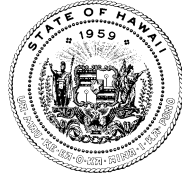


DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS &
COMMITTEE ON WATER AND LAND
IN SUPPORT OF

SB 483, RELATING TO FORESTRY

February 9, 2015

Chair Shimabukuro, Chair Thielen, and Members of the Committees:

The Department of Hawaiian Home Lands (DHHL) supports the intent of this bill that allows the Department enter into public-private partnerships to use Hawaiian home lands for forestry of koa or other native trees to generate revenue for the Hawaiian home lands trust fund.

The Department appreciates the author's objective of generating revenue to support the Department's programs and beneficiaries, we believe we already have the authority to carry out the intent of this legislation. In 2009, the Hawaiian Homes Commission adopted the Aina Mauna Legacy Program for the purpose of protecting 56,000-acres of native Hawaiian forest on Mauna Kea that is ecologically, culturally, and economically self-sustaining for the trust, its beneficiaries, and the community. This premise of this program is the same as the objective of this bill. Again, while we appreciate the intent, we feel the legislation is not necessary.

Thank you for your consideration of our testimony.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the Senate Committees on
HAWAIIAN AFFAIRS
and
WATER AND LAND**

**Monday, February 9, 2015
2:50 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 483
RELATING TO FORESTRY**

Senate Bill 483 proposes that the Department of Hawaiian Home Lands set aside Hawaiian Home Lands for native tree “forestry”, and enter into public-private partnerships to develop plans in support of this effort. **The Department of Land and Natural Resources (Department) supports the intent of this bill, but provides these significant comments.**

The establishment of native forests can serve many purposes including the harvest of native trees, which is explicitly described in the Department of Hawaiian Home Lands’ “Aina Mauna Legacy Program”.

The Department supports this concept but feels it is not appropriate within Chapter 183, Part II, Hawaii Revised Statutes, because those lands are designated as Forest Reserves and fall under the jurisdiction of the Board of Land and Natural Resources.

The Department provides these comments because it feels that the Department of Hawaiian Home Lands is best suited to decide where tree harvest activities should take place on lands under their jurisdiction.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING 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 in **OPPOSITION** to SB 483
Council for Native Hawaiian Advancement

Aloha Chairwomen Thielen and Shimabukuro and members of the committees. My name is Michelle Kauhane, President and CEO at the Council for Native Hawaiian Advancement (CNHA). I thank you for the opportunity to provide testimony on SB 483.

CNHA **opposes** SB 483, which provides the State Department of Hawaiian Home Lands (DHHL) the opportunity to utilize Hawaiian homelands for the forestry of koa or native trees. The bill allows DHHL to enter into public-private partnerships to implement a forestry plan and requires the proceeds from the forestry plan to be deposited into the Hawaiian homelands trust fund. CNHA opposes this bill specifically because the proposed use of lands is not a purpose of the Hawaiian Homes Commission Act (HHCA). In addition, mercantile and commercial activities on Hawaiian homelands are for beneficiaries to do, not the state.

The HHCA began as a resolution in the territorial government in Hawaii, and was championed by the territory's congressional representative, Prince Jonah Kuhio Kalaniana'ole. Similar to other land allotment acts of that era for Alaska Natives and American Indians, the HHCA established a land trust of approximately 200,000 acres of land located in every county in the state, to provide for the rehabilitation of native Hawaiians through the provision of land for residential, agricultural and pastoral homesteading. In addition, the act provides a preference for native Hawaiians to access lands for mercantile licenses in support of native Hawaiian businesses.

Hawaii entered the Union in 1959, during a period when federal responsibilities towards indigenous peoples were often delegated to the States. Consistent with that policy, the HHCA was incorporated into Public Law 86-3, the Hawaii State Admissions Act in 1959. DHHL was established by the State of Hawaii in 1961 to manage the federal responsibilities delegated to the State, associated with administering the HHCA.

It is time for the State Legislature to embrace its role as a trustee to beneficiaries of the HHCA to ensure that trust lands are being distributed and utilized as articulated in the Act. Over the last 94 years, more lands have been distributed from our land trust for non-homesteading purposes over homesteading purposes. To date, approximately 40,000 acres of land are leased for homesteading purposes while more than 60,000 acres of land are being leased to the general public for non-homesteading purposes. SB 483 is inconsistent with the purposes of the HHCA and would further contribute to the distribution of lands for non-homesteading purposes.

Many will argue that SB 483 is necessary to support DHHL in raising revenue to take native Hawaiians off the waitlist and place them on the land. In theory that may be the case, but in reality, the Nelson lawsuit proved otherwise. DHHL must stop the practice of leasing Hawaiian homelands for non-homesteading purposes, hiding behind the excuse

that such leasing will help put more native Hawaiians on the land. In reality, non-homestead leases that have generated revenues over the years go directly to cover the administrative and operational costs of DHHL. That is the responsibility of the State in accordance with the Hawaii State Constitution.

Finally, CNHA would like to remind the committees that while the State of Hawaii has the authority to amend the HHCA, Section 4 of the Admissions Act requires the consent of the United States to amendments which reduce or impair certain funds, increase encumbrances on the Hawaiian Homes land trust, or change the qualification of lessees. SB 483 would increase encumbrances on the Hawaiian Home lands trust and therefore, such an action would require federal consent.

Mahalo again for the opportunity to testify in opposition to SB 483.

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: blossom96708@yahoo.com
Subject: Submitted testimony for SB483 on Feb 9, 2015 14:50PM
Date: Sunday, February 08, 2015 4:03:09 PM

SB483

Submitted on: 2/8/2015

Testimony for HWN/WTL on Feb 9, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Blossom Feiteira	advocacy organization	Oppose	Yes

Comments: Aloha Chairpersons, Mahalo for the opportunity to submit this testimony in opposition to SB 483. My name is Blossom Feiteira, President of the Association of Hawaiians for Homestead Lands. We are opposed to SB 483 for the following reasons. First, it seems redundant for DHHL to support this amendment. Under 183c-4(e), there is outlined a clear process to remove any land or portions of land from conservation. Second, the bill allows for the DHHL to partner with private/public entities for the management, harvesting and sale of koa and other native trees, with revenue deposited into the HHL trust account. We would ask that the language be amended starting from line 9 to: "provided that the department shall first negotiate with beneficiaries or beneficiary organizations as mandated by Sec 204(2) of the HHCA as amended.". In addition, further amendments include the following:"...HHI trust funds, provided that 15% of all revenue derived shall be deposited into the Native Hawaiian Revolving Fund (NHRF) for the benefit of beneficiaries as outlined in the HHCA." Mahalo for this opportunity to speak to this issue.

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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: kamakane73@gmail.com
Subject: Submitted testimony for SB483 on Feb 9, 2015 14:50PM
Date: Monday, February 09, 2015 9:41:07 AM

SB483

Submitted on: 2/9/2015

Testimony for HWN/WTL on Feb 9, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Oppose	No

Comments: Aloha Chair Shimabukuro, Chair Thielen, Vice Chair Galuteria, members of the Senate Committee on Hawaiian Affairs and members of the Senate Committee on Water and Land, My name is Kama Hopkins and I write in friendly opposition to SB 483. To my knowledge as a former Hawaiian Homes Commissioner, the Hawaiian Homes Commission already has the authority to do this. This is not necessary. I do understand and appreciate the legislature's intent to assist the Hawaiian Homes Commission and the Department of Hawaiian Home Lands in providing opportunities to create additional revenue streams in order to assist the commission and the department in accomplishing its mandates as set forth in the Hawaiian Homes Commission Act (HHCA), as amended. However, to my knowledge, this opportunity already exists under the HHCA. Mahalo for the opportunity to testify.

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Cc: pennysfh@hawaii.rr.com
Subject: Submitted testimony for SB483 on Feb 9, 2015 14:50PM
Date: Wednesday, February 04, 2015 4:09:18 PM

SB483

Submitted on: 2/4/2015

Testimony for HWN/WTL on Feb 9, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
penny levin	Individual	Support	No

Comments: It is encouraging to see this direction for DHHL and I support this bill. Some of DHHL's lands, particularly on Maui, are not necessarily appropriate for the type of forestry which includes tree harvesting, but are best suited to a type of forestry which rehabilitates a permanent native tree cover as opposed to the development of homes. This is particularly true where riparian areas and gulches occasionally carry dangerous flash flood waters and represent a high risk for house lot development. The re-establishment of native tree cover in such areas increases site stability and significantly decreases liabilities for the agency while at the same time serving as watershed improvement and aquifer enhancement measures. I hope that this bill allows for both types of forestry. Koa is an excellent nursery tree for other native species that make up a native forest complex. The establishment of native tree forests, whether managed for timber and other products, or managed for watershed and fog drip recovery, should also take into consideration the historic forest species makeup of each proposed site. An attention to this diversity becomes "Hawaiian housing" for our native bird and insect species as well, which in turn, become teaching grounds for our next generation of land managers. Mahalo.

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To: [HWNTestimony](#)
Cc: voggymtn@yahoo.com
Subject: *Submitted testimony for SB483 on Feb 9, 2015 14:50PM*
Date: Saturday, February 07, 2015 11:56:18 PM

SB483

Submitted on: 2/7/2015

Testimony for HWN/WTL on Feb 9, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Willie-Joe Camara	Individual	Oppose	No

Comments:

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