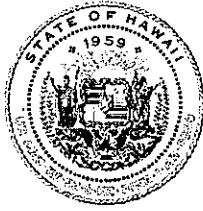


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LLOYD M. HARAGUCHI
EXECUTIVE DIRECTOR

**STATE OF HAWAII
PUBLIC LAND DEVELOPMENT CORPORATION**

POST OFFICE BOX 2359
HONOLULU, HAWAII 96804

**Testimony of
LLOYD M. HARAGUCHI
Executive Director**

**Before the House Committee on Finance
Wednesday, April 4, 2012
2:30 p.m.
State Capitol, Conference Room 308**

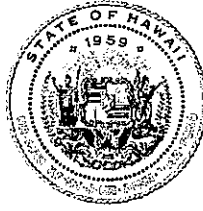
**In consideration of
SENATE BILL 2001, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO THE PUBLIC LAND TRUST.**

The Public Land Development Corporation (PLDC) opposes PART II of Senate Bill 2001, Senate Draft 1, House Draft 1, which would repeal Chapter 171C, Hawaii Revised Statutes, and thereby, PLDC. PLDC takes no position on PART I of this measure.

PLDC is in the process of promulgating administrative rules to govern agency operations, and the public land development program. There will be sufficient opportunities for public input during the rulemaking process. PLDC was created in order to make optimal use of public land for the economic, environmental, and social benefit of the people of Hawaii. PLDC's enabling statute specifically sets forth the agency's purpose as administration of an appropriate and culturally sensitive public land development process. As such, PLDC strongly opposes the language set forth in PART II- SECTION 4 of this measure.

Thank you for the opportunity to testify.

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 Committee on
FINANCE**

**Wednesday, April 4, 2012
2:30 P.M.
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 2001, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO THE PUBLIC LAND TRUST**

Senate Bill 2001, Senate Draft 1, House Draft 1 proposes to (1) PART I - amend the Hawaii State Planning Act to include promoting the development of indigenous renewable energy resources that are located on public trust land as a source of firm power and ensuring that the development of energy resources on public trust land directly benefits native Hawaiians and public beneficiaries of the trust (Section 1), adds provisions that all public land trust lands shall be held in trust and transferred to a Native Hawaiian government upon the establishment of such a government (Section 2), and there shall be consultation and public input from the Native Hawaiian community and general public when developing projects with public land trust lands (Section 3); and (2) PART II - repeals chapter 171C, HRS, relating to the Public Land Development Corporation.

The Department of Land and Natural Resources (Department) has concerns regarding Section 2 of PART I which could preclude the benefit all public land trust lands for all the people of Hawaii and opposes PART II to repeal the Public Land Development Corporation. The Department requests that this measure be restored to the Senate Bill 2001, Senate Draft 1 version.

Thank you for the opportunity to comment.

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

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 04, 2012 3:13 PM
To: FINTestimony
Cc: shannon@gcahawaii.org
Subject: Testimony for SB2001 on 4/4/2012 2:30:00 PM

Testimony for FIN 4/4/2012 2:30:00 PM SB2001

Conference room: 308
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Shannon Alivado
Organization: General Contractors Association of Hawaii
E-mail: shannon@gcahawaii.org
Submitted on: 4/4/2012

Comments:
Aloha Chair Oshiro, Vice Chair M. Lee and Members,

GCA opposes Part II, Sections 4 & 5. Act 55 (2011) was only enacted last year and the rule making process has just started and GCA supports participation in the rule making process in promulgating Chapter 171C.

Thank you,
Shannon Alivado
GCA

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 04, 2012 2:24 PM
To: FINTestimony
Cc: gqm@biahawaii.org
Subject: Testimony for SB2001 on 4/4/2012 2:30:00 PM

Testimony for FIN 4/4/2012 2:30:00 PM SB2001

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Gladys Quinto Marrone
Organization: BIA Hawaii
E-mail: gqm@biahawaii.org
Submitted on: 4/4/2012

Comments:

Good afternoon,
BIA-Hawaii limits it's opposition to only Sections 4 and 5 of Part II of this bill that would repeal Chapter 171C, HRS, the Public Lands Development Corporation. We respectfully request that these sections be deleted from the measure.

Thank you.



Date: 4/4/12
Time: 2:30
Place: Conference Room
Committees: House FIN Rm 308

Re: SB 2001 SD1 HD1 – Relating to Public Land Trust

Strong Support for SD1 Opposed to Amendments in HD1

Aloha Representatives,

The Innovations Development Group (IDG) is a Hawaii based renewable energy Development Corporation owned by Native Hawaiians. It was created to facilitate the development of renewable energy resources of native people, and in summer 2011 presented its development model to legislators of the Energy & Land Committees.

This measure promotes geothermal energy as the most reliable & affordable source of FIRM power for Hawaii, and lays a clear foundation to ensure that this source of firm power will be developed in a manner that benefits those who are the legal beneficiaries of the public trust.

30 years ago Hawaiians fought geothermal development because private sector developers brought filthy cheap technology to Hawaii and proposed development of these trust resources in a manner that was disrespectful of Hawaiian Culture and environmentally toxic. Hawaiian sued to correct these abuses & won at the Supreme Court level, establishing a precedent for the protection of Hawaiian cultural rights including the right to worship & gather.

Today, we all recognize that geothermal renewable energy resources are “minerals” under State law & as such are assets of the Public Trust. The time has come for the State of Hawaii to prioritize the development of these precious resources in order to ensure that our State can become energy self-sufficient and independent in future years. In addition, the IDG believes that Public Trust energy resources should be developed in a way that brings direct and tangible benefits to the ‘consumers’ of our State who also happen to be the beneficiaries of the public trust.

The IDG has created & employed a business model which guarantees direct benefits to the public & native Hawaiian including a fair rate to rate payers, discounted energy to small business, scholarships, and the establishment of a Community Trust. We believe that all those pursuing the development of public trust energy resources should also provide a benefit package to those who are the owners of the resource. In this time of fiscal crisis, this priority will bring badly needed revenues into the State coffers.

Amendments to SB 2001 – Comments

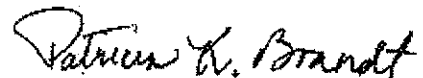
The amendments that don't make sense:

1. HAW added language saying that all public land trust lands are held in trust for the Hawaiian Nation Government, if one is ever formed. This cannot be achieved & it is not possible for the State legislature to approve such a measure because the public trust is held for the native Hawaiians and the PUBLIC. This was done at the time Statehood was conferred & has been the case since 1959.
2. HAW added language to require "consultation" and "public input" when developing public land trust lands. There is no definition of "consultation" in Hawaii law, nor is there any process for this. The current process requires a public hearing where the public & native have the legal right to testify & submit input for the record. These are legal requirements that create legal rights for Hawaiians & the public. This public hearing process is in the PLDC draft rules & also on the books for DLNR processes as well. Given this, why create another process for "consultation"... whatever that term means.
3. The third amendment seeks to repeal the PLDC. The PLDC was passed into law & signed by the governor as ACT 55 last session. The PLDC is the mechanism to develop the public land trust for the State & its Beneficiaries! The underlying purpose of SB 2001 SD1 is to facilitate and support the State's development of the public land trust, including the renewable energy resources of the trust, in order to bring revenues and other benefits like affordable firm power & electricity to the State. It makes no sense to support development of the public trust lands while we are getting rid of the vehicle we need to develop the land trust. We need the PLDC to develop our State trust assets.

The Innovations Development Group strongly supports SD1 and requests deletion of the 3 amendments inserted by HAW.

None of the amendments were requested by State or private parties testifying on this measure, they were inserted after the HAW hearing without notice to either State or private parties who have supported this measure in several hearings in both the Senate & House.

Kind Regards,



Patricia K. Brandt
CEO, IDG