

1481 South King St #448
Honolulu, HI 96814

151 North Carolina Ave SE
Washington DC 20020
info@hawaiianhomesteads.org



Robin Puanani Danner, Chairwoman, Kauai
Sybil Lopez, Vice Chairwoman, Molokai
Kekoa Enomoto, Councilwoman, Maui/Lanai
Richard Soo, Councilman, Oahu
Ron Kodani, Councilman, Hawaii Island
Faisha Solomon, Administrator

Date: March 18, 2021

To: Honorable Chair Tarnas, Chair Nakashima & Members of the Committees (WAL/JAH)

Fr: Robin Puanani Danner, SCHHA Chair
Sybil Lopez, SCHHA Vice Chair

Re: Support of HR64 & HCR76 – Working Group to Report on Status of Act 14 Enacted in 1995

The above referenced resolutions create a working group with relevant seats established for Executive Branch agencies, Legislative Leadership appointed members, the U.S. Department of Interior (DoI), and federally defined Homestead Associations registered with the U.S. Department of Interior under 43 Code of Federal Regulations.

The function of the working group is to review Act 14, a State Law enacted over 25 years ago, to address issues regarding our land trust established by Congress under the Hawaiian Homes Commission Act of 1920 (HHCA), and for the working group to report any outstanding issues, along with recommendations to the full legislature before the 2022 opening session.

In 2016, President Obama promulgated federal regulations to provide clarity to the successful administration of the HHCA:

1. 43 CFR clarifies that the three parties to the HHCA are:
 - a. State Government represented by its Department of Hawaiian Home Lands (DHHL).
 - b. Federal Government represented by its Department of Interior (DoI); and
 - c. HHCA native Hawaiian Beneficiaries
2. 43 CFR provides a specific definition for Homestead Beneficiary Associations to be registered with the DoI as follows:

A beneficiary-controlled organization that represents and serves the interests of its homestead community; has as a stated primary purpose the representation of, and provision of services to, its homestead community; and filed with the Secretary (of DoI) a statement, signed by the governing body, of governing procedures and a description of the territory it represents.

Chairmen, we appreciate this common-sense approach to obtaining vital information about Act 14 at the direction of the legislative body of our State Government, and for all relevant parties to the HHCA, to work together.

We stand in full support and look forward to bringing the wisdom and knowledge of elected homestead association leaders registered under 43 CFR including the Association of Hawaiians for Homestead Lands (AHHL), a statewide Waitlist Association, to the efforts of the working group and to our Legislature.

About SCHHA. The *Sovereign Council of Hawaiian Homestead Associations* (SCHHA), founded in 1987, is the oldest and largest HHCA Beneficiary Organization, representing the interests of nearly 10,000 native Hawaiian lessees and 28,000 families on the waitlist. SCHHA is governed by a council elected to 4-year terms serving homestead areas in the Moku-puni of Kauai, Oahu, Molokai, Maui/Lanai and Hawaii Island. SCHHA leaders are experts on the HHCA, federal and state land trust management, finance, affordable housing, economic development and job creation.

Founded in 1987, the Sovereign Council of Hawaiian Homestead Associations (SCHHA) is the oldest and largest governing homestead association registered with the Department of Interior, exercising sovereignty on the trust lands established under the Hawaiian Homes Commission Act of 1920.



HCR76/HR64

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A WORKING GROUP TO ASSESS THE STATUS OF ACT 14, SPECIAL
SESSION LAWS OF HAWAII 1995.

Ke Kōmike Hale o ka Wai a me ka ‘Āina

House Committee on Water & Land

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i

House Committee on Judiciary & Hawaiian Affairs

Malaki 22, 2021

2:00 p.m.

Lumi 430/325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HCR76/HR64, which would urge the convening of a working group to assess the status of Act 14 (Reg. Sess. 1995). The working group contemplated by this measure may constitute a critical first step towards addressing longstanding and continuing concerns regarding the State’s improper and uncompensated use of Hawaiian Home Lands, contrary to its fiduciary and constitutional obligations under the Hawaiian Homes Commission Act (HHCA).

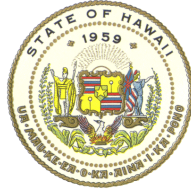
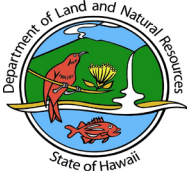
Significant concerns have arisen in recent years regarding the State’s past and ongoing failures to address the improper and uncompensated use of lands in the Hawaiian Home Lands Trust (HHLT), more than 25 years after the State committed, via Act 14, to make the HHLT whole. The State of Hawai‘i agreed to take on the trust responsibility of administering the HHCA and the HHCA program as a condition of statehood. However, upon statehood, the State almost immediately began to dispose of HHLT lands and improperly convert HHLT lands for road and other uses without any apparent consent from the Hawaiian Homes Commission (HHC). In response to community concerns that the State had been violating its fiduciary obligations as trustee of the HHLT, and in furtherance of recommendations made by the 1983 Federal-State Task Force on the HHCA, in 1995 the State finally enacted legislation known as Act 14, to resolve and satisfy all claims stemming from the State’s improper and uncompensated use of HHLT lands from August 21, 1959 to July 1, 1988. Notably, to resolve all controversies and claims relating to the improper and uncompensated use of HHLT lands for State roads and highways, Act 14 specifically contemplated “the initiation of [] land exchanges” between the State and the HHC; to date, approximately 25 years since Act 14’s passage, neither entity has initiated any land exchange to resolve the State’s prior improper and uncompensated use of HHLT lands for roads and highways.

Accordingly, the working group proposed by this measure, and the contemplated assessment of the status of Act 14, may be a critical first step towards addressing the unresolved issues that Act 14 originally sought to address, including the ongoing improper and uncompensated use of HHLT lands.

OHA does note that, to the extent that roads and highways on HHLT lands may be maintained and controlled by the Department of Transportation (DOT), that the DOT may be a relevant stakeholder to the working group's discussion; OHA defers to the Committees with respect to whether or not the DOT should be an explicitly named member of the working group.

Therefore, OHA urges the Committees to **PASS** HCR76/HR64. Mahalo for the opportunity to testify on this important measure.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committees on
WATER & LAND
and
JUDICIARY & HAWAIIAN AFFAIRS**

**Monday, March 22, 2021
2:00 PM**

State Capitol, Via Videoconference, Conference Rooms 430 & 325

**In consideration of
HOUSE CONCURRENT RESOLUTION 76 / HOUSE RESOLUTION 64
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A WORKING GROUP TO ASSESS THE STATUS OF ACT 14, SPECIAL
SESSION LAWS OF HAWAII 1995**

House Concurrent Resolution 76 / House Resolution 64 requests that the Department of Land and Natural Resources (Department) convene a working group to assess the status of Act 14, Special Session Laws of Hawaii 1995 (Act 14). **The Department appreciates the intent of these measures and offers the following comments and suggested amendment.**

In 2010, the Hawaiian Homes Commission (Commission) and the Board of Land and Natural Resources (Board) reached a full and final settlement of the lands to be transferred to the Commission pursuant to the Board's action of October 28, 2010, agenda Item D-12, approved as amended (documents may be reviewed at: <https://dlnr.hawaii.gov/ld/2010-full-and-final-dhhl-settlement/>). This settlement required the Department to transfer the outstanding balance of the 16,518 acres specified in Act 14, or 817 acres, more or less, to the Commission. The parcels agreed upon for transfer were identified in the Board action.

To date, the Department has conveyed 16,298.975 acres to the Commission, of which the Commission acknowledges 15,742.652 acres are in satisfaction of the requirements of Act 14. A further 1,070.067 acres are pending transfer to the Commission, with the following geographic distribution:

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Oahu:	213.684 acres
Molokai:	42.313 acres
Lanai	25.400 acres
Hawaii Island:	738.320 acres ¹
Kauai:	50.350 acres
Total:	1,070.067 acres

The Department and the Commission have been working methodically to identify and resolve issues causing delays in the transfer of the remaining parcels. Foremost among these issues is that many of the parcels have not been surveyed previously. The Commission is in the process of procuring surveys and subdividing the remaining parcels. These processes must be completed before the parcels can legally be conveyed to the Commission.

The Department believes that the working group proposed in the resolution can help facilitate the completion of the transfers remaining under Act 14. However, the Department does have concerns regarding the size and composition of the working group. Overly large working groups often struggle to work efficiently toward the completion of the assigned task. The Department suggests limiting the working group to parties directly involved in the task of completing the land transfers mandated by Act 14. The working group would still have the authority to consult with stakeholders as warranted to complete the transfers of the remaining parcels. As such, the Department recommends amending this measure to limit the working group to the following membership:

- (1) The Chairperson of the Board of Land and Natural Resources, or the Chairperson's designee;
- (2) The Chairperson of the Hawaiian Homes Commission, or the Chairperson's designee;
- (3) The Attorney General, or the Attorney General's designee; and
- (4) Any other members deemed necessary by the working group.

Thank you for the opportunity to comment on these measures.

¹ Acreage of pending transfers for Hawaii Island includes 378.87 acres that were set aside to the Commission via Executive Order 4635 dated August 14, 2020 for agricultural purposes. These lands were not included in the 2010 Board action but may be added to the settlement amount by conveyance in the future if the Board and Commission approve.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEES ON WATER & LAND AND
JUDICIARY & HAWAIIAN AFFAIRS
HEARING ON MARCH 22, 2021 AT 2:00PM VIA VIDEOCONFERENCE

**HCR 76/HR 64 REQUESTING THE DEPARTMENT OF LAND AND NATURAL
RESOURCES TO CONVENE A WORKING GROUP TO ASSESS THE STATUS OF
ACT 14, SPECIAL SESSION LAWS OF HAWAII 1995**

March 22, 2021

Aloha Chair Tarnas, Chair Nakashima, and members of the Committees:

The Department of Hawaiian Home Lands (DHHL) submits comments on these resolutions requesting the Department of Land and Natural Resources (DLNR) to convene a working group to assess the status of Act 14, Special Session Laws of Hawaii 1995 (Act 14). DHHL last briefed the Hawaiian Homes Commission regarding the status of Act 14, as reflected in the submittal attached to this testimony and accessible on DHHL's website at <https://dhhl.hawaii.gov/wp-content/uploads/2019/02/January-28-29-2019-HHC-Meeting-Packet-Revised-to-include-Amended-F1.pdf>.

Respectfully, the convening of a working group at this point would only impede the goal of Act 14 noted in the 5th whereas clause of reaching a final resolution by providing for a full settlement of all land claims made on behalf of the Hawaiian Home Lands Trust against the State between August 21, 1959, and July 1, 1988. Finalizing the outstanding claims related to Act 14 is the more appropriate focus and this resolution could be amended to reflect that objective instead of convening a working group to assess the status of Act 14.

In addition to removing the working group, the 12th whereas clause should be deleted because the statement that Congress recognizes three parties to the Hawaiian Homes Commission Act of 1920: the State of Hawaii, the federal government, and native Hawaiian beneficiaries is factually inaccurate.

Thank you for your consideration of our testimony.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

January 28-29, 2019

To: Chairman and Members, Hawaiian Homes Commission
Thru: M. Kaleo Manuel, Acting Planning Program Manager
From: Andrew H. Choy, Planner *AC*
Subject: Act 14 Land Claim Settlement Update

Recommended Action

For information only.

Discussion

Purpose

During an address at a CNHA Conference, Governor Ige committed to seeking resolution to all outstanding claims related to Act 14. This submittal provides a brief background of Act 14 and highlights the status of outstanding claims.

Background

In 1991, the Task Force on the Department of Hawaiian Home Lands' Land Title and Related Claims ("Task Force") was convened by Governor John Waihe'e, as one of the first action steps in the Governor's Action Plan to Address Controversies under the Hawaiian Home Lands Trust and the Public Land Trust. The Task Force comprised of the heads of the Office of State Planning ("OSP"), the Department of Hawaiian Home Lands ("DHHL"), the Department of Land and Natural Resources ("DLNR"), and the Department of the Attorney General ("AG"). The Task Force's objective was to investigate and resolve DHHL's land use claims against the State. In the years following, the Task Force issued a slew of recommendations for settlement of DHHL's claims, which resulted in settlement packages enacted by the

Legislature in 1992 and 1993¹. Additionally, by a separate administrative initiative, the State initiated the transfer of 16,518 acres of useable lands to DHHL.

On December 1, 1994, the Task Force produced a Memorandum of Understanding ("MOU"), executed by all parties, setting forth its final recommendations to repair the Hawaiian home lands trust and resolve DHHL's claims against the State that arose between August 21, 1959 and July 1, 1988. The MOU, however, did not bind the State to its terms. Consequently, on June 29, 1995, the Legislature passed Act 14, SpSLH 1995 ("Act 14"), to fully effectuate the settlement of DHHL's aforementioned claims against the State.

Act 14's Settlement Items

Section 6 of Act 14 sets forth the State's agreed upon terms to resolve and satisfy the controversies and claims encompassed by the Act. Act 14's settlement items can be grouped into two forms of compensation: funds and land.

Funds

The funding component of the Act 14 settlement provided a total \$606,277,558 in monetary compensation to DHHL. Specifically Act 14 provides for the following:

- Establishment of the Hawaiian home lands trust fund;
- Required the State make twenty annual deposits of \$30,000,000 or their discounted value equivalent if the State opted to make prepayments into the trust fund;
- Payment of \$2,348,558 as an advance toward all rent due to DHHL for the continued use of trust lands under Nanaikapono elementary school between April 4, 1996 and October 27, 2002;
- Payment of \$2,390,000 for the State's uncompensated use of Hawaiian home lands between 1959 and 1995; and
- Payment of \$1,539,000 for moneys owed to DHHL as its thirty percent entitlement for the use of Hanapepe, Kauai, public lands formerly under lease for sugarcane

¹ Act 316, Sess. Laws of Hawaii 1992 and Act 352, Sess. Laws of Hawaii 1993.

cultivation, pursuant to section 1 of article XII of the Hawai'i State Constitution.

By the end of fiscal year ending June 30, 2015, the State satisfied the funding component of Act 14. The land component of Act 14, however, remains unresolved; the status of each outstanding item is provided below.

Land

The land component of the Act 14 settlement is found in Section 6, subsection 2 of the act, and provides as follows:

- Transfer of lands and resolution of claims for the uncompensated use of Hawaiian home lands in Waimanalo, Oahu.
- Transfer of lands and resolution of claims in the Anahola, Kamalomalo'o, and Moloa'a areas of Kauai.
- The initiation of a land exchange to remedy uncompensated use of Hawaiian home lands for state roads claims and highways; and
- First selection of up to 200 acres of land by DHHL upon the return to the State of any ceded lands comprising of all or a portion of Bellows Air Force Station ("Bellows") on Oahu.

Section 17 of Act 14 specifically allows "actions to enforce the provisions of th[e] Act."

Outstanding Act 14 Settlement Items

State Initiated Transfer of 16,518 acres

In October 2010, the Board of Land and Natural Resources (BLNR) staff submittal item D-12 sought to convey 817.072 acres of Government Lands Statewide to DHHL to complete the total transfer of 16,518 acres. The BLNR made amendments to the recommendation motion before unanimously approving the item.

Status: Partially complete. Some parcels in the table in Exhibit A of Item D-12 have been conveyed to DHHL while others are at various stages of transfer. Approximately 696.898 acres are yet to be transferred.

Waimanalo Regional Settlement

This claim involves Hawaiian home lands taken by the Territory of Hawai'i and later sold to private parties, areas of Waimanalo set aside as "beach park" land, and trust lands alienated by the right-of-way for Kalaniana'ole Highway.

Act 14 contemplates a transfer of land to satisfy this claim. A portion of the remedy under this regional settlement includes the first selection of up to 200 acres of land by DHHL upon the return of all or a portion of Bellows to the State. At present, the US military does not intend to return Bellows.

Status: The transfer of land contemplated under this settlement item has not occurred. Approximately 200 acres are outstanding.

Anahola Regional Settlement

DHHL's claims remaining regarding Anahola, Kamalomalo'o, and Moloa'a areas of Kauai involves Hawaiian home lands taken by the Territory of Hawai'i and later sold to private parties, totaling 85.644 acres.

Act 14 contemplates a transfer of land to DHHL from the State to satisfy this claim.

Status: The transfer of land contemplated under this settlement item has not occurred. Approximately 85.644 acres are outstanding.

Roads and Highways Settlement

Use of Hawaiian Home Lands as State Highways
This claim involves the uncompensated use of Hawaiian home lands as state highways on various islands. Act 14 calls for the initiation of a land exchange to remedy this claim.

Status: To date, no lands have been conveyed to DHHL to satisfy the State's commitment to compensate the trust for its use of Hawaiian home lands as state highways on various islands totaling a claimed amount of 346.203 acres.

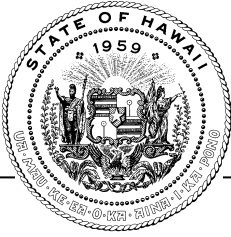
Conclusion

The table below summarizes the total amount of acreage that is owed to DHHL, should DHHL and Governor Ige move towards settling all outstanding claims related to Act 14.

Outstanding Claim	Approximate Acreage
State Initiated Transfer of 16,518 acres	696.898
Waimanalo Regional Settlement	200.000
Anahola Regional Settlement	85.644
Roads and Highways Settlement	346.203
Total	1,328.745

Recommended Action

None. For information only.



OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
**HOUSE COMMITTEE ON WATER AND LAND AND
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**
Monday, March 22, 2021
2:00 PM
Via Videoconference

in consideration of
HCR 76/HR 64
**REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A WORKING GROUP TO ASSESS THE STATUS OF ACT 14, SPECIAL
SESSION LAWS OF HAWAII 1995.**

Chairs Tarnas and Nakashima, Vice Chairs Branco and Matayoshi, and Members of the House Committee on Water and Land and Judiciary and Hawaiian Affairs.

The Office of Planning (OP) offers the following comments on HCR 76/HR64 to create a working group to identify the requirements of Act 14, Session Laws of Hawaii 1995, steps necessary to fulfill each outstanding requirement, and annual revenues and expenditures from the Hawaiian Homes Land Trust Fund since 1995.

OP understands the need for the proposed study. OP is willing to serve on the working group, however.....

Thank you for the opportunity to testify on this measure.

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

March 19, 2021

**TESTIMONY OF KIPUKAI KUALII
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

**HCR 76 / HR 64, REQUESTING THE DEPARTMENT OF LAND AND NATURAL
RESOURCES TO CONVENE A WORKING GROUP TO ASSESS THE STATUS OF
ACT 14, SPECIAL SESSION LAWS OF HAWAII 1995**

House Committee on Water & Land
House Committee on Judiciary & Hawaiian Affairs
Monday, March 22, 2021
2:00 p.m.
Via Videoconference
Conference Room 430 & 325

Dear Chair Tarnas, Chair Nakashima, and Members of the Committees:

Thank you for this opportunity to provide testimony in strong support of HCR 76 / HR 64, Requesting the Department of Land and Natural Resources To Convene A Working Group To Assess The Status Of Act 14, Special Session Laws Of Hawai'i 1995. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council, Chair of the Kaua'i County Council's Housing & Intergovernmental Relations Committee, Vice Chair of the Kaua'i County Council's Finance & Economic Development Committee, Co-Chair of SCHHA's Policy Board, longtime advocate for Department of Hawaiian Homelands (DHHL) waitlistees, an Anahola homesteader, and an Anahola agricultural lot waitlistee.

These resolutions are especially important, because, for the first time, they bring Hawaiian Homes Commission Act (HHCA) beneficiary organizations to the table working with our State and Federal Government to advance our Hawaiian Home Land trust.

I extend my *mahalo nui loa* to both committees for hearing these resolutions and humbly ask that you support both resolutions. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241 4188 or via E-mail to cokcouncil@kauai.gov.

Sincerely,

KIPUKAI KUALII
Councilmember, Kaua'i County Council



Dedicated to Ending the Hawaiian Home Lands Waiting List

March 19, 2021

Honorable Committee Chairs & Members
Committee on Water & Land
Committee on Judiciary & Hawaiian Affairs

Re: SUPPORT: HR 64 and HCR 76 – Act 14 Working Group

The Association of Hawaiians for Homestead Lands (AHHL) was founded in 2009 to advocate for the interests of thousands of native Hawaiians on the State of Hawaii, Department of Hawaiian Home Lands (DHHL) waiting list for a homestead land award.

AHHL submits its testimony in strong support of HR 64 and HCR 76. The content of these resolutions bring to forward, the full talent of all three parties necessary to achieve success of our Hawaiian Home Land trust, State Government, Federal Government and HHCA beneficiary organizations.

We mahalo both committees for hearing these resolutions and request passage.

Mahalo.

Mike Kahikina
AHHL Board
Waitlist Policy Committee Chair

HCR-76

Submitted on: 3/18/2021 1:25:32 PM

Testimony for WAL on 3/22/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Bishop	Individual	Support	No

Comments:

Please pass this important Resolution!

HCR-76

Submitted on: 3/18/2021 4:04:49 PM

Testimony for WAL on 3/22/2021 2:00:00 PM

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

Comments:

Comments

Another working group? What the people of these islands need is to be given their lands and the \$\$ which belong to them. We know the law, we know the history. Let's just do the pono thing for once.

HCR-76

Submitted on: 3/19/2021 11:14:35 AM

Testimony for WAL on 3/22/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marlene Kamuela Purdy	Individual	Support	No

Comments:

I support HCR76.

Charley Ice
98-633 Kilinoe Street, Waimalu, Puuloa

22 March 2021

House Committees on Water and Land and on Judiciary and Hawaiian Affairs
HEARING ON HCR76 – REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A WORKING GROUP TO ASSESS THE STATUS OF ACT 14, SPECIAL SESSION LAWS OF HAWAII
1995.

Testifying in Support

Me ke Aloha, Chairs David Tarnas and Mark Nakashima, Vice Chairs Patrick Branco and Scot Matayoshi,
and Members of Committees on Water and Land and on Judiciary and Hawaiian Affairs:

Please fully support this Resolution for all the reasons specified.

In addition, the Legislature needs to answer for its own lack of funding for staff and program for the Department of Hawaiian Home Lands, which was a condition of Statehood, and show cause why the State should not be held derelict in those obligations, thereby further disqualified as a State – a status gained by usurpation of the internationally recognized Kingdom of Hawaii, illegal under international law and unconstitutional under the laws of the United States.

Furthermore, the term “available lands” as specified in the Hawaiian Homes Commission Act of 1920 was determined under the illegal annexation of the Kingdom of Hawaii as a territory of the United States under a racist, white supremacist U.S. Administration, and a product of fraudulent occupation of prime productive Hawaiian Kingdom lands by commercial sugar plantations. With the demise of sugar plantations, the term “available lands” is, in any case, void, and the door is open to a re-evaluation of what Kingdom lands should properly be made available not only as Hawaiian government lands but as Hawaiian home lands.

/s/ Charley Ice, former Planner with Department of Hawaiian Home Lands (10 years) and developer of the Water Rights and Development Program under Chair 'Ilima Pi'ianaia