



To: Rep. Cindy Evans, Chair
Rep. Nicole E. Lowen, Vice Chair
Committee on Water & Land

Rep. Faye P. Hanohano, Chair
Rep. Ty J.K. Cullen, Vice Chair
Committee on Ocean, Marine Resources & Hawaiian Affairs

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

Committee Date: Monday, March 25, 2013
8:45 a.m.
Conference Room 325

Subject: **HCR 125 / HR 96, Urging That the Correct History of the Battle of Kakanilu'a Be Inserted Into Archeological Reports, Cultural Impact Statements, State Historical Preservation Division Records, Public Libraries, and Other Pertinent Digital Collections, and Urging Maui County to Ban Sand Mining in the Waikapū Sand Dune Area**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in opposition to HCR 125/HR 96, which would insert a statement of the "correct history" of a historic event into various records, and urge a specific treatment related to land use at the historic site. HHF finds the resolution to be overly-broad, overly-vague, and inconsistent with established practices and procedures for the designation of historic properties.

Certain cultural and ethnographic landscapes are clearly significant parts of Hawaii's natural, cultural and historic legacy. Battlefields are an important part of the historic and pre-historic record and as such, they should be documented following appropriate professional standards and procedures. HHF supports efforts to research, document, review and designate the battlefield at Kakanilu'a and other historic properties.

However, the evaluation and designation of a historic property should utilize the professional standards and mechanisms that are established for evaluating and designating historic properties on the Hawai'i Register of Historic Places, established in HRS 6E. Designation via a resolution undermines what is currently a matter of professional judgment, with checks and balances that safeguard due process and ensure that consistent standards and criteria are met.

The historic designation procedures ensure due process for owners and interested parties in order to ensure that fundamental fairness is retained. The proposed resolution includes none of those notification or public hearing procedures. There are significant due process issues with having the legislature make a determination on historic and cultural significance without any justification on boundaries or criteria.

Historic Hawai'i Foundation

680 Iwilei Road, Suite 690 • Honolulu, HI 96817 • Tel: 808-523-2900 • FAX: 808-523-0800 • www.historichawaii.org

Historic Hawai'i Foundation was established in 1974 to encourage the preservation of historic buildings, sites and communities on all the islands of Hawai'i. As the 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, environmental sustainability, and economic viability of the state.

HHF believes that existing planning and development processes and regulations may already be used to establish the most appropriate areas for preservation on both public and private property. We support these processes and advocate for their diligent and consistent application throughout the state. In addition, any member of the public can prepare and submit a nomination to designate a historic property, following the established procedures and standards.

Therefore, HHF recommends that the concerned individuals and stakeholders work with the State Historic Preservation Division, the Maui Cultural Resources Commission, the Office of Hawaiian Affairs and the Hawai'i Historic Places Review Board to evaluate the Battle of Kakanilu'a site following professional standards and due process to determine an appropriate historic property boundary, if any.

Thank you for the opportunity to comment.

Historic Hawai'i Foundation

680 Iwilei Road, Suite 690 • Honolulu, HI 96817 • Tel: 808-523-2900 • FAX: 808-523-0800 • www.historichawaii.org

Historic Hawai'i Foundation was established in 1974 to encourage the preservation of historic buildings, sites and communities on all the islands of Hawai'i. As the 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, environmental sustainability, and economic viability of the state.

HR 96/HCR 125

**URGING THAT THE CORRECT HISTORY OF THE BATTLE OF KAKANILU‘A BE
INSERTED INTO ARCHEOLOGICAL REPORTS, CULTURAL IMPACT
STATEMENTS, STATE HISTORICAL PRESERVATION DIVISION RECORDS,
PUBLIC LIBRARIES, AND OTHER PERTINENT DIGITAL COLLECTIONS, AND
URGING MAUI COUNTY TO BAN SAND MINING IN THE WAIKAPU SAND DUNE
AREA**

**PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

MARCH 25, 2013

Chair Evans, Chair Hanohano, and Members of the House Committees on Water
& Land and Ocean, Marine Resources & Hawaiian Affairs:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on
HR 96/HCR 125, “URGING THAT THE CORRECT HISTORY OF THE BATTLE OF
KAKANILU‘A BE INSERTED INTO ARCHEOLOGICAL REPORTS, CULTURAL
IMPACT STATEMENTS, STATE HISTORICAL PRESERVATION DIVISION
RECORDS, PUBLIC LIBRARIES, AND OTHER PERTINENT DIGITAL COLLECTIONS,
AND URGING MAUI COUNTY TO BAN SAND MINING IN THE WAIKAPU SAND
DUNE AREA.” We respectfully oppose these resolutions.

These resolutions urge that the correct history of the Battle of Kakanilu‘a be
inserted into historical records and other pertinent digital collections. These resolutions
also urge the County of Maui to preserve remaining Waikapu sand dunes by banning
sand mining and refusing to grant grading permits that involve the removal of sand from

this area. The resolutions also request that the County of Maui keep the Waikapu sand dunes as park and preservation land.

These resolutions relate to archeological issues on land that is within A&B's Waiale Master Planned Community Project, a project located in Central Maui and which has received State Land Use Commission approval and is designated for future growth by the County's recently adopted Maui Island Plan.

We understand that stories point to the battles waged along the sand dunes and into the uplands of Maui between warring chiefs. One of the prominent battles discussed is the Battle of Kakanilu'a, which occurred in the sand dunes between Wailuku and Kahului in 1776. We also understand that the exact location of where this battle occurred is still not known.

During the Environmental Impact Statement phase of the land use regulatory process for the Waiale Master Planned Community Project, full archeological surveys and studies were conducted and completed along with the preparation of a Cultural Impact Statement for the project. Following much investigation and review, no conclusive archeological evidence was found that the Battle of Kakanilu'a occurred within the boundaries of the Waiale Project.

The full archeological surveys and studies did identify several burial sites within the Waiale Project. A cultural preservation plan was subsequently prepared to retain approximately 30 acres within the Waiale Project as a cultural preserve. This cultural preservation plan has been approved by the State Historic Preservation Division and was extensively discussed prior to the State Land Use Commission's approval of the district boundary amendments for the Waiale Project.

In regards to the resolution's request that sand mining be banned at the Waikapu sand dunes, sand mining was halted at this location in 2009.

As discussed above, the State Land Use Commission, following much discussion on archeological issues cited in these resolutions, approved land use district boundary amendments for this project in June 2012. In December 2012, Maui County designated this area for urban growth in their Maui Island Plan. Several other land use regulatory approvals must still be obtained prior to this project becoming a reality, including zoning by the Maui County Council and Administration.

In that the Waiale Project is currently going through the land use regulatory review process, archeological and other issues cited in these resolutions will continue to be discussed as the project is reviewed by the Maui County Council and Administration during the zoning process. We respectfully request that these resolutions be held in Committee, and that discussion and deliberation on these issues continue before Maui County officials during their land use regulatory review of the Waiale Master Planned Community Project.

Based on the aforementioned, we respectfully request that these resolutions be held in Committee.

Thank you for the opportunity to testify.

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 22, 2013 11:18 PM
To: waltestimony
Cc: nsntiv@aol.com
Subject: Submitted testimony for HCR125 on Mar 25, 2013 08:45AM

HCR125

Submitted on: 3/22/2013

Testimony for WAL/OMH on Mar 25, 2013 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Annette L. Heu	Individual	Support	No

Comments: Aloha Chair Evans and Chair Hanohano, Please support this resolution to recognize such an important historical area of Hawaii's islands combined history. These threatened remaining sand dunes are very significant to Hawaii's ancient ones. Many ANCIENT IWI KUPUNA still rest here. Those disturbed have already proven to be of very ancient times. Noted historians Samuel Kamakau, John Papa I'i, David Malo, Abraham Fornander, Hiram Bingham, Stephan Desha and Beloved King David Kalakaua as well as countless others have written of this battle, fought hand to hand with no introduced weapons, Kahekili knowing of the power and strength of the Alapa, forces used the sandhills as part of their strategic plan, when you walk here the story lives on through the rise and fall of the remaining dune system. History again lives through the life of this land.. Great men documented this area for the perpetuation of genealogy, historical importance, loyalty, sacrifices and lives lived generations before us.. Please continue in good faith the legacies left through their life's work and help us to honor again the ancient historical significance of Kakanilua Maui Hawaii

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

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 22, 2013 10:34 PM
To: waltestimony
Cc: dannygr@hawaiiintel.net
Subject: Submitted testimony for HCR125 on Mar 25, 2013 08:45AM

HCR125

Submitted on: 3/22/2013

Testimony for WAL/OMH on Mar 25, 2013 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Grantham	Individual	Support	No

Comments: Having read historical accounts of this battle, and examined both aerial photos and walked the ground, I consider continued destruction of this area for private profit equivalent to desecrating major Civil War battlefields on the mainland.

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

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 22, 2013 3:30 PM
To: waltestimony
Cc: altenber@hawaii.edu
Subject: Submitted testimony for HCR125 on Mar 25, 2013 08:45AM

HCR125

Submitted on: 3/22/2013

Testimony for WAL/OMH on Mar 25, 2013 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Lee Altenberg	Individual	Support	No

Comments: As a citizen of Hawai`i and Maui I want to live in a land that cherishes the remains of its ancestors and their history. This resolution is a minimum of the actions the legislature can take toward this aspect of the general welfare.

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

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 22, 2013 9:52 PM
To: waltestimony
Cc: wild@aloha.net
Subject: Submitted testimony for HCR125 on Mar 25, 2013 08:45AM

HCR125

Submitted on: 3/22/2013

Testimony for WAL/OMH on Mar 25, 2013 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hannah Bernard	Individual	Support	No

Comments: I SUPPORT "URGING THAT THE CORRECT HISTORY OF THE BATTLE OF KAKANILU'A BE INSERTED INTO ARCHEOLOGICAL REPORTS, CULTURAL IMPACT STATEMENTS, STATE HISTORICAL PRESERVATION DIVISION RECORDS, PUBLIC LIBRARIES, AND OTHER PERTINENT DIGITAL COLLECTIONS, AND URGING MAUI COUNTY TO BAN SAND MINING IN THE WAIKAPU SAND DUNE AREA." This area is important culturally as well as ecologically and deserves significant protection. Mahalo nui for your kind consideration, Hannah Bernard, President, Hawai'i Wildlife Fund

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

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 22, 2013 3:32 PM
To: waltestimony
Cc: laluz@maui.net
Subject: Submitted testimony for HCR125 on Mar 25, 2013 08:45AM

HCR125

Submitted on: 3/22/2013

Testimony for WAL/OMH on Mar 25, 2013 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lucienne de Naie	Individual	Support	No

Comments: Aloha chair Evans and Chair Hanohano Please support this resolution to help fill an important gap in our understanding of Maui's history. These dunes systems are noted as Wahi Pana in our Wailuku- Kahului community plan and it is important that their true historical significance be recognized by government agencies and the general public. The Waikapu dunes also protect 100's of traditional burials. Around 100 have already been disturbed during past sand mining activities. These inland, lithified dunes are over 80,000 years old and are of themselves, a rare and unique feature of the central Maui landscape. Mahalo for your consideration Lucienne de Naie Huelo Maui

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

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 22, 2013 6:38 PM
To: waltestimony
Cc: daoust@hawaii.rr.com
Subject: *Submitted testimony for HCR125 on Mar 25, 2013 08:45AM*

HCR125

Submitted on: 3/22/2013

Testimony for WAL/OMH on Mar 25, 2013 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary P. Daoust	Individual	Support	No

Comments:

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

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 23, 2013 7:25 AM
To: waltestimony
Cc: robin@mauirobin.com
Subject: *Submitted testimony for HCR125 on Mar 25, 2013 08:45AM*

HCR125

Submitted on: 3/23/2013

Testimony for WAL/OMH on Mar 25, 2013 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Newbold	Individual	Support	No

Comments:

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

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 23, 2013 11:05 AM
To: waltestimony
Cc: Robin.S.Knox@gmail.com
Subject: Submitted testimony for HCR125 on Mar 25, 2013 08:45AM

Follow Up Flag: Follow up
Flag Status: Completed

HCR125

Submitted on: 3/23/2013

Testimony for WAL/OMH on Mar 25, 2013 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Knox	Individual	Support	No

Comments: Please protect the iwi kapuna. They are there for a reason - to protect all of us. I believe the iwi are guarding precious resources necessary for our survival.

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

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committees on
WATER & LAND
and
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Monday, March 25, 2013
8:45 a.m.
State Capitol, Conference Room 325

In consideration of
HOUSE CONCURRENT RESOLUTION 125/HOUSE RESOLUTION 96
URGING THAT THE CORRECT HISTORY OF THE BATTLE OF
KAKANILU'A BE INSERTED INTO ARCHAEOLOGICAL REPORTS,
CULTURAL IMPACT STATEMENTS, STATE HISTORIC PRESERVATION
RECORDS, PUBLIC LIBRARIES, AND OTHER PERTINENT DIGITAL
COLLECTIONS, AND URGING MAUI COUNTY TO BAN SAND MINING IN
THE WAIKAPU SAND DUNE AREA

House Concurrent Resolution 125/House Resolution 96 urges that the correct history of the Battle of Kakanilu'a be inserted into archaeological reports, cultural impact statements, State Historic Preservation records, public libraries, and other pertinent digital collections, and urges the County of Maui to ban sand mining in the Waikapu Sand Dune area. **The Department of Land and Natural Resources (Department) opposes these resolutions related to insertion of the history of the Battle of Kakanilu'a as the Department does not believe it can be implemented.**

These resolutions require that upon verification, the correct history of the Battle of Kakanilu'a be inserted into archaeological reports . . ." However, there is no guidance as to who would be responsible for verifying the "correct" history of this battle. Nor is there any guidance as to what the Legislature believes is the correct history of this battle.

At this time, the Department does not believe that there is enough evidence to verify "the correct history of the Battle of Kakanilu'a." The Department relies on Kamakau, who recorded the Battle of *Ahulau Ka Pi'ipi'i* in *Ruling Chiefs of Hawaii* (1961, Kamehameha Schools Press, Honolulu). The Battle of Kakanilu'a or the Battle of the Sand Dunes is cited in most histories of central Maui. Kamakau's description of the Battle is included below:

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

In the year 1776 Kalaniopu‘u [chief of Hawaii] and the chiefs returned to war on Maui, and in the battle with Kahekili’s forces at Wailuku were completely overthrown. The army landed at Keone‘o‘io, their double canoes extending to Makena at Honua‘ula. There they ravaged the countryside, and many of the people of Honua‘ula fled to the bush. When Kahekili [chief of Maui] hear of the fighting at Honua‘ula he got his forces together –chiefs, fighting men, and left-handed warriors whose sling shots missed not a hair of the head or a blade of grass. Kalaniopu‘u landed his forces before noon, a great multitude filling the land from Kiheipuko‘a at Kealia to Kapa‘ahu, all eager with the thought that the Alapa were to drink of the waters of Wailuku. The Alapa (Kalaniopu‘u’s elite fighting unit) were lead by Inaina, Kua‘ana, Kaneha‘ilua and Keawehano. There were 800 of them, all expert spear-point breakers, every one of whose spears went straight to the mark, like arrows shot from a bow, to drink the blood of the victim. Across the plains of Pu‘uainako and Kama‘oma‘o shone the feather cloaks of the soldiers, woven in the ancient pattern and colored like the hues of the rainbow in red, yellow and green, with helmets on their heads whose arcs shone like a night in summer when the crescent lies within the moon. Kahekili was at Kalanihale just below Kihahale and above the plateau of Ka‘ilipoe at Pohakuoakahi. Said Kaleiopu‘upu‘u (Kahekili’s kahuna) to Kahekili, “The fish have entered the sluice; draw the net.” Like a dark cloud hovering over the Alapa, rose the destroying host of Kahekili seaward of the sandhills of Kahulu‘u, the “smoke head” (po‘ouahi) and the “red coconut” (niu‘ula) divisions. They slew the Alapa on the sand hills at the southeast of Kalua. There the dead lay strewn like kukui branches; the corpses lay heaped in death; they were slain like fish enclosed in a net. This great slaughter was called Ahulau ka Pi‘ipi‘i I Kakanilua. . . . Only two men escaped. (SM Kamakau, 1961, pp.86-86).

It is the Department’s position that disagreements about history help us to better understand that history.