

GM 588

Measure Title: Submitting for consideration and confirmation to the Island Burial Council, Island of O'ahu, Gubernatorial Nominee, KALI FERMANTEZ, for a term to expire 6-30-2016.

Report Title: Island Burial Council, Island of O'ahu

Description:

Companion:

Package:

Current Referral: THA

Introducer(s):

Sort by Date		Status Text
1/22/2013	S	Received.
1/22/2013	S	Referred to THA.
2/19/2013	S	The committee(s) on THA has scheduled a public hearing on 03-04-13 2:45PM in conference room 224.

TESTIMONY LIST

Kali Fermantez	Nominee	
William Aila	Department of Land and Natural Resources	SUPPORT
Jace McQuivey		SUPPORT
Jonathan Likeke Scheuer		SUPPORT
Stevens Hoag		SUPPORT
Creighton Ualani Mattoon		OPPOSE
Angela Breene		OPPOSE
Art & Val Mori		OPPOSE
Bill Quinlan		OPPOSE
Coreen Williams		OPPOSE
Dee Dee Letts		OPPOSE
Gil Riviere		OPPOSE
KC Connors		OPPOSE
Matthew Cabamongan		OPPOSE
Roberta Medina		OPPOSE
Scott Foster		OPPOSE
PETITION	70 – 11 Mainland	OPPOSE

TESTIMONY OF
KALI FERMANTEZ
TO THE SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS
ON MARCH 4TH 2013
G.M. 588

Submitting for consideration and confirmation to the Island Burial Council, Island of O'ahu, for a term to expire June 30th, 2016

Aloha mai kakou,

Chair Galuteria, Vice Chair Keith-Agaran, and members of the Committee, mahalo for the opportunity to come before you today.

I am honored to have been nominated by Governor Abercrombie to serve on the O'ahu Island Burial Council, and have been humbled by the learning experience of being on the council on an interim basis for the last few months. It is a heavy responsibility to care for our iwi kupuna and I am asking for your support because I am both willing and able to represent the Ko'olauloa moku, where I was born and raised (in Hau'ula) and where I currently reside (in Laie).

While I do teach Hawaiian and Pacific Studies, I still consider myself a student of the culture. I am especially interested in the way Hawaiian culture is lived today. I strongly feel that we need to find a balance between traditional culture and the modern context and have been impressed by the way our council under the leadership of Chair Hinaleimoana Wong-Kalu and Vice Chair Jonathan Scheuer, has been striving to do this.

I ask for your support, because my vision is for us as the O'ahu Island Burial Council, to make pono decisions regarding our kupuna. Just as I think of my grandparents who are buried in my district (at Hau'ula Cemetery), I feel strongly that we on the council should, and do, think of the iwi kupuna we are charged with caring for, as if they were our own 'ohana.

Mahalo for your consideration,

Kali Fermantez

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
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WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
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 Senate Committee on
TOURISM and HAWAIIAN AFFAIRS

Monday, March 4, 2013
2:45PM

State Capitol, Conference Room 224

SUPPORT

In consideration of
GOVERNOR'S MESSAGE 588
SUBMITTING FOR THE CONSIDERATION AND CONFIRMATION TO THE ISLAND
BURIAL COUNCIL, ISLAND OF OAHU, GUBERNATORIAL NOMINEE, KALI
FERMANTEZ, FOR A TERM TO EXPIRE 6-30-2016

The Department of Land and Natural Resources (Department) supports Governor's Message 588, nominating Mr. Kali Fermantez to the Island Burial Council, Island of Oahu, to expire June 30, 2016.

The Island Burial Councils are established under Section 6E-43.5, Hawaii Revised Statutes. With regard to previously known burials, the Councils determine whether to leave the burial in place or remove it, recognize lineal and cultural descendants and provide counsel and advice to the Department.

Mr. Fermantez was raised in and is a resident of the Ko'olauloa Moku. He is an active member of the community serving on the Ko'olauloa Hawaiian Civic Club as well as Na Leo Kako'o o Ko'olauloa for Kula Kaiapuni o Hauula. Mr. Fermantez received his Ph.D in geography. His research has focused on how the geographical concept of place resonates with indigenous ways of knowing and informs cultural identities. Mr. Fermantez's strong understanding of the Hawaiian Culture and his educational background brings an assertive, yet fair voice for the proper treatment of Native Hawaiian burials.

Mr. Fermantez has served on the Oahu Burial Council in an interim capacity since August 2012. Senate Confirmation will ensure this important member's term is extended until June 30, 2016.

February 28, 2013

Senator Brickwood Galuteria, Chair
Hawaii State Capitol, Room 221
415 South Beretania Street
Honolulu, HI 96813

RE: GM 558 – Confirmation to the Island Burial Council, Island of O’ahu, Gubernatorial Nominee, KALI FERMANTEZ, for a term to expire 6-30-2016

Dear Senator Galuteria:

Aloha pumehana kua, I am sending this letter in **SUPPORT** of the nomination of Mr. Kali Fermantez to the O’ahu Island Burial Council. Understanding the issues and needs of this Council as its former Chair, matched with my association with Mr. Fermantez – I whole heartedly support this nomination. Mr. Fermantez has dedicated his life’s work to the care and perpetuation of Hawai’i’s culture, peoples, values, traditions and history. He has more than the necessary knowledge, commitment, energy and competence to be a reasonable and thoughtful representative on the Council and to properly consider and balance sometimes competing objectives in a way that considers the needs of the living while respecting the kupuna of the past. He is a person of sound character, known for his honesty and integrity in various responsible positions at his University post, his community and church. He has faithfully been serving on the O’ahu Island Burial Council on an interim basis for the past several months and has earned the respect of his colleagues.

Once again, I give my full support, faith and trust in Mr. Kale Fermantez and this nomination and humbly as for your positive confirmation of his nomination to the O’ahu Island Burial Council.

Mahalo nui loa,

Jace McQuivey
Former Chair, O’ahu Island Burial Council

March 1, 2013

Senate Committee on Tourism and Hawaiian Affairs
State Capitol
Honolulu, Hawaii 96813

RE: GM 587, Support for nomination of Kali Fermantez to the O`ahu Island Burial Council (OIBC)

Aloha Chair Galuteria, Vice Chair Keith-Agaran, and Committee Members,

My name is Jonathan Likeke Scheuer. I have served on the O`ahu Island Burial Council since May 2011 as one of the two representatives for the Kona district, and have also been serving as the Vice Chair since January 2012. The purpose of this letter is to offer my personal **support** the Governor's nomination of Kali Fermantez as a representative for the to the OIBC.

I have had the opportunity to work with Dr. Fermantez since he was at UH Hilo and I was responsible for the management of the Wao Kele O Puna rainforest in 2006. I have worked much more closely with him since he began serving on the Council on an interim basis last year.

Despite Dr. Fermantez amazing background and deep knowledge of Hawaiian issues in general, and the issues in his moku in particular, he is a very humble person. In proceedings before the Council his manner puts many parties at ease. Nonetheless, he still asks penetrating questions of all parties, and maintains a tight focus on what is needed to protect the iwi kupuna in any particular project. This combination of style and knowledge has, I believe, been critical to the development of a high level of trust in the Council's processes from multiple stakeholders.

The Council, and all of us on O`ahu, should recognize our great fortune in Dr. Fermantez' willingness to serve in this capacity. I urge his confirmation. Please do not hesitate to seek further information from me.

Mahalo nui,

Jonathan Likeke Scheuer, Ph.D.
Scheuerj001@hawaii.rr.com

J. Stevens Keali'iwahamana Hoag
Attorney At Law

March 1, 2013

Via E-Mail: THAtestimony@capitol.hawaii.gov

Senate Committee on Tourism & Hawaiian Affairs

Sen. Brickwood Galuteria, Chair

Sen. Gilbert Keith-Agaran, Vice Chair

Re: G.M.588 (Re: Kali Fermantez, OIBC Confirmation)

Testimony In Support

Hearing: Monday, March 4, 2013, 2:45 p.m., Conf. Rm. 224

Chair Galuteria, Vice Chair Keith-Agaran and Committee Members:

Aloha mai, and thank you for the opportunity to testify in **strong support** of the Senate confirmation of Dr. Kali Fermantez to the Oahu Island Burial Council (OIBC). Kali has been serving on the OIBC for about 6 months as an unconfirmed appointee, representing the Ko'olauloa moku.

As a current OIBC member and as someone who knows Kali on a personal level, I wholeheartedly support of his confirmation. Kali is well qualified academically for this position as one who has taught Hawaiian Studies at UH Hilo and currently at BYU-Hawaii. Perhaps more importantly, he grew up and currently resides in the moku of Ko'olauloa. He understands the culture, peoples, values, traditions and history of Hawaii and our region.

I have been a member of the OIBC for 3 years. As Kali has served on an interim basis, I've been impressed with his sensitivity in balancing the interests of proper care for *na iwi kupuna* and our culture on the one hand, with modern interests and activities on the other. He has already begun to serve well and has demonstrated the requisite knowledge, care, competence and heart for this appointment.

For these reasons I respectfully request that you pass out G.M. 588 and confirm Dr. Kali Fermantez as a member of the OIBC.

Mahalo nui,


Steve Hoag

GM588

Submitted on: 3/1/2013

Testimony for THA on Mar 4, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Creighton Ualani Mattoon, Sr.	Keep the Country Country, Inc.	Oppose	No

Comments: Possible conflict of interest since nominee employed by BYUH, an agent of LDS organization proposing massive urban development on rural, state designated Agriculture land which will impact the entire Ko`olauloa and part of Ko`olaupoko. If appointed then should recuse self from actions affecting iwi kupuna relating to this development.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Aloha Chair Galuteria, Vice-Chair Keith-Agaran and Committee Members â€œ

Thank you for the opportunity to be heard. I strongly urge you to **vote against** confirmation of Danna Holck and Kali Fermantez to the Oahu Island Burial Council. This is a clear situation of people with a vested business interest being placed into positions of influence pertaining to their development plans. The people of Oahu are watching and waiting to see how you proceed.

Each of these nominees is seen as having a clear conflict of interest in matters pertaining to iwi kupuna at developments proposed at Turtle Bay Resort (Ms. Holck) and Malaekahana (Mr. Fermantez). These proposed developments would most likely involve the disturbance and destruction of iwi kupuna. As General Manager of Turtle Bay Resort, Ms. Holck has a vested interest in seeing the development currently being proposed for the property push forward. Through his relationship with Brigham Young University Hawaii (BYUH) and developer Hawaii Reserves, Inc. (HRI), Mr. Fermantez would have a similar interest in seeing the "Envision Laie" expansion plan quickly clear any potential obstacles. Turtle Bay Resort has a dubious history in the handling of Hawaiian burials (see the DSEIS response from the Ko'olaupia Hawaiian Civic Club and Aha Moku Representatives) and HRI has an equally contentious record in its relationship with kuleana landowners in the region where they are seeking

massive development. I have recently learned that because of problems reaching quorum on the Council, both nominees would most likely not recuse themselves on matters affecting these proposed developments that might come before them as Councilmembers. For these reasons, I ask you to vote no on GM 587 and GM 588. Mahalo.

Angela Breene

angelavideotron@gmail.com

Haleiwa 96712

If you are going to "hang" the community, at least do it with a new rope!

Please **vote against** the two employees of the developer.

This such an obvious conflict of interest.

Mahalo.

Art & Val Mori

amori@chaminade.edu

571 Hao St

Honolulu 96821

GM588

Submitted on: 3/1/2013

Testimony for THA on Mar 4, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Quinlan	Individual	Oppose	No

Comments: Mr Fermantez is obviously eminently qualified to serve on the committee. As an employee of BYU/HRI he has the same potential conflict of interest as Ms. Holck of TBR. The issue is the public conception of potential conflicts of interest if two employees of the largest North Shore/Windward developers are members of the Council and rule on Iwi Kupuna issues on the properties owned by the organizations that employ them. If both Ms. Holck and Mr. Fermantez would agree to recuse themselves from any vote related to properties owned by any of the organizations they are in any way related to, then I would have no issue.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Aloha Chair Galuteria, Vice-Chair Keith-Agaran and Committee Members â€œ

I respectfully ask that you **vote against** confirmation of Danna Holck and Kali Fermantez to the Oahu Island Burial Council. Each of these nominees is seen as having a clear conflict of interest in matters pertaining to iwi kupuna at developments proposed at Turtle Bay Resort (Ms. Holck) and Malaekahana (Mr. Fermantez). These proposed developments would most likely involve the disturbance and destruction of iwi kupuna. As General Manager of Turtle Bay Resort, Ms. Holck has a vested interest in seeing the development currently being proposed for the property push forward.

Through his relationship with Brigham Young University Hawaii (BYUH) and developer Hawaii Reserves, Inc. (HRI), Mr. Fermantez would have a similar interest in seeing the "Envision Laie" expansion plan quickly clear any potential obstacles.

Turtle Bay Resort has a dubious history in the handling of Hawaiian burials (see the DSEIS response from the Ko'olauloa Hawaiian Civic Club and Aha Moku Representatives) and HRI has an equally contentious record in its relationship with kuleana landowners in the region where they are seeking massive development.

I have recently learned that because of problems reaching quorum on the Council, both nominees would most likely not recuse themselves on matters affecting these proposed developments that might come before them as Councilmembers. For these reasons, I ask you to vote no on GM 587 and GM 588.

Mahalo!

COREEN WILLIAMS

coreen.williams@gmail.com

54120 HAUULA PARK PL

HAUULA 96717

I **oppose** the appointment of Kali Fermantez to the Burial Council. Mr. Fermantez is employed by a consortium of organizations proposing to develop the ahupua`a of Malaekahana in the Ko`olauloa moku. This massive development of state agricultural lands would most likely entail the finding of `iwi kupuna as they are found all along the highway and sand dune areas along this coastline. Mr. Fermantez would most likely put the interest of this development consortium of PCC, BYUH and HRI before the interests of preservation of `iwi kupuna. It is interesting that both Ms Holck and Mr. Fermantez appear to have had no interest in the burial council until their employers were involved in massive developments that could be adversely impacted by the issue of native Hawaiian burials.

DEE DEE LETTS

I strongly oppose GM588 because of an obvious and immediate conflict of interest.

Kali Fermantez works for Brigham Young University, Hawaii, which is proposing major developments in Laie and Malaekahana through a plan called Envision Laie. Envision Laie proposes doubling the university population, a new 225 room hotel, expansion of the Polynesian Cultural Center, and a new town, complete with 875 houses, shopping center, school and church, to be built on 300 acres of ranch land large. All of these projects are proposed under an umbrella of businesses controlled by the Mormon Church. Proponents of Envision Laie claim that all pieces of this plan are inter-related and necessary.

Mr. Fermantez is conflicted on the outcome of the Envision Laie proposals. He must not be allowed to influence important and difficult decisions of the Oahu Island Burial Council regarding any projects in Koolauloa.

Respectfully submitted,

Gil Riviere
Waialua, HI 96791

Aloha Chair Galuteria, Vice-Chair Keith-Agaran and Committee Members

I respectfully ask that you **vote against** confirmation of Danna Holck and Kali Fermantez to the Oahu Island Burial Council. Though both are good people, and Mr Fermantez is a very fine person and good community member, each of these nominees has a clear conflict of interest in matters pertaining to iwi kupuna at developments proposed at Turtle Bay Resort (Ms. Holck) and Malaekahana (Mr. Fermantez). These proposed developments would most likely involve the disturbance and destruction of iwi kupuna. As General Manager of Turtle Bay Resort, Ms. Holck has a vested interest in seeing the development currently being proposed for the property push forward. Through his relationship with Brigham Young University Hawaii (BYUH) and developer Hawaii Reserves, Inc. (HRI), Mr. Fermantez would have a similar interest in seeing the "Envision Laie" expansion plan quickly clear any potential obstacles. Turtle Bay Resort has a dubious history in the handling of Hawaiian burials (see the DSEI S response from the Ko'olaupia Hawaiian Civic Club and Aha Moku Representatives) and HRI has an equally contentious record in its relationship with kuleana landowners in the region where they are seeking massive development.

I have had "foster children" with Hawaiian ancestry and I would like to see their culture respected and protected. I have recently learned that because of problems reaching quorum on the Council, both nominees would most likely not recuse themselves on matters affecting these proposed developments that might come before them as Councilmembers. For these reasons, I ask you to strongly urge you to vote no on GM 587 and GM 588.
Mahalo.

KC Connors

kcstuff@hotmail.com
53-458 Kamehameha Hwy
Hauula 96717

OPPOSE

Aloha Chair Galuteria, Vice-Chair Keith-Agaran and Committee Members â€œ

There are claims that certain nominees, Ms. Holck and Mr. Fermantez, to the Oahu Burial Council will hold a conflict of interest (for Turtle Bay Resort and Hawaii Reserves, Inc., respectively). I ask you to question and prod these individuals in order to discern their intentions. As an unethical strategy by developers for a revolving door, it would be most prudent to deny their appointment in favor of unbiased, local individuals. Please do not be fooled by monied interests.

Mahalo.

Matthew Cabamongan

Filipino in HaleiwaMatthew Cabamongan

matt8789@aol.com

66-119 Kam Hwy

Haleiwa 96712

OPPOSE

When LARGE cooperations get involved, they seldom have the local environment or it's people in mind.They cater to the whims of the people with lots of money who want to build and distroy nature. The precious area on the North Shore should be left to nature and as unchanged as possible. If they want to improve the North Shore build a substancial road around the island further West,Where no road has ever been completed that road has never been finished.(can;t recall the name of the area) .,,. Because I haven't lived in the islands for years, I still recall the natural beauty of a place that everyone agreed should remain untouched. Aloha Chair Galuteria, Vice-Chair Keith-Agaran and Committee Members â€“ I respectfully ask that you vote against confirmation of Danna Holck and Kali Fermantez to the Oahu Island Burial Council. Each of these nominees is seen as having a clear conflict of interest in matters pertaining to iwi kupuna at developments proposed at Turtle Bay Resort (Ms. Holck) and Malaekahana (Mr. Fermantez). These proposed developments would most likely involve the disturbance and destruction of iwi kupuna. As General Manager of Turtle Bay Resort, Ms. Holck has a vested interest in seeing the development currently being proposed for the property push forward. Through his relationship with Brigham Young University Hawaii (BYUH) and developer Hawaii Reserves, Inc. (HRI), Mr. Fermantez would have a similar interest in seeing the "Envision Laie" expansion plan quickly clear any potential obstacles. Turtle Bay Resort has a dubious history in the handling of Hawaiian burials (see the DSEIS response from the Ko'olauloa Hawaiian Civic Club and Aha Moku Representatives) and HRI has an equally contentious record in its relationship with kuleana landowners in the region where they are seeking massive development. I have recently learned that because of problems reaching quorum on the Council, both nominees would most likely not recuse themselves on matters affecting these proposed developments that might come before them as Councilmembers. For these reasons, I ask you to vote no on GM 587 and GM 588. Mahalo.

Roberta Medina
nokaioi69@69@Q.com
15365 W Merrell st
Goodyear 85395

Aloha Chair Galuteria, Vice-Chair Keith-Agaran and Committee Members – I respectfully ask that you vote against confirmation of Danna Holck and Kali Fermantez to the Oahu Island Burial Council.

Each of these nominees is seen as having a clear conflict of interest in matters pertaining to iwi kupuna at developments proposed at Turtle Bay Resort (Ms. Holck) and Malaekahana (Mr. Fermantez). These proposed developments would most likely involve the disturbance and destruction of iwi kupuna.

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I have recently learned that because of problems reaching quorum on the Council, both nominees would most likely not recuse themselves on matters affecting these proposed developments that might come before them as Councilmembers.

For these reasons, I ask you to vote no on GM 587 and GM 588.

Scott Foster
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3050 Kahaloa Place
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Aloha Chair Galuteria, Vice-Chair Keith-Agaran and Committee Members,

"I respectfully ask that you **vote against** confirmation of Danna Holck and Kali Fermantez to the Oahu Island Burial Council. Each of these nominees is seen as having a clear conflict of interest in matters pertaining to iwi kupuna at developments proposed at Turtle Bay Resort (Ms. Holck) and Malaekahana (Mr. Fermantez). These proposed developments would most likely involve the disturbance and destruction of iwi kupuna. As General Manager of Turtle Bay Resort, Ms. Holck has a vested interest in seeing the development currently being proposed for the property push forward. Through his relationship with Brigham Young University Hawaii (BYUH) and developer Hawaii Reserves, Inc. (HRI), Mr. Fermantez would have a similar interest in seeing the "Envision Laie" expansion plan quickly clear any potential obstacles. Turtle Bay Resort has a dubious history in the handling of Hawaiian burials (see the DSEIS response from the Ko'olauloa Hawaiian Civic Club and Aha Moku Representatives) and HRI has an equally contentious record in its relationship with kuleana landowners in the region where they are seeking massive development. I have recently learned that because of problems reaching quorum on the Council, both nominees would most likely not recuse themselves on matters affecting these proposed developments that might come before them as Councilmembers.

For these reasons, I ask you to vote no on GM 587 and GM 588.

Mahalo.

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