrying out its duties and responsibilities, the commission:

(1) Shall establish criteria, policies, and controls for permissible uses within the valley cultural preserve;

- (2) Shall approve all contracts for services and rules pertaining to the valley cultural preserve;
- (3) Shall provide advice to the office, the governor, the department, and other departments and agencies on any matter relating to the valley cultural preserve;
- (4) Shall provide advice to the office of planning and the department of the attorney general on any matter relating to the conveyance of Ha`iku valley to the office;
- (5) May enter into curator or stewardship agreements with appropriate Hawaiian cultural and spiritual community organizations for the perpetuation of native Hawaiian cultural, religious, and subsistence customs, beliefs, and practices for the purposes stated in section -3;
- (6) Shall carry out those powers and duties concerning the valley cultural preserve otherwise conferred upon the city and county of Honolulu by chapter 205A;
- (7) Shall adopt rules in accordance with chapter 91 that are necessary for the purposes of this chapter and shall maintain a record of its proceedings and actions;
- (8) May delegate to the executive director or employees of the commission, by formal commission action, such power and authority vested in the commission by this

chapter as the commission deems reasonable and proper for the effective administration of this chapter; and

- (9) May solicit and accept grants, donations, and contributions for deposit into the Ha`iku valley cultural preserve trust fund to support the purposes of this chapter.

**§ -7 Farming.** Section -3 notwithstanding, the commission shall adopt rules pursuant to chapter 91 to permit farming activities in the valley cultural preserve that are consistent with the purpose of this chapter and that take into consideration the health and safety of the general public.

**§ -8 Penalty.** Any person who violates any of the laws or rules applicable to the valley cultural preserve shall be guilty of a petty misdemeanor and shall be fined not more than \$1,000 imprisoned not more than thirty days, or both, for each offense. Each day of each violation shall be deemed a separate offense.

**§ -9 General administrative penalties.** (a) Except as otherwise provided by law, the commission is authorized to set, charge, and collect administrative fines, or bring legal action to recover administrative costs of the commission or the department, or payment for damages, or for the cost to correct damages resulting from a violation of this chapter or any rule



adopted hereunder. The administrative fines shall be as follows:

- (1) For a first violation, a fine of not more than \$10,000;
- (2) For a second violation within five years of a previous violation, by a fine of not more than \$15,000; and
- (3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$25,000.

(b) In addition, an administrative fine of up to \$5,000 may be levied for each specimen of natural resource or any historic property taken, killed, injured, broken, or damaged in violation of any rule adopted under this chapter. For purposes of this section, "natural resource" includes any archaeological artifacts, minerals, any aquatic life or wildlife or parts thereof, including their eggs, and any land plants or parts thereof, including seeds. Also for purposes of this section, "historic property" means any building, structure, object, districts, landscapes, area, or site, including heiau and underwater sites, that is over fifty years old.

(c) Any criminal penalty for any violation of this chapter or any rule adopted under this chapter shall not be deemed to preclude the commission from bringing a civil legal action to recover additional administrative fines and costs.

Any civil legal action against a person to recover administrative fines and costs for any violation of this chapter or any rule adopted under this chapter shall not be deemed to preclude the State from pursuing any criminal action against that person.

(d) In any judicial proceeding to recover an administrative penalty imposed, the commission need only show that notice was given, that a hearing was held or the time granted for requesting a hearing has run without such a request, that an administrative penalty was imposed; and the administrative penalty remains unpaid.

**§ -10 Transfer.** Upon its conveyance to the office, the resources and waters of the valley cultural preserve shall be held in trust by the office as part of the public land trust; provided that the office shall transfer management and control of the valley cultural preserve to the sovereign native Hawaiian entity upon its recognition by the United States and the State.

All terms, conditions, agreements, and laws affecting the valley shall remain in effect unless expressly terminated.

**§ -11 Ha`iku valley cultural preserve trust fund.** (a) There is created in the state treasury a trust fund to be designated as the Ha`iku valley cultural preserve trust fund to be administered by the office with the prior approval of the commission. Subject to this chapter:

- (1) All moneys received from the federal government for purposes consistent with this chapter;
- (2) Any moneys appropriated by the legislature to the trust fund;
- (3) Any moneys received from grants, donations, or the proceeds from contributions; and
- (4) The interest or return on investments earned from moneys in the trust fund;

shall be deposited in the trust fund and shall be used to fulfill the purposes of this chapter.

(b) The commission may use moneys in the trust fund to carry out the purposes of this chapter, including hiring employees, specialists, and consultants necessary to complete projects related to the purposes of this chapter.

(c) Moneys deposited into or appropriated to the trust fund shall remain available until they are obligated or until the trust fund is terminated.

(d) If the trust fund is terminated, all funds shall be transferred to the general fund; provided that all unexpended or unencumbered balances shall be disbursed in accordance with any requirements set by funding sources and for purposes consistent with this chapter.

(e) The commission shall submit an annual report on the status of the Ha`iku valley cultural preserve trust fund to the

legislature, no later than twenty days prior to the convening of each regular session of the legislature. The annual report shall include the total number of and amount of grants, donations, and contributions received and balances remaining on June 30 of each year.

§ -12 **Severability.** If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable."

SECTION 3. The office of state planning and the department of the attorney general, after consulting with the Ha`iku valley cultural preserve commission, are authorized to initiate the conveyance of all of Ha`iku valley in fee simple to the office of Hawaiian affairs; provided that before the valley is conveyed to the office, agreements shall be executed with respect to liability, monetary resources, and removal of hazardous wastes.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$                    or so much thereof as may be necessary for fiscal year 2008-2009 for the purposes of this Act, including but not limited to the acquisition of Ha`iku valley by the office of Hawaiian affairs.

The sum appropriated shall be expended by the office of Hawaiian affairs for the purposes of this Act.

SECTION 5. This Act shall take effect upon its approval;  
except that section 4 shall take effect on July 1, 2008.

# KO`OLAU FOUNDATION

Post Office Box 4749  
Kane`ohe, Hawai`i 96744  
malamapono@aol.com

February 5, 2008

To: Rep. Ken Ito, Chair  
And Members  
House Committee on Water, Land, Ocean  
Resources & Hawaiian Affairs

From: Lawrence Akina, President *la*  
Ko`olau Foundation

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

On behalf of the Ko`olau Foundation, we offer our strong and committed support for the passage of House Bill 2704, which will help protect, preserve and perpetuate the cultural and natural resources of Ha`iku Valley.

This important `aina is a hidden treasure that sits mauka of the communities of Kane`ohe and He`eia. The valley is actually within the ahupua`a of He`eia.

Upon learning of the U.S. Coast Guard's plans to decommission the OMEGA Station about 10 years ago, our foundation conducted outreach into our community during the 1990s to search out the hopes and wishes of the people of Kane`ohe and He`eia regarding the future of Ha`iku Valley.

The Ko`olau Foundation has evolved over the years, and has reinforced its mission to advocate for historic preservation and perpetuation of Hawaiian culture through educational and other programs. Some of us have been actively advocating for our Kane`ohe community, and for Ko`olaupoko, for over 35 years, and we are still involved.

Our members participated in numerous community meetings and in a working group from the Office of Hawaiian Affairs, which worked to create an interpretive plan for cultural areas affected by H-3, such as Ha`iku Valley.

We ask your committees to support this bill, and to also support adequate funding to make this cultural preserve a reality.

Mahalo.



## KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 5, 2008

To: Rep. Ken Ito, Chair  
And Members  
House Committee on Water, Land, Ocean  
Resources & Hawaiian Affairs

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

Subject: In Support of H.B. 2704, Relating to Ha'iku Valley

Aloha mai kakou. Mahalo for this opportunity to offer our strong support for House Bill 2704, which would establish a cultural preserve commission for the preservation and protection of Ha'iku Valley.

The Ko'olaupoko Hawaiian Civic Club has worked long and hard to advocate for the establishment of a cultural preserve in this valley which, until about 10 years ago, was used as a military installation.

We believe the cultural and natural resources of this valley make it an ideal place to establish a living learning environment, a place where we can expose our youngsters to a healthy outdoor classroom, a place that is convenient and easily accessible to area schools and the community.

We believe there is a strength in Ha'iku Valley, a mana that can restore our spirit and inspire our hearts and minds.

There are a number of heiau in this valley, including the most significant – Kanehekili Heiau – which stands at a high point below the pali Ko'olau. At Kane a me Kanaloa Heiau are the burials of kupa'aina, local families who once lived in the valley and who, until recently, regularly visited the gravesites to pay their respects to their iwi kupuna.

We hope to see this dream become a reality, that Ha'iku Valley is restored to the people of Kane'ohē and He'eia, and that it becomes a community resource that safeguards our cultural treasures, restores our native vegetation, and utilizes our natural historic resources valuable learning opportunities.



Among the main purposes of our civic club is to perpetuate the history and heritage of our Hawaiian culture, and we believe we can help achieve that purpose through the establishment of this preserve.

We ask your kokua to pass this bill, and to support funding for what will be needed to get this preserve fully established and operational.

Mahalo for this opportunity to offer comment.

Me kealoha pumehana.

P. O. Box 664  
Kaneohe, HI 96744  
Ph. (808) 235-8111  
[koolaupokohcc.org](http://koolaupokohcc.org)

TESTIMONY ON H.B. 2704, RELATING TO HA`IKU VALLEY

House Committee on Water, Land,  
Ocean Resources & Hawaiian Affairs

Dear Chair Ito and Members:

I am pleased to offer my testimonial in support of the Ha`iku Valley Cultural Preserve Commission.

I have lived my entire life in Ha`iku Valley, and I still live on kuleana land in the valley, just makai of the gate. The auwai of the valley ran right alongside my house down past St. Ann's School all the way to He`eia fishpond.

It was my responsibility, when I was younger, to make sure our kids didn't put their feet in the water at certain times so that the farmers down below would have clean drinking water. My grandfather Ulysses Jones was the last konohiki for water in He`eia ahupua`a, and I kept up with his responsibilities up until the construction of Crown Terrace subdivision, when our families signed off on the water rights to Bishop Estate.

As the eldest child of the Halualani `ohana, my line comes directly from Chief Komomua and High Chiefess Koa o Mokumoku o He`eia.

I am 85 years old, and I would like to see this valley restored to our people for a cultural place, for education, for healing, and to strengthen our spirit.

Please pass this bill and give us the support we will need to make our dream a reality.

Mahalo.

Estelle Halualani Drew

February 5, 2008

TO: REP. KEN ITO, CHAIR  
& MEMBERS  
COMMITTEE ON WATER, LAND, OCEAN  
RESOURCES & HAWAIIAN AFFAIRS

FROM: LEIALOHA ROCKY KALUHIWA  
Lifetime Resident of He`eia Ahupua`a  
Ko`olau Foundation Vice 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, 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, I ask your consideration of one amendment to this bill: please change section 5, item number 6, to have the kupa`aina families submit a list of names for the governor to appoint one of our `ohana to sit on this preserve commission. These kupa`aina families, who lived there on kuleana lands for over 200 years, still reside on Ha`iku Road and in He`eia. I feel their presence is of great importance, and that this change is needed to include their mana`o as part of the commission membership.

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 *Ulumahiehie*, 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, with the change I requested, and support its funding as it moves through the Finance Committee.

*Chris Anderson*  
46-483 Makena St.  
Kāneʻohe, Hawaiʻi 96744  
(808) 247-5571 • [andercox@hawaii.rr.com](mailto:andercox@hawaii.rr.com)

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Monday, February 4, 2008

### **Testimony regarding HB2704, RELATING TO HAʻIKU VALLEY**

#### **To the members of the House Committee on Water, Land, Ocean Resources & Hawaiian Affairs:**

My name is Chris Anderson, and this testimony is sent in strong support of the long-overdue reopening of Haʻiku Valley— as a managed cultural and natural preserve under the stewardship of appropriate government agencies, and in cooperation with committed nonprofits such as The Friends of Haʻiku Stairs, the Koʻolau Foundation, and the Koʻolaupoko Hawaiian Civic Club.

I have lived at the primary “entrance” to Haʻiku Valley for the last 25 years; my home is across from the gate that was built a few years ago to prevent access into the Valley (after the Omega Station was decommissioned). As I write this testimony, that gate, once again, is a puka-filled, torn-up mess that, at best, merely slows the flow of people into the Valley. It injures the clumsy ones, who fall off of it or get snagged on the barbwire, and it diverts the others through nearby holes, or onto adjacent properties, including my neighbor’s, who are understandably frustrated and angry about the situation.

This has gone on for years. The gate has never kept out anyone but the most timid, and it never will, because it is not permanently staffed or maintained. Also, it is not 50 feet high, reinforced with concrete, electrified, and patrolled by packs of starving, vicious guard dogs. Please believe me when I tell you, that is what it would take, and even then enterprising hikers, pig hunters and tourists would just find a way around it. They have for years already, day and night. The desire to hike the Stairway to Heaven or provide food for their families is too strong, and it will not go away. I have watched people go in and out of our Valley for a quarter century now, and there was never a problem until the Coast Guard base was decommissioned and the Valley supposedly “closed” to the public.

Before that, when access was properly managed, people arranged with the Coast Guard for entry, parked up on the base, signed the appropriate waivers, and enjoyed their visits to the aptly named Stairway to Heaven, or to the Omega Station itself. Then they left. They didn’t park on our streets, tramp through our yards, drink water from our hoses without asking, or leave their rubbish on our

sidewalks. This began to happen only in recent years, after the haphazard attempt was made to close the valley to the public.

In the 1980s, I hiked the Stairway with brownie scouts, Bermuda-shorted tourists, and 65-year-old mama-sans. It was not a life-threatening hazard then, and it is in better shape now, since the \$1 million spent on its repair. All we need to make Ha'iku Valley a recreational success again is controlled access, dedicated parking on base, and thoughtful, long-term management.

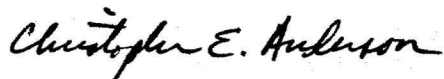
I served on the citizens' visioning committee that collaborated with Wil Chee Planners back in the 1990s to develop just such a plan. It's been sitting in mothballs for a decade now because of the inability of the City & County and the Dept. of Hawaiian Homelands to reach an accommodation about exchange or sale of the land. Ever since, our neighborhoods have paid the price for this governmental gridlock. But our vision for Ha'iku Valley was simple: you manage it basically like you manage Hanauma Bay. Fix it up and maintain it, limit access, provide security and parking, engage nonprofits to help with on-site education and community activities, and charge reasonable fees for the public to get in and use facilities like the Stairway.

Ha'iku Valley can be the natural, cultural, historical and recreational resource that we imagined then, and that HB2704 begins to envision now through establishment of the Ha'iku Valley Cultural Preserve Commission. It's time, finally, to conclude the stalled deliberations that have left the Valley and our community in limbo for years, generating frustration and resentment in my neighbors, allowing the valley to go to seed, and allowing its former military facilities to be vandalized perhaps beyond repair. It's time, finally, to stop depriving the public of a unique cultural, recreational and educational resource.

It's time, finally, to open the Valley again, properly.

I ask respectfully that you support HB2704, and ask your colleagues in the House and Senate to do so as well.

Mahalo,

A handwritten signature in black ink that reads "Christopher E. Anderson". The signature is written in a cursive, flowing style.

Chris Anderson

February 5, 2008

Rep. Ken Ito, Chair  
& Members  
House Committee on Water, Land,  
Ocean Resources & Hawaiian Affairs  
State Capitol  
Honolulu, Hawaii 96813

Subject: H.B. 2704, Relating to Ha`iku Valley

Dear Chair Ito and Members:

As a native Hawaiian cultural practitioner of lawai`a, I speak in strong support of House Bill 2704, which would establish a cultural preserve for Ha`iku Valley.

I have lived my whole life in He`eia-kea, and feel that this valley is very important to our people and toward preserving our culture. My family and I have visited Ha`iku valley many times over the years, and we feel the mana of this `aina whenever we are there. Even from makai, from the oceanside where I live, I know how strong that valley is.

As part of the construction crew for H-3, I was the last guy there watching out for the cultural areas in the valley. That's how I stopped them from destroying Kanehekili heiau, up at the top, when they were building the road coming out of the tunnel.

We have no such place in all of the Kane`ohe-He`eia area. We really need this cultural preserve, not just for ourselves today but also for the next generations to come.

Mahalo and aloha,

JERRY KALUHIWA  
Na Iwi Ola o He`eia-Kea  
Cultural Practitioner

February 6, 2008

TESTIMONY IN SUPPORT OF H.B. 2704, Relating to Ha`iku Valley

Rep. Ken Ito, Chair  
And Members  
House Committee on Water, Land,  
Ocean Resources & Hawaiian Affairs

I wish to speak in strong support of the passage of House Bill 2704, which would create the Ha`iku Valley Cultural Preserve.

I was born and raised in Ha`iku Valley, was married and had all of my nine children in this valley. My son still lives on our family property on Ha`iku Road, as does my sister and my youngest brother.

For most of my life, I have worked with thousands of children of the Kane`ohe and He`eia area, the keiki o ka`aina.

This valley offers a chance for them to learn all about our culture, our history, and the natural environment of Ha`iku and the He`eia ahupua`a.

There are no other places in the Kane`ohe area where they would be able to have all of these things together, these opportunities for enjoying and learning about our area.

We have kahuna la`au lapa`au in our family, and they could return to Ha`iku Valley, once it is a cultural preserve, to teach others about traditional healing practices.

Please support the passage of this bill.

Aloha and mahalo.

Alice Hewett



February 6, 2008

TO: REP. KEN ITO, CHAIR  
AND MEMBERS  
HOUSE COMMITTEE ON WATER, LAND,  
OCEAN RESOURCES & HAWAIIAN AFFAIRS

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

SUBJECT: Support for House Bill No. 2704, 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 a section for the commissioners to allow our kupa`aina families to suggest names of people from our `ohana to serve on this board.

Mahalo for this opportunity to give my testimony.

Caroline Halualani Bright

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**From:** William Sager [mailto:WSAGER@hawaii.rr.com]

**Sent:** Tuesday, February 05, 2008 12:12 AM

**To:** WLHtestimony

**Subject:** Please support HB2704

Please support HB2704.

The future of Haiku Valley hangs in the balance. The status quo is not likely.

Most of the valley is owned to by the Department of Hawaiian Home Lands. The Department's mission is to provide home lots for Hawaiians and to generate income for them. It is reasonable to expect that they would develop the floor of the valley for homes and for light industrial purposes.

The Koolaupoko Hawaiian Civic Club has a different vision for the valley. They want to provide a park that will celebrate the rich Hawaiian culture of the valley.

As part of the mitigation plan for disturbance caused by the construction of H3, There are several million dollars available to help create the park.

Two bills, HB 2704 and SB2727, will help implement the park.

Which vision for Haiku Valley, would you prefer? Should it be residential and light industrial development or a cultural park that would provide opportunities for education, recreation, and for the restoration of native ecosystems.

The Committee on Water Land and Hawaiian Affairs will hold a hearing on HB2704 on 02-06-08 at 8:30 am in House conference room 312. Your testimony is vital if a cultural park is to become a reality in Haiku Valley.

Bill Sager, E.D., Hawaii Conservation Voters

Kaneohe, HI 96744

<http://kaukanawai.blogspot.com>

375-1114

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**From:** Jon Dinsmore [mailto:[jldinsmore@yahoo.com](mailto:jldinsmore@yahoo.com)]  
**Sent:** Monday, February 04, 2008 10:16 PM  
**To:** WLHtestimony  
**Subject:** Testimony for Haiku Stairs

Dear Sirs:

I represent about 30 people of family and friends in this email.

To have Haiku Stairs closed to the public is like closing Hawaii to tourists. Why this has happened, it will never be understood by my family and friends who have thoroughly been enamored with the Stairs. Anyone who has ever taken the time to go up these stairs would admit that it is an extremely spectacular area that should be available to anyone who would like to do it.

Hawaii is a playground for people from all over the world. Why would anyone want to eliminate anything that enhances it's beauty, and attractiveness to our tourists?

Please do everything that you can to reopen these stairs as soon as you can to everyone. You are doing a great thing for the majority of people who are involved in this area, when you do.

Thank you for taking time to read this.

Jon Dinsmore  
239-9992  
[jldinsmore@yahoo.com](mailto:jldinsmore@yahoo.com)

# **FAVOR**

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## **HOUSE WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS COMMITTEE HEARING**

February 6, 2008

Rep. Ken Ito, Chair, & Members

House Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Aloha,

### **RE: HB2704 RELATING TO HAIKU VALLEY**

My name is Jacqueline T. Chong, and am a long time resident of Windward Oahu where we raised our family, and they continue to live and raise their families. I speak on behalf of our family and as a member of the Koolaupoko Hawaiian Civic Club.

We are in support of House Bill 2704 relating to Haiku Valley, which establishes the Haiku Valley cultural preserve commission to have policy and management oversight of the Haiku Valley cultural preserve.

This is a stunning valley deep in cultural and historical resources that needs to be preserved for our future generations.

We ask your support.

Mahalo,

Jacqueline T.Chong

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**From:** clayton kong [mailto:claytonkong@hotmail.com]

**Sent:** Monday, February 04, 2008 2:16 PM

**To:** WLHtestimony

**Subject:** Testimony

i write in SUPPORT of HB2704/SB2727, establishing a cultural preserve commission to have policy and management oversight of the Ha`iku Valley. Ha`iku Valley should be protected because it historic and cultural importance.

clayton kong

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-----Original Message-----

From: Ken Conklin [mailto:ken\_conklin@yahoo.com]  
Sent: Monday, February 04, 2008 2:18 PM  
To: WLHtestimony  
Subject: Correction to bill number: Testimony re HB 2704 related to Ha'iku Valley

TO:  
COMMITTEE ON WATER, LAND, OCEAN RESOURCES &  
HAWAIIAN AFFAIRS  
Rep. Ken Ito, Chair

Date: February 4, 2008

Re: HB 2704 relating to Ha'iku Valley.

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 Chair Ito, members of the committee, and  
members of the public,

I must strongly object to certain provisions of  
HB 2704 relating to Ha'iku Valley.

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; (2) to single out one particular  
racial group and its cultural heritage as the  
sole source of value for historic and cultural  
preservation; and (3) to declare that the valley  
will be transferred to a future race-based  
government if and when that new government  
achieves federal/state recognition.

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.

Sec 1: Remove OHA as administrator of this chapter.

Sec. 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 7 members of the commission are currently written to guarantee a racial majority of ethnic Hawaiians. That is legally and morally bad for our multiracial, multicultural society. Subsection (1) The Ko'olau Foundation is actually an individual known by two names as either Mahealani Cypher or Denise DeCosta, who is President of the Ko'olaupoko Hawaiian Civic Club (a race-based institution); Subsection (2) Two members appointed by the Governor who must be members of that same race-based Ko'olaupoko Hawaiian Civic Club; Subsection (3) one member representing the race-based OHA; and subsection (6) One member appointed by the Governor from a list provided by race-based "Native Hawaiian organizations" -- the provisions cited here guarantee that at least five of the seven members of the commission will be ethnic Hawaiians, even if the CC Honolulu representative in item #4 and the DLNR representative in item #5 might possibly not be.

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; and should require the payment of reasonable rent to the state for commercial or subsistence farming use of the land.

Section 13, subsection 11 (page 11) "Transfer" should be deleted entirely, because it contemplates turning over the entire valley to OHA. Specifically it says:

"the resources and waters of the valley cultural preserve shall be held in trust by the office as part of the public land trust provided that the office shall transfer management and control of the valley cultural preserve to the sovereign native Hawaiian entity upon its recognition by the United States and the State."

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.

Section 13, subsection 3 (page 13 of draft) "Severability" says the valley may be given in fee simple to the Office of Hawaiian Affairs (even in the absence of an Akaka tribe). That must never be allowed to happen, since OHA is a race-based institution.

SPECIAL PLEA TO MEMBERS OF THIS COMMITTEE:

I cannot keep up with all the legislation being proposed to give Hawaii lands, resources, and jurisdictional authority to race-based institutions. But every time you see such



legislation coming before you, please reject it.  
Don't you find the language of this bill  
frightening? You should!

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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