

## CUAtestimony

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**From:** Jalna Keala [jalna.keala2@hawaiiantel.net]  
**Sent:** Saturday, March 26, 2011 2:17 PM  
**To:** CUAtestimony  
**Subject:** Valuable sites  
**Attachments:** HCR226HistPres.doc

**LATE TESTIMONY**

Testimony to Committee on Culture and the Arts; HCR 226 Requesting the Counties to Adopt Ordinances Identifying and Protecting Culturally Valuable Sites; Monday, March 28, 2011, 11:00 a.m., Rm. 329. On behalf of the Association of Hawaiian Affairs by President Soulee Stroud.

LATE TESTIMONY  
AMENDED

*ASSOCIATION OF HAWAIIAN CIVIC CLUBS*  
Testimony of President Soulee Stroud  
**HCR 226/HR197**  
Before the

COMMITTEE ON  
CULTURE AND THE ARTS  
Monday; March 28, 2011; 11:00a.; Rm. 329

Aloha Madam Chair Wooley and Vice Chair Belatti of the Committee on Culture and the Arts. I am Soulee Stroud here to speak in support of **HCR226/HR197, Requesting the Counties to Adopt Ordinances Identifying and Protecting Culturally Valuable Sites.** I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs here to testify in support of this measure.

We are an organization of sixty affiliates in eleven states on the continent and throughout the Islands of Hawaii. We were founded in 1918 and have consistently advocated for the preservation of language, mele, cultural traditions and the preservation and protection of historic sites. These are fundamental tenets that are written into each constitution as the clubs receive their charters from the Association.

Each year we hold an <sup>SN</sup> annual convention to conduct our organizational business and each club is represented by delegates. Among other things, we submit resolutions that are discussed in committees then voted upon in plenary session. These resolutions are then forwarded to various recipients, and many come here to the legislature.

Attached to this testimony you will find a copy of one of our resolutions from 200<sup>SN</sup>, the most recent of similar resolutions that have been introduced and adopted at our conventions. Unfortunately, although we have tried to get the Mayors of Honolulu to activate this ordinance, it has not come to pass. This resolution is: **06-001, Urging the Mayor of the City and County of Honolulu to Activate Ordinance 93-55 to Establish An Historic Preservation Committee.**

see also  
minutes 06-001

amend 2001 to "2006"

We offer you this information in the hope that you will do better than we have done in trying to get this, or any ordinance that would protect historic sites, to become law. We would also like to suggest that HCR226/HR197 include the protection of iwi, ancient grave sites, as you move forward with your planning. The counties are often overlooked where historic sites are concerned, but this resolution correctly assumes that the counties also have a responsibility toward preservation and protection.

I believe that some of our civic clubs that have a special interest could be helpful in the implementation of ordinances as they are enacted. Thank you for the opportunity to testify.

For further information please contact our Government Relations Chair, Jalna Keala at [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)

*amend to include*

*57M whereas  
② amend to insert wording  
~~\_\_\_\_\_~~*

*also amend in 1st ee it resolved  
add after requested to,  
"activate existing ordinances."*

**Resolution: 06-001**

**Urging the Mayor of the City and County of Honolulu to Activate Ordinance 93-55  
to Establish a Historic Preservation Commission**

**Whereas**, in 1993, the City Council of the City and county of Honolulu, unanimously signed into law Bill 18 establishing a Historic Preservation Commission; and

**Whereas**, the purpose of the Historic Preservation Commission is to identify, protect, preserve, restore and rehabilitate historic properties in the City and County of Honolulu, particularly prehistoric Hawaiian sites not already included on the Hawaii or National Register of Historic Places; and

**Whereas**, the Commission was created further, to enhance the educational, cultural, economic and general welfare of the county, essentially through comprehensive historic preservation planning and administration with special emphasis on the cultural resources of the native peoples; and

**Whereas**, the Commission is designated to be attached to the Planning Department and shall consist of nine members appointed by the Mayor and approved by the City Council; and

**Whereas**, the Commission members shall be from disciplines representative of history, archeology, architecture, planning and Hawaiian culture, chosen from lists submitted by community organizations, including the Oahu Council of the Association of Hawaiian Civic Clubs; and

**Whereas**, although Bill 18 was enacted into law as Ordinance 93-55 on June 10, 1993, it was subsequently vetoed by Mayor Fasi, but the City Council voted unanimously to override the Mayor's veto and successfully fend off a court challenge dismissed in 1999, thereby allowing Ordinance 93-55 to remain as law to statutorily establish the Oahu Historic Preservation Commission; and

**Whereas**, while activation of this Commission, as already established in Ordinance 93-55, would provide an opportunity to protect and preserve historic treasured sites on Oahu, the law has languished on the books since 1993, and has never been put into effect.; and

**Whereas**, the Association of Hawaiian Civic Clubs in convention in Hilo, Hawaii in November of 2000 passed a resolution supporting the activation of Ordinance 93-55 and urging the then-Mayor Jeremy Harris to fund and immediately begin implementation of the ordinance; and

**Whereas**, on July 9<sup>th</sup>, 2001 Shad Kane, the Oahu Council Chair of the Committee on the Preservation of Historic Sites and Cultural Properties and Jalna Keala, the Oahu Council President met with Mayor Harris, his attorney, his Waikiki Improvement Liaison Peter

Apo, and members of the Mayor's Preservation Advisory Committee staff to urge the Mayor to implement Ordinance 93-55; and

**Whereas**, Mayor Harris refused to implement the law and suggested instead the establishment of an Advisory Committee to the Mayor for the purpose of Historic Preservation, and

**Whereas**, the formation of an Advisory Committee to the Mayor would weaken the role of advocacy in the area of historic preservation because of the lack of statutory authority and the "advisory" capacity of a committee; and

**Whereas**, Mayor Mufi Hanneman, while a member of the City Council, supported the legislation to create a Historic Preservation Commission and further, supported the override of the Mayor's veto, now therefore

**BE IT RESOLVED**, that the 'Ahahui Siwila Hawaii o Kapolei, urge the Mayor of the City and County of Honolulu to activate Ordinance 93-55 to establish a Historic Preservation Commission and

**BE IT FURTHER RESOLVED**, that the Mayor fund, implement, and immediately appoint commissioners as was originally intended; and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be transmitted to the Mayor of the City and County of Honolulu, the Chair of the City Council of the City and County of Honolulu, the State Historic Preservation Office, and the Office of Hawaiian Affairs.

Introduced by: Ahahui Siwila Hawaii o Kapolei

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Annelle C. Amaral, President

LATE TESTIMONY

*ASSOCIATION OF HAWAIIAN CIVIC CLUBS*

Testimony of President Soulee Stroud

**HCR 226/HR197**

Before the

COMMITTEE ON

CULTURE AND THE ARTS

Monday; March 28, 2011; 11:00a.; Rm. 329

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For further information please contact our Government Relations Chair, Jalna Keala at [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)

## CUAtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 25, 2011 9:53 AM  
**To:** CUAtestimony  
**Cc:** jalna.keala2@hawaiiantel.net  
**Subject:** Testimony for HCR226 on 3/28/2011 11:00:00 AM

Testimony for CUA 3/28/2011 11:00:00 AM HCR226

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: jalna keala  
Organization: Ahahui Siwila Hawaii O Kapolei  
Address:  
Phone:  
E-mail: [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)  
Submitted on: 3/25/2011

**LATE TESTIMONY**

**Comments:**

Please check Honolulu C&C ordinance 93-55 for validity. Might be model for all counties w/regard to HCR226/HR197. Ordinance needs to be activated by Mayoral appointments to Hist. Pres. Commission. Mahalo. Jalna Keala for Ahahui SHOK



## CUAtestimony

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**From:** Rita Whitford [rrrita@hawaii.rr.com]  
**Sent:** Sunday, March 27, 2011 4:44 PM  
**To:** CUAtestimony; carroll1 - Leilani  
**Subject:** Testimony, HCR 226, HR 197; HCR 259, HR 222  
**Attachments:** Community Group Name.docx; 71400, Heiaus and Heiaus Sites 001.jpg; Ruling Chiefs 001.jpg

Aloha - I am attaching testimony regarding the above subject bills.

Name: Larry Whitford, Founder of Kupuna Council of Upper Waiehu, Maui  
Committee directed to: Committee on Culture and the Arts  
Date of hearing: March 28, 2011, 11:00 a.m.  
Measure number: HCR 226, HR 197 and HCR 259, HR 222

**LATE TESTIMONY**

If you have any questions, please contact me at 808-244-7258 or by email.

Mahalo,

Larry Whitford  
995 Malaihi Road  
Wailuku, Hi. 96793

## Community Group Name – Kupuna Council of Upper Waiehu

My name is Larry Whitford of Malaihi Road, Waiehu, district of Wailuku, Maui. My wife and I reside on agricultural kuleana land with kuleana exemption filed with the county of Maui Real Property Tax Division. My Kupunas received this land from the Konohiki Keinohookama in 1817 to my great, great grandfather Kailiula during the time of Kamemehameha II.

This council recognized the importance of involvement regarding matters pertaining to the development to the mountains of Upper Waiehu, especially the Ahuapuaa of Wailuku, Waiehu, Ahikuli, Hananui, Kou and Waihee within the mountain range of Nawaieha.

Kupuna Council consists of the elders of Upper Waiehu who are descendants of the original land owners from the time of the Great Mahele and prior.

We apply ourselves to the beginning of time as Kupuna meaning ancestors, grandparents, also the source, the starting point and growing. My Kupuna told me in the days of my youth, that in order to know your future, you need to know your past as we now live in the present. With the same thought process using the universal concept, similar to our Mo'o Kupuna (genealogy), we join the lineage of Kupunas as we align ourselves to the source, our Creator. The one we kahea (to call) to each day to give thanks and ask for blessings as we honor our kupuna with respect.

The mountain range of Nawaieha from Wailuku Ahupuaa to Waihee Ahuapuaa, consists of Heiaus, Ahus and many different types of cultural significance. These Heiaus were simple earth terraces on open ground with stone markings depictive to their purpose and authority in management.

Malumaluakua Heiau consists in part of the surface, alignment stones, cap stones, altar offering on high shelf were seen. This shelf measures on 8" in length x 2" deep about 4' off the ground, sculpt in a precipitous smooth face rock against the mountain, standing approximately 20' in height. On the top of this "chief rock" sits 2 round stones about 4' to 5' apart. Activity in these areas became highly active during the vernal equinox and autumnal equinox when nature became balanced and this was the time our Kupunas celebrated the completion to the creation of heaven and earth. At sunrise our Kupunas sounded the confirmation by sending a resonant frequently wave along the seven directional points around this plant earth and linking to the earth's magnetism to complete the circuit.

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Malumaluakua rests with the Wailuku Ahupuaa (see attachments). Ahikuli Ahupuaa is directly north of Malumaluakua mountain and does have Ahu's along with Polipoli Ahupuaa, Hananui and Kou Ahupuaa comes together on the upper ridges. These last two Ahupuaas consists of lookout post, dwellings, pohaku alignment consistent to boundary alignment. Some with depression on the top side with darken stain, an indicator used as an oil base flame stone to mark the alignment to the very large Heiau located at Mauna Alani. Evidence of Heiau was clearly visible through the entire area including valleys and streams. No walls of stones were erected to indicate a place on conformist construction.

Dirt bikes riders have damaged the mountain ridges and slopes with ruts and deep grooves causing erosion from fast moving rain water. Headlights were seen heading down the slope (returning) near the very top of Hananui ridge after 8:00 p.m. Many occasions have seen dust clouds rising from a lower elevation from the side of a slope. This dust cloud was caused by a dirt bike rider making a trail of his own causing serious damage to the natural landscape. From Malumaluakua Mountain to Kou, the natural trails were desecrated by the constant use of dirt bikes on a consistent basis. Attempts were made with law enforcement with Maui Police Dept, Wailuku Patrol Division and members of the State Dept. of Land and Natural Resources for assistance to educate the bikers of their riding habits with negative results. Letter was written to David Singer, landlord of Ahikuli Ahupuaa to no avail.

We, the Kupuna Council of Upper Waiehu, oppose such measure for any approval for development on the mountain slopes or any type of recreational activity. Furthermore, we protest any and all development in all of the Ahupuaas, namely:

1. Wailuku Ahupuaa, the Malumalu Mountain ridge, mainly the Heiau called Malumaluakua, situated in this mountain ridge.
2. Waiehu Ahupuaa
3. Ahikuli Ahupuaa – Ahu's stone altar, used for religious assembly
4. Polipoli Ahupuaa – Heiau, grave sites clearly marked with the name ALAU, family of Maggie Hoopii.
5. Hananui Ahupuaa with Kou Ahupuaa (numerous Ahu's boundary alignment pohakus, huge Heiau at the top side of ridge). Trail comes directly to "check-point" area. Large boulder on left about 15 Kauna's (60 feet) on the southerly direction is the chief guard station. Also a passage way (below the surface) to the Heiau about 10 minute walk to the westerly direction to Mauna Alani (spiritual mountain).

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This location on the higher slopes of the mountain is a sacred place and has always been for hundreds of years and we, the Kupuna Council, knowing this to be true as I myself have walked the trail and grounds. My Kupunas informed me of this site along with the important aspect relating to the universal concept of Nawaieha Mountain Ridge.

Hananui Ahupuaa including Kou Ahupuaa, Ahikuli Ahupuaa along with PoliPoli Ahupuaa and Malumaluakua Ahupuaa, mountain slopes, valleys, ridges, trails, forest, water source, streams, ditches, boulders, rocks, stones, native plants/soil must not be altered from its present position. No earth moving machinery or even by man must refrain from changing the present landscape.

The present area from Malumaluakua mountain to Kou mountain needs to be preserved by a governmental agency to prevent future request by private investors for self gain.

Our Kupunas did not create passage ways beneath the surface and place rocks weighing tons for their purpose overnight.

Disposition:

1. We the decendants of the ancient Kupunas stand firm to our Kupuna Rights of ancestral lands which was set aside to be undisturbed for religious purposes to gain position on a higher level of the highest order in the life hereafter.
2. Let these areas of Nawaieha be in preservation status by a governmental agency forever.

Attachments:

1. #71400, Heiaus and Heiaus Sites
2. Ruling Chiefs of Hawaii page #188

Larry Whitford, Founder

Kupuna Council, Upper Waiehu, Maui