

LINDA LINGLE
GOVERNOR OF HAWAII



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

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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony Of
LAURA H. THIELEN
Chairperson**

**Before The House Committees On
HAWAIIAN AFFAIRS
AND
WATER, LAND AND OCEAN RESOURCES**

**Wednesday, February 3, 2010
9:00 am
Conference Room 329**

**In Consideration Of
HOUSE BILL 2484
RELATING TO HISTORIC PRESERVATION**

House Bill 2484 proposes to establish fines for the knowing destruction of heiau on private lands. The Department of Land and Natural Resources (Department) has concerns that this bill may infringe on the rights of private property owners.

Further, the Department would like to note that the term "knowingly" implies intent, which is very difficult to prove. The Department believes that this bill would make collecting fines from those who destroy historic sites more difficult rather than less difficult.

Rep. Maile Shimabukuro

From: Malamapono@aol.com
Sent: Wednesday, February 03, 2010 5:44 AM
To: HAWtestimony
Subject: H.B. 2484 - Testimony in support from Ko'olaupoko Hawaiian Civic Club

LATE TESTIMONY

Aloha, Chairs Carroll and Ito, and Members of the Committees:

The Ko'olaupoko Hawaiian Civic Club offers its support for House Bill 2484, Relating to Historic Preservation.

Among the unique and valued treasures of the islands of Hawai'i are the historic and cultural resources that reflect the heritage of our native Hawaiian people. These wahi pana and wahi kapu are part of what sets Hawai'i apart from the rest of the world, that help to identify our islands as a unique and special place - not just for our first settlers but also for the many of you whose ancestors have come here and become a part of our community.

We have already lost so many sites over the past 200 years, cultural resources that may be lost forever. Throughout the world, archaeologists are struggling to uncover and restore ancient sites of other civilizations.

If this legislation can help to preserve what few remaining historic sites exist throughout the Hawaiian Islands, we would also be preserving the history of the Hawaiian people.

While state law has provided some protections in the past for cultural resources on public lands, there has been limited provision for oversight or mitigation of impacts on sites located on private property. For example, in our moku at Kawa'ewa'e Heiau, proposed development by the landowner would adversely impact this important and sacred heiau complex. This bill extends this protection to historic sites on private lands.

While we respect the rights of private property owners, it is our view that history belongs to the entire community of citizens, not just those living today but also to our kupuna kahiko - our ancestors - and to generations yet unborn.

We strongly urge your committees to pass this bill.

Mahalo for this opportunity to offer testimony on this legislation.

Me kealoha pumehana,

MAHEALANI CYPHER
President
Ko'olaupoko Hawaiian Civic Club
Ph. (808) 226-4195
malamapono@aol.com

From: Linda Mae Onomoto [onomoto001@hawaii.rr.com]
Sent: Tuesday, February 02, 2010 6:51 PM
To: HAWtestimony
Subject: HB 2284

LATE TESTIMONY

I have just received information about a testimony, HB 2284, relating to Historic Preservation-Destruction of Heiau; Fines.

As a child growing up on Maunalua Avenue, near the Makaniolu Cave Shelter, I watched Kenneth Emory and Yoshihito Sinoto perform their historic excavation of that cave shelter. Ever since that time long ago, I have viewed the study of prehistoric sites of high importance. The preservation of these sites has become more pertinent and urgent as our islands have experienced such rampant, irresponsible destruction and development. Once these sites have been bulldozed and cemented over, they are GONE.

One area in particular has appalled me. That is the Hale Ali'i construction on the corner of Hawaii Kai Drive and Keahole. I had naively assumed that the Bishop Estate, as representatives of the Hawaiian children, would protect the valuable historic/prehistoric fishing village that was present (near the Oahu Club and extending toward Koko Head). However, as a result of the money grabbing deals made by previous Bishop Estate Trustees (Peter, Lindsay, et al), there apparently was a deal struck on that property. Just recently, the developers of that parcel barreled in there and bulldozed with no regard for the significance of the area. There is an important heiau, petroglyphs, and the remains of a once viable spring there. Such rampant disregard for archaeological sites MUST be discouraged, no, outlawed. There needs to be better oversight, At the very least, heavy fines for developers who plunge in with total disregard.

Please consider, at the very least, establishing substantial fines for the knowing destruction of significant archaeological sites on private lands.

It's a shame that the Bishop Estate Trustees couldn't have had more akamai when they made their deals.

Respectfully submitted,

Linda M. Onomoto

TESTIMONY IN SUPPORT

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Kumu Kamalu Kaho'okele Kekahuna Sili of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2484 Relating to Historic Preservation**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony in support of HB 2484 Relating to Historic Preservation. This bill establishes fines for the knowing destruction of heiau on private lands.

I am very concerned about our cultural sites specifically heiau which are being destroyed because of the current administrations effort to destroy Hawaii for the mighty dollar. The current situation with the State Historical Preservation Division's lack of care and responsibility to protect our cultural sites, kupuna "iwi" and heiau needs to be addressed now. Hawai'i will be lost if we don't provide the proper care and protection necessary to ensure that our future generations have the opportunity to know the history of Hawai'i.

The state's motto is "Ua Mau Kea O Ka `Aina I Ka Pono" the life of the land is perpetuated in righteousness. The State Historical Preservation Division has not perpetuated the land in righteousness and it is urgent that we establish fines for the knowing destruction of heiau on private lands because of development. More importantly, we need to investigate the current administration's fraudulent actions where they have already destroyed heiau and cultural sites and not followed the law. I support establishes fines for the knowing destruction of heiau on private lands as well as public lands.

I urge you to please support and pass out HB 2484 Relating to Historic Preservation. The kupuna are watching you all the time. Please be pono and do the right thing.

Mahalo Nui,

Kumu Kamalu Kaho'okele Kekahuna Sili
Nahiku, Maui
(808) 248-8887

TESTIMONY IN SUPPORT

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Mapu Kekahuna of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2484 Relating to Historic Preservation**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony **in support of HB 2484 Relating to Historic Preservation.** This bill establishes fines for the knowing destruction of heiau on private lands.

I am very concerned about our cultural sites specifically heiau which are being destroyed because of the current administrations effort to destroy Hawaii for the mighty dollar. The current situation with the State Historical Preservation Division's lack of care and responsibility to protect our cultural sites, kupuna "iwi" and heiau needs to be addressed now. Hawai'i will be lost if we don't provide the proper care and protection necessary to ensure that our future generations have the opportunity to know the history of Hawai'i.

The state's motto is "Ua Mau Kea O Ka `Aina I Ka Pono" the life of the land is perpetuated in righteousness. The State Historical Preservation Division has not perpetuated the land in righteousness and it is urgent that we establish fines for the knowing destruction of heiau on private lands because of development. More importantly, we need to investigate the current administration's fraudulent actions where they have already destroyed heiau and cultural sites and not followed the law. I support establishes fines for the knowing destruction of heiau on private lands as well as public lands.

I urge you to **please support and pass out HB 2484 Relating to Historic Preservation.** The kupuna are watching you all the time. Please be pono and do the right thing.

Mahalo Nui,

Mapu Kekahuna
Nahiku, Maui
(808) 248-7818

TESTIMONY IN SUPPORT

LATE TESTIMONY

February 3, 2010

To: Representative Mele Carroll, Chair of Hawaiian Affairs Committee
Representative Ken Ito, Chair of Water, Land, & Ocean Resources Committee

From: Corinna "T" Kekahuna of Nahiku, Maui

RE: **TESTIMONY IN SUPPORT OF HB 2484 Relating to Historic Preservation**

Dear Chair Carroll and Chair Ito:

Thank you for this opportunity to provide testimony in support of HB 2484 Relating to Historic Preservation. This bill establishes fines for the knowing destruction of heiau on private lands.

I am very concerned about our cultural sites specifically heiau which are being destroyed because of the current administrations effort to destroy Hawaii for the mighty dollar. The current situation with the State Historical Preservation Division's lack of care and responsibility to protect our cultural sites, kupuna "iwi" and heiau needs to be addressed now. Hawai'i will be lost if we don't provide the proper care and protection necessary to ensure that our future generations have the opportunity to know the history of Hawai'i.

The state's motto is "Ua Mau Kea O Ka 'Aina I Ka Pono" the life of the land is perpetuated in righteousness. The State Historical Preservation Division has not perpetuated the land in righteousness and it is urgent that we establish fines for the knowing destruction of heiau on private lands because of development. More importantly, we need to investigate the current administration's fraudulent actions where they have already destroyed heiau and cultural sites and not followed the law. I support establishes fines for the knowing destruction of heiau on private lands as well as public lands.

I urge you to please support and pass out HB 2484 Relating to Historic Preservation. The kupuna are watching you all the time. Please be pono and do the right thing.

Mahalo Nui,

Corinna "T" Kekahuna
Nahiku, Maui
(808) 248-8887

