

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 643
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. 643 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

begs leave to report as follows:

The purpose of this measure is to transfer all authority to manage, administer, and exercise control over Kahana Valley State Park from the Department of Land and Natural Resources to the Department of Hawaiian Home Lands.

Testimony in support of the intent was submitted by four public citizens. Two state agencies submitted comments. Twenty-seven public citizens submitted testimony in opposition. Copies of written testimony are available for review on the Legislature's website.

In 1965, the State condemned the ahupua'a o Kahana for use as a state park, making it the only landowner in the State of Hawai'i, outside of the Robinson family on Ni'ihau, to own an intact ahupua'a. An ahupua'a, a triangular slice of land running from the mountains to the ocean, was the major land division used by pre-contact Hawaiians, as it included all of the elements necessary for their existence: the uplands, the lowlands, the shore, and the ocean.

While the families living in Kahana at the time of the condemnation were of varied ethnic backgrounds, many of them were



Native Hawaiian, and the people of Kahana in general lived a simple, subsistence lifestyle in harmony with Native Hawaiian values and traditions. The people of Kahana lobbied the Legislature after the condemnation to allow them to stay in Kahana and preserve this rural Native Hawaiian-influenced lifestyle. In 1970, a Governor's task force proposed the concept of a living park that would allow the families to stay and in some way participate in the park. The Governor recommended the concept to the Department of Land and Natural Resources. The residents were allowed to stay on the land under revocable leases.

The State determined that, as a condition of their lease, each Kahana family would contribute twenty-five hours of interpretive services per month to the park, to preserve, restore, and share the history and rural lifestyle of the ahupua'a with the public.

Act 5, Session Laws of Hawaii 1987, authorized the Department of Land and Natural Resources to issue long-term residential leases to persons who had lived continuously in Kahana Valley or had permits allowing them to reside on certain parcels of land within Kahana Valley. As a condition of holding a lease, these qualified persons agreed to participate in interpretive programs in Kahana Valley State Park.

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 Kahana Valley State Park. 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.

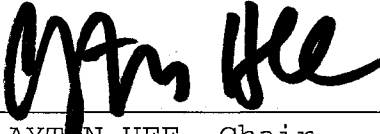
Your Committee has amended this measure by:



- (1) Adopting a testifier's recommendation to increase the lease term length from sixty-five years to ninety-nine years to conform with the Department of Hawaiian Home Lands practice; and
- (2) Making technical, nonsubstantive changes for style and consistency.

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. 643, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 643, S.D. 1, and be referred to the Committee on Ways and Means.

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.:* SB 643	Committee Referral: WTL, WAM	Date: 2/6/09		
<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	✓			
TOTAL	5	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes