

LINDA LINGLE
GOVERNOR OF HAWAII



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

**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 committees on
HAWAIIAN AFFAIRS
and
WATER, LAND & OCEAN RESOURCES**

**Wednesday, February 3, 2010
9:00 AM
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 2240
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

The Department of Land and Natural Resources (Department) does not take a position on House Bill 2240 which proposes the transfer of the functions and duties of the Department's State Historic Preservation Division (SHPD) relating to Hawaiian burial sites to the Office of Hawaiian Affairs (OHA) and instead, defers to OHA on the feasibility of this matter. Should the measure be enacted, the Department stands ready to work with OHA to ensure a smooth transition of the burial site functions of the Department to OHA.

The Department notes that currently the Culture and History Branch of SHPD reviews burials treatment plans, genealogies and staffs the burial council. It also participates in 106 consultation and is responsible for outreach and education under our Federal grant. The Department requests that it be allowed to maintain positions in this Branch so as to meet our federal requirements.

The Department recommends the following changes to the bill to clarify the roles of the Department and OHA:

- Page 15, line 8—clarify who has responsibility for the inventory of Native Hawaiian remains. The Department prefers this responsibility go to OHA to be consistent.
- SECTION 12, Inadvertent burials. This section need to clarify who has responsibility for the initial call, and determines jurisdiction.
- The Department suggests that a section on rulemaking for OHA be added.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

LATE TESTIMONY

ON THE FOLLOWING MEASURE:

H.B. NO. 2240, RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

BEFORE THE:

HOUSE COMMITTEES ON HAWAIIAN AFFAIRS AND ON
WATER, LAND, AND OCEAN RESOURCES

DATE: Wednesday, February 3, 2010 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Mark J. Bennett, Attorney General, or
Randall K. Ishikawa, Deputy Attorney General

Chairs Carroll and Ito and Members of the Committees:

The Department of the Attorney General has the following concerns with this bill:

The Department of the Attorney General has the following concerns with this bill:

- (1) The bill uses the term "of native Hawaiian origin" at p. 5, ln. 19-21, p. 8, ln 8-11, p. 9, ln. 7-9, p. 10, ln. 14-15, p. 11, ln.5-7, and p. 19, ln.13-15, but does not set forth a definition of the term "of native Hawaiian origin." To eliminate confusion, a definition of that term should be included.
- (2) The bill uses the term "prehistoric or historic burial site that may be associated with the native Hawaiian people" at p. 6, ln. 19-22. As with the concern set forth in paragraph 1, above, the term "associated with the native Hawaiian people" is not defined. To eliminate confusion, a definition of that term should be included. In addition, it is unclear whether the use of the term "associated with the native Hawaiian people," as opposed to the term "of native Hawaiian origin," has any significance.

LATE TESTIMONY

Kawaihapai Ohana
c/o
Thomas T Shirai Jr
P O Box 601
Waialua, HI 96791
Email: Kawaihapai@hawaii.rr.com

February 3, 2010

NOTICE OF HEARING
Wednesday, February 3, 2010
9:00AM
State Capitol Conference Room 329

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS (HAW)

CHAIR: Representative Mele Carroll / VICE CHAIR: Representative Maile Shimabukuro

HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES (WLO)

CHAIR: Representative Ken Ito / VICE CHAIR: Representative Sharon Har

RE: TESTIMONY OPPOSING HB 2240 (Relating to the Office of Hawaiian Affairs)

Aloha Chair's Carroll, Ito and Committee Members,

The *Kawaihapai Ohana* is recognized as a *Native Hawaiian Organization (NHO)* by the *Department of Interior (DOI)*. Part of its *Kuleana (mission statement)* is to *Malama Iwi Kupuna* with an emphasis on the *Northwest Coastline of Waialua Moku* encompassing the *Ahupua'a of Kamananui, Mokule'ia, Kikahi, Auku'u, Kawaihapai, Kealia and Ka'ena*.

The *Kawaihapai Ohana* opposes *HB 2240*. The problem's regarding the *State Historic Preservation Council (SHPD)* is internal and now striving to get back on track. A major setback is the lack of funding *SHPD* receives especially this legislative session due to furloughs and therefore, adequate filling of positions can't be accomplished which puts a great load on personnel resulting in back logs.

The *State Historic Preservation Division (SHPD)* has made some progress and reinterment of *Iwi Kupuna* have occurred in a timely manner with a much more inclusive participation from *Lineal and Cultural Descendants* whereas it wasn't.

The *Native Hawaiian Historic Preservation Council (NHHPC)* is an advisory group that provides the *Board of Trustees* regarding cultural matters and has a time frame of at least 3-4 meetings before an agenda item is passed. I'm sure many of us wouldn't like this delay be added on to the *Iwi Kupuna* waiting for reinterment.

Although the intent of *HB 2240* was done in good intent, my overall view will have to oppose *HB 2240*.
Mahalo nui loa.

Thomas T Shirai Jr
Kawaihapai Ohana – Po'o

TESTIMONY IN SUPPORT

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Kumu Kamalu Kaho'okele Kekahuna of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2240 Relating to the Office of Hawaiian Affairs**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony in support of HB 2240 Relating to the Office of Hawaiian Affairs. This bill transfers the functions and duties of the historic preservation division of DLNR relating to Hawaiian burial sites to the Office of Hawaiian Affairs.

I am very concerned about our cultural sites and kupuna "iwi" as they are being desecrated and destroyed because of the current administrations effort to destroy Hawaii. The current situation with the State Historical Preservation Division's lack of care and responsibility to protect our cultural sites and kupuna "iwi" needs to be addressed now. Hawai'i will be lost if we don't provide the proper care and protection necessary to ensure that our future generations have the opportunity to know the history of Hawai'i.

Furthermore, it is imperative that the state practice what they preach as the state's motto is "Ua Mau Kea O Ka 'Aina I Ka Pono" the life of the land is perpetuated in righteousness. The State Historical Preservation Division has not perpetuated the land in righteousness and it is urgent that we transfer all their functions and duties to the Office of the Hawaiian Affairs.

I urge you to please support and pass out HB 2240 Relating to the Office of Hawaiian Affairs. The kupuna are watching you all the time. Please be pono and do the right thing.

Mahalo Nui,

Kumu Kamalu Kaho'okele Kekahuna Sili
Nahiku, Maui
(808) 248-8887

TESTIMONY IN SUPPORT

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Mapu Kekahuna of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2240 Relating to the Office of Hawaiian Affairs**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony **in support of HB 2240 Relating to the Office of Hawaiian Affairs.** This bill transfers the functions and duties of the historic preservation division of DLNR relating to Hawaiian burial sites to the Office of Hawaiian Affairs.

I am very concerned about our cultural sites and kupuna "iwi" as they are being desecrated and destroyed because of the current administrations effort to destroy Hawaii. The current situation with the State Historical Preservation Division's lack of care and responsibility to protect our cultural sites and kupuna "iwi" needs to be addressed now. Hawai'i will be lost if we don't provide the proper care and protection necessary to ensure that our future generations have the opportunity to know the history of Hawai'i.

Furthermore, it is imperative that the state practice what they preach as the state's motto is "Ua Mau Kea O Ka `Aina I Ka Pono" the life of the land is perpetuated in righteousness. The State Historical Preservation Division has not perpetuated the land in righteousness and it is urgent that we transfer all their functions and duties to the Office of the Hawaiian Affairs.

I urge you to **please support and pass out HB 2240** Relating to the Office of Hawaiian Affairs. The kupuna are watching you all the time. Please be pono and do the right thing.

Mahalo Nui,

Mapu Kekahuna
Nahiku, Maui
(808) 248-7818

TESTIMONY IN SUPPORT

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Corinna "T" Kekahuna of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2240 Relating to the Office of Hawaiian Affairs**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony **in support of HB 2240 Relating to the Office of Hawaiian Affairs.** This bill transfers the functions and duties of the historic preservation division of DLNR relating to Hawaiian burial sites to the Office of Hawaiian Affairs.

I am very concerned about our cultural sites and kupuna "iwi" as they are being desecrated and destroyed because of the current administrations effort to destroy Hawaii. The current situation with the State Historical Preservation Division's lack of care and responsibility to protect our cultural sites and kupuna "iwi" needs to be addressed now. Hawai'i will be lost if we don't provide the proper care and protection necessary to ensure that our future generations have the opportunity to know the history of Hawai'i.

Furthermore, it is imperative that the state practice what they preach as the state's motto is "Ua Mau Kea O Ka 'Aina I Ka Pono" the life of the land is perpetuated in righteousness. The State Historical Preservation Division has not perpetuated the land in righteousness and it is urgent that we transfer all their functions and duties to the Office of the Hawaiian Affairs.

I urge you to **please support and pass out HB 2240** Relating to the Office of Hawaiian Affairs. The kupuna are watching you all the time. Please be pono and do the right thing.

Mahalo Nui,

Corinna "T" Kekahuna
Nahiku, Maui
(808) 248-8887

TESTIMONEY OF: KAHU CHARLES KAULUWEHI MAXWELL SR.

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair
Representative Maile Shimabukuro, Vice Chair
House Hawaiian Affairs Committee

Re: **Testimony in support of HB 2240 and 2242, Relating to the Office of Hawaiian Affairs.**

Dear Chair Carroll, Vice Chair Shimabukuro and Members of the House Hawaiian Affairs Committee:

I am presently the Chair of the Maui/Lanai Islands Burial Council and have been for the last 3 years. I have been a member of the Council since its creation in 1990 and prior to that involved with the Burials of Honokahua. Because of what happened at Honokahua, the Burial Law was created.

Since the Lingle administration came into office, new directors and personal were hired in the Historic Preservation Division. The quality of service dropped and many burials were overlooked and ignored because the administrators failed administer the law. At a Burial Council meeting here on Maui, Nancy McMann, and the Assistance Administrator of the Burial Sites Program admitted that "the Historic Preservation "Is broken".

I truly support this bill because OHA would be the proper agency to handle this Hawaiian Cultural issue and the program would get the proper funding to protect and preserve our Iwi 'Kupuna.