

**TESTIMONY**  
**HB 2923 HD2**  
**LATE**



**LATE TESTIMONY**

**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

March 17, 2010

Testimony of Representative Faye P. Hanohano before the Senate Committee on Water, Land Agriculture, and Hawaiian Affairs in **OPPOSITION** to HB2923, HD2

Aloha Chair Hee and the Senate Committee on Water, Land Agriculture, and Hawaiian Affairs.

This measure which authorizes the Department of Hawaiian Home Lands to extend leases of Hawaiian home lands for commercial and multi-purpose projects is not in keeping with the State constitution. In 1978 the constitution was amended to require legislative funding for DHHL so that the agency did not have to rely on general leases for funding. In addition, general leases of DHHL lands deprive those on the waiting list of land intended for them.

To add a provision extending general leases of trust lands for up to another 34 years is a gross disregard of the constitutional obligation the state has accepted as a condition of statehood to take care of the Hawaiian homestead program. This program now has over 23,000 applicants waiting for homesteads. Over 1700 of these applicants have been waiting for over thirty years. There is an appeal pending (*Nelson v. HHC*) asking the appellate court to declare that the State has breached its funding duty that is lodged in the constitution as well as the trust obligation it voluntarily accepted in order to get all the major benefits of statehood. Passing this bill is but one more example of that breach in the State's trust obligation to Hawaiians.

It is time to get serious about trust obligations and stop this madness. I urge you to please hold this measure.

Mahalo,

Faye P. Hanohano  
State Representative, District 4

**From:** Yummyimmy@aol.com  
**Sent:** Tuesday, March 16, 2010 3:54 PM  
**To:** WTLTestimony  
**Subject:** Testimony For HB 2923 HD2

March 17, 2010

Testimony in support of  
HB 2923 HD2, Relating to Public Lands

Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

Dear Chair Hee, Vice-Chair Tokuda and Members of the Committee:

[Introductory information on the organization and relationship (existing or potential) with DHHL]. We strongly support HB 2923 HD2.

This legislation would authorize the Department of Hawaiian Home Lands to, at its discretion, to grant a one-time 20-year extension to the terms of its general leases allowing for a maximum lease term of 85 years. This lease extension opportunity is an important tool for our organization to enable us to finance or re-finance projects and infrastructure on the DHHL parcel we currently lease. Ultimately, this legislation supports DHHL's long-term economic growth goals by generating sustained revenues for the Hawaiian Home Lands trust that will be used to develop more communities for DHHL's beneficiaries.

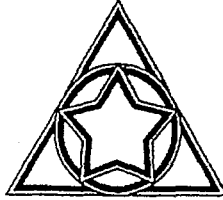
DHHL can attract and secure private sector commercial development projects that will support its homesteading programs, benefit the beneficiary population in the area of the commercial development by creating additional jobs, and create residential communities surrounding the commercial development with the revenues generated from the project.

We urge your support for HB 2923 and thank you for this opportunity to testify.

Sincerely,

Walter P. Yim  
Walter P. Yim  
General Lease #217  
Kawaihae, Big Island

**LATE TESTIMONY**



**HOKULOA, INC.**

March 16, 2010

Testimony in support of  
HB 2923 HD2, Relating to Public Lands

Senate Committee on Water, land, Agriculture and Hawaiian Affairs

Dear Chair Hee, Vice-Chair Tokuda and Members of the Committee:

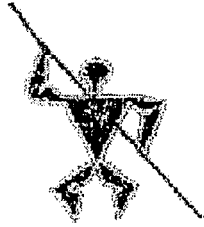
This extension allows me now to complete two structures of 10,000 sq. ft. to be added on to the present structures of 55,000 sq. ft. of buildings which shall be implemented immediately. In turn it will turn will create jobs to better our economic situation in this depressed area in Kawaihae.

This legislation would authorize the Department of Hawaiian Home Lands to, at its discretion, to grant a one-time 20-year extension to the terms of its general leases allowing for a maximum lease term of 85 years. This lease extension opportunity is an important tool for our organization to enable us to finance or re-finance projects and infrastructure on the DHHL parcel we currently lease. Ultimately, this legislation supports DHHL's long-term economic growth goals by generating sustained revenues for the Hawaiian Home Lands trust that will be used to develop more communities for DHHL's beneficiaries.

DHHL can attract and secure private sector commercial development projects that will support its homesteading programs, benefit the beneficiary population in the area of the commercial development by creating additional jobs, and create residential communities surrounding the commercial development with the revenues generated from the project.

We urge your support for HB 2923 and thank you for this opportunity to testify.

*Handwritten signature:*  
Hans Wedemeyer  
Pres. Hokuloa INC



**Native Hawaiian Chamber of Commerce**  
P.O. Box 597  
Honolulu, Hawai'i 96809-0597

(808) 531-3744

[www.NativeHawaiian.cc](http://www.NativeHawaiian.cc)

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## TESTIMONY OF THE NATIVE HAWAIIAN CHAMBER OF COMMERCE

### IN SUPPORT OF

### **HOUSE BILL NO. 2923, HOUSE DRAFT NO. 2 RELATING TO THE PUBLIC LANDS**

To Chair Hee and Vice Chair Tokuda and Committee Members Bunda Fukunaga, Kokubun, Takamine and Hemmings

Aloha k<sup>TM</sup>kou;

I am Stephen Kaaa, President of the Native Hawaiian Chamber of Commerce and I am honored to present this testimony on This Bill.

Founded in 1974, the Native Hawaiian Chamber of Commerce (NHCC) strives to encourage and promote the interests of Native Hawaiians engaged in commerce, services and the professions. NHCC members participate in a variety of economic, social and public affairs.

**Mission Statement – To strengthen Native Hawaiian business and professions by building on a foundation of relationships, resources, and Hawaiian values.**

In keeping with our mission, NHCC: Provides opportunities for networking among members, the people of Hawai'i and those engaged in business and industry, serves as a means to organize the Hawaiian business community into a viable economic and social voice and provides the necessary facilities for members' educational advancement in subject areas relevant to business, industry and commerce.

The Native Hawaiian Chamber of Commerce is **in favor** of the passage of **House Bill No. 2923, House Draft No 2, Relating to the Public Lands.**

The bill would enable the Department of Hawaiian Home Lands (DHHL) to extend the term of its non-residential leases from 65 years to 99 years. These commercial leases will become more attractive to developer lessees that will be expected to invest large amounts of money into the building of the improvements (commercial; buildings, shopping centers, resort properties) on DHHL lands set side for

Hawaiian Values and Principles of Conduct for NHCC Members: ALOHA Love, kindness, affection • MŌLAMA Preserve & nurture • HO'OKIPA Hospitality • LAULIMA Work together • 'IMI 'IKE Seek knowledge • LOKOMAIIKA'I Generosity & kindness • PONO Morally righteous & fair • HO'OMAU Perseverance • HA'AHA'A Humility • LŪKAHI Unity

# LATE TESTIMONY

commercial development. This bill will allow DHHL to generate revenues supporting programs reaching all the beneficiaries of the Hawaiian Home Lands trust. What that means is more revenues that will provide opportunities for more home ownership for Native Hawaiians, more support for educational programs and more social services for our kupuna and keiki.

Moreover, such commercial developments adjacent to or near to DHHL residential subdivisions will mean more jobs for homesteaders and their families.

These revenues will also be used to fund more homestead community centers and facilities which will build stronger and healthier Hawaiian communities.

We respectfully ask for your support and vote to approve this bill.

Mahalo nui.



**MAUI OIL COMPANY, INC.**  
P.O. Box 66, Kahului, Hawaii 96733-6566  
Phone: (808) 871-6220  
Fax: (808) 871-7411

## LATE TESTIMONY

|                                       |
|---------------------------------------|
| Alec McBarnet<br>President<br>Support |
|---------------------------------------|

March 17, 2010

Testimony in support of  
HB 2923 HD2, Relating to Public Lands

Senate Committee on Water, Land, Agriculture and Hawaiian Affairs


Dear Chair Hee, Vice-Chair Tokuda and Members of the Committee:

[Introductory information on the organization and relationship (existing or potential) with DHHL]. We strongly support HB 2923 HD2.

This legislation would authorize the Department of Hawaiian Home Lands to, at its discretion, to grant a one-time 20-year extension to the terms of its general leases allowing for a maximum lease term of 85 years. This lease extension opportunity is an important tool for our organization to enable us to finance or re-finance projects and infrastructure on the DHHL parcel we currently lease. Ultimately, this legislation supports DHHL's long-term economic growth goals by generating sustained revenues for the Hawaiian Home Lands trust that will be used to develop more communities for DHHL's beneficiaries.

DHHL can attract and secure private sector commercial development projects that will support the its homesteading programs, benefit the beneficiary population in the area of the commercial development by creating additional jobs, and create residential communities surrounding the commercial development with the revenues generated from the project.

We urge your support for HB 2923 and thank you for this opportunity to testify.

  
Alec McBarnet  
President



Testimony of C. Mike Kido  
External Affairs  
The Pacific Resource Partnership

Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs  
Senator Clayton Hee, Chair  
Senator Jill Tokuda, Vice Chair

HB 2923, HD2 – Relating to Public Lands  
Wednesday, March 17, 2010  
2:45 P.M.  
Conference Room 229

Chair Hee, Vice Chair Tokuda, and Members of the Committee:

My name is C. Mike Kido, External Affairs for the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Carpenters Union. PRP **supports** HB 2923, HD2 – Relating to Public Lands, which authorize the Department of Hawaiian Home Lands (DHHL) to extend leases of Hawaiian home lands for commercial and multipurpose projects upon a development agreement to improve the leased land.

Extension of leases would attract substantial investments in the proposed commercial lease properties and multi-purpose projects. As mentioned in Kaulana Park's, Chairman of Hawaiian Homes Commission, testimony, "Legislation for a lease extension increases the value of DHHL's property and provides an improved instrument with which DHHL can better serve our beneficiaries. Extended lease terms (beyond 65 years) provide a reliable long-standing revenue stream which improves DHHL's long term bond credit rating. This increases our ability to float bonds and capture future lease rent dollars today to construct home for native Hawaiian families now."

PRP understands and appreciates the difficulty faced by the Legislature in determining ways to achieve a quick economic recovery and thus support HB 2923, HD2 to provide jobs, homeownership, and income generating opportunities.

Thank you for the opportunity to share our opinion and we kindly ask for your support of HB 2923, HD1 – Relating to Public Lands.



March 17, 2010

Dear Chair Hee, Vice-Chair Tokuda and Members of the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

*(via email)*

Re: Testimony in support of HB 2923 HD2, Relating to Public Lands

I am writing to you on behalf of Safeway, Inc and our wholly owned subsidiary, Property Development Centers LLC ("PDC") to lend support to HB 2923 HD2.

As you are aware, Safeway, a Fortune 50 company, is one of the largest food and drug retailers in North America. We operate 1,725 stores in the United States and Canada – including 19 in Hawaii. Our annual sales in 2009 was of \$40.8 billion. Safeway, with Target, is currently leasing property from the Department of Hawaiian Home Lands (DHHL) in Hilo, Hawaii for the possible development of a retail shopping center and Safeway, through its subsidiary, PDC, has recently submitted a bid proposal to lease another site in Hilo for a different possible shopping center development.

We are committed to a strong relationship with the residents of Hawaii and to continued further growth of our operations across all islands. That is why we support HB 2923 HD2.

It is our understanding that this legislation would authorize DHHL to grant, at its discretion, a one-time 20-year extension to the terms of its general leases allowing for a maximum lease term of 85 years. This lease extension opportunity is an important tool for Safeway as it enables us to finance or re-finance projects and infrastructure on the DHHL parcel we currently lease. We also support the long-term economic growth goals sustained by this bill — revenues for the Hawaiian Home Lands trust that will be used to develop more communities for DHHL's beneficiaries.

Our experience with DHHL leads us to believe that the organization will continue to attract and secure private sector commercial development projects that will support its homesteading programs, benefit the beneficiary population in the area of the commercial development by creating additional jobs, and create residential communities surrounding the commercial development with the revenues generated from the project.

We urge your support for HB 2923. If I can be of further assistance, please do not hesitate to contact my office.

Sincerely,



Susan M. Houghton  
Director – Public Affairs and Government Relations

cc Gerry Wolfe  
Steve Gouig

# LATE TESTIMONY

Harold Johnston  
President  
Support if amended



**PAPAKŌLEA**  
COMMUNITY DEVELOPMENT CORPORATION

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Harold Johnston

Vice-President

Li Garcia-Ballard

Secretary

Christine Valles

Treasurer

Marlene Keawe

Directors

Annie Aul'hoon

Orson Enos

Mike Fukuda

Denise Ka'a'a

Richard Soo

TESTIMONY OF PAPAKOLEA COMMUNITY DEVELOPMENT CORPORATION  
BEFORE THE

SENATE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair

Senator Jill Tokuda, Vice-Chair & Members

**Testimony in opposition of House Bill 2923 HD 2 -- Relating to Public Lands**

Wednesday, March 17, 2010, 2:45 PM, Conference Room 229

**TESTIMONY IN OPPOSITION**

Aloha mai kakou: Chair Hee, Vice-Chair Tokuda & Members:

Established in 1999, the Papakolea Community Development Corporation exists to mobilize broad-based community participation, promoting self-determination by building effective community leadership and to manage the Papakolea Full Service Center and Park. As an affiliate of the Sovereign Council Hawaiian Homelands Assembly and Council for Native Hawaiian Advancement, are opposed to the bill in its present form which was passed by the house, but fully supportive of the substitute amendment presented by your office.

We appreciate and recognize the work your office has done with CNHA, we support the substitute language below for a bill that would provide more reasonable language including:

1. instead of 99 year leases, a 20 year extension with specific criteria that needs to be met;
2. revenue sharing of all commercial lease revenue to a cultural and community development fund for beneficiary organizations to implement community based projects in our respective homesteads;
3. annual reporting by DHHL on the status of commercial leasing in an effort to raise the awareness and priority of DHHL in creating commercial leasing opportunities for its beneficiaries;
4. beneficiary consultation on commercial leases so that our people are aware of the intent of DHHL when our trust lands will be leased for non-homesteading purposes.

Senator Hee, thank you for hearing the priorities of the constituents of the Hawaiian home land trust, and crafting a substitute bill that represents the needs of the trust, as well as the priorities of its beneficiaries for the future.

We are opposed to the bill in its present form which was passed by the house, but fully supportive of the substitute amendment presented by your office. Mahalo.

Respectfully Submitted,

Harold Johnston  
PCDC President

2150 Tantalus Dr.  
Honolulu, HI 96813  
808.520.8998

# LATE TESTIMONY

Annie Au Hoon  
President  
Support if amended

TESTIMONY OF KEWALO HAWAIIAN HOMESTEAD COMMUNITY ASSOCIATION  
BEFORE THE

SENATE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS  
Senator Clayton Hee, Chair  
Senator Jill Tokuda, Vice-Chair & Members

**Testimony in opposition of House Bill 2923 HD 2 -- Relating to Public Lands**

Wednesday, March 17, 2010, 2:45 PM, Conference Room 229

## TESTIMONY IN OPPOSITION

Aloha mai kakou: Chair Hee, Vice-Chair Tokuda & Members:

The Kewalo Hawaiian Homestead Community Association was re-established in 1993 to provide its residents with health, educational, social and economical services and resources to improve their quality of life. KHHCA's primary objective is to protect and preserve the Hawaiian Homes Commission Act of 1921, as amended. As a member of the Sovereign Council Hawaiian Homelands Assembly, KHHCA is opposed to the bill in its present form which was passed by the house, but fully supportive of the substitute amendment presented by your office.

We appreciate and recognize the work your office has done with CNHA, we support the substitute language below for a bill that would provide more reasonable language including:

1. instead of 99 year leases, a 20 year extension with specific criteria that needs to be met;
2. revenue sharing of all commercial lease revenue to a cultural and community development fund for beneficiary organizations to implement community based projects in our respective homesteads;
3. annual reporting by DHHL on the status of commercial leasing in an effort to raise the awareness and priority of DHHL in creating commercial leasing opportunities for its beneficiaries;
4. beneficiary consultation on commercial leases so that our people are aware of the intent of DHHL when our trust lands will be leased for non-homesteading purposes.

Senator Hee, thank you for hearing the priorities of the constituents of the Hawaiian home land trust, and crafting a substitute bill that represents the needs of the trust, as well as the priorities of its beneficiaries for the future.

We are opposed to the bill in its present form which was passed by the house, but fully supportive of the substitute amendment presented by your office. Mahalo.

Respectfully submitted,

Annie Au Hoon  
President

# LATE TESTIMONY

Orson Enos  
President  
Support if amended



## TESTIMONY OF PAPAKOLEA COMMUNITY ASSOCIATION BEFORE THE

SENATE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS  
Senator Clayton Hee, Chair  
Senator Jill Tokuda, Vice-Chair & Members

### Papakolea Community Association

2150 Tantalus Drive  
Honolulu, HI 96813  
(808) 520-8998  
pca@papakolea.org

### Testimony in opposition of House Bill 2923 HD 2 Relating to Public Lands

Wednesday, March 17, 2010, 2:45 PM, Conference Room 229

### TESTIMONY IN OPPOSITION

Aloha mai kakou: Chair Hee, Vice-Chair Tokuda & Members:

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B. Puni Kekauoha  
*Vice-President*

Richard Soo  
*Treasurer*

Lahela Hudson  
*Secretary*

Francine Popoalii  
*Kupuna*

Established in May 1934, the Papakolea Community Association exists to direct its efforts toward the betterment of all residents living on Papakolea Hawaiian Homestead Land. PCA's primary purpose is to defend, preserve and protect the Hawaiian Homes Commission Act, 1921, as amended. As a member of the Sovereign Council Hawaiian Homelands Assembly, PCA is opposed to the bill in its present form which was passed by the house, but fully supportive of the substitute amendment presented by your office.

We appreciate and recognize the work your office has done with CNHA, we support the substitute language below for a bill that would provide more reasonable language including:

1. instead of 99 year leases, a 20 year extension with specific criteria that needs to be met;
2. revenue sharing of all commercial lease revenue to a cultural and community development fund for beneficiary organizations to implement community based projects in our respective homesteads;
3. annual reporting by DHHL on the status of commercial leasing in an effort to raise the awareness and priority of DHHL in creating commercial leasing opportunities for its beneficiaries;
4. beneficiary consultation on commercial leases so that our people are aware of the intent of DHHL when our trust lands will be leased for non-homesteading purposes.

Senator Hee, thank you for hearing the priorities of the constituents of the Hawaiian home land trust, and crafting a substitute bill that represents the needs of the trust, as well as the priorities of its beneficiaries for the future.

We are opposed to the bill in its present form which was passed by the house, but fully supportive of the substitute amendment presented by your office. Mahalo.

Respectfully submitted,

Orson Enos  
President

LINDA LINGLE  
GOVERNOR  
STATE OF HAWAII



LATE TESTIMONY

KAULANA H. R. PARK  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

ANITA S. WONG  
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL  
EXECUTIVE ASSISTANT

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF KAULANA H. R. PARK, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND  
HAWAIIAN AFFAIRS

ON HB 2923 HD 2 RELATING TO PUBLIC LANDS

March 17, 2010

Chair Hee, Vice-Chair Tokuda and Members of the Committee:

The Department of Hawaiian Home Lands supports HB 2923 HD 2. In the previous legislative session we testified in strong support of similar measures which would authorize DHHL to, at its discretion, extend the maximum lease term for our commercial leases from 65 to 99 years for the purpose of maximizing our ability to generate revenue for our trust.

Our ability to carry out our mission to provide homeownership opportunities to native Hawaiians is directly tied to the Hawaiian Homes Commission's ability to obtain necessary resources through federal and state funds, grants, and income-generating opportunities. Over the past six years, we have supported our homesteading program with income generated through the commercial leases of our non-homestead lands. The current 65-year term has limited DHHL's ability to attract substantial investments in the proposed commercial lease properties. Legislation for a lease extension increases the value of

LATE TESTIMONY

DHHL's property and provides an improved instrument with which DHHL can better serve our beneficiaries. Further, extended lease terms (beyond 65 years) provide a reliable long-standing revenue stream which improves DHHL's long term bond credit rating. This increases our ability to float bonds and capture future lease rent dollars today to construct homes for native Hawaiian families now.

In the past few weeks we have discussed amendments to this legislation with beneficiaries and beneficiary advocates to broaden beneficiary support for this measure. We have considered adding language that specifies allowing a one-time extension of no more than 20 years (for a total lease term of 85 years), increased reporting requirements to the Hawaii State Legislature and the U. S. Department of Interior and beneficiary consultation prior to making general lease awards. DHHL has also considered a 10% share of the general lease revenues to be deposited in our Native Hawaiian Rehabilitation Fund. This translates to dedicated funding to our communities through grants and scholarships. We support each of these amendments and request that your committee insert language in to the bill to make this a true win-win for DHHL and our beneficiaries.

We support HB 2923 HD 2 and respectfully urge that this committee pass this bill. Thank you for the opportunity to testify.

**TESTIMONY**  
**HB 2923 HD2**  
**LATE**  
**(END)**