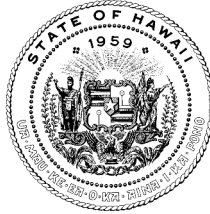


**EDT**

**SB786**

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 Senate Committee on  
ECONOMIC DEVELOPMENT AND TECHNOLOGY**

**Monday, February 16, 2009  
1:15 PM  
State Capitol, Conference Room 016**

**In consideration of  
SENATE BILL 786  
RELATING TO HISTORIC PLACES**

Senate Bill 786 increases criminal penalties for trespass upon and vandalism of properties on the Hawaii Register of Historic Places. The Department of Land and Natural Resources (Department) appreciates the intent of this bill and the Senate's support of historic preservation in Hawaii. However, after conferring with the Department's Division of Conservation and Resources Enforcement officers, the Department is concerned that the courts would not be willing to convict trespassers of a felony and would agree to a plea bargain. As such, the Department recommends classifying the trespass section as a misdemeanor offense under §708-813, Hawaii Revised Statutes (HRS):

- (d) That person enters or remains unlawfully in or upon the premises of a property listed on the Hawaii register of historic places after reasonable warning or request to leave that property.

The intentional or knowingly damage to properties or sites on the Hawaii Register of Historic Places should remain classified as a felony under §708-820, HRS:

- (e) That person intentionally or knowingly damages property on or contributing to a site on the Hawaii register of historic places.

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL Y. TSUIJI**  
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



OFFICE OF HAWAIIAN AFFAIRS

Legislative Testimony

**SB 786 RELATING TO HISTORIC PLACES**

Senate Committee on Economic Development and Technology  
February 16, 2009 1:15 pm Room: 016

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The Office of Hawaiian Affairs (OHA) supports the intent of SB 786, which would increase criminal penalties for trespass upon and vandalism of properties listed on the Hawai'i Register of Historic Places.

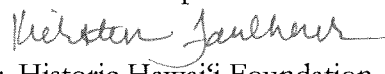
OHA recognizes that this bill is specific to only those historic properties listed on the Hawai'i Register of Historic Places (Register), which formally recognizes a historic property's significance in broad categories such as history, architecture, archaeology, engineering and culture. Sites listed on the Register include, but are not limited to, buildings, sites, objects, districts and structures, all of which contribute to the sense of place and identity for all who call Hawai'i home.

OHA requests assurances that those who seek access to cultural sites for appropriate traditional protocol or maintenance activities will be considered as this bill moves forward. OHA supports individuals who fulfill their inherent kuleana in the perpetuation of traditional cultural practices for future generations by respectfully accessing cultural sites for traditional protocol or maintenance activities. Thank you for the opportunity to testify.

# HISTORIC HAWAII FOUNDATION

**VIA EMAIL:**           EDTtestimony@capitol.hawaii.gov

**To:**                    Senator Carol Fukunaga, Chair  
                          Senator Rosalyn H. Baker, Vice Chair  
                          Committee on Economic Development and Technology

**From:**                Kiersten Faulkner   
                          Executive Director, Historic Hawai'i Foundation

**Committee Date:**   Monday, February 16, 2009  
                          1:15 pm  
                          Conference Room 016

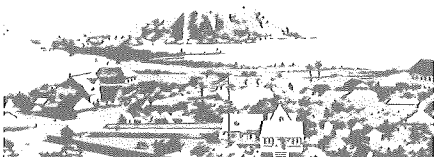
**Subject:**             **Support of SB786, Relating to Historic Places**

On behalf of Historic Hawai'i Foundation (HHF), I am writing to support SB786, which increases criminal penalties for trespass upon and vandalism of properties on the Hawai'i Register of Historic Places.

The state historic register is the official list of cultural resources that are recognized for their significance to Hawaii's history, architecture, archaeology, engineering and culture. The Register lists buildings, sites, objects, districts and structures which give a sense of place and identity to those who live in the Islands, as well as give visitors insight into the uniqueness of our island community. Each site listed on the Register serves as a tangible reminder of our complex history and contributes to our collective heritage.

Given the importance of the sites recognized on the Hawai'i Register of Historic Places, it is appropriate that they be treated with special care, dignity and respect. HHF supports efforts to expand the tools and mechanisms provide for their protection.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.



fukunaga4 - Michelle

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**From:** Tane . [tane\_1@msn.com]  
**Sent:** Friday, February 13, 2009 8:55 PM  
**To:** EDTTestimony  
**Subject:** RELATING TO HISTORIC PLACES.

THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009

COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Senator Carol Fukunaga, Chair  
Senator Rosalyn H. Baker, Vice Chair

AMENDED NOTICE OF HEARING

DATE: Monday, February 16, 2009

TIME: 1:15 p.m.

PLACE: Conference Room 016

State Capitol

415 South Beretania Street

A G E N D A

[SB 786](#)

RELATING TO HISTORIC PLACES.

EDT, JGO

Increases criminal penalties for trespass upon and vandalism of properties on the Hawai`i Register of Historic Places.

[Testimony](#)

[Status](#)

**Dear Senators:**

**I believe this bill is targeting the native Hawaiians of this State and depriving our rights to gather traditionally on these sights as is our right and privilege accorded by the State from its inception. This means, not just collecting fauna and flora for our cultural and historical use, but for spiritual, religious, and formal/informal ceremonies. Iolani Palace grounds is a historical place to gather to kukakuka and for political issues that affect us since during the Kingdom's heyday. We do not need the State's latent permission to continue to do so; nor should we be barred from this traditional practice now. It is not only practiced by kanaka maoli but also other Hawai'i nationals that embraced our society and cultural practices. It behooves you to re-read what was already previously accepted since the U.S. belligerent occupation of Hawai'i; the Admissions Act; and the State's policy established since its formation. We agree that damaging the Iolani Palace, our mecca is criminal; but the grounds of the Palace is always at our disposal for the purposes stated. We strenuously urge the State to preserve our rights and privileges to continue as we have continuously done. Our protocols are open to all and not just kanaka maoli. To strengthens the States integrity, you must let us continue our traditional practices.**

Me ka ha'aha'a,

Tane

**AKA: David M. K. Inciong, II  
1107 Acacia Road #113  
Pearl City HI 96782-2581**

**(808) 456-5772**  
[tane\\_1@msn.com](mailto:tane_1@msn.com)

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Windows Live™: E-mail. Chat. Share. Get more ways to connect. [Check it out.](#)

*Thomas T Shirai Jr*  
*P O Box 601*  
*Waialua, HI 96791*  
Email: [Kawaihapai@hawaii.rr.com](mailto:Kawaihapai@hawaii.rr.com)

Senate Committee on Economic Development and Technology  
Senator Carol Fukunaga (Chair) / Senator Rosalyn H Baker (Vice Chair)

Notice of Hearing  
Monday, February 16, 2009  
1:15 PM / State Capitol Conference Room 016

February 14, 2009

RE: Testimony Supporting SB 786 (Relating to Historic Preservation)

*Aloha* Chair Fukunaga, Vice Chair Baker & Committee Members,

Before going further I'd like to share some of my background. I'm a lifetime resident of *Mokule'ia* who served as past member of the *Oahu Island Burial Council (OIBC)* as *Waialua Moku Representative* and the *Office of Hawaiian Affairs's (OHA) Native Hawaiian Historic Preservation Council (NHHPC)*. My *Kupuna* were *Cultural Informants* for *Bishop Museum* and featured in their publications:

*The Hawaiian Planter* by *E. S. Craighill Handy (1940)*  
*Kaaemoku Kakulu / David Keao / Annie Keahipaka*

*Archeology of Oahu - Bulletin 104* by *Gilbert McAllister (1933)*  
*Annie Keahipaka*

I strongly support SB 786 to further protect our cultural and historical sites on *The Hawai'i Register of Historic Places* from vandalism and desecration. Below is a sampling of these sites within *Waialua Moku*:

*Kukaniloko Birth Stones - Lihue*  
*Ka'ena Complex – Ka'ena (Includes Leina Kauhane)*  
*Pohaku Lana'I – Paalaa Kai*  
*Haleiwa Elementary School (Waialua School) – Paalaa Kai*  
*Ke Alii O Ka Malu Church – Paalaa Kai*  
*Waialua Court House – Paalaa Kai*  
*Pu'u o Mahuka Heiau - Pupukea (included because it's adjacent to Waialua Moku overlooking Waimea)*

A complete listing is on *The State Historic Preservation Division (SHPD)* website  
([www.hawaii.gov/dlnr/hpd/hpqrta.htm](http://www.hawaii.gov/dlnr/hpd/hpqrta.htm))

Currently the *Kaena NARS (Natural Area Reserve) Fencing Project* is being conducted to protect endangered birds and plant from predators. Simultaneously, the *Ka'ena Point Advisory Committee* is being formed to address cultural and access rights. The most significant and vulnerable site within the *Kaena Complex* is *Leina Kauhane* and SB 786 would definitely help protect it from vandalism from individuals that utilize *Ka'ena* for recreational purposes. The *Mokule'ia Community Association (MCA)*

*Page 2 – Testimony of Support for SB 786*

has been pro-active tenure to *Malama Ka'ena* spanning over 30 years. Presently, *The Friends of Ka'ena* was formed and continues to be pro-active along with *MCA to Malama Ka'ena*. Both entities are comprised of *Waialua* residents who are a diversity of ethnicities which includes *Hawaiian Ancestry*. Another community entity which also echo's this *kuleana* is the *North Shore Neighborhood Board* and had at one time a *Ka'ena Point Task Force Committee*. All of these entities are concerned with the protection of *Ka'ena* which *Leina Kauhane*.

Thank you for the opportunity to provide testimony supporting SB 786 which will help protect our cultural and historical sites on the *Hawai'i Registry of Historic Sites* statewide. *Malama Aina*.

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



LATE

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

Senate Committee on Economic Development and Technology  
Senator Carol Fukunaga (Chair) / Senator Rosalyn H Baker (Vice Chair)

Notice of Hearing  
Monday, February 16, 2009  
1:15 PM / State Capitol Conference Room 016

February 14, 2009

RE: Testimony Supporting SB 786 (Relating to Historic Preservation)

Aloha Chair Fukunaga, Vice Chair Baker & Committee Members,

The *Kawaihapai Ohana* is recognized by the *Department of Interior (DOI)* as a *Native Hawaiian Organization (NHO)*. Protecting *Na Mea Hawai'i (Cultural and Historical Sites)* is included in the *Kawaihapai Ohana* mission statement (*kuleana*) which has an emphasis along the *Northwest Coastline of Waialua Moku* encompassing the *Ahupua'a of Kamananui, Mokule'ia, Kekahi, Auku'u, Kawaihapai, Kealia and Kaena. Kawaihapai Ohana Kupuna* were *Cultural Informants* for *Bishop Museum* and featured in their publications:

*The Hawaiian Planter* by E. S. Craighill Handy (1940)  
*Kaaemoku Kakulu / David Keao / Annie Keahipaka*

*Archeology of Oahu - Bulletin 104* by Gilbert McAllister (1933)  
*Annie Keahipaka*

Therefore, the *Kawaihapai Ohana* strongly supports SB 786 to further protect the cultural and historical sites on *The Hawai'i Register of Historic Places* from vandalism and desecration. Below is a sampling of these sites within *Waialua Moku*:

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*Kawaihapai Ohana - Testimony of Support for SB 786*

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Thank you for the opportunity to provide testimony supporting SB 786 which will help protect our cultural and historical sites on the *Hawai'i Registry of Historic Sites* statewide. *Malama Aina*.

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