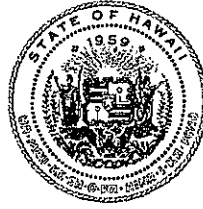
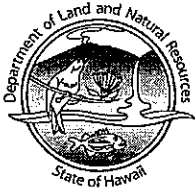


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committees on
WATER LAND AND OCEAN
and
HAWAIIAN AFFAIRS

Monday, February 6, 2012
9:15 A.M.
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 2246
RELATING TO HAIKU VALLEY

House Bill 2246 establishes the Haiku Valley Cultural Preserve Commission to have management oversight of the Haiku Valley Cultural Preserve, and limits the uses of the Valley to Native Hawaiian cultural practices, the protection of the valley's archaeological, historical, cultural and environmental resources, protection and restoration of habitat and vegetation, education and other purposes as determined by the Commission. While the Department of Land and Natural Resources (Department) understands the frustration of some citizens regarding the importance of protecting the Valley, the Department feels that the bill is overly broad and vague and therefore does not support the bill in its current form.

Specific items within the bill that should be addressed:

- 1) There is no definition of the boundaries of the Haiku Valley Cultural Preserve, nor is there any discussion of how to set boundaries in the current legislation.
- 2) The Department is held responsible for the enforcement of policies not vetted by its own governing board and there is no language in the bill to define a process for the Board of Land and Natural resources to vet decisions of the Commission.
- 3) The language in the bill does not limit the jurisdiction of the Commission to public lands, nor is there any discussion of allowing existing uses to continue. This may be problematic if private lands are included in the valley boundaries.
- 4) The Department should not be required to provide administrative support to the Commission if the Commission can hire its own staff and funds are appropriated to it.

- 5) The Executive Director of the Koolau Foundation, or his/her designee should serve on the Commission.
- 6) The Administrator of the Office of Hawaiian Affairs or designee should serve on the commission.
- 7) There should be a list of Native Hawaiian organizations that will provide a list of names to the Governor for appointment to the final commission seat.
- 8) It is unclear whether this is an advisory council or a council with decision making Commission with authority to determine land uses in the Valley. The bill allows the Commission to act in both capacities.

For these reasons, and as stated before, the Department feels that the bill is overly broad and vague and therefore does not support the bill in its current form.

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEES ON WATER, LAND, AND OCEAN RESOURCES
AND HAWAIIAN AFFAIRS
ON
HOUSE BILL NO. 2246

February 6, 2012

RELATING TO HAIKU VALLEY

House Bill No. 2246 establishes the Haiku Valley Cultural Preserve Commission to provide policy and management oversight of the Haiku Valley cultural preserve and creates the Haiku Valley Cultural Preserve Trust Fund to administer the program.

While the Department of Budget and Finance does not take any position on the policy of establishing the Haiku Valley Cultural Preserve Commission, as a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to House Bill No. 2246, it is difficult to determine whether the fund will be self-sustaining.



HB2246
RELATING TO HAIKU VALLEY
House Committee on Water, Land, & Ocean Resources
House Committee on Hawaiian Affairs

February 6, 2012

9:15 a.m.

Room: 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS, with Amendments**, HB2246. This bill would establish a Ha'ikū Valley Cultural Preserve Commission that will have policy and management oversight of a Ha'ikū Valley Cultural Preserve. The bill would greatly assist in protecting and perpetuating this unique cultural landscape and heritage center for all the people of Hawai'i and for future generations.

However, we urge your committees to delete from the bill the paragraph numbered "(6)" at page 6, lines 14-22. That paragraph would remove the powers and duties of the Board of Land and Natural Resources and the Land Use Commission with regard to dispositions and approvals pertaining to the valley cultural preserve. We also urge deletion of the paragraph numbered "(8)" at page 7, lines 4-9. That paragraph would remove the powers and duties concerning the valley cultural preserve otherwise conferred upon the island burial councils and the Department of Land and Natural resources with regard to proper treatment of burial sites and iwi kupuna found in the preserve.

Therefore, OHA urges the committees to PASS HB2246 with our recommended amendments. Mahalo for the opportunity to testify on this measure.



O'ahu Council
Association of Hawaiian Civic Clubs
P.O. Box 37874
Honolulu, Hawaii 96837-1122

February 5, 2012

TESTIMONY IN SUPPORT OF HB2246
RELATING TO HA'IKU VALLEY

Hearing, Monday, February 6, 2012, 9:15 a.m., Conference Room 325, State Capitol

Representative Jerry L. Chang, Chair
Representative Sharon E. Har, Vice Chair
Members, Committee on Water, Land & Ocean Resources

Representative Faye P. Hanohano, Chair
Representative Chris Lee, Vice Chair
Members, Committee on Hawaiian Affairs

Aloha mai, kākou

The O'ahu Council of the Association of Hawaiian Civic Clubs, comprised of 25 civic clubs located on the island of O'ahu, testifies in support HB 2246, Relating to Ha`iku Valley.

Our Council has voted to support the establishment of a cultural preserve in Ha`iku Valley in an effort to ensure the preservation of our cultural resources within the valley.

Mahalo for the opportunity to provide this testimony in support of HB 2246.

Me kealoha pumehana

A handwritten signature in black ink that reads 'Mahealani Cypher'.

MAHEALANI CYPHER
President

About the O'ahu Council, Association of Hawaiian Civic Clubs (AHCC)

The O'ahu Council is one of five councils that comprise the AHCC. It advocates actions that enhance the civic, economic, educational, health and social welfare of our communities and elevates the social and intellectual status of all Hawaiians. Twenty-five clubs located throughout the island of O'ahu comprise the council.



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 5, 2012

TO: Rep. Faye P. Hanohano, Chair
And Members
Committee on Hawaiian Affairs

Rep. Jerry L. Chang, Chair
And Members
Committee on Water, Land & Ocean Resources

FROM: Alice P. Hewett, President
Ko'olaupoko Hawaiian Civic Club

SUBJECT: H.B. 2246, Relating to Haiku Valley

Aloha. My name is Alice Hewett, president of the Ko'olaupoko Hawaiian Civic Club. Our club was established in 1937 and includes members from Kualoa to Kane'ohē, in the nine ahupua'a surrounding Kane'ohē Bay.

On behalf of our club, I am asking your support and passage of House Bill 2246, which will help establish a cultural preserve in Ha'iku Valley.

Our members have worked long and hard to ensure the protection and preservation of important historic and cultural sites within this valley. Kane a me Kanaloa Heiau, and Kanehekili Heiau, are only two of the known sites in this area. There are others whose names are not known but which we are finding as we clear the overgrowth from parts of the valley.

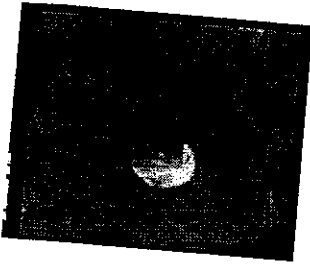
We feel this land can be put to much better use as a cultural preserve where our community can learn from the `aina, both cultural and environmental education, and where we can gather for cultural activities.

Our community has been concerned about growing problems with vandalism and trespassing on this state-controlled property over the past 10-15 years. We think it is time for all of us to get to work and make this place pono.

We are here to help in whatever way is needed to make this valley healthy again.

Mahalo for allowing me to testify.

P. O. Box 664
Kaneohe, HI 96744
Ph. (808) 235-8111
www.koolaupokohcc.org



February 6, 2012

TESTIMONY ON H.B. 2246
RELATING TO HA`IKU VALLEY

KAKO`O `OIWI
EIN: 57-1236490

OFFICE
45-005 Kawa Street, Suite 104
Kaneohe, Hawaii 96744

PHONE
1 808 235 8111

EMAIL
kako.oiwi@gmail.com

WEB
www.kakooiwi.org

BOARD MEMEBERS

President
Jerry Kaluhiwa

Vice President
Mahealani Cypher

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Alice Hewitt

Directors
Leialoha "Rocky" Kaluhiwa
Christiane Lucas
David Henkin

To: Rep. Jerry L. Chang, Chair / & Members
Committee on Water, Land & Ocean Resources

Rep. Faye P. Hanohano, Chair / & Members
Committee on Hawaiian Affairs

From: Jerry Kaluhiwa, President
Kako`o `Oiwi

Aloha, Chairs Chang and Hanohano, and Committee Members:

My name is Jerry Kaluhiwa, president of Kako`o `Oiwi. Our organization is in the process of restoring 400 acres of land back to kalo farming in the ahupua`a of He`eia. We are grateful for the support you gave us last year, which will help make it possible for this farm to supply food products to the people of our island.

We ask your support for this bill, which would help create a cultural preserve in the uplands of our ahupua`a, in Ha`iku Valley.

My family has lived in this ahupua`a for many generations, and we are very concerned about our historic sites and burials up in the valley. We have been working closely with the Ko`olau Foundation and Ko`olaupoko Hawaiian Civic Club to support protection of those sites.

I go regularly into Ha`iku Valley to clear the heiau and malama the `aina, and I know what is up there.

Please pass this bill and help us make this wahi kapu safe by creating the cultural preserve.

Mahalo.

har2-Samantha

From: Starryislands [starryislands@gmail.com]
Sent: Sunday, February 05, 2012 8:04 AM
To: WLOtestimony
Subject: HB 2246

From: Gary Bloom
To: Committee on Water, Land, and Ocean Resources
Committee on Hawaiian Affairs
Hearing Date: Monday, February 06, 2012 at 9:15 A.M. Conference Room 325
Re: HB 2246

I strongly support the establishment of a commission to oversee a Haiku Valley Cultural Preserve. This area's unique cultural and historical legacy is truly a jewel to be treasured by all the people of Hawaii, and requires a dedicated system of management to insure it's value is not only maintained, but passed on to future generations. With the passage of this Bill and subsequent proper oversight, the Haiku Valley Cultural Preserve would greatly benefit the educational, cultural, and recreational opportunities for not only the residents of Oahu, but for visitors from around the world as well. I sincerely hope this opportunity is not lost.

Thank you,

Gary Bloom

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 9:51 PM
To: WLOtestimony
Cc: Ken_Conklin@yahoo.com
Subject: Testimony for HB2246 on 2/6/2012 9:15:00 AM

Testimony for WLO/HAW 2/6/2012 9:15:00 AM HB2246

Conference room: 325
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Kenneth R. Conklin, Ph.D.
Organization: Individual
E-mail: Ken_Conklin@yahoo.com
Submitted on: 2/2/2012

Comments:
Re: HB 2246
RELATING TO HAIKU VALLEY.

From: Kenneth R. Conklin, Ph.D.
46-255 Kahuhipa St. Apt. 1205
Kane'ohe, HI 96744.
tel/fax (808) 247-7942
e-mail Ken_Conklin@yahoo.com

I must strongly object to certain provisions of HB 2246.

For 20 years I have been a resident of Kane'ohe, and have visited Ha'iku Valley on many occasions. Every time I stand at my doorway, I see the majestic Ko'olau peaks of Ha'iku Valley. I'm often blessed to see the rains and mists moving slowly across the landscape, with perhaps 20 waterfalls and occasionally a rainbow. It's easy to recognize the gods here -- that's why I have chosen to live here. The "Stairway to Heaven" ascending to Pu'u Keahiakahoe is visible from my doorway when the sun shines on it at the right angle. I worked for a time with a community group in the 1990s trying to find a way to create a preserve to protect historical, natural, and cultural aspects of the valley; and I toured the old Omega Station and an outbuilding used as a workshop/garage -- buildings which would be good for a museum, cultural center, or place for launching hikes. It's a shame that those buildings have been allowed to fall into disrepair.

It's also a shame that the "Stairway to Heaven", renovated with a million tax dollars, remains closed to the public -- and there's no mention of it in this bill. Failure to mention that hiking trail in this bill clearly implies that it is to be treated as a blight upon the landscape, to be forgotten until it disintegrates.

While I applaud the effort to resolve jurisdictional conflicts in Ha'iku Valley and to preserve historical, natural, and cultural resources, I vehemently oppose (1) the effort to place the valley under the control of a racially and ideologically stacked commission; and (2) the requirement in section 11 that DLNR "shall transfer management and control of the valley cultural preserve to the sovereign native Hawaiian entity upon its recognition by the United States and the State"; and (3) to single out one particular racial group and its cultural heritage as the sole source of value for historic and cultural preservation.

Ha'iku Valley belongs to all the people of Hawaii, and should stay that way. Ha'iku Valley has been used for a variety of agricultural, cultural, and religious purposes by people of various racial heritages. May it always be so! That's why this bill must be rejected.

It appears that this bill is a trojan horse for establishing Hawaiian sovereignty in Ha'iku Valley and could very likely result in a loss of rights for access to the valley by people lacking Hawaiian native blood, and loss of the right to engage in any agricultural or religious activities other than taro growing and worshipping the Hawaiian or Christian gods.

I believe this entire bill should be thrown in the trash because it is hopelessly laced with racist provisions. But if the committee is determined to pass this bill in some form or other, then here are some proposed deletions and insertions:

Section 1: Delete the word "native" in sentence #1. The valley is indeed "of significant cultural and historic importance to ALL the people of Hawaii" -- Insert the word ALL.

In section 2, the proposed new chapter of HRS:

Title of the chapter should not designate Ha'iku Valley as exclusively a cultural preserve, but a rather a combination natural, historical, and cultural preserve. Subsection 3 has a list of enumerated purposes which clearly shows this is a natural and historical preserve, not only a cultural preserve.

In subsection 5, the requirements for selecting the 7 members of the commission are currently written to guarantee a racial majority of ethnic Hawaiians. The provisions cited here virtually guarantee that at least five of the seven members of the commission will be ethnic Hawaiians, even if the CC Honolulu representative in item #4 and the BLNR representative in item #5 might possibly not be. It is legally and morally bad for our multiracial, multicultural society to have any government commission where 5 out of 7 members are statutorially required to be of one particular racial group.

Subsection 6 item #5 should remove race-specific language and allow the Commission to enter into curator or stewardship arrangements with ANY cultural or environmental groups regardless of their specific race or culture. Many races, cultures and religions should be involved in preserving Ha'iku Valley and helping it to thrive for educational, cultural, historical and spiritual purposes.

Subsection 7 allows farming activities. Of course the writers of the bill have in mind that the land should be used for taro production; however, it should be noted that rice production and animal farming were also done here historically. So this section should avoid creating the impression that taro is the only farming activity likely to be allowed under management as envisioned. This section should specifically mention taro, rice, cattle, and poultry farming as examples of what would be permitted. Farmers who sell their produce should be required to pay a percentage of their gross revenue to the state for commercial farming use of the land. Subsistence farmers who only use their products to feed their own families would not be selling it and therefore should pay only rent for the privilege of using our land.

Subsection 11 "Transfer" should be deleted entirely, because it contemplates turning over the entire valley to a race-based government. "The department shall transfer management and control of the valley cultural preserve to the sovereign native Hawaiian entity upon its recognition by the United States and the State."

Such a provision must never be allowed to pass, because it is contrary to the Aloha Spirit and the kokokahi sentence of the Constitution of 1840 to divide the lands and people of Hawaii along racial lines. "God hath made of one blood all races of people to dwell

upon this earth unity and blessedness." The "Transfer" provision is also very bad for the negotiating position of the State of Hawaii when the time comes to chop up the lands and resources of Hawaii to be divided between the State of Hawaii and the Akaka tribe or the Act 195 tribe. If the State of Hawaii gives away these valuable lands even before negotiations begin, then the State's ability to negotiate against the tribe would be significantly weakened. You legislators have a fiduciary duty to represent the interests of ALL Hawaii's people, and to stand up for our rights against a future tribe.

I am strongly opposed to taking any public lands now belonging to all the people of Hawaii and transferring them to a racially exclusionary governmental or private agency.

PLEASE HAVE COURAGE TO EXERCISE YOUR RESPONSIBILITY TO REPRESENT THE INTERESTS OF ALL HAWAII'S PEOPLE, NOT JUST A VOCAL AND POWERFUL MINORITY. PLEASE DEFEND US AGAINST RACIAL SEPARATISM AND ETHNIC NATIONALISM. See my book:
"Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State" available at the library or through webpage <http://tinyurl.com/2a9fqa>

har2-Samantha

From: Paulette Tam [tampaulette@gmail.com]
Sent: Friday, February 03, 2012 8:44 PM
To: WLOtestimony
Subject: HB2246 WLO/HAW Monday, Feb. 2, 2012 at 9:15 am in House Conference Room 325

Aloha WLO Chairman and Members:

My name is Paulette Tam I am a former Kaneohe Neighborhood Board Member (1979 to 2004) who did not support the opening of the Haiku Stairs in the early 2000's, because I felt the neighboring property, Haiku Valley would be open to the wondering general public who could damage sacred cultural and archeological sites without intention.

I believe a Cultural Preserve can protect the Haiku Valley from the general public who are not learned about Hawaiian culture, sacred and archeological sites that are important to the Hawaiian Practitioners and general population.

Please pass HB2246 in its entirety.

Sincerely, Paulette Tam, concerned Kaneohe Resident
tampaulette@gmail.com