

SB257 SD1
RELATING TO LEASE EXTENSIONS ON PUBLIC LAND
Ke Kōmike ‘Aha Kenekoa o ke Ki‘ina Hana a me nā Kumuwaiwai
Senate Committee on Ways and Means

Malaki 4, 2021

1:35 p.m.

Lumi 211

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB257 SD1, which would authorize century-long leases that bind the hands of the Board of Land and Natural Resources (BLNR) from fulfilling its fiduciary obligations of due diligence and undivided loyalty, in maximizing the beneficial disposition of lands leased for commercial, industrial, resort, mixed-use, and governmental purposes **throughout the entire state**. OHA notes that it also opposes nearly identical bills SB1167 and HB499 this year, and likewise opposed nearly identical bills last year and in 2019 for these same reasons, as described further below. **Should the Committee choose to move this measure forward, OHA does offer amendments below that would mitigate our concerns and opposition.**

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

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

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

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

- Whether 40-year extensions of lease terms and fixed rental periods are necessary to obtain redevelopment financing;
- Whether specific conditions, contingencies, safeguards, or other considerations should be considered in the development of extension terms and conditions; and
- Whether any replication of its lease extension authority should be limited to certain leases or circumstances.

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

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

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

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

In addition to tying the State's and future generations' hands in ensuring the appropriate use of and realization of revenues from public trust and Public Land Trust lands, the excessively long-term leases that would be authorized under this measure may lead to a sense of entitlement among lessees that can result (and has resulted) in the alienation of public lands, including "ceded" lands to which Native Hawaiians have never relinquished their claims. **OHA objects to the sale or alienation of "ceded" lands except in limited circumstances and therefore has significant concerns over any proposal that may facilitate the diminution of the "ceded" lands corpus.**

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

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

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

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

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

- An effective date that coincides with the end date of the “pilot project” established under Act 149 (June 30, 2026), and a sunset date to limit the provisions of the bill to the length of time currently contemplated:
 - By amending page 6, line 14, to read as follows:
 - “SECTION 4. This Act, upon its approval, shall take effect on July 1, 2026; provided that this Act shall be repealed on June 30, 2031.”
- A limitation on the maximum aggregate fixed rent period and lease term for a lease to be **no more than 20 years** beyond the original fixed rent period and/or lease term, which should be sufficient for financing purposes and which would reduce the potential for foreclosing future substantial revenue generating opportunities:
 - By amending page 4, lines 10-12, to read as follows:

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

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

improvements as determined by the board or an independent appraiser; provided that the approval of any extension shall be subject to the following:

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

- Explicit extension provisions providing for improvements to either revert to the State at the end of the lease term, or be removed by the lessee at the lessee's expense, at the election of the State;

- By amending page 5, line 3, to read as follows:

"approval by the board. Any extended lease shall include conditions explicitly stating that improvements on the land shall revert to the State or be removed by the lessee at the end of the lease term, at the election of the State."

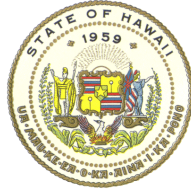
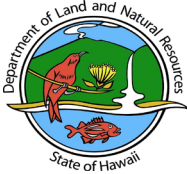
- To ensure that the general public has a meaningful opportunity to review and comment on the long-term encumbrance of public lands, ensure that lease extension applications and proposals are publicly noticed for no less than one month prior to the submission of plans and specifications to the BLNR;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

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

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

Therefore, OHA urges the Committee to **HOLD** SB257 SD1, or minimally include amendments as listed above. Mahalo nui for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Thursday, March 4, 2021
1:35 PM**

State Capitol, Via Videoconference, Conference Room 211

**In consideration of
SENATE BILL 257, SENATE DRAFT 1
RELATING TO LEASE EXTENSIONS ON PUBLIC LAND**

Senate Bill 257, Senate Draft 1 proposes to authorize the Board of Land and Natural Resources (Board) to extend leases of public lands for commercial, industrial, resort, or government use upon approval of a proposed development agreement to make substantial improvements to the existing improvements. Senate Draft 1 of the measure incorporates an amendment that the Department of Land and Natural Resources (Department) proposed to the bill as introduced to include mixed-use leases among the categories of leases that would be eligible for extension under the measure, and makes technical, non-substantive amendments for purposes of clarity and consistency. **The Department appreciates the incorporation of its proposed amendment regarding mixed-use leases and continues to support this measure.**

Senate Bill 257, Senate Draft 1 proposes to authorize the Board, on a statewide basis, to extend commercial, industrial, resort or government leases that have not been sold or assigned within 10 years prior to receipt of an application for a lease extension under the measure, when the lessee commits to substantial improvement to the existing improvements, provided that lease extensions cannot exceed 40 years, and additionally, the lessee cannot transfer or sell the lease during the first 10 years of the extension period, except by devise, bequest, or intestate succession. The bill is intended to support long-term tenants wishing to continue their businesses past the 65-year maximum lease term allowed under current law.

One of the arguments the Department has heard against restrictions on assignment is that lessees need to be able to mortgage their leasehold interests in the land. Senate Bill 257, Senate Draft 1 expressly exempts collateral assignment of a lease or other security granted to a leasehold mortgagee in connection with leasehold financing by the lessee from restrictions on assignment. Senate Bill 257, Senate Draft 1 would also not prohibit "true" subleases, which the Department views as those in which the lessee/sublessor retains either a portion of the lease premises for its

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

own use or reserves a portion of the lease term after the sublease ends for its own use. In contrast, a transaction styled as a sublease but which in effect is an assignment of all of the lessee's interest in the lease would not be allowed under the bill within the first 10 years of the extension period. The Department additionally notes that assignments and subleasing are governed by two separate subsections of Section 171-36, Hawaii Revised Statutes (HRS): Section 171-36(a)(5), HRS, for assignments, and Section 171-36(a)(6), HRS, for subleasing. Senate Bill 257 was not intended to affect subleasing under Section 171-36(a)(6), HRS.

As noted above, Senate Bill 257, Senate Draft 1 acknowledges the commitment of long-term lessees to locating their business on state lease lands and to ensure that such lessees could continue to operate those businesses for the duration of the extension period authorized under the measure. The Department believes that retaining long-term lessees in good standing is in the best interests of the State and therefore supports the bill with the amendment suggested above.

Thank you for the opportunity to comment on this measure.

Prince Kuhio Plaza

March 4, 2021

Hearing Date: March 4, 2021

Time: 1:35PM

Place: Via Videoconference

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

Re: Testimony in Support of Senate Bill No. 257 SD1 Relating to Lease Extensions on Public Land

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

Thank you for the opportunity to provide written testimony on Senate Bill No. 257 SD1. The intent of the Bill is to authorize the Board of Land and Natural Resources to extend commercial, industrial, resort, or governmental leases, other than those to which the University of Hawaii is a party, for lessees who commit to making substantial improvements on existing facilities. I am the General Manager of Prince Kuhio Plaza (“PKP” or “Shopping Center”), the largest indoor shopping center on the island of Hawaii.

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

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

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

PRINCE KUHIO PLAZA

111 E. Puainako Street Hilo, Hawaii 96720

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

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

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

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

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

For the foregoing reasons, we strongly support Senate Bill No. 257 SD1. Thank you for your consideration.

Sincerely,

PRINCE KUHIO PLAZA

111 E. Puainako Street Hilo, Hawaii 96720

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Daniel Kea
General Manager

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



STOP LEGAL THIEVERY!

Committee on Ways and Means

Chair Dela Cruz & Vice Chair Keith-Agaran
Thursday, March 4, 2021 @ 1:35PM

Testimony of Kūpuna for the Mo'opuna

SB 257, SD 1- LEASE EXTENSIONS ON PUBLIC LAND. **STRONG OPPOSITION**

SB 257, SD 1 inhibits the State from fulfilling its fiduciary obligations in the disposition of public lands. Before voting on this measure, **we urge you to watch the video "PUBLIC LAND TRUST: JUSTICE DELAYED IS JUSTICE DENIED"** ... then vote **NO** to SB 257, SD 1.

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



Ua mau ke ea o ka 'āina i ka pono!



March 4, 2021

Hearing Date: March 4, 2021 Time: 1:35PM Place: Via Videoconference

Sen. Donovan M. Dela Cruz, Chair Sen.
Gilbert S.C. Keith-Agaran, Vice Chair
State Capitol Committee on Ways and Means

415 South Beretania Street Honolulu, Hawaii 96813

Re: Testimony in Opposition to Senate Bill No. 257 SD1 Relating to Lease Extensions on Public Land

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

Thank you for this opportunity to submit testimony on this matter. The Waimea Hawaiian Civic Club **strongly OPPOSES** Senate Bill No. 257 SD1 Relating to Lease Extensions on Public Land.

This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight. If the public has restricted access for input the result is restricted transparency. In addition, limited input will severely impede beneficiaries’ access on land stewardship and environmental concerns.

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

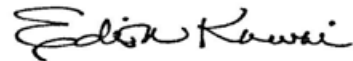
In addition, allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of

Hawaiian “public” lands that may eventually lead down the slippery slope of lease to fee conversions and result in de facto “taking” of public trust lands.

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

Once again, thank you for the opportunity to submit testimony on Senate Bill No. 257 SD1 Relating to Lease Extensions on Public Land.

Me ka `o ia i`o nō,

A handwritten signature in black ink that reads "Edith Kawai". The signature is written in a cursive style with a large, stylized 'E' and 'K'.

`O wau `o Edith Kawai
Waimea Hawaiian Civic Club
Pelekikena

KA LĀHUI HAWAI‘I KŌMIKE KALAI‘ĀINA

BEFORE THE SENATE WAYS AND MEANS COMMITTEE

MARCH 3, 2021

SENATE BILL 257
Relating to Lease Extensions on Public Lands

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

Ka Lāhui Hawai‘i Kōmike Kalai‘āina submits the following written testimony in **STRONG OPPOSITION** to Senate Bill 257 which authorizes the the Board of Land and Natural Resources to extend certain leases of public lands for commercial, mixed use, industrial, resort, or government use. The result of this measure would be developers may end up with century long leases because the extensions are uncapped.

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

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

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

Me ka oiai‘o,

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

SB-257-SD-1

Submitted on: 3/3/2021 10:05:40 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Dolena	Testifying for Pele Lani Farm LLC	Oppose	No

Comments:

I urge you to OPPOSE SB 257.

In this fast changing world, why would anyone grant leases for 100 years?

It is no longer logical that what makes sense today will make sense 10 years from now.

Sylvia Dolena, Pele Lani Farm LLC

And here is an awesome comparison by Debbie Ward:

100 years ago...

WWI and the 1918 pandemic just ended

No minimum wage

Alcohol prohibited, only silent movies

DHHL not yet established.

Prince Kuhio was Hawaii's delegate to Congress

Hawaii's Queen Lili'uokalani had passed only two years earlier

Hawaii's first cars were sold just 10 years earlier.

Kahoolawe was first leased for ranching in 1918

Orville wright had recently flown a 12 second airplane flight.

First inter island mail flight in 1920, but commercial flights started in 1929

No flights from continental US until 1936

Women win right to vote in 1920

There were only five hotels in Hawaii

First inter island steamship had not yet sailed

Matson did not begin shipping for another ten years

Ala Wi Canal had not been dredged

First telephone service would not begin for another ten years

SB-257-SD-1

Submitted on: 3/4/2021 9:00:56 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
jacinto kaleo zulueta	Testifying for cinesthesia investigation analysis	Oppose	No

Comments:

The state of hawai'i is illegal. State of hawai'i does not control what happens to Hawai'i. Kanaka maoli and their allies control hawai'i. Do not continue the illegal occupation.

SB-257-SD-1

Submitted on: 3/2/2021 3:39:06 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ursula Chong	Individual	Oppose	No

Comments:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

I strongly oppose SB 257

SB-257-SD-1

Submitted on: 3/2/2021 3:54:19 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nana-Honua Manuela	Individual	Oppose	No

Comments:

Copy and paste this if you need testimony wording: **REVISED WORDING:** This bill would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/2/2021 3:54:43 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I strongly oppose this bill for the following reasons:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

Please oppose this bill.

McCully Works

69 Railroad Ave. A-19

Hilo, Hi. 96720

808-933-7000

March 2, 2021

TESTIMONY IN SUPPORT OF SENATE BILL 257 SD1 RELATING TO LEASE EXTENSIONS ON PUBLIC LANDS

Senate Committee Ways and Means

Chair: Donovan Dela Cruz Vice-Chair: Gilbert Keith-Agaran

I support the passage of SB257 which would allow Urban public land lessee's the opportunity to extend their leases in exchange for substantial improvements as defined in the bill. This amending of HRS 171 would take the information garnered from the implementation of Act 149, 2018 which amended HRS 171 for a specific area of the state, the Hilo Economic District, and extend those benefits throughout the entire state.

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

Of note, and caution, restrictions within the bill to restrict sub-leasing and assignment, including restricting eligible leases to those acquired or assigned more than ten years prior, are economically inefficient and will lessen the value of this legislation. For example, there is no such thing as a "true sublease". This is a policy construct and not based on industry practice or bank underwriting requirements for mortgages. Other restrictions seem arbitrary and the stated concern, a fear of "flipping" and "speculation", are not borne out by the market history of non-residential leasehold markets in Hawaii. Let's keep it simple and have an amended law that reflects the good intentions of this bill.

Mahalo,

James McCully

SB-257-SD-1

Submitted on: 3/2/2021 4:58:00 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael A Manuela	Individual	Oppose	No

Comments:

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/2/2021 5:24:17 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I vehemently oppose this SB257. This bill reads as an arbitrary approach to lands with no protections, respect or integrity.

SB-257-SD-1

Submitted on: 3/2/2021 5:59:58 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Dear Senate members:

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

Native Hawaiians have been priced out of their own land and this abuse of "ceded lands" has to stop. These lands need to be used for the benefit of Native Hawaiians.

Mahalo for reading and considering my testimony.

MeleLani Llanes

SB-257-SD-1

Submitted on: 3/2/2021 6:36:32 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Phaethon Keeney	Individual	Oppose	No

Comments:

Aloha! Please oppose SB257 SD1. Leases of public lands must include a meaningful chance for the public to weigh in prior to any extension approvals (or denials) for public lands.

Thank you

Phaethon Keeney Honokaa HI

SB-257-SD-1

Submitted on: 3/2/2021 6:38:15 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

OPPOSE

We have seen over the last years exactly how BLNR conducts itself regarding leases. We now see how the legislative body is creating bills to manipulate leases to work in favor of corporations, the military and foreign governments. We are asked to work within the system, trust that the legislators are acting in good faith, then a bill like this one appears again, after it has been previously denied. Here we have again, pushing like a small child with parents, until getting what one wants. To date, people with current leases, like UH and the military have abused the lands and ignored not only the people but the Hawai`i Supreme court. WHY would we believe that giving folks 100 year leases would improve that situation?

*It gives the BLNR too much power with no oversight or input from the public. We have seen on issues about water, land and the Mauna that the BLNR has many back doors to avoid listening to and following through on public concerns. In attending meetings at the BLNR, personally, I have seen favoritism on who gets to sit in that small room, order of speaking adjusted and other attempts to hinder information and speech. There is no accountability in place.

Specifically to this current rendering of a lease bill, let us not forget that the majority of the lands held in public trust are ceded lands or Hawaiian Kingdom crown lands and are to be used for the betterment of Hawaiians. Lost in these bills is the idea that somehow people other than Hawaiians can determine what is better.

Once again, Opposed to this bill.

SB-257-SD-1

Submitted on: 3/2/2021 7:17:14 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”, not for public use.

Allowing the extension of leases beyond 65 years with no cap will result in 100 year leases that would set up developers as pseudo land owners of Hawaiian “public” lands, which should not happen.

Every decision on Hawaiian Lands in Hawaii should be made public, with public input, and available for public testimony.

I am an heir to a number of Ahupua'a which have been filed with the State of Hawai'i. I have undivided interest and have rights to all decisions on my land. I hereby oppose this bill.

Queen Maelani Lee

SB-257-SD-1

Submitted on: 3/2/2021 7:39:25 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sally Thrasher	Individual	Oppose	No

Comments:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/2/2021 7:43:46 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Strongly OPPOSE!

SB-257-SD-1

Submitted on: 3/2/2021 7:47:56 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha,

I strongly oppose SB 257. Extending leases that may have already been in place for decades or perhaps even a century or more is problematic for the following reasons:

- This bill would provide the BLNR the power to extend leases of “public” lands for use with little or no public input or oversight.
- Lengthy leases don’t allow the ability to make any changes to the lease, such as increasing rent or amending other terms.
- It is difficult to force a tenant to vacate the property if the need arises and the lease is for a longer term.
- Not all lease extensions support the public benefit rationale for long term.
- The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands and the State has obligations by law that must be met. Long term leases do not meet the criteria for accomplishing those responsibilities over time.

Thank you

Dee Green

SB-257-SD-1

Submitted on: 3/2/2021 8:02:27 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

At this point in time, it's grossly evident that the DHHL can not manage Hawaiian Home lands for the best interest of the living Native Hawaiian population. Consultation from homesteaders, those on the list, and any Hawaiian national should always be a priority when making decisions that affect our Aina. Mahalo.

SB-257-SD-1

Submitted on: 3/2/2021 8:19:10 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I oppose this bill.

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

Nohea Santimer

SB-257-SD-1

Submitted on: 3/2/2021 8:29:05 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Adam Pellegrin	Individual	Oppose	No

Comments:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/2/2021 8:32:10 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Renee Robinson	Individual	Oppose	No

Comments:

This is so stupid. STOP giving extended leases to non-locals on Hawaiian lands!!! It past time to return the aina to the Hawaiians!!!!

Seriously, give the aina back to the Hawaiians!!!

SB-257-SD-1

Submitted on: 3/2/2021 9:19:59 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiana C.N. Dole	Individual	Oppose	No

Comments:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/2/2021 9:21:58 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
DeeDee Bertelmann	Individual	Oppose	No

Comments:

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

Submitted on: March 2, 2021

****OPPOSED to SB 257 SD1****

RE: Relating to Lease Extensions on Public Lands

Submitted to: Senate WAM Committee

Aloha e Chair and Members of the Committee,

SB 257 SD1 should be TERMINATED

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

This is another attempt to circumvent existing State laws as outlined in Hawaii Revised Statutes Chapter 171 to extend the leases of public lands for the benefit of special interest groups and private entities through the introduction of this bill that was initially submitted by Governor David Ige in the 2019 session.

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

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

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

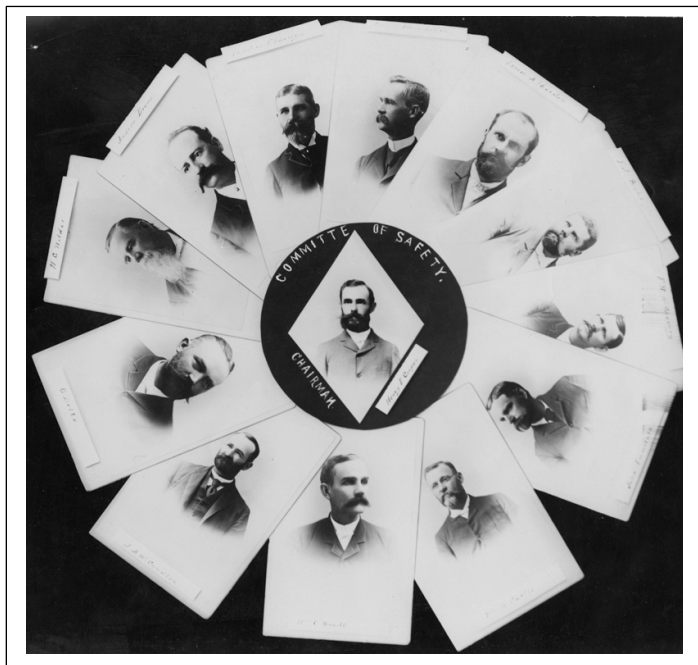
One such argument given is that a lessee won’t have any economic incentive to invest in a property if the lease expires in 10 or 15 years. If it was a sound and properly-run business, it would have been investing in the property throughout the duration of the lease especially with the money saved from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

compelled to automatically renew these leases every 10-15 years before they expire. So, when would such a lease actually end with this argument? It wouldn't! It would be continuously renewed.

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

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

Passing this bill out of this committee will be similar to the adverse actions orchestrated by the Committee of Safety in 1893 that have adversely impacted Native Hawaiians and these lands of Hawai'i. How do you and this committee want to be remembered in history?



SB-257-SD-1

Submitted on: 3/2/2021 9:45:50 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I'm concerned this bill leaves little opportunity for public input on leases.

SB-257-SD-1

Submitted on: 3/2/2021 9:49:50 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I strongly OPPOSE SENATE BILL 257, and these are the reasons why:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

You all have the responsibility to look out for the land and resources and to stop catering to corporations and businesses. Mahalo

SB-257-SD-1

Submitted on: 3/2/2021 9:54:26 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra M Javar	Individual	Oppose	No

Comments:

My name is Debra M. Javar. I am native Hawaiian and I live in South Kona on Hawaii's Island. I oppose SB257. The leases should not be extended. These lands are to be used for the benefit of us Native Hawaiian people and it needs to be done now. Us Hawaiian people are not going to benefit if they extend the lease,, in fact we could actually end up losing the land. We have already lost too much land. So do not extend these leases. Thank you.

SB-257-SD-1

Submitted on: 3/2/2021 9:58:06 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
n marciel	Individual	Oppose	No

Comments:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/2/2021 10:05:34 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ramona Hussey	Individual	Oppose	No

Comments:

These are Public Lands. DO NOT extend leases on public lands.

SB-257-SD-1

Submitted on: 3/2/2021 10:23:31 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Return Hawaiian Lands to Hawaiian Hands.

I oppose extending these 100-yr. leases - it's so simple and basic that it's what we tEAch our keiki: DO NOT TAKE WHAT IS NOT YOURS = DO NOT STEAL.

These lands ARE STOLEN, ARE NOT YOURS = RETURN THESE LANDS TO THE RIGHTFUL OWNERS - NATIVE HAWAIIANS, KANAKA MAOLI, THE BENEFICIARIES, THE DESCENDANTS.

SB-257-SD-1

Submitted on: 3/2/2021 11:04:16 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

DHHL is facing a severe budget shortfall which require addressing.

1. Rent appraisals must be conducted by a select group of independent commercial appraisers disregarding any current DHHL comps. Establish a pool of appraisers and require two appraisals.

2. No more selling of leases for profit as is currently done. Any lease sold or rented for profit indicates that the initial lease was too low.

3. Leases must be tied to an index. The values change dramatically over 40 years.

4. Lessees that allow their properties fall into disrepair should be cited and fined.

5. Is there a Hawaiian owned business priority for assignment of leases? Hawaiian as defined by DHHL for residential and ag leases

6. No \$1 leases to any entity. Everyone pays fair market value.

7. All leases to be submitted to the Hawaiians registered with DHHL for a vote to approve. It's their land after all.

8. Any lease must include a traffic assessment. Lessees would be responsible for the installation of needed infrastructure to include egress and traffic control signals.

9. Leased properties must procure 50% of their electricity from green energy.

10. Leases to out of state owners should pay a premium.

Thank you for your time.

SB-257-SD-1

Submitted on: 3/2/2021 11:34:09 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Allen	Individual	Oppose	No

Comments:

My family owns a small farm in South Kona on the Island of Hawaii. The majority of the lands in question are to be used for the betterment of the Hawaiian people. Longer leases as well as bypassing public bidding and the chance of requesting environmental assessments would run counter to that goal. I ask you to not pass SB257.

SB-257-SD-1

Submitted on: 3/3/2021 4:21:44 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I strongly oppose **SB257**.

If this bill passes, it would continue the oppression of we Hawaiian people another 100 years.

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/3/2021 6:33:25 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Please do not move SB257 forward. It is not in the best interest of the beneficiaries.

SB-257-SD-1

Submitted on: 3/3/2021 7:41:19 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mavis Oliveira-Medeiros	Individual	Oppose	No

Comments:

Aloha Senators,

We would like to oppose this bill. It is not beneficial to Native Hawaiians when you lease out the lands meant for our betterment, to big corporations, developers and the like.

Mahalo,

Mavis Oliveira-Medeiros

Earle Medeiros, Sr.

Earle Medeiros, Jr.

SB-257-SD-1

Submitted on: 3/3/2021 7:44:31 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha my name is Kaniela and I'm from Hanamāhū 'ulu, Kaua'i. I am writing this morning to oppose SB257. This bill pertains to lands that are being leased which are crown lands, which are ceded public for the use by Hawaiian Nationals. These lands were seized by the State of Hawaii and not being used for the betterment of Kanaka Maoli (native Hawaiians). This just furthers the displacement of Native Hawaiians to the lands deeded to them prior to the illegal overthrow of the Hawaiian Kingdom. And now this bill wants to extend lease beyond to suit big corporations and foreign companies. Please do the right thing and deny this bill so we can start rebuilding trust.

SB-257-SD-1

Submitted on: 3/3/2021 8:17:44 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacob B Shearer	Individual	Oppose	No

Comments:

Aloha, my name is Jacob Shearer, I am a resident of Kaimuki.

Most lands held in the public land trusts are Hawaiian Kingdom Crown and government lands, to be used for the betterment of the conditions of Kanaka Maoli. Allowing greater extensions of leases beyond 65 years could make developers indistinguishable from land owners of Hawaiian public lands and reduce the opportunity for public bidding, input and review of stewardship practices. Please oppose this bill and protect these lands from greedy developers.

Mahalo.

SB-257-SD-1

Submitted on: 3/3/2021 8:20:57 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

To whom it may concern,

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

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

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

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

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

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

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

Ua mau ke ea o ka 'aina i ka pono.

Sincerely,

Puanani Apoliona-Brown

SB-257-SD-1

Submitted on: 3/3/2021 8:25:11 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kahikina Young	Individual	Oppose	No

Comments:

I strongly oppose SB257. The DLNR needs to uphold its initial mission and responsibility to "Enhance, protect, conserve and manage **Hawaii's** unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of **Hawaii** nei.." not 'provide lease extensions for any and all industrial, commercial, and resort leases of public lands.'

This is an insult to the organization itself. A sure abuse of power, and a failure to serve the people of Hawaii.

SB-257-SD-1

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

Testimony for WAM on 3/4/2021 1:35:00 PM

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 now residing in Mā‘ili‘ili where I've lived all my life in my ancestral homelands. I'm writing in STRONG OPPOSITION to SB257.

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

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

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

This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed. This should never happen.

Oppose this bill.

me ke aloha ‘Āina,

Nanea Lo

SB-257-SD-1

Submitted on: 3/3/2021 8:34:33 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Hi my name is Joseph and I oppose SB257.thank you and have a nice day.

SB-257-SD-1

Submitted on: 3/3/2021 8:37:15 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha mai kākou,

I write to you as a young-adult, a kanaka wahine, someone who has grown up witnessing the immense amount of gentrification and gross expanse of commercialization/buildings. I OPPOSE this bill with every kāpuna of mine behind me, and say to you that you must listen to why we oppose such a dishonor and decietful bill. Most of these lands are ceded lands and are of such to perpetuate our people, the Hawaiian people. To help to better us, in a world where everything we have is taken away and comodified to those who only see us as their paradise or fantasy. You know that there are so many issues involving our population as indigenious, with houslessness on the rise, to poverty, to famine, to a lack of proper and good education, to the wrongful imprisonment and depressing arrest of more Hawaiians than any other ehtrnicity in this "state."

These lands were meant for us, they were not and SHOULD not be meant for the profits of those who do not care about anything other than the amount in their bank account. You, as house and senate officials have a responsibility to care for the people that live on these lands, so I remind you of all the problems I listed above, with the addition of so much more, that you must tend to those first, before even starting to consider the lease of these sacred lands to those who do not belong here.

Enough is enough.

Mahalo,

Malia Hulleman

SB-257-SD-1

Submitted on: 3/3/2021 8:42:53 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha! Please **OPPOSE** SB257 SD1. Leases of public lands must include a meaningful chance for the public to weigh in prior to any extension approvals (or denials) for public lands.

SB-257-SD-1

Submitted on: 3/3/2021 8:44:03 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Whispering Wind	Individual	Oppose	No

Comments:

Aloha! Please **OPPOSE** SB257 SD1. Leases of public lands must include a meaningful chance for the public to weigh in prior to any extension approvals (or denials) for public lands.

SB-257-SD-1

Submitted on: 3/3/2021 8:49:38 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha Kā• kou,

As a kanaka maoli to this land, this Senate Bill (SB257) spews greed and lust for control of Hawaiian public lands. To pass such a bill is wrong in so many levels. Giving even more control and power to the BLNR to extend leases of our public lands for the betterment of commercial, mixed, industrial, resort and government use with little or no public input or oversight? How sensible is this? Giving even more power to an entity that is NOT for the betterment of Hawai'i's people? Majority of these lands in the public lands trust are "ceded lands", Hawaiian Kingdom Crown lands which are supposed to be used for the betterment of "native Hawaiians ". Allowing such an extension beyond 65 years sets up developers as pseudo land owners of OUR Hawaiian public lands. This bill would allow current lessees to bypass a public bidding process? Again a bill full of greed and stands to benefit no one except big business. I urge you to stop this bill and OPPOSE SB 257. Mahalo for your time on this precious matter. Me ka ha'aha'a, Malia Marquez.

SB-257-SD-1

Submitted on: 3/3/2021 8:50:34 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donavan Albano	Individual	Oppose	No

Comments:

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

Mahalo for the opportunity to submit testimony. My name is Donovan Kamakani Albano, a Kanaka 'ĀĀe'iwi Hawai'i of Kalihi, O'ahunuialua. I am writing to share my strong *opposition* to SB257 and urge you to vote 'no' on the measure.

This bill would provide the Board of Land and Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight. The majority of the lands held in the public lands trust are "ceded lands" or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of "native Hawaiians". Allowing the extension of leases beyond 65 years with no cap will result in 100 year leases that would set up developers as pseudo land owners of Hawaiian "public" lands. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

KĀ• naka Maoli, the Native people of Ko Hawai'i Pae 'ĀĀina, are genealogically tied to our 'Ā• ina, lands and waters, and we have the right to govern our lands. The settler state has long desecrated our stolen and sacred lands, and to provide the settler state with the power to further extend leases would further sever us. Indigeneity recognizes the connection of Indigenous and autochthonous peoples to their lands, and the settler state has been and is implicated in the attempted erasure of Indigenous presence. This, in itself, is an ever-present act that is rooted in and perpetuates settler colonialism, institutional racism, misogyny, extractive capitalism, and the attempted erasure of indigeneity. Institutions that are foreign-serving should not have the power to decide what happens with Native land - we want our land back.

Mahalo for the opportunity to submit testimony in opposition to SB257.

SB-257-SD-1

Submitted on: 3/3/2021 8:50:42 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kady Taylor	Individual	Oppose	No

Comments:

Aloha Ma,

my name is Kady Taylor. I am from Berlin. My first visit to Hawaii was in 2019, since then I experienced Kauai, Big Island and Oahu. I chose to testify my disapproval, because it is a violation to Hawaii's culture, its role in human history and evolution, an act of disrespect towards the values and independence of the kanaka maoli. It is a denial of the atrocity, that the hawaiian kingdom is occupied and would therefore prolong the sellout to foreign entities.

Mahalo, Kady Taylor

SB-257-SD-1

Submitted on: 3/3/2021 9:02:44 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleihua Kapua™ala	Individual	Oppose	No

Comments:

Aloha,

My name is Kaleihua Kapua'ala and I **OPPOSE** SB257.

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/3/2021 9:36:11 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

NA KUPUNA MOKU O KEAWE

Hanalei Fergerstrom, Spokesperson

Na Kupuna Moku O Keawe

P.O. Box 951

Kurtistown, Hawaii 96760

808 938-9994

hankhawaiian@yhoo.com

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

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

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

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

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

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

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

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

Signed this day: February 14, 2021

Sincerely, Hanalei Fergstrom

SB-257-SD-1

Submitted on: 3/3/2021 9:43:48 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I reside on Oahu. As a kanaka maoli, I oppose this bill.

SB-257-SD-1

Submitted on: 3/3/2021 9:54:55 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jamaica Osorio	Individual	Oppose	No

Comments:

Aloha kākou,

O wau nā o Dr. Jamaica Heoliemeikalani Osorio and I am a professor of Native Hawaiian and Indigenous Politics at the University of Hawai'i at Mānoa. I write to you in full opposition to SB 257.

This bill represents another attempt by the state to further disenfranchise Native Hawaiians from our ancestral lands and attempts to continue the facade of American title over our Native lands and government.

This bill would provide the Board of Land and Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight. The majority of the lands held in the public lands trust are "ceded lands" or Hawaiian Kingdom crown and government lands which were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai'i to be held in a public trust for 5 purposes. One purpose being the betterment of the conditions of "native Hawaiians" as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.

Allowing the extension of leases beyond 65 years with no cap (e.g. some lessees could end up with a 105 year lease) would set up lessees as pseudo land owners of Hawaiian "public" lands that may eventually lead down a slippery slope of lease to fee conversions. This could have a devastating impact on specific sacred sites such as Mauna a Wākea, Pāhāku, Makua Valley, etc.

Importantly the title over these lands is still heavily contested. Therefore, this bill proposes to circumvent both international law and Hawai'i's own constitution that have designated these lands for the betterment of Native Hawaiians. The state is still defunct in meeting the supreme court mandate of paying 20% of ceded land revenues. These existing issues must be resolved before Any further leasing (or sale) of Hawaiian Kingdom crown and government lands.

Certain majorly contested leases are set to expire in the coming years. Specifically, the lease to PÅ• hakuloa Training Area and Makua Valley The native Hawaiian community does not consent to the extension of these leases and many of us see this bill as an opportunity for the state to do just that without any community oversight and input. This represents yet another mechanism to steal and repurpose our 'Ä• ina.

The Native Hawaiian community does not consent to this ongoing theft and occupation of our 'Ä• ina. We implore the state to uphold its constitutional mandate to hold these lands in trust. Any act/ legislation that would threaten that should be swiftly defeated.

Me ka 'oia'i'o,

Dr. Jamaica Heolimeleikalani Osorio
Assistant Professor
Indigenous & Native Hawaiian Politics
Department of Political Science

University of Hawai'i at MÄ• noa
2424 Maile Way, Saunders
Honolulu, HI 96822

SB-257-SD-1

Submitted on: 3/3/2021 10:08:20 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalae Lopes	Testifying for Koolaupoko Hawaiian Civic Club	Oppose	No

Comments:

Aloha, my name is Kala'e Lopes and I oppose this bill. I have worked in the real estate field for a few years both commercial and residential. Long term Land leases do not benefit the Hawaiian people. Military bases are already occupying long term. Now these mainland developers are getting long term use of land that should be used and allowed the flexibility to accomodate the native and local residence. How much more Hawaiian land will the state continue to put in the hands of non-kamaaina.

This bill will provide the board of land and natural resources The power to extend leases of public lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight. The majority of the land held in the public land trust our cedad lands or a Hawaiian kingdom crown and government lands to be used for the betterment of the conditions of native Hawaiians. Allowing the extension of lease is beyond 65 years with no Will result in 100 year leases that would set up developers as Sudoland owners of Hawaiian Public lands. This bill would allow current leases to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmentally assessed.

SB-257-SD-1

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

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Hello, I am a resident of California with family in Hawai'i who has been a follower of the Protect Mauna Kea movement for a few years. I fiercely oppose this bill because long leases are dangerous and allow for developers to move in. The land needs to be in control of legally by Native Hawaiians.

SB-257-SD-1

Submitted on: 3/3/2021 10:21:59 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor Warner	Individual	Oppose	No

Comments:

Aloha,

I oppose SB257 and long term private leases on public property for over 100 years. Places like Pohakuloa on Hawaii Island have shown that long term leases on these lands is detrimental to place. Long term leases do not take care of these lands as it is only a temporary holding. These government lands should remain in the hands of Hawaiian people. These lands should be managed for longterm perpetuity of natural resources and for bennefit of the Hawaiian people.

mahalo nui loa,

Taylor Warner

SB-257-SD-1

Submitted on: 3/3/2021 10:22:13 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

STRONG OPPOSITION. A state of Hawaii entity should not have power over land from an international recognized nation.

SB-257-SD-1

Submitted on: 3/3/2021 10:22:38 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

STRONG OPPOSITION. A state of Hawaii entity should not have power over land from an international recognized nation.

SB-257-SD-1

Submitted on: 3/3/2021 10:24:12 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I am in opposition of SB 257 due to the fact that not enough (if at all) dialogue was made with Native Hawaiian groups. How can the state gain the trust of its people if politicians are able to sneak in Bills such as SB 257 that will affect the layout of Hawaii for generations? Enough is enough!

March 3, 2021

SB 257
RELATING TO LEASE EXTENSIONS ON PUBLIC LAND.

Companion: HB499

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

I OPPOSE SB 257 for the following reasons:

Court Cases confirm Board of Land and Natural Resource ("BNLR") have an obligation and duties to protect the Trust land for the Native Hawaiian people of the Land.

1. <https://caselaw.findlaw.com/hi-intermediate-court-of-appeals/1618309.html>.

CONCLUSION

We affirm the Circuit Court's final judgment with respect to the entry of judgment in favor of the State Defendants on Count 8 and in favor of the State Defendants and Kawaiaha'o Church on Counts 9 and 10. We vacate the final judgment with respect to the entry of judgment in favor of the State Defendants and Kawaiaha'o Church on all other counts (Counts 1, 2, 3, 4, 5, 6, 7, 8 (as to Kawaiaha'o Church), and 11), and we remand the case for further proceedings consistent with this Opinion.

2. <https://casetext.com/case/palila-v-hawaii-dept-of-land-natural-res>

CONCLUSION

The district court's finding of habitat degradation that could result in extinction constitutes "harm." The district court's finding of a "taking" was not clearly erroneous. We do not reach the issue of whether the district court properly found that harm included habitat degradation that prevents recovery of an endangered species.

3. <https://cite.case.law/haw/140/500/>

CONCLUSION

Accordingly, we remand this case to the circuit court for further proceedings to resolve the issue of whether recreational aquarium collection under HRS § 188-31 and DLNR's administrative rules is also subject to HEPA.

4. <https://www.leagle.com/decision/inhaco20190823282>

CONCLUSION

The Supreme Court affirmed the trial court's determination that the State breached its constitutional trust duties by failing reasonably to monitor or inspect trust land at issue in this case, holding that an essential component of the State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's use of the property, regardless of whether the third party has in fact violated the terms of any agreement governing its use of the land.

5. <https://www.google.com/url?client=internal-element-cse&cx=015176889377364375695:awlaikv1y0a&q=https://www.courts.state.hi.us/wp-content/uploads/2018/08/SCAP-17-0000059.pdf&sa=U&ved=2ahUKEwik4f-T8pTvAhXivJ4KHW7GCAwQFjADegQICRAC&usg=AOvVaw2d2sJIIAr5vIVTjEnzBaRq>

CONCLUSION

For the reasons stated above, we reverse the environmental court's January 6, 2017 Final Judgment and "Order Granting In Part and Denying In Part Appellees State of Hawaii#i, Board of Land and Natural Resources, Department of Land and Natural Resources, and Chairperson Suzanne D. Case's Motion for Stay of Proceedings, or in the Alternative for the Court to Issue its Decision on Appeal, Filed October 25, 2016; Vacating Consent to Sublease and Non-Exclusive Easement Agreement Between TMT International Observatory LLC and the University of Hawaii Under

6. [www.courts.state.hi.us> opin_ord> sct> December> SCAP-14-0000873](http://www.courts.state.hi.us/opin_ord/sct/December/SCAP-14-0000873)

CONCLUSION

For the foregoing reasons, this court vacates the circuit court's May 5, 2014 Decision and Order Affirming Board of Land and Natural Resources, State of Hawaii's Findings of Fact, Conclusions of Law and Decision and Order Granting Conservation District Use Permit for the Thirty Meter Telescope at the Mauna Kea Science Reserve Dated April 12, 2013, and final judgment thereon. This matter is remanded to the circuit court to further remand to BLNR for proceedings consistent with this opinion, so that a contested case hearing can be conducted before the Board or a new hearing officer, or for other proceedings consistent with this opinion.

The above history repeats over and over State breached its constitutional trust duties to the land that was in trust for the Native Hawaiian people of the Land.

Therefore, the reason why this SB 257 should be OPPOSED.

Mahalo,

Cindy Freitas

SB-257-SD-1

Submitted on: 3/3/2021 10:38:41 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
tania victorine	Individual	Oppose	No

Comments:

Aloha,

I am a mom of 3 and Kanaka Maoli. I have recently been educating myself more on the government corruption and teaching my keiki as I go along. Truth is these public lands were illegally seized without consent during the overthrow of our Hawaiian Kingdom and now being used for profit which is absoutely WRONG.

Do what is pono, and return it to the public so that Hawaiian families can malama our aina for the next generations to come.

SB-257-SD-1

Submitted on: 3/3/2021 10:45:39 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Madison Boyle	Individual	Oppose	No

Comments:

As a resident of Hawai'i I cannot express enough how much I oppose this bill. Passing this bill will allow people to be pseudo-landowners of land that should belong to native Hawaiians. This land was stolen, so there at least needs to be oversight on who can have these leases. I am appalled that there is such negligence towards the aina. Do not pass this bill, and let leases be up for debate in the public sphere. It's not your land to begin with, aina cannot be owned. If anything, this land should be used for the betterment of native Hawaiians *as it was originally intended to be used.*

Let the public have a say.

SB-257-SD-1

Submitted on: 3/3/2021 10:54:30 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nalu OConnor	Individual	Oppose	No

Comments:

Aloha,

I oppose bill SB257 SD1 because of it's lack of integrity for having no over sight of governmental regulation. Without public or community input the bill will create opportunities for outside entities to control leases and property throughout Hawai'i. Through U.S. and international law these lands do not belong to the State of Hawai'i therefore they cannot lease lands without the Native Hawaiian input.

Na'u,

Nalu

SB-257-SD-1

Submitted on: 3/3/2021 11:05:14 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharlene Tuiasoa	Individual	Oppose	No

Comments:

Aloha, my name is Shar Tuiasoa. I am a Kailua resident on O'ahu, where I was born and have lived for the majority of my life. I am submitting my testimony in opposition to bill SB257.

I am the daughter of a Tongan immigrant, and the wife and mother of Hawaiian men, who have also had land that was put in their care, taken without compensation or consultation. I continue to advocate for giving land back to the rightful stewards: Hawaiians.

As we come upon the proposed extension of these ceded lands, or rather, crown lands, we must revisit how they became public lands in the first place. There are endless documents in Hawaiian hands to prove that these lands are under their stewardship. The burden of proof rests on the state to prove otherwise. We cannot extend these leases any further, especially without consultation of the Kanaka Maoli community and stewards, or we will continue to experience the erasure of the indigenous communities and cultures of Hawai'i.

And that loss will be on your hands.

Mahalo for your time,

SHAR

SB-257-SD-1

Submitted on: 3/3/2021 11:09:14 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jordan Hocker	Individual	Oppose	No

Comments:

To whom it may concern,

My name is Jordan Hocker and I live in KÄ“Ä• kea on the island of Maui. Land use is a highly controversial topic in Hawaii, mainly because of the illegal occupation of Hawai‘i by the United States beginning in 1893. I bring this up because it is important to note the full foundation upon which SB 257 is based. BLNR has an atrocious track record with Native Hawaiians and management of land that by all legal rights belongs to them, to allow them complete control of lease extension process without public input is effectively land theft once again. The facts are quite clear that Native Hawaiians have legal right to those lands. BLNR should be allowed no be the sole party in extending the leases to companies and entities that, still to this day, allow the theft of Hawaiian Lands from Hawaiian people.

To move to the modern day, BLNR should not have the ultimate authority without community input period. It is this kind of law that creates the unlimited potential of abuse through the land leasing process and we cannot allow that to happen or continue to happen. Morally, this bill is corrupt. Legally this bill is a continuance of the crimes of the United States government. And ethically, this bill seeks obscure land use in Hawaii, which is already operating commercially and otherwise in a highly unethical way. I could not oppose SB 257 more and if allowed to be enacted, know that it is fully seen for the power grab that it is.

Thank you for your time,

Jordan Hocker

SB-257-SD-1

Submitted on: 3/3/2021 11:11:21 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Anuenu Holland	Individual	Oppose	No

Comments:

Aloha Senators, My 'ohana and I strongly oppose this measure. Please defer SB257. Mahalo!

SB-257-SD-1

Submitted on: 3/3/2021 11:28:01 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maya Maxym	Individual	Oppose	No

Comments:

I oppose this bill. Thank you.

SB-257-SD-1

Submitted on: 3/3/2021 11:43:49 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Clark	Individual	Oppose	No

Comments:

Aloha, I am your constituent in Kaimuki. I'm writing to extend my strong opposition on SB257, relating to lease extensions on public lands.

This bill extends the leases on "public" lands with little or no public input or oversight. That alone should be enough to clearly oppose this bill. Public input/oversight may be an additional step, but it is necessary to preserve our democracy. The public needs to oversee any lease extension.

Another consideration it's that the majority of these lands held in public land trusts are "ceded" lands. These lands' sole use is for the betterment of the conditions of "native Hawaiians." Allowing extensions beyond 65 years with NO cap will result in 100 year leases. This would set up developers as pseudo-land-owners of Hawaiian "public" lands. Do you see how opposition to this bill is necessary?

Lastly, this bill will allow current lessees to bypass a public bidding process. That bypass would allow NO input on past, current, or future land stewardship. This means that the lessees would not be held accountable. There would be no review, no potential to negotiate a higher-rent, and no environmental assessment, especially important is today's climate change. Vote in opposition of this bill. Malama pono.

SB-257-SD-1

Submitted on: 3/3/2021 11:47:49 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kealoha Pisciotta	Testifying for Mauna Kea Anaina Hou and Kai Palaoa	Oppose	No

Comments:

Aloha, my name is Kealoha Pisciotta, I submit the following testimony in OPPOSITION on behalf of myself, Kumu Paul K. Neves and the organizations Mauna Kea Anaina Hou and Kai Palaoa.

It is wholly improper, immoral and challengeable for lawmakers to attempt to diminish the body corpus of our land trust and to do so against the interest of the beneficiaries who are Native Hawaiians and the general public. Public lands or ceded lands are Crown and Government lands therefore the State Of Hawai'i is but a Trustee mandated by law to oversee these lands and to care for them in a manner consistent with the provisions of the Admissions Act. Native Hawaiians are right holders not stakeholders and as such we do not give our consent for the state to abuse our land or our rights! We oppose this measure and any companion bills as well.

In Aloha We Remain,

Kealoha Pisciotta

SB-257-SD-1

Submitted on: 3/3/2021 11:50:42 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha, my name is Kawena Lauriano and I am a resident of Nu'uuanu, Kona, O'ahu. I strongly oppose the extension of leases of Hawaiian ceded lands, beyond 65 years as this would set up developers as pseudo land owners of Hawaiian "public" lands, further pushing out Native Hawaiians and kama'Ä• ina from Hawai'i. In addition, this bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be, environmental assessments allowed.

SB-257-SD-1

Submitted on: 3/3/2021 11:58:26 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Davita Paracuelles	Individual	Oppose	No

Comments:

Aloha,

My name is Davita Paracuelles and I OPPOSE SB 257.

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/3/2021 12:10:45 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha Senators -

Please hold SB257.

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/3/2021 12:24:37 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Claire Townsend Ing	Individual	Oppose	No

Comments:

I strongly oppose this bill.

SB-257-SD-1

Submitted on: 3/3/2021 12:42:02 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha, I am Joyce Anderson from Kaneohe, Oahu. I am against this bill SB25. We Watch our Native American brother/sister and their broken Treaties. Family are already misplace from their ohana land. Some of us have Kuleana land and we are still fighting for it. For Example Trisha Kehaulani Watson/Hawaiian National land and we even fighting for scared land like Mauna Kea / Sherwood Forrets. We even I can name many more as you see this is already a struggle for Native Hawaiian/local. This bill is terrible one that shouldn't be a hearing. We trying to protect the aina / Kai / animals/ plants/ohana that you get to see on this beautiful aina. You gonna hurry with this but you aint hurry with trying to get Hawaiian back on their land. Some of our ohana are still on the waiting list. Some pass away before they even see there hale. You don't see a problem with this?

Mahalo for showing us and the world just how much we matter. Some of us already knew and thats why we fighting cause our lively hood depend on it.

SB-257-SD-1

Submitted on: 3/3/2021 12:57:42 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
william freitas	Individual	Oppose	No

Comments:

Aloha Senators!

I William Freitas in opposition to this proposed Bill SB257 for many reasons, 1st it takes away the right to bring forth evidence of existing land leases that have shown adverse, accumulated environmental impact to many conservation existing land leases, such as Mauna Kea on the island of Hawaii. 2nd, these areas are located on the island that we live on from my ancestors, and deserve the right to protect it, by law! HRS 92F2, HAR 183C and HRS 91. 3rd, this bill is to take away the rights of people who are directly going to be impacted, like Kahuku on the island of Oahu, by wind turbines, for future generations to have a say of what's being built in their backyards. 4th, this bill will cause more damage then good to the people of Hawaii, by foreign Investors.

We need this bill to be denied, because it take the rights of the people that pay each and every one of you! With that said, it would be in your best favor to vote "NO" to this SB257,for me as well as future generations, aloha!

Mahalo nui loa!

William Freitas

SB-257-SD-1

Submitted on: 3/3/2021 12:59:24 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I moved to Hawai'i to be with my family, who are Indigenous people but not Hawaiian. I have seen the way the effects of land being taken from Indigenous people has dire and unacceptable consequences. I have seen it on the mainland and on the islands of Hawai'i. Hawaiian people deserve the land that is rightfully theirs. Kanaka, unlike most settlers, know how to care for the land and have a deeper appreciation for the land than most of the landowners in any given place do. We have a climate catastrophe that is soon to be too late to fix. All lands possible should be given back to Indigenous peoples of any area, especially heavily militarized areas such as Hawai'i and other Pacific islands. We should not allow for non-Hawaiian, people who don't even always live here to lease this land and do what they please for any amount of time, nevermind a ridiculous amount of time, such as 100 years.

SB-257-SD-1

Submitted on: 3/3/2021 1:02:38 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

To whom it may concern:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

Allowing the extension of leases beyond 65 years with no cap will result in 100-year leases that would set up developers

as pseudo landowners of Hawaiian “public” lands.

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

Respectfully,

Jessica dos Santos

SB-257-SD-1

Submitted on: 3/3/2021 1:05:17 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Michal Hamid	Individual	Oppose	No

Comments:

I oppose this bill.

SB-257-SD-1

Submitted on: 3/3/2021 1:16:34 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leeshaun Kapua?ala	Individual	Oppose	No

Comments:

Aloha,

My name is Leeshaun Kapua'ala-Vanderford and I **OPPOSE** SB 257.

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

Allowing the extension of leases beyond 65 years with no cap will result in 100 year leases that would set up developers

as pseudo land owners of Hawaiian “public” lands.

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

SB-257-SD-1

Submitted on: 3/3/2021 1:27:03 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I am Clarence ku Ching, of Kamuela, Hawaii island - and I strongly oppose this bill.

I am also the Ching of the 2019 Hawaii Supreme Court appeal of Ching v Case - in which we prevailed - a case having to do with the "Hawaii state" lease of so-called : "ceded" (stolen Hawaiian Kingdom lands) to the military at Pohakuloa.

If you haven't read Ching v Case - then I would recommend that you read it, then check with your legal advisor about how you should vote on this bill, then, if you decide to vote "Aye" - that you make sure that your insurance policies are paid up and in full force.

Your "Aye" vote will possibly be "Un-Constitutional" - and you may be liable for violation of your fiduciary requirements and duties that may make you liable both ministerially and personally.

Why? You may ask.

1. The "ceded" lands (example Mauna Kea, Pohakuloa, Makua) were transferred to the "state" by the 1959 Admission Act, and is part of the "State" Constitution - and were transferred for betterment of the conditions of Native Hawaiians and the general public In Trust, with the "state" as Trustee, with fiduciary duties and responsibilities.

2. I believe that you as legislators are agents of the "state" - and so the fiduciary duties and responsibilities descend to you.

3. Ching v Case agrees that "the state" should reasonably check out its leases as often as every 2 years - and that includes protecting the resources of the lands - for the primary benefit of the beneficiaries. To not be apprized of such conditions for over 100 years would be a travesty!

4 Beneficiaries must have benefits that they consider to be benefits. Presently, existing leases do not appear to have any practical benefits for the beneficiaries. (That is also my perception!)

5. Therefore - the beneficiaries must be apprized of the condition of the assets and resources of the lease periodically.

6. By legislating legislation that restricts "the state" from doing its legally-required duties and requirements, I believe, you will be violating YOUR proxied fiduciary duties and responsibilities.

7. I also believe that violation of YOUR fiduciary duties and responsibilities could incur ministerial AND personal liability.

8. So - vote your conscience AFTER you educate yourself about your duties and responsibilities as a legislator as it applies to the duties and responsibilities as a Trustee (as agent for "the state!")

SB-257-SD-1

Submitted on: 3/3/2021 1:28:32 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha, my name is Alani Bagcal and I strongly oppose SB 257. "Public" lands should be used for the benefit of Native Hawaiians only.

Mahalo for this opportunity to testify,

Alani Bagcal

96815

SB-257-SD-1

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

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kehaulani Shintani	Individual	Oppose	No

Comments:

'A'ole.

SB-257-SD-1

Submitted on: 3/3/2021 1:34:46 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I strongly **OPPOSE** this measure. Public Lands include Crown Lands, Hawaiian Lands that the BLNR have no business extending leases on. Stop this land grab. Crown Lands belong to the Hawaiian people. Mahalo.

SB-257-SD-1

Submitted on: 3/3/2021 1:35:48 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

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

My name is Tammy Harp and I oppose SB257 SD1 Relating to Lease Extensions on Public Land.

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

By voting YES, your decisive impact could instill a long-lasting hardship upon respective communities.

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

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

Please vote No. If Committee Members are compelled to vote YES, then I suggest to ask your Higher Power for forgiveness for senseless continued harm upon a people who have been left to live a generational lie without any end to make a wrong right.

Mahalo for your time and consideration to oppose SB257 SD1.

Tammy Harp

SB-257-SD-1

Submitted on: 3/3/2021 1:45:25 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I **strongly** oppose this bill authorizing unilateral powers to extend leases. Many of these leases were done ages ago at VERY below market rates for vast swaths of land. The people of Hawaii (especially Native Hawaiians) deserve to have the opportunity to re-envision how these lands are to be used going forward -- not just more of the same! I note that many of these lands to the military are in 'Ewa & Wai'anae moku, where my 'ohana and I live. Furthermore, unfettered extension just simply extends the hewa to resources specifically benefitting Native Hawaiians -- does NOT the State of Hawai'i have a fiduciary responsibility to Native Hawaiians? I fail to see how this bill meets that legal threshold. 'A'ole loa!

LATE

SB-257-SD-1

Submitted on: 3/3/2021 1:57:32 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cameron Mahealani Ahia	Individual	Oppose	No

Comments:

As a Kanaka Maoli, I am opposed to this bill because it would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

Lanny Sinkin
Attorney at Law (Federal Practice)
P. O. Box 944
Hilo, Hawai'i 96721-0944
lanny.sinkin@gmail.com
March 3, 2021

Testimony in Opposition to SB 257 SD1

Hearing Date: March 4, 2021

Time: 1:35 p.m.

Place: Via Videoconference

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

LATE

Re: Testimony in Opposition to Senate Bill No. 257 SD1
Relating to Lease Extensions on Public Land

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

While I reject the proposition that the Kingdom was legitimately annexed to the United States, the fact remains that the State of Hawaii is still pursuing disposition of the lands belonging to the Kingdom, particularly the Crown and Government lands. The State is acting within the context of the Admissions Act, which created a trust that includes the Crown and Government lands, and placed the State as the Trustee of that Trust.

I urge you to oppose SB 257 as a violation of the trust responsibilities placed on the State of Hawaii by the Admissions Act. SB 257 allows for leases of up to 100 years for lands that fall within that trust. The Trust is not free to sell off these lands, so a "work around" that obstacle is for the State to lease the lands for an extraordinary length of time. That length of time is tantamount to selling the land to the lessee.

It appears that this bill is part of a larger agenda designed to extinguish the land claims arising from the false annexation and creation of the Trust. That disposition of the Kingdom lands is not in the interest of the beneficiaries of the Trust, among whom the law explicitly recognizes Native Hawaiians. To the contrary, such lengthy leases dispossess the beneficiaries of any control over the uses of the lands in question so far into the future as to make any "ownership" by the Trust moot.

Such lengthy leases are not in the interest of the beneficiaries and constitute a violation of the fiduciary obligations of the State as Trustee. Such a violation is only the latest in a long

line of actions by the State, as Trustee, detrimental to the interests of the beneficiaries. The State's failure to ensure that the United States Army avoided polluting the State lands that the Army leases for the Pohakuloa Training Area is another example. The calls for removal of the University of Hawaii from management of Mauna Kea based on a history of mismanagement further strengthens the conclusion that the State is not satisfying its obligations.

In a normal trust situation, those cumulative actions would be grounds for seeking the removal of the Trustee and the replacement with a Trustee dedicated to protecting and enhancing the Trust.

Under these circumstances, the State should not be seeking to expand the terms of leases. Please vote against SB 257.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 2:22:18 PM
Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kiana Leigh Rivera	Individual	Oppose	No

Comments:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

Allowing the extension of leases beyond 65 years with no cap will result in 100-year leases that would set up developers as pseudo landowners of Hawaiian “public” lands.

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

SB-257-SD-1

Submitted on: 3/3/2021 2:22:53 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jun Shin	Individual	Oppose	No

Comments:

This bill would remove the public from participating in what happens to public lands. With the State having not resolved the injustices done to the Hawaiian people and their claims to the land, this is also very highly improper.

SB-257-SD-1

Submitted on: 3/3/2021 2:31:47 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

Aloha, Chair and Senate members,

My name is Deborah Ward, I am a farmer in Mt View on Hawaii Island, I am a kupuna kia'i protector on Mauna Kea, and I am strongly opposed to SB257.

The entire premise of this bill is that lessees should be afforded extended leases over a period of 65 to 100 years with no public input. The problem with the premise is that the land is held in trust for the benefit of native Hawaiians, NOT the private lessee. The value of the land for the beneficiaries may be VERY different 65 or 100 years from now than it might be today.

100 years ago...

WWI and the 1918 pandemic just ended

No minimum wage

Alcohol prohibited, only silent movies

DHHL not yet established.

Prince Kuhio was Hawaii's delegate to Congress

Hawaii's Queen Lili'uokalani had passed only two years earlier

Hawaii's first cars were sold just 10 years earlier.

Kahoolawe was first leased for ranching in 1918

Orville wright had recently flown a 12 second airplane flight.

First inter island mail flight in 1920, but commercial flights started in 1929

No flights from continental US until 1936

Women win right to vote in 1920

There were only five hotels in Hawaii

First inter island steamship had not yet sailed

Matson did not begin shipping for another ten years

Ala Wi Canal had not been dredged

First telephone service would not begin for another ten years

65 years ago...

Republicans controlled the legislature. The first Democrats were elected in Hawaii in 1954

Democratic Party wins 55 of the 76 election contests (72.4%) to capture control of five of six legislative branches of government in the Territory.

The first IBM mainframe built, but none in Hawaii until 1956

First section of seven-mile H-1 freeway opened

First Filipino legislator

60 years ago...

Henry Kaiser leases 6,000 acres from Bishop Estate in southeast O'ahu and plans his Hawai'i Kai subdivision.

Pali highway, replacing the narrow, twisting road that had carried travelers across the Ko'olau Mountains since ancient times had not yet opened

Ala Moana had not yet opened

No observatories had been built on Mauna Kea (until 1967)

45 years ago...

A broad coalition of Hawaii organizations, along with Mayor Matayoshi, asked DLNR to cap the number of observatories on Mauna Kea at SIX.

We do not know what will transpire in 100, 65, or 45 years. We do know that life will not be the same, or even similar, to conditions we know now. Our use of land changes as conditions change.

SB257/HB499 would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

I ask you not to pass this bill!

Thank you!

Deborah Ward

P. O. Box 918 Kurtistown HI 96760

SB-257-SD-1

Submitted on: 3/3/2021 2:37:21 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

TESTIMONY STRONGLY AGAINST SB257

MARK KOPPEL

UMAUMA, HI

Aloha Senators,

This bill is another outrageous power grab, which we have seen too many of this session. We are not fooled. It is time to stop this nonsense. WE THE PEOPLE OF HAWAII ARE NOT FOOLED BY ANY OF THIS.

SB257/HB499 would provide the Board of Land and Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

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

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

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

I ask you not to pass this bill!

Mahalo!!

Mark Koppel

LATE

SB-257-SD-1

Submitted on: 3/3/2021 2:44:33 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
danielle marilyn west	Individual	Oppose	No

Comments:

Aloha,

My name is danielle west. I am a guest and a settler here, but I can see wrong from right. I strongly oppose SB 257 and encourage all electeds to do so as well.

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

Do not lease the land for 100+ years! Do not lease the land to military or military contractors. Return the land to public good and keep Hawaiian lands in Hawaiian hands!

SB-257-SD-1

Submitted on: 3/3/2021 2:57:54 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Caitlin Blanchfield	Individual	Oppose	No

Comments:

I am a resident of New York State, temporarily living in Hawai'i county. I am writing in opposition of HB 257.

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

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

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

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

SB-257-SD-1

Submitted on: 3/3/2021 3:35:19 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Dean	Individual	Oppose	No

Comments:

Why would you limit our ability to protect the aina. 100 years from now, Hawaii's beaches will be gone. Waikiki will be nothing but broken concrete and rebar. We have to wake up and realize the scientists are not a part of some vast global conspiracy. We are in the middle of a crisis that's unparalleled in the last 65 million years. 200 species of animals go extinct everyday, that's a faster rate than after the meteor hit. You're breathing plastic right now. It's in our food, water and air, it's on the summit of Everest. Our reefs are dying. It's time to think of life first, money second.

SB-257-SD-1

Submitted on: 3/3/2021 3:43:58 PM

Testimony for WAM on 3/4/2021 1:35:00 PM



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

Comments:

Aloha,

Our group istrongly opposes SB257.

Leases should not be awarded for periods of 65-100 years. One huge reason is climate change and the uncertainty and potential costs associated with that un-knowing.

This bill would allow lessees to extend their leases with no public input despite the fact that the land is held in trust for the benefit of native Hawaiians. Private lessees should not be afforded the same protections as those whose land it is, and it is impossible to know what the situation -- economic, social or environmental -- will be in 5 years, no less 65.

For these and other reasons, we ask that you give a strong 'NO' to SB257.

mahalo and sincerely,

janice palma-glennie

for surfrider foundation's kona kai ea chapter

SB-257-SD-1

Submitted on: 3/3/2021 3:52:25 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Odysseus Tafuna	Individual	Oppose	No

Comments:

Aloha,

My name is Odysseus Tafuna I am 17 and a Native Hawaiian, I would like to share my thoughts. This bill that allows the government to extend private leases on public property for 100+ years is wrong. These public lands were seized by the government without willing consent or compensation to Native Hawaiian families during the historic overthrow of the Hawaiian Kingdom and should be returned for the good of the public.

SB-257-SD-1

Submitted on: 3/3/2021 3:56:48 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
wendy ruiz	Individual	Oppose	No

Comments:

Hello, my name is Wendy and I am from California,

I am writing this testimony in opposition to SB257 and in support of the Hawaiian communities that will be affected negatively by the bill. The bill interferes with the autonomy of the community and will give no public oversight over the activities the bill will permit. It will set up developers as pseudo landowners of Hawaiian public lands, the people know what is best for their lands and their communities and I am in support of them.

SB-257-SD-1

Submitted on: 3/3/2021 4:06:34 PM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Sunaina Keonaona Kale	Individual	Oppose	No

Comments:

I write to oppose the extension of the leases of Hawai'i's public trust lands for commercial, industrial, resort, mixed-use, or government use. This bill would foreclose on our Native Hawaiian rights to hold leaseholders accountable to the law and for mismanagement of the land. The bill thus targets Native Hawaiians because it targets our livelihoods and who we are, including our sacred sites, cultural resources, burial grounds, fresh water sources, and our entire worldview. This bill is outright unconstitutional, racist, and genocidal. The majority of the lands that apply to this bill are "ceded lands," also known as Crown Lands, which are supposed to be used for the betterment of the conditions of Native Hawaiians. These lands were also taken from Native Hawaiians during the illegal overthrow of the Kingdom of Hawaii in 1893. It is a travesty that the lands that are supposed to support Native Hawaiians are being abused, and the bill only makes this exploitation easier.

SB-257-SD-1

Submitted on: 3/3/2021 4:07:10 PM

Testimony for WAM on 3/4/2021 1:35:00 PM



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

Comments:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/3/2021 4:28:19 PM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
K8 Rose	Individual	Oppose	No

Comments:

Aloha from the great state of michigan. As a citizen for earth, hawaii has welcomed me as a protector, and that is why I write you today. As a 30 year young female born into the US corporation, I stand as a free sovereign being, for the rights of all humans. The fact that Hawaii should never have been made a US STATE in the first place, we stand firm on our opposition to this bill, and all bills requesting unlawfull ownership of which does not belong to them. These lands and people must be free, and so it is. I represent the millions of "americans" that will NOT allow this theivery to continue, starting in our precious sacred land called Hawaii. What I learned by living on the big island is so sad, to uncover the FACT that the waters are just as toxic as Flint, Michigan is not okay for any one. To claim ownership and allow misuse and abuse any further would be a crime. Aka, what's attempting to be done with this bill. I trust the government is listening to the kanaka maoli and backing up the dismissal of this, immediately! Huli for Hawaii! And all Earth.

SB-257-SD-1

Submitted on: 3/3/2021 5:00:47 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

As a Hawaiian of this archipelago, I feel as though it is my duty to testify against the bill SB 257 due to the mismanagement of ceded lands and land tenure during the past decades. We have many unfit representatives in place who requests for bills like this to seize lands just to make profit.

think about the longevity of lands and Native Hawaiian philosophies before doing this bill, it is wrongful and not necessary to approve this bill.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 5:04:57 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jasmine Ikeda	Individual	Oppose	No

Comments:

Hello I am Jasmine Ikeda, I was born and raised on the island of Kaua'i and have seen the desecration of Native Hawaiian lands all my life. When I was growing up I was told construction was temporary, I've never, to this day, seen an end to the development on beautiful Kaua'i or the other Hawaiian Islands. This bill would continue the desecration of land/sea and oppression of the Hawaiian people. THIS GOES DIRECTLY AGAINST THE BETTERMENT OF THE CONDITIONS OF "NATIVE HAWAIIANS", (which you know to be 1 of 5 public trust purposes). I DEMAND THAT THIS BILL IS STOPPED IN IT'S TRACKS. I DEMAND THAT LAND BE RETURNED TO NATIVE HAWAIIANS AND THAT HAWAIIAN SOVERIGNTY IS RESTORED. IF NOT RETURNED IT WILL BE TAKEN BACK. YOUR CHOICE.

SB-257-SD-1

Submitted on: 3/3/2021 5:06:24 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

My name is Dana Paresa and I am a Native Hawaiian born and raised in Kailua, O'ahu. I am writing in opposition to this bill because I do not believe there should be private leases on public property for 100+ years. These public lands were seized by the government without willing consent or compensation to Native Hawaiians. What this bill would do, would be continued harm to the Indigenous community.

Thank You,

Dana Paresa

SB-257-SD-1

Submitted on: 3/3/2021 5:37:51 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
jade lewis	Individual	Support	No

Comments:

Hawaii(an) property is already so bought out, the Hawaiian land belongs to Hawaiian people , pretty soon Hawaiians won't be able to even afford to live on the land we were born and raised along with our ancestors.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 5:39:33 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I am in deep opposition to SB257. This bill gives government the power to exert 100+ year private leases on public lands, which were seized without willing consent or compensation to Native Hawaiian families during the historic illegal overthrow of the Hawaiian Kingdom. These lands should be returned to the public for the common good of all. Please do not pass SB257 in any form. Mahalo nui for your time.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 5:44:34 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I am from LA with no Hawaiian background but my family has franchised a popular Hawaiian restaurant for 15 years. We have always felt like family to them and they treat us the same, like we are Hawaiian! If they can be glorified as a vacation destination or monetary profit than please glorify loving them and perpetuating them before their indigenous culture are no longer. Mahalo!

SB-257-SD-1

Submitted on: 3/3/2021 5:47:36 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

I strongly oppose 110yr lease of HKG lands!! Aole SB257

LATE

SB-257-SD-1

Submitted on: 3/3/2021 6:01:45 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha,

My name is Bronson Azama and I am a youth advocate for the windward side of O'ahu.

This Bill is a continuation of a story of genocide upon the Hawaiian People. These lands were never ceded therefore the state has no jurisdiction to authorize such actions to be allowed on land that was never legally given to the state. This bill affects not only Kā• naka Maoli, but all people of Hawai'i we should not allow such long-term leases of such lands! This is basically setting up Pseudo landowners. Not to mention as the bill is written it will bypass a public bidding process where the input for past, current, and future land stewardship can be reviewed, high rent negotiated, and if need be environmental assessment allowed!

Where is the oversight in all of this should this bill be allowed? These "public" lands should not be managed in this manner.

Aloha nā• ,

Bronson Azama

SB-257-SD-1

Submitted on: 3/3/2021 6:12:17 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jimmy Timmons	Individual	Oppose	No

Comments:

I oppose the proposition of Bill SB257 as it goes against the betterment of the indigenous people of Hawaii. Having been a tourist, the part of my travels in which I treasured most was meeting and spending time with the natives -- being exposed to their culture, hearing their stories, and learning about their history. As it stands, the bill aims to shift the state's priorities of maintaining these invaluable qualities of its natives and land alike, and would rather focus on making a profit over the people who use the state as a travel destination. But what makes the destination desirable if its natives, land, and history are not preserved?

SB-257-SD-1

Submitted on: 3/3/2021 6:38:13 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Dane	Individual	Oppose	No

Comments:

My name is Dylan Dane,

I am born and raised Waimanalo boy. I've lived here my whole life. I've had the privilege and pain of watching Hawaii grow and change. Privilege because this place is special but pain because I've watched how irresponsible growth only considering economic gain has hurt my Island. From development to pollution time and time again I see govt entities supposedly created to better the well being of Hawaii and its citizens fails or succumbs to ego and corruption so much so that these entities cannot be trusted. DLNR is one of these entities. There needs to be checks and balances. Allowing DLNR to extend leases to whoever they see fit with little oversight or public input and no verifiable evidence to the public that the selection was considered fairly and with Native Hawaiians and secondly everyone of Hawaii's residents is absurd. There should be lease limits. There should be input times so the public can give input. DLNR has made it clear on many instances who's interests they represent. Its not the people of Hawaii. Its money. Mauna Kea being the most recent example. I submit this testimony in opposition of SB257. Please dont pass this bill.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 6:44:20 PM
Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Annapurna Holtzapple	Individual	Oppose	No

Comments:

My name is Annapurna Holtzapple, I am a UC forestry researcher and am working on the Hawaii VINE Project. I feel strongly that this Senate Bill is inappropriate and am writing to oppose and stop the 100-year leases of public Hawaiian lands. This is neocolonial and these lands are mostly ceded lands to be used for the betterment of conditions of "native Hawaiians", however, the reality is that this bill will allow developers to forego stewardship, rent review, environmental assessments, and public bidding procedures. This is a critical matter of sovereignty, environmentalism, and community strength and I strongly oppose this bill.

SB-257-SD-1

Submitted on: 3/3/2021 6:54:22 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Hayden Tompkins	Individual	Oppose	No

Comments:

My name is Hayden Tompkins and part of what I do for living involves the protection and management of coral reef ecosystems. My passion for the industry first evolved when I had the opportunity to visit the island of Maui and witness up close the beauty of naive Hawaiian coral reefs. I learned that much of the management and protection of these reefs is done by native Hawaiians, their love of land and spiritual connection with it exuding through their cultural practices. This sparked a further enlightenment in me and inspired me to move more of my own research towards an emphasis on Hawaiian reefs, considering stakeholder surveys from native-owned land. It breaks my heart and my spirit to see such a bill coming through Congress that would allow the extension of leases to non-native parties. This introduces the possibility of native Hawaiians being disenfranchised into oblivion due to land owned by non-native parties not being used for the betterment of native Hawaiians. These lands were supposed to be inherited by natives through the Hawaiian kingdom crown and not to be "pseudo-owned" by non-native third parties through hundred-year leases. Native Hawaiian culture sparked a love and passion inside me to protect the environment and therefore I cannot allow a bill to be passed that would take away the ability of native Hawaiians to protect their endemic species. Thank you for your time and consideration.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 6:55:20 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I STRONGLY OPPOSE HB257. This bill would provide the Board of Land and Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

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

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

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

SB-257-SD-1

Submitted on: 3/3/2021 7:00:33 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Maile Pokipala Resurrection	Individual	Oppose	No

Comments:

Aloha,

My name is Joanna Resurrection. I oppose this bill because:

- This bill would provide the board of land and natural resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with little or no public input or insight.
- The majority of the lands held in the public lands trust are "ceded lands" or Hawaiian kingdom crown and government lands to be used for the betterment of the conditions of the "native Hawaiians".
- Allowing the extensions of the leases beyond 65 years with no cap will result in 100 year leases that would set up developers as pseudo land owners of Hawaiian "public" lands.
- The bill would allow current leases to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

This bill does not benefit Hawaiians in a positive way. Please oppose this bill.

Mahalo,

Joanna Resurrection

LATE

SB-257-SD-1

Submitted on: 3/3/2021 7:04:07 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Young	Individual	Oppose	No

Comments:

Hello, my name is Kristen Young. I am of Chinese, Japanese, and Okinawan descent and my family has called O'ahu home for generations. Though I am not Native Hawaiian, I acknowledge the rights of the first people of this land who continually face injustices by the state, like this bill which would give the Board of Land and Natural Resources the power to extend leases of "public" lands for uses that do not align with the public good.

Much "public" land is land that has been taken from Native Hawaiians at the time of the overthrow without consent or compensation. The knowledge of this history and how the State of Hawaii came to be is not hidden, yet it is too often forgotten and ignored in our politics and actions today, often leaving Native Hawaiians worse off in their own home. We must listen to, support, and prioritize the first people of this land.

I oppose SB257. Thank you for the opportunity to testify.

SB-257-SD-1

Submitted on: 3/3/2021 7:29:25 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleopono Norris	Individual	Oppose	No

Comments:

Senators,

The proposed lease extensions are NOT a good idea! Any proposed long term lease of Hawaiian lands should be subject to wide public consideration prior to lease execution. Period!

This bill circumvents the exercise of legislative fiduciary responsibility on behalf of the neglected Hawaiian people and their trust lands. No!

Please route this bill now to the circular file. Yes!

Stephen Norris aka Kaleopono

Hilo

SB-257-SD-1

Submitted on: 3/3/2021 7:37:16 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Gabrielle Sedore	Individual	Oppose	No

Comments:

I oppose Bill SB257 because I believe that the state should not be able to extend leases and contracts to public lands. Public lands are for the people of Hawai'i and should be used the way that will benefit the residents and also keep the natural beauty of the land. Also majority of the land is ceded land or crown land that should be used for the betterment of the conditions of Native Hawaiians. Another point is that we don't think that leases and contracts should be 100 years. It should be ZERO! Again, these lands should be for the benefit of the Native Hawaiians and not outside corporations or businesses to lease these lands.

SB-257-SD-1

Submitted on: 3/3/2021 8:02:07 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Miya DeVoogd	Individual	Oppose	No

Comments:

Aloha, my name is Miya DeVoogd and I am a haole now living in MÄ• noa, O'ahu. We cannot let lesees bypass a public bidding process. Public input is imperative to properly mÄ• lama the 'Ä• ina, kai and wai, as well as the well-being of our communities and kanaka maoli. Kanaka maoli deserve to have a say in what happens to their precious lands and communities. They need and want a stronger voice. Many things can change in 65 or more years, including what we value or need as a society. The environment/land itself could be completely different here in 65 years, especially with climate change. The lands might serve a better or higher purpose as time goes on, or might need a new environmental assessment. Kanaka and communities must have input. Mahalo, Miya DeVoogd 96822

LATE

SB-257-SD-1

Submitted on: 3/3/2021 8:12:42 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

These public lands were wrongfully stolen from Native Hawaiians under duress without consent or compensation and should be returned for the public good immediately! Extending private leases on these lands for 100 years is heinous.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 8:13:48 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jeanne wheeler	Individual	Oppose	No

Comments:

Such long lease extensions on public lands, especially without any public input, seem a very sketchy proposition - please do NOT pass this bill. Mahalo

LATE

SB-257-SD-1

Submitted on: 3/3/2021 8:27:42 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha,

The issue of land has existed in Hawai'i for generations and continues to get worse everyday. Along with Hawaiians dying on waiting lists for the land that is rightfully theres, the homeless issue is continuing to increase. The majority of the lands held in the public land trust are "ceded lands" also known as Hawaiiand Kingdom Crown and government lands. These lands are intended for the use and betterment of the environment and livelihood of Hawaiians. Allowing the extension of leases would allow developers to own Hawaiian "public" lands that should be used to help the native and local people. This bill would also allow current leases to bypass a public bidding process, taking away the peoples right to share their input, review, and assessment the situation. It is time we shift the priorities in Hawai'i from tourism and developers to actually taking care of the people of these islands. That includes making sure people have land to live on, food to eat, and a roof over their heads, basic human necessities. Things that could be accomplished and tended to if the priorities of the government shifted to genuinely doing good by the people. Please think about the people and communities of Hawai'i and oppose this bill.

Mahalo

SB-257-SD-1

Submitted on: 3/3/2021 8:46:48 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Hijirida	Individual	Oppose	No

Comments:

I, Andrew Hijirida, stand opposed to this Bill(SB257). Allowing a business, to obtain and create a stronghold on Hawaiian lands, when Kanaka who are less than 50% bloodline are unable to do so. IT IS NOT RIGHT. Allowing a business on reserved Hawaiian land, should be regulated, monitored, and improve Hawaii.

We do not need another Mark Zuckerberg situation. Having a person/business impose/promoting to better the community, but for really only their own personal gains and wants. This bill should not be passed, in the fact that it allows non-essential needs to be put there for an unknown time and unknown entities.

SB-257-SD-1

Submitted on: 3/3/2021 8:54:59 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Casey Plank	Individual	Oppose	No

Comments:

Regarding SB257

I oppose/advocate for a 'no'. On basis of law, and efforts to move forward in better standing with native Hawaiians. Additionally a 'no on SB257 also honors local, state, and federal efforts towards equity and social justice, indie genius relations, and climate change efforts.

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

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

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

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

Mahalo,

Casey Plank

SB-257-SD-1

Submitted on: 3/3/2021 8:55:10 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lei Chock	Individual	Oppose	No

Comments:

My name is Lei Chock, I am born and raised on Maui, Hawaii. I oppose to SB257 bill. Enough is enough!! We native Hawaiians has suffer long enough with the government. Again I oppose to this SB257 bill. The land should be returned to the rightful heirs which it belongs to the native Hawaiians.

Aloha,

Lei Chock

LATE

SB-257-SD-1

Submitted on: 3/3/2021 9:04:02 PM
Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha my name is Keoni and I am not in support of this bill. Public lands belong to the public therefor the public should have and say and power in what happens to said lands. A chunk of public lands are also ceded lands which rightfully belong to Native Hawaiians, where Native Hawaiians should have a say and power involving said lands. Please do what is right, e mau ke ea o ka aina i ka pono not e mau ke ea o ka aina i ke kÄ• IÄ• .

LATE

SB-257-SD-1

Submitted on: 3/3/2021 9:28:36 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alyssa Kline	Individual	Oppose	No

Comments:

Aloha, I am currently rezident in Puna for 11 yrz.

I seen much to much of th landz in California that once were flourishing natural sites, get caught up in th snarez of legal "ownership" raped & clear cut - cauzing detrimental harm to th wildlife, habitats surrounding & th overall wellbeing of th native peoplez of that area, MySelf included.

I oppoze this bill in order to keep a say "valid" for th native peoplez who do not function from behind paperz, lawerz & jargin - on behalf of how the God given resourcez of the Aina are treated, respected & shared to benifit of all.

Keep trust in th common kuleana & wellbeing of Our people. Kanaka first, binding contracts & unwaivable purchased permissionz take a back seat.

Mahalo

LATE

SB-257-SD-1

Submitted on: 3/3/2021 10:26:54 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bella Hutchinson	Individual	Oppose	No

Comments:

Aloha,

My name is Bella Hutchinson and I am from Hilo. I would like to state that I am opposed to SB257. I understand that current lessees are having issues with deciding to invest more in maintaining their buildings and grounds due to uncertainty of lease extension or termination, however there is a reason these lands are set up like this and they were very well aware of the terms when they first entered into the contract. Having DLNR be the sole decision maker on certain public land leases is a slippery slope. Assessment of land stewardship, rent negotiation, environmental assessments, and the public bidding process will be rendered null if this bill should pass. Simply put, that is not ok. This is a bill to expedite the lease process for certain leases. However, the Department of Hawaiian Home Lands consistently gets put on the back burner when it comes to native Hawaiian leases. Why should businesses on public lands get an expedited process when native Hawaiians are dying on the waitlist? Let's fix that process first.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 10:34:49 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cecilia Dagdagan	Individual	Oppose	No

Comments:

I am a student at the University of Hawai'i at Mānoa. I am writing to oppose S.B. 257 that relates to providing the Board of Land and Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

The majority of the lands held in the public lands trust are "ceded lands" or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of Native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for any other object other than the 5 purposes it could be considered a breach of trust for which suit can be brought by the United States.

Allowing the extension of leases beyond 65 years may eventually set up developers as pseudo land owners of Hawaiian "public" lands. This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed.

These lands should not be in the hands of anyone except the Hawaiian people. This bill is yet another attempt by the state to take away the Hawaiian people's land.

LATE

SB-257-SD-1

Submitted on: 3/3/2021 11:01:27 PM
Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

‘O wau ‘o Kahiau Snyder. No Wailuku ma Maui mai au. He kanaka ‘Ā• iwi Hawai‘i au. I strongly oppose this bill. If the State of Hawai‘i would like to work to benefit it's native people, they can start by commting to improving the Hawaiian Home Lands system, not by making it easier for people to hold long-term lessees on *stolen* lands.

SB-257-SD-1

Submitted on: 3/3/2021 11:05:47 PM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Oppose	No

Comments:

Aloha, Chair and Senate members,

I am strongly opposed to SB257.

The entire premise of this bill is that lessees should be afforded extended leases over a period of 65 to 100 years with no public input. But the land is held in trust for the benefit of native Hawaiians, NOT the private lessee. The value of the land for the beneficiaries may be VERY different 65 or 100 years from now than it might be today.

100 years ago, Queen Lili'uokalani had passed only two years earlier. There was no DHHL. There were no flights from the continental U.S., no inter-island steamers, no Matson shipping. There were only five hotels in Hawai'i, no telephones, few cars, and no Ala Wai canal. In the U.S., women had just won the right to vote.

SB257 would allow BLNR to extend leases of public lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

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

Allowing the extension of leases beyond 65 years with no cap will result in 100 year leases that would set up developers as pseudo land owners of Hawaiian "public" lands. This bill would allow current lessees to bypass a public bidding process. That process allows past, current, and future land stewardship to be reviewed, higher rent to be negotiated, and if needed environmental assessments allowed.

mahalo,

Cory Harden

SB-257-SD-1

Submitted on: 3/3/2021 11:47:31 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Harrinette Holt-Hansen	Individual	Oppose	No

Comments:

This is my written testimony:

I oppose Senate Bill 257 giving 100 years lease of Public Hawaiian Lands with no public input and also allowing the Board of Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with no oversight or public input.

Sincerely,

Harrinette Holt-Hansen

SB-257-SD-1

Submitted on: 3/4/2021 4:34:22 AM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
CHARLES KUAHINE III	Individual	Oppose	No

Comments:

Aloha,

My name is Charles Kuahine, III and I currently reside in Kaka'ako by way of Nanakuli. In the interest of everyone's time I'm making this short, sweet, and to the point.

Look around. What do you see? People who've had enough of the same old song and dance as it relates to the issue at hand, details of which have already been well documented by others before me. So knock it off and cut it out. Pau already.

And lastly, remember: the US has no jurisdiction here. War crimes are, in fact, ongoing. Each and every one of you should be keenly aware of this by now and should be ever mindful of the ramifications as it relates to one's complicity, however minute. Do not allow the hubris, however seductive, of the US two-party corporate establishment to interfere with what is pono in this instance and in all others.

And one more time for those who need things repeated: knock if off and cut it out. Pau already.

Mahalo for your time.

SB-257-SD-1

Submitted on: 3/4/2021 5:31:11 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Bambara	Individual	Oppose	No

Comments:

Please oppose this Bill. Represent the PEOPLE you were elected to represent, not Leasee's who have not right to continue unfair use of Hawaiian lands. The land is to be held in trust for the benefit of native Hawaiians, NOT the private lessee. The value of te land for the beneficiairse may be very differnt in 65 to 100 years from now.

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

Stop the stealing. Do not pass this bill that doesn't support the Hawaiian people's interest. If you pass the bill it shows your own lack of devotion to the people of this island and THEIR rights which have been stomped and must stop now! PLEASE OPPOSE THIS BILL!

Thank you in advance to those of you with a soul rather than a greed streak. All eyes are upon you. Please, do the right thing and OPPOSE THIS BILL.

SB-257-SD-1

Submitted on: 3/4/2021 5:46:27 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Niana feeney	Individual	Oppose	No

Comments:

Crown lands belong to the Hawaiian people.

SB-257-SD-1

Submitted on: 3/4/2021 6:13:09 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lotte McNane	Individual	Oppose	No

Comments:

I feel as though what is happening to the Hawaiian people is wrong and deplorable. The exploitation of their public lands under the guise of "helping native Hawaiians" is horrible. I believe their voices are not being heard, and it is the purpose of the government to provide for the people, not for themselves or big business. Hawaiian people have dealt with the short hand of accommodations for far too long, and it is time that the government and great powers that be finally acknowledge their demands and help to provide to them.

I oppose this bill, and I urge you leaders to do the same.

SB-257-SD-1

Submitted on: 3/4/2021 6:27:16 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

My name is Ashley Kammrath, I'm from Chicago, IL and I'm writing in solidarity with Native Hawaiians who were never comensated or given the oportunity to consent or oppose the leasing of their lands. Private leases should be ended and the land returned to public use.

LATE

SB-257-SD-1

Submitted on: 3/4/2021 7:30:00 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

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

The majority of the lands held in the public lands trust are "ceded lands: or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of "native Hawaiians". If the state of Hawai'i continues to ignore native Hawaiian needs and our struggles we will soon become extinct, and Hawai'i will become no different than any other continental American state. As a people, Hawaiian's have faced over a 100 years of adversity starting with the supposed annihilation of our language to extinguish our culture, the attempt to practice eugenics on us by haole Dr's, the shame that was attempted upon us just for being Hawaiian, and finally the ho'ohaole mentality used as weapons to eradicate our ways of thinking as well as environmental racism and sneaky backdoor tactics these bills were originally intended to be. It's time to make things right, to make things pono and return these ceded lands to its rightful people or at the very least allow us a voice to decide.

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

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

SB-257-SD-1

Submitted on: 3/4/2021 7:33:46 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Mary True	Individual	Oppose	No

Comments:

I oppose these long term leases as not being in the best interests of the people of Hawaii.

LATE

SB-257-SD-1

Submitted on: 3/4/2021 7:52:18 AM
Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
KEALA FUNG	Individual	Oppose	No

Comments:

KEEP CALLING THEIR PHONES As Well!!!
• NO to 100 YEAR LEASES

HEWA ALERT ACTION needed to Stop 100 year leases of Public Hawaiian lands with no public input. Submit testimony in opposition to Senate Bill 257 before the Senate Ways and Means Hearing Thursday, March 4, 2021 at 1:30 pm

Go to capitol.hawaii.gov to submit. Only written testimony accepted

Sample Testimony and can cut and past if u like:

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

SB-257-SD-1

Submitted on: 3/4/2021 7:55:55 AM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Diandra Rodriguez	Individual	Oppose	No

Comments:

Having read through the text of SB257 SD1, I found that this bill does not mention any public input or oversight on lease decisions on public land. It would provide the Board of Land and Natural Resources the sole power to extend leases of these lands for commercial, mixed, industrial, resort, or government use.

I concur with what Hawaiians opposed to this bill have stated:

"The majority of the lands held in the public lands trust are 'ceded lands' or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of 'native Hawaiians'. Allowing the extension of leases beyond 65 years with no cap will result in 100 year leases that would set up developers as pseudo land owners of Hawaiian "public" lands."

Passing this bill not a guaranteed solution to the concern posted in Section 1 of this bill. There has been no proof presented to the public that extending leases so dramatically will produce the desired incentive to invest in facility maintenance. It might provide even incentive to offer only the appearance of maintenance, while the actual quality of facilities could remain poor with little chance to demand action from these lessees. Allowing current lessees to be only accountable to the board will defeat the purpose of public land.

Once again, I echo the statements made by Hawaiian residents: "This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed." As you are accountable to the voices of the Hawaiian public, so must stewardship of the land be accountable to the people. Oppose the passage of SB257 SD1.

LATE

SB-257-SD-1

Submitted on: 3/4/2021 8:01:19 AM
Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I strongly oppose SB 257 SD1. History has shown that times change faster than leases run out. Please do not extend leases any further.

Mahalo,

Sherri Thal, Kea'au, HI 96749

SB-257-SD-1

Submitted on: 3/4/2021 8:20:45 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
David Hunt	Individual	Oppose	No

Comments:

SB257 must be defeated - it does NOY make fiscal sense and it does NOT benefit Hawaiians of any ethnicity or lineage. SB257 is a clear and blatant good-ol-boy, special interest, HANDOUT to corporations and big businesses who are ALREADY feeding at the public trough.

SB-257-SD-1

Submitted on: 3/4/2021 8:31:57 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Mcknight	Individual	Oppose	No

Comments:

I am strongly opposed to SB257.

The entire premise of this bill is that lessees should be afforded extended leases over a period of 65 to 100 years with no public input. The problem with the premise is that the land is held in trust for the benefit of native Hawaiians, NOT the private lessee. The value of the land for the beneficiaries may be VERY different 65 or 100 years from now than it might be today.

SB-257-SD-1

Submitted on: 3/4/2021 8:48:01 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Hansen	Individual	Oppose	No

Comments:

This is inappropriate / Keep leases short.
Mahalo

LATE

LATE

SB-257-SD-1

Submitted on: 3/4/2021 8:54:13 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

My name is Kainoa. I am a proud Hawaiian, born and raised on O'ahu in beautiful Waimānalo. I'm turning 30 this year and this is another issue I see that just gets pushed to the side. There's too many times our voices have been disregarded. Especially when it's pertaining to Hawaiian land and natural resources, I think as the Hawaiian people, our voices should count for something. I oppose bill SB257 for the simple fact that it is hewa (wrong) to allow any type of occupancies other than Hawaiians living on Hawaiian land. Let's be real, we all know there's too much kanaka moving elsewhere because the living situations in Hawai'i is outrageous and actually scary.

SB-257-SD-1

Submitted on: 3/4/2021 9:07:06 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Luna Porras	Individual	Oppose	No

Comments:

My name is Luna, I am a student at the University of Hawai'i at MÄ• noa. Although I am not of Hawaiian ancestry I would like to testify against Senate Bill 257 because it is so important to me to stand with the indigenous peoples of this land. The passing of this bill would be detrimental to Native Hawaiians and the Ä• ina that these proposed builders intend to inhabit. That is why I am in strong opposition of this bill. It has been proven many times that public and non-Native institutions (i.e: UH on Mauna Kea, Kaho'olawe, etc.) mismanage and disregard the sacredness of Hawaiian lands. Not to mention the ceded lands taken from rightful ancestors (KÄ• naka Maoli) and the limited action on distributing Hawaiian Homelands. It can not be with a clear conscience that this bill moves forward, there has been enough wrongs done to Native Hawaiians and the sacred lands of the islands.

LATE

SB-257-SD-1

Submitted on: 3/4/2021 9:52:12 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jen m hughes	Individual	Oppose	No

Comments:

I oppose bill SB257. I disagree with being able to extend private leases on these public lands that were seized by the government without willing consent or compensation to Native Hawaiian families during the historical overthrow of the Hawaiian Kingdom.

SB-257-SD-1

Submitted on: 3/4/2021 10:00:39 AM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Alison Lewis	Individual	Oppose	No

Comments:

Dear Senators

I strongly oppose SB257 SD1. Crown Lands should not be leased to industry or corporations. And no public lands should be leased out on terms longer than 10 years. There is too much potential for inside deals, bribes, corruption, pollution, abuse, and the shutting out of the commoners from access to public lands. Longer lease terms perpetuate the sugar-empire tradition of an "elitist" club of public land users.

NO to SB257 SD1.

Alison Lewis
Hanapāpā, Kauai

LATE

SB-257-SD-1

Submitted on: 3/4/2021 10:07:07 AM
Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means,

I strongly oppose SB 257, SD1. These public lands may restore and strengthen the health and wellbeing of the Native Hawaiian community when it is returned for the public good.

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

Please oppose SB 257, SD1.

Mahalo for your time,

Ashley Galacgac

SB-257-SD-1

Submitted on: 3/4/2021 10:07:16 AM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Brenda Clark	Individual	Oppose	No

Comments:

I oppose SB257 because it takes public lands away from public use. The public has the right to decide what happens to public lands.

SB-257-SD-1

Submitted on: 3/4/2021 10:14:59 AM

Testimony for WAM on 3/4/2021 1:35:00 PM



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

Comments:

Aloha,

I am a resident on the north shore of Oahu, and I oppose SB257. There appears to be little to no consideration for locals. It seems that the only groups that will benefit from the use, resources, enjoyment and income of this bill would be for government and private developers.

There should be discussion at a minimum with committees of individuals from these communities who can speak on behalf of those who call this aina home and should be the primary recipients of first choice on how this land is managed and maintained for the future. It is unfair to pass this bill. It treats our people as inferior and allows those with more money and influence to trample under their feet those who should have the most power to chose. It takes away their voice, takes away their rights and should not be passed.

If there is truly consideration or need to improve/maintain properties on this land for the future, then these conversations should be held with the community. Local boards need to be elected to ensure proper allocation of scope and funds are considered for those within the community; not pushed aside by larger, more influential government and private sector organizations.

Please dont continue a legacy of taking what rightfully belongs to our kama'aina. We can do better. We must do better. Especially in a world where (hopefully) people are awakening to a true sense of equity and inclusion. Lets leave dated, destructive traditions of how 'things have been done' and forge a new beginning where we work together for the benefit of each other and our aina home.

LATE

To Whom It May Concern,

My name is Lauren, and I am from San Bernardino, CA. During my time at my university in San Francisco last semester, I took an Ethnic Studies course where we were able to educate ourselves about Indigenous Land Activism across the United States. The Indigenous people I decided to study were the people of Mauna Kea, and their fight to protect and preserve their sacred land. The Thirty Meter Telescope (TMT) was threatened to be built, according to NBC and Maunakea natives, among the many other observatories that were backhandedly built for the past 13 years. Although the people of Maunakea are not against science and the use of land for public recreational events and more, they urge that their land be untouched and unscathed. It is downright inhumane to continue the years of imperialism and erasure that they have been forced to subdue. While many may not understand the gravity of this, their land is sacred. It is a piece of these people for reasons far beyond the scope of the natural eye. When you interfere with this, consequences will ensue. These people deserve the right to practice and maintain their culture, just as the Constitution states “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...” (“Constitution of the United States”, Amend. I). It is within the people of Maunakea’s Constitutional right to exercise and perform the religion/spirituality that is attached to their land, and it is beyond a violation of democracy to “provide the board of land and natural resources the power to extend leases of ‘public’ lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight,” otherwise known as SB 257. This sacred land does not belong to you, no matter how much money you possess; it was stripped from them decades ago, and I urge you to learn from those mistakes and find other lands to utilize for “resort” and “industrial” purposes. Please hear their cry and have a heart to abstain from unjust uses of power.

Best,

Lauren Dunn

LATE

SB-257-SD-1

Submitted on: 3/4/2021 10:17:30 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Stowell	Individual	Oppose	No

Comments:

I am strongly opposed to SB257.

SB257/HB499 would provide the Board of Land and Natural Resources the power to extend leases of “public” lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight.

The entire premise of this bill is that lessees should be afforded extended leases over a period of 65 to 100 years with no public input. The problem with the premise is that the land is held in trust for the benefit of native Hawaiians, NOT the private lessee. If you continually extend leases on land held in trust, it seems you are giving the land to a private entity.

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

Please oppose this bill.

Mahalo,

Julie Stowell

Laupahoehoe Hawaii

LATE

SB-257-SD-1

Submitted on: 3/4/2021 10:18:31 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kealii Kanahahele	Individual	Oppose	No

Comments:

Dear Senators,

I strongly oppose SB 257 SD1.

The sanctity of our Crown Lands must be protected. Crown Lands are for family gardens, and for fishermen, hunters, gatherers. We want to see LESS infrastucture, not more. Infrastucture invites more development, which means more desecration of our sacred sites, more stealing of our sacred stream waters, and more pollution of the land and the shore line from wastewater. Crown Lands leases to industry, LLCs, and corporations must STOP. And other public lands should remain useable BY the public, not leased out to investors and the elits. NO long-term leases of our public lands, please.

Tom Kealii Kanahahele

HanapÄ“pÄ“, Kaua'i(CROWN LANDS)

LATE

SB-257-SD-1

Submitted on: 3/4/2021 10:35:56 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

Aloha e ka Fake State o Hawaii,

O wau no o Brandy-Alia Serikaku, he moK»opuna au na James Kahalepapu Saunders IŦua o Akeka Makaena, no Moku o Keawe a Maui a KihapiK»ilani mai au. Eia no kahi leo kamaaina aloha ia oukou ma ka makani Alamaiifaka o Hilo, e pai ino ana i na papalina lahilahi o ka SB257 me ka HOOLE LOA! Aole loa au kakoo i ka nani o ia pila kukae, he hoopunipuni a pupuka maoli no. Aole hiki ke mau ia nani no 100 makahiki. O ka mea e mau ai, o ia ko makou ea. Pehea e mau ai? I ka pono. O ke aha? O ka aina. Na wai ka aina? Na makou na pua o Hawaii. Aole na oukou.

Nau me ke aloha ole

SB-257-SD-1

Submitted on: 3/4/2021 10:51:49 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kathryn Benjamin	Individual	Oppose	No

Comments:

Good Morning,

My name is Kathryn Benjamin and I am a resident of Hilo, HI. I am writing today to voice my opposition to Senate Bill 257. Over the past decades, it has become increasingly clearer each day that BLNR does not have the community in mind when granting and extending land use leases. From the grave mismanagement of Mauna Kea to the continued desecration of Pohakuloa, so many of the lands that BLNR leases out are lands held in public trust. These "Ceded Lands" or Hawaiian Crown Lands are meant to be used for the betterment of the conditions of "Native Hawaiians." So while many in the Kanaka Maoli community are adamantly speaking out that lease extensions on their lands should not be granted, including a landmark Supreme Court Case (Ching vs. Case 2019), it seems a great injustice to try and create bills which would undermine that communities continued attempts to hold lessees accountable for their destruction of public lands.

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

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

In a time where we all, regardless of race, nationality, or age, have abundant resources to learn about how how the state actively oppressed its people, most specifically it's native people, there is simply no excuse to not become more educated and well-versed in how bills of this nature (and specifically THIS bill) are harmful to Kanaka Maoli, the lands, the waters, and future generations. There is no reason to extend leases into future generations who are too young, or not even born yet, to weigh in on how these decisions will affect them and their ancestral lands. I stand strongly in opposition of Senate Bill 257.

Kathryn Benjamin

Hilo, HI

SB-257-SD-1

Submitted on: 3/4/2021 11:01:39 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Zara Nicholson	Individual	Oppose	No

Comments:

Aloha e Chair, Vice-Chair, Members of the Committee,

My name is Zara Nicholson and I am testifying in opposition of SB257.

I believe this bill will create a great negative impact in our community. Allowing the DLNR the power to extend leases of Public Lands would take the power out of the hands of the public. The public including Native Hawaiians would be stripped of their input and oversight on matters that ultimately affect them, their families, and their community. Please do not allow this bill to be passed.

Mahalo nui loa for the opportunity,

Zara Nicholson, CPA

SB-257-SD-1

Submitted on: 3/4/2021 11:15:33 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

Any leases that were made should not be extended due to the fact that there are no reparations given to the Hawaiian people. The Fact also there were illegal documents that were written in the English language and not knowingly given to the Hawaiians that were not understood in their language.

LATE

SB-257-SD-1

Submitted on: 3/4/2021 11:16:49 AM
Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Madeline Trudelle	Individual	Oppose	No

Comments:

Aloha nui loa people of Hawaii government.

I urgently oppose this bill.

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

The majority of the lands held in the public lands trust are “ceded lands” or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of “native Hawaiians”.

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

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

This does not feel right to me, to surrender public accountability. Maybe it is easier for the government process but it is at the expense of who lives here and the land we live from.

Mahalo for hearing our testimonies.

Madeline Trudelle

LATE

SB-257-SD-1

Submitted on: 3/4/2021 11:34:25 AM
Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tori-Lyn Smith	Individual	Oppose	No

Comments:

Aloha mai kākou,

My name is Tori-Lyn Smith. I am a proud native Hawaiian wāhine who was born and raised in Kāneʻohe and now resides in the Waiʻanae moku. I am a mother of two (2) keiki, and am a social worker (MSW) who works with youth at a Waiʻanae non-profit organization.

I am submitting testimony in opposition to SB257 that would allow lease extensions. This bill allows too many bypasses that would limit the input by the public on Hawaiian "public" lands. The majority of lands within the public lands trust are ceded lands that were owned by the Hawaiian Kingdom government. Allowing private, corporate, commercial, industrial, and resort interests to extend leases without providing opportunities for the public to review their past stewardship is irresponsible and can negatively impact the voices of us and our future generations. These leases are already long -- and providing lease extensions with no public review will propel us decades into the future wondering how things could've been mismanaged for so long without any halt, review, negotiation or rectification (what we currently see happening on Mauna Kea). We must be diligent if we want a better Hawaii-- if we want to live into the values of our kāpuna -- to constantly work to leave places (especially ʻĀina) in BETTER condition than we received it. These extensions give us no opportunity to do that.

Mahalo for your consideration. Mālama pono.

SB-257-SD-1

Submitted on: 3/4/2021 11:45:54 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lani Powers	Individual	Oppose	No

Comments:

Aloha,

I oppose the renewal of the leases for "public"/ceded/crown hawaiian lands due to the contiuned mismanagement of these lands by the leasees.

These public lands should also be utilized for public usage and set up to finanically benefit the betterment of the Native Hawaiian people and not governmental entities.

Regards,

L. Powers

SB-257-SD-1

Submitted on: 3/4/2021 11:50:47 AM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Menchaca-Guhl	Individual	Oppose	No

Comments:

Not ok to allow leasees to be pseudo owners of Hawaiian "public" land for long periods of time and without public review or further environmental assessments.

SB-257-SD-1

Submitted on: 3/4/2021 11:52:24 AM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Ekini Lindsey	Individual	Oppose	No

Comments:

OPPOSITION!!

THE BOARD OF LAND AND NATURAL RESOURCES ARE THE KEY COMPONENTS TO PROTECT, ENHANCE, CONSERVE, AND MANAGE HAWAII'S LIMITED, NATURAL HISTORIC RESOURCES! YOU HAVE A DUTY TO UPHOLD! THE LESSON IN THIS IS "LIMITED"!!! ENOUGH URBAN DEVELOPMENT! ENOUGH HOTELS!! ENOUGH FOREIGN CONTRACTORS!! PLEASE RE-READ YOUR HISTORY ABOUT HAWAII KINGDOM CROWN LANDS AND CEDED LANDS. PLEASE RE-READ YOUR MISSION STATEMENT AS A REPRESENTATIVE!! YOUR DUTY IS TO "PROTECT"!! DO NOT ALLOW FURTHER EXTENSION LEASES, PERIOD!! ENVIRONMENT IMPACT IS AT STAKE!!!!

SB-257-SD-1

Submitted on: 3/4/2021 12:08:57 PM

Testimony for WAM on 3/4/2021 1:35:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
E Leimamo Azevedo	Individual	Oppose	No

Comments:

Aloha mai kākou, 'o Leimamohuluoo'ahuoka'ā hi'alau ko'u inoa, he wahine Kanaka Maoli a me he Kumu Hula au. No Wailuku, Maui a me Moku o Keawe ko'u mo'okā'auhau makuahine. My name is Leimamo and I am a Kanaka Maoli woman and Kumu Hula. My maternal lineage is from Wailuku, Maui and Hawai'i island. I am submitting this testimony in OPPOSITION to SB 257 and its companion bill, HB 499. As a displaced Kanaka Maoli, a preserver and practitioner of hula, and a mother of kaikamāhine Kanaka, it is incredibly offensive and hurtful to know that under consideration is a proposal to allow non-Kanaka corporations and government interests the opportunity to extend leases beyond 65 years with no cap on public trust lands with little, if any, oversight or even input from the Kanaka Maoli people for whose benefit these lands are held in trust. That myself, my 'ohana, my haumāna, and my children may never have access to, let alone have an opportunity to lease these lands to establish homes for our families, farms or lo'i to feed our communities or hāiau or hā'iau to preserve and perpetuate our language, cultural and religious practices while those foreign to our one hānau continue to reap great profits from lands that were literally stolen from nāpo'e kānaka, is offensive and not pono, it is not just. To add insult on top of injury, the proposed extension process neither provides adequate transparency and opportunity for the public, especially kānaka Maoli, to be informed of the proposed extensions, the "improvements" to existing development on leased lands, and their potential environmental and cultural impacts nor to have meaningful input into and participation in the decisions on whether to accept or reject the proposed developments/extended leases. Kānaka Maoli deserve to have a say in whether, and to what extent, these leases should continue, whether additional development/construction should be completed on lands already impacted by industrialization and commercial enterprises, and who should have the opportunity to protect, preserve, and exercise stewardship of these lands. This bill and its companion would continue to violate the rights of kānaka Maoli, for whose benefit these lands are intended but who have by and large been disenfranchised from the benefits others have reaped from these lands for more than 100 years. Ua mau ke ea o ka 'aina i ka pono. A'ole pono kā'ia SB 257 a me HB 499.

SB-257-SD-1

Submitted on: 3/4/2021 12:16:53 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Solomon kawamae	Individual	Oppose	No

Comments:

Aloha,

I do not support the extension of any ceded or kingdom crown lands leases, do to the continuous disadvantages of native hawaiiens and hawaii residents in the matter. Too much is too much. This bill to extend is fraudulent in the matter of hawaii kingdom crown lands. These lands should be primarily used for farming and educational purposes. I do not want to go deep with my testimony so, i will leave it at a big NO NO AOLE NO. Mahalo.

SB-257-SD-1

Submitted on: 3/4/2021 12:17:55 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

First, thank you for your time and consideration.

As I submitted in opposition for SB 499 (all versions) I am submitting testimony in opposition for SB 257 as well. I strongly oppose renewing public land leasing for state, city, and privatized profiteering. These "public land" spaces are still illegally occupied territories of The Kingdom of Hawai'i. It is inappropriate and violent for U.S. government legislation to faculty determination of land use within the Hawai'ian islands. Furthermore, it is corrupt to take these spaces away from the public for any kind of monetary gain to the U.S. proclaimed "state" of Hawai'i. As an example of why bill SB 257 should absolutely be a hard no, is in recognition of Mauna Ä• Wakea and PÄ• hakuloa. The lease title to the Hawai'ian homelands and deemed conservation land (that must be protected) has continually allowed abusive practices such as desecration to sacred spaces of Hawai'ian culture by building massive telescopes in a place they do not belong, allowing such a sacred space to be a "tourist attraction", restricting the rights of Kanaka Maoli to practice their religious/spiritual beliefs, police brutality, and literal state sanctioned violence against native peoples through genocide. Allowing this bill to pass would allow the renewal of this violence against the native people of Hawai'i, it is time for practices such as these to cease. It is the time of recognition and of accountability. With everything happening in today's world it is ever clear to me, especially in Hawai'i, that the governing practices by the U.S. are responsible for the calamities we face as humans bound to its forces. The militarization of the islands of Hawai'i is a strong example of how destructive and unhealthy the U.S. governing practices have been, among countless others since 1893. Providing lease extensions is unacceptable, especially considering leasing should never have been granted to begin with. Do not approve SB 257, it is not in alignment with what is best for Hawai'i and with what is best for humanity.

This bill would allow current lessees to bypass a public bidding process where input for past, current, and future land stewardship can be reviewed, higher rent negotiated, and if need be environmental assessments allowed. This bill would provide the Board of Land and Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use with little or no public input or oversight. The majority of the lands held in the public lands trust are "ceded lands" or Hawaiian Kingdom crown and government lands to be used for the betterment of the conditions of "native Hawaiians". Allowing the extension of leases beyond 65 years with

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

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

Consider the voices of Kanaka Maoli even more so and oppose SB 257. Do not renew the leases!!

SB-257-SD-1

Submitted on: 3/4/2021 12:29:22 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hans Amadeo	Individual	Oppose	No

Comments:

As a native Hawaiian i don't see any reason why this bill to be passed. The government that lease Hawaiian public lands should pay for the home of native Hawaiians as payment because we can't afford to buy our own homes because the cost of living here is so high. The condition for native Hawaiians is not better its worst.

SB-257-SD-1

Submitted on: 3/4/2021 12:35:41 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

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

Comments:

I strongly oppose the Senate Bill 257. Any control over the lands of The Kingdom of Hawai'i by the corporation of the state of Hawaii is illegal and a war crime. Please cease and desist. Land question are for the betterment of the Hawaiian. people and not for other entities and definitely not for 100 year leases which will take lands from the Hawaiian people for more than a generation.

LATE

SB-257-SD-1

Submitted on: 3/4/2021 12:45:46 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jazzmin Cabanilla	Individual	Oppose	No

Comments:

In OPPOSITION of SB257 SD1

Aloha kākou,

I submit this testimony in OPPOSITION of SB257 SD1 on behalf of my 'ohana including my keiki and my unborn grandchildren, who are unable to voice their perspectives on this matter.

As I sit here, I can feel them sitting next to me and I am filled with a sense of sadness and aloha as we draft and prepare another testimony to stop the desecration, development, selling, poisoning, and mismanagement, of our mama 'āina.

We are the living examples and the result of choices made by our predecessors. We have inherited and continue to adopt systems that work against us and our vital life sources.

Issuing leases beyond ones lifetime is ludacris.

Issuing leases to individuals, businesses, organizations, and other nations that do not have our future generations in heart, spirit and/or mind could potentially lock our future generations, my keiki and my grandchildren who will call Hawai'i home into situations they are unable to remove themselves from... issuing and extending leases to tenants who do not have our best interest in mind and that of our future keiki is a death sentence. It is a DEATH sentence that none of you have the right to impose upon them, us and our vital life sources. NONE of YOU have that right.

WE are the right holders of this trust and the rightful trustees. There are no "ceded lands" in Hawai'i, there are ONLY Crown & Government lands that exist here. As my 12 year old daughter stated, "there is no Treaty of Annexation..." I hope that today will be the day that a 12 year old and her unborn children speak to all of your folx piko.

E iho ana o luna, E pi'i ana o lalo, E hui ana nā moku, E Kā'āna ka paia

E ola ka Iā hui Hawai'i.

Mai ka IÄ• hiki a ka IÄ• kau,

'Ohana Pu'uohau Cabanilla; Moku o Keawe, Hawaiian Kingdom

SB-257-SD-1

Submitted on: 3/4/2021 12:53:48 PM

Testimony for WAM on 3/4/2021 1:35:00 PM



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

Comments:

I live in Kona and believe that the land should be protected land. We need to preserve land and not allow this bill to extend leases to those that do not have the aina and it's people as their number one priority.

Thank you for your consideration

Aloha,

Ashley Morrow

LATE

SB-257-SD-1

Submitted on: 3/4/2021 1:14:59 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michlynn Kahahane	Individual	Oppose	No

Comments:

O Michlynn Kahahane ko'u inoa. O Maui mai au. My name is Michlynn Kahahane I am from Maui. O wailuku ku'u one hanau. Wailuku is my beloved birth sands. My connection to Hawaii nei is a relationship that runs deep in my koko (blood) and this pilina (relationship) in aloha `Ä• ina is a kÅ«leana that I believe is Seeded in every kanaka or native hawaiian as it is deep within me. I do not approve of the extension of a 100 year lease under the DNLR board and request. The mission and kÅ«leana of this board and organization is to "Enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei" making decisions that will long outlast the people and future generations of Hawaii nei is not only wrong but unjust and not promoting the mission you the DNLR have. These spaces are sacred and belong to be held in the hands and management of kanaka maoli and the preservation of our culture and future generations. Please stop exploiting our people's aloha and let them begin to heal with the `Ä• ina and our communities of Ohana.

mahalo

Michlynn Kahahane

SB-257-SD-1

Submitted on: 3/4/2021 1:23:17 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

'A'ole loa! I am in strong opposition to SB257 for the here and now and for the generations to come.

LATE

SB-257-SD-1

Submitted on: 3/4/2021 1:25:43 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kahala Johnson	Individual	Oppose	No

Comments:

My name is Kahala, I am a student at UH Manoa and a Kanaka Maoli. I oppose the bill.

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

SB-257-SD-1

Submitted on: 3/4/2021 1:27:22 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

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

Comments:

Aloha my name is MÄ• healani Kupahu and I am from WaimÄ• nalo. Throughout my lifetime I had experienced DLNR has been mismanaging our lands. I want no more stolen land.

SB-257-SD-1

Submitted on: 3/4/2021 1:28:55 PM

Testimony for WAM on 3/4/2021 1:35:00 PM



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

Comments:

Aloha mai, E Heaven Mehana Kupahu inoa piha,

I live in Waimanalo on Department of Hawaiian homelands for 7 years. Before this 7 years ago we paid rent as much as 1300 a month and no utilities were included. We struggled so bad to get bills paid for utilities and food to eat. I have 3 siblings and parents to work so much hours and still it's just not enough. As a indigenous Hawaiian, I know that the Department of land and resources of Hawaii actually belongs to the kingdom of Hawaii for it was once Ceded lands now called public land. Since the illegal over through from the United States of America in 1893, Public lands run by The Department of Land and Nartrual resources leases are running out and should not be leased but be given back to the depart,ent of Hawaiian homestead for land for my indigenous Hawaiian people to live on.

This bill would provide the board of land and natural resources the power to extend leases of 'public lands" for commercial, resort, mixed, industrial, or government use with little or no public input from native Hawaiian lands that was illegally taken away. This bill would allow currant leases to bypass a public process were input for pat, present and future land stewardship can be reviewed. Higher rent negotiated and if need to be enviromental assessment allowed.
I oppose to new leases to dlnc.
aloha Heaven Kupahu

SB-257-SD-1

Submitted on: 3/4/2021 1:29:15 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Yanique Revers	Individual	Oppose	No

Comments:

Good Afternoon Esteemed Legislators,

My name is Yanique Revers and I am from the greater Washington, D.C. area. I write in opposition of SB257 as it would provide the Board of Land and Natural Resources the power to extend leases *to so called* public lands for commercial, government, and/or mixed use with little to no public input or oversight. Access and use of said lands should remain squarely with the Hawaiian people. And as an interested and concerned citizen of the same United States you all share citizenship, it is my responsibility to speak against that which is not in the interests of my fellow citizens. The extension of leases in excess of 65 years will not benefit the Hawaiian people; it will benefit private interest groups who may not have the best interests for not only the land but the people. Put the people first and restore truth to the true meaning of public land. Oppose SB257. Thank you.

SB-257-SD-1

Submitted on: 3/4/2021 1:29:56 PM

Testimony for WAM on 3/4/2021 1:35:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Puamamo Wa'a	Individual	Oppose	No

Comments:

Aloha, my name is Puamamo Wa'a and I oppose the SB257 bill that would seek give lease extensions of ceded lands to the authority of the Board of Land and Natural Resources without public input. I am a resident of Princess Kahanu Estates and proud to be living on Native Hawaiian land. I was raised in Nanakuli Homestead and my father is Michael Puamamo Kahikina, who was a State Representative for many years.

This bill would provide the Board of Land and Natural Resources the power to extend leases of "public" lands for commercial, mixed, industrial, resort, or government use without any public input or oversight. If the public is restricted to any insight how can there be any transparency.

More so, with limited or minimal input from the public, the access and stewardship of the land is for the beneficiaries raises great concern. It is common knowledge that the majority of the lands held in public lands trust are "ceded lands" or Hawaiian Kingdom crown and government lands, which were illegally transferred to the US and, as a condition of Statehood, transferred to the State of Hawai'i to be held in a public trust for "Native Hawaiians" as defined in the Hawaiian Homes Commission Act, 1920. If these lands are used for anything other than the stated purposes those uses could be considered a breach of trust for which suit can be brought by the United States.

I find that there is no right and no obligation for this bill to be introduced, let alone passed. This seems like another starting process for our "ceded lands" to be stolen from us and I want it publicly noted that I strongly oppose this bill. Given the short amount of time that I have had to submit testimony, I want to thank you all for reading my testimony and hope that this bill is not passed.

Mahalo nui no ko kakou manawa,

Puamamo Wa'a