

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THELEN
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

Transmittal Cover Sheet for
Department of Land and Natural Resources Testimony

Date Submitted: March 2, 2009

Testifier's Name/Position/Title: Dan Quinn, State Parks Division Administrator

Committee the comments are directed to: HOUSE COMMITTEE ON FINANCE (FIN)

The Date & Time of Hearing: Tuesday, March 3, 2009
5:00 PM, Conference, Room 308

Measure Number: HB 1552 HD 1 RELATING TO PUBLIC LANDS

Number of Copies the Committee is Requesting: In paper, 2 copies (including original) to
Room 306 in the State Capitol

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, March 3, 2009
5:00 PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 1552, HOUSE DRAFT 1
RELATING TO PUBLIC LANDS**

House Bill Number 1552, House Draft 1, authorizes the Department of Land and Natural Resources (Department) to enter into residential leases for living parks, which would include Kahana Valley and creates living park planning councils. The Department requests that the Legislature consider and understand that given the budgetary cuts the Department has had to absorb this fiscal year and further cuts proposed in the Executive Biennium Budget request, the Department's personnel and fiscal resources are being spread thin, and already impacting departmental priorities. Thus, given its current fiscal difficulties, the Department does not feel it has the capacity to support the new programs contained in this measure.

As the Legislature considers a variety of ideas for Kahana Valley (Valley), the Department asks that the solution be guided by the original purpose for which the Valley was purchased: as a public park. The Valley was acquired for the benefit and enjoyment of all, and it is important that, as a public park, the Valley should provide a welcoming environment for all who visit. The Valley was purchased to protect it from development, and any solution should limit future development.

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 Dr. JIM ANTHONY, A RESIDENT OF KAHANA VALLEY STATE PARK
AGAINST IMPORTANT PARTS OF HB 1552 AS AMENDED AND IN **SUPPORT OF**
CERTAIN PARTS OF HB 1552 NOW BEFORE THE FINANCE COMMITTEE OF THE
 HOUSE OF REPRESENTATIVES, HAWAII STATE LEGISLATURE.

Hearing Date, Time and Venue: Tuesday, March 3, 2009, 5 pm; Conference Room 308, State Capitol.

1. **This Bill is still fatally flawed with respect to the attempt made to get around the constitutional strictures regarding special legislation set out in Article XI, Section 5 of the Hawaii State Constitution. This Bill, as it stands, tries to tortuously find a way around the problem of special legislation and fails—again.**

Page 2, lines 5-18: This is the dead giveaway: Act 5 did not create “living parks” (plural). Act 5 created a State Park and within the confines of that State Park a “living park” was established to accomodate a small number of families from diverse ethnic backgrounds.

To this day there is but one ‘living park’ in Hawaii and that park is located within the confines of the Kahana Valley State Park.

Every effort seems to have been made in this revision of HB 1552, HD 1, to create the legal fiction that this Bill creates a category of living parks (p. 4, lines 1-5, for example). And the reason for creating this imaginary category of living parks is to get away from the problem of this being special legislation as the A-G has opined once again (February 9, 2009, Testimony Submitted to the House Committee on Water, Land & Ocean Resources, especially p. 1).

At its core this Bill, as redrafted, still applies to Kahana and still seeks to provide leases to a special group of people in Kahana as multiple references to Kahana in the Bill make clear (p. 1, lines 9-16; p. 2, lines 21-22; p. 9, lines 17-20, for example).

This whole legislative effort began with the threatened eviction of six sets of squatters long resident in Kahana—squatters who have never paid any property taxes or who have contributed to maintenance of the Park as regular lessees do. These squatters were given many years by the DLNR to qualify for leases and they failed to do so. One of the major preoccupations of this Bill is still to address the concerns of the six sets of squatters by what appears to be a clumsy attempt to twist and distort and find a way around Article XI, Section 5 of the Hawaii State Constitution.

This attempt to get away from the problem of constitutionally impermissible special legislation fails again and remains vulnerable to a constitutional challenge.

2. **This Bill is about Kahana, the only existing “living park” in the State of Hawaii, despite all of the efforts made in this Bill to disguise this fact. To give to the President of the Kahana Community Association, for example, the power to select a list of resident nominees from which three members of the proposed planning council will be selected would be a travesty (p. 9, lines 12-15). The language of this section of the Bill would allow squatters to be nominated for membership in the planning council (“three members shall be representatives of families who reside in the state living park”)—that would not be in the public interest.**

Additional reasons for saying this are as follows:

- a. The Kahana Community Association has long been a dead letter—a failed community association;
- b. All of its officers currently hold office illegally—their terms of office having expired in November 2008 as they continue to refuse to hold elections;
- c. The Kahana Community Association operates in violation of its own by-laws as has been repeatedly pointed out to its officers who continue to illegally occupy their long expired terms of office;
- d. Attempts are now being made by some of the officers whose terms have expired to change the by-laws in violation of by-laws now in place;
- e. **This Committee will note that with respect to all of the testimony submitted so far on the record on this Bill, and the testimony on the Bills originating in the Senate, no single piece of testimony has been submitted by the Kahana Community Association. The reason for this is simple: the Kahana Community Association, as an Association, has never met over the matters in HB 1552 and is in such disarray that it has been incapable of convening a meeting to engage in coherent discussions over this and other matters related to Kahana. In short, the Kahana Community Association is neither reliable nor can it be trusted.**

What would be in keeping with minimal standards of good governance is to have a list of five nominees selected by lessees and members of their households who are 18 years of age and older (the qualifications for regular membership in the by-laws of the Kahana Community Association). Such a selection would be made by secret ballot to be supervised and conducted by, say, a representative of the DLNR. Anything short of a supervised secret ballot for the proposed members of the planning council would be irresponsible and likely to be tainted by the improper influence of a community Association president who has long lost her mandate and her legitimacy. The five names should then be sent to the Governor who would, in turn, select three members to be on the Council (see Testimony of the Dept of the A-G, p. 2 of 3, February 9, '09).

3. There is much that is wrong in Kahana and with the way that Kahana has been managed over the years. Many of these issues are long overdue for review. Any review worth its salt would have to be comprehensive and must include a good, hard look at problems among lessees and fully examine the reasons why the lessees' community association has been the singular failure that it has been and continues to be.
4. Increasing the number of residential leases in this State Park is not one of the "long overdue issues" crying out for competent review. The Chair of the Board of Land & Natural Resources has said—and I believe, continues to maintain—that there are now enough lessees in the State Park to make the cultural living park work. I share that view.
5. Let this Bill provide for a Planning Council by all means. But let the Planning Council be established in such a way that is consistent with principles that are fair, reasonable and democratic.
6. Page 8, line 19: Who are eligible to be *kupuna*? Only Hawaiians, however defined? Is being a *kupuna* a matter of being of a certain age? If so, what age is that?
7. Page 9, lines 4, 5 and 7 where the words 'deny', 'denies' and 'denying' occur—replace with the words 'reject', 'rejects' and 'rejecting'.
8. Section 7, pages 9 and 10, lines 1-2 and 1-5: This section is clearly related to the 6 sets of squatters now living in Kahana although a deliberate attempt is made to disguise it. Considering that these squatters have had years to get their act together and have not, and now to allow them to continue to live where they are on an open ended basis, is, to say the least, ill advised and sets a bad precedent. The bottom line is this: This Bill is, all of the attempts at disguise and disinformation notwithstanding, a last ditch effort to enact special legislation in an attempt to hand out public land to squatters in violation of Article XI, Section 5 of the Hawaii State Constitution. This Bill does not dissolve the special legislation Constitutional bar. **I am strongly opposed to an open ended moratorium on evictions** (even though I have a long history of opposing evictions) given the facts in which this particular matter is embedded and the historical circumstances out of which it arises. The six squatters are not victims of an uncaring, heartless bureaucracy. Over many years the DLNR tried to work with them without success. HB 1552 HD1 even in its present form, after revisions, fails to accurately set out the background facts.

The Legislature has a right to a will of its own but in bending a given set of circumstances to its will it is still subject to judicial review. And it may well be—if the Legislature continues on its present course with this Bill becoming an Act and if it survives a Gubernatorial veto, that the only place where matters related to Article XI, Section 5 can be settled would be in that other branch of government.

The Attorney General has said again: “The Hawaii Constitution clearly states that the legislative power over ‘lands owned or under the control of the State and its political subdivisions *shall be exercised by general laws*’” [emphasis added, Testimony of the Attorney General on HB 1552 to the House Committee on Water, Land and Ocean Resources, February 9, 2009, p. 1]. Kahana is State land, public land, purchased with tax payer dollars. *The honorable and legal remedy seems clear: open up Kahana to anyone (including all persons now living in Kahana—squatters and non-squatters alike) who wish to apply for a lease in Kahana to do so and enact a general law to make this possible.* The contortions that the drafters of the present Bill have tried to go through to make a Bill about Kahana a Bill about living parks in general, when there is in fact only one living park, is disingenuous to say the least. It is also dishonorable. It is, moreover, a clumsy attempt to circumvent this State’s Constitution. The ploy does not work and falls flat on its face, leaving it wide open to constitutional challenge. Enacting a **general law** is clearly the way to settle this nettlesome problem—it is the only way that is legal, clean, just, honorable and *pono*. Yes, I am fully aware that such a course comes with its own bundle of cost and other consequences, particularly in these difficult times.

I invite the Committee to consider this very reasonable suggestion. I am available to enlarge on this suggestion should the Committee be interested in my doing so.

Mahalo.

Jim Anthony, Ph.D.

P.O. Box 629, Ka’a’awa, Hawai’i 96730

808-221-5559



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

March 3, 2009

TO: REP. MARCUS OSHIRO, Chair
And Members
House Committee on Finance

FROM: MAHEALANI CYPHER, President
Ko'olaupoko Hawaiian Civic Club

SUBJECT: H.B. 1552, H.D.1, RELATING TO PUBLIC LANDS - Support

Aloha from the Ko'olaupoko Hawaiian Civic Club, representing its members from the nine ahupua`a surrounding Kane`ohe Bay.

We offer our support for House Bill 1552, House Draft 1, which would allow for longterm leases to qualified residents of living parks. We particularly support the retention of Native Hawaiian residents of Kahana Valley, moku Ko'olauloa, who are descendants of the kupuna who were original tenants when the living park was first established.

Mahalo for this opportunity to offer our mana`o.

P. O. Box 664
Kaneohe, HI 96744
Ph. (808) 235-8111
malamapono@aol.com
www.koolaupokohcc.org

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
Committee on Finance

Tuesday, March 3, 2009

Support of HB 1552, Relating to Public Lands

Testimony from: Thoran Evans

I am one of the six families the state is wrongfully trying to evict from my home in the Ahupua'a o Kahana. My name is Thoran Evans. I would like to state my strong support of HB 1552 HD1, which would authorize the issuance of residential leases in living parks such as Kahana valley state park and establish a planning council to develop a master plan for the park.

It has been over three decades and no master plan has ever been adopted for the park. A master plan will help to make clear the important issues that have been left unresolved for years. Some of these issues include the issuance of leases, funding for the construction or renovation of housing, clarification of the interpretive service requirements, funding for a park manager, etc. A master plan cannot be created without the input of living park residents. A planning council with representatives from Kahana valley will allow the residents of Kahana to work with DLNR to put forward a viable master plan.

This legislation lays a solid foundation for the future of Kahana Valley and will allow Kahana to reach its full potential as a living park. I encourage the committee to pass HB 1552 HD1. Thank you for your time and the opportunity to testify.

Thoran Evans

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
Committee on Finance

Tuesday, March 3, 2009

Support of HB 1552, Relating to Public Lands

Testimony from: Ervin Kahala

I am one of the families facing wrongful eviction from the land I was born and raised on all of my life. My name is Ervin Kahala, and I am one of 12 children reared in the Ahupua'a o Kahana. I continue to teach and share the traditions that my parents instilled in me to my children, family, friends and all that are welcomed into Kahana.

I am in strong support of HB 1552 HD1, which would authorize the issuance of residential leases and establish a planning council to develop a master plan.

I am against the evictions of any persons currently residing in Kahana Valley. DLNR claims it does not have the authority to issue any residential leases. In order for living Park to work, DLNR needs to be able to issue and renew residential leases.

I have been dealing with DLNR in good faith for the last 12 years. I was given a lease and then it was taken away, due to their negligence and lack of due diligence.

I urge the committee to pass HB 1552 HD1. Thank you for the opportunity to testify.

Ervin Kahala

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
Committee on Finance

Tuesday, March 3, 2009

Support of HB 1552, Relating to Public Lands

Testimony from: Dutchess (Ipo) Malepe and Moses (Mahi) Kahala

Aloha,

We are two of the six families facing evictions from the Ahupua'a O Kahana. We are writing in support of HB 1552, which will help us to remain in the Ahupua'a O Kahana, and where we currently reside.

Through our ancestors, we are blessed to be able to reside in Kahana. To breathe the fresh air, to enjoy the beauty of nature, to experience the refreshing waters in which we swam from the luscious mauka rivers to the valley's beautiful makai shores, and to share the many wonderful resources that Kahana has to offer. **WE ARE ALL OHANA** born and raised on the aina.

We have supported and participated in many cultural based activities in Kahana, and will continue to do so in an effort to show our ALOHA for this beautiful aina that we know as "HOME".

We, the six (06) families, support HB 1552 to remain in the Ahupua'a O Kahana. To live with those we grew up with and shared our love for one another, as we look towards the future.

Mahalo, from the families of

Moses (Mahi) Kahala

Dutchess "Ipo" Kahala Malepe

Testimony of Laulani Teale, MPH
Native Hawaiian Bar Association/Native Hawaiian Legal Corporation
Peacemaking Project Coordinator

On
HB 1552
February 7, 2009

Aloha Kakou,

I am writing today to express my support for HB1552, which would authorize the department of Land and Natural Resources to issue long-term leases in Kahana to those who need them, and to establish a planning council for the development of a master plan.

My own family has roots in Kahana, and because of this, I have witnessed many of the challenges faced by those who live in the ahupua'a, since my childhood in the 1970's. Also because of this, I know well the great strength, knowledge and deep love of the people there. As a facilitator and community development professional, I have been working within the Kahana community to assist in strategic planning efforts, and have a very firm confidence in the ability of the people of Kahana to solidify an excellent plan that will not only resolve many of the difficulties currently faced by residents and State administrators alike, but will also allow the land and people of Kahana to flourish as completely as they did in generations long ago.

The NHBA/NHLC Peacemaking Project is committed to assisting the Kahana community in building its vision for the future. We have culturally grounded resources that can help with facilitation, conflict resolution, cooperative planning and related support, at very little cost to the community. We will assist in whatever is needed.

With the security of long-term leases and the common vision of a master plan created primarily by the people of Kahana, a healthy, well-organized, vibrant community is truly possible. Such a community would hold tremendous benefit for *all* of the people of Hawai'i.

I would sincerely like to thank the House of Representatives for your time and consideration of this matter. If there are any questions regarding the Peacemaking Project or any other inquiry, we can be reached at Native Hawaiian Legal Corporation's office at 521-2302. Please feel to call me at any time.

Mahalo nui loa,

Laulani Teale, Project Coordinator
NHBA/ NHLC Peacemaking Project

March 3, 2009

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair

Testimony to Support H.B.1552 HD1
From David . Keawe
Resident Kahana State Park

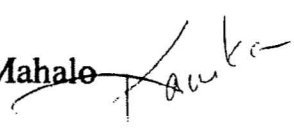
Dear Chairman Oshiro and members of the Finance Committee:

Mahalo for the opportunity to testify in strong support of H.B.1552 HD1 to authorize the Department of Land and Natural Resources to issue leases to residents in the living park of Kahana and establish a planning council for a master plan for the living park.

Since 1965, no master plan has been approved by DLNR and the residents need to participate in the planning process. A master plan would help to understand the role of the residents as well as the State Parks, It has been fifteen long years since the leases have been signed and those 31 lessees as well as those on revocable permits have yet to realize the importance of a master plan.

I do not support any evictions of residents, and this legislation will help those residents that want to continue to live in Kahana and do interpretive programs to benefit the public.

This legislation would lay the foundation for the future of residents of the living state park and work towards its full potential. Again, mahalo for the opportunity to testify in support of H.B.1552 HD1 and thank Representative Jessica Wooley for her service to her district.

Mahalo 

David H. Keawe

March 3, 2009

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair

Testimony to Support H.B.1552 HD1
From Kawehi Kammerer
Resident Kahana State Park

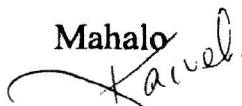
Dear Chairman Oshiro and members of the Finance Committee:

Mahalo for the opportunity to testify in strong support of H.B.1552 HD1 to authorize the Department of Land and Natural Resources to issue leases to residents in the living park of Kahana and establish a planning council for a master plan for the living park.

Since 1965, no master plan has been approved by DLNR and the residents need to participate in the planning process. A master plan would help to understand the role of the residents as well as the State Parks, It has been fifteen long years since the leases have been signed and those 31 lessees as well as those on revocable permits have yet to realize the importance of a master plan.

I do not support any evictions of residents, and this legislation will help those residents that want to continue to live in Kahana and do interpretive programs to benefit the public.

This legislation would lay the foundation for the future of residents of the living state park and work towards its full potential. Again, mahalo for the opportunity to testify in support of H.B.1552 HD1 and thank Representative Jessica Wooley for her service to her district.

Mahalo

Kawehi Kammerer

March 3, 2009

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair

Testimony to Support H.B.1552 HD1
From Sherri Lynn L. Johnson
Resident Kahana State Park

Dear Chairman Oshiro and members of the Finance Committee:

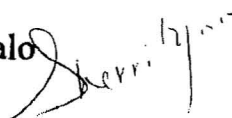
Mahalo for the opportunity to testify in strong support of H.B.1552 HD1 to authorize the Department of Land and Natural Resources to issue leases to residents in the living park of Kahana and establish a planning council for a master plan for the living park.

Since 1965, no master plan has been approved by DLNR and the residents need to participate in the planning process. A master plan would help to understand the role of the residents as well as the State Parks, It has been fifteen long years since the leases have been signed and those 31 lessees as well as those on revocable permits have yet to realize the importance of a master plan.

I do not support any evictions of residents, and this legislation will help those residents that want to continue to live in Kahana and do interpretive programs to benefit the public.

This legislation would lay the foundation for the future of residents of the living state park and work towards its full potential. Again, mahalo for the opportunity to testify in support of H.B.1552 HD1 and thank Representative Jessica Wooley for her service to her district.

Mahalo


Sherri Lynn L. Johnson

March 3, 2009

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair

Testimony to Support H.B.1552 HD1
From Kahiau Wallace
Resident Kahana State Park


Dear Chairman Oshiro and members of the Finance Committee:

Mahalo for the opportunity to testify in strong support of H.B.1552 HD1 to authorize the Department of Land and Natural Resources to issue leases to residents in the living park of Kahana and establish a planning council for a master plan for the living park.

Since 1965, no master plan has been approved by DLNR and the residents need to participate in the planning process. A master plan would help to understand the role of the residents as well as the State Parks, It has been fifteen long years since the leases have been signed and those 31 lessees as well as those on revocable permits have yet to realize the importance of a master plan.

I do not support any evictions of residents, and this legislation will help those residents that want to continue to live in Kahana and do interpretive programs to benefit the public.

This legislation would lay the foundation for the future of residents of the living state park and work towards its full potential. Again, mahalo for the opportunity to testify in support of H.B.1552 HD1 and thank Representative Jessica Wooley for her service to her district.

Mahalo

Kahiau Wallace

March 3, 2009

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair

Testimony to Support H.B.1552 HD1
From Clyde Troy M. Thompson
Resident Kahana State Park

Dear Chairman Oshiro and members of the Finance Committee:

Mahalo for the opportunity to testify in strong support of H.B.1552 HD1 to authorize the Department of Land and Natural Resources to issue leases to residents in the living park of Kahana and establish a planning council for a master plan for the living park.

Since 1965, no master plan has been approved by DLNR and the residents need to participate in the planning process. A master plan would help to understand the role of the residents as well as the State Parks, It has been fifteen long years since the leases have been signed and those 31 lessees as well as those on revocable permits have yet to realize the importance of a master plan.

I do not support any evictions of residents, and this legislation will help those residents that want to continue to live in Kahana and do interpretive programs to benefit the public.

This legislation would lay the foundation for the future of residents of the living state park and work towards its full potential. Again, mahalo for the opportunity to testify in support of H.B.1552 HD1 and thank Representative Jessica Wooley for her service to her district.

~~Mahalo~~


Clyde Troy M. Thompson

March 3, 2009

Testimony in Support H.B.1552 HD1
O'ahu Council of the Association
of Hawaiian Civic Clubs

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair
And Members of the Finance Committee

RE: Support of H.B. HD1 1552 Relating to Public Lands

Aloha Chairman Oshiro and members of the Finance Committee:

Mahalo for the opportunity to testify in support of H.B. HD1 1552 relating to public lands. The O'ahu Council of the Association of Hawaiian Civic Clubs is comprised of 24 Hawaiian Civic Clubs on O'ahu. The purpose of this organization is to provide guidance and to assist in the activities of all Hawaiian Civic Clubs on the Island of O'ahu. Another purpose is to advocate positions adopted by the AOHCC at their annual conventions or as approved by the Council, such as the O'ahu council. Lastly, we promote the self-determination and self-governance of the native Hawaiian people.

On behalf of the O'ahu Council of the AOHCC, I am submitting testimony that would authorize the Department of Land and Natural Resources to issue leases to residents living in the state park as Kahana, that have been allowed to remain on the lands on revocable permits for the last fifteen years, and contribute in programs to benefit the public. The O'ahu Council also support the planning council that would provide a master plan that would have the Department of Land and Natural Resources planning with the residents of the living park in issues to clarify those issues unresolved on the issuance of leases, the interpretative service requirements of lessees and the re-issuance of leases upon expiration in 2058.

O'ahu Council is against evictions of residents that have been continuously living on state park lands, and support a housing fund be provided by the Office of Hawaiian Affairs working in partnership with their subsidiary, Habitat, Inc. The Department of Hawaiian Home Lands

can also work in partnership to provide home ownership counseling for residents in a living park as Kahana, and the building of communities consisting of native Hawaiians.

O'ahu Council support the concept of a "Park Manager" to work with the Park Program Coordinator of all programs in the living park. Again, mahalo for the opportunity to testify.

Mahalo

A handwritten signature in black ink that reads "Danielle Ululani Beirne-Kearse". The signature is written in a cursive style with a large initial 'D' and a long horizontal flourish at the end.

Danielle Ululani Beirne, Government Relations Chair

March 3, 2009

Ko'olauloa Hawaiian Civic Club
P.O. Box 532
Hau'ula, HI. 96717

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair
And Members of the Finance Committee

RE: Support of H.B. 1552 HD1 Relating to Public Land

The Ko'olauloa Hawaiian Civic Club would like to submit strong support for H.B. HD1 Relating to Public Land, which would authorize the Department of Land and Natural Resources to issue residential leases in living parks such as Kahana valley state park and also establish a planning council to develop a master plan for the park and residential community.

Any planning cannot be done without the input and participation of those residents living in the park and propose that the Department of Land and Natural Resources work with the residents to accomplish a master plan that has been lacking for the last forty years. This plan would clarify many of the important issues that have been left unresolved which include the issuance of leases to those residents on revocable permits for the the last fifteen years, funding for the construction of new housing, the clarification of interpretive service requirements of residents and lessees, and the re-issuance of new leases upon expiration in 2058.

KHCC support a housing fund which can be accomplish with the Office of Hawaiian Affairs being mandated to provide a housing fund for those residents who are beneficiaries of the Trust. KHCC also propose the tools of the Department of Hawaiian Home Lands in home ownership classes for residents in the state park as well as funding for the building of communities. This fund should be extended to other native Hawaiians that are not able to receive DHHL lands.

KHCC is against all evictions of residents allowed to remain on these state park lands on revocable permits for the last fifteen years and contribute

to the community as a public benefit.

KHCC believes a "park manager" working with the park coordinator of park programs may be a solution for issues relating to a functioning living park. Again, mahalo for the opportunity to testify in support of H.B. 1552 HD1, and thank Representative Jessica Wooley for her support to address the issues long over due.

Mahalo

A handwritten signature in black ink, reading "Danielle U.K. Beirne-Keawe". The signature is written in a cursive style with a large initial 'D'.

**Danielle U.K. Beirne-Keawe, President
Ko'olauloa Hawaiian Civic Club**

March 3, 2009

Testimony from D. Ululani Beirne-Keawe
P.O. 653 Kane'ohe, HI. 96744
Email: ululani2006@hawaiiantel.com

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice-Chair
And Members of the Committee of Finance

Re: Support of H.B. 1552 HD1 Relating to Public Land

I am submitting testimony in support of H.B.1552 HD1, which would authorize the issuance of residential leases in living parks such as Kahana valley state park and also establish a planning council to develop a master plan for the park and residential community.

It has been nearly forty years since the condemnation in 1965, and no master plan has ever been adopted by the Department of Land and Natural Resources. I believe that a master plan will help to clarify many of the important issues that are unresolved. Those issues include the re-authorization of leases to those left on revocable permits for the last fifteen years, funding for the construction of new housing, the clarification of the interpretive service requirements, and other pertinent matters needed to realize a functioning cultural living park. This planning of a master plan cannot be done without the participation and input of park residents. DLNR will need to work with the park residents in the review of the "People's Plan" of 1979, the 1985 Development Plan and many other documents already on hand as resources, in order to propose a master plan that is feasible.

I believe that the Office of Hawaiian Affairs has a fiduciary responsibility to help provide a housing fund for residents in the state park and propose that they be mandated to work with Habitat to render this service and other sources they may have available. These residents are all beneficiaries of the Trust. I also believe that the Department of Hawaiian Homes may have funds available for building of communities that should be

extended to State park residents.

I am against evictions of any persons currently residing in Kahana valley state park. I believe this legislation will authorize DLNR to issue leases in Kahana to those residents currently residing in Kahana and renew residential leases after 2058. I also support a "land manager" to work with the park coordinator who has the knowledge of land management and planning and the ability to work with the State, residents, the public on interpretive programs and is a "traditional practitioner" of Hawaiian values and culture.

Again, I thank you for scheduling H.B.1552 HD1 for hearing today. Please pass this legislation out as soon as possible. We also would like to thank Representative Jessica Wooley for her support to take care of the issues in the state park.

Mahalo

A handwritten signature in black ink, reading "D. Ululani Beirne-Keawe". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

D. Ululani Beirne-Keawe

Tuesday, March 3, 2009

Representative Marcus Oshiro, Chairperson,
Representative Marilyn Lee, Vice Chairperson,
Rep. Jessica Wooley and State House
Committee on Finance

Ben Shafer
52.210 Kamehameha Highway
Kahana Bay, Hawaii 96717
808.222.3138

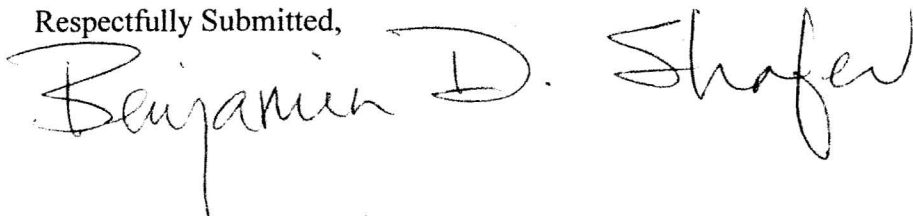
RE: In Support of HB 1552 HD1, Relating to Public Lands

Aloha Kakou,

I would like to state my strong support of HB 1552 HD1. This legislation lays a solid foundation for the future of Kahana valley and will allow Kahana to reach its full potential as a living park. I urge the committee to pass HB 1552 HD1. Thank you for the opportunity to testify.

If there are any questions that I could be of assistance, please call me.

Respectfully Submitted,

Handwritten signature of Benjamin D. Shafer in cursive script.