

February 16, 2021

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Rep. Mark M. Nakashima, Chair Rep. Scot Z. Matayoshi, Vice Chair

HB 1344 - RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

Removes acreage restrictions on leases of Hawaiian home lands for agricultural purposes. Provides that the priority of availability of the foregoing leases shall be subject to the availability of suitable tracts of land to native Hawaiians. Specifies that the foregoing leases may be for either for-profit or non-profit purposes.

Aloha Chair Nakashima and Vice Chair Matayoshi, and members of this committee,

My name is Homelani Schaedel, a beneficiary residing in Malu'ōhai homestead, a homestead leader in Kapolei, and an advocate for the Hawaiian Homes Commission Act (HHCA).

Amendment to Section 207 of the Hawaii Hawaiian Homes Commission Act (HHCA) requires the consent of Congress. In relation to the changes in this bill, the last two Acts approved by Congress was:

. Act 90 on June 2, 1981 Amended Section 207 (a) to include aquaculture as a permitted use of leased Hawaiian Home Lands.

. Act 69 on May 4, 1985 Amended Section 207 (a) to adjust minimum acreage restrictions of agricultural, aquaculture, or pastoral lots; “not less than one nor more than forty acres” to “not more than forty acres”.

If the intent of this bill is to increase acreage for commercial agricultural purposes; DHHL's General Plan provide agricultural and pastoral commercial leasing options for beneficiaries, without having to amend Section 207 (a).

I'm not sure why the author of this bill is including “regardless of whether those purposes are for profit or non-profit”. The HHCA and Title 10 Administrative Rules do not restrict commercial production on agricultural lands.

Award of an agricultural lease require lessees to cultivate two thirds of their awarded acreage at all times. An agricultural lease of the maximum forty (40) acres, require 26 acres of continuous cultivation.

Overtime, applicants on the agricultural Waitlist statewide voiced concerns of agricultural lessees not farming their land, while they were aging and still waiting for their award. Others voiced their desire to have a smaller manageable lot that could sustain their ohana.

To address beneficiary concerns and the agricultural Waitlist, the Department of Hawaiian Home Lands (DHHL) conducted ten (10) statewide Beneficiary Consultation on Subsistence Agricultural Lots from October thru December 2015. This report is on DHHL’s website.

During the course of the consultation process, there were 804 comments. One commenter shared...“Subsistence Lots returns us to the initial intent of Prince Kuhio and the distribution of original homestead lands for our people to sustain themselves through farming and raising livestock. While available trust lands limits this opportunity for some who wish to reside on O’ahu, I support this viable option for those who can realize self-sufficiency on the other islands where land is available.

Agriculture awards are not just about the land, it must include water for cultivation, infrastructure, technical assistance, and financial support for beneficiaries to be successful.

19,095 agriculture applicants on the Waitlist @ 40 acres each require 763,800 acres of land, more than triple the amount of total lands available under the HHCA.

Agricultural Leases and Applicants as of November 30, 2020

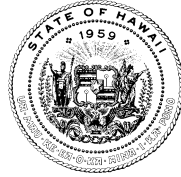
Island	Leases	Applicants
O’ahu	60	3,816
Maui	65	4,670
Hawai’i	505	7,273
Kaua’i	46	2,238
Moloka’i	418	1,098
Total	1,094	19,095

For the reasons mentioned above, I respectfully request your committee defer this bill.

Mahalo for your consideration and the opportunity to share my mana’o.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

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

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TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
HEARING ON FEBRUARY 16, 2021 AT 2:00PM VIA VIDEOCONFERENCE

HB 1344, HD1 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

February 16, 2021

Aloha Chair Nakashima, Vice Chair Matayoshi, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill that removes acreage restrictions on leases of Hawaiian home lands for agricultural purposes; provides that the priority of availability of the foregoing leases shall be subject to the availability of suitable tracts of land to native Hawaiians; and specifies that the foregoing leases may be for for-profit or non-profit purposes.

The Hawaiian Homes Commission Act (HHCA) as originally enacted by Congress authorized the Hawaiian Homes Commission to lease not less than twenty nor more than eighty acres of agricultural lands. The HHCA currently authorizes DHHL to lease no more than forty acres of agricultural lands. Removing acreage restrictions on leases of Hawaiian home lands for agricultural purposes should keep in mind that over 19,000 applicants are on the waitlist for an agriculture lease as of December 31, 2020 – 3,817 on Oahu; 4,666 on Maui; 7,269 on Hawaii Island; 2,235 on Kauai; and 1,097 on Molokai. While DHHL appreciates the inclusion of language in the House Draft 1 of the bill clarifying that the availability of agricultural land leases for agricultural purposes shall depend on the priority of availability of suitable tracts of land to native Hawaiians, removing the acreage restriction could have far reaching implications given the large number of applicants in contrast with the lands available for agriculture purposes.

Thank you for your consideration of our testimony.