

**SR 104**

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
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

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
SUZANNE D. CASE  
Chairperson

Before the Senate Committee on  
WATER, LAND, AND AGRICULTURE

Monday, March 28, 2016  
3:00 P.M.  
State Capitol, Conference Room 224

In consideration of  
SENATE CONCURRENT RESOLUTION 142/SENATE RESOLUTION 104  
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

Senate Concurrent Resolution 142 and Senate Resolution 104 request 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. **The Department of Land and Natural Resources (“Department”) offers the following comments on these measures.**

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.<sup>1</sup> 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

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<sup>1</sup> 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.

or a part of the easement encumbers state submerged lands, then legislative approval for the leasing of submerged lands would need to be obtained.

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 Senate Committee on  
WATER, LAND, AND AGRICULTURE**

**Monday, March 28, 2016  
3:00 P.M.  
Conference Room 224**

**In consideration of  
SENATE CONCURRENT RESOLUTION 142  
SENATE RESOLUTION 104  
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 and supports 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 9<sup>th</sup> 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.