

TESTIMONY
SCR 53
LATE

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Esther Kiaaina
Concerns

~~SCR 46, SCR 59, SCR 61, SCR 66, and SCR 69-71~~

**Relating to the legislative approval for the sale of public lands,
pursuant to Act 176, Session Laws of Hawai'i 2009**
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

March 5, 2010

2:45 p.m.

Room: 229

The Office of Hawaiian Affairs (OHA) expresses concern over the sale of public lands proposed in SCR46-SCR59; SCR61; SCR66; and SCR69-71. These resolutions were all offered for consideration by the Legislature in accordance with Act 176, Session Laws of Hawai'i 2009. Among other things, Act 176 requires a two-thirds majority vote of both houses of the Legislature before any specific lands controlled by the State can be sold (this includes but is not limited to ceded lands).

OHA holds the position that the state cannot reduce the ceded lands corpus until the Native Hawaiian people's claim to ceded lands has been resolved, which has not yet occurred. One of the problems with the Act 176 resolutions before the Committee is that they are not consistent in containing information relating to the ceded lands status of the parcels proposed for sale, leaving lawmakers, OHA, our beneficiaries and the general public in the dark about the impact these resolutions will have on the ceded lands corpus.

Some of the parcels contained in these resolutions were also included in HB2737, a bill relating to the disposition of public lands. OHA did preliminary research on these parcels using the State Lands Information Management System (SLIMS) database, which the Department of Land and Natural Resources uses to verify the ceded lands status of parcels. However, we are not confident enough in the accuracy of SLIMS to use it to make a final determination on whether a parcel is indeed ceded lands or not. We note that the DLNR itself has acknowledged the limitations of this database.

Therefore, OHA requests that these resolutions be amended to include language that states the ceded lands status of each parcel and specifies what information was used to make this determination. We also request the opportunity to review any documentation utilized to make this ceded lands determination.

Thank you for the opportunity to testify.

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