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STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
Ka 'Oihana Mālama Mo'ohelu a Kālā
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

WRITTEN ONLY
TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON WATER & LAND
ON
HOUSE BILL NO. 1313

February 2, 2023
9:30 a.m.
Room 430 and Videoconference

RELATING TO HAIKU VALLEY

The Department of Budget and Finance (B&F) offers the following comments on House Bill (H.B.) No. 1313.

H.B. No. 1313 establishes the Haiku Valley Cultural Preserve Commission within the Office of Hawaiian Affairs (OHA) to provide policy and management oversight of the Haiku Valley cultural preserve; initiates the process of conveying Haiku Valley in fee simple to OHA; establishes the Haiku Valley Cultural Preserve Special Fund; and appropriates unspecified amounts of general funds and special funds in FY 24 and FY 25 for the purposes of this act.

While B&F recognizes the importance of preserving areas with significant cultural and historical importance, as a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits

sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. In regards to H.B. No. 1313, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.



Ka Moku'aina 'O Hawai'i Aha Moku O Pae'Aina

State of Hawai'i Aha Moku

P. O. Box 621

Honolulu, Hawaii 96809

Testimony of the Hawaii State Aha Moku

Before the House Committee on

Water and Land

Thursday, February 2, 2023

9:30 a.m.

Conference Room 430 & Videoconference

IN SUPPORT of House Bill 1313

Relating to Haiku Valley

House Bill 1313 establishes the Haiku Valley cultural preserve commission with OHA to provide policy and management oversight of the Haiku valley cultural preserve. It establishes the Haiku Valley Cultural Preserve Special Fund. It initiates the process of conveying Haiku Valley in fee simple to the Office of Hawaiian Affairs and appropriates funds.

The Hawaii State Aha Moku (Aha Moku) strongly supports this measure.

Attached to the Department of Land and Natural Resources (DLNR), the Aha Moku works with the native Hawaiian communities of Ko'olaupoko, He'eia and Haiku whose traditional knowledge of the unique natural and cultural resources of these lands have been handed down generation to generation for centuries. The value of this knowledge is the continued sustainability of this particular ecosystem.

Aha Moku brings the people's voices forward to the attention of law protectors and policy makers. Our kuleana is to perpetuate Hawaiian culture and values through our advocacy for the wahi kapu – our sacred places of the kanaka maoli. The kanaka have asked for the preservation of the cultural complex of heiau in Haiku Valley located in the uplands of the ahupua'a of He'eia.

These lands are not suitable for urban development. Designated as conservation and preservation, these lands need to be preserved as a culturally significant place. We are grateful to the Ko'olau Foundation who have cared for this 'aina for many years. We urge this committee to adopt House Bill 1313.

Me ke aloha Pumehana,

Rocky Kaluhiwa, Ahupua'a Representative of He'eia

Hawaii State Aha Moku

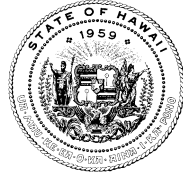
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Pae'Aina: Moku O Keawe, Moku O Piilani, Moku O Kanaloa, Nana'i Kaula, Moloka'i Pule O'o, Moku O Kakuhihewa, Manokalanipo, Ka'Aina O Kawelonakala

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Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
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*Ka Hope Kia'āina o ka Moku'āina
'o Hawai'i*



IKAIKA ANDERSON
CHAIRMAN DESIGNATE, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY DESIGNATE TO THE
CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Ka 'Oihana 'Āina Ho'opulapula Hawai'i

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**TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN-DESIGNATE
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON WATER AND LAND
HEARING ON FEBRUARY 2, 2023, AT 9:30AM IN CONFERENCE ROOM 430**

HB 1313, RELATING TO HAIKU VALLEY

February 2, 2023

Aloha Chair Ichiyama, Vice Chair Poepoe, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) submits comments on this measure that establishes the Haiku valley cultural preserve commission with OHA to provide policy and management oversight of the Haiku valley cultural preserve, establishes the Haiku valley cultural preserve special fund, and initiates the process of conveying Haiku valley in fee simple to OHA.

DHHL takes no position on the establishment of the Haiku valley preserve commission or the establishment of the Haiku valley cultural preserve special fund. However, DHHL cannot support the conveyance of Hawaiian Home Lands in Haiku valley in fee simple to OHA. Hawaiian Home Lands are under the control of DHHL and require approval by the Hawaiian Homes Commission (HHC) for any disposition of land. A land disposition could be considered by the HHC to effectuate the goal of this measure to preserve the cultural, historic, spiritual, and environmental resources of Haiku valley. Examples of similar dispositions include a 10-year license to the Mauna Kea Watershed Alliance for the management of Unit 1 of Aina Mauna to ensure the area remains free of invasive species and a 25-year license to Kaala Farm for curatorship, conservation and operation of the Cultural Learning Center at Kaala. Any disposition of land will require beneficiary consultation and HHC approval.

Thank you for your consideration of our testimony.

Center for Hawaiian Sovereignty Studies
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Kenneth R. Conklin, Ph.D. Executive Director
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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON WATER & LAND

For hearing Thursday, February 2, 2023

Re: HB 1313 RELATING TO HAIKU VALLEY.

Establishes the Haiku valley cultural preserve commission with OHA to provide policy and management oversight of the Haiku valley cultural preserve. Establishes the Haiku valley cultural preserve special fund. Initiates the process of conveying Haiku valley

TESTIMONY IN OPPOSITION

HB1313 is a race-nationalist Hawaiian sovereignty bill masquerading as an effort to protect environmental, cultural, and historical treasures in Ha'iku Valley. The valley in its entirety would be transferred in fee simple to the joint ownership of two groups: (1) the racial separatist Office of Hawaiian Affairs, which has tried for decades to create a "Native Hawaiian" tribe and get federal recognition for it, and (2) a newly invented "Haiku valley cultural preserve commission" where a 7-member board of directors would have 5 members who are guaranteed to be "Native Hawaiian" and the other 2 members could (and probably would) also be "Native Hawaiian."

The 5 members of the "Haiku valley cultural preserve commission" guaranteed to be Native Hawaiian are: "A representative of the office of Hawaiian affairs; One member of the Ko'olau Foundation, to be appointed by the governor from a list provided by the Ko'olau Foundation; One member of the Ko'olaupoko Hawaiian Civic Club, to be appointed by the governor from a list provided by the Ko'olaupoko Hawaiian Civic Club; and Two members who shall be Native Hawaiian cultural practitioners, to be appointed by the governor from a list of Native Hawaiian cultural practitioners provided by Native Hawaiian organizations." The founder and continuing member of the Ko'olau Foundation is a woman who has also headed the Ko'olaupoko Hawaiian Civic Club for many years, as well as leadership in the larger association of Hawaiian Civic Clubs. The other two seats on the Commission's board are "A representative of the department of land and natural resources" [who would probably also be Native Hawaiian]; and "A representative of the Honolulu board of water supply" (currently in a huge struggle against the Navy regarding the Red Hill pollution disaster, where Hawaiian sovereignty activists have taken the leading publicity roles in harassing the Navy as vengeance for what they say the Navy did in 1843: invaded the Hawaiian Kingdom and overthrew the monarchy).

The bill loudly screams "Hawaiian sovereignty" when its section entitled "Transfer" requires "the office shall transfer management and control of the Haiku valley cultural preserve to the sovereign Native Hawaiian entity upon its recognition by the United States and the State" and language in the bill defines "'Office" means the office of Hawaiian affairs."

One major treasure in the valley that has attracted thousands of non-ethnic-Hawaiian local residents and tourists for several decades is in the beginning stages of being dismantled: the Haiku Stairs, also popularly known as the stairway to heaven. In 2022 the Honolulu City Council member for District 3, which includes Ha'iku Valley, was Ikaika Anderson, now head of DHHL. He resigned about 2 weeks before the end of his term, encouraging Esther Kia'aina to take up residence in the

district so she could run for Anderson's seat. Kia'aina had worked for decades on the staffs of Senators Inouye and Akaka, and Rep. Case, where she was a major author of the apology resolution and the Akaka bill; and then she worked as Assistant Secretary of Interior during President Obama's second term where she spearheaded the writing and promulgation of administrative regulation 43CFR50 which provides a pathway for administrative recognition of a "Native Hawaiian" tribe without any involvement by Congress. Now on the Honolulu City Council, where ethnic Hawaiians hold a majority of the seats, Kia'aina pushed through the bill calling for the dismantling of the Ha'iku Stairs, which will thereby purify the valley of the one "non-Hawaiian" element currently desecrating its "sacredness."

Other bills have popped up from time to time in the legislature for a couple of decades whose concepts and even much of their language closely resemble this one. For example the House Committee on Water, Land, and Hawaiian Affairs held a hearing on February 8, 2019 on HB 1068 "RELATING TO HEEIA STATE PARK". As you know, He'eia State Park (Ka Lae o Ke Alohi) is on the ocean in the same ahupa'a as Ha'iku Valley, served by the same stream flowing from the mountains to the ocean. The same individuals and groups were pushing that bill, including the Ko'olaupoko Hawaiian Civic Club and the Ko'olau Foundation. A bill regarding Haiku Valley, HB2704, was actually passed by the 2008 legislature but vetoed by Governor Lingle. The Senate voted to override the veto, but the House failed to override it. The text of the bill can be seen at

http://www.capitol.hawaii.gov/session2008/Bills/HB2704_.htm

HB2704 (2008) specified that the Ha'iku Valley Cultural Preserve Commission would have seven members, including one member of the Ko'olau Foundation, two members of the Ko'olaupoko Hawaiian Civic Club, one appointee from OHA, and one appointed by the governor from a list provided by native Hawaiian organizations. Notice also that the bill requires that "the office shall transfer management and control of the valley cultural preserve to the sovereign native Hawaiian entity upon its recognition by the United States and the State."

Essentially the same bill was attempted in 2012, but failed. See webpage about this one particular 2012 bill: "Putting Haiku Valley, Kaneohe, Under Racial Control"
<http://www.angelfire.com/big09/HaikuValley2012HB2246.html>

Similar legislation was also attempted regarding Makua Valley and Kahana Valley, and probably other places where I was not paying attention. Those bills also included guaranteed ethnic Hawaiian racial majorities on the board of directors, and the same provision for transfer of the ahupua'a to a future Hawaiian tribe.

The current bill for this hearing, HB1313, leaves blanks to be filled in later for how many dollars would be appropriated for the Ha'iku Valley Cultural Preserve Commission to develop a plan and build an education center. But if this bill eventually goes to a House/Senate conference committee where they will fill in the money blanks in a secret meeting, we can get some idea of how much they would appropriate by looking at the 2019 bill for He'eia State Park. That bill would appropriate \$800,000.00 at the rate of \$400,000.00 for each of the two fiscal years 2019-2020 and 2020-2021. In addition, for each of the two fiscal years \$250,000.00 would be given to establish a "Heeia state park community-based long-range plan", and for each of the two fiscal years \$150,000.00 would be given to establish an education center there. Those dollar amounts were set 4-5 years ago, long before the recent years of massive inflation. The cost now would be far higher.

This bill should be rejected because it provides zero information about the administrative structure, board of directors, or bylaws of the (startup?) organization(s) who would be given nearly a million dollars during a two year period; and there is also no requirement for a publicly available audit or at least a report on how the money gets spent. Dear legislators, it is your responsibility to the taxpayers to reject legislation which conceals such information. We demand transparency and accountability.

Suspicion is warranted about the political intentions and fiscal accountability of the (currently hidden) people behind this bill, because

of two decades of race-based political activism focused directly at the land and water resources at He'eia State Park, He'eia fishpond, and the associated upstream areas of Ha'iku Valley and 'Ioleka'a Valley. The groups behind those two decades of political activism included the Ko'olaupoko Hawaiian Civic Club, Kako'o 'Oiwi, Paepae o He'eia, the Ko'olau Foundation, and an apparently dormant or defunct group known as the Ahupua'a Restoration Council of He'eia which had some of the same members.

The Ahupua'a Restoration Council of He'eia (ARCH) started out looking like a grass-roots community effort to restore the environment in keeping with Hawaiian cultural values, but gradually revealed itself to be a Hawaiian sovereignty front organization. I, Ken Conklin, live in Kane'ohe and attended nearly all the meetings of this group from 1999 through 2002, which were held inside a large meeting hall at He'eia State park and later held in a small museum attached to it. As time went by the group leaders, including several activists who lived far outside the area, steered the meetings toward formalizing an organization which ended up as a 501(c)(3) tax-exempt with written bylaws provided suddenly by an outside agitator. The bylaws explicitly established racial control by ethnic Hawaiians; at which point Ken Conklin ruined the unanimous "decision-making by consensus" [i.e., group pressure] by resigning and never returning. The complete story, including verbatim portions of the bylaws, is on a webpage "The Use of Cultural and Environmental Restoration as a Political Front for Hawaiian Sovereignty -- The Ahupua'a Restoration Council of He'eia" at <http://www.angelfire.com/hi2/hawaiiansovereignty/fraudahupuaa.html>

Those groups -- Ko'olaupoko Hawaiian Civic Club, Kako'o 'Oiwi, Paepae o He'eia, the Ko'olau Foundation, and ARCH -- have consistently maintained ethnic Hawaiian dominance in any community groups seeking to exercise control over environmental restoration or historical interpretation. Their own organizations usually have written bylaws or informal but well-enforced rules that allow membership to community residents of all races who are welcome to provide financial support and volunteer labor, but voting rights and leadership roles are restricted to "Native Hawaiians." For example, the group "Kako'o 'Oiwi" has a lease

on the He'eia wetlands where they grow taro; their name "Kako'o 'Oiwi" literally means "support Native Hawaiians". It is certainly immoral, and probably illegal, for the State government to provide monetary grants to organizations that allow first-class membership exclusively to a favored race but restrict all other races to second-class membership that does not allow voting rights or leadership positions.

As a veteran of the ARCH fiasco, and with years of experience testifying against proposals for a Haiku Valley Cultural Preserve Commission, this current bill feels exactly the same. I believe it's a boondoggle to send perhaps two million dollars to a shadowy group of Hawaiian sovereignty activists who have tried repeatedly for two decades to set up racial-supremacist organizations to control land under an umbrella of approval by the state legislature.

This bill should be rejected because it provides zero information about the administrative structure, board of directors, or bylaws of the (startup?) organization(s) who would be given megabucks and there is also no requirement for a publicly available audit or at least a report on how the money gets spent. Dear legislators, it is your responsibility to the taxpayers to reject legislation which conceals such information. We demand transparency and accountability.

Suspicion is warranted about the political intentions and fiscal accountability of the (currently hidden) people behind this bill, because of two decades of race-based political activism focused directly at the land and water resources at He'eia State Park, He'eia fishpond, and the associated upstream areas of Ha'iku Valley and 'Ioleka'a Valley. When testimony on this bill becomes visible to the public it will probably be easy to see the roles of leaders and members of the Ko'olaupoko Hawaiian Civic Club, Kako'o 'Oiwi, Paepae o He'eia, the Ko'olau Foundation, and the apparently dormant or defunct group known as the Ahupua'a Restoration Council of He'eia, in which I was an active participant for more than two years.

HB-1313

Submitted on: 1/31/2023 7:58:37 PM

Testimony for WAL on 2/2/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynette Cruz	Malama Makua	Support	Written Testimony Only

Comments:

Malama Makua absolutely supports this bill! Long overdue!



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

January 31, 2023

Hawaii State Legislature
House Committee on Land and Water
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Aloha Chair Ichiyama, Vice Chair Poepoe, and Committee Members:

The Ko'olaupoko Hawaiian Civic Club is in strong support of ***H.B. 1313 Relating to Haiku Valley*** and urges your committee to pass this bill out of committee.

The bill would establish the Haiku valley cultural preserve commission and ultimately, a cultural preserve for the valley. It transfers the land from Department of Hawaiian Home Lands (DHHL) to the Office of Hawaiian Affairs (OHA). It is our understanding that previous housing feasibility studies conducted on the valley lands - first, by the U.S.Coast Guard and more recently, by DHHL - have found it unfeasible to build housing in this area.

Our civic club is the largest Hawaiian organization on Windward O`ahu, having been a part of the community since 1937. Among our members are the kupa`aina - grassroots, longtime residents - of the Kane`ohe/He`eia and Kane`ohe Bay area. They are families who've lived in these communities, some of them in Haiku valley, for many generations, and feel strongly that this valley should become a cultural and environmental preserve, including restoration of native forest.

Families who formerly lived on kuleana lands in Haiku valley would love to see this valley brought back to life as a community, cultural and educational resource. Those families were relocated outside the valley when the military began to construct a top-secret radio communications facility in Haiku in the early 1940s. So do our members, who reside primarily in the 11 ahupua`a of Ko'olaupoko.

We urge you, the members of this committee, to support House Bill 1313.

Mahalo for allowing us to offer our mana`o.

Me ke aloha,

Charles V. Naumu, President

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko'olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."



**Hui Sivila 'Ōpioio o Ko'olaupoko/
Jr. Ko'olaupoko Hawaiian Civic Club**

February 1, 2023
Hawai'i State Legislature
House Committee on Water & Land

Aloha mai kākou,

Our hui writes **in support of HB1313**, for it would provide a great benefit to our community on the windward side. The kūpuna in our community has long had the vision to restore Hā'ikū Valley to its former glory as a place of education and healing. We believe forming the Hā'ikū Valley Preserve Commission in partnership with the Office of Hawaiian Affairs would help bring this vision to reality.

Despite the challenges that advocates have endured, this space has continued to benefit youth members in our organization and community through the efforts by the Ko'olau Foundation to restore Kānehekili Heiau. Our members have learned about medicinal plants and their use, and have learned many mo'ōlelo from living treasures in our community such as Aunty Mahealani Cypher, Uncle Sol Naluai, Aunty Teresa Bright, Aunty Rocky Kaluhiwa, just name a few.

The situation of Hā'ikū Valley is unique as there are many longtime descendants and cultural practitioners of He'e'ia and Kāne'ōhe that have a relationship to the 'ili 'āina of Hā'ikū. The formation of the Preservation Commission allows for self-determination by the community and assures the intergeneration transfer of unique regional place-based knowledge of Hā'ikū.

The Valley has a lot of potentials to benefit our community beyond its use as a place for learning, but also as a place for emergency shelter. Furthermore, we encourage the legislature to consider future endeavors to provide support in restoring some of the unique structures in the valley that can provide shelter in the event of an emergency, such as the Transmitter Building which supported the operations of the OMEGA Station.

Thank you for taking the time to read this testimony

Mahalo,

Bronson Azama (electronically signed)
President
Jr. Ko'olaupoko Hawaiian Civic Club



Ko`olau Foundation

P. O. Box 4749
Kane`ohe, HI 96744

January 31, 2023

To: Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair
& Members
Committee on Water & Land

From: Aaron Mahi, President
Mahealani Cypher, Board Member

Re: H.B. 1313 – Relating to Haiku Valley – Strong Support

Aloha Chair Ichiyama, Vice Chair Poepoe and Committee Members:

The Ko`olau Foundation strongly supports House Bill 1313, which would transfer lands in Haiku valley from the Department of Hawaiian Home Lands to the Office of Hawaiian Affairs, and establish a new cultural preserve and a Haiku valley cultural preserve commission.

Our Foundation is dedicated to the preservation, restoration and recognition of historic sites and cultural properties throughout the pae`aina Hawai`i. It is for these reasons that we urge the establishment of a cultural preserve in Haiku valley.

During the mid-1990s, when the U.S. Coast Guard announced its plans to decommission the Haiku OMEGA Station, our organization held a series of community meetings to ask the people of Ko`olau what they hoped to see in the uplands of He`eia ahupua`a after the military's departure.

The community's response was that they wanted a cultural park or preserve where the historic places could be honored and recognized and where the community could experience unique cultural, educational and recreational opportunities.

Based on those community interests, the Ko`olau Foundation embarked on an effort to persuade landowners, partners and government agencies to support the establishment of a cultural preserve in the valley.

Over the years, our organization has been the only entity that has made efforts to malama the wahi kapu – sacred places – of Haiku valley. Community volunteers come regularly to clear invasive vegetation from the heiau. Our board members completed a conceptual plan, funded by OHA, for a cultural preserve.

Legislation has come before this body at least twice before; once, in 2008, the bill passed the legislature but was vetoed by then Governor Lingle – apparently because a change had been made in the bill to transfer the land to DLNR, which DLNR at the time felt they did not have the capacity to manage the valley.

The second time a bill on Haiku valley land transfer came in 2012, introduced by Rep. Ken Ito. This bill passed through the entire legislative process until a final decision on matching funds was to be made by the House Finance Committee. Unfortunately, that was the year when the State was experiencing a severe budget shortfall, and funding would only be considered for bills that addressed primarily health and safety needs.

We believe a new stewardship group to assist OHA in managing the valley would bring added value to the area, which has endured 25 years of problems with trespassers, chronics occupying the vacant Coast Guard buildings, and much nuisance for the neighborhood adjacent to the valley.

The cultural preserve can bring restoration and recognition to the heiau complex in the valley, transformation of the landscape back into a native forest, and cultural, educational and recreational activities for the community.

We feel confident that, under the Haiku valley cultural preserve, the benefits of this valley can finally be realized, and the valley restored as an important community resource.

We urge your support for passage of House Bill 1313.

Mahalo for your consideration of our mana`o.

HB-1313

Submitted on: 1/31/2023 7:36:22 PM

Testimony for WAL on 2/2/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hideki Kimukai	Individual	Support	Written Testimony Only

Comments:

Dear committee members

Please help preserve Hawaiian Cultural sites. I have been fortunate to work in Haiku Valley with community members and learn so much about its history, community, sense of the place and aloha. The valley is once known to be the healing valley. It is our kuleana to pass this amazing gifts that has been passed down for generations to our next generation despite of so many years of hardship and mismanagement. I am here to support this bill and support this amazing place I get to call Home.

HB-1313

Submitted on: 1/31/2023 9:54:01 PM

Testimony for WAL on 2/2/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kara Kelai	Individual	Support	Written Testimony Only

Comments:

Welina mai,

I am writing to voice that I support bill HB1313. As a Kanaka 'Ōiwi, the preservation of Haiku Valley is of extreme importance to me. The building of the H-3 freeway has so much pain and irreparable damage to that āina. I believe that through the support of this bill, and with the kāko‘o from OHA, Haiku Valley can begin its healing process.

Mahalo nunui for your time,

-Kara Kelai