

HISTORIC HAWAII FOUNDATION

TO: Representative David A. Tarnas, Chair
Representative Patrick Pihana Branco, Vice Chair
Committee on Water & Land (WAL)

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

Committee: Thursday, February 18, 2021
8:30 a.m.
Via Video Conference/Conference Room 430

RE: HB 1261, Relating to the Department of Land and Natural Resources

On behalf of Historic Hawai'i Foundation (HHF), I am writing **with support for HB 1261**. The bill would require the Department of Land and Natural Resources to lease to the Wailea Village Historic Preservation Community the historic Hakalau School, 29-169 Kulawai Road, in South Hilo.

King Kalākaua designated the site for a school in Hakalau in 1882. The original one-room schoolhouse grew with the needs of the growing plantation town, and was a central part of community life until the campus closed in 1972 when schools were consolidated with Kalaniana'ole School in Pāpa'ikou. Currently, the campus retains buildings and land that can be preserved, rehabilitated and adaptively used for other community purposes and that honor the heritage of this special place.

The Wailea Village Historic Preservation Community works diligently to preserve the history of Hakalau through collective effort and collaboration. The group has been a volunteer steward of the old school site for five years and is seeking a long-term lease that will allow it to invest funds, labor and effort to preserve this historic property.

The group's vision is to reuse the facilities and grounds as a community learning space and hub along with the adjacent Veterans Park and eventually the old gym. The County's recently adopted Hāmākua Community Development Plan specifically calls for and encourages the community to work with the state towards renewed reuse of this underutilized yet valuable community asset with its rich history.

Historic Hawai'i Foundation strongly supports the preservation and contemporary use of historic properties in a way that honors their historic significance and engages community members. We believe HB 1261 will provide a pathway for such stewardship actions to occur.

We note that similar community partnerships were used to save the Waimea Elementary School N (now the Isaacs Art Center in Kamuela on Hawai'i Island), the Hanalei Elementary School (now a retail and restaurant hub on Kaua'i) and the Kaupō School (being repurposed as a community center and emergency shelter on Maui). Each of these projects took an abandoned facility no longer needed or wanted by the Departments of Education or Land & Natural Resources and converted them to special places of community significance. We recommend that Hakalau be giving the same opportunity.

Thank you for the opportunity to comment.

In that decision, the court adopted a two-step analysis to determine if a law was special legislation.

The first step is to determine “whether the classification adopted by the legislature is a real or potential class, or whether it is logically and factually limited to a class of one and thus illusory.” Sierra Club, 120 Hawai‘i at 203–04, 202 P.3d at 1248–49 (quoting People v. Canister, 110 P.3d 380, 383 (Colo. 2005)). Upon determination that there is a “class of one” issue, no additional steps are necessary.

The classification in section 1 limits application of this bill to the property located at 29-169 Kulaiwi Road (also known as the old Hakalau school site) located in south Hilo on Hawaii island (TMK No. (3) 2-9-002:005), and it limits the property’s potential lessees to the Wailea Village Historic Preservation Community. The class, as defined, is limited only to the one named entity. There are no provisions for other entities to be included in the future. Section 1 of the bill, which creates the classification, appears to be special legislation and may violate article XI, section 5, of the Hawai‘i State Constitution.

For the above-stated reasons, the Department respectfully asks this Committee to hold this bill.

HB-1261

Submitted on: 2/16/2021 4:22:21 PM

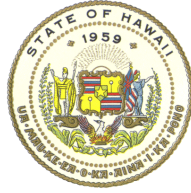
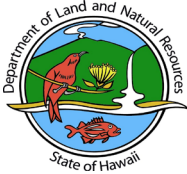
Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa D. Goldman	Dept. of the Attorney General	Comments	No

Comments:

I am available for comments.

DAVID Y. IGE
GOVERNOR OF HAWAII



**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
WATER & LAND**

**Thursday, February 18, 2021
8:30 AM**

State Capitol, Via Videoconference, Conference Room 430

**In consideration of
HOUSE BILL 1261
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

House Bill 1261 proposes to require the Department of Land and Natural Resources (Department) to lease to the Wailea Village Historic Preservation Community (WVHPC) the property located at 29-169 Kulaiwi road in south Hilo on Hawaii island for twenty years for \$100 per year. **The Department offers the following comments.**

This property is also known as the old Hakalau School site and is situated in south Hilo on a portion of Tax Map Key (3) 2-9-002:005. In addition to proposing to require the Department to lease this parcel to WVHPC, this measure proposes to require the lessee to provide adequate insurance, accept all liability for the property, and accept all responsibility for any necessary mitigation of the property for hazardous waste.

On January 24, 2014, the Department of Education (DOE) informed the Department of its intent to relinquish the portion of the parcel under DOE management via Executive Order No. 257, Part 1. This parcel was originally set aside to the Department of Public Instruction in 1926. By letter dated March 10, 2015, the Department informed DOE that before the executive order could be cancelled and the property returned to the Department and prior to the demolition of any structures, DOE would need to have a Phase 1 Environmental Site Assessment (ESA) conducted for the property.

On November 2, 2016, the Department received a copy of the Phase 1 ESA. Section 9 of the report, entitled Recommendations stated that:

Deteriorating lead-based paints on the exterior surfaces of the remaining building should be managed pro-actively. Leaving these materials in place as they continue to deteriorate will only make matters worse and increase the cost of any potential management or

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

abatement solutions that will eventually need to be implemented. (See attached memorandum dated December 1, 2016.)

The Department received a request from WVHPC in 2015 to lease this property. Upon receipt of the Phase 1 ESA, the Department informed WVHPC of the lead paint contamination and mitigation issues found during the assessment. At the time, WVHPC lacked the funding or ability to undertake the remediation project. To date, DOE has not been able to secure funding for remediation of the lead paint contamination or demolition of the unsafe structures. If DOE or the WVHPC is able to secure the funding necessary to perform the required remediation of the property, the Department is prepared to request the Board of Land and Natural Resources to cancel Executive Order No. 257 and issue a direct lease to WVHPC under Section 171-43.1, Hawaii Revised Statutes.

Thank you for the opportunity to provide testimony on this measure.

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 1, 2016

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
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TO: Honorable Kathryn S. Matayoshi
Superintendent, Department of Education

FROM: Suzanne D. Case, Chairperson *mlc*
Department of Land and Natural Resources

SUBJECT: Phase 1 Environmental Site Assessment Report for Old Hakalau School Site, South Hilo, Hawaii, TMK: (3) 2-9-002:005

As a condition to your request to relinquish your department's use of State land currently encumbered under Executive Order (EO) No. 257 (the former Hakalau School Site), we had asked that a Phase I Environmental Site Assessment (ESA) be performed on the property prior to our department proceeding with the cancellation of the EO.

On November 2, 2016, the Hawaii District Land Office (HDLO) received a copy of the Phase 1 ESA. Thank you very much for providing our office with this report. Upon review we note, section 9 (page 28, copy enclosed) of the report, titled Recommendations state that:

"Deteriorating lead-based paints on the exterior surfaces of the remaining buildings should be managed pro-actively. Leaving these materials in place as they continue to deteriorate will only make matters worse and increase the cost of any potential management or abatement solutions that will eventually need to be implemented."

The ESA report goes on to recommend that loose and flaking paints should be removed in a controlled manner to limit any potential impacts to the surface soils. The report further recommends "at a minimum, any excavated soils removed from the site should be tested for persistent, toxic chemicals prior to off-site re-use or disposal, and any building materials or debris removed from the site should be tested for TCLP lead prior to landfill disposal."

Cancellation of Executive Order No. 257
Old Hakalau School Property

As you may be aware, the HDLO has been approached by a community non-profit organization¹ who would like to take on the responsibility of preserving and utilizing the property as a cultural learning center. They have expressed an interest in keeping the existing structures in place and restoring them as close as possible to their original condition.

The DLNR feels it is very important that safety and welfare of the public be maintained and asks that the DOE comply with the recommendations in the Phase I ESA. Upon completion, please provide our department with a copy of the results from the remediation.

Should you or your staff have any questions, please feel free to contact the Hawaii District Land Agent Gordon Heit at (808) 961-9590.

enclosure:

¹ The Wailea Village Historic Preservation Community is a 501 (c) 3 non- profit organization

SECTION 9: RECOMMENDATIONS

Based on the results of this Phase 1 ESA, Owen Environmental offers the following recommendations:

- Deteriorating lead-based paints on the exterior surfaces of the remaining buildings should be managed pro-actively. Leaving these materials in place as they continue to deteriorate will only make matters worse and increase the cost of any potential management or abatement solutions that will eventually need to be implemented.
- Loose and flaking paints should be removed in a controlled manner to limit any potential impacts to surface soils from paint chips being removed from the buildings, and remaining lead-based paints should be stabilized. Work crews performing this work should be trained in proper procedures for removal of lead-based paints and monitored for potential lead exposure during the work as per OSHA requirements. Surface soil samples should be collected before and after the removal work to ensure that the contractor does not cause adverse impacts to the site during the paint removal process. Soils that are impacted by the removal of deteriorated lead-based paints may need to be removed and managed as contaminated materials. Heavily impacted soils may need to be managed as a characteristic hazardous waste.
- Surface soils at the subject property should be evaluated for potential impacts due to the presence of deteriorating lead-based paints on the existing buildings, and possible impacts due to the likely presence of lead-based paints on historic buildings that are no longer present. The evaluation of surface soils should focus on areas in close proximity to current and historic buildings, and should also include other persistent, toxic chemicals such as arsenic and various chlorinated pesticides that may have been used at the site for insect and vector control. While this evaluation is not necessarily required at this point, it should be considered prior to any renovation, demolition, or re-use of the property, and may be required depending on renovation or demolition procedures and the intended use or re-use of the property and/or existing buildings.
- At a minimum, any excavated soils removed from the site should be tested for persistent, toxic chemicals (including lead, arsenic and chlorinated pesticides) prior to off-site re-use or disposal, and any building materials or debris removed from the site should be tested for TCLP lead prior to landfill disposal due to the extensive presence of lead-based paints at the site.

HB-1261

Submitted on: 2/17/2021 9:55:04 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Akiko Masuda	Wailea Village Historic Preservation Community	Support	No

Comments:

Aloha and warm greetings from Wailea/Hakalau on Hawaii Island. My name is Akiko Masuda, hostess and owner of Akiko's Buddhist Bed & Breakfast in Wailea, and President of Wailea Village Historic Preservation Community. I was born and raised in Kalihi on O'ahu in '44, grad Farrington High School in '62 (survived the Girl's Bathrooms), got my BA in Religion and Philosophy from Lawrence University, Appleton Wis. in '66, MFA in Dance from UH Manoa, in '76. And then everything else I learned/and am still learning, from the "school of life"-- my BB&B, especially how to live "in aloha" with diverse peoples from diverse cultures and diverse ways of thinking.

On Behalf of our community, I am asking you to endorse HB 1261 which will direct DLNR to lease the Hakalau School to WVHPC for 20 years at \$100/yr. Since April 2015, our Hakalau School Green Team have gathered to do grounds maintenance every 2nd Sunday of each month, volunteering our own weed whackers, mowers, chain saws, trucks, gasoline, shovels and tools, paying for a tractor mower and for paying for outstanding Thai food for all the workers when work is done. WVHPC has bought insurance at the request of the DOE, and installed electricity to run the lights at night to decrease vandalism.

As a community we are committed to restoring and saving and celebrating Hakalau School as a place for learning: 1)Focusing on ways of thinking and living, to enhance the quality of our lives, especially for our predominately ageing community, 2)Focusing on experiential & technical education for our young local people in agriculture, by actually farming and marketing olena (tumeric), ulu (breadfruit), herbal medicinals, crops that can provide a sustainable income for a hardworking family of 4-5. Farming has already begun.

This is the time to work together : The state to partner with our non-profit, WVHPC, and our already working and committed community group, Hakalau School Green Team We humbly request you move HB 1261 out of your committee.

We mahalo you. The former Hakalau School alumnae mahalo you. The Great Ancestors of Hakalau School, bow in gratitude, that from henceforth, future generations will know their lives were built on the bedrock of a community working in partnership

with the State of Hawaii and on the backbone and values of all those who came before and settled in this magnificent area—Wailea-Hakalau. Thank-you.

HB-1261

Submitted on: 2/17/2021 11:34:27 AM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Garry Wyckoff	Wailea Village Historic Preservation Community	Support	No

Comments:

I have been an active member of the Wailea Village and Hamakua Coast community for more than twenty years. During that time I have admired the singular vision and leadership of Wailea Village Historic Preservation Community (WVHPC) President and founder, Akiko Masuda. For the full scope of WVHPC activities and depth of civic engagement currently operating in Hakalau please visit the hakalauhome.com website. I guarantee you'll be impressed!

HB 1261 is a common sense, cost effective community solution that rescues the shamefully neglected Hakalua School facilities and grounds from continued deterioration and returns a valuable public asset to active community use.

Thank you for your consideration and support.

Garry Wyckoff, Secretary/Treasurer

Wailea Village Historic Preservation Community

February 17, 2021

Representative David Tarnas, Chair
Representative Patrick Branco, Vice-Chair
Water and Land Committee
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: H.B. NO. 1261 - Old Hakalau School Site, South Hilo, Hawaii

I am Susan Forbes, a resident of Hakalau and a community activist supporting preservation projects in Hakalau and Wailea, including Hakalau School, Hakalau Jodo Mission, and Hakalau Point. My efforts are guided by my study of the history and culture of the area and presented on my website, hakalauhome.com.

I am writing in full support of H.B. 1261 leading to the cancellation of Executive Order (EO) No. 257 and long-term lease of the vacant and neglected Hakalau School site to the non-profit Waleia Village Historic Preservation Community (WVHPC) for community use.

For over five years (since April 2015 on a monthly basis) at no cost to the State our community volunteers, the "Green Team", have provided complete grounds maintenance for the site, restored electrical service, improved security and purchased liability insurance with DOE named as additional insured. Our Hakalau School Preservation campaign has been recognized by Historic Hawaii Foundation as a model of "Communities Working Together To Save Historic Places" and is highly aligned with the priorities of the Hamakua CDP. *Specifically, page 92, 5.13.3 Kokua Action 63 from State of Hawaii, Department of Education to: "Coordinate with the Hakalau community to pursue the redevelopment and community management options for the old Hakalau School property."*

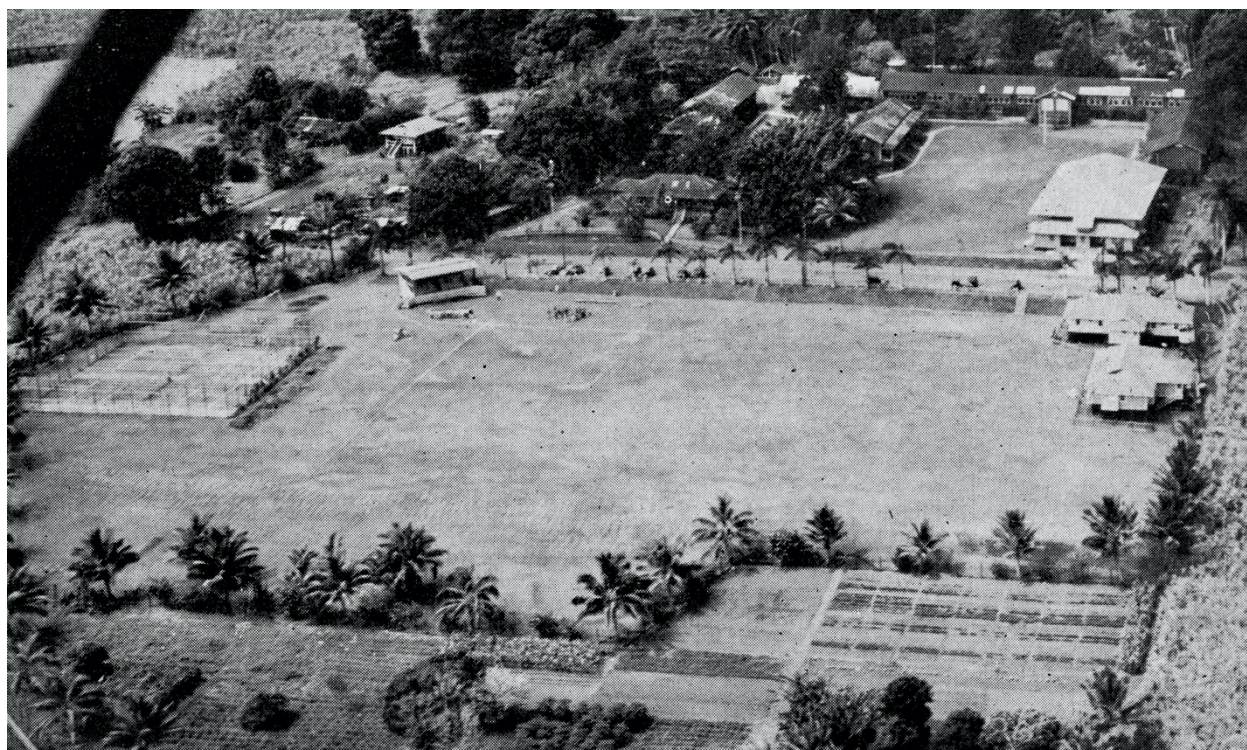
My support for H.B. 1261 is based on research regarding the history of Hakalau. During plantation times, the community rallied around the school. I have witnessed the passion associated with the school from the participants of the Hakalau School and Community Reunion. These old-timers shared values that carry over today, including:

- Engage in collective effort.
- Look out for each other.
- Honor hard work.
- Show respect for those who came before us.
- Aloha and Malama `Aina.

The Green Team's monthly commitment to Hakalau School reflects these values. Akiko Masuda's leadership and inspiration and the steadfast commitment of the Green Team have brought life back to the School and made the area a safer place. Our community wants to use Hakalau School and has demonstrated the commitment to succeed in its stewardship.

We have witnessed that continued delay and disuse of facilities and grounds contributes to accelerating deterioration, including vandalism, greatly increasing the future cost of restoration and depriving the local community of a valuable public asset. Please help us stop this pattern of neglect by empowering the Wailea Village Historic Preservation Community with a long-term lease of the school.

I leave you with a picture of the Hakalau School Complex in 1941, our community asset. We have the will to revive it.



Hakalau School Complex, 1941

Please support H.B. NO. 1261 so our Hakalau community can fully demonstrate the power of our commitment.

Sincerely,

Susan Forbes

Susan Forbes
PO Box 199
Hakalau, HI 96710
sksforbes@gmail.com

HB-1261

Submitted on: 2/17/2021 4:31:17 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kehaulani Lum	Waiehu Land LLC	Support	No

Comments:

Aloha Chair Tarnas, Vice Chair Branco and Members of the Water and Land Committee,

I am writing in full support of H.B. 1261, relating to the long-term lease of the Old Hakalau School site to the Waiiea Village Historic Preservation Community (WVHPC) for community use. As the manager of a family organization that is dedicated to preserving traditional practices of Hawai'i Nei, through community-based agriculture, I am humbled by the devotion and deep spirit of Aloha that WVHPC and its supporters, manifest in their stewardship of the Old Hakalau School.

In honoring the ancestors and history of this precious place, through their own sweat and resources, theirs is a work of altruistic purpose; an invaluable community benefit. Together, they hold the light of Hawai'i and are the ideal leaders to transform this long neglected site. On behalf of Waiehu Land LLC and my ancestors, many of whom graduated from the school in the last century, I am deeply grateful for this measure.

I have faith that this lease will elevate the community and the entire State, in innumerable ways.

Please support H.B. NO. 1261 and our Hamakua Coast communities.

Mahalo nui loa,

Kehaulani Lum

HB-1261

Submitted on: 2/17/2021 5:37:05 PM

Testimony for WAL on 2/18/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Toguchi	Individual	Support	No

Comments:

As a former student of Hakalau Intermediate and Elementary School, I fully support H.B. No.1261. The campus was neglected for many years and the community volunteers came together to restore the grounds and existing buildings. The improvement will enable the people to use it for many community activities.

The leadership of WVHPC is highly reputable and will continue to serve the people.

Sincerely,

Ed Toguchi

February 17, 2021

Representative David Tarnas, Chair
Representative Patrick Branco, Vice-Chair
Water and Land Committee
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: H.B. NO. 1261 - Old Hakalau School Site, South Hilo, Hawaii

Aloha WAL Chair Tarnas and Vice-Chair Branco and committee members,,

Greetings from Hakalau/Wailea on Hawaii Island! My name is Brad Kurokawa, a resident of Hakalau and Honomu on the Hamakua Coast, a landscape architect/planner and active community advocate. I hope this email finds all of you well as you embark on a new legislative year during this challenging time. Thank you for your service.

I am writing on behalf as a board member of a well established non-profit organization called the Wailea Village Historic Preservation Community (WVHPC). [Wailea Village Historic Preservation Community \(hakalauhome.com\)](http://Wailea Village Historic Preservation Community (hakalauhome.com)) Our founder and president Akiko Masuda has for the last 30 years been a tireless champion in celebrating our precious heritage and community values which make Wailea/Hakalau on Hawai'i island special and unique. Attached please find a couple photos. Your colleague Representative Mark Nakashima has introduced and sponsored HB 1261 which proposes that DLNR lease the former Hakalau School to WVHPC for 20 years. Hakalau School closed in 1972 after serving our plantation community since the 1880's. The school and grounds have been deteriorating over the years and is currently caught in an internal stalemate between the DOE and DLNR which requires DOE to mitigate hazardous material (i.e. lead paint) before turning the school back to DLNR. Understandably Hakalau school is a low priority project compared to active schools. WVHPC had been granted yearly use permits for the past few years which allowed us to care for the grounds. Since April 2015, we have on a monthly basis gathered to maintain the grounds. We literally cleared the "jungle", rescued the buildings and overgrown plantings. WVHPC expended its own funds to restore power to the classrooms and maintain general liability insurance. Our permit has not been renewed this year.

Our community vision is to reuse the facilities and grounds as a community learning space and hub along with the adjacent Veterans Park and eventually the old gym, currently deteriorating under the jurisdiction of Hawaii County Parks. The revitalization and reuse of Hakalau School is widely supported by our community. The recently adopted Hamakua Community Development Plan (HCDP) specifically calls for and encourages the community to work with the state towards this renewed reuse of this underutilized yet valuable community asset with its rich history. Potential uses such as our popular community run weekly Hakalau Farmers Market &

Foodshare, community sponsored educational classes and other cultural events are envisioned at the school.

This past year 2020 has been a challenging time for all of us with the Covid-19 pandemic. One of the positive outcomes of the challenges is the recognition that strong, active and empowered community is what will get us through these hard times. We also believe that an opportunity to transform how we do things has presented itself in this situation to give new life to Hakalau School while strengthening our community. Historic Hawaii Foundation has recognized our efforts as a model of "Communities Working Together to Save Historic Places." We humbly request that you assist our community in this quest by moving HB1261 forward, out of your committee, supporting and demonstrating how the State can creatively partner with our community in revitalizing our beloved Hakalau School. We mahalo you in advance for your consideration and support!

With deep gratitude and warm Aloha,

A handwritten signature in black ink, appearing to read 'Brad Kurokawa', with a long horizontal flourish extending to the right.

Brad Kurokawa

Wailea Village Historic Preservation Community board member