



HB1064
RELATING TO CEDED LANDS
House Committee on Water & Land
House Committee on Ocean, Marine Resources, & Hawaiian Affairs

February 13, 2013

8:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) offers the following comments on HB 1064, which requires the Department of Land and Natural Resources (DLNR) to conduct an audit of all state-held lands and an inventory of ceded lands, including the trust land status of all state-held lands.

OHA continues to recognize the value of an accurate inventory of state-held lands and their public trust land status as a foundation for satisfying the state's trust obligations established by Admission Act section 5(f), Hawai'i Constitution, article XII, Chapter 10, Hawai'i Revised Statutes, Act 178, SLH (2006), and Executive Order 06-06. Current databases are useful but do not provide a complete and accurate picture. Pursuant to Act 125, Session Laws of Hawai'i 2000, the state auditor issued the report entitled *Establishment of a Public Land Trust Information System, Phase One* (March 2001), which identified potential steps to complete a comprehensive public land trust inventory.

Act 54, Session Laws of Hawaii 2011, was enacted with a similar purpose as HB1064, including "further study or review of the trust status" of public lands. After meeting with DLNR and its contractor in December 2012, it does not appear that DLNR is further studying or reviewing the trust status of public lands. Rather, at this stage, basic information is being collected from state agencies with control over public lands; it is not clear that DLNR will be verifying or researching determinations of whether or not certain parcels are ceded land or public trust land.

While OHA appreciates the intent of this bill, we respectfully request that instead of creating another, separate mandate to DLNR, that DLNR be directed to implement the intent of Act 54 and complete a meaningful, comprehensive, and accurate inventory, including support for any determinations that public land is within the public land trust or not.

Mahalo for the opportunity to testify on this important measure.

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 11, 2013 2:48 PM
To: waltestimony
Cc: Kehaulani2002@hotmail.com
Subject: *Submitted testimony for HB1064 on Feb 13, 2013 08:30AM*

HB1064

Submitted on: 2/11/2013

Testimony for WAL/OMH on Feb 13, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Clyde Eli Sr.	Individual	Support	No

Comments:

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To: waltestimony
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Subject: *Submitted testimony for HB1064 on Feb 13, 2013 08:30AM*

HB1064

Submitted on: 2/11/2013

Testimony for WAL/OMH on Feb 13, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Stacelynn Eli	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 11, 2013 8:39 AM
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HB1064

Submitted on: 2/11/2013

Testimony for WAL/OMH on Feb 13, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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TESTIMONY REGARDING

HB1064 – RELATING TO CEDED LANDS

Submitted by: Cynthia K.L. Rezendes

Committees: Water and Land AND Ocean Marine Resources & Hawaiian Affairs

Hearing Date/Time: February 13, 2013, 8:30 a.m.

Position: **Oppose**

Thank you for the opportunity to provide testimony in opposition to this measure.

It is very important for the State to understand all of the public trust lands that it has and understand which lands are ceded lands BUT this item has already been addressed in Act 54 of the Session Laws of Hawaii 2011.

As I have found, reports have been made to the Legislature on the progress that is being made to do this inventory and that a request has been made (due to unforeseen personnel issues delaying the start of the project) from DLNR to allow for the conclusion of this project until December 31, 2014 instead of December 31, 2013.

Given the fact that action is already underway and has been responded to responsibility by the agency (DLNR) it appears that this bill is counter to what is reasonable to be expected from DLNR given the circumstances already communicated.

I would encourage you to HOLD this bill or amend it to allow the final report to be delayed until December 31, 2014 as requested by DLNR.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committees on
WATER & LAND
and
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

Wednesday, February 13, 2013
8:30AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1064
RELATING TO CEDED LANDS

House Bill 1064 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 2014 session. **The Department opposes this bill.**

The Department currently maintains the State Land Inventory System (SLIMS) to assist with land management. Of the approximately 1.3 million acres of state lands managed by the Department¹, approximately 1.2 million or about 97% of state lands have been classified as ceded. This current measure would conceivably have the Department go back and reaudit each parcel of the 1.3 million acres, which would be an extremely monumental, expensive and time consuming task. According to a prior Legislative Auditor's report entitled "Establishment of a Public Land Trust Information System, Phase One," dated March 2001, the estimated costs for carrying out a similar reaudit of this nature ranged at that time between \$18.5 million and \$19.1 million. That report is almost 12 years old, so the costs today would undoubtedly be substantially higher. It just does not make economic sense to spend the State's limited resources² to audit lands that have already been classified as ceded, simply to find out they are ceded, especially when the Department religiously and timely pays to the Office of Hawaiian Affairs its fair share of 20% of the ceded land revenues.

The Department is currently in the process of developing the Public Land Trust Inventory System, pursuant to Act 54, Session Laws of Hawaii 2011. Act 54 is primarily focused on retrieving data and information on state lands that are managed by other agencies outside of the

¹ Much of these lands are set aside to other government agencies such as for schools, military purposes, airports, and harbors, and some are leased out to private entities for private or eleemosynary purposes.

² House Bill 1064 does not provide any staffing or additional funding or time to meet the requirements of this bill.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
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
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Department that had not been previously recorded on SLIMS.³ House Bill 1064, if passed, would divert the Department's limited staff and financial resources away from its focus on working and completing the Act 54 system.⁴ Accordingly, the Department respectfully asks that this measure be held.

Thank you for the opportunity to testify.

³ Section 1 of Act 54 (SLH 2011) states in part “[t]he legislature finds that the department of land and natural resources has already collected a substantial amount of information about lands that are in the public land trust. The focus of this measure is the further study or review of the trust status of those lands to which [other] state agencies hold title and the disposition of those lands [e.g., encumbered by a lease. or permit to other entities], to verify the accuracy of or make amendments to their trust status as indicated in the department’s existing database of public land trust lands.”

⁴ As noted in the Department’s annual legislative report on Act 54, the IT manager who was to handle the contracting necessary to implement Act 54 departed the Land Division in the summer of 2011. Considering the time necessary to receive approvals to refill and recruit for the position, the Department has asked for an extension to complete the Act 54 system to the 2015 legislative session.