

**Rep. Maile Shimabukuro**

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**From:** William and Anne Marie Jacintho [jacinthow001@hawaii.rr.com]  
**Sent:** Monday, February 23, 2009 10:28 PM  
**To:** HAWtestimony  
**Subject:** HCR 28

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009

COMMITTEE ON HAWAIIAN AFFAIRS  
Rep. Mele Carroll, Chair  
Rep. Maile S.L. Shimabukuro, Vice Chair

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES  
Rep. Ken Ito, Chair  
Rep. Sharon E. Har, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, February 25, 2009  
TIME: 10:50 a.m.  
PLACE: Conference Room 329

State Capitol

415 South Beretania Street

A G E N D A

REQUESTING A STUDY OF THE ESTABLISHMENT  
OF A COMMUNITY-BASED CARETAKING AND  
EDUCATIONAL PROGRAM FOR AREAS OF STATE  
PARKS THAT CONTAIN HEIAU AND OTHER  
SACRED SITES.

HAW/WLO,  
FIN

Dear Committee of Hawaiian Affairs, and Committee on Water,  
Land, and Ocean Resources,

Please accept this e-mail as testimony IN SUPPORT OF HCR  
28. My family and I agree that it is very important to provide  
Community support for educational programs for areas of State  
Parks that contain Heiau and other Sacred Sites, so  
these Sites can be given the proper respect and care they much  
deserve. These Sites are a very big part of Hawaii's History,  
that should be preserved.

Thank you for caring.

William G. Jacintho Kula, Maui, Hawaii

*Kawaihapai Ohana*  
c/o Thomas T Shirai Jr  
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House Committee on Hawaiian Affairs (HAW)  
Representative Mele Carroll (Chair) / Representative Maile Shimabukuro (Vice Chair)

House Committee on Water, Land & Ocean Resources (WLO)  
Representative Ken Ito (Chair) / Representative Sharon E Har (Vice Chair)

Notice of Hearing  
Wednesday, February 25, 2009  
10:50 AM / State Capitol Conference Room 329

February 24, 2009

RE: Testimony of Opposition for HCR 28 (Requesting a Study of a Community-Based Caretaking and Educational Program for Areas of State Parks that Contain Heiau and Other Sacred Sites)

*Aloha Chair's Carroll & Ito, Vice Chair's Shimabukuro & Har and Committee Members,*

The *Kawaihapai Ohana* opposes HCR 28 because it's not needed because it would overlap existing procedures that have been currently established. Most recently, *The Department of Interior (DOI)* and *The Office of Hawaiian Affairs (OHA)* have solicited and completed a *Native Hawaiian Organization (NHO) List*. Additionally, there are laws such as *Hawaii Revised Statutes (HRS) Chapter 6(E)* and *Native American Graves Protection Act (NAGPRA)* which has procedures regarding the contents of HCR 28.

The *Kawaihapai Ohana* is recognized by *The Department of Interior (DOI)* and *The Office of Hawaiian Affairs (OHA)* as a *Recognized Native Hawaiian Organization (NHO)* which strongly advocates for perpetuation afforded to a recognized lineal descendant to supercede all *Native Hawaiian or Non Native Hawaiian Organization* regarding specific burial, cultural and historical concerns. The mission statement (*kuleana*) of the *Kawaihapai Ohana* is listed on the *Department of Interior's (DOI)* website ([www.doi.org](http://www.doi.org)) which clearly states it's emphasis as the *Northwest Coastline of Waialua Moku* encompassing the *Ahupua'a of Kamananui, Kekahi, Auku'u, Kawaihapai, Kealia and Ka'ena*.

During the 2007 Legislative Session, ACT 59 (Relating to Historic Preservation) was passed and contains similar *kuleana*.

Therefore, this legislation would also impose and impact established *Community-Based Caretaking* already in place. An example of this is currently done regarding *Kaena Ahupua'a* whereas the *Mokule'ia Community Association (MCA)* has a tenure spanning at least 30 years along with an established relationship with the *Department of Land and Natural Resources (DLNR)*. Currently *The Friends of Kaena* was formed and carryout similar tenure regarding *Kaena Ahupua'a*. I'd like to note that both organizations have members of *Hawaiian ancestry*. Furthermore, this was all prior to *Aha Moku or Aha Kiole*. *Poe Kanaka* at the immediate localized level should carry out *Kuleana* or their specific geographical area.

The phrase *“Don’t fix it if it’s not broken”* applies here and culturally similar to how a fisherman of a specific location doesn’t disturb behavior patterns regarding a school of fish which has provided subsistence to him for years and in some cases generations. HCR 28 would have a tremendous effect regarding an established *Kuleana* and not needed. *Malama Pono.*

*Thomas T Shirai Jr*  
*Kawaihapai Ohana – Po’o*

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House Committee on Hawaiian Affairs (HAW)  
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*Aloha Chair's Carroll & Ito, Vice Chair's Shimabukuro & Har and Committee Members,*

I oppose HCR 28 because it's not needed because it would overlap existing procedures that have been currently established. Most recently, *The Department of Interior (DOI)* and *The Office of Hawaiian Affairs (OHA)* have solicited and completed a *Native Hawaiian Organization (NHO) List*. Additionally, there is are laws such as *Hawaii Revised Statutes (HRS) Chapter 6(E)* and *Native American Graves Protection Act (NAGPRA)* which has procedures regarding the contents of HCR 28.

As a recognized lineal descendant by the *State Historic Preservation Division (SHPD)*, I'm a strong advocate for the perpetuation afforded to a recognized lineal descendant to supercede all *Native Hawaiian or Non Native Hawaiian Organization* regarding specific burial, cultural and historical concerns. During the 2007 Legislative Session ACT 59 (Relating to Historic Preservation) which has similar criteria that I've attained.

This legislation would also impose and impact established *Community-Based Caretaking* already in place. An example of this is currently done regarding *Kaena Ahupua'a* whereas the *Mokule'ia Community Association (MCA)* has a tenure of at least 30 years along with an established relationship with the *Department of Land and Natural Resources (DLNR)*. Currently *The Friends of Kaena* was formed and carryout similar tenure regarding *Kaena Ahupua'a*. I'd like to note that both organizations have members of *Hawaiian ancestry*. Furthermore, this was all prior to *Aha Moku or Aha Kiole. Poe Kanaka* at the immediate localized level should carry out *Kuleana* or their specific geographical area.

The phrase "*Don't fix it if it's not broken*" applies here and culturally similar to how a fisherman of a specific location doesn't disturb behavior patterns regarding a school of fish which has provided subsistence to him for years and in some cases generations. HCR 28 would have a tremendous effect regarding an established *Kuleana. Malama Pono.*

**Thomas T Shirai Jr**  
**Mokule'ia, Waiialua**