

FRANK KAWAIKAPUOKALANI HEWETT
45-349 Namoku Street
Kane`ohe, Hawai`i 96744

February 23, 2008

Senator Rosalind Baker, Chair
And Members
Senate Committee on Ways & Means
State Capitol
Honolulu, Hawai`i 96813

Re: S.B. 2727, S.D. 1, Relating to Ha`iku Valley

Aloha kakou!

I wish to offer my strong support for the passage of Senate Bill 2727, S.D. 1, which would establish the Ha`iku Valley Cultural Preserve Commission and would provide for the preservation and perpetuation of the rich history, heritage and culture found in Ha`iku Valley, ahupua`a o He`eia, moku o Ko`olaupoko.

Having been born and raised in lower Ha`iku Valley, my na`au is deeply rooted in this `aina and in the spiritual mana that helped nurture me in my childhood years. I was always so inspired by the beauty and majesty of our sheltering Ko`olau pali, standing proudly above all of our kupa`aina families who lived in the area. As a keiki, I played in the streams and roamed through the forests of Ha`iku, always mindful of my kupuna`s admonition to be respectful of this sacred place. There were burials in the area; indeed, our family burials can be found at Kane a me Kanaloa heiau.

Up mauka, at a high point overlooking the valley, is Kahekili Heiau, called by some, "Kanehekili Heiau". Kanehekili was the god of thunder and lightning, and this would have been a fitting name for a temple in a valley where the mana of the storm sounds the echoing drums of thunder and flashes the light of Kane.

On the northern wall of our valley is Kaualehu cave, where again, our ancestors were buried until their relocation sometime last century.

I have been concerned about the future of this valley since before H-3 was built, always hoping that somehow, they would preserve this area because of its many heiau and burial grounds, and because of its great potential for healing, for education, and for enlightenment. Over the years, I have been asked to consult with my `ohana and friends of the Ko`olau Foundation and the Ko`olaupoko Hawaiian Civic Club, as to what was my mana`o for this wonderful `aina. What did I think this valley should have, now that the military no longer controls it?

My mana`o is this: establish this cultural preserve as soon as possible, and provide the support necessary to help develop its potential as I listed above.

I urge you to please support this bill and to give it the funding necessary to enable the realization of this *ulumahie*...this vision for Ha`iku Valley...honoring and respecting our kupuna by creating this cultural preserve for generations to come.

Mahalo for this opportunity to comment.

Malamapono,

FRANK KAWAIKAPUOKALANI HEWETT

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KĀNE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEN HENDERSON
DEPUTY TO THE CHAIRMAN

KAULANA H. PARK
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

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LATE

TESTIMONY OF MICAH A. KANE, CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

ON S.B. 2727, S.D. 1
RELATING TO HA'IKU VALLEY

February 25, 2008

Chair Baker and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports the general intent of S.B. 2727, S.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.



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 22, 2008

Senate Committee on Ways & Means

TESTIMONY IN SUPPORT OF S.B. 2727, S.D.1 Relating to Ha'iku Valley

Aloha mai kakou, Senator Baker and members of this Committee. The Ko'olaupoko Hawaiian Civic Club strongly supports passage of Senate Bill 2727, Senate Draft 1, which would create the Ha'iku Valley Cultural Preserve Commission and lead to the establishment of a new cultural preserve for this very important cultural area that lies mauka of Kane'ohē and He'eia ahupua'a.

With the Ko'olau Foundation and others, our members have worked for many years to seek preservation and protection of the many burials and heiau in Ha'iku Valley. *Kane a me Kanaloa Heiau* is one of the burial grounds for the ancestors of some of our members. As some of you may know, Kane and Kanaloa were two legendary Hawaiian gods responsible for opening springs around the islands, digging into the soil with their o'o sticks.

Our kupuna, in their late 80s and early 90s, point out to us the location of *Kanehekili Heiau*, behind which the H-3 freeway winds down toward Luluku from the tunnel. Kanehekili was the god of thunder and lightning. Na kupuna also tell us this valley served as a hospital in kahiko times. Kahuna la'au lapa'au grew their medicinal plants and people from all over Ko'olaupoko came to the valley to obtain help from the kahuna or medicinal cures. Some of our kupuna members were among those who once gathered healing herbs from the back of Ha'iku Valley at the direction of their elders.

But this valley is also important for its more contemporary history. Just after the start of World War II came the building of the Navy radar facility, the antenna grid, and the later conversion to an OMEGA Station. The radar facility was a top-secret installation and considered essential to national security following the attack on Pearl Harbor in 1941. Some of our members worked with the builders of the station during the 1940s. OMEGA itself was one of eight transmitter stations in the world that communicated with aircraft and ships at sea.

Some have told us that the State Legislature is wrestling with anticipated shortfalls in funding for all of the needs expressed by the administration and the Legislature. We understand and appreciate your challenges.

But we feel strongly that Kane`ohe and He`eia deserve the State's kokua to establish this preserve and protect it from further neglect and damage.

The OMEGA building, considered eligible for listing on the National Register of Historic Places, has been severely damaged because the state – which controls this property – doesn't care enough about these assets to ensure they are safeguarded. It makes us weep to see how that beautiful building, left in immaculate condition with the departure of the Coast Guard, has become a haven for vandals and others looking for an outlet for their destructive behaviors. Every piece of glass, every strip of copper, all of the wall coverings, wiring, doors, windows and other remnants of what might have been recognizable and valuable to this historic building – all of this has been torn out and scattered or stolen through the lack of proper security.

It will now require as much as \$2 million to repair and secure the building, and additional funds are needed to bring in proper security for the area.

We in the community offered years ago to help watch over Ha`iku Valley, but our offer was not accepted. Instead, we have felt unwelcome in this valley, which is so important to our people and which holds great historic and cultural value to all of us.

We urge you please help us protect this precious resource, restore its use to our community, and enable us to malama this `aina as the treasure it is for all Hawai`i nei. We need the funding to get this preservation project started, and appreciate any kokua you can give us to do so.

Mahalo for this opportunity to offer our testimony.

MAHEALANI CYPHER
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**PROPOSED ACQUISITION OF HA`IKU VALLEY
FOR ESTABLISHMENT OF A CULTURAL/NATURE PRESERVE**

**BUDGET JUSTIFICATION
CAPITAL PROJECT DETAILS**

FUNDING AMOUNT REQUESTED						
TOTAL PROJECT COST	ANY OTHER SOURCE OF FUNDS RECEIVED FROM PRIOR YEARS		STATE FUNDS REQUESTED \$2,934,100		FUNDING RECEIVED IN SUCCEEDING YEARS	
	FY: 2006-2007	FY:2007-2008	FY: 2008-2009	FY: 2009-2010	FY: 2010-2011	FY: 2011-2012
PLANS	-	-	165,000			
LAND ACQUISITION	-	-	200,000			
DESIGN	-	-	- 100,000	-	-	-
CONSTRUCTION	-	-	2,400,000	-	-	-
EQUIPMENT	-	-	- 79,140	-	-	-
<p>JUSTIFICATION/COMMENTS: Plans include feasibility study and cost breakdown for cleanup and securing of OMEGA Station and maintenance building; temporary office space. Design work for two outdoor classrooms (kauhale style), fencing and communications for security. Construction costs include cleanup and repair of OMEGA Station and maintenance building, utility connections (electrical, phone, etc.), repaving of section of Ha`iku Road, installation of fencing, gates and communications equipment; construction of two outdoor classrooms (kauhale style). Equipment includes internal transport vehicles, office and communications equipment. Land acquisition funds to acquire small parcels for turnoff points along short strip of Ha`iku Road.</p>						

**PROPOSED ACQUISITION OF HA'IKU VALLEY
FOR ESTABLISHMENT OF A CULTURAL/NATURE PRESERVE**

BUDGET JUSTIFICATION – EQUIPMENT AND MOTOR VEHICLES

Period: July 1, 2008 to June 30, 2009

DESCRIPTION EQUIPMENT	NO. OF ITEMS	COST PER ITEM	TOTAL COST	TOTAL BUDGETED
Computer/printer system	3	2,000	6,000	6,000
Copier/fax/supplies	1	2,000	2,000	2,000
Photo system	1	800	800	800
Communications system	5	300	1,500	1,500
Security system	1	10,000	10,000	10,000
Maintenance tools/trash bins/containers	Var. (9+)	3,300	3,300	3,300
Desks	4	500	2,000	2,000
Chairs (ergonomic office)	4	300	1,200	1,200
Tables (folding)	6	70	420	420
Chairs (folding)	40	30	1,200	1,200
Telephones	6	40	240	240
File cabinets	4	120	480	480
Pickup truck	1	25,000	25,000	25,000
Gater hauling vehicles	2	12,500	25,000	25,000
TOTAL:				79,140

**PROPOSED ACQUISITION OF HA'IKU VALLEY
FOR ESTABLISHMENT OF A CULTURAL/NATURE PRESERVE**

**BUDGET JUSTIFICATION
PERSONNEL – SALARIES AND WAGES**

Period: July 1, 2008 to June 30, 2009

POSITION TITLE	FULL TIME EQUIVALENT	% OF TIME BUDGETED TO REQUEST		TOTAL SALARY BUDGETED IN REQUEST A & B
		A	B	
Executive Director	.50	50,000	50%	25,000
Commission/Staff Secretary	1.00	30,000	100%	30,000
Asst. Exec. Director	1.00	40,000	100%	40,000
Chief of security	1.00	35,000	100%	35,000
Chief of maintenance	1.00	35,000	100%	35,000
Contract services:				
Security	3.00	30,000	100%	90,000
Maintenance	2.00	25,000	100%	50,000
Grants writer	.50	25,000	50%	25,000
TOTAL:	10 fte			\$330,000

**PROPOSED ACQUISITION OF HA'IKU VALLEY
FOR ESTABLISHMENT OF A CULTURAL/NATURE PRESERVE**

**BUDGET JUSTIFICATION
OPERATING EXPENSES**

Period: July 1, 2008 to June 30, 2009

BUDGET ITEM	AMOUNT	COST	DURATION	TOTAL REQUESTED
Commission meetings	10	300	10 mo.	3,000
Sanitoid rental	2	400/mo.	10 mo.	4,000
Telephone	2	60/mo.	10 mo.	600
Water		50/mo.		
Communications	Various	250/mo.	10 mo.	2,500
Miscellaneous		100/mo.	10 mo.	1,000
TOTAL				\$11,000



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

February 21, 2008

To: Sen. Rosalind Baker, Chair, and Members
Committee on Ways & Means
Hawai'i State Senate

From: Mahealani Cypher, President

Subject: Support for S.B. 3225, SD1, Relating to Fishing

Aloha mai kakou!

The Ko`olaupoko Hawaiian Civic Club supports Senate Bill 3225, S.D. 1, and urges your committee to make sure that this legislation truly improves the protection of our native plant and animal species in island waters. Our civic club works with nine ahupua`a around Kane`ohe Bay, from Mokapu to Kualoa.

It is our deep concern that, due to lack of knowledge or understanding, there has been over-gathering of some types of fish and collection of rare fish and corals that should have better safeguards.

We are particularly worried about what is happening in Kane`ohe Bay, where our members see, almost daily, people recklessly turning over corals, collecting certain types of fish out of season, leaving gillnets out overnight, advertising on the internet rare fish caught here in our own waters.

Our kupuna utilized the kapu system very effectively in managing our near-shore waters. When we saw that certain types of fish or limu were declining in number, our people imposed a kapu – restriction – against any gathering of that type of seafood. When the population of those things increased to a healthy number, the kapu was lifted.

We appreciate all the hard work of those who are trying to find a reasonable solution to this problem, and we urge passage of this measure.

Mahalo for this opportunity to offer our mana`o.

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LATE

SB 2727, SD1 RELATING TO HA'IKU VALLEY
Senate Committee Ways and Means

February 25, 2008

10:30 a.m.

Room: 211

Aloha Chair Baker, Vice Chair Tsutsui, 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, SB 2727, SD1**, 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 Kaneame 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. S.B. 2727, SD1 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 SD1 for a proposed Senate 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 subsection (a)(6) of § -5 under Section 2 of the bill "Commission," we urge the Committee to consider moving the phrase that begins

with "with a historical relationship...." from its current location in the sentence to a location immediately following the words "One member" in that sentence for purpose of clarity. We also urge the Committee to insert the words "to preclude" after the word "deemed" in the last sentence of subsection (c) of § -9 of Section 2 of the bill "General administrative penalties," for purposes of clarity.

OHA urges the Committee to PASS S.B. 2727, SD 1, with the above amendments. Thank you for the opportunity to testify.