

EXECUTIVE CHAMBERS

HONOLULU

April 26, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1816

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1816, entitled "A Bill for an Act Relating to Historic Preservation."

The purpose of this bill is to require consultation with the Kahuna Nui of the Mo'okini Heiau before any alteration, improvement, or organized profit-making venture involving the Kohala Historic Sites State Monument can occur.

This bill is objectionable because it grants the exclusive right of consultation to only a single entity. This bill does not require consultation with other Kohala community groups such as the Kohala Hawaiian Civic Club, or other land owners and interested parties within the monument, including Kamehameha Schools and the Luhiau family, who has ancestral ties to the Kukuipahu Heiau. Neither does this bill provide for consultation with the Office of Hawaiian Affairs. The Kahuna Nui of the Mo'okini Heiau should not be given absolute consultation authority over the entire monument.

Generally, it is unnecessary to mandate consultation through legislation for historic sites. Currently, the Department of Land and Natural Resources consults with the Kahuna Nui of the Mo'okini Heiau for any alterations or improvements to this specific heiau. Additionally, the Department consults with interested community members and groups prior to alterations or

STATEMENT OF OBJECTIONS
SENATE BILL NO. 1816
Page 2

improvements to the monument and any other State-managed historic sites.

Furthermore, the specific mandates in this bill are not clearly defined and may result in allegations of violations of the law. It is unclear what authority that the Kahuna Nui shall have with the consultations, there is no defined process for determining succeeding Kahuna Nui, or a contingency plan if a Kahuna Nui is not named or is not accessible for consultation, there is no process for dispute resolution, there is no clear definition of the properties involved under the purview of this bill, and there is no definition of "organized profit-making venture involving the monument."

Finally, this bill may be construed as special interest legislation for the Kahuna Nui of the Mo'okini Heiau on the island of Hawaii. This legislation could set precedent causing Kahuna Nui or other parties to seek legislation specific to other historic or culturally important properties. Consultation between the State and community interests should take place under existing laws and rules rather than be legislatively mandated on a case-by-case or an interest-by-interest basis.

The Department of Land and Natural Resources, the Office of Hawaiian Affairs, the Kohala Hawaiian Civic Club, and Kamehameha Schools expressed concerns with this bill and recommended the bill be amended to include other organizations in the consultation process, limit the consultation with the Kahuna Nui of Mo'okini Heiau, and better define the vague language of this bill. Unfortunately, none of the proposed amendments were adopted in this bill.

STATEMENT OF OBJECTIONS
SENATE BILL NO. 1816
Page 3

For the foregoing reasons, I am returning Senate Bill
No. 1816 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", with a stylized flourish at the end.

LINDA LINGLE
Governor of Hawaii