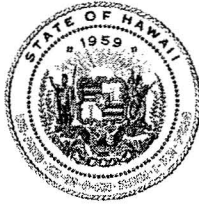
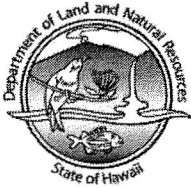


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
WATER, LAND, AND OCEAN RESOURCES
and
HAWAIIAN AFFAIRS**

**Wednesday, February 16, 2011
10:30 AM
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 948
RELATING TO CEDED LANDS**

House Bill 948 proposes to require the Department of Land and Natural Resources (Department) to conduct an audit of all state-held lands and an inventory of ceded lands, and report to the Legislature prior to the convening of the 2012 Regular Session. The Department cannot support this bill in its current form. The Department simply does not have the extraordinary resources (i.e., manpower or financial) to perform an audit of each parcel of State lands as provided for in the bill.

This bill directs the Department to conduct an audit of all state-held lands that includes, at minimum, the parcel size, parcel location, state land use district, tax map key, state agency holding title, and trust land status. As in Senate Bill 2 which similarly calls for extensive research into parcel size, location, source of title and trust land status, House Bill 948 places an inordinate burden on the Department to carry out this research. Moreover, House Bill 948 does not provide any staffing or additional funding to support this effort, which may approach \$10 million based on cost estimates from the Legislative Auditor's report entitled "Establishment of a Public Land Trust Information System, Phase One," dated March 2001.

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



HB 948
RELATING TO CEDED LANDS
House Committee on Water, Land and Ocean Resources
House Committee on Hawaiian Affairs

February 16, 2011

10:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** HB 948. This bill requires the Department of Land and Natural Resources (DLNR) to conduct an audit of all state-held lands and develop an inventory of ceded lands.

OHA values an accurate inventory of state-held and ceded lands, including the public-land-trust status of each parcel, as a foundation for successful management of the public land trust. Current databases, in particular the DLNR's State Lands Inventory Management System (SLIMS), are useful but do not provide a complete and accurate picture.

We respectfully suggest, however, that amendments to HB 948 would be needed to ensure that the audit and inventory are meaningful and complement the existing but incomplete inventory. We note that pursuant to Act 125, Session Laws of Hawaii 2000, the State Auditor took the first steps toward a comprehensive and accurate inventory with the issuance of her report entitled *Establishment of a Public Land Trust Information System, Phase One* (March 2001). That detailed report concluded, among other things, that a geographic information system (GIS) is the preferred method to conduct an inventory. However, the Auditor's report estimated the cost of the next phase of the inventory at between \$18.5 and \$19.1 million.

While amending HB 948 to do justice to adequate management of the public land trust would require detailed further discussion, a starting point would be to insert language in HB 948 requiring DLNR to provide the Legislature with a full report as to what the department itself, in recent testimony on SB 2 Relating to the Public Land, acknowledged as the incomplete and limited nature of the SLIMS database.

OHA looks forward to participating in continued discussions on how best to bring about a comprehensive and reliable inventory.

Mahalo for the opportunity to testify on this important measure.

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

TESTIMONY BY
PRESIDENT SOULEE STROUD

IN SUPPORT OF HOUSE BILL 948 Relating to CEDED LANDS

Before the Joint House Committees on Water, Land and Ocean Resources and
Hawaiian Affairs

February 16, 2011; 10:30 a.m Room 329

Aloha Chairman Chang, and Madam Chair Hanohano and members of the House committees meeting jointly today. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs here today to support the passage of HB 948. .

The first civic club was founded in 1918 and we continue to thrive with clubs on all islands of the State of Hawaii, 11 states on the continent and the District of Columbia. We now have sixty component clubs participating in those activities that our founders envisioned – historic preservation, education of Native Hawaiian students, protection of traditional culture and advocacy for Hawaiian Home Lands. We have also been very active in the support and protection of the public land trust that was created with the annexation of Hawai'i by the United States in 1898. These lands, were the original public, government and crown lands of the Kingdom of Hawai'i and we taken and held in a federal and later with the admission of Hawai'i as a State, in a State public land trust for the benefit of the people of Hawai'i in general and the native Hawaiian people, in particular.

The purpose HB 948 is to require that the Department of Land and Natural Resources conduct an audit of all state-held lands and inventory all ceded lands. It further requires a report to the Legislature prior to the convening of the 2012 Session.

The Association of Hawaiian Civic Clubs has passed numerous resolutions in convention in support of this effort.

The public land trust includes those lands which were ceded to the United States by the Republic of Hawai'i in 1898 by the then President Sanford Ballard Dole and five years after the U.S. supported arrest and imprisonment of Queen Lili'uokalani in 1893.

Congress passed the Organic Act on April 30, 1900, which formally set up the government of the Territory of Hawai'i. Although legal title to the public lands in Hawai'i was vested in the United States, the Territory was given administrative control and use of the lands by this Act.

On July 9, 1921, Congress passed the Hawaiian Homes Commission Act of 1920, affirming its obligations to native Hawaiians and placing over 200,000 acres of public lands in trust to help with the "rehabilitation of native Hawaiians".

When Hawai'i became a state on August 21, 1959, the terms of admission into the United States were articulated in the Admissions Act (Public Law 86-3). Section 5 of the Admissions Act dealt with the issue of government lands in Hawai'i.

Under Section 5 (b) of the Admissions Act, the state of Hawai'i received title to approx. 1,200,000 acres of land. These lands and the 5(e) lands were to be held in trust for several purposes under Section 5(f) of the Act.

Pursuant to the Admissions Act, an initial inventory of the federal ceded lands was conducted by the Commissioner of Public Lands in 1960. Subsequently, the Legislative Reference Bureau in its 1966 report, Public Land Policy in Hawaii: Land Reserved for Public Use, compiled an updated index of land set aside for federal use. The largest known inventory of public land was conducted, but not publicly released, by DLNR in 1983. Subsequently and upon passage of Act 304, SLH 1990, other departments such as the Dept. of Transportation, also have been identified as having ceded lands under their control.

The state is in dire need of an accurate inventory of its public lands. We urge your support of these measure and thank you for allowing us to testify today.

For further information please contact our Government Relations Chair, Jalna Keala at jalna.keala2@hawaiiantel.net

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TESTIMONY IN SUPPORT – H.B. 948 – Relating to Ceded Lands
Feb. 16, 2011

Aloha, Chairs Chang and Hanohano, and Committee Members:

My name is Mahealani Cypher, and I am speaking in strong support of H.B. 948, which would require the DLNR to conduct an audit of all state-held lands and an inventory of ceded lands by the end of this year.

I have long been a strong advocate for reconciling over a century of injustices done to our native people. I am concerned that lands which should have set aside as "ceded lands" are not properly identified as such and may be placed up for sale, exchange, or transfer to other jurisdictions.

Such actions would conflict with ongoing efforts to clarify revenues that were to have been held in trust for the native Hawaiian people, and present serious impediments to potential restoration of lands to native Hawaiians, should there be state or federal recognition of the Hawaiian people as a nation.

We are all aware that what happened in 1893 was a grave injustice; this was recognized as a proven fact by two U.S. Presidents and the United States Congress.

Here in Hawai'i, it is time for us to set aside our confusions and get to work on straightening out our records and ensuring that these lands, ceded to the U.S. to be held in trust for the Hawaiian nation, are properly accounted for and not lost forever.

I urge your expeditious passage of this bill.

Mahalo,



Mahealani Cypher