



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai
Legislative Testimony

HB902 HD1 SD1

RELATING TO PUBLIC LANDS

Ke Kōmike ‘Aha Kenekoa o ke Ki‘ina Hana a me nā Kumuwaiwai
Senate Committee on Ways and Means

‘Apelila 1, 2021

9:30 a.m.

Lumi 211

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB902 HD1 SD1, 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, should the Committee choose to move this measure forward, respectfully urges the inclusion of language provided below that would provide some recognition of and protection for these claims.**

HB902 HD1 SD1 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 SD1 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.”**¹ 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 Committee 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

¹ 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 Committee to **HOLD** HB902 HD1 SD1. However, should the Committee 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.



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 WAYS AND MEANS
Thursday, April 1, 2021
9:30 a.m.
State Capitol, Conference Room 211

in consideration of
HB902, HD1, SD1
RELATING TO PUBLIC LANDS.

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

The Department of Business, Economic Development and Tourism (DBEDT) **strongly supports** HB902, HD1, SD1, 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.



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 WAYS AND MEANS

April 1, 2021 at 9:30 a.m.
State Capitol, Room 211

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

The HHFDC ***strongly supports*** H.B. 902, H.D. 1, S.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. Barriers to the development of affordable housing include the lack of sufficient land near major population centers, lack of major off-site infrastructure capacity, high construction costs, and government regulations. H.B. 902, H.D. 1, S.D. 1 is a key part of the strategy to address these barriers to build approximately 8,000 affordable homes over the next 5 years. This measure will minimize the number of approvals from the Department of Land and Natural Resources as projects built on state land move forward from set-aside to the leasing, entitlement, financing, and development phases.

This bill will facilitate the development process to address the housing crisis that we are in. Target projects may be on lands where major infrastructure already exists, or one of the three priority areas identified by the Hawaii Interagency Council for Transit-Oriented Development – a 25-member body of which the Department of Hawaiian Home Lands is a statutory member, and the Office of Hawaiian Affairs is a regular participant.

Affordable housing gives people a place to live in their communities and the stability required to achieve financial independence, often serving as a critical component in breaking poverty cycles. In Hawaii, indicators of the lack of affordable housing include:

- The increase in households crowded or doubled-up (from 20.2% in 2016 to 22.2% in 2019);
- Hawaii's high shelter-to-income ratios that are higher than most in the nation. In 2019, 40.3 percent of mortgage holders had housing costs greater than 30 percent of income. Approximately 55.6 percent of renters paid more than 30 percent of income for housing; and

- The increasing number of people leaving the state citing the high cost and limited availability of housing.
(2019 Hawaii Housing Planning Study)

Going back to HHFDC's predecessor agencies, the Housing Finance and Development Corporation and the Housing and Community Development Corporation of Hawaii, we have established the authority under State law to fulfill our mission. In 1998, the Hawaii Supreme Court in Trustees of the Office of Hawaiian Affairs v. Board of Land & Natural Resources of the State of Hawaii validated Attorney General Opinion No. 95-03 (July 17, 1995) that the State may alienate ceded lands so long as such sales are for a public purpose. Article XI, Section 10 of the State Constitution and Section 5(f) of the Admissions Act provide that homeownership is such a public purpose.

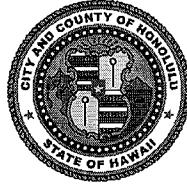
As HHFDC delivers affordable housing units to the market, we are, by virtue of our existing programs, also housing Native Hawaiians. An increasing number of units are being occupied by Native Hawaiians and Other Pacific Islanders. Per 2019 ethnicity data on Hawaii Low-Income Housing Tax Credit-assisted affordable rental projects, Native Hawaiian/Other Pacific Islanders occupied 12,970 of the 34,196 occupied LIHTC units statewide, or 37.9%. This is up from 6,860 of 18,862 occupied units, or 36.3%, in 2015. Similarly, Native Hawaiians/Other Pacific Islands constituted 44% of HOME Investment Partnerships Program assisted households over the last five years. Demographic data establishes that Native Hawaiians will benefit from the Legislature's continued support of affordable housing development.

Thank you for the opportunity to provide written comments on this bill.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR



DEAN UCHIDA
DIRECTOR

DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

April 1, 2021

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Ways & Means
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Committee Members:

**Subject: House Bill No. 902, HD 1, SD 1
Relating to Public Lands**

The Department of Planning and Permitting (DPP) is in **strong support** of House Bill No. 902, HD 1, SD 1, which would exempt lands set aside by the governor to the Hawaii Housing Finance and Development Corporation (HHFDC) from classification as "public land," subject to management by the Department of Land and Natural Resources.

We understand that Chapter 171, HRS, already exempts lands that HHFDC holds title to from the definition of "public lands." Exempting lands set aside to HHFDC would treat all lands under HHFDC's control in a consistent manner and create more opportunities for HHFDC to develop affordable housing on state-owned lands. This action would also remove the requirement of obtaining approval from the Board of Land and Natural Resources for ministerial real estate transactions/approvals (i.e., consents, leases, sub-leases, etc.).

The fee simple interest in the land would still remain with the State as HHFDC would develop these lands using long-term leases. Government housing agencies need a wide range of tools to create more housing units and help us build our way out of our housing crisis.

We are in strong support of House Bill No. 902, HD 1, SD 1, and appreciate the opportunity to provide comments on the matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dean Uchida".

Dean Uchida
Director

NO FREEBIES for “UNAFFORDABLE” HOUSING !

STOP HB 902 !

HB 902, HD1 SD1 seeks to amend the HRS § 171-2 definition of “public lands” thereby legalizing the theft of public lands!

Free public land and free taxpayer-funded infrastructure are freebies to developers of “UNAFFORDABLE” housing!

Testimony of Kūpuna for the Mo‘opuna – HB 902, HD1 SD1

STRONG OPPOSITION

SENATE WAYS & MEANS, Chair Dela Cruz & Vice Chair Keith-Agaran, 4/1/2021 @ 9:30am



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.***

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!

HB-902-SD-1

Submitted on: 3/29/2021 8:13:47 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte	Testifying for Aina Momona	Oppose	No

Comments:

Aina Momona is in strong opposition of this bill that will "Sell Stolen IHawaiian Lands."



April 1, 2021

SENATE COMMITTEES ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

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

Testimony Strongly OPPOSING HB 902, HD 1, 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 **strongly opposes HB 902, HD 1, SD 1** 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 exposes the State to unnecessary litigation.

We encourage your committee to **oppose HB 902, HD 1, SD 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



February 22, 2021

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means

Strong Support of HB 902, HD1 SB1, RELATING TO PUBLIC LANDS (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. Requires the land to be subject to legislative approval prior to the sale or gift of those lands. Requires HHFDC to return any land set aside by the governor or leased lands no longer needed for housing, finance, or development.)

WAM: Thursday, April 1, 2021, 9:30 a.m. Conference Rm 211 & Videoconference

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to research, educate and advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **strong support of HB 902, HD1, SD1**, because it will help streamline the development of Hawaii Housing Finance and Development Corporation (HFDC) affordable housing projects on state "public" lands that can help provide some of the needed 36,305 housing units for lower income and workforce households of all ethnic groups.

HB 902, HD1, SD1. This measure 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; requires the land to be subject to legislative approval prior to the sale or gift of those lands; and requires HHFDC to return any land set aside by the governor or leased lands no longer needed for housing, finance, or development. (SD1)

LURF's Position. This bill clarifies that lands set aside to the HHFDC by Executive Order (E.O.) or leased from another State department or agency are not "public lands" subject to the jurisdiction of the DLNR. This exemption will streamline the development process for affordable housing by reducing the number of approvals required for projects located on state lands set aside to HHFDC. This will ensure that HHFDC's jurisdiction over suitable state lands set aside to it by E.O. is clear.

**HOUSING UNITS NEEDED IN THE STATE OF HAWAII, 2020-2025,
 by HUD Category and Income Classification.**

	Total Units Needed, 2020 through 2025								
	HUD Income Classification								Total
	LT 30	30 to 50	50 to 60	60 to 80	80 to 120	120 to 140	140 to 180	180+	
State of Hawaii	10,457	5,730	3,141	6,910	6,055	4,011	5,854	7,997	50,156
Honolulu	4,200	2,923	1,979	2,944	3,037	1,710	2,405	2,970	22,168
Maui	1,721	777	492	1,272	740	647	1,800	2,955	10,404
Hawaii	3,475	1,356	373	2,285	2,143	1,163	1,198	1,309	13,303
Kauai	1,060	674	297	408	136	492	451	763	4,281

Source: Hawaii Housing Planning Study, 2019, p. 40.

Estimated Housing Need. LURF understands that HHFDC estimates of housing need are calculated by taking housing demand projections by the Department of Business Economic Development and Tourism (DBEDT) and adding units estimated to be needed to reduce pent-up demand caused by years of supply shortages (using demand survey data) and units needed to accommodate homeless households entering the housing market.

According to DBEDT/HHFDC estimates, **approximately 50,156 total housing units are needed statewide, for all ethnic groups** during the 2020-2025 period, of which **approximately 36,305 housing units will be needed by Hawaii’s lower income and workforce households** (i.e., those earning 140% and below the area median income [AMI] as established by the U.S. Department of Housing and Urban Development).

HHFDC affordable housing projects on state “public” lands, can help to provide some of the needed housing units for lower income and workforce households for all ethnic groups:

- Of the total housing units needed, approximately 26,239 units (52%) are estimated to be needed for **lower income households** earning 80% and below the AMI. These are typically rental housing units.
- Another 10,066 housing units (20%) are estimated to be needed for lower income and **workforce households** earning from 80- 140% AMI. These are typically for-sale units primarily for first-time homebuyers.

For the reasons set forth above, LURF is **in strong support of HB 902, HD1, SD1**, and respectfully urges your favorable consideration of this bill.

Hawai'i Construction Alliance

P.O. Box 179441
Honolulu, HI 96817
(808) 220-8892

April 1, 2021

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
and members
Senate Committee on Ways and Means
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: SUPPORT for HB902 HD1 SD1 Relating to Public Lands

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and members:

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Laborers' International Union of North America, Local 368; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

The Hawaii Construction Alliance is in support HB902 because it will help streamline the development of Hawaii Housing Finance and Development Corporation (HFDC) affordable housing projects on state "public" lands that can help provide some of the needed 36,305 housing units for lower income and workforce households of all ethnic groups.

Therefore, we strongly ask for your committee's favorable action on HB902 HD1 SD1.

Mahalo,



Nathaniel Kinney
Executive Director
Hawai'i Construction Alliance
execdir@hawaiiconstructionalliance.org



HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST

650 Iwilei Road, Suite 285 · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300

HAWAII STATE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF HEARING

DATE: Thursday, April 1, 2021
TIME: 9:30 a.m.
PLACE: Via Videoconference
Conference Room 211
State Capitol
415 South Beretania Street

TESTIMONY ON HB 902 HD1 SD1

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

The Hawaii Laborers & Employers Cooperation and Education Trust Fund (Hawaii LECET) is a labor-management partnership established in 1992 between the 5,000 statewide members of the Hawaii Laborers Union and over 250 unionized contractors from the General Contractors Association and the Building Industry Association. The Laborers' International Union is the largest construction trade union in the United States, and Hawaii LECET is one of a network of 38 labor-management LECET Funds in the country.

Hawaii LECET supports HB 902 HD1 SD1, Relating to Public Lands, which clarifies that land set aside by the Governor to the Hawaii Housing Finance and Development Corporation (HHFDC), as well as lands leased to HHFDC from other State Departments or Agencies, is exempt from classification as public lands subject to Dept. of Land and Natural Resources (DLNR) management. By exempting these lands, the process to develop affordable housing on State owned property will be streamlined and the number of approvals needed from DLNR will be minimized. Hawaii LECET strongly supports HB 902 HD1 SD1 as it will help affordable housing to be built for Hawaii's lower income and workforce households. Thank you for your consideration.

With respect,

Hawaii Laborers-Employers Cooperation & Education Trust



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai‘i 96813
Phone (808) 521-2302 • Fax (808) 537-4268 • www.nativehawaiianlegalcorp.org



HB902 HD1 SD1

RELATING TO PUBLIC LANDS

SENATE COMMITTEE ON WAYS AND MEANS

April 1, 2021

9:30 a.m.

Conference Room 211

Aloha e Chair Dela Cruz and Committee Members,

The Native Hawaiian Legal Corporation (“NHLC”) **OPPOSES HB902 HD1 SD1**, 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 SD1’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 (“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 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 SD1** 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 SD1**. Mahalo for the opportunity to testify.

Summer L.H. Sylva

David Kauila Kopper

Ashley K. Obrey



Executive Director
Native Hawaiian Legal Corporation

Director of Litigation
Native Hawaiian Legal Corporation

Staff Attorney
Native Hawaiian Legal Corporation

HB-902-SD-1

Submitted on: 3/31/2021 9:24:38 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vicky Takamine	Testifying for 'Ālio'ulokalani Coalition	Oppose	No

Comments:

Aloha Mai Kā• kou,

'Ālio'ulaokalani Coalition is a hui of kumu hula and cultural practitioners who advocate for the protection our Native Hawaiian rights, lands and the cultural and natural resources vital to our cultural practices and existence. We Strongly Oppose HB902 HD1 SD1 which would 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).

We fully recognize the need for public housing, but the State has a fiduciary responsibility to protect our crown and ceded lands. This bill provides no mechanism to protect and preserve Native Hawaiian claims to leased "ceded" lands. We strongly oppose HB902 HD1 SD1.

KA LĀHUI HAWAI‘I KŌMIKE KALAI‘ĀINA

BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

April 1, 2021

House Bill 902, HD1, 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 testimony in **STRONG OPPOSITION** to House Bill 902, HD1, SD1 which would take lands given to the Hawai‘i Housing Finance and Development Corporation (HHFDC) by the Governor and leased to HHFDC out of the "Public Lands" definition out from under the purview of Section 171 of the Hawai‘i Revised Statutes. We have submitted a 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 an oversight committee on actions like this measure by the State of Hawai‘i to disintegrate the trust allowing 99 year leases and allowing for uses outside of the five purposes of the Trust.

The majority of the lands held by the State of Hawai‘i are “ceded lands” or Hawaiian Kingdom crown and government lands. The University of Hawai‘i 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.

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 the Governor to take out lands from this Trust for HHFDC while Kanaka Maoli claims to these lands go unquieted is tantamount to theft and a breach of Trust. Furthermore, HHFDC would be allowed to give out leases beyond the maximum 65 years for Public Lands aka Hawaiian Kingdom Crown and Government lands and would set up lessees as pseudo owners of these lands without public input and oversight setting a bad precedence and is irresponsible.

Me ka oiai'o,
M. Healani Sonoda-Pale
Public Affairs Officer, Ka Lāhui Hawai‘i Kōmike Kalai‘āina



LATE

Senate Committee on Ways & Means

Hawai'i Alliance for Progressive Action (HAPA) OPPOSES: HB902 HD1 SD1

Thursday, April 1st, 2021 9:30 a.m.

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

HAPA strongly opposes HB902 HD1 SD1 which 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.

We do not support the removal of Chapter 171 protections, including 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.

These protections ensure that titles aren't loosely transferred and end up in the wrong hands. All of these protections are designed to ensure that public lands are responsibility managed for the benefit of current and future generations.

Without Chapter 171 protections, HHFDC would be able to obtain public lands such as these at little to no cost then turn around and lease them to a developer for 99 years, and then indefinitely extend those leases. These long term leases are equal to selling these lands and in turn foreclosing on Native Hawaiians' despite unrelinquished claims for a century or longer.

Please oppose HB902. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', is written over a light blue horizontal line.

Anne Frederick
Executive Director



MUTUAL HOUSING
ASSOCIATION OF HAWAII

"Building our communities with respect, integrity, and aloha..."

Kekaulike Courtyards ♦ Ko'oloa'ula ♦ Lihu'e Court Townhomes ♦ Palolo Homes

March 31, 2021

LATE

The Honorable Donovan M. Dela Cruz, Chair
and the Members of Senate Committee on Ways and Means
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Dela Cruz and Committee Members:

Subject: House Bill 902, H.D. 1, S.D. 1 - Relating to Public Lands

The Mutual Housing Association of Hawai'i, Inc. ("Mutual Housing") strongly supports the provisions in House Bill 902, H.D. 1, S.D. 1, which expands the Hawai'i Housing Finance and Development Corporation's ("HHFDC") statutory exemption from the definition of "public lands" to include lands set aside by HHFDC by Executive Order or leased from another State department or agency.

Mutual Housing is a local non-profit that develops and operates low-income rental projects for families in Hawai'i. We have collaborated with HHFDC and its predecessor on two projects on State-owned lands – Palolo Homes and Ko'oloa'ula. These projects resulted in the preservation and development of 614 affordable rental apartments. The development of these projects took many years to execute as we navigated through the complex maze of regulatory approvals. We can attest that the removal of any barriers and streamlining of approvals would have trimmed off years in our delivery of this much-needed affordable housing.

We understand that H.B. 902 helps minimize the number approvals from the Department of Land and Natural Resources in the development of future affordable housing projects on state lands similar to the projects we successfully completed with HHFDC. Our State faces an ever-growing housing crisis that requires all the tools available to help both HHFDC and the private sector address the shortage of affordable housing. We respectfully ask your support of this bill.

Sincerely,

David M. Nakamura
Executive Director

HEARING OF THE SENATE COMMITTEE
ON WAYS AND MEANS

ATTN: CHAIR DONOVAN M. DELA CRUZ
& VICE CHAIR GILBERT S.C. KEITH-AGARAN

Testimony in **Strong Opposition** of HB902 HD1 SD1:
Relating to Public Lands

April 1, 2021, 9:30 a.m.
Via Videoconference

Aloha Chair, Vice Chair, and Honorable Members of the Senate Committee on Ways and Means,

My name is Alexa Deike and I am testifying in **strong opposition** of HB902 HD1 SD1. 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-SD-1

Submitted on: 3/27/2021 9:10:55 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Kawamoto	Individual	Support	No

Comments:

My name is John Kawamoto, and I support HB 902 HD 1 SD 1, which streamlines the process for the Hawaii Housing Finance and Development Corporation (HHFDC) to build affordable housing.

In Hawaii, real estate values have steadily risen for decades, along with construction costs and other development costs. Meanwhile, wages have stagnated. As a result, fewer and fewer families can afford to pay for the housing that they need because the cost of living has outpaced their ability to pay.

Hawaii faces a housing crisis that disproportionately impacts Hawaii's working families. Prior to Covid-19, the National Low Income Housing Coalition estimated that Hawaii faced a shortage of more than 40,000 homes for families earning incomes of 50% or below of the area median income.

The Aloha United Way (AUW) recently issued an update during the pandemic of its report, entitled, "ALICE: A Study in Financial Hardship in Hawaii" (ALICE = Asset Limited, Income Constrained, Employed). AUW reported that 59% of Hawaii households cannot afford the basic necessities of life. They must choose which necessities to do without. Housing is the biggest item in a typical family's budget, so these families are in dire need of housing that is affordable to them.

The exemption from the definition of "public lands" proposed by this measure will streamline the development of affordable housing on state land by reducing the number of approvals required from the Department of Land and Natural Resources.

In developing land for affordable housing, no net income would accrue to HHFDC, as income from leases and rents would not exceed development costs. In fact, the State may find it necessary to subsidize the affordable housing. The bill provides that if the affordable housing is not built, the land would be returned to the agency where the land originated.

HB-902-SD-1

Submitted on: 3/28/2021 12:30:29 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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-SD-1

Submitted on: 3/28/2021 9:06:11 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Legislators should not be expediting such controversial bills 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.

If you want to help streamline affordable housing, you should concurrently be looking at ways to do the same for DHHL. 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 likely 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.

Please defer the bill until next session. Mahalo.

HB-902-SD-1

Submitted on: 3/28/2021 12:31:00 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Meade	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.

Sincerely,

Erik Meade

Strongly oppose HB902 HD1 SD2 for the following reasons:

1) The purpose of the bill is to provide more lands for development of housing and to reduce the approvals from DLNR once lands have been set aside to the Hawaii Housing Finance and Development Corporation (HFDC) to 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. On the surface, sounds good...but is it? How do we assure that, in fact, the housing that is developed will meet the needs of the State of Hawaii? How do we assure that HFDC or DLNR will not flagrantly lease out our lands for a pittance of affordable housing, i.e. 20% of the development at AMI of 80% as has been the case in many developments?

2) The bill contains no correlation to the State of Hawaii's Consolidated Plan, Draft FY2021 Annual Action Plan by the Hawaii Housing Finance and Development Corporation, thus how does the State assure that leasing out public lands will produce the housing (and rentals) necessary that is affordable to our people, especially affordable rental housing for the extremely low-income households.

4) This measure would remove critical Chapter 171 protections for public 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. As one other testifier has noted, this pandemic has taught us that the world can be upended at any moment. Ninety-nine (99-year or more) leases on land 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.

5) At least six major, respected Native Hawaiian organizations, and 64 citizens have opposed this legislation commenting on how it will negatively impact on ceded lands. The legislature has passed many resolutions calling for working groups recognizing that partnerships, coordination, and collaboration make for more informed decisions. Thus, when proposing bills such as this that impacts on ceded lands, it would be good government policy to coordinate with the Office of Hawaiian Affairs before introduction of a bill that impacts on such lands.

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.**

6) The Native Hawaiian community is just as concerned about housing for the homeless especially since the O'ahu Mayor's Office of Housing issued a report titled, "Unsheltered in Honolulu" that examined unsheltered homelessness in Honolulu from 2017 to 2020. It reported that, "The majority of all 7,496 unique individuals counted as unsheltered in the 2017-2020 Point

in Time reports identified Native Hawaiian or Other Pacific Islanders (54%). Almost a third identified as White (32%), and over a quarter identified as multiracial (29%) and Asian (28%). Yet, we do not agree with this bill that would give carte blank authority to the Governor to exempt lands from the Public Land Trust and to allow DLNR and/or HHFDC to lease such lands without further consultation with the Office of Hawaiian Affairs and the Dept of Hawaiian Home Lands and to determine whether such law is in fact needed to resolve the issue of providing affordable homes and rentals to low income families.

Please do not pass HB902, HD1 SD1.

Respectfully

Leimomi Khan

HB-902-SD-1

Submitted on: 3/28/2021 1:41:17 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

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

HB-902-SD-1

Submitted on: 3/29/2021 9:31:56 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Mawae	Individual	Oppose	No

Comments:

Before development of any "public lands," the State of Hawaii should prove that per international law, that they are the legal governing entity in Hawaii. If they cannot prove that, they should comply with the international laws of occupation.

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

H.B. 902, H.D. 1, S.D. 1
RELATING TO PUBLIC LAND

Senate Committee on Ways and Means
Decision Making: Thursday, April 1, 2021, at 9:30 am

Aloha, as this Committee considers this measure and makes an important decision on whether to move this bill forward, I thank you for the opportunity to submit testimony in **strong opposition** to H.B. 902, H.D. 1, 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 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 would have the practical effect of foreclosing 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 allowing extremely 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 **strongly oppose** H.B. 902, H.D. 1, S.D. 1, and ask that this Committee hold this bill. Mahalo for the opportunity to submit this testimony.

HB-902-SD-1

Submitted on: 3/29/2021 10:11:53 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I strongly OPPOSE HB902 HD1 SD1. Public Lands, include Ceded/Hawaiian Kingdom Crown Lands, which should be held for the benefit of the Hawaiian people and no rules for their development should be altered or short cuts taken, period.

Stop this greedy and overt HAWAIIAN LAND grab!

HB-902-SD-1

Submitted on: 3/29/2021 11:11:54 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support.

HB-902-SD-1

Submitted on: 3/29/2021 11:55:56 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bronson Azama	Individual	Oppose	No

Comments:

I am a kama'Ä• ina of He'eia, and a youth advocate of the windward side of O'ahu. I stand with OHA's testimony as this bill will negatively impact the Native Hawaiian community and is in fact illegal!

HB-902-SD-1

Submitted on: 3/29/2021 1:15:50 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Lander	Individual	Oppose	No

Comments:

I oppose this bill.

HB-902-SD-1

Submitted on: 3/29/2021 1:31:48 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I William Freitas oppose this bill. Rule of law ! Hawaii Kingdom still exists. This bill would be an illegal act to desendents of Hawaii ancestral lands. Stop!

HB-902-SD-1

Submitted on: 3/29/2021 3:36:23 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

OPPOSE!

HB-902-SD-1

Submitted on: 3/29/2021 4:43:45 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stevenette Lee	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-SD-1

Submitted on: 3/29/2021 6:48:46 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Mark	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE HB902 HD1. HAWAIIAN LANDS AREN'T YOURS TO SELL.

HB-902-SD-1

Submitted on: 3/29/2021 6:57:22 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Hello,

My name is Nanea Lo. I come from Papakāleia, O'ahu in my ancestral homelands. I'm writing in opposition of HB902.

Hawaiian land should not be sold and held for 99 years at a time.

Oppose this I'll.

me ke aloha 'Āina,

Nanea Lo

HB-902-SD-1

Submitted on: 3/29/2021 8:04:52 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

This is unbelievable. Not wanting to return STOLEN lands to their rightful owners-caretakers. Sneaky legal maneuvers to keep the STOLEN PROPERTY. HEWA LOA.

RETURN THE LANDS.

HAWAIIAN LANDS ARE NOT PUBLIC LANDS.

STOLEN HAWAIIAN LANDS ARE NOT YOURS.

YOU MUST STOP DEALING STOLEN PROPERTY.

HAWAIIAN LANDS BELONG IN HAWAIIAN HANDS.

Stop all of this ILLEGAL legal maneuvering to justify the continuation of dealing STOLEN PROPERTY.

I OPPOSE this bill.

HB-902-SD-1

Submitted on: 3/29/2021 11:30:42 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I strongly oppose this bill.

HB-902-SD-1

Submitted on: 3/30/2021 8:20:21 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

While I have only lived in Hawaii four decades, my local friends and people I respect oppose this bill. It seems to me to be nothing less than a land grab.

Our legislature should be looking at ways to expand help for Native Hawaiians, and reparations, not ways to lessen our obligations to them. Please join me in opposing this bill.

with aloha,

Steve Ward

HB-902-SD-1

Submitted on: 3/30/2021 8:32:12 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alec Marentic	Individual	Oppose	No

Comments:

The leasing of stolen lands for the amount of time listed in this bill is unfair to the Native Hawaiian people.

HB-902-SD-1

Submitted on: 3/30/2021 1:04:02 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

these lands need to be returned back to the Hawaiians. It is illegal for the government to use these lands when homes are never made for the Hawaiians.

March 30, 2021

HB902 HD1 SD1

Companion SB1056

Aloha,

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

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

I OPPOSE HB902 HD

For the following reasons, 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.

Therefore, I strongly oppose this bill.

Mahalo,

Cindy Freitas

HB-902-SD-1

Submitted on: 3/30/2021 1:17:26 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I am Clarence ku Ching from Waimea, Hawai'i island.

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.

It would also violate the fiduciary duties and responsibilities of the "state" and "state officials" - who are charged with not only protecting and administering the trust, but to protect the trust for its beneficiaries (for the betterment of conditions of Native Hawaiians and the general public).

These are "constitutional" duties and responsibilities - so the violation of them (also held by the legislature) is UNCONSTITUTIONAL! I haven't seen anybody go to jail YET, or to have to be held liable and fined personally. But I'm looking forward to the day when that happens. And that day could come fairly soon.

Please proceed at your own risk.

HB-902-SD-1

Submitted on: 3/30/2021 2:15:08 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Aloha,

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" lands by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

HB-902-SD-1

Submitted on: 3/30/2021 2:30:34 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Aloha Chair Dela Cruz and Vice Chair Keith-Agaran and members of the Committee on Ways and Means

I am in **strong opposition** to this measure and urge the Committee to HOLD HB902 HD1 SD1.

HB902 HD1 SD1 contemplates a significant expansion of the public lands that could be leased under HHFDC's very flexible and liberal land disposition authorities.

HB902 HD1 SD1 removes 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' un relinquished claims for a century or longer.

Mahalo!

HB-902-SD-1

Submitted on: 3/30/2021 2:37:48 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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-SD-1

Submitted on: 3/30/2021 2:46:30 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Strong Opposition.

HB-902-SD-1

Submitted on: 3/30/2021 2:50:12 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sadie sarkissiam	Individual	Oppose	No

Comments:

I oppose this, for many valid reasons. Mahalo Nui,

Sadie Sarkissian

HB-902-SD-1

Submitted on: 3/30/2021 3:13:11 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I am in opposition to HB902 because it would remove chapter 171

HB-902-SD-1

Submitted on: 3/30/2021 3:15:52 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nako'olani Warrington	Individual	Oppose	No

Comments:

STRONG OPPOSITION to HB902 HD1 SD1

HB-902-SD-1

Submitted on: 3/30/2021 4:32:41 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Akoni	Individual	Oppose	No

Comments:

As a KÄ• naka Maoli resident of Hawai'i I am formally submitting my testimony in OPPOSITION to HB902 HD1 because it would remove Chapter 171 protections from public "ceded" lands that have been 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 upon Native Hawaiians' unrelinquished claims for a century or longer.

HB-902-SD-1

Submitted on: 3/30/2021 4:57:28 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamealoha Hanohano Pa Smith	Testifying for I am submitting this on behalf of my ohana.	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-SD-1

Submitted on: 3/30/2021 6:40:49 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

OPPOSE

HB-902-SD-1

Submitted on: 3/30/2021 6:44:15 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald Taber	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-SD-1

Submitted on: 3/30/2021 7:14:21 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I oppose this because it would remove chapter 171!

HB-902-SD-1

Submitted on: 3/30/2021 7:16:11 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisette Akamine	Individual	Oppose	No

Comments:

Native Hawaiians still have unrelinquished, unresolved claims to "ceded" (stolen) lands and this bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, precluding justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. Calls for justice from the Native Hawaiian community continue to fall on deaf ears. Legislators - for once, do the right thing by Native Hawaiians. Please don't perpetuate, exacerbate or enable the land theft of Hawaiian land by previous generations. Care enough to make this situation pono. The State of Hawai'i profits off of our land and culture yet fails to fulfilled kuleana to Native Hawaiians. Ua lawa.

HB-902-SD-1

Submitted on: 3/30/2021 8:45:38 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laulani Teale	Individual	Oppose	No

Comments:

Aloha,

I strongly object to this measure, which threatens our Kingdom Lands. The State of Hawai'i does not have good title to these lands, and it is wrong to lease them practically indefinitely

I also support Ka Lahui's testimony, below:

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.

Mahalo nui,

Laulani Teale

HB-902-SD-1

Submitted on: 3/30/2021 9:04:54 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dina Shek	Individual	Oppose	No

Comments:

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

HB-902-SD-1

Submitted on: 3/30/2021 9:06:47 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Thomas	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-SD-1

Submitted on: 3/30/2021 9:22:40 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kyle Kajihiro	Individual	Oppose	No

Comments:

I urge you to reject this dangerous bill. This bill is a breach of trust obligations.

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-SD-1

Submitted on: 3/30/2021 9:33:02 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Terina Fa'agau	Individual	Oppose	No

Comments:

Mahalo for the opportunity to testify in **STRONG OPPOSITION** to HB902 HD1 SD1. Please **STOP** this bill and do not pass this bill out of your committee.

I **OPPOSE** HB902 HD1 SD1 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-SD-1

Submitted on: 3/30/2021 10:21:40 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harry J. Friel	Individual	Oppose	No

Comments:

In support of the Office of Hawaiian Affairs I am submitting testimony opposed to HB 902.

Land to which the Kanaka Maoli have unrelinquished claims should not be subject to any one or entity but the Kanaka Maoli.

HB-902-SD-1

Submitted on: 3/30/2021 10:22:21 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Individual	Oppose	No

Comments:

Aloha,

Thank you for the opportunity to submit testimony in strong opposition to H.B. 902, H.D. 1, S.D. 1.

This measure would allow the State of Hawai'i to wholly ignore its fiduciary duty to preserve "Ceded lands" to the greatest extent possible, until the unrelinquished claims of the Native Hawaiian community to the lands are resolved.

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. In effect, 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.

It's time for the State Legislature to recognize it's role in enacting legislation that has led to ongoing land dispossession of Native Hawaiians, increased rates of homelessness and leaving Hawai'i at higher rates compared to other ethnic groups in Hawai'i. Please stop asking Native Hawaiians to make even more sacrifices under the banner of "affordable housing." Instead, fully fund the Department of Hawaiian Homelands to move Native Hawaiian beneficiaries off of the wait list into homesteads as a matter of housing equity, reconciliation and justice!

Mahalo,
Carrie Ann Shirota, Esq.

HB-902-SD-1

Submitted on: 3/30/2021 10:24:31 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mykie E. Menor Ozoa-Aglugub	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-SD-1

Submitted on: 3/30/2021 10:28:24 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Llanes	Individual	Oppose	No

Comments:

Dear Representatives:

I OPPOSE HB902 HD1 and am frustrated about the constant attempts to take away protections of public "ceded" lands. Effort should be made to return those lands to Native Hawaiians. This bill 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 protectionps 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' unreliquished claims for a century or longer.

Mahalo for considering my testimony.

HB-902-SD-1

Submitted on: 3/30/2021 10:53:18 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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 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. Giving these dangerously long leases to entities to build non-subsidized housing will exacerbate our housing crisis, and continue to make living in Hawai'i affordable to only the rich.

Because "ceded" lands are kept for the specific benefit of our Native Hawaiian community, it is important that this community protection be 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 Hawai'i's history, taking care of Native Hawaiian claims to land strengthens their culture, and benefits our shared future.

I greatly support measures that take care of Hawai'i's unique culture and wisdom. Native Hawaiians are not a special interest group in Hawai'i. They are the foundation of this place. Rather than import urban housing ideas from elsewhere, we have an opportunity now to turn to our unique communities and cultures to find the most innovative and wise ideas to strengthen the health of our lands, urban spaces, and peoples.

HB-902-SD-1

Submitted on: 3/30/2021 10:56:51 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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.

HB-902-SD-1

Submitted on: 3/30/2021 11:42:19 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Iwanicki	Individual	Oppose	No

Comments:

I am FOR reconciliation and land back, therefore I am OPPOSED to this legislation.

HB-902-SD-1

Submitted on: 3/31/2021 5:26:30 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I oppose HB902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 5:58:49 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Please do not remove Chapter 171 protections from Public "ceded" lands. This bill would allow a private developer to lease these lands for 99 with unlimited lease extensions, essentially privatizing public land. You have a trust obligation, and this is a workaround that is not pono!

DEREK H. KAUANOE

dkauanoe@gmail.com

(808) 729-0289

H.B. 902, H.D. 1, S.D. 1

RELATING TO PUBLIC LAND

Senate Committee on Ways and Means

Thursday, April 1, 2021, at 9:30 am

While I understand the need for the Hawaii Housing Finance & Development Corporation's ("HHFDC") work, I urge you to **vote "NO" on H.B. 902, H.D. 1, S.D. 1** because excluding lands set aside or leased to the HHFDC, especially any so-called "ceded" lands, from the definition of "public lands" for the purpose of land development is very likely **an international human rights concern**.

A BRIEF TIMELINE PROVIDING CONTEXT FOR H.B. 902, H.D. 1, 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 moved the United States on a course to meet its international obligations for protecting indigenous peoples' human rights when the administration endorsed 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

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."

Office of Hawaiian Affairs v. Housing Community and Development Corporation of Hawai'i, 117 Hawai'i 174, 195, 177 P.3d 884, 905 (2008) (*hereinafter* "OHA v. HCDCH").

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/srsgia/154553.htm>

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.

THE RELEVANCE OF INTERNATIONAL INDIGENOUS HUMAN RIGHTS TO H.B. 902, H.D. 1, 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.

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[.]*”⁸

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.⁹

The UNDRIP also recognizes the importance of obtaining indigenous peoples’ free, prior, and informed consent regarding land issues.¹⁰ 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.”¹¹

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

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

⁹ Anaya keynote, at 13 (internal citations omitted).

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

¹¹ *Id.*, at art. 32 (emphases added).

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”¹² 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.¹³

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.*”¹⁴

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. 902, H.D. 1, S.D. 1

H.B. 902, H.D. 1, 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. Any contemplated ninety-nine year (or longer) leases 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 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.¹⁵

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. 902, H.D. 1, 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 measures not unlike S.B. 2, S.D. 2, H.D. 1. While some individuals may describe H.B. 902, H.D. 1, S.D. 1 as also benefitting Native Hawaiians, 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

¹² 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).

¹³ *Id.*

¹⁴ UN Declaration, art. 19 (emphasis added).

¹⁵ 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.

Court's *Rice v. Cayetano* decision). As a result, consulting with the Office of Hawaiian Affairs 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. 902, H.D. 1, S.D. 1 may comport with Hawai'i law, **passage of S.B. 2, S.D. 2, H.D. 1**, coupled with anticipated actions to develop "exempted" lands (including leased lands), puts Hawai'i's reputation as a tourist destination at risk by potentially changing it to a human rights violator.

CONCLUSION

I understand and sympathize with the unique needs and concerns the State of Hawai'i, and its people, face. *How* we approach these needs and concerns are equally important. **I urge you to vote NO on H.B. 902, H.D. 1, S.D. 1** and find another way – a way that acknowledges, protects, and respects Native Hawaiians' human rights - to meet the challenges ahead.

Derek Kauanoe

HB-902-SD-1

Submitted on: 3/31/2021 7:32:14 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Francis Chandler IV	Individual	Oppose	No

Comments:

I Francis Chandler, **OPPOSE** HB902 HD1 SD1 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.

I KEITH FERNANDEZ, **OPPOSE** HB902 HD1 SD1 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' un-relinquished claims for a century or longer.

HB-902-SD-1

Submitted on: 3/31/2021 7:49:18 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jocelyn Leialoha Doane	Individual	Oppose	No

Comments:

I write in strong opposition to hb902 hd1 sd1, which would remove the applicability of chapter 171 disposition provisions to "ceded" lands set aside or leased to hhfdc. "Ceded" lands are stolen lands which native Hawaiians continue to maintain claims to. Most "ceded" lands are held in trust by the state as public land trust lands, which should benefit public land trust beneficiaries, including native Hawaiians. Broadening HHFDC's disposition authorities to apply to lands set aside or leased to hhfdc would allow hhfdc to lease large tracts of ceded lands for 99 years with indefinite lease extensions, effectively foreclosing native Hawaiian claims.

Any suggestion that 99 year leases are needed in order to develop affordable housing is not based on facts or data. who will these homes be built for? While the state continues to fail to fund DHHL and OHA appropriately and native Hawaiians continue to die on the hawaiian homelands waiting list, the legislature and hhfdc have rejected all attempts to require hhfdc to specifically partner within dhhl or oha. Hhfdc and the legislature have also repeatedly rejected all attempts to require these bills to specifically benefit native Hawaiians. So again, who will these homes be built for? Will we use hawaiian lands to house everyone while native Hawaiians continue to wait for decades?

Allowing indefinite dispositions of "ceded" stolen and public land trust lands is effectively a 21st century theft of hawaiian lands.

please hold hb902

HB-902-SD-1

Submitted on: 3/31/2021 7:51:41 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caitlin Blanchfield	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.

HEARING OF THE SENATE COMMITTEE ON WAYS AND MEANS

ATTN: CHAIR DONOVAN M. DELA CRUZ & VICE CHAIR GILBERT S.C. KEITH-AGARAN

Testimony in Strong Opposition to HB 902, HD1, SD1: Relating to Public Lands

April 1, 2021, 9:30 a.m., Via Videoconference

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

I am testifying in strong opposition to HB 902, HD1, SD1, and urge you to hold this bill. HB 902 would harm both Native Hawaiians and efforts at reconciliation with the Native Hawaiian people by removing large amounts of trust land from the definition of “public lands” and allowing long-term leases of that ‘āina. As you well know, the Government and Crown Lands of the Hawaiian Kingdom comprise most of the “public land trust” res at issue in this bill, which imposes a significant kuleana on decisionmakers. In addition to the usual fiduciary duties of a trustee, the State has committed to preserving that ‘āina until Native Hawaiian claims are resolved. This bill erodes both the public land trust and the public’s faith in the reconciliation process, especially those of Native Hawaiians like me.

Although I am testifying in my personal capacity because of the significant concerns that I and my ‘ohana share about HB 902, I have some experience in this area. I am a Professor of Law at the University of Hawai‘i at Mānoa’s William S. Richardson School of Law and the Director of Ka Huli Ao Center for Excellence in Native Hawaiian Law. I teach and write in this highly specialized area, including the Law School’s course in Native Hawaiian Rights where we cover the public land trust and reconciliation. I am also a practicing attorney with over twenty years of litigation experience in Native Hawaiian Law.

Please maintain Hawai‘i Revised Statutes Chapter 171’s protections for ‘āina 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, by holding HB 902. Allowing this bill to move forward enables HHFDC to tie up ‘āina from the public land trust for extended periods, which undermines our ability to resolve Native Hawaiian claims.

Mahalo for your time and consideration.

Me ka ha‘aha‘a,

/s/

D. Kapua‘ala Sproat

HB-902-SD-1

Submitted on: 3/31/2021 7:58:05 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tamera Heine	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-SD-1

Submitted on: 3/31/2021 8:02:53 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paige Kaohu Kawakami	Individual	Oppose	No

Comments:

Stop dispossessing Hawaiians of our land. It's 2021. Figure your shit out.

HB-902-SD-1

Submitted on: 3/31/2021 8:03:26 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rosanna Anolani Alegado	Individual	Oppose	No

Comments:

This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:06:40 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jen Jenkins	Individual	Oppose	No

Comments:

Aloha Chair and Honorable Committee Members,

I OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:09:43 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

As a Native Hawaiian, I oppose this measure for the State governemnt to "sell" these ceded lands that are your responsibility to keep for the Native Hawaiian people. it is written in the Hawaiian Constitution and the fact that we continue to have to fight is appalling. Enough is enough! Stop stealing.

HB-902-SD-1

Submitted on: 3/31/2021 8:14:02 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paahana Kincaid	Individual	Oppose	No

Comments:

I, Paahana Kincaid OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:15:56 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Troy J.H. Andrade	Individual	Oppose	No

Comments:

For the reasons articulated by the Office of Hawaiian Affairs, I strongly oppose this measure.

HB-902-SD-1

Submitted on: 3/31/2021 8:16:57 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:18:08 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Luukia Archer	Individual	Oppose	No

Comments:

1) OPPOSE HB902 HD1 SD1 - Further Alientation of "Ceded" (Stolen) Hawaiian Kingdom Landi»;

I Strongly Oppose HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. **The Native Hawaiian community has fought for decades to protect against the alienation of these lands.** The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:22:32 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Dear Legislators,

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

Respectfully,

Jessica dos Santos

HB-902-SD-1

Submitted on: 3/31/2021 8:23:25 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

A 99-year lease of stolen Hawaiian lands will mean my grandchildren will not even have the option to seek the justice owed to our people. I strongly oppose this measure.

HB-902-SD-1

Submitted on: 3/31/2021 8:24:47 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiare Holm	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:29:23 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:29:36 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Iwamoto	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:32:13 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

OPPOSE

Why is it so imperative that the "State" of Hawai`i attempt to destroy and/or take away the lands of the people of these islands, the Kanaka OIwi. The \$\$\$ that are being earned in the short term by these bills ultimately destroys us all in the long term. Our islands are unique and our kuleana is to take care of each other and our `Ä• ina. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. When will those who have decided to be part of the colonial system realize there are better paths? Let's hope that it will not be too late for our islands.

HB-902-SD-1

Submitted on: 3/31/2021 8:33:10 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Uilani Naipo	Individual	Oppose	No

Comments:

I OPPOSE SB2 SD2 HD1 because it would potentially foreclose Native Hawaiian claims to "ceded" lands that are set aside or leased to the Hawai'i Housing Finance and Development Corporation (HHFDC). If this bill passes, HHFDC would be able to obtain "ceded" lands at little to no cost and lease them for 99+ years. Such long-term leases are tantamount to the sale of "ceded" lands, which are Hawaiian Kingdom crown and government lands that were unlawfully taken under extreme duress and without any consent or compensation to the Native Hawaiian people. Please do not pass this bill! Stop SB2 SD2 HD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:34:07 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I oppose hb902!

HB-902-SD-1

Submitted on: 3/31/2021 8:40:31 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi Silva	Individual	Oppose	No

Comments:

This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! STOP HB902!!

HB-902-SD-1

Submitted on: 3/31/2021 8:44:08 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
R Crowder	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:47:07 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brenn Nakamitsu	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation.

On January 16, 1893, United States diplomatic and military personnel conspired with a small group of individuals to overthrow the constitutional government of the Hawaiian Kingdom and prepared to provide for annexation of the Hawaiian Islands to the United States of America, under a treaty of annexation submitted to the United States Senate, on February 15, 1893. Newly elected U.S. President Grover Cleveland, having received notice that the cause of the so-called revolution derived from *illegal intervention* by U.S. diplomatic and military personnel, withdrew the treaty of annexation and appointed James H. Blount, as Special Commissioner, to investigate the terms of the so-called revolution and to report his findings.

The report concluded that the United States legation assigned to the Hawaiian Kingdom, together with United States Marines and Naval personnel, were directly responsible for the illegal overthrow of the Hawaiian Kingdom government. The report details the culpability of the United States government in violating international laws and the sovereignty of the Hawaiian Kingdom by an act of war, but the United States Government fails to follow through in its commitment to assist in reinstating the constitutional government of the Hawaiian Kingdom.

Instead, the United States allows five years to lapse and a new United States President, William McKinley, enters into a second treaty of annexation with the same individuals who participated in the illegal overthrow with the U.S. legation in 1893 on June 16, 1897, but the treaty was unable to be ratified by the United States Senate due to protests that were submitted by Her Majesty Queen Lili’uokalani and signature petitions against annexation by 21,169 Hawaiian nationals.

As a result of the Spanish-American War, the United States opted to unilaterally annex the Hawaiian Islands by enacting a congressional joint resolution on July 7, 1898, in order to utilize the Hawaiian Islands as a military base to fight the Spanish in Guam and

the Philippines. The United States has remained in the Hawaiian Islands and the Hawaiian Kingdom has since been under prolonged occupation to the present, but its continuity as an independent State remains intact under international law.

The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

Brenn Kilinahe-Puahi Nakamitsu

HB-902-SD-1

Submitted on: 3/31/2021 8:53:24 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Davielynn Briones	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

Native Hawaiians have being fighting for justice for decades, as the host culture to this 'aina, we deserve more. Enough is enough!

HB-902-SD-1

Submitted on: 3/31/2021 8:54:27 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sunnie Kupahu	Individual	Oppose	No

Comments:

I OPPOSE SB2 SD2 HD1 because it would potentially foreclose Native Hawaiian claims to "ceded" lands that are set aside or leased to the Hawai'i Housing Finance and Development Corporation (HHFDC). If this bill passes, HHFDC would be able to obtain "ceded" lands at little to no cost and lease them for 99+ years. Such long-term leases are tantamount to the sale of "ceded" lands, which are Hawaiian Kingdom crown and government lands that were unlawfully taken under extreme duress and without any consent or compensation to the Native Hawaiian people. Please do not pass this bill! Stop SB2 SD2 HD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:57:23 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Frances Dinnan	Individual	Oppose	No

Comments:

This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 8:58:05 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I OPPOSE HB902 HD1 SD1 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-SD-1

Submitted on: 3/31/2021 8:58:57 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marissa Baptista	Individual	Oppose	No

Comments:

Aloha! My name is Marissa Baptista and I, with my husband and three public school children, are residents and constituents in Moanalua in Oahu. I am writing as a Native Hawaiian in opposition of HB902/HD1 SD1. This bill allowing a significant expansion of ceded lands to be leased for 99 years, which is tantamount to a land sale, is as immoral as the illegal overthrow of the Hawaiian islands. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. Please stand with the AAPI community and vote NO/OPPOSE HB902/HD1 SD1.

Mahalo,

Marissa Baptista

HB-902-SD-1

Submitted on: 3/31/2021 9:12:53 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rae Fujimori Godden	Individual	Oppose	No

Comments:

1) OPPOSE HB902 HD1 SD1 - Further Alientation of "Ceded" (Stolen) Hawaiian Kingdom Landi»;

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

rae.godden@yahoo.com 69000141

Testimony in Opposition to HB902
Senate Committee on Ways and Means
Thursday, April 1, 2021 9:30pm

Aloha and thank you for the opportunity to testify in strong **opposition** to this measure. As numerous others have already pointed out, this bill contemplates long leases of "ceded" lands that are tantamount to the sale of "ceded" lands. In addition to the strong moral reasons to not pass this bill, I urge the committee to consider the significant legal implications.

Contrary to the assertions HFFDC, the predecessor to the HHFDC did NOT "[win] the right to alienate 'ceded' lands."¹

In *State of Hawaii v. OHA*,² the U.S. Supreme Court merely held that the State Supreme Court improperly relied on the *federal Apology Resolution* when it held that "ceded" lands could not be alienated from the public land trust until Native Hawaiian claims to "ceded" lands has been resolved. **Importantly, the U.S. Supreme Court recognized that it had "no authority to decide questions of Hawaiian law" and so remanded the case.** Before the Hawaii courts could determine whether *state law* would prevent the transfer of "ceded" land for private development, the legislature passed Act 176 and OHA dropped the case. **Thus, the issue was never settled on the merits; the predecessor to HFFDC did not "[win] the right to alienate 'ceded' lands."**

If this bill becomes law, the state will open itself up to another lawsuit.

Mahalo nui for the opportunity to testify on this measure,

-J.R. Kealoha

¹ This statement was made in the 03/16/21 WTL/HOU hearing for SB2 SD2, which is substantially the same bill as HB902. It was made by Executive Director Denise Matsubara at the 22 minute mark of the youtube video of the hearing: <https://youtu.be/o2MDALyC4MY?t=1320>.

² *Hawaii v. Office of Hawaiian Affairs*, 556 U.S. 163 (2009), available at: <https://www.oyez.org/cases/2008/07-1372>

HB-902-SD-1

Submitted on: 3/31/2021 9:15:04 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dephlia Rackley	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-SD-1

Submitted on: 3/31/2021 9:18:45 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kaupena k. kalima	Individual	Oppose	No

Comments:

March 31, 2021

Aloha & Good Morning! My name is Kaupena K. Kalima, I live in Wailuku on the island of Maui. My written testimony is for myself and on behalf of my children and grandchildren and future generations.

I OPPOSE HB 902 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 HB 902 HD1 has serious implications AGAINST myself, my Ohana and future generations of Hawaiian people here is these islands of Hawaii in which “We” call home.

I would like to “Mahalo” you for taking the time to read my submitted testimony.

kaupena k. kalima

HB-902-SD-1

Submitted on: 3/31/2021 9:19:26 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Oppose this bill. Mahalo.

HB-902-SD-1

Submitted on: 3/31/2021 9:22:40 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I **OPPOSE** HB902 HD1 SD1 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-SD-1

Submitted on: 3/31/2021 9:25:18 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I OPPOSE SB2 SD2 HD1 because it would potentially foreclose Native Hawaiian claims to "ceded" lands that are set aside or leased to the Hawai'i Housing Finance and Development Corporation (HHFDC). If this bill passes, HHFDC would be able to obtain "ceded" lands at little to no cost and lease them for 99+ years. Such long-term leases are tantamount to the sale of "ceded" lands, which are Hawaiian Kingdom crown and government lands that were unlawfully taken under extreme duress and without any consent or compensation to the Native Hawaiian people. Please do not pass this bill! Stop SB2 SD2 HD1

HB-902-SD-1

Submitted on: 3/31/2021 9:25:40 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Lovell	Individual	Oppose	No

Comments:

I OPPOSE HB902 HD1 SD1 because it would remove Chapter 171 protections from public "ceded" lands 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.

HB-902-SD-1

Submitted on: 3/31/2021 9:25:58 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Thomas	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 9:27:38 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
George White	Individual	Oppose	No

Comments:

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

I write in OPPOSITION to HB902, HD1 SD1, because ths bill 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.

These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. Thank you for this opportunity to provide testimony in opposition to HB902, HD1 SD1.

Respectfully -

George White

HB-902-SD-1

Submitted on: 3/31/2021 9:28:16 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I OPPOSE HB902 HD1 SD1 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-SD-1

Submitted on: 3/31/2021 9:28:36 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Landon Tom	Individual	Oppose	No

Comments:

I oppose this bill. Native Hawaiians are homeless in their own home and projects like these continue the cycle of colonialism that places settlers on top of all land decisions while prioritizing Native Hawaiians who belong to this land last.

LATE

HB-902-SD-1

Submitted on: 3/31/2021 9:31:39 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Carney	Individual	Support	No

Comments:

EAH Housing strongly supports H.B. 902, H.D. 1, S.D. 1. As a non-profit developer of low income housing serving those most in need at 60% AMI and below this bill will help to expedite the development process thereby allowing the delivery of low income rental housing in a more timely manner. Please give this Bill your full support.

Kevin R. Carney, (PB)

EAH Housing

Vice President, Hawaii

LATE

HB-902-SD-1

Submitted on: 3/31/2021 9:34:42 AM
Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lehua Itokazu	Individual	Oppose	No

Comments:

Aloha Committee Members,

I STRONGLY OPPOSE this bill. This bill would allow public and "ceded" lands to be leased to private developers for 99-plus years at a time, to construct "affordable" housing. What do these private developers consider "affordable"? This is wrong, there should be no giveaway of public lands to private developers for a century at a time, to build housing units that locals won't be able to afford.

Lastly, these "ceded" lands are stolen lands. This bill HB902 displays selling off these stolen lands for a century at a time. You are creating controversy and hurt.

I strongly urge you to Oppose this bill.

Mahalo for your time,

Lehua Itokazu - Aiea resident

HB-902-SD-1

Submitted on: 3/31/2021 9:44:49 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Banner Fanene	Individual	Oppose	No

Comments:

OPPOSE OPPOSE OPPOSE!

SHAME SHAME SHAME!

THIEVES those who Support this Bill!

HB-902-SD-1

Submitted on: 3/31/2021 9:48:36 AM

Testimony for WAM on 4/1/2021 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Villanueva	Individual	Oppose	No

Comments:

This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 9:58:54 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Roselani Oga	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

LATE

HB-902-SD-1

Submitted on: 3/31/2021 9:59:01 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

I STRONGLY OPPOSE TO THIS BILL HB902

PATRICIA LEIMOMI GREENE

LATE

HB-902-SD-1

Submitted on: 3/31/2021 10:10:08 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 10:11:36 AM

Testimony for WAM on 4/1/2021 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
William Haole	Individual	Oppose	No

Comments:

I OPPOSE HB 902 This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 10:53:46 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Hester	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 11:01:59 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
heaven kupahu	Individual	Oppose	No

Comments:

I OPPOSE SB2 SD2 HD1 because it would potentially foreclose Native Hawaiian claims to "ceded" lands that are set aside or leased to the Hawai'i Housing Finance and Development Corporation (HHFDC). If this bill passes, HHFDC would be able to obtain "ceded" lands at little to no cost and lease them for 99+ years. Such long-term leases are tantamount to the sale of "ceded" lands, which are Hawaiian Kingdom crown and government lands that were unlawfully taken under extreme duress and without any consent or compensation to the Native Hawaiian people. Please do not pass this bill! Stop SB2 SD2 HD1

HB-902-SD-1

Submitted on: 3/31/2021 11:04:24 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
A. Ku'uleiawapuhi Malohi	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1

LATE

HB-902-SD-1

Submitted on: 3/31/2021 11:11:43 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noalani Nakasone	Individual	Oppose	No

Comments:

Aloha e WAM Committee,

Please find my testimony in OPPOSITION to HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

Please Do the "right thing" and Make the " right decision" (Oppose)

Mahalo,

Noalani Nakasone

Kaua`i Resident

HB-902-SD-1

Submitted on: 3/31/2021 11:15:49 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
manuel kupahu	Individual	Oppose	No

Comments:

Oppose

I OPPOSE SB2 SD2 HD1 because it would potentially foreclose Native Hawaiian claims to "ceded" lands that are set aside or leased to the Hawai'i Housing Finance and Development Corporation (HHFDC). If this bill passes, HHFDC would be able to obtain "ceded" lands at little to no cost and lease them for 99+ years. Such long-term leases are tantamount to the sale of "ceded" lands, which are Hawaiian Kingdom crown and government lands that were unlawfully taken under extreme duress and without any consent or compensation to the Native Hawaiian people. Please do not pass this bill!
Stop SB2 SD2 HD1

HB-902-SD-1

Submitted on: 3/31/2021 11:19:19 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Kawika Nerpio	Individual	Oppose	No

Comments:

Being a Kanaka (Hawaiian) I oppose this bill. The ceded lands belong to the Hawaiian people. It's not the State Of Hawaii to decides on this lands. Only the true people (1st Nation, Kanaka Ma oli) has legal rights & jurisdiction to all ceded (crown lands)...

LATE

HB-902-SD-1

Submitted on: 3/31/2021 11:50:44 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

In opposition. Mahalo.

HB-902-SD-1

Submitted on: 3/31/2021 11:52:09 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Tadia Rice	Individual	Oppose	No

Comments:

The Native Hawaiian community has fought for decades to protect against the alienation of these lands. This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. Please OPPOSE and Stop HB 902 HD1 SD1. Mahalo.

HB-902-SD-1

Submitted on: 3/31/2021 12:06:40 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kalena Blakemore	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 12:22:15 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
johnna rapozo	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

LATE

HB-902-SD-1

Submitted on: 3/31/2021 12:25:54 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Aloha my name is Kulamanu Brown and I am opposing this bill HB902 because I feel that it is criminal. My ohana and I have been searching for years for family names that have gone extinct or lost due to the misspelling and mispronouncing of our family names. Born and raised in Lahaina, a lot of development is happening in the areas where my family originated from and yet we continue to hunt for our kupuna names which is difficult to find, expensive to purchase documentation and court fees, etc. It's a frustration that we're still searching for information when we have our birthrights right here. We were taught young that our family had lands and surprisingly, we found it gated and inaccessible. For years we couldn't go on the land unless we came with police and paperwork. Nothing is done, nothing gets done because now we have to go to court to prove ownership which means we'd have to spend \$30K in court fees just to prove our paperwork against those who bought the kuleana lands. We should also consider lowering the Native Hawaiian blood quantum to 25%. When it comes to Hawaiian Home Lands it should not even be questioned what should be done with it, build our homes, make more graveyards that are affordable for Native Hawaiians as graveyards are filling up by foreigners. It feels prejudice that our own government will forget about the Hawaiian people and their needs in lieu of money and corruption. When you ask a Kanaka Maoli their feelings and thoughts about our ceded lands, the government must excuse us for appearing hostile. This is a deep passion rooted by years of abuse of our people, our heritage, our land, our language, our culture being sold as exotic entertainment, our children's thwarted education. I love being a Kanaka Maoli. I love my culture and although there is much to learn I believe that by opposing this bill HB902 will give us a chance to fight for our ceded lands and claim what is rightfully ours!

Mahalo, Kulamanu Brown

LATE

HB-902-SD-1

Submitted on: 3/31/2021 12:47:24 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

In God's name, please don't pass this Bill 902, I Maxine Kahaulelio, with all my heart oppose this bill because it is against all what I stand for as a Kanaka Maoli, my birth right here in Hawaii Nei. How many of you who sits in this committee can call yourself truly a devoted Hawaiian subject that represent your great-grand-tutu, your grand-tutu or yourself. For the Heaven's above and below you, do the Honest and Humblest things that all of you have ever done in all your Lives. E Malama Pono, E KeAkua Pu

HB-902-SD-1

Submitted on: 3/31/2021 12:47:26 PM

Testimony for WAM on 4/1/2021 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Hoku Cabebe	Individual	Oppose	No

Comments:

Stop the sell out of our Kingdom Lands that dont belong to the "State" of Hawai'i

HB-902-SD-1

Submitted on: 3/31/2021 12:56:01 PM

Testimony for WAM on 4/1/2021 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Eweleiula Wong	Individual	Oppose	No

Comments:

I OPPOSE SB2 SD2 HD1 because it would potentially foreclose Native Hawaiian claims to "ceded" lands that are set aside or leased to the Hawai'i Housing Finance and Development Corporation (HHFDC). If this bill passes, HHFDC would be able to obtain "ceded" lands at little to no cost and lease them for 99+ years. Such long-term leases are tantamount to the sale of "ceded" lands, which are Hawaiian Kingdom crown and government lands that were unlawfully taken under extreme duress and without any consent or compensation to the Native Hawaiian people. Please do not pass this bill! Stop SB2 SD2 HD1.

HB-902-SD-1

Submitted on: 3/31/2021 1:03:23 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kanoelani Steward	Individual	Oppose	No

Comments:

Aloha nui,

I am writing this testimony in OPPOSTION to HB902 HD1 SD1. This bill could potentially foreclose Native Hawaiian claims to "ceded" lands that are set aside and/or leased to HHFDC. These ceded lands were unlawfully taken away without consent and compensation to the Native Hawaiian people and this bill could also potentially sever our relationship to our ancestral lands. Please OPPOSE this bill!!

HB-902-SD-1

Submitted on: 3/31/2021 1:12:14 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Kanealii	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

HB-902-SD-1

Submitted on: 3/31/2021 1:14:47 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

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

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

LATE

HB-902-SD-1

Submitted on: 3/31/2021 1:21:53 PM
Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zoe Malia Ozoa Loos	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-SD-1

Submitted on: 3/31/2021 1:23:39 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

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

Comments:

Aloha everyone,

My name is Cherish Harp and I oppose this Bill HB902 HD1 SD1. I'd like to know when are you going to make it law for it to be 100% illegal for foreigners to purchase land here in Hawaii Nei? We should look towards our Maori brothers and sisters in Aotearoa who made it law to stop the selling of their lands to foreigners. We, the Kanaka Maoli should be given this right also as we CANNOT afford to live here, renting homes from foreigners/non-Hawaiians who set rent ridiculously high. Our islands are all the Kanaka Maoli people have left of their kupuna before them. Where is our Hawaiian Homes? Researching takes many years of our lives, certified documentations takes money, land court takes about \$30K. Where are we going to get that kind of money when we can't even make it paycheck to paycheck in a middle class housing, let alone a low income housing? The high expense of living for us in these islands are causing our people to move abroad, away from their family, away from everything they've ever known. How is this justice for my people? Ceded lands are just rotting away along with our people. Foreigners come with the idea of making money to send back to their families in their native countries. That money does not stay in the islands. So why are they here thriving while the Hawaiians, the original peoples of these islands, are homeless? Majority of foreigners are living in large homes with 20+ people. Take care of us, us Kanaka Maoli people. Build our homes, malama us because no matter how much times this is said, I will always say it... WE ARE DYING ON THE LIST! Mahalo.

HB-902-SD-1

Submitted on: 3/31/2021 1:35:41 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
JOSEPH AUKAI	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the “ceded” (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren’s grandchildren’s generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.

LATE

HB-902-SD-1

Submitted on: 3/31/2021 1:43:39 PM
Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Haweo Glassco	Individual	Oppose	No

Comments:

I OPPOSE SB2 SD2 HD1 because it would potentially foreclose Native Hawaiian claims to "ceded" lands that are set aside or leased to the Hawai'i Housing Finance and Development Corporation (HHFDC). If this bill passes, HHFDC would be able to obtain "ceded" lands at little to no cost and lease them for 99+ years. Such long-term leases are tantamount to the sale of "ceded" lands, which are Hawaiian Kingdom crown and government lands that were unlawfully taken under extreme duress and without any consent or compensation to the Native Hawaiian people. Please do not pass this bill! Stop SB2 SD2 HD1.

LATE

HB-902-SD-1

Submitted on: 3/31/2021 1:46:28 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Winuna Eschenberg	Individual	Oppose	No

Comments:

You've already taken so much from Native Hawaiians, to further damage the little that they have is damaging the almost non-existent rights they have right now.

LATE

HB-902-SD-1

Submitted on: 3/31/2021 1:49:44 PM
Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sherry broder	Individual	Oppose	No

Comments:

Aloha Chairman Dela Cruz and Committee Members,

I oppose HB 902, HD1, SD1. Granting these long term leases will effectively result in a diminution of the public land trust corpus and the erode the rights and claims of Native Hawaiians.

In 2008, in OHA v. HCDCH, the Hawai'i Supreme Court unanimously granted OHA's request for a moratorium on the sale of ceded lands. The Court specifically recognized that Native Hawaiians have "unrelinquished claims to the ceded lands," that "the Apology Resolution acknowledges only that unrelinquished claims exist and plainly contemplates future reconciliation with the United States and the State with regard to those claims," and that the Apology Resolution and the related state legislation "give rise to the State's fiduciary duty to preserve the corpus of the public trust lands, specifically, the ceded lands, until such time as the unrelinquished claims of the native Hawaiians have been resolved."

In OHA v. HCDCH, the Hawai'i Supreme Court clearly recognized these historic injustices and the imperative of the restoration of lands to Native Hawaiians and I urge this committee to honor these same principles of justice.

I am submitting this testimony in my personal capacity. For your information, I was the lead attorney the OHA v. HCDCH representing the Office of Hawaiian Affairs and I have represented the Office of Hawaiian Affairs in many other matters over the decades.

HB-902-SD-1

Submitted on: 3/31/2021 3:23:30 PM

Testimony for WAM on 4/1/2021 9:30:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Robert Akau	Individual	Oppose	No

Comments:

To the Honorable Chair Nakamoto and Vice Chair Hashimoto, on the Committee on Housing, to consider the impact of declaring the inventory of designated Ceded Lands a commodity for bartering on Hawaii's real estate market. Still remaining unaddressed is the population of Native Hawaiians not yet fully participating in this tremendous economy of the United States. Though, these people are fully vested in this economy that defines this State and the Nation, this population of Native Hawaiians still fall short of the benchmark of property purchase that is set by the Nation.

It is requested that your committee consider fully placing Native Hawaiians in homes set upon remaining Ceded Lands prior to making said inventory available to the real property market. It should also be noted that the returns of fully housing, Native Hawaiians garners a great return from a faithful work force fully schooled in the historical returns and provisions of these lands. Please consider, setting this motion aside until the Native population is adequately settled.

LATE

HB-902-SD-1

Submitted on: 3/31/2021 3:52:29 PM
Testimony for WAM on 4/1/2021 9:30:00 AM

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

Comments:

Please oppose this bill!

HB-902-SD-1

Submitted on: 3/31/2021 4:11:08 PM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linn Merlitti	Individual	Oppose	No

Comments:

OPPOSE HB902 HD1 SD1. This measure would allow for an almost unlimited diminishment of the "ceded" (stolen) land corpus, to which the Native Hawaiian people still have unrelinquished claims. This bill would allow for a significant expansion of ceded lands that could be leased for 99 years, which is tantamount to a land sale, denying justice for Native Hawaiians for the loss of these ancestral lands until our grandchildren's grandchildren's generation. The Native Hawaiian community has fought for decades to protect against the alienation of these lands. The calls for justice from the Native Hawaiian community continue to fall on deaf ears. Enough is enough! Stop HB 902 HD1 SD1.