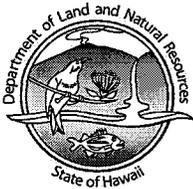


TESTIMONY
HB1552 HD2

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committee on
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Wednesday, March 18, 2009
3:00 PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 1552, HOUSE DRAFT 2
RELATING TO PUBLIC LANDS**

House Bill Number 1552, House Draft 2, authorizes the Department of Land and Natural Resources (Department) to enter into residential leases for living parks, which would include Kahana Valley and creates living park planning councils. The Department requests that the Legislature consider and understand that given the budgetary cuts the Department has had to absorb this fiscal year and further cuts proposed in the Executive Biennium Budget request, the Department's personnel and fiscal resources are being spread thin, and already impacting departmental priorities. Thus, given its current fiscal difficulties, the Department does not feel it has the capacity to support the new programs contained in this measure.

As the Legislature considers a variety of ideas for Kahana Valley (Valley), the Department asks that the solution be guided by the original purpose for which the Valley was purchased: as a public park. The Valley was acquired for the benefit and enjoyment of all, and it is important that, as a public park, the Valley should provide a welcoming environment for all who visit. The Valley was purchased to protect it from development, and any solution should limit future development.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

From: Ben Shafer [bdshafer@gmail.com]
Sent: Monday, March 16, 2009 10:34 PM
To: WTLTestimony
Subject: In Support of HB 1552 HD2

March 16, 2009

The Committee on Water, Land, Agriculture, and Hawaiian Affairs

Senator Clayton Hee, Chair

Senator Jill N. Tokuda, Vice-Chair, and members of the Committee

Ben Shafer
52.210 Kamehameha Highway
Hauula, Hawaii 96717
808.222.3138

RE: In Support of HB 1552 HD2

Aloha Kakou Senator Hee, Senator Tokuda and member of the Committee,

I support HB 1552 HD2 and hope that the planning council will be able to move the Hawaiian Cultural Living Park Master Plan forward.

If there are any questions that I could be of assistance, please contact me.

Respectfully submitted,

Benjamin Shafer

HB 1552 relating to Public Lands

3:00PM in Conference Room 229

March 18, 2009

Senator Clayton Hee, Chair

Senator Jill Tokuda, Vice Chair

And Members of Committee on Water, Land, Agriculture, and Hawaiian Affairs

Aloha My name is Leellen Garvida, I am not in support of House Bill 1552. It has only brought frustration, speration and stress within the community. I think it is important to mention that the Kahana Community Association is pushing HB 1552, misleading the public that they are the representing organization and voice for most of kahana valley resident and lessees, when in fact they only represent a small faction of residents. Myself other residents and lessees, feel that we have been ignored and disrespected in the development and process of this legislation. It is also important to mention that we have not been able to effectivly communicate and meet with representative Wooly, regarding our views and opinions on HB 1552. I believe that this legislation would be more beneficial to Kahana and its residents, if it included the collective voice of all concerned valley residents and Lessees.

Mahalo for you time,

Leellen Garvida

HB 1552 relating to Public Lands

3:00PM in Conference Room 229

March 18, 2009

Senator Clayton Hee, Chair

Senator Jill Tokuda, Vice Chair

And Members of Committee on Water, Land, Agriculture, and Hawaiian Affairs

Aloha My name is Carol Keaweehu, my mother in a lessee in Kahana and like my 7 other siblings, I was raised in Kahana. I remember when we would all learn and play at the same time, no worries no problems. Myself and all the other youth would get together and create programs to educate and entertain visitors who came to Kahana, it added to the special spirit that Kahana possesses. We made our own Loi, danced hula, learned chants, throw net, weaved lauhala and coconut leaf, cooked various cultural foods and told stories. These were days that we would have programs with each other and learn from the elders and the visitors.

I believe that Kahana has come a long way, in that the people and the Department of Land and Natural Resources continue to work with each other. I feel that House Bill 1552 will create more problems and frustrations in making too much change to the way we live and communicate in Kahana. At this time the six individuals who are seeking protection and leases in HB 1552, feel that myself and others are against them, when in fact we hope to support the first three individuals, namely Erwin Kahala, Dutches Kahala, and Thoran Evans. The other three individuals claim to have lived in Kahana for many years, but this is questionable. I feel that everyone who qualifies for a lease, per Act 5, Hawaii legislation, and the same lease requirements as the current leasees, and should be considered for leases along with these individuals in HB 1552.

At this time certain individuals have taken it upon themselves to do as they please in Kahana, ignoring the current process of working with the Department of Land and Natural Resources and other residents, to continue to build Kahana's cultural programs. This continues to cause hardships between the residents. It is unfair to all of us who have worked so hard, to contribute and give back to Kahana. I feel that this legislation needs to include the opinions and views of all concerned residents and current leasees.

Aloha and Mahalo for your time,

Carol M. Keaweehu

HB 1552 relating to Public Lands

3:00PM in Conference Room 229

March 18, 2009

Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair
And Members of Committee on Water, Land, Agriculture, and Hawaiian Affairs

As a lessee and resident of Kahana Valley for all my 55 years, I continue not to support HB 1552.

This bill, I believe, just as one of many introduced to legislature this year, is in support of a crisis that took place 5 months ago in October 2008 and continues to disrupt the valley's ohana's, members, and visitors of the public.

If this bill is passed, that means you all are in support of signs growing out of our land with disrespectful words to the families and anyone else who does not support such actions and cutting down history and clearing ways to corrupt minds.

Kahana, for all the years as stated in HB 1552, page 2, section 1, paragraph 3, was all that, but not anymore since family members of lessees of the valley decided to take control of the valley and create havoc for all concerned.

We supported them before they decided to protest and we support them to stop the eviction, but they keep pushing us aside.

I do not support this bill because:

- I had no input to this bill.
- This bill leaves me powerless as to any input in the future of the park programs and my family.
- Kahana was developed as a cultural living park concept which our tutus, through their way of life, showed values and respect, lobbied and justified through each ethnic cultural backgrounds, working together is a melting pot, the richness of history, cultural arts and aloha.

Kahana is unique. We are the past and the future. Our resources come from within.

We ask you, not to support this bill but allow us, as lessees, to continue our perspective programs sharing Kahana with those who are interested.

If I may, I suggest you consider HB 1552, Planning Council & Master Plan not be a priority. Let us ask for the existing lessees an infrastructure to be open to residents who qualify under the same requirements that we qualified for.

Thank you,

Charmaine Kahala

HB 1552 relating to Public Lands

3:00PM in Conference Room 229

March 18, 2009

Senator Clayton Hee, Chair

Senator Jill Tokuda, Vice Chair

And Members of Committee on Water, Land, Agriculture, and Hawaiian Affairs

Aloha,

My name is Sheila L. Garvida Sherman. My family and I are non-supporters of HB # 1552. I was born and raised in Kahana Valley along with six sisters and two brothers. My mom, Helen Kau'i Garvida (Kamanawa) and her sisters and brothers were born right here in Kahana Valley. We children grew up learning not only the Hawaiian culture of my mom and tutus, but also my dad who is Filipino, and our neighbors and friends who were of Chinese, Filipino, and Japanese origin. Our lifestyle was simple and happy. During the time of condemnation, our parents worked together with the state. We youths in the Valley had also formed an organization working side by side with our parents with the state and Governor Burns. We attended the Kahana Valley Task Force Meetings every Friday. Our parents wrote Justifications of what they could contribute in the park for the visitors that visit the valley. We held learning experiences of our cultures, which were taught by the valley residents. We formed different committees in Hui 'O Kanani 'O Kahana which we young adults were a part of.

We have been given this chance of remaining in this valley that is so unique and we are able to carry on the lifestyles and culture that has been passed down from generation to generation. We have been working with the state since 1969; we improved a lot in ourselves because we live our cultures as well as teach it to all that visit the valley. We can make changes, but it should come from all of the lessees. We do not need anyone outside to tell us what to do, or to make decisions for us. We want things to remain, as it is not.

Mahalo Nui Loa,

Sheila & Timothy Sherman and Family

HB 1552 relating to Public Lands

3:00PM in Conference Room 229

March 18, 2009

Senator Clayton Hee, Chair

Senator Jill Tokuda, Vice Chair

And Members of Committee on Water, Land, Agriculture, and Hawaiian Affairs

I am here to bear my testimony, to oppose House bill 1552. I am not here to offend anyone. I am here to bear my testimony and share my feelings. I just want to say that besides everything that is going on, I feel that I want to keep Kahana the way it is and have the people/residents make changes where they are needed. I now have a child and I wish for her to have the same experience that I had growing up. If we decide to bring people in from outside the valley, I believe things will change and I think that if it does change them my child will not be able to get the same experiences that I did. There are people who live in the valley that already know so much. Why bring in outsiders to teach the keiki things that our tutus already know? I see no point in that.

I believe that if any of these bills are passed, then our children will not have the same freedom as the past generations have had. Our healing process begins within the valley with the people. If the elders can get along and make a future for the upcoming generations, I believe this valley will be running in top shape.

I believe that the families who face the eviction deserve to get a shot for a lease. I am not against the families who face eviction. I am against certain parts of the bills that have been written. If that makes me against them (those who face eviction), then so be it.

Testimony of Noel Ikaika Garvida

HB 1552 relating to Public Lands

3:00PM in Conference Room 229

March 18, 2009

Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair
And Members of Committee on Water, Land, Agriculture, and Hawaiian Affairs

2009 Legislation Session
State of Hawaii

My name is James Ahwoe Mainaupo. Since my birth in 1971, I had the privilege of being raised in Kahana. For many years I have participated and helped to develop many cultural programs and activities in Kahana, including the first welcoming of the E' Ala, Hokule'a, and canoes in Kahana. Together with my brothers, cousins, friends, neighbors and elders of Kahana, we were able to create and participate in many successful, culturally appropriate activities, such as: lo'i, imu, crafts, wood carving, fishing, and many more culturally interactive and appropriate activities and programs that gave us great opportunities to learn the importance of giving back to Kahana, to each other, and to all who came to visit.

It is with strong opposition that I oppose this legislation. Because it understates all that Kahana not only is and completely ignores the views and opinions of about twenty life long valley residents, including some who have leases. Also because it was created and developed with one purpose - to protect the interests of six individuals. In the following, I hope to further explain my position regarding House Bill 1552, and bring clarity and truthfulness to the current situation in Kahana. I believe that this bill needs further revisions with the input of all valley residents particularly the Lessees.

On page 4, part 2 it hopes to establish a living park planning council. I believe that Kahana has enough resources and educated and talented individuals who can collectively combine their efforts in creating an educational and culturally interpretive program that can meet the expectations of any master plan.

On page 4, section 2, the bill misinterprets the term "living park," when it simply means a state park where individuals who hold leases reside on lands within the state park. In addition, it gives preference to any individual that may reside on state lands, regardless of whether they have a lease or not. Let it be known that the current Kahana Community Association lacks in its capabilities to properly function as a unified community association at this time.

On page 4, section 3, it should read that remaining parcels of land that are located within the new housing area should be considered as possible areas for leases. We do not want Kahana, and its wide-open spaces, to turn into the next Kapolei housing development.

On page 4, section 3-1, this section of the bill gives preference to those who are currently living on the land, regardless of whether or not they have a lease, and regardless of whether they just moved there within the last 2 years. What about the homeless couple that lives behind the public restrooms, are they eligible for leases?

On page 5, section 4; again, we do not need another park planning council to help us identify and create what we already know we have.

On page 5, section 4-2, this part of the bill completely ignores the current families that hold leases in the park, and who have a vested interest in Kahana. It again gives preference to 6 specific individuals to be able to participate in this unneeded park planning council.

On page 6, section 5, how can the development of a Master Plan rest completely within a planning council? It is our belief that all valley residents holding leases play an integral part in the direction and development of the cultural interpretive future for Kahana Valley. We hope to continue working with the Department of Land and Natural Resources in building a continuous relationship that will allow us to communicate and interact with each other for the best interest of Kahana and our children.

On page 7, section 8, this section of the bill is completely unacceptable. Again, it attempts to give policing authorities and controls governing the management of Kahana Valley and its current leases. This is the only time, in this bill, that leases are mentioned. Similar controls are in place with the current lease agreements that have been established between lessees and the Department of Land and Natural Resources.

In addition, one of the six people seeking long-term leases and for whom this legislation supports is negatively affecting Kahana Valley, its residents, families, and children, by posting inappropriate signs in his yard for all to see. This brings much shame to Kahana and all who visit. In addition, to cope with his frustration he has irresponsibly cut down native indigenous trees that are over a hundred years old located on pieces of land that once belonged to families that have since relocated to their new homes.

This legislation and the fight to stop it, has caused much unneeded and undeserved hardships to many residents. We are simple people, who have carried the heavy burden to be the stewards of Kahana Valley for many generations. I ask each of you, how is it that six people, who want leases, regardless of the fact that three of them recently moved in the valley, and who are supported by six other residents residing in Kahana, think that they have the right to choose and determine the future of Kahana. I ask for your humility, aloha and kokua, that myself and others who were not a part of this current legislation (HB1552) might have a fair opportunity to be heard and included.

Mahalo Nui,

James A. Mainaupo
Kahana Valley Resident

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair

March 18, 2009 @ 3:00 p.m.

Support of HB 1552 IID2, Relating to Public Lands

Testimony from: Dezmond Soliven

Aloha,

My name is Dezmond Soliven and I am one of the children that the state wrongfully tried to evict on October 27, 2008. It really caused us a lot of stress and embarrassment because people didn't know the whole story.

We are one big Ohana in Kahana. Everyone is an Aunty, Uncle, Grandma, Grandpa, and or Cousins. I love Kahana, it is the only place I know as Home.

I support HB 1522 and I pray you will too.

Mahalo,

Dezmond Soliven

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair

March 18, 2009 @ 3:00pm

Support of HB 1552 HD2, Relating to Public Lands
Testimony from: Thoran Evans

I am one of the six families the state is wrongfully trying to evict from my home in the Ahupua'a o Kahana. My name is Thoran Evans. I would like to state my strong support of HB 1552 HD2, which would authorize the issuance of residential leases in living parks such as Kahana valley state park and establish a planning council to develop a master plan for the park.

It has been over three decades and no master plan has ever been adopted for the park. A master plan will help to make clear the important issues that have been left unresolved for years. Some of these issues include the issuance of leases, funding for the construction or renovation of housing, clarification of the interpretive service requirements, funding for a park manager, etc. A master plan cannot be created without the input of living park residents. A planning council with representatives from Kahana valley will allow the residents of Kahana to work with D.L.N.R. to put forward a viable master plan.

This legislation lays a solid foundation for the future of Kahana Valley and will allow Kahana to reach its full potential as a living park. I encourage the committee to pass HB 1552 HD2. Thank you for your time and the opportunity to testify.

Thoran Evans

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair

March 18, 2009 @ 3:00 p.m

Support of HB 1552 HD2, Relating to Public Lands

Testimony from: Ervin Kahala

I am one of the families facing wrongful eviction from the land I was born and raised on all of my life. My name is Ervin Kahala, and I am one of 12 children reared in the Ahupua'a o Kahana. I continue to teach and share the traditions that my parents instilled in me to my children, family, friends and all that are welcomed into Kahana.

I am in strong support of HB 1552 HD2, which would authorize the issuance of residential leases and establish a planning council to develop a master plan.

I am against the evictions of any persons currently residing in Kahana Valley. DLNR claims it does not have the authority to issue any residential leases. In order for living Park to work, DLNR needs to be able to issue and renew residential leases.

I have been dealing with DLNR in good faith for the last 12 years. I was given a lease and then it was taken away, due to their negligence and lack of due diligence.

I urge the committee to pass HB 1552 HD2. Thank you for the opportunity to testify.

Ervin Kahala

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Eice, Chair
Senator Jill N. Tokuda, Vice-Chair

March 18, 2009 @ 3:00 pm

Support of HB 1552 HD2, Relating to Public Lands

Testimony from: Darryl Soliven

I am a resident of the Ahupua'a O Kahana. We were one of the 6 families wrongfully being evicted by the State on October 27, 2008. I strongly support HB 1522, relating to Public Lands, which would authorize the issuance of residential leases in living parks such as Kahana Valley State Park and establish a planning council to develop a master plan for park.

A Master plan would have alleviated the havoc and emotional roller coaster my family has been on for the past 10 years, coming to a head with the posting of eviction and the bulldozers coming in to take down our homes and clearing us away as if we never existed. We had done everything the State had requested of us, and still.....

This legislation lays a solid foundation for the future of Kahana. I urge you to pass HB 1522, so Kahana can reach it full potential as a living park.

Thank you,

Darryl Soliven

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair

March 18, 2009 @ 3:00 p.m.

Support of HB 1552 HD2, Relating to Public Lands

Testimony from: Dutchess (Ipo) Malepe and Moses (Mahi) Kahala

Aloha,

We are two of the six families facing evictions from the Ahupua'a O Kahana. We are writing in support of HB 1552, which will help us to remain in the Ahupua'a O Kahana, and where we currently reside.

Through our ancestors, we are blessed to be able to reside in Kahana. To breathe the fresh air, to enjoy the beauty of nature, to experience the refreshing waters in which we swam from the luscious mauka rivers to the valley's beautiful makai shores, and to share the many wonderful resources that Kahana has to offer. **WE ARE ALL OHANA** born and raised on the aina.

We have supported and participated in many cultural based activities in Kahana, and will continue to do so in an effort to show our ALOHA for this beautiful aina that we know as "**HOME**".

We, the six (06) families, support HB 1552 to remain in the Ahupua'a O Kahana. To live with those we grew up with and shared our love for one another, as we look towards the future.

Mahalo, from the families of

Moses (Mahi) Kahala

~~Dutchess "Ipo" Kahala Malepe~~

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair

March 18, 2009 @ 3:00 p.m.

Support of HB 1552 HD2, Relating to Public Lands

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~~Moses (Mahi) Kahala~~

Dutchess "Ipo" Kahala Malepe

The Committee on Water, Land, Agriculture, and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair

March 18, 2009 @ 3:00 p.m

Support of HB 1552 HD2, Relating to Public Lands

Testimony from: Lena P. Soliven

Aloha,

I am a resident of the Ahupua'a o Kahana. My name is Lena P. Soliven. My Ohana and I were one of the six families the State wrongfully tried to evict on October 27, 2008. It surely was one of the most trying and stressful tribulation of our lives.

I strongly support HB 1552. It has mechanisms in place to tackle the problems at hand and the problems and resolve for the future of Kahana. Kahana has been lacking an implementation of a Master Plan. This Bill will mandate that the last Master Plan submitted to the State be updated, revised and put into action.

We are lineal descendants of the Ahupua'a o Kahana. As we look back we see our great-grandparents, grandparents, parents and ourselves, and as we look forward we see our children, grandchildren, great-children and

We are Hawaiians, living on Hawaiian Lands, living in our Beautiful Hawaii Nei. We live our culture, share our culture and most of all love our culture.

I urge the committee to pass HB 1552. Thank you for the opportunity to testify.

Lena P. Soliven

NATIVE HAWAIIAN LEGAL CORPORATION
1164 BISHOP STREET, SUITE 1205
HONOLULU, HAWAII 96813

TESTIMONY OF MAHEALANI WENDT, EXECUTIVE DIRECTOR,

ON HOUSE BILL 1552, S.D. 2
RELATING TO PUBLIC LANDS

February 9, 2009

Aloha Chairperson Hee, Vice-Chair Tokuda, and members of the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs. Thank you for this opportunity to testify on House Bill 1552, House Draft 2.

NHLC supported the earlier version of House Bill 1552, but House Draft 2 changes the effective date to July 1, 2020, to "encourage further discussion".

Implementation of this legislation should not be delayed. The bill should be made effective July 1, 2009 so that protections against further resident evictions and community master planning can proceed without further delay.

Thank you for this opportunity to testify on House Bill 1552, House Draft 2.

TESTIMONY
HB1552 HD2
(END)