

Honolulu, Hawaii

FEB 19 2009

RE: S.B. No. 639
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian
Affairs, to which was referred S.B. No. 639 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

begs leave to report as follows:

The purpose of this measure is to authorize the Department of
Land and Natural Resources to issue residential leases in state
parks, and establish an advisory committee to monitor compliance
with the leases.

Testimony in support of this measure was submitted by five
public citizens. One state agency submitted comments, and
testimony in opposition was submitted by eight public citizens.
Copies of written testimony are available for review on the
Legislature's website.

Your Committee finds that the Department of Land and Natural
Resources requires more flexibility to negotiate and enter into
long-term residential leases for state park land. Long-term
lessees can provide valuable services for state parks. For
example, the Kahana Valley State Park is a model for such
endeavors.

In 1965, the State condemned the ahupua'a o Kahana for use as
a state park, making it the only landowner in the State of Hawai'i,
outside of the Robinson family on Ni'ihau, to own an intact
ahupua'a. An ahupua'a, a triangular slice of land running from the



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mountains to the ocean, was the major land division used by pre-contact Hawaiians, as it included all of the elements necessary for their existence: the uplands, the lowlands, the shore, and the ocean.

While the families living in Kahana at the time of the condemnation were of varied ethnic backgrounds, many of them were Native Hawaiian, and the people of Kahana in general lived a simple, subsistence lifestyle in harmony with Native Hawaiian values and traditions. The people of Kahana lobbied the legislature after the condemnation to allow them to stay in Kahana and preserve this rural Native Hawaiian-influenced lifestyle. In 1970, a Governor's task force proposed the concept of a living park that would allow the families to stay and in some way participate in the park. The Governor recommended the concept to the Department of Land and Natural Resources. The residents were allowed to stay on the land under revocable leases.

The State determined that as a condition of their lease, each Kahana family would contribute twenty-five hours of interpretive services per month to the park, to preserve, restore, and share the history and rural lifestyle of the ahupua'a with the public.

Act 5, Session Laws of Hawaii 1987, authorized the Department of Land and Natural Resources to issue long-term residential leases to persons who had lived continuously in Kahana Valley or had permits allowing them to reside on certain parcels of land within Kahana Valley. As a condition of holding a lease, these qualified persons agreed to participate in interpretive programs in Kahana Valley State Park.

Thirty-one original families qualified for the long-term residential leases. However, descendants of six families that did not originally qualify for long-term residential leases remained in Kahana Valley State Park. The Department of Land and Natural Resources recently started eviction actions against these six families.

Your Committee understands that Kahana Valley State Park serves the whole community. Interpretive programs designed and offered by lease holders, residents, and lineal descendants of Kahana Valley provide students of all ages, from the university level to elementary, the opportunity to experience the traditional Hawaiian lifestyle. The interpretive programs are a successful



collaboration thanks to the tireless efforts of lease holders, residents, and lineal descendents.

Your Committee has heard from many lineal descendents of Kahana Valley families who want to return. One public citizen, whose family resided in Kahana Valley since the 1800's, served in the Army for twenty years before returning. Now, that public citizen travels daily to Kahana Valley to maintain his father's taro field and participate in interpretive programs. There is no opportunity for kupuna to return to Kahana Valley, which the public citizen notes is necessary to perpetuate the culture and teach younger generations.

Your Committee understands that many participants in interpretive programs are lineal descendents of Kahana Valley families who do not qualify for long-term leases under Act 5, Session Laws of Hawaii 1987, as amended, and that the criteria used to determine long-term lease eligibility needs to be addressed in a collaborate setting.

Your Committee notes that the lease holders, residents, and lineal descendents of Kahana Valley should have a meaningful say in planning the future of Kahana Valley State Park. Your Committee urges the Department of Land and Natural Resources to engage in a dialogue with the residents and lineal descendents on the issues raised during testimony. Kahana Valley is a unique residential and cultural site, and it is understandable that those who are connected with Kahana Valley want to return as lessees. Your Committee further notes that the six families who have eviction actions against them should have the opportunity to reconcile their issues.

Your Committee has amended this measure by:

- (1) Renaming the advisory committee as the planning council;
- (2) Removing the Office of Hawaiian Affairs from the planning council;
- (3) Deleting the sunset date of June 30, 2014; and
- (4) Making technical, nonsubstantive changes for clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 639, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 639, S.D. 1, and be placed on the calendar for Third Reading.

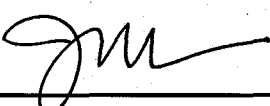
Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,


CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* <div style="text-align: center; font-size: 1.2em;">SB 639</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">WTL</div>	Date: <div style="text-align: center; font-size: 1.2em;">2/6/09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert				✓
FUKUNAGA, Carol				✓
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.	✓			
HEMMINGS, Fred	✓			
TOTAL	5	0	6	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.5em; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**