

har2-Samantha

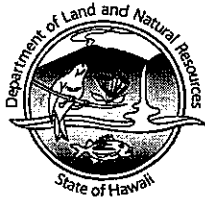
From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2012 7:57 AM
To: WLOtestimony
Cc: moana.bjur@hawaii.gov
Subject: Testimony for HB1981 on 1/27/2012 9:00:00 AM
Attachments: HB1981_LNR_01-27-12_WLO.pdf

Testimony for WLO 1/27/2012 9:00:00 AM HB1981

Conference room: 325
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Guy Kaulukukui
Organization: Department of Land and natural Resources
E-mail: moana.bjur@hawaii.gov
Submitted on: 1/26/2012

Comments:

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
GUY H. KAULUKUKUI
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
LLOYD HARAGUCHI
Executive Director, Public Land Development Corporation

Before the House Committee on
WATER, LAND & OCEAN RESOURCES

Friday, January 27, 2012
9:00 A.M.
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1981
RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION

House Bill 1981 proposes to: 1) Add two new members to the Public Land Development Corporation (PLDC) Board of Directors; 2) Requires that the Hawaii public land optimization plan provide for the protection of cultural practices; and 3) Requires PLDC to comply with certain provisions of law relating to the alienation of land and the Office of Hawaiian Affairs' pro rata portion of the public land trust. PLDC opposes this measure.

PLDC was created by the State Legislature in 2011 for the purpose of administering a land development program that makes optimal use of public lands for the economic, environmental, and social benefit of the people of Hawaii. PLDC's five-member Board of Directors has considerable and a broad range of expertise in government, private business, economics, finance and historic and cultural practices of native Hawaiians.

PLDC is developing administrative rules for the Public Land Development Program which will reflect the Legislature's vision and mandates. PLDC believes that changes to its mission and mandate through House Bill 1981 will detract from the intent of Act 55, Session Laws of Hawaii 2011, and is not necessary as these requirements are addressed in the law and therefore, respectfully request that the Committee defer the measure.

Thank you for the opportunity to testify.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
ant: Thursday, January 26, 2012 8:33 AM
ro: WLOtestimony
Cc: sterlingw@oha.org
Subject: Testimony for HB1981 on 1/27/2012 9:00:00 AM
Attachments: HB1981 PLDC H WLO.pdf

Testimony for WLO 1/27/2012 9:00:00 AM HB1981

Conference room: 325
Testifier position: Support
Testifier will be present: Yes
Submitted by: Office of Hawaiian Affairs
Organization: Office of Hawaiian Affairs
E-mail: sterlingw@oha.org
Submitted on: 1/26/2012

Comments:



HB1981
RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION
House Committee on Water, Land and Ocean Resources

January 27, 2012

9:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** HB1981, which is a bill in OHA's 2012 Legislative Package. HB1981 will assist the Public Land Development Corporation (PLDC) in complying with the State's current policies related to the protection of Native Hawaiian traditional and customary rights, OHA's right to receive its pro rata share of public land trust revenue, and Act 176, Session Laws of Hawaii 2009, which requires legislative approval for the sale of public lands.

Pursuant to the Hawai'i constitution, Hawaii Revised Statutes (HRS), and judicial decisions, the State and its agencies have a fiduciary obligation to reasonably protect Native Hawaiian traditional and customary practices. Unfortunately, these practices are often not given sufficient consideration and protection. Chapter 171C, HRS, grants the PLDC extensive powers, and its projects have the potential to inadvertently affect Native Hawaiian practitioners and the resources they rely upon. HB1981 would require that the PLDC develop plans that protect Native Hawaiian rights for each of its projects, and that the PLDC's Hawai'i Public Land Optimization Plan also include a component that protects cultural practices, including Native Hawaiian practices. In addition, HB1981 would also require that OHA be consulted to ensure that PLDC activities and rules do not diminish Native Hawaiian rights.

Hawai'i's constitution established OHA's right to receive a portion of the revenues generated from the public land trust. Act 178, Session Laws of Hawaii 2006, established the State's interim determination of OHA's pro rata portion of the public land trust revenue to be \$15.1 million. Executive Order 06-06 (EO 06-06) requires state agencies to transfer 20 percent of their gross revenues generated from the use of public trust land under their control to OHA. Chapter 171C is silent on the PLDC's responsibility to comply with Act 178 and EO 06-06. HB1981 would clarify that the PLDC is subject to Act 178 and EO 06-06.

Similarly, HB1981 would clarify that the PLDC is subject to section 171-64.7 and section 171-50, HRS, which prohibits state agencies from alienating public lands without first receiving legislative approval. These laws were a critical part of the agreement that settled OHA's 15-year lawsuit, in which we argued that the state cannot sell the crown and government lands of the Kingdom of Hawai'i that were ceded to the United States

and later transferred to the state at statehood until the Native Hawaiian people's unrelinquished claims to those "ceded lands" are resolved.

Finally, HB1981's addition of an OHA representative and an individual with a background in natural and cultural resource management and sustainable planning to the PLDC's Board of Directors would help to ensure greater balance in the PLDC's decision making.

Therefore, OHA urges the committee to PASS HB1981. Mahalo for the opportunity to testify on this important measure.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
nt: Thursday, January 26, 2012 12:16 PM
o: WLOtestimony
Cc: elle.cochran@mauicounty.us
Subject: Testimony for HB1981 on 1/27/2012 9:00:00 AM
Attachments: testimony - HB 1981.pdf

Testimony for WLO 1/27/2012 9:00:00 AM HB1981

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Councilmember Elle Cochran
Organization: Individual
E-mail: elle.cochran@mauicounty.us
Submitted on: 1/26/2012

Comments:

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

January 26, 2012

MEMO TO: The Honorable Jerry L. Chang, Chair
House Committee on Water, Land and Ocean Resources

F R O M: Elle Cochran
Council Member

Elle Cochran

SUBJECT: HEARING OF JANUARY 27, 2012 ROOM 325; TESTIMONY IN SUPPORT
OF HB1981, RELATING TO THE PUBLIC LAND DEVELOPMENT
CORPORATION

Thank you for the opportunity to testify in support of this important measure. The purposes of this measure are: (1) to add 2 new members of the board of directors of the PLDC; (2) require that the Hawaii public land optimization plan provide for the protection of cultural practices; and (3) require the PLDC to comply with certain provisions of law relating to the alienation of land and the OHA's pro rata portion of the public land trust.

The proposed amendments to Section 171C, Hawaii Revised Statutes are intended to establish clear guidelines to the Public Land Development Corporation (PLDC) for complying with the State's current policies related to the protection of Native Hawaiian traditional and customary rights, OHA's right to receive its pro rata share of public land trust revenue, and Act 176, Session Laws of Hawaii 2009, which requires legislative approval for the sale of public lands.

I strongly support the intent of this bill and respectfully urge the committee to pass HB1981.

Mahalo for the opportunity to testify on this important measure.

har2-Samantha

From: Makaala Kaaumoana [makaala@hawaiian.net]
nt: Thursday, January 26, 2012 2:17 PM
o: WLOtestimony
Subject: Testimony in support HB 1981

Aloha Chair Rep. Jerry L. Chang, Chair
And Vice Chair Rep. Sharon E. Har, Vice Chair
And committee members

The Hanalei Watershed Hui implements a community authored Watershed Action Plan in Hanalei, Kaua'i. Our kuleana includes the restoration and preservation of the natural, cultural and economic resources of the four ahupua'a of Hanalei.

We support HB 1981 as it addresses a current weakness in the ability of our constituents to participate in the PLDC.

Mahalo,
Makaala

Maka'ala Ka'aumoana
Executive Director
Hanalei Watershed Hui
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Hanalei, HI 96714
808-826-1985
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The Hanalei Watershed Hui mission is to support and protect the ecology, cultures and sustainable economies of Hanalei.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Content: Thursday, January 26, 2012 2:39 PM
Subject: WLOtestimony
Cc: makaala@hawaiian.net
Subject: Testimony for HB1981 on 1/27/2012 9:00:00 AM

Testimony for WLO 1/27/2012 9:00:00 AM HB1981

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Makaala Kaaumoana
Organization:
E-mail: makaala@hawaiian.net
Submitted on: 1/26/2012

Comments:

Hui Ho'omalulu i ka 'Āina is a taro root organization founded in the early 1980's by traditional practitioners of moku Halele'a to address threats and impacts to the natural and cultural resources of Kaua'i. Founded by farmers and fishermen, weavers and hunters, we seek to provide context for issues related to the ecology of our ahupua'a. The organization is an active advocate for those native things and ways that are disappearing. We strongly support this measure as it provides critical recognition and support of our cultural resources so desperately in need of financial support. Mahalo. makaala