

HB499 HD2 SD1
RELATING TO LEASE EXTENSIONS ON PUBLIC LAND
Ke Kōmike ‘Aha Kenekoa o ke Ki‘ina Hana a me nā Kumuwaiwai
Senate Committee on Ways and Means

‘Apelila 7, 2021

9:45 a.m.

Lumi 211

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB499 HD2 SD1, 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 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 65 years, to be 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 14, to read as follows:

“SECTION 4. This Act, upon its approval, shall take effect on July 1, 2026.”

- 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."

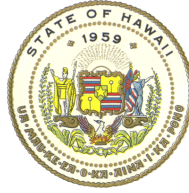
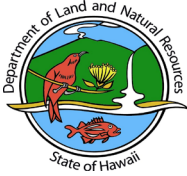
- To ensure that the general public has a meaningful opportunity to review and comment on the long-term encumbrance of public lands, ensure that lease extension applications and proposals are publicly noticed for no less than one month prior to the submission of plans and specifications to the BLNR;
 - By amending page 2, line 12, to read as follows:

“section 171-36, and subject to subsection (g), for leases that have not been assigned or”
 - By adding a new subsection (g) on page 6, after line 12, to read as follows:

“(g) 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 SD1, or minimally include amendments as listed above. Mahalo nui for the opportunity to testify on this measure.

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 Senate Committee on
WAYS AND MEANS**

**Wednesday, April 7, 2021
9:45 AM**

State Capitol, Via Videoconference, Conference Room 211

**In consideration of
HOUSE BILL 499, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO LEASE EXTENSIONS ON PUBLIC LAND**

House Bill 499, House Draft 2, Senate Draft 1 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. Senate Draft 2 of the measure deletes language that would prohibit the assignment of leases to sublessees, makes the measure effective upon its approval, and makes non-substantive amendments for the purposes of clarity and consistency. **The Department of Land and Natural Resources (Department) appreciates the amendment deleting language prohibiting assignment of leases to sublessees and supports the measure.**

Houses Bill 499, House Draft 2, Senate Draft 1 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, Senate Draft 1 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. The bill 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

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

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 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.

The Department supports the deletion of the language in House Draft 2 that would have prohibited an assignment of lease to a sublessee. 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.

As noted above, House Bill 499, House Draft 2, Senate Draft 1 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.

Thank you for the opportunity to comment on this measure.



April 7, 2021

SENATE COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Testimony Strongly Opposing HB 499, HD 2, SD 1

Aloha, Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committee,

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii continues to **strongly oppose HB 499 HD 2, SD 1**, Relating to Lease Extensions on Public Land, that would authorize the Board of Land and Natural Resources 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 existing improvements. Such a measure may violate the State's fiduciary obligation to Native Hawaiians under the public trust and public land trust, which could lead to permanent and semi-permanent alienation of public and "ceded" lands.

We have heard it said that there is no need to provide any more land or funding to the Office of Hawaiian Affairs (OHA) and the Department of Hawaiian Home Lands (DHHL) who both already have lots of land, but are not doing anything with it. Therefore, the question has been, why should more funds or land be allocated for the benefit of the Native Hawaiian community? The reason is because it is a legal obligation. Even if OHA and DHHL cannot move quickly, the legal obligation to preserve ceded lands and resulting revenue does not go away. The legal obligation is still there. And the huge needs of the Hawaiian community indicate a need for land for housing and cultural practices.

If OHA and/or DHHL have challenges in moving quickly and efficiently with their land and funding due to DHHL's status as a State agency and OHA's status as a quasi-State agency, both bound by government bureaucracy, land and funds for the benefit of Native Hawaiians can be allocated to other organizations in the Hawaiian community who are in a position to quickly mobilize for the benefit of Native Hawaiians.

We continue to believe that the State has a moral and fiduciary duty to honor, respect, and follow through on its legal obligation to protect and preserve public lands and transfer 20% of the revenue for the benefit of Native Hawaiians.

Mahalo nui loa for the opportunity to testify.

Me ka mahalo nui,

JUANITA MAHIENAENA BROWN KAWAMOTO, Chair

Hawaiian Affairs Caucus of the Democratic Party of Hawai'i

Prince Kuhio Plaza

April 7, 2021

Hearing Date: April 7, 2021

Time: 9:45AM

Place: Written testimony only

Sen. Donovan M. Dela Cruz, Chair
Sen. Gilbert S.C. Keith-Agaran, Vice Chair
State Capitol
Committee on Ways and Means
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Testimony in Support of House Bill No. 499 HD2 SD1 Relating to Lease Extensions on Public Land

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee Members:

Thank you for the opportunity to provide written testimony on House Bill No. 499 HD2 SD1. 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

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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 SD1. Thank you for your consideration.

Sincerely,

PRINCE KUHIO PLAZA

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Daniel Kea
General Manager

HB-499-SD-1

Submitted on: 4/3/2021 7:51:32 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Testifying for Aloha ?Aina Party	Oppose	No

Comments:

On behalf of the Aloha 'Ä€ina Party, its organization and membership, we hereby OPPOSE any extension of leases on public lands.

Testimony of
Pacific Resource Partnership

Senate Committee on Ways And Means
The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

HB499, HD2, SD1 Relating To Lease Extensions On Public Land

Wednesday, April 7, 2021
9:45 A.M.
Conference Room 211

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

Pacific Resource Partnership (PRP) writes in strong support of HB499 HD2, SD1 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, SD1 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.



NO BENEFIT FOR BENEFICIARIES

STOP HB 499 !

STOP century-long leases that inhibit the State from fulfilling its fiduciary obligations to beneficiaries!

HB 499 has gone from BAD to WORSE (SD1) for public land beneficiaries, namely, Native Hawaiians and the general public. Committee Report 1151 details the SD1 provisions (1) (2) that benefit business lessees *but do not benefit public land beneficiaries.*

- (1) Deleting language that would have prohibited a lease to be assignable to a sublease, in conformity with the contents of S.B. No. 257, S.D. 1;
CENTURY-LONG SUBLEASING DOES NOT BENEFIT PUBLIC LAND BENEFICIARIES.
- (2) Making it effective upon its approval; **HURRY-UP LEGISLATION DOES NOT BENEFIT PUBLIC LAND BENEFICIARIES.**

Testimony of Kūpuna for the Mo'opuna – HB 499, HD2 SD1

STRONG OPPOSITION

COMMITTEE ON WAYS & MEANS Chair Dela Cruz & Vice Chair Keith-Agaran– 4/7/2021 @ 9:45am



STOP LEGAL THIEVERY!

The lands granted to the State of Hawai'i by Section 5 (b) (f) of the Admission Act and pursuant to Article XVI, Section 7, of the Hawai'i State Constitution, shall be held by the State as a public trust for native Hawaiians and the general public....NOT TO MAKE PRIVATE CITIZENS RICH!

- 1.) **Watch** “PUBLIC LAND TRUST: JUSTICE DELAYED IS JUSTICE DENIED.”
<https://www.kamakakoi.com/plt>
- 2.) **Read** “PUBLIC-PRIVATE PARTNERSHIPS HAVE A TROUBLED HISTORY IN HAWAII.”
<https://www.staradvertiser.com/2021/03/14/hawaii-news/public-private-partnerships-have-a-troubled-history-in-hawaii/>

Ua mau ke ea o ka 'āina i ka pono!



STANFORD CARR DEVELOPMENT, LLC

▪ April 5, 2021

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
and Members of the Senate Committee on Ways and Means

**RE: HB499, HD2, SD1 Relating To Lease Extensions On Public Land
April 7, 2021, 9:45AM; CR 211 & Videoconference**

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Committee Members,

My name is Stanford S.C. Carr and I am the President of Stanford Carr Development, LLC. We are a local development firm that has worked to provide the community with affordable housing opportunities. I am submitting testimony on HB499, HD2, SD1 which authorizes the Board of Land and Natural Resources 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. **I support HB499, HD2, SD1, but with an amendment which would provide that any extension of lease “shall be for a period no longer than twenty years.”** This extension period should be sufficient to meet the objectives of this measure.

I agree with proponents of this bill that the State benefits when it retains long-term lessees who are willing to make substantial reinvestments in projects on public lands that address the needs of the community and have a positive impact on the economy. Moreover, the passage of this measure will help to facilitate the development of a mixed-use residential project that will greatly benefit the Native Hawaiian community and enhance one of our older neighborhoods on Oahu.

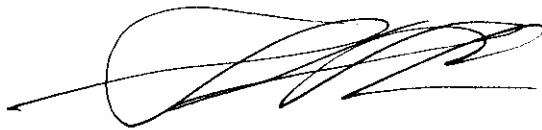
By way of background, my firm was selected by the Department of Hawaiian Home Lands (DHHL) to implement the redevelopment of its 820 Isenberg Street property in Mō'ili'ili (the site of the former Stadium Bowl-O-Drome bowling alley). As proposed, the rental project will include a 210-foot, 23 story high rise that will consist of 270 rental units. The building will also include management offices, laundry and mailrooms, and community facilities with ample parking. Plans also include the construction of seven townhouse units as well as retail space.

This is an important project because it will provide badly needed affordable rental housing for the Native Hawaiian community. For example, rents could be as low as \$633 for studios. Moreover, the project will provide affordable rental units to a broad spectrum of low to moderate income DHHL beneficiaries with household incomes ranging from 30% of the area median income to 100% of the area median income. As DHHL Chair William Ailā, Jr. stated, “We know many of our applicants are paying Honolulu’s high market rents, making it difficult to prepare for their future homestead opportunity. DHHL’s hope is that this affordable rental option not only provides the circumstance

for our families to financially ready themselves but also the convenience of being closer to jobs and schools". Furthermore, the project will help to address the housing needs of our kupuna.

In order to finance this project, the developer would like to have the option of utilizing an FHA HUD bond amortization financing program that requires at minimum a seventy-five-year ground lease. This is the most ideal and feasible financing program for a 40-year fixed rate mortgage that is FHA insured under a HUD program. The passage of this bill could facilitate the ability of the developer to obtain a ground lease of sufficient duration in order to procure the necessary financing that will support the financial viability of this important project.

For all of these reasons, I request that this committee pass HB499, HD2, SD1 with the amendment that I have proposed. Thank you for the opportunity to submit this testimony.

A handwritten signature in black ink, appearing to read 'Stanford S. Carr', with a large, stylized initial 'S'.

Stanford S. Carr



Native Hawaiian LEGAL CORPORATION

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HB499 HD2 SD1

RELATING TO LEASE EXTENSIONS ON PUBLIC LANDS

SENATE COMMITTEE ON WAYS AND MEANS

April 7, 2021

9:45 a.m.

Conference Room 211

Aloha e Chair Dela Cruz, Vice-Chair Keith-Agaran, and members of the Committee,

The Native Hawaiian Legal Corporation (NHLC) **OPPOSES HB499 HD2 SD1**, which would authorize long-term leases that, for all intents and purposes, would effectively alienate public and “ceded” lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which passage of **HB499 HD2 SD1** would facilitate. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of “ceded” lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the “ceded” lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, “for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended”—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State’s disposition of “ceded” lands. Which lands (if any) should be alienated and assurance that the revenue such transfers generate maximizes the twenty percent fair market value realized by the Office of Hawaiian Affairs (OHA), are decisions that if discharged with reasonable skill and care should, at minimum, be informed by the public notice requirements and explicit safeguards detailed in OHA’s Opposition Testimony to HB499 HD2 SD1, dated April 7, 2021.

So long as native Hawaiian claims to ownership of the “ceded” lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State’s failure to meet its trust obligations to Native Hawaiians, prudence demands that the State’s management and administration of the “ceded” lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. **HB499 HD2 SD1**, in its current iteration, fails to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.

April 7, 2021

Page 2 of 2

Indeed, it is well-settled that native Hawaiian beneficiaries of the ceded land trust have a right to bring suit under the Hawai‘i Constitution when the terms of the “ceded” lands trust are violated, including failure by the State to adhere to the high fiduciary duties owed by a trustee to its beneficiaries. As trustee of the “ceded” lands trust, the State has charged itself with moral obligations of the highest responsibility and trust. As such, its conduct will be judged by the most exacting fiduciary standards, as is appropriate for a kuleana of this magnitude and consequence for generations of Native Hawaiians.

In closing, it is worth revisiting and re-remembering the importance of land to Native Hawaiians and to their continued cultural and spiritual identity and practices:

The [n]ative Hawaiian [p]eople continue to be a unique and distinct people with their own language, social system, ancestral and national lands, customs, practices and institutions. “The health and well-being of the [n]ative [H]awaiian people is intrinsically tied to their deep feelings and attachment to the land.” Aina, or land, is of crucial importance to the [n]ative Hawaiian [p]eople -- to their culture, their religion, their economic self-sufficiency and their sense of personal and community well-being. Aina is a living and vital part of the [n]ative Hawaiian cosmology, and is irreplaceable. The natural elements -- land, air, water, ocean -- are interconnected and interdependent. To [n]ative Hawaiians, land is not a commodity; it is the foundation of their cultural and spiritual identity as Hawaiians. The aina is part of their ohana, and they care for it as they do for other members of their families. For them, the land and the natural environment is alive, respected, treasured, praised, and even worshiped.

Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp., 117 Haw. 174, 214, 177 P.3d 884, 924 (2008) (footnotes and internal citations omitted) (emphases in original).

For all the above-stated reasons, **NHLC OPPOSES House Bill No. 499, HD2 SD1.** Mahalo for the opportunity to testify.

Summer L. H. Sylva



Executive Director

Native Hawaiian Legal Corporation

KA LĀHUI HAWAI‘I

KŌMIKE KALAI‘ĀINA

BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

April 7, 2021

House Bill 499 HD2 SD1
Relating to Public Lands

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, Members of the Committees,

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, mixed use, resort, or government use. We have submitted written testimony of the State's abuse of the "Ceded Lands" Trust aka "Public Lands" to the US Senate Committee on Indian Affairs and have requested a Congressional oversight committee on actions like this measure by the State of Hawai'i to disintegrate the trust allowing for extended leases which are tantamount to giving these trust lands away.

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



Senate Committee on Ways & Means

Hawai'i Alliance for Progressive Action (HAPA) OPPOSES: HB499 HD2 SD1

Wednesday, April 7th, 2021 9:45 a.m.

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and Members of the Committee,

HAPA strongly opposes HB 499 relating to lease extensions on public land.

HAPA opposes allowing the Department of Land and Natural Resources to extend leases on public lands throughout the state without any cap.

From stream diversions on Maui and Kaua'i, to Mauna Kea and Pohakuloa on Hawaii island, we already have ongoing issues with DLNR's management of public lands and issuance of long-term leases.

HAPA believes the DLNR should not be allowed to extend leases for the benefit of private developers, especially without public transparency, proper stewardship, or assessment of environmental impacts.

Please defer HB499 HD2 SD1.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick'.

Anne Frederick
Executive Director

HB-499-SD-1

Submitted on: 4/6/2021 11:23:12 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Manawaiakea	Testifying for E Ola Kakou Hawaii	Oppose	No

Comments:

There is no Trust

Lawsuits filed against BLNR



for lack of along management of Mauna Kea by OHA in 2017.

2020 A&B, Mahi Pono, and BLNR lawsuit in negligence of waters in streams that have been altered in for use by A&B and Mahi Pono. BLNR legal obligation of ensuring the public's natural resources are well protected. In regards to 13 East Maui Streamd.

2015 Pohakuloa lawsuit *Ching v. Case*, regarding the pollution and environmental damage at the Pohakuloa Training Area (PTA) on the Big Island. The lawsuit alleges that the Department of Land and Natural Resources (DLNR) breached its public trust duties by failing to ensure that the military complies with the terms of its lease with the state. The lease requires that the military clean up ordnance and other military debris. There is abundant evidence that the military has not complied. Yet, state officials want to extend the lease beyond its 2029 expiration date.

2017 MÄ• nÄ• Hawaii's Environmental Policy Act

2018 MÄ• nÄ•

Federal environmental regulators have settled claims against a multinational GMO corn grower that exposed dozens of workers on Kauai to a dangerous pesticide in two separate incidents.

Syngenta Hawaii, a local unit of the Swiss giant [Syngenta AG](#), will pay a civil penalty of \$150,000 and spend \$400,000 on worker protection training sessions for growers under the agreement.

It's a fraction of the more than \$4.8 million the U.S. Environmental Protection Agency had announced it was seeking for the 2016 mishap alone, which sent 10 workers to the hospital.

According to the complaint, 19 workers went into the contaminated cornfield before the company realized the error. Afterward, those workers were transported in a van with others, and the company decided to decontaminate all 35 of the workers. Ten workers were eventually taken to the hospital, with three held overnight.

According to the EPA, exposure to small amounts of chlorpyrifos can cause tears, sweating, headache, nausea and dizziness, while more serious exposures can cause vomiting, muscle twitching, tremors and weakness. Other effects include diarrhea, blurred vision, convulsions, difficulty in breathing, and paralysis.

Strauss declined to say what effects the Kauai workers suffered. She also did not know if any had filed civil suits against the company.

According to the complaint, the second incident occurred in 2017, when Syngenta sprayed a field with chlorpyrifos but didn't properly post warnings for five crews comprising 42 employees working in nearby fields. One of the workers came down with symptoms of pesticide exposure, the EPA alleged.

2015 Hualalai The U.H. organizations, the Institute of Geophysics and Planetology (HIGP) and the Center for the Study of Active Volcanoes (CSAV), were given an exemption from requirements to prepare an environmental assessment.

it's clear that the State BLNR lacks the fundamentals of what their JOB is?

The law requires a Comprehensive Management Plan.

Hawai'i's "[ceded lands trust](#)," also known as "public trust lands"--lands of the monarchy prior to 1893 overthrow of the Hawaiian Kingdom. These are lands held in trust by the State of Hawai'i, to be managed for the benefit of Native Hawaiians and the public of Hawai'i.

State law requires that fair market rent be charged for any and all leasing of "ceded" crown lands in Hawai'i. (HRS 171)

The law requires the state to develop comprehensive management plans, (HAR 183C) to be developed by the Hawai'i Department of Land and Natural Resources, and approved by the State Board of Land and Natural Resources (BLNR).

Mission Statement

“Enhance, protect, conserve and manage **Hawaii's** unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of **Hawaii**inei, and its visitors, in partnership with others from the public and private sectors.”

Title VI & Environmental Justice Program

The Hawaii Department of Transportation (HDOT) is a recipient of Federal financial assistance. Recipients are required to comply with various nondiscrimination laws and regulations, the focal point of which is Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 bars discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal funds.

The broader application of nondiscrimination law is found in other statutes, regulations, and Executive Orders. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination based on sex. Section 504 of the Rehabilitation Act of 1973 prohibits disability discrimination, the Age Discrimination Act of 1975 bars age discrimination in the provision of services.

Additionally, the Civil Rights Restoration Act of 1987 defined “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal financial assistance. Thus, subrecipients are required to comply with Title VI and related nondiscrimination laws, and regulations.

An important component of the HDOT Title VI Program is the commitment to developing and implementing environmental justice strategies. Environmental Justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Also, part of this fair treatment and meaningful involvement includes HDOT Title VI Program’s support of the needs of people with Limited English Proficiency (LEP). In compliance with §321C, Hawaii Revised Statutes, HDOT’s Language Access Plan aligns with the State of Hawaii’s Office of Language Access’ policies and requirements regarding provision of language access to LEP persons seeking access to HDOT programs, activities, or services.

as a Wahine Maoli, Po'e Kanaka

our people are unjustly and disproportionately at risk due to the effects of our cultural heritage.

Under the International Laws CRIME ON HUMANITY

DESTRUCTION OF PROPERTY under the category; CULTURAL HERITAGE

Under King Kamehameha III, the most important event in the reformation of the land system in Hawai'i was the separation of the rights of the King, the Chiefs, the Konohiki (land agents) and maka'ā• inana (the native tenants.)

More than 240 of the highest ranking Chiefs and Konohiki in the Kingdom joined Kamehameha III in this task (generally referred to as the Great Māhele.) The first māhele, or division, of lands was signed on January 27, 1848; the last māhele was signed on March 7, 1848.

Each māhele was in effect a quitclaim agreement; in each māhele for lands for the King, the Chief or the Konohiki signed an agreement: "I hereby agree that this division is good. The lands above written are for the King. I have no more rights therein."

The King retained all of his private lands as his individual property; one third of the remaining land was to be for the Hawaiian Government; one third for the Chiefs and Konohiki; and one third to be set aside for the tenants, the actual possessors and cultivators of the soil.

The high Chiefs and the lesser Konohiki were required to present their claims before the Land Commission to receive awards for the lands. Until an award for these lands was issued by the Land Commission, title to such lands remained with the government.

In the Māhele, of the approximate 10,000 awards, around 1,000,000-acres were reserved by King Kamehameha III as "Crown" lands, 1,500,000-acres were given by the King (as "Government" lands) to the 'government and people', approximately 1,500,000-acres were set aside for the Chiefs (as "Konohiki" lands) and less than 30,000-acres of land were awarded to the native tenants (Kuleana lands.)

Kamehameha III divided the lands he reserved for himself into two separate parts; the smaller portion he retained for his personal use ("Crown" lands); the larger portion he gave 'to the Chiefs and people' ("Government" lands.)

On June 7, 1848, Kamehameha III approved a Law, passed at the Council House, that listed respective ahupua'a and ili that were "the private lands of His Majesty Kamehameha III ... and said lands shall be regulated and disposed according to his royal will and pleasure subject to the rights of native tenants."

Another long list of ahupua'a and ili were noted as "the lands of the Hawaiian Government." A shorter list of O'ahu lands were "set apart for the use of the Fort in Honolulu, to be cultivated by soldiers and other tenants under the direction of the Governor of O'ahu". (An Act Relating to the Lands of His Majesty the King and the Government, 1848)

Crown lands were viewed and handled "to be the private lands of His Majesty Kamehameha III, to have and to hold to himself, his heirs and successors forever"

Ua Mau ke Ea o ka 'Āina i ka Pono

King of Hawaii, on July 31, 1843, on [Thomas Square, O'ahu](#), when the sovereignty of the [Kingdom of Hawaii](#) was returned by the [British](#) through the restorative actions of Admiral [Richard Darton Thomas](#), following the brief takeover by [Lord George Paulet](#).

"The sovereignty of the land is perpetuated in righteousness." Admiral Thomas did what was righteous (pono) by returning on that day the sovereignty of the Kingdom of Hawai'i to its people through handing it back to their king.

Knowing what is right, by doing what is right. By the people Ko Hawaii Pae Aina, Hawaii Ko Pae Aina.

this is why I Oppose this HB499

Aloha,

Manawaiakea

Take Judicial Notice: A Joint Resolution is a United States Domestic Law, confined only to the boundaries within the United States, not outside the United States like the Islands of Hawaii (Hawaiian Archipelago). This is a Congressional Fact.

The Only Fact that cannot be disputed is that the Hawaiian Islands is not part of the United States under the April 30, 1900 Organic Act Section Two of all the LAWS for the TERRITORY OF HAWAII. Simply, there are no Hawaiian Islands in the TERRITORY OF HAWAII as such there are no Hawaiian Islands in the Admissions Act of 1959 under section two. The TERRITORY OF HAWAII & THE STATE OF HAWAII have no Hawaiian Islands or metes and bounds.

Take Judicial Notice: The Joint Resolution & The Admissions Act have no Hawaiian Islands or metes and bounds to make the Kingdom of Hawai'i part of the United States of American Inc. This is a Congressional Fact!

The entire archipelago of the Hawaiian Islands were claimed by King Kamehameha III in the 1849 Treaty with President Zachary Taylor, when the U.S. was a Republic under article 4 section 4. Under Article 6 section 2 of the U.S. Supremacy Clause, Treaties are Law of the Land.

The STATE OF HAWAII has no clear title to any Hawaiian Islands or its lands. King Kamehameha III placed all Crown Lands, Government Lands and Kuleana Lands under protection of his Land Lodial Titles or Ano Lodial Titles, which are under the King who owned all the Kingdom of Hawai'i Lands as Grantor to Grantor which are the Highest Land Lodial Patents in the World. King Kamehameha V protected all Land Lodial Royal Patent Titles under Article 35, of the 1864 Kingdom of Hawai'i Constitution.

1. THE STATE MUST PROVIDE A TREATY TO SHOW JURISDICTION OF THEIR METES & BOUNDS.

2. THE STATE MUST PROVIDE CLEAR TITLE TO THE LAND.

Queen Lili'uokalani took back all 4 million acres of Hawai'i Kingdom Lands of June 17, 1897 in her letter of protest received by the Secretary of State in Washington D.C. accompanied by the Ku'e Petition's 39,000 signatures of Hawai'i Loyal Subjects protesting U.S. Occupation and Rule. This document is evidence that the United States never paid for any Hawaiian Kingdom Lands and there is no LEGAL TRANSFER OF ANY HAWAIIAN KINGDOM LANDS FROM THE LEGITIMATE MONARCH TO THE UNITED STATES. U.S. never owned the Lands.

WITHOUT A TREATY OR CLEAR TITLE, THE STATE IS LIABLE FOR PREMEDITATED MIS-PRISON OF FELONY UNDER TITLE 18 USC § 4 § 2441 § 2442

The United States or any other foreign country can never legally claim the Kingdom of Hawai'i because in Berne Switzerland the Kingdom of Hawai'i is registered as an Independent Neutral Kingdom with 59 Treaties with the World, under King Kalakaua's COMMERCE of the UPU, a GOLD STANDARD under King Kamehameha V. Piracy, Treason & Genocide against the Hawaiian people is becoming known to all Foreign Countries. The U.S. has forced illegal Military Occupation of 118 years; illegal U.S. enforced Laws; illegal U.S. enforced taxation to receive free money to pay their National Debt under U.S. Bankruptcy of March 9, 1933 of Title 12 USC Chapter 2 § 95, § 95a, §95b; HR1491; SR93-549; HJR 192, June 5, 1933 the Comptroller of the Treasury must pay off the entire National Debt before charging any US or Hawaiian citizens tax. U.S. Judges are only administrators under the 1789 Judiciary Act that eliminated all Judges.

The State of Hawaii, DLNR, and any person or representative related to this case, must provide proof that the United States and/or the State of Hawaii has

Kauai Mokupuni along with every ahupua'a in it with Metes and Bounds. If there is no such thing provided, this process shall cease and desist immediately.

This is from the STATE

If you need more proof

172-11

Land patents on land commission awards; to whom, for whose benefit

§172-11 Land patents on land commission awards; to whom, for whose benefit. Every land patent issued upon an award of the board of commissioners to quiet land titles, shall be in the name of the person to whom the original award was made, even though the person is deceased, or the title to the real estate thereby granted has been alienated; and all land patents so issued shall inure to the benefit of the heirs and assigns of the holder of the original award. [L 1872, c 21, §1; RL 1925, §568; RL 1935, §1587; RL 1945, §4641; RL 1955, §100-11; HRS §172-11]

Case Notes

Land commission award held good against later royal patent. 1 H. 69; 1 H. 90. Award cannot be collaterally attacked. 1 H. 90.

Certificate of award of land commission, with its accompanying survey, are admissible in evidence. 2 H. 202.

Patents based as awards do not confer or confirm title of later holders. It is merely a quitclaim interest of the government in lands. 3 H. 783; 11 H. 587, 589.

Court is inclined not to disturb award of land commission long adjudicated. 5 H. 354.

Mahele of 1848 considered and defined. 6 H. 195.

Award may be to deceased person; heirs must determine their own respective rights. 15 H. 648.

Section does not authorize the issuance of grant to deceased person. 26 H. 382, 397.

Review of case law and effect of patent. 49 H. 429, 421 P.2d 570.

HB-499-SD-1

Submitted on: 4/1/2021 9:49:41 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Miyahira	Individual	Support	No

Comments:

My position is fairly simple. I support the proposed bill.

A lessee who already has a viable enterprise established on the leased lands is, by a general definition of 'viable', is probably employing people, buying supplies and services from others, paying lease rents and real property taxes (or share of), and paying general excise and income taxes. In other words, providing an economic benefit to our community.

Enabling a viable lessee to remain on the land would seem beneficial to our affected communities.

HB-499-SD-1

Submitted on: 4/1/2021 10:14:09 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

OPPOSE

Here we are again... and again... until the legislators with their underlying purposes get the bill to go through. Look at the testimonies of support and opposition. They fall clearly into categories. It remains a constant that there are so many people, legislators who have the only goal of appeasing those with \$\$\$: the developers, the foreign governments, the military and those people who profit from the abuse of our lands, water and Mauna. Then there are the rest of us who clearly see what is happening, have and will continue to stand and share of these inequities and purposeful bias of the bills that come from the "state". Leases are currently not followed around the islands. The "state" needs to do a better job of being accountable before asking for any kind of lease extensions or new leases.

HB-499-SD-1

Submitted on: 4/1/2021 2:59:54 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clifford K Ogata	Individual	Support	No

Comments:

We are in full support of HB499 that provides for DHHL Ground Leases to be extended 40 years. However, in view of adverse concerns in regards to the extension of 40 years, we strongly continue support for 20 year extension as compromise. Mahalo for this opportunity to testify.

HB-499-SD-1

Submitted on: 4/2/2021 10:50:58 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Gregory	Individual	Oppose	No

Comments:

99 years is too long, and minimal oversight risks the use of our public lands for undesirable purposes.

HB-499-SD-1

Submitted on: 4/2/2021 10:44:57 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harley Broyles	Individual	Oppose	No

Comments:

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. Enough is enough!

HB-499-SD-1

Submitted on: 4/3/2021 12:04:27 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

I oppose this bill because I feel it runs contrary to historical issues regarding the use of ceded lands that are self-evident to me.

HB-499-SD-1

Submitted on: 4/3/2021 2:46:28 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bianca Isaki	Individual	Oppose	No

Comments:

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. Enough is enough!

HB-499-SD-1

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

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Kalani Wassman	Individual	Oppose	No

Comments:

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. Enough is enough!

HB-499-SD-1

Submitted on: 4/4/2021 3:45:14 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Kimo Wassman	Individual	Oppose	No

Comments:

I OPPOSE HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. Enough is enough

Melody Kapilialoha MacKenzie
579 Kāne‘apu Place, Kailua, Hawai‘i 96734

H.B. 499, H.D. 2, S.D. 1

RELATING TO LEASE EXTENSIONS ON PUBLIC LAND

Senate Committee on Ways and Means

Decision-Making: Wednesday, April 7, 2021, at 9:45 am

Aloha, and thank you for the opportunity to submit written testimony in **strong opposition** to H.B. 499, H.D. 2, S.D. 1. I am an attorney, advocate for the Native Hawaiian community and its trust resources, and a Professor Emerita at the William S. Richardson School of Law. I have helped to litigate and written extensively on the legal issues involving the Public Land Trust, and the constitutional and statutory mandates relating to the trust lands and funds. I submit this testimony in my personal capacity.

Most of the public lands held by the State are the Government and Crown Lands of the Hawaiian Kingdom, and embody the spiritual and physical connection of the Native Hawaiian people to the ‘āina or land. The State’s fiduciary duty in relation to these lands, held by the State with significant portions designated as the “Public Land Trust,” is deeply rooted in Hawai‘i law. As the Hawai‘i Supreme Court has stated, State officials are obligated “to use reasonable skill and care in managing the public lands trust” and the State’s conduct should be judged “by the most exacting fiduciary standards.” *Office of Hawaiian Affairs v. Housing Community and Development Corporation of Hawai‘i*, 117 Hawai‘i 174, 195, 177 P.3d 884, 905 (2008). Thus, the State’s well-established commitment to reconciliation with the Native Hawaiian community includes the preservation of the “ceded” or trust lands to the greatest extent possible, until the unrelinquished claims of the Native Hawaiian community to the trust lands are resolved.

This bill would authorize lease extensions for up to 40-years on public lands, resulting in century-long leases. This would hamper the Board of Land and Natural Resources (BLNR) from fulfilling its fiduciary obligations of due diligence and undivided loyalty, and in maximizing the beneficial disposition of lands leased for commercial, industrial, resort, mixed-use, and governmental purposes throughout the entire state.

The State, through the BLNR, holds in trust most of our public lands, including the natural and cultural resources they contain, for the benefit of present and future generations. Most of these lands are subject to the Public Land Trust established through section 5(f) of the Admission Act and by Article 12, section 4, of the Hawai‘i State Constitution. Article 12, section 4, requires that the State hold the lands in trust for Native Hawaiians and the general public. Moreover, under Article 12, section 6, a portion of revenues derived from Public Land Trust is designated for the Office of Hawaiian Affairs, to improve 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 the trust corpus is productive and that its benefits are maximized for its beneficiaries — Native Hawaiians and the general public. By authorizing the extension of up to 40 years of commercial, industrial, resort, mixed-use, and government public land

MacKenzie Testimony
H.B. 499, H.D. 2, S.D. 1
April 7, 2021

leases – many of which may already have been held by lessees for the more than half a century – this bill invites century-long leases that could substantially inhibit the BLNR from fulfilling its fiduciary obligations, and otherwise ensuring the best and most appropriate uses of the Public Land Trust.

Moreover, the State, has recognized that these lands have a unique history and, in previously enacting laws requiring a two-thirds majority vote in both houses of the Legislature for the sale or gift of trust lands, has made a commitment to limit the sale or alienation of the lands to ensure that they are preserved for future reconciliation efforts with the Native Hawaiian community. See HRS §§ 171-50(c), 171-64.7. This proposal, by allowing for century-long leases of the trust lands, undermines that commitment.

Finally, I want to note that in 2018, Act 149 was passed establishing a “pilot project” to determine whether public land lease extensions in the Hilo community economic district would lead to “efficient and effective improvement, and economic opportunity,” and whether such an approach “can be replicated in other areas of the State.” This pilot program has not concluded so that a full assessment can be made on the positive and negative aspects of these kinds of lease extensions. It seems short-sighted to expand much broader lease extension authority without first determining the effectiveness of the pilot project in Hilo. Before expanding the lease extension authority to all other commercial, industrial, resort, mixed-use, and government public land leases throughout the islands, the Legislature should allow for an appropriate assessment of the cost-benefits, barriers, as well as positive and negative unintended consequences, and other lessons from Act 149.

For the above reasons, I **strongly oppose** H.B. 499, H.D. 2, S.D. 1. Mahalo for the opportunity to submit this testimony.

HB-499-SD-1

Submitted on: 4/4/2021 11:31:35 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gloria Palma	Individual	Oppose	No

Comments:

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. Enough is enough!

HB-499-SD-1

Submitted on: 4/5/2021 9:05:38 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sanford Yee	Individual	Oppose	No

Comments:

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. Enough is enough!

HB-499-SD-1

Submitted on: 4/5/2021 9:45:15 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulu Luuwai	Individual	Oppose	No

Comments:

Legislators should not be expediting this controversial bill during a time when many are excluded from participation in the legislative process. This bill deserves to be thoroughly debated and talked about with the public. Wait till next session to vet it.

This bill cannot be passed in good conscience when it clearly favors one group over the decades of cries of the most marginalized group in Hawai'i -- Native Hawaiians.

Last, this bill will lead to the tantamount sale of public lands, claims to which have not been settled with Hawaiian Kingdom subjects dating back to the overthrow of the Hawaiian Kingdom.

HB-499-SD-1

Submitted on: 4/5/2021 11:10:23 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ana Kahoopii	Individual	Oppose	No

Comments:

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. Enough is enough!

HB-499-SD-1

Submitted on: 4/5/2021 3:05:08 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
LeAnne Stephens	Individual	Oppose	No

Comments:

I oppose the HB499 HD2 SD1 bill. It is a complete disgrace to Kanaka Maoli what the government has done and continues doing to them. How can you possibly live with yourselves knowing that you are once again cheating them from what is rightfully theirs? The people of this land need to be given back their land so they can have a place to live and raise their families! You have catered to every foreign outsider there is, all in the name of money! Many of you have lined your deep pockets for your own gain. This has to stop and the children of this land need to be given the opportunity to remain in their ancestral home Hawaii and keep their culture and language alive. Enough of giving the money grubs what they want to rape the 'aina and the people for their greedy, self-serving gain. My heart weeps as to the injustice that has happened and continues to happen. You hold their future in your hands, search your hearts and do what is right for the future generations of the people of this land!

LeAnne Stephens

HB-499-SD-1

Submitted on: 4/5/2021 3:37:31 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases.

Benton Kealii Pang, Ph.D.

Pā• lolo, Hawai'i

HB-499-SD-1

Submitted on: 4/5/2021 5:48:36 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

Aloha Legislators,

I strongly oppose HB499. Public lands should not be given these long-term leases. Justice delayed, is justice denied and the Hawaiian people deserve to have a seat at the table when it comes to deciding what should be done with stolen lands. In general, public lands need to be re-evaluated in terms of their use due to the many critical issues we are facing with climate change, food insecurity, and lack of true transition to a more sustainable economy. We need to have the courage to end the status quo when it comes to land use in Hawai'i. Thank you for your consideration.

Respectfully,

Jessica dos Santos

HB-499-SD-1

Submitted on: 4/5/2021 7:16:08 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keke Manera	Individual	Oppose	No

Comments:

I strongly oppose BOTH HB499 and SB2.

HB-499-SD-1

Submitted on: 4/5/2021 8:36:55 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De Austin	Individual	Oppose	No

Comments:

Honorable chair and members of the senate:

I oppose this bill as it incorrectly addresses the needs of the Hawaiian people.

This bill only perpetuates the crime of land theft historically levied against Hawaiians, and worse, offers NOTHING in exchange for this disgraceful appropriation. I, as a someone with Hawaiian blood, do not want development. I only want the public lands in our public trust to remain in public hands. No corporations, no resorts, no government use.

No, do not extend leases for these uses.

Find a way to morally and ethically support the continuation of Hawaiians and the Hawaiian culture without selling the soul of ourselves, without selling the aina.

Respectfully,

D Austin

Kihei, Maui

HB-499-SD-1

Submitted on: 4/5/2021 9:13:33 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Ilima DeCosta	Individual	Oppose	No

Comments:

Since 1893, the indigenous persons to Hawaii and those settlers loyal to the kingdom of Hawaii have been protesting the illegal actions that led to the overthrow of the Hawaiian Kingdom and Hawaii becoming incorporated into the United States (not annexed, since no properly ratified treaty of annexation exists).

The state of Hawaii - for all intents and purposes - was created out of whole legal cloth.

Despite the failure of America to follow the rules of the UN and their own Constitution, and despite more than a hundred years of protests, not only have Americans refused to end their military occupation of Hawaii, the state entity - which has acted as a co conspirator to nation theft, after the fact - has conveniently ignored the evidence that proves the Hawaiian Kingdom was the target of a coup de tat by American settlers.

Instead of being adjudicated for treason, these traitors went on to control Hawai'i. And still do today.

And, instead of following the 1993 Apology Bill with real reparations, the state of Hawaii and its corporate cohorts have taken every opportunity to undermine the interests of indigenous to Hawaii.

The state has failed to negotiate in good faith and the alleged "settlement" of indigenous claims amounts to a boondoggle. Indigenous organizations are restrained from developing housing, even while non indigenous corporations continue their building spree that attracts affluent non residents.

Those who introduced the bill will need to explain to the rest of us why they believe that disenfranchising indigenous and the general public from ceded lands is a benefit to the community.

The introducers also need to demonstrate that they have "clean hands" and are not making decisions because they/their friends and family stand to benefit from the passage of the law.

HB-499-SD-1

Submitted on: 4/5/2021 9:16:12 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noah Humphrey	Individual	Oppose	No

Comments:

HB499 is also deeply problematic. This bill authorizes the BLNR to extend certain leases of public lands for the commercial, industrial, resort, or government use if the lessee intends to make improvements to the lands. With many 65-year leases approaching the end of their term, this bill would allow them to be extended for an additional 40 years, foreclosing Native Hawaiian claims to these stolen lands for a century or more. I cannot stand for this bill and the mistreatment of the people themselves. It also means that the public would be denied the opportunity to engage in any meaningful discussions about re-evaluating our current land use. Century-long leases create a sense of entitlement and a lack of accountability to the public, and to the IÄ• hui in particular. I do not agree with this bill. We should not erode the culture and thus this is immoral and unjust.

HB-499-SD-1

Submitted on: 4/5/2021 9:17:39 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Meheula	Individual	Oppose	No

Comments:

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. Enough is enough!

HB-499-SD-1

Submitted on: 4/5/2021 9:20:54 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

My name is Malia Marquez. I am from Maunaloa. I (along with many others) have testified numerous times opposing lease extensions which will NOT benefit Hawaiians. HB499 clearly states it is for commercial, industrial, resort, mixed-use and government. When does enough become enough. I STRONGLY OPPOSE HB499.

HB-499-SD-1

Submitted on: 4/5/2021 9:29:36 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
ian mccauley	Individual	Oppose	No

Comments:

The land should be given back to the people. Extending a lease in interest of government, commercial, etc is not pono. The government has already taken away so much from the kamaiana for far too long. It's time to give some back.

HB-499-SD-1

Submitted on: 4/5/2021 9:50:39 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimeona Kane	Individual	Oppose	No

Comments:

Aloha,

I oppose HB499. Aloha 'Ā'ina.

Mahalo,

Kimeona Kane 808 398 8989

HB-499-SD-1

Submitted on: 4/5/2021 10:11:28 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonah Bobilin	Individual	Oppose	No

Comments:

Aloha kākou. My name is Jonah Bobilin and I am a resident of Pearl City. I am writing in opposition to HB 499. This bill would allow BLNR to extend certain leases of public lands for commercial, industrial, resort, or government use with little public input or oversight.

With many 65-year leases approaching the end of their term, this bill would allow them to be extended for an additional 40 years, foreclosing kānaka Maoli claims to these stolen lands for a century or more. This bill would allow current lessees to bypass a public bidding process and the opportunity to engage in any meaningful discussions about re-evaluating our current land use and stewardship.

The majority of lands held in the public lands trust are ceded lands (Hawaiian Kingdom Crown Lands) which should be used for the betterment of Native Hawaiians. These lands especially should not be leased to industries which often exploit the indigenous Hawaiian culture in order to accrue capital and frequently fail to mālama 'āina.

Century-long leases create a sense of entitlement and a lack of accountability to the public, and to the Iāhū in particular. Furthermore, they complicate the already problematic issue of private land ownership (and of the state leasing Crown Lands) in an occupied kingdom.

I ask you to please oppose HB 499.

Mahalo.

HB-499-SD-1

Submitted on: 4/5/2021 10:18:46 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

These lands should be given back to the Hawaiians due to the fact that Hawaiians homes were never promised

HB-499-SD-1

Submitted on: 4/5/2021 10:21:18 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

I appose HB499 because I care about Hawaiian lands and want to protect it and the public trust

HB-499-SD-1

Submitted on: 4/5/2021 10:41:31 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

Stop the Commercialization of public lands which is in the trust of the kingdom of Hawaii I.e. the people of Hawaii. These commercial companies is paying pennies on the dollar for leases as well as what they are claiming on any Gross Reciepts to the State of Hawaii. I am pretty sure that there is these Commerical entities who is personal friends of politicians and board members and by giving them leases as well as giving them grants or using public funds to expand or promote the businesses of these Commercial entities is wrong on so many levels, the trust of the people is broken. These Commerical entities has done so much damage to our communities and Aina that once they leave it is irreparable. Please do not let anyone have the ability to give 100 year or even 25 year leases, leases should be renewed yearly to ensure that any Commerical entity is in compliance.

HB-499-SD-1

Submitted on: 4/6/2021 12:04:33 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clara Ontal	Individual	Oppose	No

Comments:

Aloha Chair Dela Cruz and honorable Council members,

I oppose Bill HB499 because of its threat to public lands. Extending leases furthers the theft of Hawaiian land for state profit. It is unjust to deny the people of Hawaii their right to what should be public land.

Mahalo for the opportunity to testify.

Sincerely,

Clara Ontal

HB-499-SD-1

Submitted on: 4/6/2021 2:48:10 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nalani Sato	Individual	Oppose	No

Comments:

Aloha No,

My name is Nalani Sato, born and raised on the island of O'ahu. I recognized early on that I was raised in privilege. I knew that because there were people suffering in the world. I would sometimes take long bike rides in the wee hours of the morning through Chinatown from Pacific Heights. My Mom warned me it was dangerous down there. But when I looked around, I saw a people displaced, lost and heartbroken. A people whose skills to survive off of this beautiful land was mocked and made obsolete. That made my heart break too. Please use your power to rectify this situation, even if incrementally. The Hawaiian people have been resilient and patient. Please do not keep them waiting longer.

I oppose HB499 and do not agree that Hawaiian lands should be leased out for over 65 years, if to anyone non-native at all.

Sincerely, Nalani Sato

HB-499-SD-1

Submitted on: 4/6/2021 2:57:30 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raul Nohea Goodness	Individual	Oppose	No

Comments:

I strongly oppose HB499 HD2 SD1. There should be no 99 year leases on public lands, which are crown/government lands held in trust. This is defacto theft of Hawaiian national lands, which the Apology law admits were taken from kanaka maoli without compensation.

These leases are typically given for virtually no money, further depriving compensation of rents to Hawaiians thru OHA.

HB-499-SD-1

Submitted on: 4/6/2021 3:23:39 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
maria kalai denzer	Individual	Oppose	No

Comments:

Greetings,

My name is Maria Denzer and I grew up on the north shore of Oahu. i am appears to HB499 because I believe it's wrong to manipulate the land out from under the Hawaiian people for the prosperity of settlers. This land was promised to the people, for collective improvement of life in Hawaii. Enough has been taken from indigenous people's birthright. Enabling development now or in the future will hurt Hawai'i.

thanks for reading,

maria denzer

HB-499-SD-1

Submitted on: 4/6/2021 7:27:46 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

I oppose HB499. I am a settler to Hawai'i and I support Hawaiian sovereignty and self determination of their lands. Mahalo for receiving my testimony.

Monica Rott Stone

kailua-kona, HI

HB-499-SD-1

Submitted on: 4/6/2021 7:33:09 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MICAH KAIMANA PACATANG	Individual	Oppose	No

Comments:

I, MICAH KAIMANA PACATANG, hereby oppose HB499.

HB-499-SD-1

Submitted on: 4/6/2021 8:00:04 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Murakami	Individual	Oppose	No

Comments:

I OPPOSE HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of those lands -- which are currently limited to 65 years -- to be extended for an additional 40 years.

As legislators, you should be cognizant of Hawaiian history, especially during Hawai'i's post-contact period. The U.S. Congress labeled the 1893 overthrow of the Hawaiian Kingdom as an "act of war" in its formal 1993 apology to the Hawaiian people, recognizing that U.S. military forces had pointed cannons and guns at I'olani Palace to help facilitate the overthrow. In that apology resolution, the U.S. established a policy of reconciliation with Hawaiians in that apology to resolve claims against it to make amends for U.S. actions that dispossessed a peaceful nation of its sovereignty and lands. As a part of that seizure of dominion and lands, the U.S. transferred disputed "title" to the then-new State of Hawai'i, specifying 5 purposes for the trust the U.S. imposed on the State of Hawai'i. One key purpose was for the "betterment" of native Hawaiians, in recognition of the unusual taking of Kingdom lands in 1898 (now euphemistically termed "ceded lands") without a treaty or payment of any compensation to the Kingdom.

Under these circumstances, these lands are stolen Hawaiian Kingdom crown and government lands. The 1893 overthrow was a classic act of insurrection to overthrow Queen Lili'uokalani while the U.S. had a treaty of friendship with her Kingdom. Without any evidence of the Kingdom's consent to that taking, or compensation paid to it, Native Hawaiians have unrelinquished claims over "ceded" lands. The State should protect and preserve these lands until such time that these claims can be resolved.

Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved because the people who lease "ceded" lands will fight to keep extending their leases. It is offensive to current Hawaiian leaders who have reserved their claims. This injury to collective surviving generations of the overthrown Kingdom is a festering political wound that has persisted for nearly 130 years. It has not gone away. Many have pointed to other examples of the State's unjust treatment of resources treasured by Hawaiians, who are awakening to a realization that the State government is oblivious to the impacts of its actions on them. This cumulative recognition of being treated without regard for this historical backdrop. In one prominent case, the State was forced to recognize the unprecedented resolve of the kia'i at Mauna

Kea. As a result, political leaders pledged to deal with that collective hurt at the time. However, this measure reflects a return to an attitude of treating trust lands as they were ordinary land to be leased without regard to history. I urge you to refrain from that bosom of ignorance.

It is time to exhibit some political enlightenment and conscience. Lengthening the terms of potential general leases of trust lands commits you to a dangerous policy of treating such resources without regard for emerging political tides to confront the injustices of the past. In this day, we need better statesmanship. Enough is enough!

HB-499-SD-1

Submitted on: 4/6/2021 8:02:29 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawena Lauriano	Individual	Oppose	No

Comments:

Aloha, my name is Kawena Lauriano and I am from Nu'uuanu, O'ahu. I am writing today to encourage you to oppose HB 499. The extension of leases for "public lands" will only further the gentrification of Hawai'i and continue to put money into the hands of private developers. Most of these lands are ceded lands therefore should be used to the betterment of Native Hawaiians but extending the leases beyond the 65 years would further push out Native Hawaiians and kama'Ä• ina from Hawai'i. I ask you today to think about the kama'Ä• ina of Hawai'i, the people who have been here for generations, and to not extend the leases of public lands. Mahalo.

HB-499-SD-1

Submitted on: 4/6/2021 8:15:18 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Adam J. Babica	Individual	Oppose	No

Comments:

We have a duty and obligation to return Hawaiian lands to Native Hawaiians. Stop perpetuating colonialism.

HB-499-SD-1

Submitted on: 4/6/2021 8:30:59 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahina Tuteur	Individual	Oppose	No

Comments:

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Ways and Means committee,

I **OPPOSE** HB499 HD2 because it would foreclose Native Hawaiian claims to "ceded" lands by allowing any industrial, commercial, resort, or government lease of "ceded" lands -- which are currently limited to 65 years -- to be extended for an additional 40 years. These lands are stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani without consent or compensation. Native Hawaiians have unrelinquished claims over "ceded" lands and we should protect and preserve these lands until such time that these claims can be resolved. Allowing these lands to be leased for a century at a time would effectively prevent Hawaiian claims from ever being resolved.

Mahalo for the opportunity to submit testimony,

Mahina Tuteur, Esq.

HB-499-SD-1

Submitted on: 4/6/2021 8:32:43 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Halealoha Ayau	Individual	Oppose	No

Comments:

I oppose the passage of this legislation and am somewhat shocked that the State of Hawaii continues to support the theft of Hawaiian Ceded lands. Please demonstrate honor in your dealings with Native Hawaiians. Those of us who are homesteaders were used as a condition of Statehood, to get Hawaii accepted into the Union. Then the new State of Hawaii continued the actions of the Territory to steal lands from the Hawaiian Home Lands Trust, without any shame. Please stop behaving in such a shameful way and do not use the legislative process to promote your shame, mahalo.

HB-499-SD-1

Submitted on: 4/6/2021 8:34:20 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alelia Connell	Individual	Oppose	No

Comments:

Good afternoon,

My name is Alelia and I am a resident of Florida. I am contacting you to ask to oppose House Bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The land should be returned to the public good as promised. This is their home, they don't deserve such a treatment upon the grounds. You may believe it's a land sight, but to the public good it's a home that has been tampered and manipulated. This land cannot live without the given requirements that keeps it alive and strong through its years: respect and love.

This cannot be done. Do not destroy someone's home.

HB-499-SD-1

Submitted on: 4/6/2021 8:34:47 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dayton Kalanikumupaâ€™a Seto Myers	Individual	Oppose	No

Comments:

I vehemently and humbly oppose the leasing of lands intended for the betterment of Native Hawaiian peoples and the general public to private companies without Indigenous nor public interest. If this bill passes, I can only hope all who voted for it recognize their decisionmaking as no better than Junipero Serra, Dole, Columbus, Andrew Jackson, or any other perpetrator and leader of colonialism and genocide.

DEREK H. KAUANOE

dkauanoe@gmail.com

(808) 729-0289

H.B. 499, H.D. 2, S.D. 1
RELATING TO PUBLIC LANDS
Senate Committee on Ways and Means
Wednesday, April 7, 2021, at 9:45 am

I urge you to **vote “NO” on H.B. 499, H.D. 2, S.D. 1** because extending current industrial, commercial, resort, or government leases of “ceded” lands, for an additional forty years, means indigenous Native Hawaiians’ unrelinquished claims may likely be negatively impacted. Although different, H.B. 499, H.D. 2, S.D. 1 bears some similarities to S.B. 2, S.D. 2, H.D. 1 and H.B. 902, H.D. 1, S.D. 1 because H.B. 499, H.D. 2, S.D. 1 will allow for certain land leases, (which I understand to currently be limited to sixty-five-year leases), to have forty-year lease extensions. These extensions are similar to proposed ninety-nine year leases in the other bills. These bills raise important **international human rights concerns**.

As Hawai‘i lawmakers, I hope you will take these international human rights concerns seriously because a human rights approach to your decisionmaking, is consistent with the progressive values expressed in 1978 that gave us our current state constitution.

A BRIEF TIMELINE PROVIDING CONTEXT FOR H.B. 499, H.D. 2, S.D. 1

In 2009, our State legislature took a huge step forward in protecting Native Hawaiians’ interests in so-called “ceded” lands when it passed Act 176.¹ Act 176 established a comprehensive process that provided notice to the Office of Hawaiian Affairs and required a supermajority approval by the legislature prior to any sales, or gifts, of state-held lands.

Around the time the Hawai‘i legislature developed this protective measure, the Lingle Administration sought United States Supreme Court review of a Hawai‘i Supreme Court decision.² The United States Supreme Court held the Congressionally-passed 1993 Apology Resolution to Native Hawaiians did not prevent the State of Hawai‘i from selling “ceded” lands. But, the Court also recognized that the State of Hawai‘i has the authority to place limits on itself, regarding the management of these lands, for purposes of reconciliation with Native Hawaiians.

In 2010, the Obama Administration put the United States on a course to meet its international obligations for protecting indigenous peoples’ human rights when the administration endorsed

¹ Act of July 13, 2009, No. 176, available online at https://www.capitol.hawaii.gov/session2009/bills/GM809_.PDF

² In that decision, the Hawai‘i Supreme Court held,

the Apology Resolution and related state legislation . . . give rise to the State's fiduciary duty to preserve the corpus of the public lands trust, specifically, the ceded lands, until such time as the unrelinquished claims of the native Hawaiians have been resolved. Such duty is consistent with the State's “obligation to use reasonable skill and care” in managing the public lands trust and the *Ahuna* court's declaration that the State’s conduct “should . . . be judged by the most exacting fiduciary standards.”

the United Nations Declaration on the Rights of Indigenous Peoples³ (“UNDRIP”) in 2010. In doing so, President Obama also mentioned efforts in advancing the rights of Native Hawaiians.⁴

In 2011, our State, through Act 195, recognized Native Hawaiians “as the only indigenous, aboriginal maoli people of Hawaii.”⁵ This was done with the United Nations General Assembly’s passage of the UNDRIP and the Obama Administration’s subsequent endorsement of the UNDRIP, serving as a backdrop. Our State legislators also included, verbatim, the text of article 3 from the UNDRIP recognizing indigenous peoples right to self-determination in Act 195.

THE RELEVANCE OF INTERNATIONAL INDIGENOUS HUMAN RIGHTS TO H.B. 499, H.D. 2, S.D. 1

In passing the UNDRIP, the world’s nations recognized “[I]ndigenous peoples possess [1] collective rights which are [2] indispensable for their existence, well-being and integral development as peoples[.]”⁶ To clarify, “the[se] articulated collective rights derive from values of human dignity that are commonly associated with human rights.”⁷ Indigenous peoples’ collective rights include land rights.

Before the Obama Administration’s endorsement of the UNDRIP, the United States previously opposed the UNDRIP. Canada and New Zealand also opposed the UNDRIP. Since then, Canada and New Zealand have not only endorsed it, but are actively seeking to implement the UNDRIP.⁸

A few months after the UNDRIP’s passage, the Hawai‘i Supreme Court expressed a similar sentiment as the UNDRIP in a decision dealing with “ceded” lands and stated, “we are keenly aware -- as was Congress -- that ‘the health and well-being of the [n]ative Hawaiian people is intrinsically tied to *their deep feelings and attachment to the land[.]*”⁹

According to international indigenous human rights expert S. James Anaya,

[i]ndigenous peoples’ collective rights over traditional lands and resources . . . can be seen as derivative of the universal human right to property, as concluded by the inter-American human rights institutions, or as extending from the right to enjoy culture, as affirmed by the UN Human Rights Committee in light of the cultural significance of lands and resources to indigenous peoples.¹⁰

³ G.A Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007) (*hereinafter* “UN Declaration”).

⁴ *See*, Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples, available at <https://2009-2017.state.gov/s/srgia/154553.htm>

⁵ Act of July 6, 2011, No. 195, 2011 Haw. Sess. Laws 646 (codified at HAW. REV. STAT. ch. 10H (2013)).

⁶ UN Declaration Preambular Para. [22].

⁷ S. James Anaya, Keynote Address to the 52nd International Congress of Americanists: Why There Should Not Have to Be a Declaration on the Rights of Indigenous Peoples 3 (July 2006) *available at* www.u.arizona.edu/~wbraynen/globalsocietyjustice/papers/anaya.pdf (*hereinafter* “Anaya keynote”).

⁸ *See*, Implementing the United Nations Declaration on the Rights of Indigenous Peoples in Canada, *available at* <https://www.justice.gc.ca/eng/declaration/index.html>. *See also*, UN Declaration on the Rights of Indigenous Peoples, *available at* <https://www.tpk.govt.nz/en/whakamahia/un-declaration-on-the-rights-of-indigenous-peoples>

⁹ OHA v. HCDCH, at 214 (footnotes and internal citations omitted) (emphases in original).

¹⁰ Anaya keynote, at 13 (internal citations omitted).

The UNDRIP also recognizes the importance of obtaining indigenous peoples' free, prior, and informed consent regarding land issues.¹¹ Article 32 requires States to

consult and operate in good faith with the indigenous peoples concerned *through their own representative institutions* in order to obtain their free and informed consent *prior* to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”¹²

Free, prior, and informed consent (colloquially known as “FPIC”) refers to consultation processes satisfying elements ensuring that consent is in fact free, prior, and informed. To satisfy the “free” element, consultation processes need to be free of coercion and pressure. To satisfy the “prior” element, consultations must be conducted before *any* action or development project is undertaken (when “development projects affect[] Indigenous peoples’ lands, consultations should be conducted sufficiently in advance of any authorization or commencement of activity and more specifically during the exploratory or planning phase of the corresponding project”¹³ and development plans start only after consultations are completed). To satisfy the “informed” element, consultations must also be informative. Informative consultations ensure that affected communities know the scope and effects of proposed development projects on their lives, resources, and culture.¹⁴

Also important is the UNDRIP’s recognized obligation upon States to “consult and cooperate in good faith with the indigenous peoples concerned . . . to obtain their free, prior and informed consent *before adopting and implementing legislative or administrative measures that may affect them.*”¹⁵

In both articles 19 and 32 of the UNDRIP, the General Assembly of the United Nations requires consultations be “through [an affected indigenous people’s] own representative institutions in order to obtain their free[, prior,] and informed consent”

PROBLEMS WITH H.B. 499, H.D. 2, S.D. 1

H.B. 499, H.D. 2, S.D. 1 falls short of international human rights standards by not including language for obtaining Native Hawaiians’ free, prior, and informed consent regarding leased lands Native Hawaiians have claims to. As a reminder, “ceded” lands are lands Native Hawaiians have unrelinquished claims to. The proposed leased extensions may result in ninety-nine year (or longer) leases, and are, in effect, land sales. A land sale (or long-term lease) that does not seek to obtain Native Hawaiians’ free, prior, and informed consent violates the human rights principles the United States government acknowledged when President Obama endorsed

¹¹ UN Declaration, arts. 10, 11(2), 19, 28(1), and 29(2), 32(2).

¹² *Id.*, at art. 32 (emphases added).

¹³ Mauro Barelli, *Free, Prior, and Informed Consent in the UNDRIP: Articles 10, 19, 29(2), and 32(2)*, in THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: A COMMENTARY, 250 (Jessie Hohmann and Marc Weller eds., 2018).

¹⁴ *Id.*

¹⁵ UN Declaration, art. 19 (emphasis added).

the UNDRIP and the growing body of international human rights law developed at, and by, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.¹⁶

In addition to requiring a process for obtaining Native Hawaiians' free, prior, and informed consent, through their own representative institutions, on land issues, H.B. 499, H.D. 2, S.D. 1 itself is the type of legislative measure contemplated in article 19 of the UNDRIP. Again, article 19 obligates States to pursue consultation *before* adopting and implementing (legislative or administrative) measures like S.B. 2, S.D. 2, H.D. 1. I have seen no indication that Native Hawaiians were previously consulted-with in developing this bill.

Perhaps more importantly, the Office of Hawaiian Affairs is 1.) a state agency, and 2.) an agency with elected leaders chosen by *all* Hawai'i voters; not just Native Hawaiians (since the Supreme Court's *Rice v. Cayetano* decision). As a result, consulting with the Office of Hawaiian Affairs alone does not satisfy the UNDRIP's requirement of "consult[ing] and operat[ing] in good faith with the indigenous peoples concerned through their own representative institutions" Moreover, the use of legislative hearings as a method for consultation with Native Hawaiians is unlikely to satisfy the indigenous peoples' "own representative institutions" language in the UNDRIP.

While it may be true that H.B. 499, H.D. 2, S.D. 1 may comport with Hawai'i law, **passage of S.B. 2, S.D. 2, H.D. 1**, coupled with incentivizing "major investments in infrastructural improvements" on lands and expected or anticipated developments on those leased lands risks displacing the progressive values that gave rise to our current constitution and replacing those values with those consistent with a human rights violator.

CONCLUSION

I understand the importance of managing our public lands. *How* we approach our land management is equally important. **I urge you to vote NO on H.B. 499, H.D. 2, S.D. 1** and ensure that state law acknowledges, protects, and respects Native Hawaiians' human rights.

Derek Kauanoe

¹⁶ These two entities are organs of the Organization of American States for which the United States is a founding member. See, OAS: About the IACHR available at <https://www.oas.org/en/iachr/mandate/what.asp>. See also, OAS: Our History available at http://www.oas.org/en/about/our_history.asp.

HB-499-SD-1

Submitted on: 4/6/2021 9:01:41 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Natasha Boteilho	Individual	Oppose	No

Comments:

Aloha Senators,

I absolutely OPPOSE HB 499. It violates the Public Doctrine. Our Crown and Kingdom land leases cannot and should not be extended. Access to these leases to the kanaka is being swept under the rug for hidden agendas.

Natasha Boteilho

HB-499-SD-1

Submitted on: 4/6/2021 9:04:11 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

My name is Alysia, and I am a resident of Texas, even though I no longer live in Hawaii. I am contacting you to ask to oppose house bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessment.

The lands should be returned to the public good a promised.

HB-499-SD-1

Submitted on: 4/6/2021 9:12:03 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelene Like	Individual	Oppose	No

Comments:

A'ole, no to HB499!

HB-499-SD-1

Submitted on: 4/6/2021 9:30:01 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raynae Fonoimoana	Individual	Oppose	No

Comments:

The State continues to lease ceded lands for financial gains, while our Native Hawaiians continue to struggle emotionally, socially and financially. A'ole .. NO MORE!!

HB-499-SD-1

Submitted on: 4/6/2021 9:34:43 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

Hello,

My name is Nanea Lo. I'm writing in OPPOSITION of HB499.

This bill allows the government to wrongfully extend private leases on public property for 100+ years. These public lands were seized by the government without willing consent or compensation to Native Hawaiian families during the historic overthrow of the Hawaiian Kingdom and should be returned for the public good.

Oppose HB499.

me ke aloha 'Ä• ina,

Nanea Lo

HB-499-SD-1

Submitted on: 4/6/2021 9:34:50 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

STOP STEALING OUR LANDS

YOU WILL NOT BE ABLE TO LIVE YOUR FUTURE YEARS WITHOUT REGRETS
LATER ON. When You are The ELDERS You Will Feel & LIVE THIS REGRETS TO
WHAT YOU HAVE DONE ARE DOING AND ARE KNOWINGLY DOING OUR OLD
HAWAIIAN PEOPLE, MIDDLE AGES, BUT MOST OF ALL OUR F U T U R
E GENERATION OF NA KEIKI WHOM ARE THE

OWNERS OF THESE LANDS ... STOP THE STEAL. !!!

HB-499-SD-1

Submitted on: 4/6/2021 9:40:28 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Guzman-Simpliciano	Individual	Oppose	No

Comments:

Aloha,

My name is Carmen Guzman-Simpliciano I am a life long resident of Wai'anae. I am testifying today on behalf of my Simpliciano Ohana to oppose House Bill 499.

We are opposed to HB 499 because we believe it's wrong to allow private developers to extend their current lease beyond 65 years with no cap and no stewardship or EA done.

The land should be returned to Public good as promised!

HB-499-SD-1

Submitted on: 4/6/2021 9:42:26 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Koanui Leslie	Individual	Oppose	No

Comments:

I greatly appose this bill. Please do away with it.

HB-499-SD-1

Submitted on: 4/6/2021 9:51:19 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shilla Lee	Individual	Oppose	No

Comments:

Aloha,

My name is Shilla Lee and I am a resident of Honolulu and I am opposing House Bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The land should be returned to the public good as promised.

Mahalo,

Shilla Lee

HB-499-SD-1

Submitted on: 4/6/2021 9:52:28 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

I strongly oppose this bill. So called "public lands" are largely made up of Hawaiian Crown and Government lands, held in trust for the betterment of the conditions of native hawaiiens. This land does not "belong" to the state. The state is merely the overseer of the trust. The right holders have not given free, prior and informed consent to mismanage our lands in this way and this may be a violation of UNDRIP. Please oppose HB 499.

With Aloha,

Noelani Ahia

HB-499-SD-1

Submitted on: 4/6/2021 10:04:49 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aja Toscano	Individual	Oppose	No

Comments:

I oppose this problematic bill that is disregarding the voices of the public, but more importantly of Hawaiians. With many 65-year leases approaching the end of their term, this bill would allow them to be extended for an additional 40 years, foreclosing Native Hawaiian claims to these stolen lands for a century or more.

HB-499-SD-1

Submitted on: 4/6/2021 10:14:36 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

Aloha mai kākou,

My name is Meredith Buck and I am a resident of Kailua Kona, Hawai'i Island. I would like to submit my testimony against HB499.

I strongly oppose this bill. The crown lands affected by this bill were seized by the government without consent, and should be reserved strictly for the direct benefit of Kākou naka Maoli. Short of this, public use would be an acceptable intermediate. But allowing uncapped lease extensions for government, commercial, resort, industrial, and mixed use only serves to perpetuate cultural displacement and environmental destruction.

There is nothing ethical about this bill and, indeed, it only serves to further undermine what is so good about Hawai'i: the land, the people, and the culture. Please do not pass this bill; we need to keep the current process of permitting and leasing lands so that all aspects of a project are considered.

Mahalo nui loa for your time.

- Meredith Buck

HB-499-SD-1

Submitted on: 4/6/2021 10:27:45 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Taecia K Akana	Testifying for Waimanalo Civic Club	Oppose	No

Comments:

The Waimanalo Civic Club, which comprises of many who are from the homesteady community of Waimanalo as well as beneficiaries on the waitlist, oppose this bill. We oppose this bill because it will potentially alienate future Hawaiians from accessing **stolen** Hawaiian Crown lands that are now considered "public land" by the state of Hawai'i. This act in itself violate's the state's public trust doctrine with Hawaiian lands.

We also oppose this because we do not see how using Hawaiian lands will avert our housing crisis when Hawaiians make up the highest homeless population. We do not believe that averting our housing crisis should be done at the expense of Hawaiian lands and people. Many Hawaiians die waiting for land.

Furthermore, \$1 million per 2 bedroom houses are simply not affordable for the general population of Hawai'i. With that said, we can conclude that the general public of Hawai'i will not benefit from this housing solution.

In conclusion, the Waimanalo Civic Club views this bill as extremely problematic for both the Hawaiian community and local community of Hawai'i. Century long leases such as this will deny the public to engage in discussion over land use. Thus creating a sense of entitlement and a lack of accountability for the public and Hawaiian people in particular. We also will not stand for the continued theft of Hawaiian lands by the state of Hawai'i and firmly oppose this bill.

HB-499-SD-1

Submitted on: 4/6/2021 10:28:45 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa M Robertson	Individual	Oppose	No

Comments:

I oppose HB499

HB-499-SD-1

Submitted on: 4/6/2021 10:32:42 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Moore	Individual	Oppose	No

Comments:

Aloha

My name is Bryan Keikeina'aloa Moore and I am a resident of pearl city, Hawaii. I am contacting you to oppose bill #499

I am opposed to bill #499 because I believe it is wrong to allow private developers to extend their current leases beyond 65yrs with no cap and without proper stewardship or environmental impact assessments.

The land should be returned to the public good as promised.

#uHEARD

HB-499-SD-1

Submitted on: 4/6/2021 10:57:20 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Miranda Benford	Individual	Oppose	No

Comments:

Hello,

My name is Miranda Benford, and although I am a resident of Pennsylvania, I stand in solidarity with those in Hawai'i who oppose House Bill #499.

HB499 is wrong and will enable private developers to extend their current leases beyond 65 years with no cap. Private developers will be able to do so without proper stewardship or environmental impact assessments.

Return the land to the public good as promised. It is their land, and we need to be respectful of that.

HB-499-SD-1

Submitted on: 4/6/2021 11:01:28 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca M Goldschmidt	Individual	Oppose	No

Comments:

These public lands were seized by the government without willing consent or compensation to the Native Hawaiian families during the historic overthrow of the Hawaiian Kingdom and should be returned for the public good. I strongly OPPOSE HB 499 to extend private leases on public property!

HB-499-SD-1

Submitted on: 4/6/2021 11:03:09 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

Aloha. My name is Katie Aulani Ching. I am Kanaka Maoli and a resident of Hawai'i. I STRONGLY oppose HB 499. It is my kuleana to ensure that the misuse of the "public" land trust, which the majority of these lands include stolen ceded, crown and government lands, are used for it's intended purpose of the BETTERMENT of the conditions of NATIVE HAWAIIANS. HB 499 will only give free reign to the state for the continued development of resorts, industrial, commercial and government use, with little to no public input or oversight. With issues like over development, a huge affordable housing and homeless crisis in Hawai'i, we cannot allow bills like HB 499 to pass. It would be an injustice to the future of Hawai'i's keiki. Please let our lands heal.

HB-499-SD-1

Submitted on: 4/6/2021 11:08:26 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

My name is Christy Reuelman, I am born and raised on the Big Island, I am a resident of Puna. I am contacting you to ask to oppose HOUSE BILL #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The land should be returned to the public as promised

Mahalo

HB-499-SD-1

Submitted on: 4/6/2021 11:17:14 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

I oppose HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments. The lands should be returned to the public good as promised.

HB-499-SD-1

Submitted on: 4/6/2021 11:17:57 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

I oppose HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments. The lands should be returned to the public good as promised.

HB-499-SD-1

Submitted on: 4/6/2021 11:19:41 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ethan Porter	Individual	Oppose	No

Comments:

This bill is a disgraceful attempt to steal land

HB-499-SD-1

Submitted on: 4/6/2021 11:26:14 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani Kea	Individual	Oppose	No

Comments:

Aloha.

My name is Kanani Kea and I am a resident of Mililani Mauka, O'ahu. I am submitting this testimony to oppose House Bill #499.

I am opposed to HB499 because I strongly believe it is wrong to continue allowing private developers to extend their current leases beyond 65 years without a cap, and without proper stewardship or environmental site assessment (ESA).

These lands should be returned to the public good, as promised.

HB-499-SD-1

Submitted on: 4/6/2021 11:30:05 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamaile Maldonado	Individual	Oppose	No

Comments:

I OPPOSE HB 499 because I believe the state should STOP its practice of providing LONG TERM LEASES OF CEDED LANDS. Leases of lands in the public land trust should be appropriately time limited so that stringent environmental and cultural impacts review can be regularly conducted and appropriate land stewardship can be enforced.

Mahalo for the opportunity to testify.

HB-499-SD-1

Submitted on: 4/6/2021 11:38:22 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

Aloha,

As a constituent and Native Hawaiian, I oppose HB499 and am contacting you to ask that you oppose HB 499 as well.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments. The lands should be returned to the public good as promised.

Mahalo,

Kanoe Medeiros

HB-499-SD-1

Submitted on: 4/6/2021 11:42:59 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tiani kajiwara	Individual	Oppose	No

Comments:

Aloha, My name is Tiani Kajiwara and I am a resident of Waimea, Kaua`i. I am contacting you to ask to oppose house bill #499. I am opposed to HB499 because i believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or EIS. the lands should be returned to the public good as promised. mahalo, Tiani Kajiwara

HB-499-SD-1

Submitted on: 4/6/2021 11:47:02 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Julianna Davis	Individual	Oppose	No

Comments:

Aloha, My name is Julianna Davis and I am a resident of Honolulu and I am in opposition to HB 499. I believe it is wrong to allow private developers to extend their current leases. The lands should be returned to the public good as promised since they are the Hawaiian Kingdom Crown and Government lands.

HB-499-SD-1

Submitted on: 4/6/2021 11:53:05 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kelii ho	Individual	Oppose	No

Comments:

I live on Oahu, and I oppose this bill.

HB-499-SD-1

Submitted on: 4/6/2021 11:53:25 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lawrence kanawaliwali	Individual	Oppose	No

Comments:

My name is Lawrence Kanawaliwali, and I ask that you DO NOT support Hb499 hd2 sd1. Thank you.

HB-499-SD-1

Submitted on: 4/6/2021 12:01:25 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
maxine kahaulelio	Individual	Oppose	No

Comments:

Aloha Mai.

On March 3, 2021, I, Kupuna MaryMaxine Kahaulelio sent my testimony to your committee strongly opposing HB499 and all the Hewa that comes along with this bill. May I ask all of you a simple and honest question, Why? why is this on the table of this committee again, 99 year leases are made only, yes only for our Kanaka Maoli opio, it is our Kingdom Lawa that was written by our Kind into the 1920 Hawaiian Homes Commission Act, why, again, do you all want to give our Land and everything on our Land to the outside World. Our Hawaiian Opio have been for many years "Malama Aina" taking care of God's Land, this belongs to me, you, our Tutu's our future Hawaiian Keiki's, let's not steal our Land again and again and give our precious Lands to the Outside World so they can destroy our Oceans, our Water and all the resources that God gave to our people to Malama Aina, Heaven forbids all of you to pass this Hewa Bill, 'A'Ole'

Listen to KeAkua, listen to your Hearts, Mahalo Nui Loa

Kupuna Kahaulelio

HB-499-SD-1

Submitted on: 4/6/2021 12:10:53 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Simmons	Individual	Oppose	No

Comments:

I strongly appose HB499 because I believe the citizens of the County & State should have community input before leases are granted.

-Patrick

HB-499-SD-1

Submitted on: 4/6/2021 12:12:25 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tammy Harp	Individual	Oppose	No

Comments:

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and WAM Committee Members,

My name is Tammy Harp. I oppose HB499 HD2 SD1 Relating to Lease Extensions on Public Land

Please kokua to curb the continuance of the generational mismanagement through decision makers of our land and natural resources.

By voting YES, your decisive impact could instill further hardships upon respective communities.

I sincerely suggest these locales be exempted from this legislative process:

1. Mauna Kea
2. Pohakuloa
3. Makua Valley
4. Mala Wharf Complex, District of Lahaina, consisting of:
 - a. Mala Boat Yard
 - b. Mala Small Boat Launch Ramp
 - c. Mala Wharf and its' submerged land
 - d. Pu'u Piha Cemetery and its' submerged land
 - e. Mala Comfort Station

Please vote NO on HB499 HD2 SD1.

Mahalo for your time and consideration in this matter.

Tammy Harp

HB-499-SD-1

Submitted on: 4/6/2021 12:23:41 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lauren franco	Individual	Oppose	No

Comments:

Aloha, my name is Lauren Franco I am a resident of Long Beach, California and I am opposed to house bill #499. I am apposed to house bill #499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments. The lands should be returned to the public good as promised.

HB-499-SD-1

Submitted on: 4/6/2021 12:52:53 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kula Gaughen-Haili	Individual	Oppose	No

Comments:

Aloha,

Mahalo for providing this opportunity for testimony in opposition to Bill HB499. I OPPOSE this bill and hope you will find that long-term leases do not make sense in todays current system and practice. As an island based people with limited land, it makes no sense to tie public lands up in long-term leases. The world has slowly moved away from long-term leases because it does not financially makes sense and limits access to increased possibilities. Locking a land lease in at pennys on the dollar of its worth only helps the leasee. It does absolutely nothing for leasor over time and in the long run loses financial gains due to maintainance, access, roads, infustructure, liability, etc... We need more green access, homes for Hawaiian beneficiaries, and public spaces. we do not need long-term leases that use the land for profit. mahalo!

HB-499-SD-1

Submitted on: 4/6/2021 12:53:32 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

I will repeat this: I strongly OPPOSE HB499 HD2 SD1 = VOTE NO.

We teach our children and expect ADULTS to NOT STEAL.

Hawaiian Lands are STOLEN LANDS and NEED TO BE RETURNED.

Stolen Property is NOT to be leased, given away, used as pleased = Stolen Property NEEDS TO BE RETURNED TO THEIR RIGHTFUL OWNER.

ADULTS in Legislature, in Business, in Organizations, in ANY AREA are NOT EXEMPT from this basic, common sense, life value of NO STEALING and RETURNING WHAT WAS STOLEN.

Never mind all the legal jargon, and even worse creating legal jargon and bills to perpetuate this culture of stealing = Hawaiian Lands are stolen and do NOT belong to anyone besides Native Hawaiians.

RETURN HAWAIIAN LAND - RETURN STOLEN PROPERTY.

Stop the trauma and begin the HEALING PROCESS FOR NATIVE HAWAIIANS.

HB-499-SD-1

Submitted on: 4/6/2021 12:55:45 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Kahele Joaquin	Individual	Oppose	No

Comments:

Aloha mai,

I am Kahele Joaquin and I am a resident of Wai'ala'e, O'ahu. I am contacting you to ask to oppose house bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The lands should be returned to the public good as promised!

Mahalo,

HB-499-SD-1

Submitted on: 4/6/2021 2:10:39 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Mahelona	Individual	Oppose	No

Comments:

Aloha all,

My name is Joshua Mahelona and I am a resident of Kaneohe. I am contacting to ask to oppose house bill #499. I am in opposition of HB499 because I believe that it is wrong to allow private developers to extend current leases beyond 65 years without any cap, proper stewardship, and/or environmental impact assessments. These lands must be returned to the public goods as promised.

Mahalo,

Joshua Mahelona

LATE

HB-499-SD-1

Submitted on: 4/6/2021 2:11:46 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Max Castanera	Individual	Oppose	No

Comments:

Aloha mai kakou,

My name is Max Pono Castanera and I was born and raised in Mokapu, Kailua, Oahu and will be graduating from the John A Burns School of Medicine as a physician in one short month.

As a kanaka maoli and resident of this very special place, **I strongly oppose HB 499.** Land rights in Hawaii are already a fragile issue. Allowing the BLNR to issue 100-year leases (with or without public consideration) of public land essentially gives leasees rights that cannot be easily modified for *several* generations. Just reflecting on where Hawaii was 100 years ago, you can see how even good intentions may fall victim to abuse and neglect. In 1921, Hawaii was still a "territory" with sugar dominating the economy and tourism barely registering as a potential industry (only around 8,000 visitors arrived in the year 1920). Land was more affordable and the ethnic composition of the population as well as their values, beliefs, and customs were much different from today. As times change, we must also change how we lease and develop the (limited) lands of this place. **Shorter leases will keep leasees accountable to the public** (who the land actually belongs to).

In addition, this bill limits the power the public has in negotiating the means of these leases (rent prices, necessity of environmental assessments, etc.). In general, I believe that more public say in what happens in public spaces will increase trust in government and overall satisfaction. The people should get to decide what is done with public lands and this bill is a step in the wrong direction.

Mahalo nui for your time and consideration.

HB-499-SD-1

Submitted on: 4/6/2021 2:20:36 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Gia Mesz	Individual	Oppose	No

Comments:

Aloha, Reader.

My name is Gia Mesz and I am a resident of Missouri, soon to be a resident of Big Island. I am reaching out in order to ask you to oppose Bill #499.

I'm opposed to HB499 because I believe it is wrong and unjust to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

I've witnessed this kind of legal subjugation over the Hawai'ian people and over the natural environment in the past. Of course, the blaring obvious example is the battle for recognition of the sanctity of Mauna Kea, and the monopoly that corporations are seeking to make on the islands-- despite the protests of the people.

This isn't an isolated incident, and this isn't an issue of *one* bill being opposable; HB499 is only *one* example of a wide-spread usage of systemically-granted power against the common people, their wishes, and past promises *to* said people, which were obviously meant to be honored.

The lands should be returned to the public good as promised. I implore you to please consider this matter with both your mind and heart. Mahalo.

HB-499-SD-1

Submitted on: 4/6/2021 2:33:35 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
anthony delia	Individual	Oppose	No

Comments:

Aloha! My name is Anthony Delisa and I am a resident of Levittown Pennsylvania. I am contacting you to ask you to oppose house bill #499. I am opposed to HB499 because I believe that it is wrong to allow developers to extend their leases beyond 65 years with no Cap and no proper stewardship or environmental impact assessment. The land should be returned to public good as promised. I believe the land that is labeled public land should be for public use only. I believe passing such a bill will make officials look thieving. I believe these lands should not be tampered with for you will lose the trust in the people. Not just the people of Hawaii but the people of the United States and much more. If this bill is past it could encourage officials from other states to follow the same path and allow wrongful construction on all types of public lands further thieving from We The People. I hope you take these thoughts into consideration thank you for your time.

HB-499-SD-1

Submitted on: 4/6/2021 2:45:33 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



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

Comments:

This is disgraceful and speaks to the disrespectful and heinous treatment to Hawaii and Hawaiians the government continues to place upon these people and land. I oppose this bill. Until all Hawaiians have a home these lands should not be used otherwise.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 3:07:45 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John L. Villiarimo	Individual	Oppose	No

Comments:

Aloha e Representative DeCoite and Senator English,

My name is John Villiarimo and I am a resident of Molokai, by way of HÄ• na, Maui. I am contacting you to ask to oppose House Bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact statements. As the majority of the lands held in Public Lands Trust are "Ceded Lands" they should be used for the betterment of the conditions of Native Hawaiians.

The lands should be returned to the public good as promised.

Mahalo for your time and consideration.

John L. Villiarimo

CHAIR DONOVAN M. DELA CRUZ
VICE CHAIR GILBERT S.C. KEITH-AGARA
COMMITTEE ON WAYS AND MEANS



Emma U. Oto-Pale
emmauop@gmail.com

Wednesday, April 7, 2021

In Opposition of HB499, HD2, SD1 Relating to Lease Extensions on Public Land.

Aloha Chair Dela Cruz, Vice Chair Keith-Agara and the Committee on Ways and Means,

I am Emma Ulali'a Oto-Pale from the island of Molokai. I am writing this testimonial asking that you oppose House Bill 499.

I am opposed to House Bill 499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

We are protectors of these lands and must put an end to profit over people. In just a short couple of centuries, we have seen the major and drastic changes of our home in Hawaii. Just look at all the missing forests. Even in the past 10-years, there has been so much development in our lands and we must remember the next generations to come.

Hawaii is special because of our ancestors who kept these homelands pure and rich of nature.

We already have so much pollution going on in our oceans, rivers, land, communities and even families due to mismanagement of public resources. I strongly encourage you to stand up for the rights of our people and put an end to such strong policies like this that strips away so much power from our communities.

With so much changing in the world, let's be a part of the change that finally stands up for us -- the small communities like us on Molokai and all the other communities in Hawaii Nei.

Mahalo for taking time to read my testimonial and let us remember the generations to follow. They are depending on us and your leadership to do what many before you couldn't -- rise with the people and communities, putting the community over short-term and even long-term monetary gains.

We urge the committee to oppose H.B. No. 499, H.D. 2, S.D. 1. Thank you for this opportunity to testify.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 3:21:16 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Crickenberger	Individual	Oppose	No

Comments:

Aloha E Bob McDermott,

I am a resident of Ewa Beach and I am contacting you to ask that you oppose House Bill #499.

I am opposed to HB499 because it is wrong to allow private developers to extend their existing leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

These lands should be returned to the public good.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 4:15:14 PM
Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew K. Ing	Individual	Oppose	No

Comments:

I strongly oppose this measure.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 4:20:54 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaikea K. Blakemore	Individual	Oppose	No

Comments:

This is a racist bill that directly discriminates against the rights of the Hawaiian people to their lands. Hawaiian people are disproportionately homeless, impoverished and imprisoned in Hawai'i. 50% of Hawaiians no longer live in the islands due to economic exile. The continuance of historical theft of our land is an affront to our very existence, understanding of our history, and our collective survival. Those who support this bill and similar ones like it should be ashamed of their continued thefts from indigenous people. Each person supporting legislation like this while Native Hawaiians remain homeless on our own lands should be ashamed. You do not represent Hawai'i if you continue the economic assault on the host culture through expanded thefts of these lands. These lands should never be sold or developed for profit, especially never until the Hawaiian people have received sovereignty and reparations for the overthrow, land rights are restored, not a single Hawaiian remains homeless in Hawaii and those who have moved away from Hawaii are given opportunity to return home. Anything less than this is morally bankrupt. Stop stealing from those who have the least & who are owed justice and reparations.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 5:01:09 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Weeks	Individual	Oppose	No

Comments:

I oppose HB499 because this bill wrongfully extends private leases on public lands that were seized by the government without willing consent or compensation to Native Hawaiian families during the historic overthrow of the Hawaiian Kingdom. Giving the DLNR the power to extend private leases on public property for 100+ years is ridiculous! It only benefits special interest groups and those with deep pockets.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 5:25:47 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Eng	Individual	Oppose	No

Comments:

Dear Senator Schatz,

My name is Stephanie and I am a resident of California. I am contacting you to ask you to oppose House Bill #499.

I strongly oppose HB499. I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship, conservation efforts, or environmental impact assessments.

HB499 would authorize century-long leases that prevent the Board of Land and Natural Resources from fulfilling its duties to manage, administer and exercise control over public lands and resources. HB499 also prevents the public from engaging in discussions about land use. These excessively long-term leases could -- and have -- resulted in the alienation of public lands, including ceded lands that belong rightfully to Native Hawaiians.

The lands should be returned to the public good as promised.

Sincerely,

Stephanie Eng

LATE

HB-499-SD-1

Submitted on: 4/6/2021 5:54:33 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ariel Patterson	Individual	Oppose	No

Comments:

Aloha,

My name is Ariel Patterson and I am a resident of Honoka'a, Hawai'i Island. I am writing to ask that you oppose HB #499.

I oppose HB #499 because I believe it is wrong to extend leases of public land to private developers beyond 65 years with no cap and with no requirement of stewardship or environmental assessments. Much of public lands are used by the people of Hawai'i for food, recreational, cultural, and spiritual practices. If restrictions are lessened on private lease of that land, this would infringe on the rights of the people to access and utilize that land.

The lands should be returned to the public good as promised.

Mahalo,

Ariel Patterson

HB-499-SD-1

Submitted on: 4/6/2021 6:30:32 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kaori-Lei Hanohano	Individual	Oppose	No

Comments:

Welina me kealoha,

‘O Kaori-Lei Ka‘imipono Hanohano ko‘u inoa, no Maui mai ‘au mai ka ahupua‘a o Kula mai ka ‘ili ‘Ä• ina o Waiohuli. ‘O Peter Kauhola Hanohano Jr. Iaua ‘o Lynn Puanani Costa Miyahira ko‘u makua.

My name is Kaori-Lei Ka‘imipono Hanohano, from the island of Maui, from the district of Kula from the land division of Waiohuli. My parents are Peter Kauhola Hanohano Jr. & Lynn Puanani Costa Miyahira.

I’m privilege to live on Hawaiian Homelands. This was only possible by the selfless act of Prince Jonah Kuhiokalaniana‘ole and our ali‘i who had the wisdom to always think of the people first.

Today that very simple value of thinking of others is becoming lost especially towards the original people of the Pae ‘Ä• ina o Hawaii, the Hawaiian people! Our people continue to be pushed off of our own land.

I opposed HB499 because I believe it is wrong to allow private developers to extend their current lease beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The lands need to be returned as promised!

Na‘u no,

Kaori-Lei Ka‘imipono Hanohano

LATE

HB-499-SD-1

Submitted on: 4/6/2021 6:50:54 PM
Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Yvonne Geesey	Individual	Oppose	No

Comments:

oppose, mahalo!

HB-499-SD-1

Submitted on: 4/6/2021 6:52:41 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Michele-Ann K Akana	Individual	Oppose	No

Comments:

Aloha. My name is Michele-Ann K Akana a lifetime resident born, raised and currently residing in Waimānalo, O‘ahu, Hawai‘i. I am submitting testimony to ask to oppose and vote NO to House Bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years without a cap, public input, oversight, and proper stewardship or environment impact assessments as to their past and current uses of such lands. To allow private developers to utilize ceded lands and access resources that should be used for the betterment of Native Hawaiians and the general public but instead are being used to build wealth for the private developers and their affiliates is wrong. Especially the years of use without paying fair market price for these resources that don't belong to them is blatant stealing from the native people and general public.

Please OPPOSE and vote no! The lands should be returned to the public in good condition as they received it and in the time already promised without consideration for an extension. Thank you for your time, attention, and kind consideration.

HB-499-SD-1

Submitted on: 4/6/2021 7:47:59 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



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

Comments:

Aloha,

I am from the Big Island. I strongly oppose House Bill #499. HB499 wrongfully allows private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments. The lands should be returned to the public good as promised. The illegal annexation of Hawai'i is not forgotten. Remember why we became a state. Keep Hawaiian land in Hawaiian hands!

Mahalo Nui Loa

HB-499-SD-1

Submitted on: 4/6/2021 8:10:24 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Abbey Holmes	Individual	Oppose	No

Comments:

Aloha,

My name is Abbey Holmes and I am a resident of Kilauea, HI. I am contacting you to ask to oppose Bill #499.

I am opposed to Bill #499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The lands should be returned to the public good as promised.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 8:11:45 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Faylene Mahina Duarte	Individual	Oppose	No

Comments:

Aloha Legislators,

As a kanaka Hawai'i I adamantly oppose HB499. Hawaiian Kingdom Crown lands should not be managed or administered by BLNR for commercial use, industrial, resort or mixed use.

Sincerely,

Mahina Paishon-Duarte

HB-499-SD-1

Submitted on: 4/6/2021 8:18:26 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
kristin dong	Individual	Oppose	No

Comments:

We cannot allow private leases to be extended on public property for 100+ years. These public lands were seized by the government and rightfully belong to Native Hawaiian families. Please oppose HB499!!

HB-499-SD-1

Submitted on: 4/6/2021 8:40:08 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Alexander K.D. McNicoll	Individual	Oppose	No

Comments:

Aloha,

My name is Alexander McNicoll and I am a resident of Nanakuli. This bill allows the government to wrongfully extend private leases on public property for 100+ years. These public lands were seized by the government without willing consent or compensation to Native Hawaiian families during the historic overthrow of the Hawaiian Kingdom and should be returned for the public good. For these reasons, I strongly OPPOSE HB499.

HB-499-SD-1

Submitted on: 4/6/2021 8:44:53 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
kaniho giminiz	Individual	Oppose	No

Comments:

Aloha to whomever this concerns,

My name is Kaniho Giminiz and I'm a resident of Kaua'i. I am contacting you to ask to oppose house bill #499.

I'm opposed to HB499 because I believe it's wrong allow private developers to extend their leases beyond 65 years with no cap and without proper stewardship or environmental impact assessment. It is time for the lands to be returned to the public as promised. The host culture is not being considered. Mahalo nui for your time.

Aloha,

My name is Ty Kaipo Torco and I'm a resident of Kaimuki, Honolulu, Hawaii. I retired, with approximately thirty years, as federal law enforcement agent, sworn to protect Hawaii from various Criminal activities and individuals with nefarious intentions. As I learn more and get educated on the illegal occupation of the Hawaiian Kingdom, I'm sickened and torn by the many injustices inflicted upon the people, both past and present, conducted by Representatives of the United States of America and the State of Hawaii. So called "Elected Officials" doing "business as usual" for those individuals / business / Corporations who possess the monetary backing in support of their position(s). Since the beginning there's been very little meaningful compensation given to back to Native Hawaiians. I'm in opposition of HB499.

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.

The majority of the lands held in the "public" lands trust are "ceded lands" or Hawaiian Kingdom Crown and Government lands to be used for the betterment of the conditions of "Native Hawaiians."

Allowing the extension of leases beyond the 65 years with no cap will result in 100 year leases that would set up developers as pseudo land owners of Hawaiian "public" lands.

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.

Stop the continued injustices, oppose HB499

LATE

LATE

HB-499-SD-1

Submitted on: 4/6/2021 9:16:44 PM
Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahealani Taitague-Laforga	Individual	Oppose	No

Comments:

I OPPOSE the proposed bill because the extension of leases will directly take away from the Native Hawaiian people. The lands that are proposed for extension includes ceded lands that are supposed to be used for the betterment of the Native Hawaiian people. By passing this law, you will be taking away opportunities and risking more disparities in the Native Hawaiian population. It is already proven through many studies that the Native Hawaiian population have higher socioeconomic and health disparities compared to other populations. Furthermore. It would be unlawful to pass this bill as the ceded lands are supposed to be protected and used specifically for the advancement of the Native Hawaiian Nation. All in all, I strongly oppose this bill and believe that it is not only unlawful but inhumane.

HB-499-SD-1

Submitted on: 4/6/2021 9:27:12 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Lee	Individual	Oppose	No

Comments:

Hello,

LATE

My name is Stephanie, and I am a resident of Southern California. I am contacting you to ask that you oppose House Bill #499.

I am opposed to HB499 because land ownership should not be extended to private developers beyond 65 years. Private ownership limits the benefits to the leaseholders. There should be opportunities for the land to be returned to the betterment of the Native Hawaiians who are entitled to it.

Please oppose HB499 to preserve proper stewardship, environment impact assessments, and equitable resource allocation.

Thank you,

Stephanie

HB-499-SD-1

Submitted on: 4/6/2021 9:54:05 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
andriana simone	Individual	Oppose	No

Comments:

LATE

Aloha,

My name is Andriana Simone,

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no environmental impact assessments.

The lands should be returned to the public good as promised as to preserve the Aina for generations to come.

Mahalo

HB-499-SD-1

Submitted on: 4/6/2021 9:57:41 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

My name is Kelsey Ke'alahilani Rogers and I am a resident of Haleiwa, HI and I am contacting you to ask you to oppose House Bill #499.

I am opposed to HB499 because I believe is wrong to allow private developers to extend their leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

That will be a detriment to Hawaii and to the Hawaiian peoples. The lands should be returned to the public good as promised.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 10:08:03 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sophia Kamalani Marino	Individual	Oppose	No

Comments:

For far too long the Native Hawaiian have had their rights, culture, and land taken away from them. Since the beginning of Hawaii being taken as territory of the U.S this land has been unrightfully snatched from their hands. This causes for the Hawaiian culture to slowly dissappear and the future generations are at stake. Taking away the land from our people needs to be stopped. This can't go on any longer.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 10:08:46 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

LATE

Aloha,

I write in the hopes to encourage you all to oppose this bill. This bill would allow the Board of Land and Natural Resources to extend leases of public land with little or non public input or oversight. This is something that will affect the residents and communities of Hawai'i the most yet we would be the ones not able to voice our concerns or opinions. This bill would also allow current leases to bypass getting input from the public on past, present, and future matters involving land and the management of it. It is time the focus of the government in Hawai'i shifts from power and profit to taking care of the wellbeing of the people of Hawai'i and the island itself. Addressing issues such as homelessness, raises in housing prices, poor land management, instead of helping developers and foreign big companies come into Hawai'i and be able to have 100 year leases. Please focus on the true wellbeing of the people and communities of Hawai'i and oppose this bill.

Mahalo

HB-499-SD-1

Submitted on: 4/6/2021 10:11:05 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Grace Tsubaki-Noguchi	Individual	Oppose	No

Comments:

My name is Grace Tsubaki-Noguchi and I am a resident of Honolulu. I am OPPOSED to HB499 because we should not let private developers extend their current leases beyond 65 years with no cap and without proper stewardship or enviornmental impact assessments. Allowing this bill would provide the Board of Land and Natural Resources the power to extend leases of "public" lands for commerical, mixed, industrial, restort, or governemtn use with little or no public input or oversight. The majority of the lands held in the public lands trust are "ceded lands" or Hawaiian Kingdom Crown and government lands to be used for the betterment of the conditions of Native Hawaiians. The lands should be returned to the public good as promised.

LATE

HB-499-SD-1

Submitted on: 4/6/2021 10:15:33 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Laura Boles	Individual	Oppose	No

Comments:

My name is Laura Boles, and I am a resident of Kapolei.

I am writing to express my strong opposition to House Bill # 499.

Private developers should not be allowed to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The lands should be returned to the public good as promised.

HB-499-SD-1

Submitted on: 4/6/2021 10:17:29 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Galacgac	Individual	Oppose	No

Comments:

I strongly oppose HB 499. Please return these "ceded" lands and honor the rights to this 'aina for Native Hawaiians.

HB-499-SD-1

Submitted on: 4/6/2021 10:35:41 PM

Testimony for WAM on 4/7/2021 9:45:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Allison Dickson	Individual	Oppose	No

Comments:

Aloha e Ways and Means Committee members,

My name is Allison Na'auao-Dickson and I am a resident of the island of Maui. I am contacting you to ask to oppose House Bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The lands should be returned to the public good as promised.

HB-499-SD-1

Submitted on: 4/6/2021 10:36:15 PM

Testimony for WAM on 4/7/2021 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Kuailani	Individual	Oppose	No

Comments:

The Lease for the lands shall be ceased. The land should go back to the rightful owners.

HB-499-SD-1

Submitted on: 4/7/2021 1:37:00 AM

Testimony for WAM on 4/7/2021 9:45:00 AM



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

Comments:

This bill would extend leases of public land for commercial and industrial use, meaning that the bill would extend 65-year leases for another 40 years. Native Hawaiians would lose claims to their rightful land, to stolen land, for over a century. These lands belong to the Kanaka of Hawai'i, not to those who wish to destroy it for personal gain and profit. It drags us further into the reality of losing the precious culture and people of Hawai'i, it is an immoral and unjust act that should not be glorified. "Do not continue the legacy of theft that defines the State's relationship to native Hawaiians". Put Hawaiian hand back in Hawaiian hands!

HB-499-SD-1

Submitted on: 4/7/2021 1:37:19 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Rozlyn Calderon	Individual	Oppose	No

Comments:

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments. The land should be returned to the public good (Kanaka Maoli, the rightful people) as promised.

HB-499-SD-1

Submitted on: 4/7/2021 2:16:19 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaliloa Lee Loy	Individual	Oppose	No

Comments:

Aloha e elected official,

LATE

My name is Kaliloa KealohaPoli'ahu Lee Loy and I am a resident and Kanaka Maoli of Hilo Hawai'i Island Kingdom of Hawai'i.

I am opposed to HB499 because I believe it wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessment.

The lands should and will be returned to the public good as promised!

Ua Mau Ke Ea O Ka 'Ä€ina I Ka Pono!

EÄ• ,

Kaliloa Lee Loy

HB-499-SD-1

Submitted on: 4/7/2021 4:00:36 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monica A Rangel Figueroa	Individual	Oppose	No

LATE

Comments:

Hello,

My name is Monica A. Rangel-Figueroa and I am a resident of Phoenix, AZ. I am contacting you to ask to oppose house bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments.

The land should be returned to the public good as promised.

HB-499-SD-1

Submitted on: 4/7/2021 4:43:41 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Leah K. Yagin	Individual	Oppose	No

Comments:

Aloha, my name is Leah K. Yagin and I am a resident of California. I am contacting you to ask to oppose House Bill #499. I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessments. The lands should be returned to the public good as promised.

LATE

HB-499-SD-1

Submitted on: 4/7/2021 5:17:50 AM
Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

Public property should remain public for all. It is time to redress some of the wrongs of the illegal overthrow of the Hawaiian Kingdom and return stolen lands back to Hawaiians.

HB-499-SD-1

Submitted on: 4/7/2021 6:50:44 AM

Testimony for WAM on 4/7/2021 9:45:00 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 in Hawai'i. Providing lease extensions is unacceptable, especially considering leasing should never have been granted to begin with. Please do not approve HB 499.

HB-499-SD-1

Submitted on: 4/7/2021 6:52:55 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
kale sylvia	Individual	Oppose	No

Comments:

I oppose this bill

LATE

HB-499-SD-1

Submitted on: 4/7/2021 7:10:02 AM
Testimony for WAM on 4/7/2021 9:45:00 AM

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

Comments:

The State of Hawaii needs to do what's right and start managing these lands properly, This is just more evidence that says Oppression amongst Hawaiians in their own land is Thriving.

Do Better. We can do it. Don't let this cruel world make you cruel.

Aloha- Curen Ohama

LATE

HB-499-SD-1

Submitted on: 4/7/2021 7:22:25 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eolani Mose	Individual	Oppose	No

Comments:

Aloha ,

My name is Eolani and I live in Honolulu HI. I am writing this to ask you to OPPOSE House Bill #499.

I am opposed to HB499 because I believe it is wrong to allow private developers to extend their current leases beyond 65 years with no cap and without proper stewardship or environmental impact assessment!

The land should return to public good as PROMISED !

LATE

HB-499-SD-1

Submitted on: 4/7/2021 8:27:43 AM

Testimony for WAM on 4/7/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheadon Freitas	Individual	Oppose	No

Comments:

I oppose bill HB499 authorizing the BLNR to lease lands for 100 years. It is unethical to allow such a time frame to be leased out. Please think about the impact that may follow, culturally, environmentally, and systemically.

Me ke aloha pumehana,

Na'u