

LATE TESTIMONY

Representative Ken It. Chair
Representative Sharon E. Har, Vice Chair
Committee on Water, Land & Ocean Resources

Lena P Soliven

Sunday 8, 2009

Support of HB 1552, Relating to Public Lands

Aloha,

I am a resident of the Ahupua'a o Kahana. My name is Lena P. Soliven. My Ohana and I were one of the six families the State wrongfully tried to evict on October 27, 2008. It surely was one of the most trying and stressful tribulation of our lives.

I strongly support HB 1552. It has mechanisms in place to tackle the problems at hand and the problems and resolve for the future of Kahana. Kahana has been lacking an implementation of a Master Plan. This Bill will mandate that the last Master Plan submitted to the State be updated, revised and put into action.

We are lineal descendents of the Ahupua'a o Kahana. As we look back we see our great-grandparents, grandparents, parents and ourselves, and as we look forward we our children, grandchildren, great-children and

We are Hawaiians, living on Hawaiian Lands, living in our Beautiful Hawaii Nei. We live our culture, share our culture and most of all love our culture.

I urge the committee to pass HB 1152. Thank you for the opportunity to testify.

Lena P. Soliven

LATE TESTIMONY

Representative Ken It. Chair
Representative Sharon E. Har, Vice Chair
Committee on Water, Land & Ocean Resources

Mahi Kahala
Anagen Kahala
Ipo Malepe
Thorán Evans

Sunday 8, 2009

Support of HB 1552, Relating to Public Lands

Aloha,

As one of the six families who faced evictions from the Ahupua'a O Kahana on October 27, 2008, 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 all 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 6 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

Mahi Kahala Ipo Malepe
Anagen Kahala Thorán Evans

Representative Ken It. Chair
Representative Sharon E. Har, Vice Chair
Committee on Water, Land & Ocean Resources

LATE TESTIMONY

Dezmond Soliven

Sunday 8, 2009

Support of HB 1552, Relating to Public Lands

Aloha,

My name is Dezmond Soliven and I am one of the children that the state wrongfully tried to evict on October 27, 2008. It really caused us a lot of stress and embarrassment because people didn't know the whole story.

We are one big Ohana in Kahana. Everyone is an Aunty, Uncle, Grandma, Grandpa, and or Cousins. I love Kahana, it is the only place I know as Home.

I support HB 1522 and I pray you will too.

Mahalo,

Dezmond Soliven

LATE TESTIMONY

Representative Ken It. Chair
Representative Sharon E. Har, Vice Chair
Committee on Water, Land & Ocean Resources

Darryl Soliven

Sunday 8, 2009

Support of HB 1552, Relating to Public Lands

I am a resident of the Ahupua'a O Kahana. We were one of the 6 families wrongfully being evicted by the State on October 27, 2008. I strongly support HB 1522, relating to Public Lands, 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 park.

A Master plan would have alleviated the havoc and emotional roller coaster my family has been on for the past 10 years, coming to a head with the posting of eviction and the bulldozers coming in to take down our homes and clearing us away as if we never existed. We had done everything the State had requested of us, and still.....

This legislation lays a solid foundation for the future of Kahana. I urge you to pass HB 1522, so Kahana can reach it full potential as a living park.

Thank you

Darryl Soliven

HPACH
919 4th Street
Pearl City, Hawaii 96782

LATE TESTIMONY

February 9, 2009

Representative Ken Ito, Chair
Representative Sharon E. Har, Vice Chair
And Committee Members On Water, Land & Ocean Resources
House of Representatives, 2009 Legislature Session
State of Hawaii

Subject: HB 1552, Relating To Public Lands, SUPPORT/Amendments

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. On January 16, 1993 after reading Pubic Law 103-150 I renounced my citizenship to the United States. I come here today as a Hawaiian Nationalist of the Hawaiian Kingdom. I strongly support the restoration of the Hawaiian Kingdom government that invaded and occupied thru an Act of War on January 16, 1893 with the involvement of the diplomatic and military forces of the United States.

As Sovereign of the Hawaiian Political Action Council of Hawaii, I SUPPORT the intent of HB 1552 with Amendments.

The 'Ahupua'a O Kahana is the only 'Ahupua'a on Oahu. An 'Ahupua'a with Indigenous Hawaiians that have an Inherent Sovereignty right to remain there.

The 'Ahupua'a O Kahana are Sovereign Hawaiian Lands. The Indigenous Hawaiians lessees of 'Ahupua'a O Kahana are the Sovereign Holders of 'Ahupua'a o Kahana lands.

The 'Ahupua'a O Kahana lessees should be given Perpetual Leases to their home lots.

The Kahana Planning Council needs to develop Kahana into an 'Ahupua'a, not a Living Park. Living Parks do not help feed the people of Hawaii.

Hawaiian Kingdom laws should guide the future of all developments at Kahana. It is Hawaiian Kingdom laws and values that will perpetuate the future of Kahana.

As an 'Ahupua'a, Kahana will once more play a great role in the economic future of Hawaii as it did in the days of the Hawaiian Kingdom.

HPACH
919 4th Street
Pearl City, Hawaii 96782

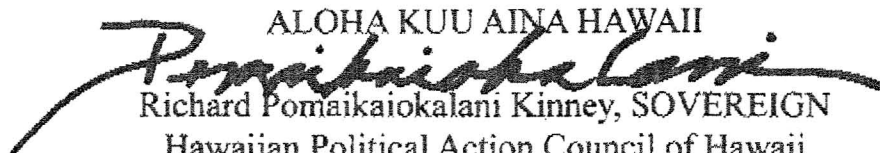
Page 2
February 9, 2009
HB 1552

The 'Ahupua'a O Kahana and the Indigenous Hawaiians who have lived there since the days of the Hawaiian Kingdom is a Golden Opportunity to culturally restore and perpetuate the Spirit of ALOHA AINA.

It is the duty of this legislature to look at very carefully what I am offerings as amendments to HB 1552.

Mahalo nui for allowing me to give testimony on this important Bill.

Attachment: Renouncement Documents

ALOHA KUU AINA HAWAII

Richard Pomaikaiokalani Kinney, SOVEREIGN
Hawaiian Political Action Council of Hawaii
87-168 Maaloo Street, Waianae, Hawaii, 96792
Email: HIAHAWAII@aol.com

HPACH
919 4th Street
Pearl City, Hawaii 96782

STATE OF HAWAII
City and County of Honolulu } ss.

I, Henry Richard Kinney, Jr., a Native Hawaiian descendant and Sovereign, born on December 26, 1938 at Queen's Hospital in Honolulu, Hawaii, do hereby renounce my citizenship to the United States of America as of 6 P.M. Hawaiian Standard Time on January 17, 1993.

I protest against any and all acts done against my native country, the Hawaiian Kingdom and its constitutional sovereign, Queen Liliuokalani by United States troops on January 17, 1893. *Mo*

Now, to avoid any collision of arrest from agents of the United States, and perhaps the loss of my life and freedom, I seek the full independence of the Hawaiian Islands as an independant nation of the Free World. *Mo*

Henry R. Kinney
Henry R. Kinney, Jr.
731 McCully Street
Honolulu, Hawaii
96826

Subscribed and sworn to before me this
15th day of January, 1993

Kevin H. O'Brien
Notary Public, First Judicial Circuit
State of Hawaii

MY COMMISSION EXPIRES 6-1-96

ls

HPACH

919 4th Street
Pearl City, Hawaii 96782

TO WHOM IT MAY CONCERN,

I, RICHARD POMAİKAI KINNEY
(NAME)

919 4th Street, Pearl City, Honolulu, Hawaii 96782
(ADDRESS)

a NATIVE HAWAIIAN descendant, do hereby declare myself
SOVEREIGN unto GOD the CREATOR.

I, further declare my autonomous right, as a NATIVE
HAWAIIAN descendant, to uphold with body and soul, the
autonomous right of all NATIVE HAWAIIAN descendants and
their OHANA.

"HANA LIKE KAKOU"

July 16, 1984
(DATE OF NOTARY)

Richard Pomaikai Kinney
(NAME)
919 4th St Pearl City HI

STATE OF HAWAII)
) ss
City and County of Honolulu)

On this 16th day of July, 1984 , before me personally
appeared Richard Pomaikai Kinney, to me known to be the person described
in and who executed the foregoing instrument and acknowledged that he
executed the same as his free act and deed.

My Commission expires: July 31, 1986

Richard Pomaikai Kinney
NOTARY PUBLIC, State of Hawaii

LATE TESTIMONY

HB 1552
February 9, 2009
9:00am Room 325

Honorable Chairman and committee members of the Water, Land, and Ocean Resources,

My name is Clinton Kanahele "Nana" Gorai. I was born in 1932 in Kahana. Growing up in Kahana has provided me many opportunities and knowledge from the mountain to the sea. I am a fisherman, a crafter, and a taro farmer.

In 1968, I was called to active duty and served in the United States Army for 20 years. My family continued to live in Kahana. My roots are deep in the Kahana heritage and culture going back to the 1800's.

Since my return from the military, I have always gone back to Kahana, my homeland. The past 12 years, I have worked the lo'i that once belonged to my father. I do not live in Kahana, but I return to my 'aina every day to listen to the land and talk story with the plants. I have lo'i up the mountainside and often host students who visit Kahana valley.

I am providing my testimony to emphasize that I have lineage in Kahana, I continue work and give back to Kahana, and I want to have the opportunity to return to Kahana and live.

Throughout the discussions and details of the bills presented in this years legislation, not once did I hear any reference of taking care of the kupuna or providing the opportunity for kupuna like me to return to our lands to live. I would like the words changed to include people who once lived in Kahana to have the opportunity to come back to our lands. If truly the intent is to perpetuate our culture, then kupuna like myself should be more visible and existent in the community. We should have a level of priority to the new residential leases. The opportunity to reside in Kahana can provide numerous chances to educate and share with the younger generation.

I am lucky if I have another 15 more years to live, but please provide a fair opportunity for me to reside in the community. Unfortunately, malama I ke kupuna was a huge oversight on everyone's part, but I am asking to reconsider and include the language in your bill so that I can come back home to Kahana.

Mahalo for your time,
Clinton Gorai

Representative Ken Ito, Chair
Representative Sharon E Har, Vice Chair
Committee of Water, Land and Ocean Resources

LATE TESTIMOI

Ben Shafer
52.210 Kamehameha Highway
Kahana Bay, Hawaii 96717
808.222.3138

February 9, 2009

RE: Support of HB 1552, Relating to Public Lands

Aloha Kakou,

I am a resident of the Ahupua'a O' Kahana Cultural Living Park and I strongly support HB 1552. In doing so, authorizing BLNR the issuance of residential leases to qualified families and establishing a planning council to develop a Master Plan for the Ahupua'a.

I hope you will join us in taking the necessary steps to making the Hawaiian Cultural Living Park a reality.

If there are any questions, that I could be of assistance, please feel free to contact me.

Mahalo nui loa,

Ben Shafer

LATE TESTIMONY

TESTIMONY OF Dr. JIM ANTHONY, a resident of Kahana

on **HB 1552**. Omnibus Testimony: applies in part to House Bills 372, 765 and 766 and also to Senate Bill 639.

“Kahana residents are frustrated, angry, and to some degree unmotivated due to a long history of unsuccessful dealing with the State of Hawaii as perceived by the residents.

“We have been planned to death, but nothing ever happens.” -LRB Study, 2001.

I **oppose** the Bill in its present form and offer the following comments on it and suggestions as to how and why it should be changed.

The major overarching problem with this Bill, and indeed all of the Bills related to it, either directly or indirectly, is whether this is yet another attempt at special legislation in violation of Article XI, Section 5 of the Hawaii State Constitution. On its face, that part of this Bill (and all of the others) which seeks to authorize new long-term leases on parcels of land within Kahana Valley, appears, in my view, to be unconstitutional. (See Attorney-General’s opinion submitted to House Committee on Water and Land, March 17, 2008, attached and marked as Appendix 1.) It is relevant to also keep in mind the Testimony of the Chairperson, DLNR submitted to the House Committee on Water, Land, Ocean Resources and Hawaiian Affairs, March 17, 2008 (attached hereto as Appendix 2).

Other issues:

1. p. 2, lines 6-13: This does **not** accurately set out the position of the “six other families” (the ones now facing the threat of eviction). See my comments at the end of this testimony (on Section 7 of HB 1552) where I set out at length the history of the “six other families” and how I suggest that issue should be addressed.

2. p.5, Section 4 (2), lines 10-12: The Kahana Community Association has long been dysfunctional. It is presently in violation of its own by-laws—all four of its officers are

currently holding office illegally, in breach of its by-laws. No small part of Kahana's problems can be justifiably laid at the door of the Kahana Community Association. ***It would be very unwise to give the power of appointing three of the five members of the Planning Council to an illegal sitting President of a failed, dysfunctional community association. A responsible alternative would be to provide for three members from the community of Kahana lessees to be elected by secret ballot supervised by, say, the League of Women Voters or someone similar.***

3. One cluster of issues that the proposed Planning Council must address is that related to matters embedded in the leases that were signed in 1993. This is a crucial part of any comprehensive review and HB 1552 is deliberately designed to be 'comprehensive' as opposed to being single issue oriented as the Senate Bills are.

4. HB 1552 ought to be amended so as to make clear that the Planning Council, in its deliberate judgment discuss and make recommendations on such matters as:

- looking into the claims of the descendants of kuleana landowners who have ancestral ties to Kahana
- into claims of the descendants of former occupants/owners of land in Kahana who have left and now wish to return
- into the recently announced 'Recreational Renaissance' initiatives announced by the Governor and the Director of the Department of Land and Natural Resources

To make HB 1552 work there must be an allocation of staff to assist the Council in getting its work done. This means an allocation of money to provide for staff and other incidental administrative expenses.

5. On the so called "moratorium"--- Section 7 of HB 1552 page 9, lines 16-21 and page 10, lines 1-2:

Background:

This section allows, in fact encourages, the six illegal residents on public land to remain where they are on an extended, perhaps, open ended basis. This is unwise.

Three of the illegal residents, the Kahalas, are long time residents who, as I understand it, through no substantial fault of their own, "fell through the cracks" of the lease allocation system and family politics but were, nonetheless, given a chance to get a lease if they could get financing to build a home (***See Division of State Parks Submittal dated April 1, 2005 approved***

as amended by the Board of Land and Natural Resources on 4/1/05 attached as Appendix 3).

They tried, procrastinated and ultimately fell victim to the AG's opinion of March 24, 2008. In a sense the Kahalas fall into a different category from the other three—one of whom (Thoran Evans) had a lease, gave it to his sister who defaulted and then lost the lease; the other two, Soliven and Sherry Johnson, cousins, are in illegal occupation of houses not up to Code and left vacant by their respective mothers when they (that is, their mothers) moved to other leased lots in Kahana. The staff of Parks made the critical error of not having these houses demolished before new leases were issued. The resulting legacy is what the taxpayers of Hawaii have inherited.

Keep in mind that four of the residents threatened with eviction have been in Kahana for most of their lives (from 20 plus years to over thirty), one has been illegally living in Kahana for at least two years (Sherry Johnson, who moved in to where she now lives, after her brother moved out) and one, Soliven, for upwards of ten years. All of the threatened evictees do not pay property taxes (like regular lessees) or any kind of rent and the State cannot require them to do 25 hours of in kind services because they have no lease, no contract. This is a situation that is bad for the illegal residents and their families in as much as their lives are in a constant state of uncertainty and since they do not pay property taxes or are compelled by contractual obligations to perform the 25 hours of work that all lessees have to do, the illegal residents have a discriminatory advantage. This is one of the sources of friction and frustration in Kahana—between lessees who follow the law and illegal residents who do not. Lessees who follow the law feel for their neighbors who do not have a lease but are nonetheless frustrated. The time has come to remedy this situation without further delay if it can be done legally, consistent with existing law and not in violation of the State's Constitution (Article XI, Section 5).

A more equitable approach, considering the background sketched in the preceding paragraph, would be to do the following:

- i. As soon as this Bill becomes an Act, there will be a six month period during which any person now living in Kahana, 18 years or older, may apply for a long term lease of not less than 65 years and shall be granted one provided such applicant can provide proof of having at least \$50,000 with which to build a house within twelve months from the date of approval of a lease. The procedure would be simple: provide proof of funds being available together with plans and specifications to build a house. Applicant enters into agreement to complete building a house in 12 months. If applicant fails to do so, lease gets cancelled and applicant has to vacate leased area. ***This Bill should be amended accordingly.***

- ii. This Bill will have to provide authority to DLNR to issue leases such that leased lots can be encumbered by conventional 30 year mortgages unlike all other leases in Kahana although this will set up a double standard. Lessees must, of course, qualify for a loan as any other applicant for a mortgage must. This was the point that Senator Hee drove home when he spoke to members of the Community Association and others on December 9, 2008. "I will make it possible for you to get a lease, but you must find the money to build a house," is what the Senator stated clearly and emphatically to the residents threatened with eviction. **This also calls for further amendment of the Bill as it now stands.**
- iii. By opening up new leases to all eligible Kahana residents the Bill gets further away from being special legislation and simply reopens what Act 5 provided in the first instance although what is being urged here is a modification of the narrow approach taken in Act 5 (approved 4/13/87, almost 22 years ago). This broader approach is a recognition of, and a concession to, changed times and circumstances. And, most importantly, provides a more immediate remedy rather than one that is possessed of uncertainty and is open ended and that is passed on to the Planning Council for action at some indeterminate time in the future.
- iv. A major caveat is that the total number of leases in Kahana will not, until the Planning Council acts, and the Board of Land and Natural Resources approves the Comprehensive Action Plan (so called "Master Plan"), to exceed 31.
- v. This approach draws on, and is consistent with, the provisions of the Bill on page 3, lines 11-14 and page 4, Section 3 (1), lines 16-19.
- vi. All of this depends on whether this part of the Bill is constitutional as stated at the very beginning of this submission.

Much of what has come to be a part of HB 1552 is the result of lengthy discussions between Representative Wooley, her staff and stakeholders in Kahana, both lessees and other residents. I am deeply appreciative of this process of close and honest consultation.

I am strongly opposed to HB 765 partly because substantial parts of its contents were not the subject of similar consultation as occurred in the case of what is in HB 1552.

J.M. Anthony, Ph.D.
February 1, 2009
52-196 Trout Farm Road

Kahana, Hawaii 96730
drjant@aol.com

Attachments: as listed—

1. Testimony of the State Attorney-General to the House Committee on Water and Land, March 17, 2008 (3 pp.)
2. Testimony of the Chairperson, DLNR, before the House Committee on Water, Land, Ocean Resources and Hawaiian Affairs, March 17, 2008 (2 pp.)
3. Division of State Parks Submittal on New Residential Leases at Ahupua'a o Kahana State Park approved as amended by the Board of Land and Natural Resources on April 1, 2005 (4 pp. with Exhibit A)

kahanaHB1552.012909

LATE TESTIMONY

HB 1552
February 9, 2009
9:00am Room 325

Honorable Chairman and committee members of the Water, Land, and Ocean Resources,

My name is Clinton Kanahale "Nana" Gorai. I was born in 1932 in Kahana. Growing up in Kahana has provided me many opportunities and knowledge from the mountain to the sea. I am a fisherman, a crafter, and a taro farmer.

In 1968, I was called to active duty and served in the United States Army for 20 years. My family continued to live in Kahana. My roots are deep in the Kahana heritage and culture going back to the 1800's.

Since my return from the military, I have always gone back to Kahana, my homeland. The past 12 years, I have worked the lo'i that once belonged to my father. I do not live in Kahana, but I return to my 'aina every day to listen to the land and talk story with the plants. I have lo'i up the mountainside and often host students who visit Kahana valley.

I am providing my testimony to emphasize that I have lineage in Kahana, I continue work and give back to Kahana, and I want to have the opportunity to return to Kahana and live.

Throughout the discussions and details of the bills presented in this years legislation, not once did I hear any reference of taking care of the kupuna or providing the opportunity for kupuna like me to return to our lands to live. I would like the words changed to include people who once lived in Kahana to have the opportunity to come back to our lands. If truly the intent is to perpetuate our culture, then kupuna like myself should be more visible and existent in the community. We should have a level of priority to the new residential leases. The opportunity to reside in Kahana can provide numerous chances to educate and share with the younger generation.

I am lucky if I have another 15 more years to live, but please provide a fair opportunity for me to reside in the community. Unfortunately, malama I ke kupuna was a huge oversight on everyone's part, but I am asking to reconsider and include the language in your bill so that I can come back home to Kahana.

Mahalo for your time,
Clinton Gorai



PO BOX 112
HAULUA, HI 96717

LATE TESTIMONY

February 9, 2009

Representative Ken Ito, Chair
Representative Sharon E. Har, Vice Chair and Members
Committee on Water, Land, & Ocean Resources

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

Aloha Kakou,

The Ko'olaupia Hawaiian Civic Club is the second oldest Club of the O'ahu Council of the Association of Hawaiian Civic Clubs and was formed on June 14th, 1924. We have a membership of nearly 125 members and the objectives of our club include taking an active interest in the civic, economic, social and moral welfare of the community, particularly the people of Hawaiian ancestry therein, and to support programs which benefit them and the community at-large. We also promote the theory and practice of the principles of good government and good citizenship.

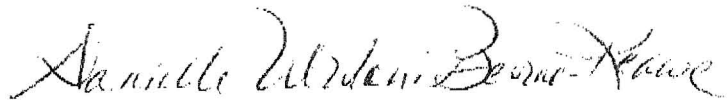
The Ko'olaupia Hawaiian Civic Club has many members which are residents of the Kahana Valley State living park and are concerned about the issues presently affecting the people in our community.

We would like to support the authorizing of the Department of Land and Natural Resources to issue leases to those living on the land for the last ten to fifteen years on revocable permits and allow them to participate in the interpretive park programs other lessees commit to benefit the public. We also support the Planning Council for the development of a Master Plan that would provide clarity, visions and goals for the living park. This would include a "land manager" and other measures of managing the living park.

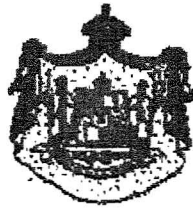
We are also supportive of the Planning Council reviewing all plans already submitted, however never adopted or approved by DLNR, which includes the People's Plan of 1979 and the Development Plan of 1985.

Again, we support H.B. 1552 and recommend its passage.

Mahalo



Danielle Ululani Beirne-Keawe, President



LATE TESTIMONY

OAHU COUNCIL

Association of Hawaiian Civic Clubs

February 9, 2009

Representative Ken Ito, Chair
Representative Sharon E. Har, Vice Chair and Members
Committee on Water, Land, & Ocean Resources

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

Aloha Kakou,

The O'ahu Council of the Association of Hawaiian Civic Clubs is comprised of 24 Hawaiian Civic Clubs on O'ahu, Hawai'i. The O'ahu Council was formed in 1959 after the first Convention of the Association of Hawaiian Civic Clubs held at the Princess Kaiulani Hotel in the same year. The Association of Hawaiian Civic Clubs is the oldest community-based grassroots native Hawaiian organization in Hawai'i, having been formed in 1918 by the then Delegate to the United States Congress, Prince Jonah Kuhio Kalaniana'ole.

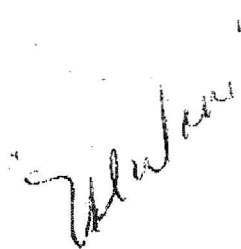
The purpose of this organization is to provide guidance and to assist in the activities of all Hawaiian Civic Clubs on the Island of O'ahu. Another purpose is to advocate positions adopted by the Association of Hawaiian Civic clubs at their Annual Convention or as approved by the Council. Lastly, we promote the self-determination and self-governance of the native Hawaiian people.

On behalf of the O'ahu Council of the Association of Hawaiian Civic Clubs, I am submitting testimony to support H.B. 1552 to authorize the Department of Land and Natural Resources to issue leases to residents living in the Kahana Valley State Living Park, previously on revocable permits. DLNR's authority with Act 5 expired in 1993; therefore, legislation is needed at this time. This legislation also provides for the development of a Master Plan with a Planning council that will take into

consideration the People's Plan of 1979 and the Development Plan of 1985 and other plans pertinent to the process.

Mahalo for all consideration to pass H.B. 1552.

Danielle Ululani Beirne-Keawe, Government Relations Chair



February 9, 2009

LATE TESTIMONY

Danielle Ululani Beirne-Keawe
P.O. 653
Kane'ohe, Hawai'i 96744

Representative Ken Ito, Chair
Representative Sharon E. Har, Vice Chair and Members
Committee on Water, Land, & Ocean Resources

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

Aloha Chair Ito and Members,

I would like to take this time to thank our new Representative Wooley for the introduction of this legislation relating to the issues in Kahana Valley State Park. It is long overdue as four years straight legislation has passed the Senate and not scheduled in the House, so therefore I would like to thank you Chair Ken Ito for scheduling H.B. 1552 for this hearing this morning and pray your Committee will support this bill with its passage as soon as possible.

This H.B. 1552 is sorely needed to correct issues having to do with leases in Kahana Valley State Park for those allowed to remain living on the land on revocable permits for the last ten to fifteen years and were not qualified for leases for one Department of Land and Natural Resources administrative rules or another. This legislation authorizes the DLNR to issue new leases in Kahana Valley State Park as Act 5 has sunset to do this in 1993. This legislation also establishes a Kahana planning council to develop a Master Plan for the Kahana Valley State Park that has never been realized even though many have been written but none have been adopted nor approved by DLNR.

I also support a "Land Manager" working with a park program coordinator who has the knowledge of land management and planning and the ability to work cooperatively with the State, residents, the public and is a "traditional practitioner" of native Hawaiian values and culture.

As you are aware, I am a lessee and resident in Kahana Valley State

Park, and I do my interpretive park program hours as required by Act 5, which gives me the opportunity to work on numerous programs and projects over the last nearly forty years with my Dad, Daniel Beirne, now deceased and my sisters and brother, my children, grandchildren and now raising my great-children.

My daughter Nohealani teaches in Waianae and speaks Hawaiian and my grandchildren all speak Hawaiian too, with Kahiau teaching the keiki at Punana Leo O Ko'olauloa and Kawehi teaching at Kula Kaiapuni O Hau'ula and this semester at Puohala Elementary School on her Practicum for a teaching degree. They have been taught to work in the taro loi, work at Huilua Fishpond for many years, while my own siblings and children all worked on building of our canoes and racing in the canoe races.

I also have many workshops with another lessee Pualoke Dela Cerna who teaches our residents how to make Hawaiian implements, lauhala weaving, ukulele lessons and other residents who share many other talents. I share these with this Committee as an example of the kinds of cultural activities we as lessees contribute to the Kahana Valley State living park for the benefit of the public.

There is no doubt that Kahana Valley State Living Park lacks a viable Master Plan, however I would like your Committee to know that there are over 49 reports on Kahana with a number of them offered as Master Plans, however the more simplified ones are those representing the People's Plan which was offered in 1979 and the Development Plan offered in 1985. I feel that all plans need to be reviewed and a Planning Council with those having the knowledge in this area be considered to be on the Council. I also support a Planning Council versus an Advisory Council because Kahana has been over-advised by many outside influences and we need to start getting busy on planning our own future, after all, we are the ones to carry out any Master Plan approved by DLNR.

I feel that this legislation has been written to address the immediate issues of the leases, and also the issues of the Master Plan forgotten after nearly thirty years, due to lack of funding or perhaps those at the time serving with DLNR that did not have the foresight that one was needed.

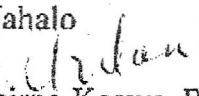
Again, I support H.B. 1552 with a few suggestions rather than

amendments because my concerns are dealing with the following in Section 3. 1) Persons who at the time of enactment of this Act reside in a state living park and are contributing their time to benefit a state living park. (The six residents were not required to contribute to twenty-five "in-kind" service hours as revocable permit holders, and contributed when their services were needed.) I support those receiving their lease as soon as possible so as they may contribute their time to benefit the public. Each one should be able to share what they contributed when called upon as ten to fifteen years is a long time to live in Kahana without a lease. 2) This section refers to persons who qualify as lessees under Act 5, SLH, 1987. (This section tells me that anyone living in Kahana at the time of Act 5 in 1987 also qualifies for a lease and can also apply for a lease, which means that in 1970 when the residents were allowed to live in a State Living Park up until 1987, others on the waiting list may also qualify.) 3) OTHER QUALIFIED PERSONS WHO MAY BE IDENTIFIED IN THE LIVING PARK MASTER PLAN APPROVED BY DLNR.

Well, I want to know how many leases besides the 31 original leases and now the numbers are 35 by DLNR, how many more can we look forward too. For me personally, every resident is important for our community to be able to do our programs more effectively. They need to feel included and committed to benefit the public, however the home base needs to be solid.

I believe that Section 3 should prioritize those that are living on the land and are the lineal descendants from the traditional families of the Ahupua'a O Kahana first, and then the following with those that qualify that were living in Kahana but displaced for reason, military, marriage, or either a brother or sister was considered before them, and the qualifications should take into consideration all matters pertinent to functioning of the families in order to be of benefit to the public. I believe that one needs to show their lineal ties to the Kahana Valley State Living Park. Again, even with my concerns, I think this is the most favorable legislation introduced to "fix the pilikia" in Kahana. I thank you for your time and support the passing out of H.B. 1522 from your committee as soon as possible.

Mahalo


Danielle Ululani Beirne-Keawe, Resident

February 9, 2009

David Haili Keawe
P.O. 653
Kane'ohe, Hawai'i 96744

LATE TESTIMONY

Representative Ken Ito, Chair
Representative Sharon E. Har, Vice Chair and Members
Committee on Water, Land, & Ocean Resources

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

Aloha Chair Ito and Members,

I am a resident of Kahana Valley and I have been involved with many different cultural programs and projects with the Beirne 'Ohana. I support H.B. 1552, which would authorize the issuance of residential leases in living parks such as Kahana valley state living park and also the establishing of a planning council to develop a master plan by reviewing all plans available from 1970 up to the present time with no cost to the state.

I support authorizing the Department of Land and Natural Resources to issue leases in any state living park as long as the residents share their talents and contribute 'ohana time" to benefit the public which includes the schools and universities and various organizations, even our keiki. I feel the residents of Kahana do a wonderful service in the sharing of their values and cultural heritage.

Every family in the Kahana Valley State Living park can trace their genealogies from time immemorial to show their lineal ties to this Kahana we call home. I know each 'ohana in Kahana and have much aloha for each of them and respect each of them. No one said life was going to be easy, all we need is to do our part.

I am here today, to try to make a difference, in how we all need to malama each other, that is the way of the Hawaiian. There is no other state that share the aloha like us, as Hawaiians. Lets all be mindful of each others needs and try our best to kokua.

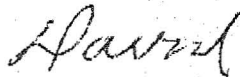
Give those that are affected the tools they need to live a better and

more productive life even in the giving back to the public, the more you give the more you receive.

I had the opportunity to craft our own canoe, coach the canoe club in Kahana, plant many kalo loi with my 'ohana, work many hours restoring Huilua fishpond as well as malama 'aina, raise our own pua'a. And more recently, kokua our project with hula implements, i.e crafting ipu, uliuli, pu'ohē, pu'ihu and lauhala crafts with my family. I even tried my hand at planting ipu/gourds and my tropical flowers, banana and papayas are all good. As a kupuna, it was all work experiences I will always cherish and which I am able to share.

I believe that this is the best legislation to address the concerns of all in Kahana. Please pass this H.B. 1552 out of Committee as soon as possible. Its time for the House to take the lead for the residents are depending on you.

Mahalo



David Haili Keawe

February 9, 2009

LATE TESTIMONY

Clyde Troy M. Thompson
52-236 Lot # B10 Kamehameha Hwy.
Kahana Valley, Hawai'i 96717

Representative Ken Ito, Chair
Representative Sharon E. Har, Vice Chair and Members
Committee on Water, Land, & Ocean Resources

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

Aloha Chair Ito and Members,

My name is Troy and I am a resident of Kahana Valley State living park. I am here to support H.B. 1552 relating to Public Lands. This bill gives the Department of Land and Natural Resources the authorization to issue leases to residents that are living on the land. This bill also sets up the process for a Master Plan to be developed for Kahana.

I have been living in Kahana with my family since 1985 and have been one of those with a revocable permit for many years. The relocation of my parents in 1998 to the mauka area off Trout Farm Road gave me the responsibility to "malama" the areas that really belonged to my grandfather, Daniel Beirne, known as the "banana patch" who is now deceased since 1986. Mom felt I had it all together and gave me a job to take care of the area designated now as the canoe halau or hale wa'a. I was also involved in canoe racing as my other siblings and cousins. I also spent my youth in taro patches with Grandpa, and in the banana and ulu patches, cleaning, raking, rubbish, and more rubbish, for the benefit of the public.

I share this with this Committee because that is what Kahana is about, it's about the work of the people. Sometimes its okay and sometimes it is not something we can deal with, but the bottom line is, it is home to all of us in Kahana. Why is this important? Well, I was one of the applicants that did not qualify because I was not born in Kahana. No one was either, most were born in hospitals. Well, today my eldest sister has come home, Sherri Lynn Johnson and her husband Eric and their two sons Kaimi and Kamalani and of course my niece Kahiau. Under Papa Kawika and Grams teachings, they have contributed to Kahana from the time credit hours were due and

today will be able to extend their work in the loi, at the Huilua fishpond, in canoe races and even la'au lapaau, the program shared by Grams, my mother.

I have had Mom's shack cleared out so many times because of eviction notices, that I now camp out at the mauka lot. I have been so blessed to call Kahana my home. Why? Because it's a generation thing, now from, great grandmother Nancy Lokalia Kaaikai Nuhi, to grandfather Daniel Beirne, to mother Ululani Beirne, to me, to my neices and nephews and now my grand neice and nephew.

I know our families are all connected in Kahana by how they treat each other, some time good, some time not, but the end run is we all need each other. As much as we want to fly on our own, just know that we all need to kokua each other. Anyways, that's what my Mom always stresses and sometimes it can stress me out.

Why do I share these things? I do because they are the 'ohana values and cultural identities we all have, its in the genes!!! I know that if we all help each other, the Lord will bless us too.

Again, I support H.B. 1552, and ask that you pass this legislation out as soon as possible.

Mahalo



Clyde Troy M. Thompson

LATE TESTIMONY

Ron Johnson

Monday, February 9th 2009

Support of HB 1552, Relating to Public Lands

Aloha my name is Ron Johnson, I am a fifth generation resident of Kahana Valley and a current lease holder. I support the intent of HB 1552, Relating to Public Lands, 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.

I believe that the planning council outlined in this legislation should be made up of LEASEHOLDERS, as it is this group who has contracted individually with the state. It is the leaseholder who holds the responsibility to ensure that each member of his/her household fulfills that family's obligation to the lease. While I believe the greater community should have input, ultimate decisions should rest with those who hold leases.

Many years have passed and there is still no official master plan for the park. With the collaborative efforts of resident leaseholders and DLNR, I believe we can develop and implement a plan that provides structure to lease obligations, address current and future concerns and highlights all of what Kahana has to share. There are examples of interpretive programs that are flourishing in the park, collaborative efforts between DLNR and lease holders which continue to grow.

I am NOT against the evictions of any persons currently residing in Kahana valley, who have failed meet the criteria specifically related to Interpretive Programs set forth by DLNR. I believe that DLNR must have the authority to grant, deny and manage leases.

This legislation is a start, a start to laying the 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.

Mahalo for your time,

Ron Johnson