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GOVERNOR OF
HAWAII



SUZANNE D. CASE
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COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
VETERANS, MILITARY, & INTERNATIONAL AFFAIRS, & CULTURE AND THE ARTS**

**Monday, March 21, 2016
9:00 A.M.
State Capitol, Conference Room 312**

**In consideration of
HOUSE CONCURRENT RESOLUTION 161
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
AUTHORIZE THE ESTABLISHMENT OF A MONUMENT IN HILO ON STATE LAND
IN HONOR OF THE LATE SENATOR GILBERT KAHELE**

House Concurrent Resolution 161 requests the Department of Land and Natural Resources (Department) to authorize the establishment of a monument in Hilo on State land in honor of the late Senator Gilbert Kahele. **The Department offers the following comments on this measure.**

The appropriate disposition for the proposed monument is likely a term easement issued by the Board of Land and Natural Resources (Board) to an entity that is willing to take on the responsibility for the monument, including maintenance, insurance and indemnity. The entity would need to apply to the Department for such an easement and the Department's staff would then solicit comments from various state and County of Hawaii agencies regarding the details of the proposed disposition, including the naming of the point. The Department would thereafter present the request to the Board for consideration at a public meeting. The Board has authority to issue an easement of up to 65 years' duration under current law.¹ If the monument is erected on the Naniloa Resort lease premises, the consent of the current lessee, WHR LLC, would also be required. If all or a part of the easement encumbers state submerged lands, then legislative approval for the leasing of submerged lands would need to be obtained.

¹ Current law also requires that the easement holder be charged fair market value for the granting of the easement. However, if the easement holder were set up as an Internal Revenue Code Section 501(c)(3) entity, Department staff could explore with the Department of the Attorney General whether the Board has the authority to issue the easement at something other than fair market value.

Additionally, the applicant would need to comply with all permitting requirements for the project. The proposed site is located within the Special Management Area and/or within the State Conservation District. Depending on the scope of the project, it may be found to be exempt from an environmental assessment under Hawaii Revised Statutes Chapter 343. The Department can provide more information to the applicant on the procedure for obtaining an easement.

Thank you for your consideration of this testimony.



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

**Testimony of
Leimana DaMate, Executive Director**

**Before the House Committee on
Veterans, Military & International Affairs, & Culture and the Arts**

**Monday, March 21, 2016
9:00 AM
Conference Room 312**

**In consideration of
HOUSE CONCURRENT RESOLUTION 161
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AUTHORIZE
THE ESTABLISHMENT OF A MONUMENT IN HILO ON STATE LANDS IN HONOR OF THE
LATE SENATOR GILBERT KAHELE.**

House Concurrent Resolution requests the Department of Land and Natural Resources (DLNR) to authorize the establishment of a monument in Hilo on state lands in honor of the late Senator Gilbert Kahele. **Aha Moku acknowledges the intent of this resolution and offers comments on this measure.**

Senator Kahele was a much loved and respected pure native Hawaiian who was able to bridge the often difficult conduits between native Hawaiian cultures, other ethnic groups and governmental organizations. Although originally from Miloli'i, Senator Kahele also loved the Island of his birth and worked tirelessly for all residents of Moku O Keawe. Senator Kahele was one of the original group of kupuna who restored the Aha Moku System from translations of oral chants and cultural history stemming from the 9th century. It is with this knowledge that we believe a monument to Senator Kahele is appropriate and fitting.

However, in being attached to DLNR, we also understand that there are procedures that are implemented by the department that can be applied to this request for a monument to a great, yet humble man who was much loved by the people of Moku O Keawe. We support DLNR's position on this resolution because we also believe that as a senator, Gilbert Kahele was a strong believer in practices accepted by the public trust. We believe that Senator Kahele would be humbled by this gesture, and yet would advocate in following a state process already in place.

Thank you for the opportunity to testify on this resolution.

tokioka2 - Karina

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 19, 2016 7:56 AM
To: vmitestimony
Cc: mkhan@hawaiiintel.net
Subject: Submitted testimony for HCR161 on Mar 21, 2016 09:00AM

HCR161

Submitted on: 3/19/2016

Testimony for VMI on Mar 21, 2016 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments: A monument in honor of the late Senator Gilbert Kahele is well deserved. We remember him as an honorable Native Hawaiian who did great work for the people of Hawaii at the Hawaii State Legislature. Down home, he was always approachable. As legislators who had opportunity to work with him, we believe you will agree with passage of HCR161. Mahalo. Leimomi

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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