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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 3:30 PM
To: waltestimony
Cc: hkulaiwi@yahoo.com
Subject: Submitted testimony for HB1444 on Feb 1, 2013 08:00AM
Attachments: Testimony HB1444.docx

HB1444

Submitted on: 1/31/2013

Testimony for WAL/OMH on Feb 1, 2013 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Chang	Individual	Oppose	No

Comments:

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January 31, 2013

To: Honorable Representative Cindy Evans, Chair, and Members of the House Water and Land Committee

From: Deborah Chang

Subject: Opposition to HB 1444 "Relating to Hawaiian Home Lands"

HB 1444 proposes to enable the Dept. of Hawaiian Home Lands (DHHL) to obtain jurisdiction over submerged lands that are contiguous with lands already under DHHL's jurisdiction, thereby extending DHHL's control and authority over near-shore lands and water presently considered public lands. Once designated as "available" to DHHL, these lands will no longer be public lands, per §171-2(1), HRS. This will enable DHHL to deny the public's right of access within the beach transit corridor and possibly exclude the public from near-shore waters in those DHHL controlled areas.

DHHL has made it clear that public access is unwelcome and not in the interests of their beneficiaries in the lands presently under their control. This practice has resulted in closures of formerly open public accesses and a refusal to consider any controlled or managed public access arrangements. While HB 1444 seeks to honor and perpetuate Native Hawaiian rights and traditional customs and values, this should not be at the expense of the public's rights and ability to access the mountains and ocean using public lands.

In summary, I am opposed to taking any submerged lands out of public land status and giving them to the control of DHHL without ensuring that the public will continue to be able to traverse the beach access corridor as provided in Chapter 115, HRS.

Mahalo for your consideration of my mana`o.

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**

**Friday, February 1, 2013
8:00AM
State Capitol, Room 325**

**In consideration of
HOUSE BILL 1444
RELATING TO HAWAIIAN HOME LANDS**

House Bill 1444 proposes to amend the definition of available lands as defined in section 203 of the Hawaiian Homes Commission Act to include submerged lands contiguous to Hawaiian Home Lands. The Department of Land and Natural Resources (Department) opposes this measure.

This measure would result in the transfer of all submerged lands contiguous to Hawaiian Home Lands currently under the Department's management to the Department of Hawaiian Home Lands ("DHHL"). The Department has a fiduciary duty to maintain the public trust resources in the State's submerged lands. As a result, a number of the Department's divisions are tasked with the management and regulatory oversight of submerged lands, including Land Division, the Office of Conservation and Coastal Lands, the Division of Boating and Ocean Recreation, and the Division of Aquatic Resources. Transfer of the submerged lands to DHHL would hinder the protection of natural resources as DHHL lacks the necessary expertise possessed by the Department in order to carry out this mission. Furthermore, separating management of the State's submerged lands between the Department and DHHL would result in jurisdictional confusion, resulting in a negative impact on management, regulatory and enforcement actions. The Department respectfully requests that DHHL work with the Department and the Board of Land and Natural Resources to effectuate the purposes 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
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS