

TESTIMONY

SB 582

THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

DATE: Wednesday, February 4, 2009
TIME: 2:45 p.m.
PLACE: State Capitol --- Conference Room 229
415 South Beretania Street

ALOHA, MY NAME IS: LEONA M. KALIMA

I AM IN SUPPORT OF THE FOLLOWING SENATE BILLS.....MAHALO

SB 580

RELATING TO FORFEITURE.

Clarifies that the forfeiture laws apply to violations of conservation and resources statutes and rules and to protection of caves, historic preservation, and the Kaho'olawe island reserve.

SB 582

RELATING TO KULEANA LANDS.

Makes the office of Hawaiian affairs the trustee of any unclaimed kuleana lands. Prohibits quieting title to kuleana lands or claiming kuleana lands by adverse possession.

SB 1085

RELATING TO CEDED LANDS.

Prohibits the board of land and natural resources from selling, exchanging, or otherwise alienating ceded lands in the public land trust.

SB 475

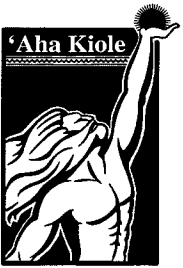
RELATING TO LANDS CONTROLLED BY THE STATE.

Prohibits the sale or exchange of certain public lands considered to be ceded lands. Expires on decision of U.S. Supreme Court on pending appeal of related case.

SB 476

RELATING TO LANDS CONTROLLED BY THE STATE.

Requires two-thirds majority vote of the legislature to adopt concurrent resolution to sell or exchange certain public lands.



TESTIMONY OF
AHA KIOLE ADVISORY COMMITTEE

IN SUPPORT OF
SB 582

Description: Makes the office of Hawaiian affairs the trustee of any unclaimed kuleana lands. Prohibits quieting title to kuleana lands or claiming kuleana lands by adverse possession.

Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
Conference Room 229, 2:45 p.m.

February 4, 2008

Aloha Chair Hee and Members of the Committee:

The Aha Kiole Advisory Committee (AKAC) was created through Act 212 in Legislative Session 2007 to create a system of best practices based upon the indigenous resource management practices of traditional moku (regional) boundaries that acknowledges the natural contours of land and the specific resources located within those areas, and the methodology necessary to sustain those resources and the community.

The focus of the AKAC has been to restore the Aha Moku System, an ancient proven system of traditional land and ocean resource management used universally in Hawaii prior to the 9th century A.D. This restored system is to aide government in its goal of ecosystem sustainability in Hawaii today.

Since the ahupua'a borders in each moku are set by traditional geographical boundaries, Native Hawaiian practices are often affected by adverse possession of kuleana lands. We believe that it is important to keep these lands intact and protected from those who use any means to disenfranchise Native Hawaiian families and kama'aina practitioners from their family kuleana lands. We believe that The Office of Hawaiian Affairs must act as trustee of any unclaimed kuleana lands until such time as the true and rightful decendants can come forward to claim them.

The Aha Kiole Advisory Committee representing the islands of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Oahu, Kauai and Niihau are in support of HB 1805 as stated. Thank you for your consideration in hearing this testimony and we urge passage of this bill.

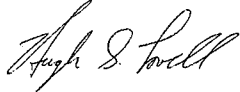
Respectfully,



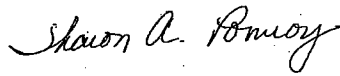
Vanda Hanakahi, Moloka'i, Chair



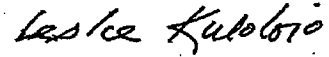
Timothy Bailey, Maui



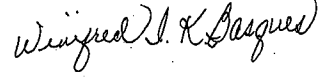
Hugh Lovell, Hawai'i



Sharon Pomroy, Kaua'i



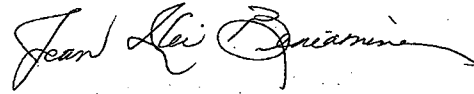
Leslie Kuloloio, Kahoolawe, Vice-Chair



Winifred Basques, Lana'i



Charles Kapua, O'ahu



Jean Ilei Beniamina, Ni'ihau



**Senate Bill No. 582
RELATING TO KULEANA LANDS**

**Senate Committee on Water, Land, Agriculture, and Hawaiian
Affairs**

February 4, 2009
Room 229

2:45 p.m.

Aloha Chair Hee, Vice Chair Tokuda, and Members. While OHA is deeply committed to protecting rights to kuleana lands, OHA opposes SB 582 Relating to Kuleana Lands.

This bill appears to establish OHA as an adjudicative-type agency under Chapter 91, HRS, responsible for weighing claims to kuleana lands. Disputes between alleged descendants of a native tenant over a claim made with OHA for kuleana lands would fall under the exclusive jurisdiction of the circuit courts. We respectfully suggest that it is inadvisable to make OHA an adjudicative-type agency for the purposes of this bill, as kuleana disputes are likely to be numerous and complex, and OHA is not set up as an adjudicator of such contentious matters.

Certain elements of the bill have much in common with previous OHA legislative efforts. Specifically, OHA has sought legislation to protect kuleana lands from adverse possession claims, as does this bill. However, the adjudicative aspect of the bill is of great concern to OHA.

Mahalo for the opportunity to testify.

TESTIMONY

SB 582

(END)