

**TESTIMONY**  
**SB 643**

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  
Friday, February 6, 2009  
2:45 PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 643  
RELATING TO PUBLIC LANDS**

Senate Bill Number 643 transfers management of Kahana Valley (Valley) to the Department of Hawaiian Home Lands.

As the Legislature considers a variety of ideas for Kahana, the Department of Land and Natural Resources is asking 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, Kahana 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  
KAILOOLAWA ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair

Senator Jill N. Tokuda, Vice Chair

For hearing Friday, February 6, 2009, 2:45 PM

Re: SB 643 RELATING TO PUBLIC LANDS [KAHANA]

Conference Room 229

TESTIMONY IN OPPOSITION

By: Kenneth R. Conklin, Ph.D.

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Aloha Chair Hee, Vice Chair Tokuda; members of the committee, and members of the public,

I am strongly opposed to SB 643, and would appreciate your attention to my reasons.

The first paragraph of the bill describes its purpose in the following stark clarity:

"The purpose of this Act is to transfer from department of land and natural resources to department of Hawaiian home lands all authority to manage, administer, and exercise control over Kahana valley state park."

Please look at the evidence below. You will see what I see: this bill is a red flag warning about a dangerous trend that has been underway for many years and has been accelerating recently.

I hope you'll recognize what all the items in this list have in common.

\* The Hawaiian Homes Commission Act of 1921 set aside 203,500 acres of land which is now under the control of DHHL.

\* Bishop Estate, now called Kamehameha Schools, owns about ten per cent of all the lands in Hawaii.

\* The entire island of Kaho'olawe was returned to the State of Hawaii by the U.S. Navy, and the Legislature passed a bill declaring that Kaho'olawe shall be held by the State only until such time as a Native Hawaiian governing entity has been given federal and state recognition, whereupon Kaho'olawe will be transferred to that Native Hawaiian governing entity.

\* 40 square miles in Waiokele O Puna on Hawaii Island was purchased, and the deed in fee simple was handed over to OHA.

\* The entire Waimea Valley on O'ahu was purchased with a combination of private money but mostly County of Honolulu money, with a small portion from OHA; and then the deed in fee simple was handed over to OHA.

\* A bill passed the Legislature in 2008 to declare that Ha'iku Valley on O'ahu is a cultural reserve, and to place that reserve under the authority of a commission with a guaranteed majority of ethnic Hawaiians and operating under the auspices of OHA until such time as a Native Hawaiian governing entity has been recognized, whereupon the valley would be given to that entity. Fortunately the Governor vetoed this bill, and the Legislature failed to override the veto.

\* A bill now in the Legislature in 2009, SB 86 relating to Makua, would establish a Makua valley reserve commission to oversee preservation and restoration activities in Makua valley on O'ahu, and would transfer the entire valley in fee simple to a Native Hawaiian governing entity as soon as such entity has been recognized.

\* A bill in the Legislature last year, which had extensive public hearings hosted by OHA on all the major populated islands, tried to impose restrictions on all government and private landowners depriving them of the right to allow access to their land for bioprospecting without first getting a permit from a special commission under the authority of OHA, and would have required the payment of royalties to that commission which otherwise would have gone to the landowner. A closely similar bill on bioprospecting has been introduced in the House again this year, HB1195.

\* OHA, and the Native Hawaiian Legal Corporation, and the various island burial councils, have been increasingly aggressive about asserting both "Native" water rights and NAGPRA rights in such a way as to limit the rights of non-Native Hawaiian landowners to use their land effectively.

In case you missed what all these items have in common, here it is.

Kamehameha Schools excludes 80% of all the children of Hawaii from being admitted to the schools, for no reason other than race. DHHL excludes 95% of all the people of Hawaii from getting a lease on the land, for no reason other than racial blood quantum. OHA ruthlessly excludes 80% of all the people of Hawaii from getting the the benefits it distributes, excludes 80% of Hawaii's people from signing up to participate in the Kau Inoa racial registry or the OHA loan program through a red-lining program at First Hawaiian Bank; and OHA is the chief pusher of a bill in Congress to

create a racially exclusionary government to negotiate for money, land, and legal jurisdiction over most of the public lands of Hawaii.

There is an Evil Empire of racially exclusionary institutions which is growing out of control, like cancer. You, the Legislature, have been collaborating with this Evil Empire by passing legislation like SB 643.

I believe the single most important issue facing Hawai'i in the foreseeable future is the imminent and continuing threat that the lands, resources, government and people of Hawai'i will be divided along racial lines.

The Legislature has repeatedly passed resolutions favoring the Akaka bill to create a racially exclusionary government empowered to negotiate with YOU, the legislators. It is expected that you will give away massive amounts of land, money, and jurisdictional authority.

Numerous bills in the Legislature in recent years have tried to implement massive give-aways even before the tribe is created, and before any negotiations have started. That's absurd! No responsible negotiator gives away important concessions before the opponents even arrive at the table.

Stop the giveaway. Just say no.

Please read "Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State" at <http://tinyurl.com/2a9fqa>

Ladies and Gentlemen of the board,

Aloha! In response to the following bills that have been introduced, mainly Bills ~~#635, #638~~ and #643. Thirteen residents including myself, believe that the current cultural interpretive programs in Kahana Valley should remain intact and as is. The Department of Land and Natural resources have worked tirelessly among residents, families and community organizations and entities to create the many unique cultural programs that are currently offered in the park. Some of these include loi, fishpond, lauhala weaving, oral history, la'au, hula and music. With support from the state and its committed staff and leadership assigned to work with the people of Kahana, the state and the residents of Kahana have developed a unique working cultural and interpretive program, that continues to grow.

We believe that the transfer of any land, management and or control, other than that which is in place in Kahana at this current time, will cause unnecessary and unneeded aggravation, frustration and anger to the residents and people of Kahana. We believe that the responsibility and future of all that Kahana has to offer, lies on the shoulders of those who know and care the most about this beautiful place, and that is the people who live there. We also feel that those individuals who were being evicted from their homes, should like all others residents in Kahana, relocate and take up residence with their families who have since, moved out of their old homes and into their new ones. Other than these six individuals, there are about 30 to 40 other individuals who have taken up temporary residence outside and within Kahana, who like them have been displaced. We ask that you consider the things that we share with you this day, that we, the upcoming generation and youth of the valley might be able to take a more genuine and active roll in the future of Kahana. So in closing, to all those who have worked hard to create and introduce bills #635, #638 and #643 that would ultimately change all that we have worked so hard to build, thanks but no thanks.

With Aloha,

James A. Mainaupo  
Anisa Pii Kahala  
Kauai Sherman  
Masina Kahala  
Kuulei Jenks & Ikaika Garvida  
Leelen Garvida  
Kahiau Wallace  
Kaimihaauao Wallace  
Whitney Martinez  
Shaunteira Keaweehu  
Mamo Leota  
Jorge Peapealalo  
Carol Keaweehu  
Joshua Mainaupo  
Jason Mainaupo  
Samuel Garvida

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**From:** Lena Soliven [lenaz1@hawaii.rr.com]  
**Sent:** Thursday, February 05, 2009 2:33 PM  
**To:** testimony  
**Subject:** COMMITTEE ON WATER

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN  
AFFAIRS

~~SB 635 / SB 638 / SB 639 /~~ **SB 643**

Chairman Senator Clayton Hee, Vice Chairwoman Jill Tokuda  
and committee members

February 5, 2009

Aloha,

I am a mother, grandmother, daughter, sister, aunty, niece, and granddaughter. My name is Lena Puanani Soliven. I am one of the 6 families that the state attempted to evict on October 27, 2008, from the Ahupua'a o Kahana.

We are lineal descendants of Kahana. As we look back we see our great grandparents, our grandparents, our parents, our selves, and as we look forward we see our children, our grandchildren, our great grandchildren.....

We are in support of legislation that would keep us on the land and in Kahana. We are "HAWAIIANS" living on HAWAIIAN LANDS living in our beautiful HAWAII NEI.

**Kahana** is were live, teach, and share "OUR CULTURE" to family, friends, and even strangers, everyone knows that there is no place like **HOME**.

Mahalo  
Lena P. Soliven

**TESTIMONY**

**SB 643**

**(END)**