

**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
Honolulu, Hawaii 96813  
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of  
**DENISE ISERI-MATSUBARA**  
Hawaii Housing Finance and Development Corporation  
Before the

**SENATE COMMITTEE ON WATER AND LAND  
SENATE COMMITTEE ON HOUSING**

March 16, 2021 at 1:00 p.m.  
State Capitol, Room 225

In consideration of  
**H.B. 902, H.D. 1**  
**RELATING TO PUBLIC LANDS.**

The HHFDC ***strongly supports*** H.B. 902, H.D. 1, a measure to expand HHFDC's statutory exemption from the definition of "public lands" to include lands set aside to the HHFDC by Executive Order or leased from another State department or agency. This bill will help streamline the development of affordable housing on state lands.

H.B. 902, H.D. 1 will minimize the number of approvals from the Department of Land and Natural Resources as projects move forward from set-aside to the leasing, entitlement, financing, and development phases. Housing development will be subject to all conditions imposed by the Board of Land and Natural Resources and as set forth in the Executive Order. This includes the return of state land if it is no longer needed for housing.

Thank you for the opportunity to testify.

  
OFFICE OF HAWAIIAN AFFAIRS  
‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai  
Legislative Testimony

**HB902 HD1**  
RELATING TO PUBLIC LANDS  
Ke Kōmike ‘Aha Kenekoa o ka Wai a me ka ‘Āina  
Senate Committee on Water and Land  
Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hale Noho  
Senate Committee on Housing

Malaki 16, 2021

1:00 p.m.

Lumi 225

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The Office of Hawaiian Affairs (OHA) **OPPOSES** HB902 HD1, which seeks to amend the Hawai‘i Revised Statutes (HRS) § 171-2 definition of “public lands,” removing certain procedural safeguards found in HRS Chapter 171 for public lands set aside from the Governor or leased by other State departments or agencies to the Hawai‘i Housing Finance and Development Corporation (HHFDC). OHA notes that the long-term leases contemplated for public lands under this measure may foreclose Native Hawaiian claims to potentially large swaths of “ceded” lands for a century or longer, and have long been considered tantamount to a fee sale of lands in other contexts, such as those involving the leasing of tribal lands. **OHA opposes the foreclosure of Native Hawaiian claims to “ceded” lands that were unlawfully taken under extreme duress and without consent by or compensation to the Native Hawaiian people, and urges the inclusion of language provided below that would provide some recognition of and protection for these claims.**

**HB902 HD1 contemplates a significant expansion of the public lands that could be leased under HHFDC’s very flexible and liberal land disposition authorities.** Currently, HHFDC can issue extremely long-term, multigenerational leases, including 99-year leasehold interests, on the limited lands that HHFDC holds in fee; HHFDC may also lease or otherwise dispose of such lands for far less than fair market value, and without the auction or other requirements generally applicable to the disposition of public lands. **HB902 HD1 would allow a vast amount of public lands—which are overwhelmingly “ceded” lands to which Native Hawaiians maintain unrelinquished claims, and which are also largely Public Land Trust lands, held for the benefit of native Hawaiians and the general public—to be leased or otherwise disposed of under HHFDC’s broad leasing and disposition authorities.** These lands are currently subject to the public transparency and accountability protections of HRS Chapter 171, which include lease length limitations (i.e. maximum aggregate lease period of 65 years), lease extensions prohibitions, and auction requirements; allowing these lands to be exempted from HRS Chapter 171 and instead subjecting them only to HHFDC’s broad leasing and dispositions authorities may foreclose, for a century or more, opportunities for Native Hawaiians to fully and

directly realize the benefits from lands to which they have specific legal and moral claims.

**As OHA has repeatedly asserted, extremely long-term, multi-generational leases on “ceded” lands create a sense of entitlement on the part of lessees that has led to, and may continue to lead to, the alienation of public and “ceded” lands.** Notably, long-term leases such as the 99-year leases contemplated in this and related measures have also been considered tantamount to the sale of a fee interest in tribal lands, as **“the land base is effectively lost for generations to come,”** and **“the property expectation born of those leases, combined with the infrastructure development and capital investment made in reliance on them, may render those leases essentially irretractable as a political matter.”**<sup>1</sup> OHA strongly objects to the sale or alienation of “ceded” lands except in limited circumstances, and has significant concerns over any proposal that may facilitate the effective diminution of the “ceded” lands corpus. Accordingly, OHA cannot support any proposal that may subject a significant amount of “ceded” lands to extremely long-term, multigenerational leases, including the instant measure, unless there is a mechanism in place to protect and preserve Native Hawaiian claims to leased “ceded” lands.

Should the Committees nonetheless move this measure forward, **OHA respectfully urges the inclusion of the following suggested amendment to HRS § 201H-9(c), in order to minimally recognize and protect Native Hawaiian claims to “ceded” lands which may be subject to the broad leasing authorities of HHFDC.**

“(c) The corporation may lease or rent all or a portion of any housing project and establish and revise the rents or charges therefor. The corporation may sell, exchange, transfer, assign, or pledge any property, real or personal, or any interest therein to any person or government. With regards to real property set aside or leased to the corporation that was classed as government or crown lands prior to August 15, 1895, or exchanged for such lands, any lease, sublease, rental, exchange, transfer, assignment, or pledge of such property or interests in such property by the corporation for an aggregate period of longer than 65 years shall be made subject to terms and conditions approved by the board of trustees of the Office of Hawaiian Affairs. Such terms and conditions shall include provisions that reflect the maintained claims of native Hawaiians in the

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<sup>1</sup> Mary Christina Wood, *Protecting the Attributes of Native Sovereignty: A New Paradigm for Federal Actions Affecting Tribal Resources*, 1995 UTAH L. REV. 109, 145-46 (1995); see also Reid Peyton Chambers & Monroe E. Price, *Regulating Sovereignty: Secretarial Discretion and the Leasing of Indian Lands*, 26 STANFORD L. REV. 1061, 1078 (1974) (“Through the lease instrument—often for 99 years—the fiction of Indian retention is retained, but the impact on the tribe is often inconsistent with the form. In this context, 99-year leases are tantamount to the sale of the fee” (emphasis added)).

“ceded” lands corpus, such as provisions requiring rights of first refusal, transfers or commitments of resources for programs serving native Hawaiian interests, affordability requirements based on native Hawaiian housing demand data, a reservation of the rights and interests of a native Hawaiian self-governing entity in such lands, or any other relevant provision.”

Accordingly, OHA respectfully urges the Committees to **HOLD** HB902 HD1. However, should the Committees choose to move this measure forward, OHA minimally urges the inclusion of the suggested amendment offered above. Mahalo nui loa for the opportunity to testify on this measure.

# KA LĀHUI HAWAI‘I

## KŌMIKE KALAI‘ĀINA

BEFORE THE SENATE COMMITTEES ON LAND & WATER AND HOUSING

MARCH 16, 2021

HOUSE BILL 902 HD1  
Relating to Public lands

Aloha Chair Inouye, Vice Chair Keith-Agaran, Chair Chang, Vice Chair Kanuha and Members of the Committees,

Ka Lāhui Hawai‘i Kōmike Kalai‘āina submits the following written testimony in **STRONG OPPOSITION** to House Bill submits the following testimony in opposition to House Bill 902 HD1 exempting lands set aside by the governor or leased to the Hawaii housing finance and development corporation from the definition of "public lands" in chapter 171, Hawai‘i Revised Statutes. By exempting even leased lands and allowing the gifting of these lands out from 171-2 of the Hawai‘i Revised Statutes removes it from public oversight and public input and sets a really bad and dangerous precedent.

This proposal to exempt lands held by the set aside for and lease to the Hawai'i housing finance and development corporation is contrary to its intended purposes and is a breach of trust on the part of the State of Hawai'i.

The Hawaiian Kingdom Crown and Government lands make up the main corpus of the Public lands. Kanaka Maoli aka native Hawaiians and their descendants never relinquished our interests in or sovereignty over these lands. These lands were set aside by King Kamehameha III and make up 1.8 million acres of prime real estate in Hawai'i. At the time of the overthrow they were illegally seized and fraudulently transferred to the United States. Then 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 Lāhui Hawai‘i Kōmike Kalai‘āina affirms and defends Kanaka Maoli peoples’ right to over 1.8 million acres of our national lands. The diminishing of this trust without the free informed consent of the Kanaka Maoli peoples who are the true right holders of these lands is a serious violation of not only our human and civil rights but the State's moral obligation to the first peoples of this land who continue to own some of the worst socio-economic statistics in our own homeland (e.g. we make up 40% of the houseless in Hawai‘i and only 21% of the general population).

Me ka 'oia'i'o,

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

**HB-902-HD-1**

Submitted on: 3/15/2021 11:50:00 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaniloa Kamaunu	Individual	Oppose	No

Comments:

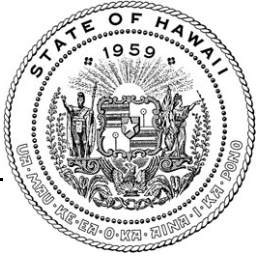
Aloha,

My name is Kaniloa Kamaunu of 222 Waihee Valley Road Wailuku Maui. As subject of the Hawaii Kingdom as my forefathers I am opposed to SB2SD2. I believe that State has not met their trust obligation as set forth in the Newlands Resolution which is it's annexation bill of certain properties that were inquired by the US from the defacto government the Republic of Hawaii (1893-1898). With the US Congress recognizing the Ku'e petition my ancestors were never naturalized or acquired and were still sovereign so am I (Public Law 103-150 Whereas 29). Then all properties acquired by the US and now administered by the State of Hawaii I still hold an interest. The 1839 Constitution (HE KUMU KANAWAI, A ME KE KANAWAI HOOPONOPONO WAIWAI, NO KO HAWAII NEI PAE AINA. NA KAMEHAMEHA III I KAU. Honolulu: 1839. KUMU KANAWAI, NO KO HAWAII NEI PAE AINA) afforded vested rights to my ancestors and continues with me. With that being stated I demand of this body to uphold its trust obligation to me as an interest holder. This body is obligated to meet with myself and others with such claims until such arrangements are made I demand a stop to any further action.

Mahalo,

Kaniloa Kamaunu

EM: bkofmor@gmail.com



## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

DAVID Y. IGE  
GOVERNOR

MIKE MCCARTNEY  
DIRECTOR

CHUNG I. CHANG  
DEPUTY DIRECTOR

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Statement of  
**MIKE MCCARTNEY**  
Director  
Department of Business, Economic Development and Tourism  
before the  
**SENATE COMMITTEE ON WATER AND LAND**  
**SENATE COMMITTEE ON HOUSING**  
Tuesday, March 16, 2021  
1:00 p.m.  
State Capitol, Conference Room 225

in consideration of  
**HB902, HD1**  
**RELATING TO PUBLIC LANDS.**

Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and Members of the Committees.

The Department of Business, Economic Development and Tourism (DBEDT) **strongly supports** HB902, HD1, an Administration bill that would exempt lands set aside to the HHFDC by Executive Order from the statutory definition of "public lands." This exemption will help facilitate affordable housing development on State lands, including leasehold housing on land located within one-half mile of the Honolulu rail transit line.

Thank you for the opportunity to testify.

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



Director of Council Services  
Traci N. T. Fujita, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

March 15, 2021

TO: Honorable Chair Lorraine R. Inouye, Vice-Chair Gilbert S.C. Keith-Agaran,  
and members of the Senate Committee on Water and Land

Honorable Chair Stanley Chang, Vice-Chair Dru Mamo Kanuha, and  
members of the Senate Committee on Housing

FROM: Tamara Paltin  
Maui County Councilmember

DATE: March 15, 2021

SUBJECT: **OPPOSING HB 902, RELATING TO PUBLIC LANDS**

Thank you for the opportunity to testify in this important measure. The purpose of this measure is to exempt land set aside by the governor to HHFDC and lands leased to HHFDC from other state departments or agencies from classification as public lands subject to DLNR management.

I OPPOSE this measure for the following reasons:

1. Native Hawaiians are owed revenue from these lands. If the state is leasing the land to a lessee that isn't generating revenue off the land, Native Hawaiians are being short-changed from the best uses of lands that were stolen from them.
2. Historically, these long-term lessees start arguing that the land ultimately belongs to them, and public trust lands end up in private ownership. Lands stolen from Hawaiians and held in trust for Hawaiians were given away after these long, multi-generational leases.

Respectfully Submitted,

A handwritten signature in black ink that reads "Tamara M. Paltin".

TAMARA PALTIN  
Councilmember



▪ March 15, 2021

The Honorable Lorraine R. Inouye, Co-Chair  
and Members of the Senate Committee on Water and Land  
The Honorable Stanley Chang, Co-Chair  
and Members of the Senate Committee on Housing

RE: Testimony In Support Of HB 902, HD1 Relating To Public Lands  
March 16, 2021, 1:00pm; CR 225 & Videoconference

Dear Co-Chairs Inouye and Chang and Committee Members,

My name is Stanford 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 would like to testify in support of HB 902, HD1 which, among its provisions, exempts land set aside by the Governor to HHFDC and lands leased to HHFDC from other state departments or agencies from classification as public lands subject to DLNR management.

By reducing the number of required approvals from the DLNR once lands have been set aside to HFDC, this measure will facilitate the development of affordable housing on state land including leasehold housing on land located within one-half mile of the Honolulu rail transit line.

As an affordable housing developer, one impediment that I have had to deal with in attempting to build more affordable housing projects is the time that it takes to obtain necessary permits and approvals from the appropriate government agencies the passage of this bill will help to mitigate delays in the approval process. Moreover, this measure will help to promote transit-oriented development (TOD) on state lands which has been a top priority of State and City policymakers and which is critical to the future well-being of our communities.

For all of these reasons, I ask that you pass HB902, HD1. Thank you for the opportunity to submit this testimony.



Stanford S. Carr

# **HAWAI'I LEGISLATURE BREAKING THE LAW!**

**STOP HB 902, HD 1!**

**STOP TAKING PUBLIC LANDS FOR "UNAFFORDABLE" HOUSING!**

## **Testimony of Kūpuna for the Mo'opuna**

HB 902, HD 1 - RELATING TO LEGAL THIEVERY FOR UNAFFORDABLE HOUSING.

### **STRONG OPPOSITION**

COMMITTEE ON WATER & LAND, Chair Inouye & Vice Chair Keith-Agaran  
COMMITTEE ON HOUSING, Chair Chang & Vice Chair Kanuha  
March 16, 2021 @ 1pm



### **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.***

These lands are to be held in trust by the state for the betterment of the conditions of native Hawaiians and the general public (for public institutions such as public schools, public hospitals, etc.), not to make private citizens rich. **STOP BREAKING THE LAW!**

#### **To Whom It May Concern:**

**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/>



# Native Hawaiian LEGAL CORPORATION

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## HB 902 HD1

### RELATING TO PUBLIC LANDS

SENATE COMMITTEE ON WATER AND LAND & COMMITTEE ON HOUSING

March 16, 2021

1:00 p.m.

Conference Room 225

Aloha e Committee Chairs and Members,

The Native Hawaiian Legal Corporation (“NHLC”) **OPPOSES HB902 HD1**, which would remove Hawai‘i Revised Statutes (“HRS”) Chapter 171 protections from public “ceded” lands set aside by the governor to the Hawai‘i Housing Finance and Development Corporation (“HHFDC”) or leased to HHFDC by any state department or agency. These protections include, but are not limited to, public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain “ceded” lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases, effectively alienating public and “ceded” lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries. HB902 HD1’s potential to divest Native Hawaiians of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions 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 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 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 are decisions that should be discharged with reasonable skill and care and should, at minimum, be subject to the public transparency and accountability protections of HRS Chapter 171. Exempting these lands from lease length limitations, lease extension prohibitions, and auction requirements while subjecting them to HHFDC’s broad leasing

and dispositions authority may foreclose, for a century or more, opportunities for Native Hawaiians to fully and directly realize the benefits from lands to which they have specific legal and moral claims.

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. **HB902 HD1** 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. 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.” [‘Ā]ina, 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. [‘Ā]ina 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 Hawai‘i 174, 214, 177 P.3d 884, 924 (2008) (footnotes and internal citations omitted) (emphases in original).

For all the above-stated reasons, **NHLC OPPOSES HB902 HD1**. Mahalo for the opportunity to testify.

Summer L.H. Sylva



Executive Director  
Native Hawaiian Legal Corporation

Ashley K. Obrey



Staff Attorney  
Native Hawaiian Legal Corporation

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 8:43:06 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Hanalei Fergerstrom	Testifying for Na Kupuna Moku O Keawe	Oppose	No

Comments:

We oppose any language that takes from the Public Trust Lands.

**HB-902-HD-1**

Submitted on: 3/15/2021 9:17:13 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mahina Duarte	Testifying for Kanaeokana	Oppose	No

Comments:



**March 15, 2021**

**TO: Senate Committee on Water and Land, Senate Committee on Housing,  
Senate**

**Committee on Ways and Means**

**FR: Kanaeokana Kula Hawai'i Network**

**RE: HB902 HD1 Relating to Public Lands**

**Aloha Senators:**

**Kanaeokana, the Kula Hawai'i Network which includes membership of DOE Hawaiian Language Immersion Program sites, all 17 Hawaiian Focused Charter Schools (HFCS), and over 50 other Hawaiian education organizations, strongly opposes the measure to remove Chapter 171 protections and exempt land set aside by the governor to HHFDC and lands leased to HHFDC from other state departments or agencies from classification as public lands subject to DLNR management.**

**Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. The result would be tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.**

**As a Hawaiian education network, Kanaeokana's mission is to collaboratively develop and strengthen a Native Hawaiian education system—built on a strong 'Ā• lelo Hawai'i and 'ike Hawai'i foundation—to grow and sustain aloha 'Ā• ina leaders. We urge our elected officials to keep our public land trusts protected.**

**Therefore, we humbly ask the committees to OPPOSE HB902 HD1.**



**Me Ka 'Oia'i'o**

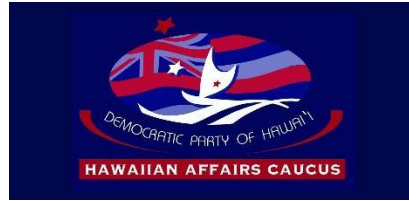
**Mahina Paishon-Duarte, Co-Chair**

**Elena Farden, Co-Chair**

**KÅ• mike Advocacy**

**Kanaeokana Kula Hawai'i Network**

**LATE**



March 16, 2021

[SENATE COMMITTEES ON WATER & LAND AND HOUSING](#)

Senator Lorraine R. Inouye, Chair, and Senator Stanley Chang, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair, and Senator Dru Mamo Kanuha, Vice-chair

**Testimony Strongly OPPOSING HB 902, HD 1**

Aloha, Chair Inouye, Chair Chang, Vice Chair Keith-Agaran, Vice Chair Kanuha, and members of the Committee,

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii **strongly opposes HB 902 HD1** that exempts land set aside for the Hawai'i Housing Finance and Development Corporation (HHFDC) from public lands subject to management by the Department of Land and Natural Resources (DLNR). The Caucus objects to any legislation that compromises the State's fiduciary obligation to Native Hawaiians under the public trust and public land trust.

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. Any measures to side-step that obligation expose the State to litigation.

We encourage your committees to oppose HB 902, HD 1.

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

**HB-902-HD-1**

Submitted on: 3/15/2021 12:27:30 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aiko Yamashiro	Individual	Oppose	No

Comments:

I oppose this measure that would remove critical Chapter 171 protections from public "ceded" lands. These protections and processes are necessary to allow the public to participate in management and care for land--creating space for community voice, which is critical to a strong democratic society. This pandemic has taught us that the world can be upended at any moment. 99-year (or more) leases on land are simply unnecessary, and in fact would be a detriment to the creativity and adaptability that we need right now to build back better, to experiment boldly and smartly, and to reflect and change strategies as needed.

In addition, because these lands are kept for the specific benefit of our Native Hawaiian community, it is important that this community protection is maintained in its integrity. I am not Native Hawaiian (fourth-generation Japanese/Okinawan, Windward O'ahu) but have seen over and over again how important it is to take care of this community. Besides being clearly the right and just thing to do given our history, this also greatly benefits our shared future here. I greatly support measures that take care of Hawai'i's unique culture, wisdom, and people. Native Hawaiians are not a special interest group in Hawai'i. They are the foundation of this special place. I know that it is from these unique sources that we will find the most innovative and wise ideas to strengthen Hawai'i (the health of our lands, our communities, our systems) to address our housing crisis as well as many more challenges ahead.

**HB-902-HD-1**

Submitted on: 3/13/2021 10:36:38 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Harley Broyles	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/14/2021 7:54:33 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Oppose	No

Comments:

Oppose. Under HHFDC's broad leasing and disposition authorities contemplated under this measure, leasing lands may foreclose, for a century or more, opportunities for Native Hawaiians to fully and directly realize the benefits from lands to which they have specific legal and moral claims. Extremely long-term multi-generational leases on "ceded" lands create a sense of entitlement on the part of lessees that has led to, and may continue to lead to, the alienation of public and "ceded" lands. **The State, as trustee of the Public Land Trust, has a fiduciary responsibility to protect the ceded lands and to grow its value. Long-term leases and removal of lands from the Public Land Trust limit the flexibility of the State to manage these lands to their fullest potential.**

**HB-902-HD-1**

Submitted on: 3/14/2021 9:10:18 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrew R Crosby	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/14/2021 12:27:10 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Solomon P. Kaho?ohalahala	Individual	Oppose	No

Comments:

I am in strong opposition to HB902 HD1. Please HOLD this bill. Thank you.

**HB-902-HD-1**

Submitted on: 3/14/2021 2:43:30 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Faith Mackillop	Individual	Oppose	No

Comments:

I strongly oppose HB902.



**HB-902-HD-1**

Submitted on: 3/14/2021 3:28:31 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brittney Hedlund	Individual	Oppose	No

Comments:

I oppose this bill because it jeopardizes our rights as kā• naka to our 'Ä€ina & wai.

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

**H.B. 902, H.D. 1**  
**RELATING TO PUBLIC LAND**  
Senate Committee on Water and Land  
Senate Committee on Housing  
Hearing: Tuesday, March 16, 2021, at 1:00 pm

Aloha, and thank you for the opportunity to submit testimony in **opposition** to H.B. 902, H.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 these 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 lands are resolved.

This bill would amend the definition of “public lands” found in Hawai‘i Revised Statutes (HRS) § 171-2 to remove lands set aside by the Governor or leased by other State departments or agencies to the Hawai‘i Housing Finance and Development Corporation (HHFDC). The bill would allow vast amounts of public lands—which are overwhelmingly lands to which Native Hawaiians maintain unrelinquished claims—to be leased or otherwise disposed of under HHFDC’s broad leasing and disposition authorities. Unfortunately, the long-term leases contemplated for public lands under this measure may foreclose Native Hawaiian claims to potentially large portions of “ceded” lands for a century or longer; this would be analogous to a fee sale of lands and effectively act as a barrier to resolving Native Hawaiian claims to the trust lands.

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 alienation of these lands to ensure that they are preserved for future reconciliation efforts with the Native Hawaiian community. See HRS §§ 171-64.7. Although this proposal keeps in place, the two-thirds majority vote for alienation of the trust lands set aside to HHFDC, by removing potentially large amounts of trust land from the definition of public lands and contemplating long-term leases of the lands, this bill goes too far and undermines the State’s overall commitment to true reconciliation.

For the above reasons, I **oppose** H.B. 902, H.D. 1. Mahalo for the opportunity to submit this testimony.

**HB-902-HD-1**

Submitted on: 3/14/2021 6:35:05 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mavis Oliveira-Medeiros	Individual	Oppose	No

Comments:

Aloha,

I am writing in strong opposition to HB902, HD1. I come in agreement with OHA (Office of Hawaiian Affairs). I trust the judgment of their Attorneys who have studied every aspect of this bill.

Mahalo,

Mavis Oliveira-Medeiros

Earle K Medeiros, Sr.

Earle Medeiros, Jr.

**HB-902-HD-1**

Submitted on: 3/14/2021 6:37:22 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mykie E. Menor Ozoa-Aglugub	Individual	Oppose	No

Comments:

I strongly oppose HB902 HD1 and respectfully request that the Senate Committees on Water & Land and on Housing kill this measure. The long leases this bill would allow for by removing Chapter 171 protections is tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

Thank you for your time and consideration,

Mykie E. Menor Ozoa-Aglugub, J.D.

**HB-902-HD-1**

Submitted on: 3/14/2021 7:45:57 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Chang	Individual	Oppose	No

Comments:

I oppose this bill for what I feel are self-evident historical reasons.

**HB-902-HD-1**

Submitted on: 3/14/2021 8:15:28 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kevin landers	Individual	Oppose	No

Comments:

Native Hawaiians have unrelinquished claims over "ceded" lands. LAND BACK.

Speak

**HB-902-HD-1**

Submitted on: 3/14/2021 8:21:50 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rhonda	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/14/2021 8:30:12 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Noelani Ahia	Individual	Oppose	No

Comments:

I strongly Oppose this bill. HB902 HD1 would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

Please do not pass this bill.

Mahalu Nui,

Noelani Ahia



**HB-902-HD-1**

Submitted on: 3/14/2021 8:33:33 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sarah Michal Hamid	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/14/2021 10:07:24 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emma McGuire	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/14/2021 10:12:12 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kamalani Keliikuli	Individual	Oppose	No

Comments:

I oppose this bill

**HB-902-HD-1**

Submitted on: 3/15/2021 2:13:26 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raul Nohea Goodness	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 3:26:34 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elmer Domingo	Individual	Oppose	No

Comments:

These lands should be given back to the Hawaiian people

**HB-902-HD-1**

Submitted on: 3/15/2021 7:12:01 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MaryAnn Omerod	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 7:36:53 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
travis thomas	Individual	Oppose	No

Comments:

Aloha, I am Kealii from Ewa, Oahu and while I am not a lawyer, I strongly oppose HB499. I do so as a kuleana land kia'i and a kuleana land heir/kuleana interest holder. One whom shares public land interest and understands my kuleana as a land konohiki. I oppose this bill for moral and ethical reasons. It is hewa to allow anyone, beside KONOHIKI AND KULEANA LANDOWNERS and HEIRS to the crown To determine how leasing of public lands should go. 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".

I believe BLNR,DHHL, or the state of Hawaii and HHFDC should not have complete say and authorizations to extend any lease without consensus of the HAWAIIAN people. I am sure the state of Hawaii is aware of the status on all of the states land titles. Recent events have shown that the state of Hawaii shares interest and titles with almost all native Hawaiian descendants in state lands, public lands or crown lands. DHHL lands all have a shared interest. An interest that was created by THE GREAT MAHELE OF 1848 which is upheld by international laws.

The state of Hawaii and DHHL and BLNR has seized the rights of KONOHIKI AND KULEANA LANDOWNERS. by restricting access to KULEANA LANDS(through private sales of lands that belong to the heirs of the ORIGINAL kuleana awardee) and by hindering the ability for KONOHIKI to exercise one's rights to manage an ahupua'a and fishery eliminating said Rights to manage one's own land and natural resources, further exploiting from the selling of resources(done by companies or entities that lease said lands) that legally belong to the NATIVE HAWAIIANS/ HAWAII NATIONALS & U.S. NATIVE HAWAIIANS.

I believe this bill compromises the ability for U.S.NATIVE HAWAIIAN & HAWAII NATIONALS and NATIVE HAWAIIAN (who are KONOHIKI AND KULEANA LANDOWNERS) communities that are striving to become more self sustainable.

I also believe that this bill may be encroaching on numerous international laws between the state of Hawaii and the COUNTRY OF HAWAII(by not acknowledging the Rights of said kanaka) which has already been recognized to be under military occupation. With that being said, the kingdom of Hawaii exists and KONOHIKI AND KULEANA LANDOWNERS hold clear title, KONOHIKI have all Rights to water that come from their

land and a EQUAL say in public land leases. if this bill is passed I believe there may be INTERNATIONAL humanitarian LAWS that would be violated against KANAKA MAOLI/NATIVE HAWAIIAN & HAWAIIAN NATIONALS (KONOHIKI AND KULEANA LANDOWNERS by blood).

In 1898, the United States congress annexed Hawai'i based on a Joint Resolution of Annexation. This Questions about the legitimacy of the U.S. acquiring Hawaii through a joint resolution, rather than a treaty, Upon annexation, the republic of Hawaii transferred over 1.7 million acres of Hawaiian government and crown lands to the United States which is held by the state of Hawaii.

The 1993 Apology by President Clinton was the United States officially apologizing and acknowledging that the republic of Hawaii illegally transferred lands and that the "Indigenous Hawaiians never directly relinquished their claims over there NATIONAL LANDS to the UNITED STATES OF AMERICA."

With the facts stated above To allow HB 902 HD1 to proceed any further, is unruly and unjust for the NATIVE HAWAIIANS AND HAWAIIAN NATIONALS who are KONOHIKI AND KULEANA LANDOWNERS.

[https://en.wikipedia.org/wiki/Ceded\\_lands](https://en.wikipedia.org/wiki/Ceded_lands)

<https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf>

STATUTE-107-Pg1510.pdf

KANAKA MAOLI HAWAII NATIONALS AND U.S. NATIVE HAWAIIANS have protected rights and interest in all public and private lands, crown lands, state lands and government lands that the Great Mahele set into decree by HIS MAJESTY KING KAMEHAMEHA III KAUIKEOULI in 1848. Again 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". Yet HAWAIIAN NATIONALS and native HAWAIIANS have no means to stop the illegal misconduct of land and its resources and are still not being consulted in the development on, and



leasing done to lands and the sale of resources that belong to the COUNTRY OF HAWAII and its people.

For far too long, the Board of Land and Natural Resources has given out access to public lands to corporations for cents on the dollar and allowed them to drain many streams, valleys and communities dry that has caused detrimental harm to the native ecosystems and communities that rely heavily on these resources to sustain them.

These bills could enable further exploitation for our precious resources, potentially leading to secret deals for large wealthy Corporation and other private diverters to get away with unjust licenses that lack public transparency and have little protections for the aina they're pillaging. Allowing the extension of leases beyond 65 years with no cap will result in 100 year leases that would set up developers as pseudo land owners of Hawaiian "public" lands.

Constitution Declaration of rights: Art 4 states "all men shall have the right in an orderly and peaceably manner to assemble, TO CONSULT UPON COMMON GOODS, give instructions to their representatives and to petition the king of legislature for a redress of grievances." CONSTITUTION and LAWS 1852 by KING KAMEHAMEHA III, acknowledged in international law, so that is what I'm doing here today.

The aforementioned is why I strongly oppose HB902 HD1

Mahalo.

**HB-902-HD-1**

Submitted on: 3/15/2021 7:56:45 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
melissa tomlinson	Individual	Oppose	No

Comments:

I am surprised that there continues to be legislation brought regarding the selling or leasing of public land use after so much rightful opposition has been made with SB 499 and SB 257. The truth is that The Kingdom of Hawai'i is illegally occupied by the U.S. and stealing more land in its name through the use of legislation being proposed by said occupation is not justified, wrong on every humanitarian and environmental level, plus an act of war. Do not support this bill. Do not continue the plight of genocide against Kanaka Maoli and Hawaiian Nationals. Because these legislative propositions continue, despite the overpouring opposition and truth that seems to be continuously denied by U.S. representatives, I am including my testimony from previous bills as it still relates.

As I submitted in opposition for HB 499 and SB 257 (all versions) I am submitting testimony in opposition for HB 902 as well. I strongly oppose the lack of acknowledgment in the theft and false authority from governing officials, renewing, and or selling, leasing public land for state, city, and privatized agendas or 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. The land is Hawai'ian and must be protected. The U.S. has continually allowed abusive practices such as desecration to sacred spaces of Hawai'ian culture, restricting the rights of Kanaka Maoli to practice their religious/spiritual beliefs, police brutality, and literal state sanctioned violence against native peoples through genocide. Allowing this bill to pass would allow the renewal of this violence against the native people of Hawai'i, it is time for practices such as these to cease! It is the time of recognition and of accountability! With everything happening in today's world it is ever clear to me, especially in Hawai'i, that the governing practices by the U.S. are responsible for the calamities we face as humans bound to its forces. The militarization of the islands of Hawai'i is a strong example of how destructive and unhealthy the U.S. governing practices have been, among countless others since 1893. Providing lease extensions or selling of public land is unacceptable, especially considering leasing and selling should never have been granted to begin with, as it is not the United States lands. This bill would allow stolen Hawaiian Kingdom and government lands to be leased for a century at a time. Native Hawaiians have unrelenquished claim over 'ceded' lands and this bill attempts to prevent Hawaiian

claims to their land from ever being resolved. A'ole! Hewa! Acts of War and war crimes! Please search for creating peace, Do not approve HB 902, it is not in alignment with what is best for Hawai'i or with what is best for humanity.

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

Furthermore in continuation of why I oppose this bill and the lease extensions being renewed is in considering Puanani Brown's testimony of HB 499 in opposition where she states--"the extensions of the long-term and poorly stewarded commercial, industrial, resort, mixed-use, or government leases of Hawai'i's public lands also known as Crown Lands, illegally taken from the Hawaiian people at the time of the 1893 overthrow in an "act of war" (United States Public Law 103-150). If these lease holders have poorly managed the land, WHY should the Hawaiian people be forced to grant them an even longer term to further demonstrate their lack of care for these lands and for the Native Hawaiian people? We cannot afford to allow the further destruction, desecration, and abuse of our sacred sites. Let us be clear that many of these lands are also conservation districts meant to be protected for historical and ecological preservation, that corporate interests have gleefully abused. These lands hold the cultural heritage of the Native Hawaiian people, they are the burial sites of our ancestors and highest chiefs, they are tied intrinsically to the Hawaiian people through our creation story and religion, they are the source of water for traditional kalo farmers, and they encompass critically endangered ecosystems and lands that are home to endemic species found nowhere else on earth. This bill seeks to deprive people of their right to appeal an agency decision to the Court. It also asks agencies to nonsensically share orders between them. Together, these changes violate the people's right to due process. The people harmed are, primarily, Indigenous Hawaiians who have already survived genocide, the intentional erasure of our history and language, and who are now constantly fighting for our survival and against cultural genocide at the hands of this de facto state of Hawai'i via the overexploitation and development of our ancestral lands to suit the short term economic wants of the current tourism, military, and agrochemical plantation economy. While one third of the homeless population in Hawaii is Native Hawaiian, the state continues to put all your eggs in a few unsustainable baskets fueling the desecration of sacred lands and disrespect of Indigenous rights - taking advantage over and over again of all the beauty and aloha that makes Hawai'i so uniquely cherished. Furthermore, the United Nations has declared it a human rights violation to develop these lands without the free, prior, and informed consent of the Indigenous people of Hawai'i. Shame on you for even proposing this bill that would

allow for the destruction of lands that hundreds of thousands of Native Hawaiians and allies around the world have put their bodies on the line to protect. This bill would foreclose on our rights to fully litigate claims before a Court to see if an agency acted properly or violated the law. It targets Native Hawaiians because it targets the issues and rights we hold most dear: our sacred sites, cultural resources, burials, fresh water sources, and our entire worldview. This bill is unconstitutional, egregiously racist and genocidal in both its nature and intent."

Please do better to protect land and water! Please stop these genocidal efforts and oppose bill HB 902 (all versions).

**HB-902-HD-1**

Submitted on: 3/15/2021 7:58:51 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Koa Young	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 8:01:38 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leanne K. Fox	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 8:50:25 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dina Shek	Individual	Oppose	No

Comments:

HB 902 HD1 Relating to Public Lands – OPPOSE

(submitted 3/15/21)

Dear Committee Members,

I strongly OPPOSE HB 902 HD1. This bill deeply undercuts Native Hawaiians’ legal and just claims over “ceded” lands. These lands must be preserved and protected for the benefit of—and with the leadership and decisionmaking of—Native Hawaiian people.

Thank you for your consideration,

Dina Shek

3/15/21

HB 902  
RELATING TO PUBLIC LANDS.

Aloha,

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

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

I Opposed for the following reasons;

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 wioth little or no publice input or oversight.

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

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

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

Therefore, this bill should be void....

Mahalo,

Cindy Freitas



**HB-902-HD-1**

Submitted on: 3/15/2021 9:05:28 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kalena Charlene Holani	Individual	Oppose	No

Comments:

These are stolen ceded land that if used would be done in vein, unjustly, imorally and disrespectful to Hawaii's people and culture. This would only hurt and create more possibility for overdevelopemt and demolishment of the Indigenous lands and culture, these lands should ONLY BE USED FOR LONGEVITY OF HAWAIIAN PEOPLE AND CULTURE. I oppose HB 902

JOINT HEARING OF THE SENATE COMMITTEES  
ON WATER & LAND AND HOUSING

ATTN: CHAIRS LORRAINE E. INOUYE AND STANLEY CHANG  
& VICE GILBERT S.C. KEITH-AGARAN AND DRU MAMO KANUHA

Testimony in Strong Opposition of HB902:  
Relating to Public Lands

March 16, 2021, 1:00 p.m.  
Via Videoconference

Aloha Chairs, Vice Chairs, and Honorable Members of the Senate Committees Water and Land and Housing,

My name is Alexa Deike and I am testifying in **strong opposition** of HB902. I am a student at the William S. Richardson School of Law at the University of Hawai'i at Mānoa.

This bill intends to remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency.

These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources.

Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

Mahalo for your time and consideration,

Alexa Deike

**HB-902-HD-1**

Submitted on: 3/15/2021 9:22:29 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Malia Marquez	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. This proposed bill is a sample of greed. I strongly urge you to oppose HB902 HD1 and do what is PONO "right" for the people. Mahalo for your time on this very important matter.

**HB-902-HD-1**

Submitted on: 3/15/2021 9:37:09 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sally Thrasher	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 9:32:57 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kalai Joy	Individual	Oppose	No

Comments:

I am testifying in opposition of HB499 HD2, HB902 HD1, and SB2 SD2. These bills would allow stolen Hawaiian Kingdom crown and government lands, taken during the 1893 insurrection and overthrow of Queen Lili'uokalani, to be leader for a century which would effectively prevent Hawaiian claims to these lands.

We need to protect these "ceded" lands.

**HB-902-HD-1**

Submitted on: 3/15/2021 9:40:07 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sheena Lopes	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. Please stop cutting corners.

**HB-902-HD-1**

Submitted on: 3/15/2021 9:47:12 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Curen Ohama	Individual	Oppose	No

Comments:

I strongly appose this Bill

**HB-902-HD-1**

Submitted on: 3/15/2021 9:50:40 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelley Farquhar	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.



**HB-902-HD-1**

Submitted on: 3/15/2021 9:58:17 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristen Alice	Individual	Oppose	No

Comments:

I strongly oppose this measure for the reasons listed in the testimony submitted by the Office of Hawaiian Affairs.

**HB-902-HD-1**

Submitted on: 3/15/2021 10:00:48 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gloria Palma	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 10:17:04 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jillian Paulino	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 10:23:16 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tory Kono	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 10:28:05 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Layla Kilolu	Individual	Oppose	No

Comments:

Aloha Policymakers,

I am writing in opposition to I am writing to oppose HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

Please consider discussing this matter with the Native Hawaiian community for a deeper understanding of this matter.

Respectfully,

Layla M. Kilolu

PhD student, Department of Urban & Regional Planning, UH Manoa

**HB-902-HD-1**

Submitted on: 3/15/2021 10:35:23 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl B.	Individual	Oppose	No

Comments:

Strongly OPPOSE.

**HB-902-HD-1**

Submitted on: 3/15/2021 10:50:19 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kialoa Mossman	Individual	Oppose	No

Comments:

Aloha mai kākou, my name is Kialoa Mossman, an Oahu resident originally from Hawai'i Island and I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 11:44:27 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tara Rojas	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.



**HB-902-HD-1**

Submitted on: 3/15/2021 12:15:39 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ursula Chong	Individual	Oppose	No

Comments:

I strongly oppose HB 902.

This bill will not serve the needs of our Native Hawaiian People and general public. This bill will remove Chapter 171 protections from public "ceded" set aside by the governor to the Hawai'i Housing Finance Development Corporation (HHFDC) or leased to (HHFDC) by any state department or agency. These protections include but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. mahalo,

Ursula U'ilani Chong

**HB-902-HD-1**

Submitted on: 3/15/2021 12:17:29 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Crysten Kalua	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**HB-902-HD-1**

Submitted on: 3/15/2021 12:39:52 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Spencer Paulino	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 1:03:01 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathryn Benjamin	Individual	Oppose	No

Comments:

Good Morning,

My name is Kathryn Benjamin and I am a resident of Hilo, HI. I am writing today to voice my opposition to House Bill 902. Over the past decades, it has become increasingly clearer each day that BLNR does not have the community in mind when granting and extending land use leases. From the grave mismanagement of Mauna Kea to the continued desecration of Pohakuloa, so many of the lands that BLNR leases out are lands held in public trust. These "Ceded Lands" or Hawaiian Crown Lands are meant to be used for the betterment of the conditions of "Native Hawaiians." So while many in the Kanaka Maoli community are adamantly speaking out that lease extensions on their lands should not be granted, including a landmark Supreme Court Case (Ching vs. Case 2019), it seems a great injustice to try and create bills which would undermine that communities continued attempts to hold lessees accountable for their destruction of public lands.

This bill, which would allow extensions of leases beyond 65 years with no cap will result in 100 year leases that would grant developers as "psuedo land owners," of these Public Lands ("Ceded Lands" or Hawaiian Crown Lands).

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

In a time where we all, regardless of race, nationality, or age, have abundant resources to learn about how how the state actively oppressed its people, most specifically it's native people, there is simply no excuse to not become more educated and well-versed in how bills of this nature (and specifically THIS bill) are harmful to Kanaka Maoli, the

lands, the waters, and future generations. There is no reason to extend leases into future generations who are too young, or not even born yet, to weigh in on how these decisions will affect them and their ancestral lands. I stand strongly in opposition of House Bill 902.

Kathryn Benjamin

Hilo, HI

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 1:03:20 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ivy	Individual	Oppose	No

Comments:

HB902 HD1 would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 1:12:11 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ellen-Rae Cachola	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 1:26:59 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clarence Ching	Individual	Oppose	No

Comments:

I believe that this bill violates the "state's" fiduciary duties and responsibilities to protect the lands of the Public Trust (so-called "ceded lands) for the benefit of the beneficiaries!" See the recent Ching v Case appeal (by the "state" (that lost the case) - a Hawai'i Supreme Court case that discusses requirements that I believe you must comply with. The members of the "State" Legislature are also subject to the fiduciary duties and requirements rule of the Public Land Trust. HFDC is NOT a beneficiary!

Before you decided to vote "Yes" on this bill - you'd better check with your attorney AND make sure your liability insurance is all paid up and in place.

This is serious stuff!

Thank you for your kind attention!



**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 1:27:51 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mgerard	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 2:13:39 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments:

OPPOSE!

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 4:06:48 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nana-Honua Manuela	Individual	Oppose	No

Comments:

A'ole 99 year leases Of "ceded" lands. Ceded refers to a treaty Of cession, a'ole treaty Of cession, a'ole Annexation without consent, see KÅ«'Ä“ Petitions Of 1986 & 1897 in LOC Archives. A'ole Annexation by Joint Resolution, see Constition Of USA. You are all US American law makers imposing US Constitution laws in the US Military occupied Country Of Hawaii. The US Navy has officially admitted to the current State Of War between USA & Hawaii. This is the first step toward a Peace Treaty & de-occupation of Hawai'i by the USA. Now is the time for you all to find a way to become Hawaiian National Subjects or remain US Americans imposing US Law in a foriegn land. I know this testimony will be marked late & I truly wonder if it is being read and/or whether it has any impact. However, if you have read this & want to know more about the coming transition from USA occupied Hawai'i to a free Hawai'i, please feel free to contact me or your USA Navy JAG regarding your political national status and future.

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 8:26:25 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Kalili	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE this bill that has the effect of reducing the “ceded” lands inventory via long-term lease authorizations. Such measures threaten to alienate public and “ceded” lands by granting broad leasing and disposition authorities; end-runs around the protections otherwise afforded these lands by HRS Chapter 171. For those many of us, especially those who have long advocated to protect and preserve these lands for the benefit of Native Hawaiians, proposals that facilitate their diminution before addressing, let alone resolving, outstanding historical land claims are wrongheaded and deeply offensive.

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 8:45:27 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Strong opposition

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 9:11:35 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sky Uyehara	Individual	Oppose	No

Comments:

I **OPPOSE** HB902 HD1.

**LATE**

**HB-902-HD-1**

Submitted on: 3/15/2021 9:50:26 PM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelsey Amos	Individual	Oppose	No

Comments:

I oppose this bill. I think the issue of ceded lands and the claims of Native Hawaiians to these lands should be taken seriously. Removing protections from public/ceded lands does not get us closer to resolving these claims, instead it maintains the current (im)balance of power and defers the problem to future generations.

**LATE**

**HB-902-HD-1**

Submitted on: 3/16/2021 8:04:27 AM

Testimony for WTL on 3/16/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Judith A Mick	Individual	Oppose	No

Comments:

Our Native people need more help and protection - please do not pass this bill.

Mahalo, Judy Mick, Kailua