



HB922 SD1

RELATING TO PUBLIC LANDS

Senate Committee on Judiciary and Labor
Senate Committee on Ways and Means

April 7, 2011

9:00 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) offers the following **comments** on HB922 SD1. While the original intent of this measure was to address concerns regarding 999-years lessees, it has been significantly amended from its previous version to include provisions that OHA has concerns with.

OHA supports the intent of Part I of HB922 SD1 to provide 999-year homestead lessees and their families the option of utilizing a land trust to collectively and cooperatively share in the responsibilities and benefits. As a majority of the lessees are of Native Hawaiian ancestry, OHA supports the possibility that this measure could provide an appropriate mechanism for these families to keep these lands for future generations.

However, OHA is concerned with Part III of HB922 SD1, which seeks to facilitate the establishment of a comprehensive information system for inventorying and maintaining information about the lands of the public land trust described in section 5(f) of the Admission Act and article XII, section 4 of the state constitution.

First, OHA values an accurate inventory of public lands and their disposition as a foundation for successful management of the public land trust. Current databases are useful but do not provide a complete and accurate picture.

Second, this part of the bill would require the Department of Land and Natural Resources (DLNR) to conduct many tasks regarding the inventory that may already have been performed by the State Auditor pursuant to Act 125, Session Laws of Hawaii 2000. Although the State is far from having a comprehensive and accurate inventory, the Auditor took the first steps, including the issuance of her report entitled *Establishment of a Public Land Trust Information System, Phase One* (March 2001). That report concluded among other things that a geographic information system (GIS) is the preferred method to develop an information system.

Third, OHA appreciates that HB922 SD1 provides the opportunity for all state agencies, including OHA, to work with DLNR in the development of the proposed information system. We look forward to participating in this effort.

Fourth, however, we have grave concerns regarding the bill's funding mechanism, a mechanism that would bar any general fund appropriation made by the bill from being expended unless matched dollar-for-dollar by OHA. In light of recent deliberations and discussions among OHA Trustees, we must respectfully inform your committee that if this funding mechanism becomes law, OHA, exercising its lawful discretion, will not match all or any part of the appropriation. The State, as trustee of the public land trust, should be responsible for funding the public land trust database. We hope that your committee will not interpret our position on this matter as a lack of belief in the importance of a complete and accurate database, for such is not the case.

Mahalo for the opportunity to testify on this important measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committees on Judiciary and Labor and Ways and Means
Thursday, April 7th, 2011 at 9:00 a.m.

by

Virginia S. Hinshaw, Chancellor

and

Jo-Ann Leong, Director

Hawai'i Institute of Marine Biology

School of Ocean & Earth Science & Technology

University of Hawai'i at Mānoa

HB 922, SD1 Relating to Public Lands

Aloha Senator Clayton Hee, Senator David Ige, and Members of the Committees. I thank you for the opportunity to testify in support of HB 922, SD1.

My name is Jo-Ann Leong and I am the Director of the Hawai'i Institute of Marine Biology. I submit this testimony in support of HB922, SD1, Part II, that exempts the University of Hawai'i from permitting requirements for the repair and maintenance of the facilities of the Hawai'i Marine Laboratory Refuge. Part II calls for amendments to Hawai'i Revised Statutes 187A-12 and 188-36. The University of Hawai'i take no position on Part I and III of this measure.

Background:

Moku o Lo'e, more widely known as Coconut Island, is located in southern Kāne'ohē Bay on the island of O'ahu and is home to the world-renowned research facilities of the Hawai'i Institute of Marine Biology (HIMB), a research institute within the School of Ocean & Earth Science & Technology at the University of Hawai'i at Mānoa. The island itself provides a unique living laboratory surrounded by 64 acres of coral reef designated by the State of Hawai'i as a Hawai'i marine laboratory refuge. Approximately 28 acres in size, Moku o Lo'e is also designated as a Conservation District, requiring unique security and grounds maintenance efforts far greater than most organized units on the main campus of University of Hawai'i.

Regarding permitting for repair and maintenance

Permit processes related to repair and maintenance of HIMB facilities and infrastructure have become increasingly prohibitive and have begun to adversely impact our ability to conduct important work in the service of the State and the university, particularly when the repairs and funding for them are time-sensitive. Permitting regulations are arduous for projects which range from the benign to complex. For example, simple invasive

plant species removal to allow for native planting projects by community service or school groups require HIMB to prepare detailed landscaping plans before seeking authorization from DLNR, which is costly and time consuming to prepare, and can then take weeks to months for agency response.

On the other end of the spectrum, permitting to allow for repairs of existing structures, renovations and a new lab took approximately 13 years to obtain and over \$600,000 in consulting fees. The effort and financial resources HIMB faculty must invest in these permitting processes have detrimentally affected our ability to execute the important scientific research we do in service of the state. Further it can and has put funding for CIP in jeopardy because such funding generally does not have infinite timelines that can be put on hold until permits are obtained.

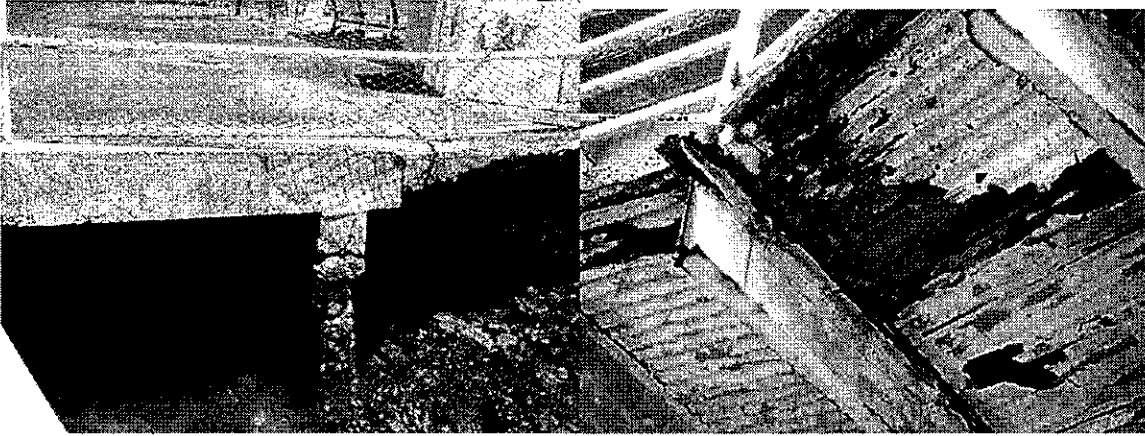
While some of the issues have already been addressed by the CDUA and SMA and we have finally received a letter of understanding that we negotiated with DLNR regarding a number of proposed projects, there are many important issues and projects such as critical pier, seawall and shore protection repairs that are not covered by these permits. Additionally the island is continually eroding and shore facilities, labs and other structures are deteriorating and unsafe. We are unable to proceed because permitting requirements are excessively lengthy and adversely impact funding processes. The attached photos show the severity of some of the conditions.

Regarding permitting exemptions, HIMB is always working to overcome the limitations of funding to maintain our research facilities and to do this within the state's regulatory framework. We would like to emphasize that HIMB serves its own interest in making sure Moku o Lo'e's resources are protected and we seek this legislation to ensure that we can meet these obligations to the state and the university.



Fallen seawall, inner lagoon

Eroding seawall inner channel



Pier support columns are eroded, unsafe Walkways on buildings are rusting, unsafe.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 06, 2011 6:04 PM
To: JDLEstimony
Cc: kaylastutu@yahoo.com
Subject: Testimony for HB922 on 4/7/2011 9:00:00 AM

LATE TESTIMONY

Testimony for JDL/WAM 4/7/2011 9:00:00 AM HB922

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Lynn Puanani Padeken-Gillespie
Organization: Individual
Address:
Phone:
E-mail: kaylastutu@yahoo.com
Submitted on: 4/6/2011

Comments:

Aloha,
I would like to add my voice in support of the original HB922 to allow a family land trust to help maintain and pass on the land that belonged to our ancestors to it's rightful heirs in perpetuity.
I was raised on a small piece of 999 yr leased land which we affectionately call "the farm" in Hauula that belonged to the John Kamalolo Ohana. I am a descendant of the Kamalolo Ohana and am very proud of my heritage as a Hawaiian.
We have gathered for years on this piece of property and to this day still farm, play eat and talk story. At these gatherings we give thanks to ke akua for all of our kupuna and teach generations to come of their heritage and geneology. It is a place of peace and love. We would like to continue our family traditions by placing it in a family land trust to be able to upkeep and maintain as well as teach the next generation of our rich hawaiian values.

Mahalo Nui Loa, Lynn Puanani Padeken-Gillepsie.