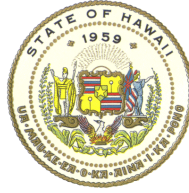
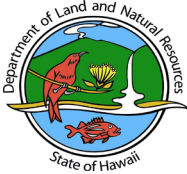


DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
FINANCE**

**Thursday, February 25, 2021
11:00 AM**

State Capitol, Via Videoconference, Conference Room 308

**In consideration of
HOUSE BILL 499, HOUSE DRAFT 2
RELATING TO LEASE EXTENSIONS ON PUBLIC LAND**

House Bill 499, House Draft 2 proposes to authorize the Board of Land and Natural Resources (Board) to extend leases of public lands for commercial, industrial, resort, or government use upon approval of a proposed development agreement to make substantial improvements to the existing improvements. House Draft 2 of the measure prohibits the assignment of leases to sublessees and makes non-substantive amendments for the purposes of clarity, consistency, and style. **The Department of Land and Natural Resources (Department) supports the measure and proposes a friendly amendment.**

Houses Bill 499, House Draft 2 proposes to authorize the Board, on a statewide basis, to extend commercial, industrial, resort, mixed-use, or government leases that have not been sold or assigned within 10 years prior to receipt of an application for a lease extension under the measure, when the lessee commits to substantial improvement to the existing improvements, provided that lease extensions cannot exceed 40 years, and additionally, the lessee cannot transfer or sell the lease during the first 10 years of the extension period, except by devise, bequest, or intestate succession. The bill is intended to support long-term tenants wishing to continue their businesses past the 65-year maximum lease term allowed under current law.

One of the arguments the Department has heard against restrictions on assignment is that lessees need to be able to mortgage their leasehold interests in the land. House Bill 499, House Draft 2 expressly exempts collateral assignment of a lease or other security granted to a leasehold mortgagee in connection with leasehold financing by the lessee from restrictions on assignment. House Bill 499, House Draft 2 would also not prohibit "true" subleases, which the Department views as those in which the lessee/sublessor retains either a portion of the lease premises for its own use or reserves a portion of the lease term after the sublease ends for its own use. In contrast, a transaction styled as a sublease but which in effect is an assignment of all of the lessee's interest in the lease would not be allowed under the bill within the first 10 years of the

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

extension period. The Department additionally notes that assignments and subleasing are governed by two separate subsections of Section 171-36, Hawaii Revised Statutes (HRS): Section 171-36(a)(5), HRS, for assignments, and Section 171-36(a)(6), HRS, for subleasing. The Department believes House Bill 499, House Draft 2 is not intended to affect subleasing under Section 171-36(a)(6), HRS.

House Draft 2 of the measure includes a prohibition against an assignment of lease to a sublessee. Although an assignment to a sublessee would not be permitted within the first 10 years of an extension approved under House Draft 1 of the measure, House Draft 2 seems to prohibit an assignment to a sublessee at any point during the extended lease term. In the Department's experience, lessees do occasionally assign leases to their sublessees with prior approval of the Board. The Department would not object if sublessees were allowed to acquire the lease after the first 10 years of the extended lease term, and therefore recommends the deletion of SECTION 2, §171-___(e) on page 5, lines 4-5 of the bill.

As noted above, House Bill 499, House Draft 2 acknowledges the commitment of long-term lessees to locating their business on state lease lands and to ensure that such lessees could continue to operate those businesses for the duration of the extension period authorized under the measure. The Department believes that retaining long-term lessees in good standing is in the best interests of the State and therefore supports the bill with the amendment suggested above.

Thank you for the opportunity to comment on this measure.



HB499 HD2
RELATING TO LEASE EXTENSIONS ON PUBLIC LAND
Ke Kōmike Hale o ka ‘Oihana ‘Imi Kālā

Pepeluali 25, 2021

11:00 a.m.

Lumi 308

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB499 HD2, which would authorize century-long leases that bind the hands of the Board of Land and Natural Resources (BLNR) from fulfilling its fiduciary obligations of due diligence and undivided loyalty, in maximizing the beneficial disposition of lands leased for commercial, industrial, resort, mixed-use, and governmental purposes **throughout the entire state**. OHA notes that it also opposes nearly identical bills SB1167 and SB257 this year, and likewise opposed nearly identical bills last year and in 2019 for these same reasons, as described further below. **Should the Committee choose to move this measure forward, OHA does offer amendments below that would mitigate our concerns and opposition.**

- 1. Act 149’s “pilot project” has not been completed or evaluated; allowing forty-year lease extensions for any and all commercial, industrial, resort, mixed-use, and government leases of public lands across the state may be premature.**

As a preliminary matter, OHA notes that the legislation this measure is purportedly based on, Act 149, was enacted in 2018 as a “pilot project” to determine whether public land lease extensions in the dilapidated “Hilo community economic district” can “facilitate efficient and effective improvement, and economic opportunity,” and whether such an approach “can be replicated in other areas of the State.”

However, rather than wait for the pilot program to conclude, this measure would summarily expand much broader lease extension authorities for **any and all commercial, industrial, resort, mixed-use, and government leases of public lands throughout the entire state**. Such an expansion appears premature given Act 149’s acknowledged need to first assess whether any redevelopment benefits from its lease extension provisions “can be replicated in other areas of the State.” Indeed, there are several considerations that may need to be assessed from Act 149’s pilot project, including but not limited to:

- Whether redevelopment occurs in a timely manner as a result of its lease extension authorities;
- Whether the cost-benefits to the State and the public, including opportunity costs, foreclosed revenue increases from real estate market changes, and foregone equity in existing and new improvements that would otherwise revert to the State justify the long-term placement of public lands under private control;
- Whether 40-year extensions of lease terms and fixed rental periods are necessary to obtain redevelopment financing;

- Whether specific conditions, contingencies, safeguards, or other considerations should be considered in the development of extension terms and conditions; and
- Whether any replication of its lease extension authority should be limited to certain leases or circumstances.

Accordingly, OHA strongly recommends that the Committee allow for an appropriate assessment of the potential unintended consequences, cost-benefits, and other lessons from Act 149, before expanding much broader lease extension authorities to all other commercial, industrial, resort, mixed-use, and government public land leases throughout the islands.

2. This measure may authorize leases that violate the State’s fiduciary obligations under the public trust and public land trust, and lead to the alienation of public and “ceded” lands.

Under Article 11, section 1 of the Hawai‘i State Constitution and Chapter 171, Hawai‘i Revised Statutes (HRS), the State through the BLNR holds in trust approximately 1.3 million acres of public lands, including the natural and cultural resources they contain, for the benefit of present and future generations. Much of these lands are also subject to the Public Land Trust created by Article 12 of the Hawai‘i State Constitution and section 5(f) of the Admission Act, which requires that a portion of revenues derived from Public Land Trust lands be dedicated to OHA, for the purpose of bettering the conditions of Native Hawaiians. The trust status of these lands imposes upon the BLNR specific fiduciary obligations of due diligence and undivided loyalty in ensuring its trust corpus is productive and that its benefits are maximized for Native Hawaiian and public beneficiaries. **By authorizing the extension of commercial, industrial, resort, mixed-use, and government public land leases – many of which may already have been held by their respective lessees for the better part of a century – for up to 40 years, this bill may invite century-long leases that substantially inhibit the BLNR from fulfilling its fiduciary obligations, and otherwise ensuring the best and most appropriate uses of lands subject to the public trust and public land trust.**

For example, this measure could allow public land leases first issued for 55 years, and subsequently extended another 10 years, to be again extended for an additional 40 years, with fixed rental periods for the same amount of time. **This could result in the use of public lands by private entities for 105 years, without any rent reopening for over a generation,** so long as the BLNR agrees to lessees’ proposals to make “substantial improvements to the existing improvements or constructing new substantial improvements.” **Notably, the lack of an aggregate lease length cap as well as any prohibition on additional lease extensions could allow lease terms and fixed rent periods to be repeatedly extended, for an indefinite length of time, further drawing into question the ability of future generations to ensure the appropriate disposition of public lands – something that even Act 149 does not allow.** The fact that commercial, industrial, resort, and mixed-use lands may have the highest revenue potential of the State’s land inventories only further exacerbates the concerns underlying this measure’s lease extension provisions.

In addition to tying the State’s and future generations’ hands in ensuring the appropriate use of and realization of revenues from public trust and Public Land Trust lands, the excessively

long-term leases that would be authorized under this measure may lead to a sense of entitlement among lessees that can result (and has resulted) in the alienation of public lands, including “ceded” lands to which Native Hawaiians have never relinquished their claims.

OHA objects to the sale or alienation of “ceded” lands except in limited circumstances and therefore has significant concerns over any proposal that may facilitate the diminution of the “ceded” lands corpus.

Accordingly, OHA urges the Committee to decline to adopt the **unlimited** and relatively unconditioned **40-year lease term and fixed rent period extensions** that would be authorized for public lands, including public land trust and “ceded” lands, leased for commercial, industrial, resort, mixed-use and government purposes.

3. Under this measure, lease extensions would be authorized for a much broader range of justifications than even Act 149 contemplates.

Finally, OHA notes that the Act 149 pilot program explicitly and specifically requires any extension of lease terms or fixed rent periods to be only “to the extent necessary to qualify the lease for mortgage lending or guaranty purposes,” and “based on the economic life of the substantial improvements as determined by the [BLNR] or an independent appraiser.” In contrast, this measure would in fact broadly allow for lease extensions “in order [for the lessee] to make substantial improvements,” “based upon the substantial improvements to be made.” While such language would provide substantially more flexibility than Act 149 in granting lease term length and fixed rent period extensions, it would also allow for extensions in situations where the State’s interest in the redevelopment of leased parcels are not commensurate with the benefits such extensions would grant to a private entity. **Under this measure, a lessee may apply for and receive extensions that exceed the time necessary to secure redevelopment financing, and that exceed their improvements’ useful life.** Accordingly, this measure does not just expand the geographic scope of Act 149’s extension authority and remove Act 149’s limitations on total aggregate lease lengths, but would further authorize extensions to be based on a broader range of justifications that, due to political pressure or other reasons, may undermine the State’s and public’s interests in the development and disposition of its lands for generations at a time.

4. Critical amendments are necessary to minimally uphold the State’s fiduciary obligations and the interests of Native Hawaiians and the public in the disposition of public lands under this measure.

In light of the above concerns, should the Committee nevertheless choose to move this measure forward, OHA strongly urges the inclusion of amendments to uphold the BLNR’s fiduciary obligations under the public trust and public land trust, and to provide concrete safeguards to protect the interests of the State, Native Hawaiians, and the general public in our islands’ limited land base. Such amendments should minimally include:

- An effective date that coincides with the end date of the “pilot project” established under Act 149 (June 30, 2026), and a sunset date to limit the provisions of the bill to the length of time currently contemplated:

- By amending page 6, line 16, to read as follows:
 - "SECTION 4. This Act, upon its approval, shall take effect on July 1, 2026; provided that this Act shall be repealed on June 30, 2031."
- A limitation on the maximum aggregate fixed rent period and lease term for a lease to be **no more than 20 years** beyond the original fixed rent period and/or lease term, which should be sufficient for financing purposes and which would reduce the potential for foreclosing future substantial revenue generating opportunities:
 - By amending page 4, lines 10-12, to read as follows:

"(d) Any extension of a lease pursuant to this section shall be based upon the economic life of the substantial improvements to be made as determined by the board or an independent appraiser and shall not extend the fixed rental period of the original lease by more than twenty years. No lease"
- Conditions similar to those in Act 149, including but not limited to, explicitly limiting any lease extensions to the length of time necessary for mortgage lending or financing of specified improvements, prohibiting lease extensions that exceed a percentage of the useful life of any improvements to be made, and requiring all proceeds from any financing or loan obtained as a result of an extension to be used specifically for proposed improvements:
 - By amending page 3, line 5, to read as follows:

" leasehold financing by a lessee. Extension or modification of any provisions of the lease shall be made to the extent necessary to qualify the lease for mortgage lending or guaranty purposes with any federal mortgage lending agency; to qualify the lessee for any state or private lending institution loan, private loan guaranteed by the state, or any loan in which the state and any private lender participates; or to amortize the cost of substantial improvements. Any extension of the fixed rental period or term of the lease shall be based on the economic life of the substantial improvements as determined by the board or an independent appraiser; provided that the approval

of any extension shall be subject to the following:

- (1) The demised premises have been used substantially for the purpose for which they were originally leased;
- (2) The length of any extension granted for the fixed rental period of the lease shall not extend the fixed rental period of the original lease by more than twenty years;
- (3) The length of any extension granted for the term of the lease shall not extend the original lease by more than twenty years;
- (4) If a reopening occurs, the rental for any ensuing period shall be the fair market rental as determined under section 171-17(d) at the time of reopening;
- (5) Any federal or private lending institution shall be qualified to do business in the state;
- (6) Proceeds of any mortgage or loan shall be used solely for the operations or substantial improvements on the demised premises;
- (7) Where substantial improvements are financed by the lessee, the lessee shall submit receipts of expenditures within a time period specified by the board, otherwise the lease extension shall be canceled; and
- (8) The rules of the board, setting forth any additional terms and conditions, which shall ensure and promote the purposes of the demised lands."

- Explicit extension provisions providing for improvements to either revert to the State at the end of the lease term, or be removed by the lessee at the lessee's expense, at the election of the State;
 - By amending page 5, line 3, to read as follows:

"approval by the board. Any extended lease shall include conditions explicitly stating that improvements on the land shall revert to the State or be removed by the lessee at the end of the lease term, at the election of the State."
- To ensure that the general public has a meaningful opportunity to review and comment on the long-term encumbrance of public lands, ensure that lease

extension applications and proposals are publicly noticed for no less than one month prior to the submission of plans and specifications to the BLNR;

- o By amending page 2, line 12, to read as follows:

“section 171-36, and subject to subsection (h),
for leases that have not been assigned or”

- o By adding a new subsection (h) on page 6, after line 14, to read as follows:

“(h) The department shall provide no less than thirty days notice of a lease extension application prior to the presentation of the extension applicant’s plans and specifications to the board as described in subsection (b), by posting on the lieutenant governor’s website, in a newspaper of statewide circulation, and in a county newspaper of the county in which the leased lands are located. The notice shall also be mailed or electronically delivered to all persons who have made a timely written request of the department for notice of lease extension applications. The public notice shall include information on the lease extension application, including the identity of the lessee and the location and description of the leased property, and shall include information regarding how a copy of the current lease and any plans and specifications to be presented to the board can be obtained or inspected. The public notice shall also describe where and how public comment may be submitted on the lease extension application, including expressions of interest in a public auction for the lease at the end of the current lease term or if the lease were to be terminated prior to the end of the lease term. All public comment received one week prior to the board presentation shall be collected and submitted to the board concurrently with its consideration of the applicant’s plans and specifications.”

Therefore, OHA urges the Committee to **HOLD** HB499 HD2, or minimally include amendments as listed above. Mahalo nui for the opportunity to testify on this measure.

Kūpuna for the Mo'opuna
committed to the well-being of Hawai'i for the next generations to come
kupuna4moopuna@gmail.com



STOP LEGAL THIEVERY!

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Date: Thursday, February 25, 2021

Rep. Ty J.K. Cullen, Vice Chair

Time: 11:00 a. m.

Testimony of Kūpuna for the Mo'opuna

HB 499 HD 2 - LEASE EXTENSIONS ON PUBLIC LAND. **STRONG OPPOSITION**

HB 499 HD 2 inhibits the State from fulfilling its fiduciary obligations in the disposition of public lands. Before voting on this measure, **we urge you to watch the video "PUBLIC LAND TRUST: JUSTICE DELAYED IS JUSTICE DENIED" to know what you are voting on.** (Click on link to Public Land Trust video produced by Kamakako'i.)

<https://www.kamakakoi.com/plt>



Now that you KNOW, vote NO to HB 499 HD 2.

Ua mau ke ea o ka 'āina i ka pono!

Prince Kuhio Plaza

February 25, 2021

Hearing Date: February 25, 2021

Time: 11:00AM

Place: Via Videoconference

Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair
State Capitol
Committee on Finance
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Testimony in Support of House Bill No. 499 HD2 Relating to Lease Extensions on Public Land

Aloha Chair Luke, Vice Chair Cullen, and Committee Members:

Thank you for the opportunity to provide written testimony on House Bill No. 499 HD2. The intent of the Bill is to authorize the Board of Land and Natural Resources to extend commercial, industrial, resort, or governmental leases, other than those to which the University of Hawaii is a party, for lessees who commit to making substantial improvements on existing facilities. I am the General Manager of Prince Kuhio Plaza (“PKP” or “Shopping Center”), the largest indoor shopping center on the island of Hawaii.

By way of background, PKP was previously owned by GGP, Inc. (“GGP”). In August 2018, GGP was acquired by Brookfield Properties, an affiliate of Brookfield Asset Management. Brookfield Properties’ retail group has an extensive portfolio of regional shopping center properties encompassing over 170 locations across 43 U.S. states, including GGP’s former portfolio. We assure premier quality and optimal outcomes for our tenants, business partners and the communities in which we do business.

Brookfield Properties has carried forward GGP’s legacy of being an integral part of the economic fabric of Hawaii for more than 30 years (since 1987), through good and bad times – owning, operating and reinvesting in our Hawaii real estate assets as part of a long-term commitment that provides economic stability, growth, and jobs through all economic cycles. We own and operate three major shopping centers in Hawaii – PKP in Hilo, Whalers Village in Lahaina, and Ala Moana Center in Honolulu.

Home to more than 60 stores, restaurants and entertainment options, PKP is the primary shopping, dining and gathering place for Kama’aina and visitors on the island of Hawaii. Prior to the Covid-19 pandemic, PKP hosted over 50 community events a year and provides premium event space for local Kupuna groups passing on their knowledge of music and dance, artisan craft fairs, and the celebration of other local traditions, including but not limited to: monthly performances by Hilo and Pahoia Kupuna groups, school performances, performances by the Armed Forces band, performances by local artists such as Ben Kaili,

PRINCE KUHIO PLAZA

111 E. Puainako Street Hilo, Hawaii 96720

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Bruddah Walter, and Komakakino, Chinese New Year celebration events, the Arthritis Foundation's Walk for the Cure event, and Mother's Day craft fairs. PKP is a favorite host location for the Merrie Monarch Craft Fair, one of the biggest events in Hilo, because the Mall is indoors, air conditioned, centrally located, and has the capacity to cater to thousands of customers each day. The Merrie Monarch Craft Fair involves approximately 45+ unique, local vendors and crafters from all the islands, including Manaola, Hawaii's Finest, Missing Polynesia and Nahe Wahine. We are committed to hosting enriching experiences for people of all ages and creating a warm and welcoming environment that celebrates the community and its rich history. We look forward to continuing to host these revered community events once the pandemic has subsided.

In recent years, Brookfield Properties also invested substantial resources in redeveloping PKP to maintain its status as a premier shopping center and community gathering place. We invested nearly \$18 million of capital into property improvements including the 2016 renovation and new construction to replace the former Hilo Hattie's and Sports Authority spaces to make way for new retailers such as Verizon Wireless, Spectrum, Daiichi Ramen and Genki Sushi, TJ Maxx and Petco. We are also in conversations with prospective tenants that will further job creation and investment in Hilo. We are constantly reinvesting in our properties to enhance the customer experience and to ensure that our properties evolve to meet the needs of our tenants and the community.

Over the past year, Brookfield Properties has implemented (and continues to implement) health and sanitation enhancements and protocols at each of our properties, including PKP, to provide a healthy and safe environment for our employees and tenants to work and the larger community to visit. And, despite the pandemic, we invested at PKP over \$2 million in tenant allowances for construction while also providing significant rent relief to help our tenants stay in business throughout the pandemic.

The future of PKP and the commitment we've made to our tenants, business partners and the community is of the utmost importance to Brookfield Properties. While we intend to pursue further renovations of PKP, these renovation plans could be jeopardized if the term of our existing ground lease is not extended. We cannot justify significant capital investments to PKP without the assurance that our leasehold interest will continue for the long-term. In addition, our existing financing matures in July of 2023 and it will be extremely difficult for us to refinance our interest in PKP without an extension of our ground lease.

The Shopping Center's future depends on our ability to secure an extension of our ground lease so that we can not only refinance PKP, but also develop more definitive plans to invest in capital improvements that will ensure the long-term viability and success of PKP. As we look forward to the next 30 years, our hope is to remain a vital member of the Hilo community.

For the foregoing reasons, we strongly support House Bill No. 499 HD2. Thank you for your consideration.

Sincerely,

PRINCE KUHIO PLAZA

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Daniel Kea
General Manager

From: Pua Case/E. Kalani Flores, representing Flores-Case 'Ohana

Submitted on: February 24, 2021

****OPPOSED to HB 499 HD2****

RE: Relating to Lease Extensions on Public Lands

Submitted to: House FIN Committee

Aloha e Chair and Members of the Committee,

HB 499 HD2 should be TERMINATED

Our legislators have the statutory and high fiduciary duty and obligation to protect the public lands trust and interests, resources, and rights of the public, beneficiaries, and Native Hawaiians. This is clearly a special interest bill that isn't intended for the public's paramount interest – which you as our legislators are supposed to protect!

This is an attempt to circumvent existing State laws as outlined in Hawaii Revised Statutes Chapter 171 to extend the leases of public lands for the benefit of special interest groups and private entities through the introduction of this bill.

The primary reason for a 65-year limit on the lease of public lands is so that an individual, entity, organization, or private corporation doesn't obtain sole use and control of these **public lands** as if they actually owned them. **This bill would allow the exclusive use of public lands without any term limit – for countless generations.** This is the same type of special interest and corrupted political legislation that the Big Five companies orchestrated during the Territory era so that their plantations and other businesses could maintain exclusive long-term control and use of Hawai'i's public lands, waters, and resources.

When anyone enters into any type of lease agreement, they are fully aware of the terms of that lease. When such a lease for public lands expires, all interested parties should be given an open and competitive opportunity for the disposition of such lease which would give the highest potential return in revenues for the use of these public lands. **Why should anyone be given an exclusive special interest privilege to continue with their existing lease without any term limit?** In essence, they've become the 'de facto' land owner of public lands.

Most of the arguments in support of this bill are unsubstantiated and misleading.

One such argument given is that a lessee won't have any economic incentive to invest in a property if the lease expires in 10 or 15 years. If it was a sound and properly-run business, it would have been investing in the property throughout the duration of the lease especially with the money saved from leasing the property versus having to obtain a mortgage for the acquisition

of fee simple business property. In addition, with this absurd argument, then the State would be compelled to automatically renew these leases every 10-15 years before they expire. So, when would such a lease actually end with this argument? It wouldn't! It would be continuously renewed.

Prior to passing this type of bill, the Board and Department of Land and Natural Resources should provide a complete listing of existing leases (including leasee names, TMK #s, lease amounts, acreage, terms, etc.) that such a bill would apply to so that members of the State Legislature are fully informed of the direct impact of this action upon the public land trust.

This proposed bill is a blatant special interest bill for the benefit of individuals, private entities and corporations with a clear disregard of Hawaii State Constitution Article XII, Section 4 (Public Trust) as well as other constitutional provisions and statutory laws.

KA LĀHUI HAWAI‘I KŌMIKE KALAI‘ĀINA

BEFORE THE HOUSE FINANCE COMMITTEE

February 25, 2021

HOUSE BILL 499
Relating to Lease Extensions on Public Lands

Aloha Chair Luke, Vice Chair Cullen, and Members of the Committee,

Ka Lāhui Hawai‘i Kōmike Kalai‘āina submits the following written testimony in **STRONG OPPOSITION** to House Bill 499 which authorizes the the Board of Land and Natural Resources to extend certain leases of public lands for commercial, industrial, resort, or government use.

The majority of the lands held by the State of Hawai‘i are “ceded lands” or Hawaiian Kingdom crown and government lands. Professor Williamson Chang stated in a lecture given on October 1, 2014 entitled “Hawaii’s ‘Ceded Lands’ and the Ongoing Quest for Justice in Hawai‘i” that the Joint Resolution was incapable of acquiring these Hawaiian Kingdom public lands. Despite this analysis, the former Crown and government lands of the Kingdom of Hawai‘i were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai‘i to be held as a public trust for 5 purposes including the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920. The Admissions Act further states that any other object besides the 5 purposes shall constitute a breach of trust for which suit may be brought by the United States.

Ka Lahui Hawai‘i Kōmike Kalai‘āina has concerns over the use of these lands outside of the 5 purposes set out in the Hawai‘i State constitution and actions that could be interpreted as land grabbing especially when the claims of the Kanaka Maoli people to 1.8 millions acres of these lands and our sovereignty over them have yet to be settled. The Apology Bill aka US Public Law 103-150, passed by Congress and signed by President Clinton in 1993, recognized that “the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States” and that “the Republic of Hawai‘i also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawai‘i, without the consent of or compensation to the Native Hawaiian people of Hawai‘i or their sovereign government”.

Allowing non-elected members of an a government board to extend leases beyond the maximum 65 years would set up lessees as pseudo owners of public landowners and set a bad precedence. Furthermore, this measure does not provide for any process where public input can be provided on past, current, and future land stewardship. Were these lessees to go through a public process others would have an opportunity to bid on the property, public input would be allowed, and in some cases environmental assessments taken into account on how well they have cared for the public land they were entrusted with.

Me ka oiai'o,

M. Healani Sonoda-Pale
Public Affairs Officer, Ka Lāhui Hawai‘i Kōmike Kalai‘āina

HB-499-HD-2

Submitted on: 2/24/2021 4:35:39 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Albertini	Malu 'Aina	Oppose	No

Comments:

Aloha Legislators.

I am assuming this bill will be applying to military leases of Crown and government lands, such as the lands at Pohakuloa, Makua, etc. If that is true I smell a rat, a very large rat.

I am somewhat aware of Pohakuloa lands. It consists of both Crown and government lands of the Hawaiian Kingdom. The illegal overthrow of the Hawaiian Kingdom government may try to justify the taking of Hawaiian Kingdom government lands, but there is no way to justify the taking of Crown lands, which were the PRIVATE lands of the Crown.

That said I oppose any lease extensions of government or crown lands, so-called public lands, especially to the US military which assisted corporate sugar thieves in the illegal overthrow of the internationally recognized nation of the Hawaiian Kingdom. This sounds like Illegal overthrow 2.0. At a minimum, the people deserve a voice in the decision-making process. There should be full public hearings, full EIS requirements, etc. etc.

As for the US military extension of leased lands from the state -- the US military is the greatest polluter on the planet. Pohakuloa is a multi-billion dollar toxic waste dump due to military activities there over the past 75 years. Pohakuloa is the largest live-fire US military training area outside the continental US. Every weapon imaginable has likely been used there, including documented use of radiation weapons. The state needs to demand a comprehensive INDEPENDENT investigation of contamination at Pohakuloa,(PTA), not only the land, but including the shallow groundwater wells drilled at PTA. in 2013. Water was found in the vicinity of State leased lands at PTA at a shallow depth of 750 feet by UH right-wing professor Don Thomas who also drilled the original HGPA geothermal wells in Puna. That water found at PTA is still not being used 8 years later and the military continues to spend \$1-2 million per year to truck water to PTA. We all have a right to know what's in the PTA? And don't take Don Thomas's word. Require independent testing and analysis.

Continued use of high explosives at PTA on a base known to be contaminated with depleted uranium and other toxins, results in aerosolizing the toxins which can be

carried great distances by the strong winds that go through PTA, Depleted Uranium (DU) metal when hit with high explosives turns into DU oxide particles that can be easily inhaled. Inhaled DU oxide particles can cause a wide range of cancers. Please consult the Dept. of Health Maui County public Health officer, Dr. Lorrin Pang, who spent 24 years in the Army Medical Corps and has extensive knowledge on this subject.

Thank you for your consideration.

NA KUPUNA MOKU O KEAWE

LATE

Hanalei Fergerstrom, Spokesperson
Na Kupuna Moku O Keawe
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808 938-9994
hankhawaiian@yhoo.com

Regarding SB257 OPPOSITION related to land lease extensions on public land.

We stand in opposition to SB 257. We are very concerned about the language used in section 171 especially when it comes to government use. That government use needs to be further defined as some of those government uses presently our lands are leased out to the military where the military has leases that terminate in 2029 at least at Pohakuloa.

In researching the extent of military use of public property/ Ceded Lands, most of those leases were done through executive orders, both Presidential or Governors. I don't believe at the time these agreements were entered into there're any laws requiring public notices or public processes that allowed for community input such as required under the Sunshine Laws.

Because of the lack of laws relating to the public's right to review and comment Department processes, the public is simply unaware I'll take sent leases were granted. This is an appropriate time to include the public in decision-making process when it comes to leases and now extended leases being made on public lands. Of course you're aware that the so-called public lands are in fact part of the Ceded Lands Trust.

It is understood the many releases that are on public lands are beneficial to the general public. It is also understood that Ceded Land/public lands have an encumbrance that accompany them as those lands are held in trust. As a trust, the safeguarding of the trust corpus is one of the first responsibilities of a trust. A point to consider is that when you lease lands for large time periods, under the laws of contracts and private useless you essentially deny a large part of the beneficiaries access and use.

One thing that would allow this type conversation to continue interferential and productive manner is to first make it very clear that those so-called public lands are in fact Ceded Lands and are part of a TRUST obligation of the State. A large part of the problem in dealing with the subject is that rather than the state clarifying that the state does not own outright those lands but rather holds those lands and trusts for the beneficiaries outlined section 5F of the admissions act.

The state does quite a disservice to the people and to potential investors looking to lease land when the state does not inform or fully disclose that those lands are under trust obligations.

In short I would recommend that this bill be deferred and that more work needs to be done on the news section 171 to add in language that makes it very clear that the state of Hawaii does not own these lands but in fact remains the trustee. Without such a verification it leads potential leasees with the idea that the state has total control over said properties when in fact there is an encumbrance on the land that they are beneficiaries and any lease must be able to prove that somehow the beneficiaries will in fact benefit.

Signed this day: February 14, 2021

Sincerely, Hanalei Fergerstrom

Testimony of
Pacific Resource Partnership

House Committee on Finance
The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair

HB499, HD2 Relating To Lease Extensions On Public Land

Thursday, February 25, 2021
11:00 A.M.
Conference Room 308

Aloha Chair Luke, Vice Chair Cullen, and Members of the Committee:

Pacific Resource Partnership (PRP) writes in strong support of HB499 HD2, which authorizes the Board of Land and Natural Resources (BLNR) to extend certain leases of public lands for commercial, industrial, resort, mixed-use or government use upon approval of a proposed development agreement to make substantial improvements to the existing improvements.

HB499 HD2 supports long-term tenants who are committed to making substantial improvements to existing facilities. This bill incentivizes small businesses and developers to reinvest in properties on public lands to ensure that properties evolve to meet the demands of businesses, residents, and the community at large. Moreover, these types of reinvestments will stimulate the economy by creating construction jobs for Hawaii's workforce.

Given the above, PRP respectfully requests your favorable decision on this measure. Thank you for this opportunity to submit written testimony.



McCully Works

69 Railroad Ave. A-19

Hilo, Hi. 96720

808-933-7000

February 24, 2021

TESTIMONY IN SUPPORT OF HOUSE BILL HB-499 HD2 RELATING TO LEASE EXTENSIONS ON PUBLIC LANDS

House Committee, Finance
Chair Sylvia Luke
Vice-Chair Ty Cullen

I support the passage of HB 499 which would allow Urban public land lessee's the opportunity to extend their leases in exchange for substantial improvements as defined in the bill. This amending of HRS 171 would take the information garnered from the implementation of Act 149, 2018 which amended HRS 171 for a specific area of the state, the Hilo Economic District, and provide those benefits to the entire state.

I write in SUPPORT of HB 499 for the same reasons that required the development of Act 149 as a Pilot Program. Our public lands have been allowed to underperform the needs of our communities since statehood. With limited lease terms or restrictions on extensions leasehold improvements become "wasting assets" in the latter half of a lease term. With Hawaii's very limited land areas that are appropriate for Urban uses, be they Resort, Industrial, Commercial, or Mixed Use, this creates economic inefficiencies that must be corrected. Act 149 was a remedial effort (as is this bill) that has provided instant benefits.

The Committee may take note that certain provisions in the bill would lessen, rather than increase, the likelihood of optimal development based on market criteria. Any restrictions on assignment need to be carefully considered. The committee should consult with market participants to ensure the full utilization of these important reforms.

Mahalo,

James McCully

HB-499-HD-2

Submitted on: 2/24/2021 9:31:59 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dee Green	Individual	Oppose	No

Comments:

OPPOSE!

OPPOSE!

OPPOSE!

HB-499-HD-2

Submitted on: 2/24/2021 9:36:58 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Oppose	No

Comments:

OPPOSE

While you state "other than those to which the University of Hawaii is a party," you create other bills that would make this condition moot. I am opposed to this bill.

HB-499-HD-2

Submitted on: 2/24/2021 9:57:13 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

Aloha, Chair and committee members,

My name is Deborah Ward, and I have been active in the democratic process in Hawaii for fiftyfive years. I join many others in researching the proposals put before the BLNR for decisions, and I support or oppose based on my understanding of the goals of our community. I am concerned about the authority proposed in HB499, and I OPPOSE its passage.

All lease extensions should be considered anew, as conditions change over a period of 20-50 years, and new priorities arise. A lease extension should not be assumed or assured without a re-evaluation, based on current goals and circumstances.

For example, in the cases of the A&B Maui water leases, the agricultural priorities have given way to changes in climate and demand for the products once produced. In the case of the expansion of industrial development on Mauna Kea, public sentiment about the cultural and environmental impacts of prior development have led to strong opposition to expanded development, for which an extended lease is a necessity. In the case of Pohakuloa Training Area, the conditions of the first lease were not met, and yet there is demand for a lease extension for 65 years or longer.

These examples have engendered significant public testimony and democratic participation in the process. Elected representatives and the law should respect the will of the people: the people deserve the time and opportunity to determine the future of the land held in trust for the beneficiaries, not the corporate entities with leases granted generations earlier.

Thank you for the opportunity to testify.

Deborah Ward P O Box 918 Kurtistown HI 96760

HB-499-HD-2

Submitted on: 2/24/2021 10:06:08 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lanny Sinkin	Individual	Oppose	No

Comments:

The two leases that are creating controversy are the DLNR lease to UH on Mauna Kea and the DLNR lease to the United States Army for Pohakuloa Training Area. While this bill appears to exclude those two leases, opening the door on ways to extend leases of public lands without full public participation is questionable. Does this bill open that door for later versions to include the UH and Pohakuloa leases?

In both cases, the decision-making process appears to be compromised. UH sought from DLNR and received a lease that expires in 2033. UH then subleased land for the use of the TMT even though the TMT would hardly begin operating by 2033. Theoretically, the TMT would be built and then decommissioned shortly thereafter as the 2033 deadline approached. Obviously that is not going to happen, so the only logical conclusion is that UH and the TMT believe that the existing lease will be extended by DLNR or a new lease will be given to TMT. That belief can only be based on the lease extension being a foregone conclusion, regardless of any public opposition.

There is a similar question looming over Pohakuloa. That lease is due to expire in 2029. Rather than begin preparing to return the leased lands to the State, the Army is making improvements to the existing facilities. That work seems to signal an Army assumption that DLNR will extend the existing lease or approve a new lease.

This evidence of predetermined conditions raises the question whether this bill is a Trojan Horse.

HB-499-HD-2

Submitted on: 2/24/2021 10:14:20 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Julia Paul	Individual	Oppose	No

Comments:

I strongly oppose this bill. The leases in question have been mismanaged and need to be under direct control of the Hawaiian people since most of it, if not all the land belongs to them.

HB-499-HD-2

Submitted on: 2/24/2021 10:17:46 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Noe Noe Wong-Wilson	Individual	Oppose	No

Comments:

Aloha kākou,

Please accept this testimony in opposition of HB 499, HD 2, Related to Lease Extensions on Public Land.

This bill appears to allow the Department of Land and Natural Resources to be able to extend leases on public lands, such as lease to the University of Hawai'i for the Public Trust Lands on the summit of Mauna Kea, without requiring a substantial process for public input. It appears to create a truncated process for the approval of a hotly contested and contentious issue, which would allow the agency to bypass the checks and balances which are intended in the current system. This is just one example of how this bill will negatively affect the relationship between government and the people and land which it is duty bound to protect for future generations. All government actions which affect the Public Land Trust must include processes for public input and honest consideration of the public concerns by the agencies directed for that purpose.

For these reasons, this bill should be deferred indefinitely.

Mahalo for your consideration.

HB-499-HD-2

Submitted on: 2/24/2021 10:37:48 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy McLeod	Individual	Oppose	No

Comments:

I am opposed to HB499. It gives too much power, unfair power to an already department. Most public land is crown land. Land for all to enjoy. This is a unfair bill.

HB-499-HD-2

Submitted on: 2/24/2021 10:39:01 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cassandra Chee	Individual	Oppose	No

Comments:

Hello,

I live in Kalihi and I am a community organizer with Faith Action for Community Equity and a seminary student. I oppose this bill because the so called public lands of Hawai'i are meant to be used for the good of the public, especially for Native Hawaiians. Extending leases for commercial, mixed, industrial, resort, or government use without public input would be an abuse of power and abuse of the intent of these lands. The U.S. government must respect and honor land in relationship to Native Hawaiians and the public instead of considering how land can be profitable.

HB-499-HD-2

Submitted on: 2/24/2021 10:59:05 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Greene	Individual	Oppose	No

Comments:

Aloha All,

Please let it be known I was just 1 of the 38 Kupuna that were Arrested on July 17, 2019.

I Lived sleeping on a Cot, on the yellow line of the Access Road to MAUNKEA, in a Tent for 7 Months. Yes, at that Elevation 6,800 with many changes of Weather dropping Temperature to 28 degrees during Winter Time with Snow on the Top of The MAUNA.

In April 2017 just prior to My Mother Dying from Stage 4 Cancer~ She Requested of me to " DON'T STOP FIGHTING FOR OUR MAUNA & US NATIVE HAWAIIANS, PLEASE "

Therefore, I Shall Do Whatever I am able to do to Stop Any More Building of Telescopes or Centers or Whatever is Desi red to Further The DESECRATION OF OUR SACRED MOUNTAIN.

Develope Mt. Fuji or Elsewhere. I Will Never STOP BEING THAT PROTECTOR OF THE MAUNA.

Mahalo Piha,

Patricia Louise Leimomi Greene / MAUNA KUPUNA

HB-499-HD-2

Submitted on: 2/24/2021 11:00:30 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Jahn	Individual	Oppose	No

Comments:

Aloha mai kākou,

My name is Brian Jahn, I live in Wahiawā , Kākaniloko, O'ahu, and I am writing to express my strong opposition to HB499. There are several negative aspects of this bill that seek to undermine the intentions of kāpuna and place 'Āina in a dangerous position to be further degraded. HB499 would allow far too long of an occupation by entities described as "commercial, industrial, resort," etc., which do not have the long-term, best interests of Hawai'i and kanaka maoli in mind. Limiting the public's input would be highly negative and result in years of continued hurt in our communities. Mahalo for taking the time to read this testimony.

Me ke aloha,

Brian "loane" Jahn

HB-499-HD-2

Submitted on: 2/24/2021 11:34:39 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Marquez	Individual	Oppose	No

Comments:

My name is Malia Marquez, I am a life long resident of Maunalua (Hawai'i Kai). I strongly OPPOSE HB499 on extending leases for public lands aka ceded lands. These lands are supposed to be for the better good of Native Hawaiians. There is NO good in extended leases for commercial or government use. It's a Bill proposed in greed and misuse of our public, crown lands. Please OPPOSE HB Bill 499. Mahalo for your time on this important matter.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 12:03:00 PM
Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Strong opposition.

HB-499-HD-2

Submitted on: 2/24/2021 12:10:26 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Alani Bagcal	Individual	Oppose	No

Comments:

My name is Alani Bagcal and I am writing today in strong opposition of HB 499. Native Hawaiiin voices and boundaries should be centered when governing their land. This land should be used for the public good that benefits Native Hawaiians directly, I believe this bill will hurt, not help.

Thank you for the opportunity to testify for this bill.

Alani Bagcal

alani.bagcal@ppvnh.org

96815

HB-499-HD-2

Submitted on: 2/24/2021 12:11:18 PM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Chyloe Leon Guerrero	Individual	Oppose	No

Comments:

Anything that impacts the public should ALWAYS require public input. To extend a lease without public input, let alone a lease that lasts decades upwards towards a century can have major unforeseen impacts on land usage and rights. Approval of this bill would largely take away power from the people to oversee stewardship of public lands. Public lands should be used for the public good, including for the benefit of Native Hawaiians and their descendants.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 12:17:37 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brooke Brandewie	Individual	Oppose	No

Comments:

Aloha/Hello,

My name is Brooke Kapuaonalani Brandewie, and I am a current US resident of Ohio. My ancestry, however is Native Hawaiian, and I care very much about the preservation and conservation of Native Hawaiian sovereignty. The lands of Hawaii are limited as is, and should never be considered "public" in the first place, since the Native Hawaiian culture/people were overthrown by White colonizers. It is very important to me that what is left of the native lands is preserved and maintained by/with the Native Hawaiian peoples, and not overtaken through US government control. Once native foliage / soil is taken up and dug into, the beauty and preciousness of the island and it's people are compromised. Hawaii is already a tourist destination as is, and extending the leases for commercial, mixed, industrial, resort or government use with no public input will only further overthrow the Native Hawaiian culture. This next generation of people care very much about sustainability and social wellbeing, so to build up this land through commercialization will likely severely upset them.

If public input is sought from the Native Hawaiians, and they agree to it, only then should something like this bill be considered. Native Hawaiians were colonized by White peoples, and this bill reflects further control/power to supress that of which is so sacred to the Native Hawaiian peoples and their culture.

Please, I urge you not to pass this bill, and reconsider the overall approach for how and which the sacred "public" land (it was never meant to be sold in the first place) is utilized only with and of the Native Hawaiian peoples input. This is a decision that belongs only to the Native Hawaiian peoples.

Regards,

Brooke Kapuaonalani Brandewie

LATE

HB-499-HD-2

Submitted on: 2/24/2021 12:19:11 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kapulei Flores	Individual	Oppose	No

Comments:

Aloha my name is Kapulei Flores and I am from Waimea on the Moku o Keawe. We have seen over the years how the land in Hawai'i has been prioritized towards commercial and tourism use instead of to aid the ever growing homeless issue that we have here. Hawaiians have been dying on the waiting list to get land that rightfully belongs to them, yet the government wants to focus on prioritizing the tourism and commercial industry here instead of trying to help the people of this land. The majority of the "public" land in question is actually "ceded lands" also known as Hawaiian Kingdom Crown and government lands that are supposed to be used for the benefit of Native Hawaiians and their descendants. The land in Hawai'i has been misused for too long, it is time to do right by the Native people of Hawai'i as well as our land. We deserve to be treated better, to be prioritized at the same level that tourism and tourists are. Please think of our people and land and do what is actually best for us and our wellbeing, not what you're trying to convince us is best while knowing it won't actually benefit us. Mahalo nui

LATE

HB-499-HD-2

Submitted on: 2/24/2021 12:20:14 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Peggy McArdle	Individual	Oppose	No

Comments:

I strongly **OPPOSE** HB499 HD2.

Public Lands, include Ceded/Hawaiian Kingdom Crown Lands, which should be held for the benefit of the Hawaiian people and should not be leased in perpetuity to foreign governments, corporations or institutions. Also, the restriction of public comments regarding these BLNR lease decisions are an affront to our democratic processes and more aligned with a totalitarian and fascist form of government!?

Stop this greedy and overt HAWAIIAN LAND grab!

"LEAVE HAWAIIAN LANDS IN HAWAIIAN HANDS."

LATE

HB-499-HD-2

Submitted on: 2/24/2021 12:21:00 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Suzy Medios	Individual	Oppose	No

Comments:

Hello,

I am Suzy Medios here writing in opposition to HB499. We need to protect public land and ensure the public has a say when leasing land. This bill would does not protect our community and local lands from greedy corporations. No on HB499

thank you for your time.

Suzy Medios

LATE

HB-499-HD-2

Submitted on: 2/24/2021 12:28:01 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Willis	Individual	Oppose	No

Comments:

My name is Ryan Willis from Manoa. I oppose authorizing the DLNR Board to extend leases on "public" lands for **ANY** use except for the benefit of Native Hawaiians and their descendants.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 12:29:15 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanoe Willis	Individual	Oppose	No

Comments:

My name is Kanoe Willis from Papkolea. I oppose authorizing the DLNR Board to extend leases on "public" lands for **ANY** use except for the benefit of Native Hawaiians and their descendants.

HB-499-HD-2

Submitted on: 2/24/2021 12:41:45 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon B. Lindsey	Individual	Oppose	No

Comments:

I strongly oppose this bill for various reasons

HB-499-HD-2

Submitted on: 2/24/2021 12:56:10 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Oppose	No

Comments:

STRONGLY OPPOSE!!!

LATE

HB-499-HD-2

Submitted on: 2/24/2021 1:01:10 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
brianna pelekai	Individual	Oppose	No

Comments:

Aloha, My name is Brianna Pelekai and I am from Haleiwa, Oahu. I am a student at the University of Hawaii, West Oahu. I will be graduating May 2021 with my Bachelor's degree in Humanities Hawaiian-Pacific Studies.

I oppose this Bill 499 because this bill will give the Board of Land and Natural Resources the power to extend leases of "Public Lands" specifically for commercial, industrial, resort, and government properties without the publics input. This bill is proposing to extend leases for properties " that have not been sold or assigned within the last ten years, for lessees who commit to substantial improvement to the existing improvements". in other words, the BLNR will only renew leases for businesses that can afford to rennovate their businesses/property. I feel this bill will make it easier for foreign/mainland businesses/ property owners to keep their leases because they can afford to make rennovation. This bill in no way will help long term locally owned businesses because they cannot afford to keep up with the needs to rennovate their businesses to meet the standards of BLNR. Most locally owned business are small and do not have the finanical resources to rennvoate their existing properties. This bill is not helping the needs and desires of the people of Hawaii. This bill will only continue the desecration and overuse of Hawaii's public lands that should be used to benefit our people and their businesses, not the businesses of foreign owners with money. We all know that the money made by foreign businesses does not stay in Hawaii. the BLNR needs to focus on keeping local businesses open and operating because money made by local businesses keeps the money in Hawaii- benefitting our people and our economy.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 1:02:02 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Medios	Individual	Oppose	No

Comments:

Aloha,

We must protect these public lands to preserve the Native Hawaiian culture and their people.

Mahalo,

Jonathan Medios

HB-499-HD-2

Submitted on: 2/24/2021 1:03:31 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sorcha McCarrey	Individual	Oppose	No

Comments:

Hello, my name is Sorcha McCarrey. I grew up in LĀ• 'ie, on the North Shore of O'ahu. Being raised as white person in the occupied kingdom of Hawai'i, I knew little about the difficulties Hawaiians faced as a result of colonialism. In school, it was always talked about in the past tense. Captain Cook came and died, there were missionaries, something called the Great Mahele, Queen Lili'uokalani, plantations, the annexation and statehood, and then everything was fine and good in the 21st century. We rarely talked about the introduction of diseases which amounted to genocide, the banning of the Hawaiian language, the fake state building and building and building on sacred Hawaiian lands. We knew about the overthrow, but not that it was unlawful. It was only as I grew older that I saw the state of constant invasion that Hawaiians have lived under since the arrival of foreigners to these islands.

We take their songs, can them, and pump them through hotels for tourists to enjoy. We take their dances and turn them into tinsel and a sexual thrill. We take their home, which is their family, and we develop it for ourselves to luxuriate in. Back in LĀ• 'ie, the community is in a furor over the greenwashing wind turbines in the neighboring town of Kahuku, which pose an undue burden on an already struggling community. These turbines could be placed in so called Hawaii Kai, but that's where all the rich white people live, and they have the means to block it.

Why does the burden always fall on poor, brown communities in Hawai'i? When will we begin to consider how we are affecting the original stewards of this land?

For instance, I work with a mutual aid group that tries to provide the best assistance we can to people in need on O'ahu. We have just started a houseless-aid program, trying to build community with our homeless population. Many of the people we see are Hawaiian and struggling on the street to survive. Hawaiians are grossly overrepresented among the homeless population on O'ahu, overrepresented at a rate of 210% their demographics in the overall population according to the 2020 O'ahu Point in Time Report. Why, when there is a crisis of homelessness and dispossession pressing down most forcefully and mercilessly on the Native Hawaiian population, should there even be a discussion of reappropriating the Crown lands for use of the colonizers? Why not house that population instead, expand the Hawaiian Homestead program? Or better yet, turn the land over to Native Hawaiians as a sovereign nation, and enable them to make their own decisions how to care for their land and their community?

I hope you will reject this bill. We do not need further exploitation of Native lands by the hands of the fake state for yet another government project, yet another development. We must enable the Hawaiian people to use this land for their own care. Thank you.

HB-499-HD-2

Submitted on: 2/24/2021 1:51:42 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monica Stone	Individual	Oppose	No

Comments:

I oppose HB 499. Mahalo for receiving my testimony.

Monica Rott Stone

HB-499-HD-2

Submitted on: 2/24/2021 1:57:43 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Henry boothe	Individual	Oppose	No

Comments:

Aloha,

my name is Henry boothe an I am writing to OPPOSE this bill. Most of these public lands are unceded crown lands, to be used for the public good and benefit of Native Hawaiians, by law. To extend leases with no cap and no public input would be an abusive transgression of the laws and their goals.

Rhank you for your time,

Henry Boothe

HB-499-HD-2

Submitted on: 2/24/2021 2:00:40 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
grant goin	Individual	Oppose	No

Comments:

Aloha mai kākou,

As a young kānaka growing up in this modern day society, the balance between everything that is 'Āina and materials of western value never seem to meet eye to eye. There is a time and place for everything. The time of of your telescopes, satellites, buildings, etc. on Mauna a Wakea shuld be appreciated to the fullest extent. You have had more than enough years to study the outer spectrum of space. Instead of looking past us, take a step back and look at the present. You have not followed the terms of the essential bills proposed for leasing the land on Maunakea. Why would another 65 years be beneficial? Do the right thing! Clean up your mess on the Mauna, make right by those that have familial ties to Mauna a Wakea, and appreciate the 'Āina and the time that you already had.

me ke aloha nākou ,

Grant Ka'ehukai Goin

LATE

HB-499-HD-2

Submitted on: 2/24/2021 2:59:02 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Cabalse	Individual	Oppose	No

Comments:

Oppose due to lack of public input in the approval process.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 3:00:41 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monique DeSimone	Individual	Oppose	No

Comments:

My name is Monique DeSimone, and as a settler on the island of Oahu, I strongly oppose HB 499 which would grant DLNR the ability to extend leases. The fact that they have the ability to lease conservation land for mixed use is egregious, and their history of management of Mauna Kea has proved their abusive and negligent practices. Native lands belong in the hands of Native Hawaiians. Period. Handing DLNR the ability to enact potentially century long leases would be disrespectful to the people whose ancestors have been stewards to the land for centuries.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 3:24:13 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elmer Domingo	Individual	Oppose	No

Comments:

No Reparations has ever been given to the Hawaiian people as of 2020. Until reparations have been given to them there is no need to do any extensions to the government.

February 24, 2021

HB 499

RELATING TO LEASE EXTENSIONS ON PUBLIC LAND.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I OPPOSE Lease extensions on Public Land for the following reasons;

The land is also at issue,

1 2001 Establishment of a Public Land Trust Information System,

The report provides a very comprehensive approach to the inventory of the past and current status of lands ceded to the state upon admission to the union. The suggested approach and information that is expected to be inventoried would provide OHA and all Hawaii with an understanding of all lands previously owned or controlled by the crown and government and their subsequent disposition and transfer to the present.

The Auditor identifies the need for the land "abstractor" to do a complete chain of title search beginning at the time of the Mahele. This is a critical piece of analysis that is fully supportable by the OHA Board of Trustees. Your report states:

"...the significance of this issue [search chain of title beginning with the Mahele] cannot be overstated. Far-reaching fiscal and legal impacts beyond the scope of this report hinge upon what lands are determined to be ceded or non-ceded".

The significance of the work to be done is such that the outcome will provide OHA with a complete and accurate inventory and accounting of all ceded lands for the first time. The four-year process outlined, though rather lengthy, appears appropriate considering the breadth and depth of the plan.

2. State of Hawaii holds public land as a public trust for Native Hawaiians and the general public and the State of Hawaii are ONLY the LESSOR, we the Native Hawaiian are the rightful holders of the land.

3 I have no trust in the State of Hawaii for they have a long history of protecting their vested interest in the LANDS in Hawaii which belongs to the rightful holders which is the PEOPLE.

Mahalo

Cindy Freitas

HB-499-HD-2

Submitted on: 2/24/2021 3:35:16 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Deets	Individual	Oppose	No

Comments:

Aloha. I live in Kapaa, Kauai, Hawaii. I am a registered voter. My children are descendants of Native Hawaiians. I strongly oppose this Bill. When so many Native Hawaiians are waiting and dying on lists to receive land, therein should the priorities lie - in putting the land back in the hands of the Hawaiians. Not in leasing lands to corporations for decades or a century. Please, do justice for descendants of the Native Hawaiians and oppose this Bill.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 3:58:32 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rhonda	Individual	Oppose	No

Comments:

I oppose HB499

HB-499-HD-2

Submitted on: 2/24/2021 4:32:06 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kahiau Snyder	Individual	Oppose	No

Comments:

I *strongly* oppose HB499.

HB-499-HD-2

Submitted on: 2/24/2021 4:40:55 PM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
katherine kleving	Individual	Oppose	No

Comments:

My name is Katherine Alexandra Kleving. I am a guest living here on Hawai'i. I oppose and reject this lease extension bill, HB499, from coming in to fruition.

HB-499-HD-2

Submitted on: 2/24/2021 4:41:35 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Rogers	Individual	Oppose	No

Comments: I, Jessica Rogers, oppose bill 499 as I believe it imposes upon the rights of citizens and protected Native American tribes. I do not believe the use of this land should be on extended lease to any government, resort, etc. for profit or advancement, due to my ethical standpoint. The public land should be kept for the people who originated in this land and the citizens residing there now. Please consider the future generations and allow the citizens of our fine country the right to use the land to benefit them instead. Public land is for the people and should be spoken for by the people, which brings me here today to write this testimony. Thank you for taking the time to read and consider the wellbeing of our people.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 4:52:08 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anna Mackey	Individual	Oppose	No

Comments:

Aloha Legislatures,

My name is Anna Mackey and I am resident of Hawaii island. I am providing testimony to oppose HB499 which would restrict public input on use and leasing of ceded lands. Indigenous knowlegde is necessary in order to understand how best to use lands in Hawaii. I understand this as a landowners myself and look for the state to have the same consideration of indegnious peoples of Hawaii. This bill could seriously erode relationships with the very people this state marginalized through ceded lands after forced annexation. I want a government with transparent policies and practices when it comes to public use of lands.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 5:25:36 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherri Thal	Individual	Oppose	No

Comments:

Aloha,

I am in opposition of HB499 for the following reasons:

1. This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.
2. The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai’i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of “native Hawaiians” as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.
3. Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian “public” lands that may eventually lead down a slippery slope of lease to fee conversions.
4. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

Please oppose HB499 HD2.

Aloha,

Sherri Thal, Kea'au, HI 96749

LATE

HB-499-HD-2

Submitted on: 2/24/2021 5:28:41 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Daraban	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose this HB 499, these lands should be used for what they were originally intended for, Hawaiians. I kindly ask you to stop Systemic racism against Hawaiians, and start doing right by us.

Mahalo, Malia Daraban

HB-499-HD-2

Submitted on: 2/24/2021 5:41:56 PM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Sharron Gonzalez	Individual	Oppose	No

Comments:

Aloha. I am submitting testimony strongly opposing HB 499 for the following reasons:

1. This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.
2. The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai’i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of “native Hawaiians” as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.
3. Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian “public” lands that may eventually lead down a slippery slope of lease to fee conversions.
4. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

Thank you for your time,

Sharron Gonzalez

Registered voter

Hilo, Hawaii

LATE

HB-499-HD-2

Submitted on: 2/24/2021 5:47:31 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Isaiah Seliskar	Individual	Oppose	No

Comments:

Public lands are meant for the public, not for commercialized use. Commercialized use includes resorts, businesses or any other sort of privatized organization that runs off of profit. Public lands are **no longer public if they are leased out to privatized companies**. The public no longer has access to these lands when leased out.

Therefore, this makes these lands **no longer public** which goes completely against the inherent title of these lands, "**Public Lands**". These lands are meant to benefit residents of Hawai'i, including Native Hawaiians who this land was stolen from. Extending the lease of these **public** lands is putting local residents at a disadvantage and putting money in the pockets of oversea corporations and businesses. The leases in question should not be renewed and instead the land should be reverted back to public use and no longer in the hands of commercial businesses/organizations.

HB-499-HD-2

Submitted on: 2/24/2021 6:05:03 PM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Brown	Individual	Oppose	No

Comments:

To whom it may concern,

I am writing to oppose the extension of the long-term and poorly stewarded commercial, industrial, resort, mixed-use, or government leases of Hawai'i's public lands also known as Crown Lands, illegally taken from the Hawaiian people at the time of the 1893 overthrow in an "act of war" ([United States Public Law 103-150](#)). If these lease holders have poorly managed the land, WHY should the Hawaiian people be forced to grant them an even longer term to further demonstrate their lack of care for these lands and for the Native Hawaiian people? We cannot afford to allow the further destruction, desecration, and abuse of our sacred sites.

Let us be clear that many of these lands are also conservation districts meant to be protected for historical and ecological preservation, that corporate interests have gleefully abused. These lands hold the cultural heritage of the Native Hawaiian people, they are the burial sites of our ancestors and highest chiefs, they are tied intrinsically to the Hawaiian people through our creation story and religion, they are the source of water for traditional kalo farmers, and they encompass critically endangered ecosystems and lands that are home to endemic species found nowhere else on earth.

This bill seeks to deprive people of their right to appeal an agency decision to the Court. It also asks agencies to nonsensically share orders between them. Together, these changes violate the people's right to due process. The people harmed are, primarily, Indigenous Hawaiians who have already survived genocide, the intentional erasure of our history and language, and who are now constantly fighting for our survival and against cultural genocide at the hands of this de facto state of Hawai'i via the overexploitation and development of our ancestral lands to suit the short term economic wants of the current tourism, military, and agrochemical plantation economy. While one third of the homeless population in Hawaii is Native Hawaiian, the state continues to put all your eggs in a few unsustainable baskets fueling the desecration of sacred lands and disrespect of Indigenous rights - taking advantage over and over again of all the beauty and aloha that makes Hawai'i so uniquely cherished.

Furthermore, the [United Nations](#) has declared it a human rights violation to develop these lands without the free, prior, and informed consent of the Indigenous people of Hawai'i. Shame on you for even proposing this bill that would allow for the destruction of

lands that hundreds of thousands of Native Hawaiians and allies around the world have put their bodies on the line to protect.

This bill would foreclose on our rights to fully litigate claims before a Court to see if an agency acted properly or violated the law. It targets Native Hawaiians because it targets the issues and rights we hold most dear: our sacred sites, cultural resources, burials, fresh water sources, and our entire worldview.

This bill is unconstitutional, egregiously racist and genocidal in both its nature and intent.

Ua Mau ke Ea o ka 'Āina i ka Pono.

Sincerely,
Puanani Apoliona-Brown

LATE

HB-499-HD-2

Submitted on: 2/24/2021 6:10:02 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Noelani Ahia	Individual	Oppose	No

Comments:

I strongly oppose this bill for the following reasons:

1. This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.
2. The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai’i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of “native Hawaiians” as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.
3. Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian “public” lands that may eventually lead down a slippery slope of lease to fee conversions.
4. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

EDITH KAWAI
65-1234 Puu Opelu Road
Kamuela, HI 96743

LATE

February 24, 2021

HB499 HD1
Relating to Lease Extensions on Public Land
Ke Kōmike Hale o ka Ho`omalua Mea Kemu a me ka `Oihana Kālepa

My name is Edith Kawai. I am a Native Hawaiian. I am also the president of the Waimea Hawaiian Civic Club. Our club has long held the belief that Mauna Kea is and continues to be sacred. I strongly OPPOSE HB499 HD1 for the following reasons:

- If passed, the result would be century-long leases that would be as good as private ownership in lessees;
- If passed, this measure may authorize leases that violate the State's long-established fiduciary obligations to Native Hawaiians and the public under the public trust and public land trust, and lead to alienation of public and "ceded" lands;
- It is a fact that the State has failed in its fiduciary obligation of due diligence and undivided loyalty. Lease extensions that create century-long leases will only encourage further dereliction on the State's part;
- The pilot project under Act 149 (relating to the Hilo community economic district) is not completed or evaluated. Without any results or feedback from the pilot project, which was wisely intended to provide guidance, the State would be recklessly and prematurely jumping the gun especially as this measure would apply to State land leases throughout the entire state;
- The current lease rent of \$1.00/yr under leases can hardly be said to be looking out for the interests of Native Hawaiians where current lease values would help to yield funding for programs for Native Hawaiians;
- Hawaiians have never relinquished their claims to ceded lands. Extending the lease period will result in de facto "ownership" while the interests of the beneficiaries are depleted and diluted.

Thank you for the opportunity to provide testimony on this crucial matter.

Me ka `oia `i`o nō,



EDITH KAWAI

LATE

HB-499-HD-2

Submitted on: 2/24/2021 6:29:42 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Faith Kahale Saito	Individual	Oppose	No

Comments:

I do not support this bill

LATE

HB-499-HD-2

Submitted on: 2/24/2021 7:14:58 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Ching	Individual	Oppose	No

Comments:

il am Clarence ku Ching of Kamuela, Hawai'i island, and I am in serious opposition to HB499.

Apparently - The sponsors of this proposed bill, are not very well informed about so-called "Hawaii State" history and requirements of the lands and and the "state's" (and their) fiduciary responsibilities regarding these lands - and other treatment thereof - as required by the Admission Act that transferred the lands and set up requirements of trust for its .existence.

Native Hawaiians and the general public - the general public (at that time) being made up in large part by Hawaiians of less than 50%. The Public Trust, states the Hawai'i Supreme Court as recently as 2019, in the case of Ching v Case (<https://law.justia.com/cases/hawaii/supreme-court/2019/scap-18-0000432.html>), I being that "Ching," that the Public Trust is to be treated like every other trust, with the trustee having fiduciary responsibility to protect the trust lands and resources and to primarily be able to lease those lands for benefit the of the beneficiaries.

Additionally, I would argue that all persons who are able to exercise any kind of authority under state auspices, like the legislature and all staff of BLNR/DLNR, the governor, attorney general, the University of Hawaii and every other person, is subject tho the duty and obligation to act according to the duties and responsibility of the trustee. You, as a legislator must act with fiduciary duties and responsibilities.

I further believe, that this Bill attempts to un-require the trustee from having to protect the trust for its beneficiaries. A definite No-No.

Therefore, furthering this bill, and attempting to force the non-care, and avoidance of the duties and responsibilities of the trustee, -you are violating your oath to uphold the Hawai'i State Constitution (and the Admission Act).

I believe that it is imperative for the "state" to regularly examine the state of the lands that make up the Mauna Kea General Lease. And for the legislature to attempt legislation to not having to comply with this requirement - by, among other things, passing this legislation, is not legal. I'm sure the Hawai'i Supreme Court would have something to say about this attempted action. This bill, if passed, IS UnConstitutional!

Furthermore, there is abundant public knowledge that the University of Hawaii has mis-managed the Mauna Kea lands for over 50 years. One of those who has made that claim is no other than Governor Ige. And this legislature is willing to public overlook this serious problem? This is surely NOT responsible civic behavior!

Contrary to the potential results of this bill that would in reality be a violation of the "State" Constitution and the Admission Act - there is a serious need for the public to be able to examine and analyze the workings and results of lease of these trust lands. To attempt to restrict them from such examination is surely contrary to the requirements of the Trust - as they are the folks that should primarily benefit by the Trust - not the Lessors, and must not be penalized by the process.

It would be pure idiocy to pass this bill - that I am strongly in opposition t!hereof

LATE

HB-499-HD-2

Submitted on: 2/24/2021 7:15:27 PM
Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnn Omerod	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE the Board of Land and Natural Resources extending the leases of Hawaii public lands for commercial, industrial, resort, mixed-use, or government use with NO PUBLIC INPUT beyond 65 years with NO CAP which could result in CENTURY-LONG LEASES that do not benefit the people of Hawaii or native Hawaiians and their descendants.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 7:28:07 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Avtalya Glickman	Individual	Oppose	No

Comments:

Aloha,

I believe we need to allow a change in who controls these lands ,and think forward to a future of sustainability for Hawai'i. Most of the current lesees, i.e. resorts, industrial, and commercial parties, do not have any interest in using these lands for restoration or cultural education.

Allowing a change in leadership for these lands could make way for more diverse economical opportunities besides tourism which hasn't been sustainable ecologically, and now economically because of COVID-19.

Please help to make a better future for Hawai'i.

Mahalo for your time,

Avtalya Glickman

LATE

HB-499-HD-2

Submitted on: 2/24/2021 8:09:51 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glennie	Individual	Oppose	No

Comments:

Aloha,

i've spent 40 years working as a community advocate to protect public lands. That's why i oppose this bill and so should you because:

1. it would provide the Board of Land and Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.
2. The majority of the lands held in the public lands trust are "ceded lands" or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai'i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of "native Hawaiians" as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.
3. Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian "public" lands that may eventually lead down a slippery slope of lease to fee conversions.
4. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

mahalo for opposing this bill and using your integrity to protect public lands for the We the People.

sincerely,

janice palma-glennie

HB-499-HD-2

Submitted on: 2/24/2021 8:15:00 PM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Brittney Hedlund	Individual	Oppose	No

Comments:

My name is Brittney Kehaulani Hedlund and I oppose the extension of the leases for "public lands" for commercial, industrial, mixed, resort, or government without any public input beyond the 65 year cap.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 8:19:15 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zucchini Elena	Individual	Oppose	No

Comments:

My name is Elena Zucchini and I am opposed to the extension of the public lands for commercial, mixed, industrial, resort and government use. These lands should be used for the benefit of native Hawaiians and their descendants.

I was a student in Hawaii and I was surprised to see that Native Hawaiians only represent a small portion of today's community. Hence, it is important to leave them what still remains of their culture and ancestors.

Best regards,

Zucchini Elena

HB-499-HD-2

Submitted on: 2/24/2021 8:44:02 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Karen	Individual	Oppose	No

Comments:

I oppose this bill and hope that it does not pass. i do not believe that the extension of land leases for commercial, industrial, resort, or government use with no public input would be of any kind of benefit for the local people of hawaii. These land leases you talk about extending are most likely on ceded lands, which should be used for the public good, which includes for the benefit of native hawaiians and their descendants. Why are we even looking to extend leases when we have more than 28,000 applicants on the waiting list for Hawaiian Homelands? How would extending leases solve or help solve the problems that we are having in Hawaii today? It won't! Can we focus our time and efforts on producing quality foods/products/small local business, etc.? That is what Hawaii needs right now and NOT the extension of land leases for commercial, industrial, resort, or government use. Mahalo.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 8:55:39 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chelsea Ann Napualani Furtado	Individual	Oppose	No

Comments:

I completely oppose this bill. It must be stopped at all costs.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 8:59:54 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kalena Charlene Holani	Individual	Oppose	No

Comments:

I appose this bill. As a resident of Hawaii born and raised i witness broken promised over and over again with misuage and missmanagement of our natural resources specifically ceeded lands of Maunakea. Therefore I have no faith in this extentions and new managements. I do not see how this could benefits our people and home more than harm. No to Bill499.

HB-499-HD-2

Submitted on: 2/24/2021 9:05:49 PM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Kira Mahoe	Individual	Oppose	No

Comments:

Aloha,

I oppose of this bill. Let's stop giving power to the wrong people. So much abuse of the land, so much being stripped away for nothing but greed...

- Kira Mahoe

LATE

HB-499-HD-2

Submitted on: 2/24/2021 9:11:25 PM
Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tara Rojas	Individual	Oppose	No

Comments:

RETURN HAWAIIAN LANDS TO HAWAIIANS - PERIOD.

NO LEASE EXTENSIONS.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 9:56:50 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
joseph Palimoo	Individual	Oppose	No

Comments:

Hi my name is Joseph Palimoo and I oppose this bill HB499

LATE

HB-499-HD-2

Submitted on: 2/24/2021 10:31:57 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Ann Carvalho	Individual	Oppose	No

Comments:

I, CHERYL ANN CARVALHO, OPPOSE THIS HB 499 FOR FOLLOWING REASONS:

1. This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

2. The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai’i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of “native Hawaiians” as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States. WHY DOES FEDERAL and STATE MAKE TRUST LAWS and THEY THEMSELVES DON'T FOLLOW THROUGH. For personal trusts, the trustees are held responsible for carrying through the trust. Why does Hawaii State government still continue to FAIL THE HAWAIIAN PEOPLE. DHHL wont have to look for funding through development of CASINOS if Hawaii government did the right pono thing and stop the misuse of Ceded lands and adequately fund DHHL with monies, more land, and development infrastructure.

3. Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian “public” lands that may eventually lead down a slippery slope of lease to fee conversions. WHY LONG LEASES FOR PENNIES THAT CONTINUE TO HURT THE NATIVE HAWAIIAN PEOPLE. WHY SO MUCH CORRUPTION AT THE NATIVE HAWAIIANS EXPENSE? WHY CANT NATIVE HAWAIIANS HAVE MORE MONEY & LANDS FOR HOUSING AND INFRASTRUCTURE? OUR HAWAII GOVERNMENT IS TREATING THE HAWAIIAN PEOPLE AS FOREIGNERS IN THEIR OWN LAND WHILE GIVING LAND TO FOREIGNERS AS IF THEY ARE NATIVE TO THE LAND. AREN'T DEMOCRATS FOR THE PEOPLE ESPECIALLY THE MINORITY NATIVE HAWAIIANS OR IS IT THE HAWAII GOVERNMENT DEMOCRATS JUST FOR THEMSELVES AND WHAT THEY CAN POCKET THROUGH THEIR SPECIAL PROJECTS.

4. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

THE NATIVE HAWAIIAN PEOPLE ARE STILL BEING NEGLECTED UNTIL THIS DAY!!

I OPPOSE THIS BILL AND ASK THAT YOU VOTE NO ON THIS BILL UNTIL IT CAN BE FURTHER DISCUSSED TO MAKE THESE LEASES BENEFICIAL IN HELPING TO ASSIST NATIVE HAWAIIANS IN FUNDS for HOUSING, ADDITIONAL LANDS AND INFRASTRUCTURE TO FULFILL THE 20,000+ ON THE WAITLIST. OUR HAWAIIAN PEOPLE SHOULDNT HAVE TO MOVE AWAY FROM THEIR HOMELAND!!

HB-499-HD-2

Submitted on: 2/24/2021 10:43:57 PM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Euliana Hudson	Individual	Oppose	No

Comments:

A'ole Loa! It has been blatantly clear that the board can not handle this Kuleana in a way that benefits Native Hawaiians and all Hawaiian Kingdom subjects. Priorities are changing, as should the management of Hawaiian lands.

mahalo.

LATE

HB-499-HD-2

Submitted on: 2/24/2021 10:44:01 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Meredith Buck	Individual	Oppose	No

Comments:

I am absolutely and extremely opposed to HB499 and strongly urge the legislature not to pass it. The public lands affected by this bill are Hawaiian Kingdom Crown and Government Lands, meant to be used for the good of the public and particularly for KĀ• naka Maoli. HB499 would allow BLNR to extend leases on these lands beyond 65 years, with no cap and no public input. This is a complete violation of ethics especially in a time when land is becoming more and more sought after, causing KĀ• naka Maoli, local people, and residents to become marginalized in their own home lands. The community needs to be fully included in all land use issues/proposals. It's already inaccessible enough for most citizens to even find out about land use issues, let alone come to testify. Cutting out the opportunity for citizens to get involved entirely would give corporations and government full access where they already have the upper hand. To me this bill screams "If a tree falls in the forest, and no one is there to hear it, it didn't make a sound" -- in other words that community input won't be an obstacle to development if it isn't even considered in the first place. And if the legislature is going to sit there and vote yes and be OK with that, they should not claim to represent their constituents so much as they represent commercial/industrial/resort activity. Please do not pass this bill. Give the community more opportunities to be involved and steer land use so that it benefits all of us, not just those with power and money. Vote NO on 499. Mahalo nui for your time!

LATE

HB-499-HD-2

Submitted on: 2/24/2021 11:14:13 PM
Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jae P	Individual	Oppose	No

Comments:

oppose!

LATE

HB-499-HD-2

Submitted on: 2/24/2021 11:40:09 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shaeralee-Tiare Manosa	Individual	Oppose	No

Comments:

I oppose HB499. There should never be an open-ended, unlimited lease on Public Trust Lands for Businesses. They can go through the same process like the rest of the general public with NO SPECIAL TREATMENT. It is the general public that take care of the resources that these businesses thrive off of. This is our TRUST and We should be able to TRUST our Government Reps to ensure it remains a benefit to and for us, not for Businesses that make more for themselves to get things they want, when we are doing our best day by day just to meet our needs. Direct and Indirect benefit does matter. I hope you folks will really think about what this bill is really asking. A Cap must be put in place. Mahalo.

LATE

HB-499-HD-2

Submitted on: 2/25/2021 1:32:09 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kapali Keahi	Individual	Oppose	No

Comments:

Aloha,

My name is Kapali Keahi and I come from Lahaina. I oppose HB499 for the following reasons:

1. This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.
2. The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai‘i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of “native Hawaiians” as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.
3. Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian “public” lands that may eventually lead down a slippery slope of lease to fee conversions.
4. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

In closing, no authority whatsoever has been transferred to the State of Hawaii from Ko Hawaii Pae Aina and it's subject heirs to administer any formal legislation and their application on the sovereign soil Of Ko Hawaii Pae Aina, otherwise known as the Hawaiian Kingdom.

Mahalo for your time and consideration.

HB-499-HD-2

Submitted on: 2/25/2021 3:43:31 AM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Amber	Individual	Oppose	No

Comments:

Please protect the land. No lease extensions!

LATE

HB-499-HD-2

Submitted on: 2/25/2021 4:58:22 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Sedlock	Individual	Oppose	No

Comments:

Hello,

My name is Cheryl Sedlock and I am writing to you today to encourage you to reject HB499. As a former resident of Hawai'i and citizen of the United States of America, I strongly believe that Hawai'i should be governed, owned, and managed by the native Hawaiian people.

While my time living in Hawai'i was short, I came to learn from living on the big island and while working on a farm in Naalehu, that the ecology and sacredness of the islands of Hawai'i were under threat by development, unchecked consumerism, and an irresponsibly managed infrastructure that supports tourism and for profit entities over the lives of people and the health of the environment.

The development of Hawai'i as an American state has decimated the original beauty and sacredness of the place and robbed the people of their way of life, that was once in harmony with nature. As we look to public figures to take bold action on climate change, this is a subject that will not be left out of the conversation. Hawai'i is an independent nation, with leadership, traditions, and a way of life that supports the health of the island and her people. The United States government must look to Hawaiian leadership as an example of how we can move forward to solve the ongoing crisis of public health issues, infrastructure problems, and a climate crisis.

We are looking to you, the newly democratic favored house and Senate, as well as the newly elected President to take a stand to change the future for our children, and our children's children.

At the very least, public lands in Hawai'i need to be managed by the Hawai'ian people themselves, for the benefit of the ecology of the land, as well as the health and well-being of the people.

Hawaiian natives have demonstrated their ability to do so in the bold and brave actions that they have taken thus far to protect Mauna Kea from further development.

All people and cultures of the world deserve to have land and space where they can honor their traditions and foster the health and sacredness of the environment.

We need you, representatives of the house and senate, to stand for cultures and people who stand for traditions and governance and a way of life that honors stewardship of the land and protection of cultures, like the Hawaiian culture that is peaceful, brilliant in their native sciences, and responsible to the land.

Not many of the battles you fight on an international stage will be to promote peace, in many places, we struggle with the threats of violence and oppression. Let's send a

message to the world, that the United States stands for peace, and supports and uplifts the native and indigenous voices who protect land, ecology, people, and the sacredness of tradition, so that we may be stronger in the battles that are much more difficult than this one today.

Thank you,

Cheryl Sedlock

HB-499-HD-2

Submitted on: 2/25/2021 6:10:30 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Curren Ohama	Individual	Oppose	No

Comments:

Enough already,

LATE

HB-499-HD-2

Submitted on: 2/25/2021 6:20:59 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark A. Koppel	Individual	Oppose	No

Comments:

TESTIMONY IN OPPOSITION TO HB499 HD2

Mark Koppel

Umauma, HI

Aloha Representatives:

1. This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.
2. The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai’i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of “native Hawaiians” as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.
3. Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian “public” lands that may eventually lead down a slippery slope of lease to fee conversions.
4. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

LATE

HB-499-HD-2

Submitted on: 2/25/2021 6:31:24 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
melissa tomlinson	Individual	Oppose	No

Comments:

I strongly appose renewing public land leasing for state, city, and privatized profiteering. These "public land" spaces are still illegally occupied territories of The Kingdom of Hawai'i. It is inappropriate and violent for U.S. government legislation to faculty determination of land use within the Hawai'ian islands. Furthermore, it is corrupt to take these spaces away from the public for any kind of monetary gain to the U.S. proclaimed "state" of Hawai'i. As an example of why bill HB499 is absolutely a hard no is in recognition of Mauna Ä• Wakea. The lease title to the Hawai'ian homelands and deemed conservation land (that must be protected) has continually allowed abusive practices such as desecration to sacred spaces of Hawai'ian culture by building massive telescopes in a place they do not belong, allowing such a sacred space to be a "tourist attraction", restricting the rights of Kanaka Maoli to practice their religious/spiritual beliefs, police brutality, and literal state sanctioned violence against native peoples through genocide. Allowing this bill to pass would allow the renewal of this violence against the native people of Hawai'i, it is time for practices such as these to cease. It is the time of recognition and of accountability. With everything happening in today's world it is ever clear to me, especially in Hawai'i, that the governing practices by the U.S. are responsible for the calamities we face as humans bound to its forces. The militarization of the islands of Hawai'i is a strong example of how destructive and unhealthy the U.S. governing practices have been, among countless others since 1893. Providing lease extensions is unacceptable, especially considering leasing should never have been granted to begin with. Do not approve HB 499, it is not in alignment with what is best for Hawai'i and with that what is best for humanity.

LATE

HB-499-HD-2

Submitted on: 2/25/2021 6:46:25 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Zagata	Individual	Oppose	No

Comments:

Who remembers the exquisite beach where the Hilton is now? I don't --- it was before my time here. I've heard about it from locals who've been here since before I was born and others who moved here in the 60's or 70's. This precious coral reef is gone....the one of a kind bay eplaced by a water feature with captured dolphins.

Who remembers the pristine bays north of Lahaina on Maui? Now covered in condos.

Little by little the reason people treasure these islands is being sold to the highest bidder --those who only value dollar signs and have little connection to the earth.

Once lost it's gone forever, or at least for our lifetimes and the lifetimes of our children and grandchildren.

How is it those in charge--those who have TAKEN charge--cannot see what is happening little by little to these precious islands?

Mauna Kea is the heart of Hawaii and maybe even the heart of this planet.

To even consider further desecration displays such shallow, limited perspectives it's heartbreaking to imagine those who enforce these shortsighted plunderings would be allowed to continue on this path.

To be in a place, so far removed from all of the human "interference" a place that is deeply healing because connection to all that really matters is so easy for one and all is the greatest treasure to humanity. No one should have the right to govern it so irresponsibly. Given their track record, I oppose this bill.

LATE

HB-499-HD-2

Submitted on: 2/25/2021 7:01:49 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Angelina Misseri	Individual	Oppose	No

Comments:

Aloha,

My name is Angelina Misseri and I am a resident of Hawaii. I am submitting my testimony to vehemently oppose Bill 499. It is my belief that no more leases should be granted nor extended. Leases that are free from public input and have the ability to have no cap, have no place in Hawaii, most especially when it comes to Hawaiian Kingdom Crown and Government Lands. The heinous misuse of these lands should continue no longer, greed and disrespect has run rampant with developing these lands and using them for uses that do not benefit the people of Hawaii in any significant way. There's plenty for tourists to do without scarring up more lands are letting them stay in irreplaceable hands. There's plenty of land that has been developed for commercial use. There's more than plenty land for the military to abuse the Aina #protectpohakuloa. Yet there is not plenty land that has been left to be or cared for by the state as it should be. It is my belief that the best public good that these lands could achieve is to be left alone from commercial, government and resort uses and no leases shall be extended or granted to any parties representing the interests I stated above. If the Hawaiian Lands aren't in Hawaiian Hands then nobody else should hold them either for these lands belong to the People of Hawaii, not the profits they could beget.

HB-499-HD-2

Submitted on: 2/25/2021 7:13:52 AM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
kaniela Matsushima	Individual	Oppose	No

Comments:

Aloha my name is Kaniela Matsushima and I'm from Hanamā'ulu, Kaua'i. I am writing to oppose Bill HB499 due to the fact that the land which lease wants to be extended is public and ceded lands for the purpose of Native Hawaiians. The purpose of the ones wanting to extend leases are not in alignment with the interest of native tenants. These lands are crown lands and should not be governed by the state of Hawaii because there were no exchanges made from the state of Hawaii and native Hawaiians; therefore, these lands don't belong nor should be governed by the state. State of Hawaii and Crown lands(ceded, public, or government) are two different entities. The state is assuming control over the crowns. Crown lands should be governed by the heirs of the royal (native Hawaiians). Please do what is pono and make decisions from your heart and for the betterment of our 'Āina(land) by leaving this lands and revoke all leases moving forward to start the process of healing Kanaka Maoli (Native Hawaiians) from the pain and displacement we have received since the illegal overthrow of the Hawaiian Kingdom. Again, I oppose Bill HB499. Mahalo

LATE

HB-499-HD-2

Submitted on: 2/25/2021 7:30:40 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jebson Quartero	Individual	Oppose	No

Comments:

I oppose the HB499. This bill proposes to extend leases with no public input beyond 65 years with no cap which could result in century long leases. I don't see how this could benefit the Native Hawaiian community to have lands locked in leases for so long. And without public input just sounds like a way to keep the public interest totally out of the game. The majority of the "public" lands are "ceded lands" or Hawaiian Kingdom Crown and government lands and are supposed to be used for the public good which includes for the benefit of the Native Hawaiian people and their descendants. Where there is an illegal occupation of Hawaii since 1893, I cannot allow the extension of leases that is already an egregious crime against my people and my country.

LATE

HB-499-HD-2

Submitted on: 2/25/2021 8:17:15 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
teah zamora	Individual	Oppose	No

Comments:

that's not fair to kanaka whose family lineage lies within those areas of which the DLNR has rights over for 1 don't care for the land 2 won't take care of the land the way it should be and 3 allow other people to use it for monetary benefit when people who have birthrights are denied to use it for spiritual, cultural, and over all well being. just because it doesn't make the government money means it's no good for the people? oh that's right, just because it doesn't make YOU money means it's no good for the people. listen to the people who have been trying to restore the land through stewardship and aloha. maybe the. we can finally get down to the root causes of homelessness, suicide rates, and unemployment rates in the fake state of Hawai'i.

LATE

HB-499-HD-2

Submitted on: 2/25/2021 8:38:55 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
bonnie Delgado	Individual	Oppose	No

Comments:

Give this land back to the PEOPLE of HAWAII!

LATE

HB-499-HD-2

Submitted on: 2/25/2021 8:39:52 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Star Nani Pai	Individual	Oppose	No

Comments:

1. This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

2. The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai’i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of “native Hawaiians” as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.

3. Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian “public” lands that may eventually lead down a slippery slope of lease to fee conversions.

4. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

5. The Board of the Department of Land and Natural Resources already wields too much power and they are ineffective in protecting the lands already in their charge. As several state audits have pointed out, they do a poor job of land management.

LATE

HB-499-HD-2

Submitted on: 2/25/2021 8:47:50 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandy-Alia Serikaku	Individual	Oppose	No

Comments:

Aloha e ka Fake State o Hawai'i,

'O Brandy-Alia Serikaku ko'u inoa, no Hilo mai au, he Hawai'i au. No laila he pono ke lohe 'ia ko'u leo.

'A'ole au kã• ko'o i kã"ia (Issssa NO). Hewa kã• 'oukou mã• lama 'ana i ka 'Ä• ina me ka ho'olohe 'ole a aloha 'ole iã• mã• kou, ka Hawai'i nã• ho'i, nona ka 'Ä• ina e mã• lama. Inã• ho'olã• 'ihi 'ia ka mã• lama 'ana o kã"ia mau 'Ä• ina a ke aupuni o Hawai'i ('a'ole o ka Fake State) ma lalo o 'oukou (ma 'ane'i 'iu mau faka o ka Fake State), e mau ana ka pilikia, a me ku'u piliwi 'ole iã• 'oukou.

Na'u nã• ,

Na Brandy-Alia Serikaku

LATE

HB-499-HD-2

Submitted on: 2/25/2021 8:52:51 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
megan serhan	Individual	Oppose	No

Comments:

Hello,

I am a US citizen, a humanitarian, a horticulture specialist and plant health care technician. I'm a lover of plants, humans and the planet that homes them. I am a lover of nature and believe it to be the highest intelligence. Please leave Mauna untouched. Losing the wellness of the land is truly the greatest danger we face as a species. Thank you.

Megan

HB-499-HD-2

Submitted on: 2/25/2021 9:08:40 AM

Testimony for FIN on 2/25/2021 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Oppose	No

Comments:

Hello,

My name is Nanea Lo. I'm a Kanaka Maoli (Native Hawaiian) and have lived in my ancestral homelands all my life. I strongly oppose HB499 HD2.

I do not believe that the board of land and natural resources should have the power to extend leases of "Public" lands for commercial, mixed, industrial, resort or government use with no public input beyond 65 years with no cap which could result in century long leases.

These lands were supposed to be used for my people and they are my people's land a transparent process should be put in place that requires public comment and input every year at the least. This is unacceptable and needs to change now.

Oppose this bill.

me ke aloha 'Ä• ina,

Nanea Lo

LATE

HB-499-HD-2

Submitted on: 2/25/2021 9:18:47 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Virgie Carnate	Individual	Oppose	No

Comments:

Aloha,

I **STRONGLY OPPOSE** the House Bill 499. I am STRONGLY OPPOSING this Bill for authorizing the Board of Land and Natural Resources to extend leases of public lands for commercial, industrial, resort or government use.

I am from the island of Maui, Hawai'i. I was born and raised on the islands and I live and breath the culture. I have zero Hawaiian blood in me but I have loved, cared, and have the utmost respect for the Aina and the Kanaka's. This is Hawai'i - This is not the Mainland. Provide lands to the Kanaka's whom are either homeless, currently renting or had to move away due to high prices. Hawai'i is THIER land, so why do they have to suffer due to greed? Help the Hawaiian's first before deciding what to do with their land.

Please, The House Bill 499 should be terminated. I am writing this with a heavy heart but please, reject this bill. Mahalo!

LATE

HB-499-HD-2

Submitted on: 2/25/2021 9:25:37 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kahelelani Mahone	Individual	Oppose	No

Comments:

Around the globe we are seeing the catastrophic results of what valuing the dollar over the welfare of the land looks like. We are seeing Indigenous peoples fighting to preserve these places, not for the sake of fighting, but because our human existence relies on us making changes before it's too late.

How could the ELECTED state of Hawai'i even CONSIDER this lease extension?! The people have spoken, and the evidence has proven time and time again what purpose these ceded lands, these sacred lands hold. Enough destruction has happened there. This has to end.

HB-499-HD-2

Submitted on: 2/25/2021 10:02:26 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MAKAIO KAHAHANE	Individual	Oppose	No

Comments:

Aloha! My name is Makaio Kahahane and I also **STRONGLY OPPOSE** House Bill 499. This bill is a disgrace to us KĀ• nakas. We work hard just to be living on OUR island that we have to pay to live on. This is OUR 'Ā€INA and it belongs to us KĀ• naka Maoli! This bill is nothing but Greed and an easy escape for rich tourist. The Kingdom of Hawai'i was illegally overthrown; we did not want this, we were forced. Take care of us KĀ• nakas so please reject this bill. Mahalo!

HB-499-HD-2

Submitted on: 2/25/2021 10:54:38 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
S. Kaleikoa Ka?eo	N.O.A.	Oppose	No

Comments:

Anoai me ke aloha,

Ke waiho aku nei au i keia palapala ma mua no hoi o oukou a pau ma ka Aha Olelo o Hawaii. E oluolu mai, e hoolohe pono i kaK»u e olelo aku nei no keia Pila Hale 499. Aole loa e kakoo nei koK»u ohana i keia pila no ka hoolimalima mau ana aku i ka aina lei alii o ka lahui kanaka i ka poho lima o ka poe o na aina e. He aina no ka lahui kanaka keia. Aole makou e ae hou aku i ka Mokuaina o Hawaii e hoomau i ka hanaino ana i ko makou aina aloha. No ka lahui kanaka na aina a pau o ko makou kulaiwi.

Mahalo

Kaleikoa

HB-499-HD-2

Submitted on: 2/25/2021 10:58:21 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ka'imipono	Individual	Oppose	No

Comments:

HB499 TESTIMONY LETTER

Addressed directly to senate committees of Water & Land, Consumer Protection & Commerce, and Finance,

Welina Aloha, this letter regards my testimony stating that I fully oppose HB499. In my letter will be my reasonings of why I do, as to why you should too. I am Ka'imipono Inofinada of Kalihi Kai, and in the name of the Hawaiian Kingdom, I oppose this bill.

First things first, as my first reason, why is this bill so important to oppose? Is this bill really that important to oppose, that people all over from the Hawaiian Kingdom has come to stop it? As proven by my testimony and possibly others, it is. You see, one reason for being why is because the places that the bill enacts on are too sacred, too historical to be allowed on. What I mean is, the places that the bill allows buildings on are the Hawaiian Kingdom's lands, or Hawaiian Kingdom Crown Lands and Government Lands which are supposed to be used for the public desire, including benefits of Native Hawaiians and their descendants.

What are these lands, the Crown Lands and Government Lands? Well, this takes place in the early 1800's on October 26 1846, also known as the Great Mahele, enforced by one of the kings of the Hawaiian Kingdom King Kamehameha III, or King Kamehameha IV. You see, the 'Ä• ina was separated in three parts: The Crown Lands, the Government Lands, and the Public Land. Of course, the Crown Lands

and Government was combined with public land after the Overthrow of the Hawaiian Kingdom and when Hawai'i was illegally annexed by America.

Of course, this is a common mistake a lot of people make when learning about the Overthrow, You see, it was thought that the whole kingdom of Hawai'i was overthrown, but really it was only our government that was. Meaning, the Hawaiian Kingdom still exists, is still here, and are healthy and good. Therefore, once you're on Hawaiian soil, you are to obey the rules of the Hawaiian Kingdom. And really, this bill would be breaking the rules, as punishable possibly by death.

Therefore, a second reason as to why to oppose this bill is, who would you wanna be remembered as in the next generation, a generation ran by the descendants of you, as your mo'opuna, and even further? A person who supported this bill and opposed the Hawaiian Kingdom and possibly meant going against what Queen Lili'uokalani wanted? Or, do you wanna be remembered as one who supported the Hawaiian Kingdom and opposed the bill, taking the kingdom's side? It's all up to you.

You're very welcome for my time.

Made with mā• na and aloha, with all words coming from my very na'au,

Ka'imipono Inofinada of Kalihi Kai

HB-499-HD-2

Submitted on: 2/25/2021 11:00:45 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimana Esquerra	Individual	Oppose	No

Comments:

To whom this may concern,

Aloha my name is Kaimana and I am from HÄ• makua and I am against House Bill 499. First and foremost majority of the " Public" lands are "Ceeded" lands. By right "Ceeded" lands are supposed to be used for the Public good which includes for the benefit of Native Hawaiians and their descendants. With that besting said, passing House Bill 499 will go against it's rights because this bill will allow BLNR to get a long lease or leases. BLNR my have a few Native Hawaiians or Decendants on it's board but their decision(s) is done from a one sided point of view. The land shouldn't be used for commercial, industrial, resort,etc., it should be used to educate the native Hawaiians of this land.