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HAWAII



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COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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CONSERVATION AND COASTAL LANDS  
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ENGINEERING  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
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Testimony of  
SUZANNE D. CASE  
Chairperson

Before the Senate Committees on  
HAWAIIAN AFFAIRS  
and  
WATER AND LAND

Tuesday, April 18, 2017  
1:15 PM  
State Capitol, Conference Room 225

In consideration of  
HOUSE CONCURRENT RESOLUTION 80, HOUSE DRAFT 1  
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
ESTABLISH A WORKING GROUP TO STUDY THE POTENTIAL TRANSFER OF  
MANAGEMENT AND MAINTENANCE OF THE ROYAL MAUSOLEUM AT  
MAUNA 'ALA TO ONE OR MORE APPROPRIATE NONPROFIT ORGANIZATIONS

House Concurrent Resolution 80, House Draft 1 requests the Department of Land and Natural Resources (Department) to establish a working group to study the potential transfer of management and maintenance of the 3.34 acres Royal Mausoleum at Mauna 'Ala to one or more appropriate non-profit organizations. **The Department offers the following comments on this measure.**

Historically, the Department is the latest in a series of government entities having primary financial and management responsibility for Mauna 'Ala. The Minister of the Interior, Kingdom of Hawai'i, oversaw construction of the Royal Mausoleum in 1865 and its subsequent repair and maintenance. Jurisdiction passed to the Superintendent of Public Works during the Territorial period and then to the Department of Accounting and General Services (DAGS) after Statehood. In 1968, responsibility was transferred to the then-titled Division of State Parks, Outdoor Recreation, and Historic Sites after a 1967 law mandated that historic areas and buildings managed by DAGS be transferred to the Department for maintenance purposes. One responsibility of all these government entities was to fund and support a resident kahu (curator) on the property. The current kahu, Kai Maioho, is the 15<sup>th</sup> person to serve in this capacity since 1865.

Throughout this 152 year period, various individuals and organizations have always contributed, in small and major ways, to creating the grounds seen today. For example, Charles Reed Bishop

funded construction of the Kamehameha Tomb in 1887 and private donations paid for the Wyllie Tomb in 1904. The trust established by Charles Reed Bishop Trust explicitly provides for support of Mauna ‘Ala and The Queens Health Systems undertook the restoration of John Young’s grave site in 1997. Between 1975 and 1982, a major renovation and repair effort was coordinated by a group formed by the Daughters and Sons of Hawaiian Warriors (Hoonani Mauna-Ala Mai Na Mamakakaua). With funds appropriated by the State Legislature, this group completed a major renovation of the Chapel and repaired all the ironwork fences and gates on the grounds. The Hawaiian Civic Clubs routinely help clean the Chapel.

In 2014, the Department entered into a Memorandum of Understanding (MOU) with the Lunalilo Trust, Queen Lili‘uokalani Trust, Queen’s Health Systems, Trustees of the Estate of Bernice Pauahi Bishop, Charles Reed Bishop Trust, and Abigail K.K. Kawānanakoa Foundation. These entities are referred to as the Royal Parties in HCR 40 and would be members of the working group proposed in the resolution. The purpose of the 2014 MOU was to establish an instrument through which these parties could assist the Department in financing and executing projects to maintain, renovate, and repair the various tombs, gravesites, the chapel, other buildings and landscaping at Mauna ‘Ala. All of these parties are the direct beneficiaries of those interred on grounds of Mauna ‘Ala and were seeking a way to care for the final resting place of their benefactors in a more systematic and sustained manner. The Department is deeply grateful for this collective effort and believes it has made a significant difference in our joint ability to care for Mauna ‘Ala.

The timing of the MOU was appropriate. It followed a period of major repair and renovation work at Mauna Ala conducted from 2006 to 2014. This work was also a joint effort among various entities and with multiple funding sources. Through this effort some repair work was done on all of the major tombs and crypts on the grounds and to the Chapel. A major portion the rock boundary wall was repaired and stabilized and all the ironwork fence and gates were repaired, repainted and re-gilded. A new comfort station was built, the driveway repaved, and various landscaping improvements made. This overall effort was primarily coordinated by Hawai‘i Maoli, the non-profit arm of the Hawaiian Civil Clubs. Much of the funding for this work was from Hawaii State Legislature, including a Grant-in-Aid to Hawai‘i Maoli, an appropriation to the Office of Hawaiian Affairs, and Capitol Improvement Project funds budgeted for the Division of State Parks. This was augmented by a grant from the National Park Service Save America’s Treasures program and various private donations managed by Hawai‘i Maoli. The MOU helps ensure that the significant progress made during this period will be maintained.

The Department estimates that its annual operational expenses for Mauna ‘Ala are currently at \$131,800 as compared to 2006 when it was \$89,654 and 2012 when it was \$97,013. The estimated expenses include salaries and benefits for the curator and grounds keeper, utilities, landscape maintenance, supplies, and equipment.

Before transferring any land or responsibilities to any party, the Department would need to seek the advice of the Attorney General on the legality of such a transfer. Requiring consideration, at a minimum, are any restrictions resulting from Mauna ‘Ala being ceded land; from it being subject to a 1900 Congressional Joint Resolution withdrawing the Royal Mausoleum from the public domain which thereby prohibits its sale, lease, or disposition; and from it being covered by the 1959 Admissions Act.

Thank you for the opportunity to comment on this measure.



## KAMEHAMEHA SCHOOLS®

Time: 1:15pm  
Date: April 18, 2017  
Where: Conference Room 225

TESTIMONY  
By Trustee Lance Wilhelm  
Kamehameha Schools

To: Chairs Shimabukuro and Rhoads, Vice Chairs Galuteria and Gabbard, and Members of the Hawaiian Affairs and Water-Land Committees,

RE: **HCR 80, HD 1** REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A WORKING GROUP TO STUDY THE POTENTIAL TRANSFER OF MANAGEMENT AND MAINTENANCE OF THE ROYAL MAUSOLEUM AT MAUNA ‘ALA TO ONE OR MORE APPROPRIATE NONPROFIT ORGANIZATIONS.

Mahalo Chairs Shimabukuro and Rhoads, Vice Chairs Galuteria and Gabbard, and Members of the Hawaiian Affairs and Water-Land Committees:

Aloha kākou. My name is Lance Keawe Wilhelm, and I am testifying on behalf of my colleagues on the Board of Trustees and Kamehameha Schools. We wish to voice our **STRONG SUPPORT** for adoption of this resolution, HCR 80, HD 1.

Many in the Hawaiian community have long felt that the ali‘i who rest at Mauna ‘Ala must be cared for in the best way possible, and this resolution provides an opportunity to explore different options for that to take place, including the possibility of transferring the kuleana to a Native Hawaiian non-profit entity. The resolution allows and encourages further discussion and learning about Mauna ‘Ala and all that this special place means to our people.

Kamehameha Schools supports deeper community dialog on this matter, and forming a working group to study the potential transfer of Mauna ‘Ala would provide a structure and forum for having this discussion. We urge the Legislature to adopt this resolution, and we commit to lending our organizational support to moving the working group’s efforts forward across the state.

Founded in 1887, Kamehameha Schools is an organization striving to advance a thriving Lāhui where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership.

‘A‘ohe hana nui ke alu ‘ia. No task is too large when we all work together. Mahalo nui.

# Nanette N. Napoleon

131-A Hauoli St. / Kailua, HI 96734  
Ph. (808) 261-0705 / Email: nanetten@hawaii.rr.com

April 15, 2017

## TESTIMONY IN SUPPORT OF HCR 80

### **Requesting DNLR to form a working group to study the potential transfer of Mauna 'Ala to a non-profit entity**

To: Members of the Committee on Hawaiian Affairs, Sen. Maile S.L. Shimabukuro, Chair  
Members of the Committee on Water and Land, Sen. Karl Rhoads, Chair

Aloha, my name is Nanette Napoleon. I have been the director of the Hawaii Cemetery Research Project for more than 30 years. My work has included documenting old cemeteries, conducting restoration and maintenance of cemeteries, and offering educational programs for the general public that focus on the cultural and historic importance of our old cemetery sites. Over the years I have taken many community groups to visit Mauna 'Ala to learn about the cultural and historic significance of the site.

For many years I have wanted to see Mauna 'Ala removed from the Department of Land and Natural Resources because it lacks the proper funding (through the Department of Parks and Recreation) to maintain the site as it should be maintained, given its historical and cultural importance.

I fully support the intent of this resolution to form a working group comprised of the eight entities listed, which would study the feasibility of and transferring Mauna 'Ala to an independent non-profit corporation with the capability of establishing and maintaining a trust fund to maintain the site in perpetuity. Without such a trust fund, Mauna 'Ala would always be subject to whims of government budget cuts.

I think that this would be in the best interest of the Hawaiian community and the community at-large.

I would also like to recommend that this bill be amended to require the working group to select 3-4 individuals from the general Hawaiian community to serve on the working group. There are many individuals, like myself, who have specific expertise in the areas of cemetery management, ceded land laws, and other topics, who would be an asset to the working group.

Mahalo for your consideration of this testimony.

*Nanette Napoleon*

Director

Hawai'i Cemetery Research Project

**TESTIMONY IN SUPPORT WITH AMENDMENTS OF**  
HCR 80, HD1, Requesting the Department of Land and Natural Resources  
to Establish a Working Group to Study the Potential Transfer of Management  
and Maintenance of the Royal Mausoleum at Mauna'ala to One or More Appropriate  
Nonprofit Organizations

No ke 'Aha Ho'olohe: Apelila 18, 2017, 1:15 p.m., Lumi 'Aha Kūkā 225

Kanekoa Maile S. L. Shimabukuro, Luna Ho'omalū  
Kanekoa Brickwood Galuteria, Hope Luna Ho'omalū  
a me nā lala, Ke Kōmike no ke Kuleana Hawai'i

Kanekoa Karl Rhoads, Luna Ho'omalū  
Kanekoa Mike Gabbard, Hope Luna Ho'omalū  
a me nā lala, Ke Kōmike no ka Wai a me ka 'Aina

Aloha mai kākou

E kala mai ia 'u for submitting our late testimony, I am Pelekikena of Ke One O Kakuhihewa (Council), O'ahu Council of the Association of Hawaiian Civic Clubs (AHCC), representing 25 clubs with over 2,500 members on the Island of O'ahu. We recognizes the cultural significance of Mauna'ala and appreciates the resources and support of the ali'i trusts, the Abigail K. Kawānanakoa Foundation, the Queen's Health Systems and the AHCC O'ahu Council clubs, in helping the Department of Land and Natural Resources to manage and maintain it. The council clubs have devoted themselves to monthly volunteer clean ups for the past 50 years, and, thus, the Council has an intimate and direct appreciation for the intent of this resolution.

We also acknowledge that there is no prescribed direction on how a transfer of kuleana for the care of Mauna'ala should look, thus we are encouraged by this resolution, which seeks the creation of a task force to raise the discussion, amongst our people, about how this sacred land, Mauna'ala, should be cared for. The kuleana for the proper care and stewardship resides with our entire lāhui, to be consistent with our first amendment.

However, we are concerned with certain provisions of the resolution, and thus, submit this testimony in support of HCR 80, HD1 with **recommended amendments as follows:**

- Strike the words "ownership and" in the first line on page 3. The language in this 4<sup>th</sup> Be It Resolved Clause refers to transfer of ownership of Mauna'ala, a provision that we cannot support. Until the establishment of a Native Hawaiian self-governing entity, we believe it prudent to protect any transfer of this sacred land. Additionally we note that the title of the resolution only speaks to the establishment of a working group to study the potential transfer of "management" and "maintenance" of the Royal Mausoleum, not any transfer of land.

- Insert the words “management of” after the word “of” and before the word “Mauna‘ala”, such transfer of management of Mauna ‘Ala, including any proposed State actions and a timeline for the implementation of such State actions.”

- Bring the Whereas clauses in conformity with the title of the resolution, thus delete the last Whereas clause.

Mahalo for the opportunity to provide this testimony in support of HCR 80 with amendments.

A me ke ka ha‘aha‘a,

*Roth K. Puahala*

ROTH PUAHALA  
President



April 17, 2017

Hawai'i State Legislature, Regular Session of 2017  
Ke Kōmike no ke Kuleana Hawai'i (HWN)  
Ke Kōmike no ka Wai a me ka 'Āina (WTL)  
Conference Room 225, State Capitol  
Date & Time of Hearing: Tuesday, April 18, 2017

RE: SUPPORT for HCR 80, HD1 (Royal Mausoleum at Mauna Ala Working Group)

Aloha Chair Shimabukuro, Chair Rhoads, and the Senate Members of the HWN and WTL Committees:

On behalf of the PA'I Board of Directors, I am authorized as its Board President to **SUPPORT HCR 80, HD1** in full. This resolution seeks to establish a working group to study the potential transfer of Ka Iliina o Nā Ali'i ma Mauna Ala, the Royal Masoleum at Mauna 'Ala, to one or more nonprofit organizations with culturally-sensitive property management expertise, sufficient financial resources, and strong genealogical and cultural ties to Mauna 'Ala to assist the Kahu of Mauna 'Ala with the ongoing management and maintenance of Mauna 'Ala.

There is a Hawaiian proverb that states in order to be mākaukau, one must ho'omākaukau, which is to place one's self in a state of preparedness by means of experience, training, and commitment. Related to the meticulous and intimate nature and care of our iwi kūpuna, the first step of preparedness is to understand that the remains of our ancestors are the cultural piko, centers of life-giving energy that connects our living generation to the spiritual essence of our past. Simply stated, iwi kūpuna are sacred because of the mana that is imbued within them. Thus, it is the responsibility of those in the living to continuously nurture and protect the inviolability of space and place where these iwi kūpuna have been ho'okanu to rest in perpetuity. In order to carry out these responsibilities, those in the living must be in a spiritual state of mākaukau to ensure the successful continuity of this succession of mana over generations.

As related to the care of these iwi kūpuna, those of our beloved Ali'i - if we become negligent and reticent as those of this living generation to the duteous tasks at hand, we will become ancestrally irrelevant and disassociated in our kula'iwi, our beloved home land. In an interview, Kahu William Kaihe'ekai Mai'oho, the 14<sup>th</sup> caretaker-curator of Mauna 'Ala, provided this illuminating thought as to why many feel a respectful, quiet, yet positive energy at this is hallowed wahi pana:

***"Kaihe'ekai says it is because these Hawaiian royals were largely altruistic and their spirits remain so. "In life they set the policy for the culture," he says. "In that sharing, in that always giving, in that always supporting the people, they knew they would get support from the people they supported. It was a give and take...there was a stewardship, and in continues from the ancient time down to the modern era." (Excerpt from Mauna 'Ala, Hawai'i's Royal Mausoleum Last Remnant of a Lost Kingdom)***

Under the tutelage of our Kumu Hula and Executive Director, Ms. Victoria Holt Takamine, PA'I's mission is to preserve and perpetuate Native Hawaiian arts and culture for future generations either through our own initiatives or through the support of other individuals or organizations who share a similar vision of ancestral responsibility. Our goals have been accomplished primarily through the successful partnerships with other key local, national, indigenous, and international organizations and agencies to create and implement cultural events, educational programs, and community outreach activities to strengthen an ancestral understanding, identity, and responsibility within our island home. We have and will continue to kāko'o those we recognize as practitioners among families and communities that have dedicated their life to the care of our iwi kūpuna, ensuring our ancestral legacy is maintained for those generations yet unborn. In that spirit, PA'I endorses the tenets of this resolution.

In Kahu Mai'oho's words, as kånaka, we are never alone. Ola nā iwi.

Respectfully submitted,

Signed: 

Mark Kawika McKeague, AICP

President, PA'I  
T: 808.265.7901  
Email: [kmckeague87@gmail.com](mailto:kmckeague87@gmail.com)

## COMMENTS ON

HCR 80, HD1, Requesting the Department of Land and Natural Resources to Establish a Working Group to Study the Potential Transfer of Management and Maintenance of the Royal Mausoleum at Mauna'ala to One or More Appropriate Nonprofit Organizations

No ke 'Aha Ho'olohe: Apelila 18, 2017, 1:15 p.m., Lumi 'Aha Kūkā 225

Kanekoa Maile S. L. Shimabukuro, Luna Ho'omalu  
Kanekoa Brickwood Galuteria, Hope Luna Ho'omalu  
a me nā lala, Ke Kōmike no ke Kuleana Hawai'i

Kanekoa Karl Rhoads, Luna Ho'omalu  
Kanekoa Mike Gabbard, Hope Luna Ho'omalu  
a me nā lala, Ke Kōmike no ka Wai a me ka 'Aina

Aloha mai kākou

My name is Benton Kealii Pang, a resident of Pālolo, O'ahu. I offer the following comments on HCR 80, HD1.

Mauna 'ala is a legal sovereign space for Native Hawaiians. Congressman Robert William Kalanihiapo Wilcox (1855-1903) had Mauna 'Ala withdrawn from all federal land laws via a 1900 Joint Resolution of Congress<sup>1</sup>. Therefore, any title transfer should go only to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawaii, as is the case with the island of Kaho'olawe.

Mahalo for this opportunity to comment.

Benton Kealii Pang, Ph.D.

<sup>1</sup> S.J. Res. 28, 56<sup>th</sup> Cong., 38 Cong Rec. 1648, 31 Stat. 718 (1900) (reserving Mauna 'Ala "forever for the purpose [as a royal mausoleum] to which the said lands have been heretofore dedicated and for which they have been heretofore used.")



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HWNTestimony](#)  
**Cc:** [blawaiianlvr@icloud.com](mailto:blawaiianlvr@icloud.com)  
**Subject:** Submitted testimony for HCR80 on Apr 18, 2017 13:15PM  
**Date:** Tuesday, April 18, 2017 7:12:43 AM

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**HCR80**

Submitted on: 4/18/2017

Testimony for HWN/WTL on Apr 18, 2017 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We continue to STRONGLY SUPPORT this resolution.

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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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
and  
SENATE COMMITTEE ON WATER AND LAND

For hearing Tuesday, April 18, 2017

Re: HCR 80, HD1  
REQUESTING THE DEPARTMENT OF LAND AND NATURAL  
RESOURCES TO ESTABLISH A WORKING GROUP TO STUDY THE  
POTENTIAL TRANSFER OF MANAGEMENT AND MAINTENANCE  
OF THE ROYAL MAUSOLEUM AT MAUNA 'ALA TO ONE OR  
MORE APPROPRIATE NONPROFIT ORGANIZATIONS.

TESTIMONY IN OPPOSITION

First, I am delighted to read the second "whereas" clause, which says "Mauna 'Ala is currently owned and managed by the Division of State Parks of the Department of Land and Natural Resources of the State of Hawai'i"

There is a long-standing myth, popularized in various newspaper articles, saying that Mauna Ala remains sovereign property of the Kingdom of Hawaii. In "Midweek" on May 19, 2004 Don Chapman says "Thanks to Queen Lili'uokalani, the Royal Mausoleum at Mauna Ala is the last remnant of the Kingdom of Hawaii, where federal land laws do not apply" and "federal land laws do not apply to the grounds of Mauna Ala, nor now state laws." A Honolulu Star-Bulletin article on October 30, 2005 says "Mai'oho [father of the current custodian] said that when someone crosses the threshold of the gold-tipped gates of Mauna 'Ala, they come onto 3.5 acres of royal land under the Hawaiian flag. He said the Western world and its laws and customs are left behind on Nuuanu Avenue and that Hawaiians can relate to one another completely on Hawaiian terms." For an in-depth examination of such claims see

<http://www.angelfire.com/hi5/bigfiles2/MaunaAlaMidweekMay2004.html>

One thing that troubles me about HCR80 is that it contemplates the transfer of ownership of Mauna Ala to one or more racially exclusive Royal Societies. Although most of the resolution talks about management and maintenance, there is also talk about transfer of ownership.

For example the final "whereas" clause, at the top of page 2, says "ceded lands may only be conveyed for one of the purposes set forth in the Admission Act, references to the public may be helpful to show that the conveyance is consistent with "the provision of lands for public use," one of the trust purposes set forth in the Admission Act"

Transfer of ownership is also envisioned at the bottom of page 2:  
"Determine whether it would be in the best interests of the descendants of Hawaiian royalty and the people of Hawai'i to transfer ownership and management of Mauna 'Ala in perpetuity to one or more appropriate non profit organizations with culturally-sensitive property management expertise, financial resources, and strong familial and cultural ties to Mauna 'Ala; and Develop and recommend the terms of such transfer of Mauna 'Ala, including any proposed State actions ..."

Really? The public lands of the State of Hawaii belong to all the people of Hawaii regardless of race. We should not give away ownership of any public lands to a racially exclusionary group.

Another issue is whether, even without transfer of ownership, granting control of the "management and use" of Mauna Ala to a racially exclusive Royal Society could result in the exclusion from the grounds of anyone lacking a drop of the magic blood. This issue is especially worrisome because Mauna Ala is regarded as a "wahi pana" or also as a "sacred place" where bloodlines are important and where ceremonies based on the ancient Hawaiian religion might be performed which some participants or organizers might believe should remain closed to all but Native Hawaiians.

HCR80 cites the phrase from section 5(f) of the Statehood Admission Act "The provision of lands for public use." Indeed, public lands must remain open to use by all members of the public regardless of race or religion. The history of Hawaii, including the history of the Kingdom of Hawaii, belongs to and can be celebrated by all Hawaii's people.