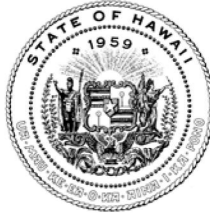


DAVID Y. IGE
GOVERNOR OF
HAWAII



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

Tuesday, March 21, 2017
9:30 AM
State Capitol, Conference Room 312

In consideration of
HOUSE CONCURRENT RESOLUTION 80
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
AND RECOMMEND THE TERMS OF THE TRANSFER, MANAGEMENT, AND
ONGOING MAINTENANCE OF MAUNA 'ALA

House Concurrent Resolution 80 proposes that the Department of Land and Natural Resources (Department) 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 and recommend the terms of the transfer, management and ongoing maintenance of Mauna 'Ala. **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 15th 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.

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: 9:30am
Date: March 21, 2017
Where: Conference Room 312

TESTIMONY

By Trustee Lance Wilhelm
Kamehameha Schools

To: Chairs Yamane and Ing, Vice Chairs Kong and Gates, and Members of the Committee

RE: **HCR80** 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 Yamane and Ing, Vice Chairs Kong and Gates, and Members of the Committee:

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.

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'ohē hana nui ke alu 'ia. No task is too large when we all work together. Mahalo nui.



Association of Hawaiian Civic Clubs

P. O. Box 1135

Honolulu, Hawai'i 96807

e-mail: president@aohcc.org phone (808) 753-1895, www.aohcc.org

March 18, 2017

To: Rep. Ryan I. Yamane, Chair and Rep. Sam Satoru Kong, Vice Chair and members of the House Committee on Water and Land and

Rep. Kaniela Ing, Chair and Rep. Cedric Asuega Gates, Vice Chair and members of the House Committee on Ocean, Marine Resources and Hawaiian Affairs

From: Annelle Amaral, President, Association of Hawaiian Civic Clubs

Re: Testimony in Support of HCR 80 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.

Aloha, Rep. Yamane and Rep. Kong and Members of the House Committee on Water and Land and Rep. Ing and Rep. Gates and Members of the House Committee on Ocean, Marine Resources and Hawaiian Affairs. I am Annelle Amaral, President of the Association of Hawaiian Civic Clubs (AHCC), an organization whose first club was founded in 1918 by Delegate to Congress Prince Jonah Kuhio Kalaniana'ole. Hawaiian Civic Clubs have thrived and there are now sixty-three active clubs in Hawaii and on the North American continent. We are here today to testify in support of HCR 80.

It is important to remember the history of Mauna Ala as the final resting place of our Ali'i and their confidantes started with the purchase of this wahipana by King Kamehameha IV and Queen Emma for the transfer of the iwi of the Alii interred at Pohukaina at I'olani Palace.

The first tomb, the Kamehameha Tomb was constructed by Charles Reed Bishop, who left specific instructions on the care and management of this tomb.

Queen Lili'uokalani escorted the iwi to their final resting place at Mauna Ala in the darkness of night with the torches of her entourage escorting the carriages bearing their precious cargo.

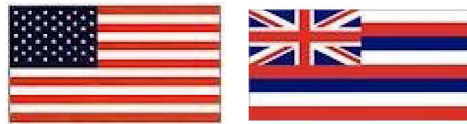
Clearly, our Alii Trusts and the Kawananakoa Foundation have always kept their kuleana in the protection and preservation of this sacred place. It makes perfect sense that the Royal Parties with the guidance of the Kahu of Mauna Ala, and the Department of Land and Natural Resources should confer as a "working group" to study the transfer of management and maintenance of Mauna Ala to one or more appropriate nonprofit organizations.

The Association of Hawaiian Civic Clubs has maintained a close relationship with this special place. We continue to go monthly to clean the chapel and the crypt at Mauna Ala, as requested by its past curator Lydia Namahana Maioho. We continue to maintain our ceremonies of recognition of our Alii on the dates of their birth as well as other important ceremonies relating to our Alii at Mauna Ala.

We are especially pleased at the concept of a working group to study the possible transfer of the management and maintenance of Mauna Ala because it provides for an opportunity to provide the curator of Mauna Ala with the support he deserves.....support such as a computer, a cell phone, appropriate treatment and respect he deserves as Kahu with genealogical kuleana for the care of our Alii remains. Mauna Ala is not a Park. It is the fragrant mountain. It is the final resting place of our Alii. It is wahi pana...a sacred Hawaiian site. It is our hope that the working group shall choose well the appropriate non-profits who can provide the best and most appropriate support for this special place.

Thank you for allowing me to testify today in support of HCR 80, we hope that it will pass with the support of the House and Senate.

Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
Tel/Fax (808) 247-7942
Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON WATER AND LAND
and
HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, &
HAWAIIAN AFFAIRS

For hearing Tuesday, March 21, 2017

Re: HCR 80

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.

waltestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 19, 2017 8:41 PM
To: waltestimony
Cc: mkhan@hawaiiantel.net
Subject: Submitted testimony for HCR80 on Mar 21, 2017 09:30AM

HCR80

Submitted on: 3/19/2017

Testimony for WAL/OMH on Mar 21, 2017 09:30AM in Conference Room 312

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

Comments: Mahalo to the sponsors who introduced this resolution. It is apparent that they understand the value of federal employees and their contributions to the United States and the importance of collective bargaining as a means to empower the voices of the average employee. I am proud to say that I served as an Air Force civilian employee for over 45 years and can assure everyone that my colleagues and I performed our duties above and beyond expectations, even in times of challenges caused by deployments of the military and evacuations caused by volcano eruptions or bad weather. Obviously, I fully support HCR80 and encourage your passage of it. Mahalo!

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

waltestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 17, 2017 4:32 PM
To: waltestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HCR80 on Mar 21, 2017 09:30AM*

HCR80

Submitted on: 3/17/2017

Testimony for WAL/OMH on Mar 21, 2017 09:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	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