

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 635  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 635 entitled:

"A BILL FOR AN ACT RELATING TO STATE PARKS,"

begs leave to report as follows:

The purpose of this measure is to amend the powers of the Department of Land and Natural Resources for state parks.

Prior to the hearing on this measure, your Committee circulated a proposed draft, the purpose of which is to transfer jurisdiction and management of Kahana Valley from the Department of Land and Natural Resources to the Office of Hawaiian Affairs and to direct the Office of Hawaiian Affairs to assist six families facing eviction with obtaining long-term residential leases if these six families qualify under the original requirements of Act 5, Session Laws of Hawaii 1987, as amended.

Testimony in support of the proposed draft was submitted by four public citizens, and one state agency supported the intent of the proposed draft. One agency submitted comments, and testimony in opposition was submitted by twenty-seven public citizens. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that Act 5, Session Laws of Hawaii 1987, as amended, set aside a portion of public lands in Kahana Valley, O'ahu, tax map key: (1) 5-2-01: 1, 5-2-02: all parcels, and 5-2-05: 1 and 21, and authorized the Department of Land and



Natural Resources to negotiate and enter into long-term residential leases with persons who:

- (1) On April 13, 1987, resided on the set aside lands and have occupied those lands since 1970; or
- (2) On April 13, 1987, had permits issued by the Department of Land and Natural Resources allowing them to reside on designated parcels on the set aside lands.

One provision of the long-term residential leases required all qualified lessees to agree to be an essential part of the interpretive programs in the Kahana Valley State Park, as directed by the Department of Land and Natural Resources.

Eventually, thirty-one original families qualified for the long-term residential leases. However, descendants of six families that did not originally qualify for long-term residential leases remained in the valley. The Department of Land and Natural Resources recently started eviction actions against these six families.

Your Committee finds that the residents of Kahana Valley should have a meaningful say in planning the future of Kahana Valley State Park. Your Committee urges the Department of Land and Natural Resources to engage in a dialogue with the residents and lineal descendants on the issues raised during testimony. Kahana Valley is a unique residential and cultural site, and it is understandable that those who are connected with Kahana Valley want to return as lessees. Your Committee notes that the six families who have eviction actions against them should have the opportunity to reconcile their issues.

Your Committee has amended this measure by replacing its contents with the contents of the proposed draft, which was circulated prior to this hearing. Your Committee has amended the proposed draft by making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 635, as amended herein, and recommends that it pass Second Reading in the form attached hereto



as S.B. No. 635, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land,  
Agriculture, and Hawaiian  
Affairs,

  
\_\_\_\_\_  
CLAYTON HEE, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WTL**

Bill / Resolution No.:* <b>SB 635</b>	Committee Referral: <b>WTL</b>	Date: <b>2/6/09</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert				✓
FUKUNAGA, Carol				✓
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes