

SCR155

URGING THE KAHO'OLAWA ISLAND RESERVE COMMISSION TO REQUIRE THE
PROTECT KAHO'OLAWA 'OHANA THROUGH ITS NON-PROFIT CORPORATION
AND FISCAL AGENT KOHEMALAMALAMA O KANALOA TO OBTAIN LIABILITY
AND PROPERTY DAMAGE INSURANCE.

**KOHE MĀLAMALAMA O KANALOA
PROTECT KAHO‘OLAWE FUND
P.O. Box 39
Kaunakakai, Hawai'i 96748**

**Senate Committee on Water, Land and Housing
Tuesday, March 27, 2012 at 1:20 pm
Conference Room 225**

Testimony Regarding SCR 155
Relating to the Kaho‘olawe Island Reserve Commission

Aloha Chair Dela Cruz, Vice-Chair Solomon and members of the Senate Committee on Water, Land and Housing. My name is Davianna Pōmaika‘i McGregor and I am presenting testimony as the secretary-treasurer of the Kohe Mālamalama o Kanaloa/Protect Kaho‘olawe Fund. It is Spring Break for the University of Hawai‘i at Mānoa, where I am a professor of Ethnic Studies and I will be in California and not available to testify in person.

As currently drafted, Kohe Mālamalama O Kanaloa/Protect Kaho‘olawe Fund opposes SCR 155, Urging the Kaho‘olawe Island Reserve Commission to require the Protect Kaho‘olawe ‘Ohana through its non-profit corporation and fiscal agent, Kohemalamalama O Kanaloa to obtain liability and property damage insurance. While we do not have an issue with utilizing insurance to help reduce the parties' risks, our organization does not have the resources to indemnify the state.

I would like to inform your committee that the Kohe Mālamalama O Kanalo has applied for and is in the process of securing insurance through the Alliance of Nonprofits for Insurance (ANI).

However, providing indemnity for the State of Hawai‘i is not possible for our organization and it is not consistent with the terms of the Palapala 'Aelike Kahu'āina, Section 8, which is consistent with HRS Chapter 90 and HRS Chapter 662. We would like to point out that the Protect Kaho‘olawe ‘Ohana has taken more that 15,000 community participants to Kaho‘olawe since 1980 during more than 300 huaka‘i, first under a court ordered Consent Decree entered into with the U.S. Navy and then as official volunteers with the State of Hawai‘i. The accident referred to in the resolution is the first that has given rise to any kind of action against any parties, including the state.

We will continue to work with the Kaho‘olawe Island Reserve Commission to mutually uphold all terms of the Palapala ‘Aelike Kahu‘āina Stewardship Agreement effective April 7, 2009.

Please contact me at davianna@hawaii.edu if you need additional information.

Mahalo nui loa.