



STATE OF HAWAII

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

IN REPLY REFER TO:

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

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

March 23, 2021 at 2:00 p.m.
State Capitol, Room 325

In consideration of
S.B. 2, S.D. 2, H.D. 1
RELATING TO PUBLIC LANDS.

The HHFDC supports S.B. 2, S.D. 2, H.D. 1, a measure to expand HHFDC's statutory exemption from the definition of "public lands" to include lands set aside to the HHFDC by Executive Order or leased from another State department or agency. This bill will help streamline the development of affordable housing on state lands.

S.B. 2, S.D. 2, H.D. 1, facilitates HHFDC's plans to build approximately 8,000 affordable units over the next 5 years. It will minimize the number of approvals from the Department of Land and Natural Resources as projects move forward from set-aside to the leasing, entitlement, financing, and development phases.

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

In 2008, the United States Supreme Court in Hawaii v. Office of Hawaiian Affairs unanimously held that the Apology Resolution "did not strip Hawaii of its sovereign authority to alienate the lands the United States held in absolute fee and granted to the State upon its admission to the Union."

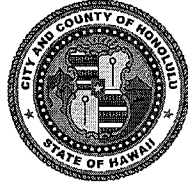
As HHFDC fills its role of facilitating more affordable housing development, we find that an increasing number of units are being occupied by Native Hawaiians and Other Pacific Islanders. Per 2019 ethnicity data on Hawaii Low-Income Housing Tax Credit-assisted affordable rental projects, Native Hawaiian/Other Pacific Islanders occupied 2,970 of the 34,196 occupied LIHTC units statewide, or 37.9%. This is up from 6,860 of 18,862 occupied units, or 36.3%, in 2015. Similarly, Native Hawaiians/Other Pacific Islanders constituted 44% of HOME Investment Partnerships Program assisted households over the last five years. Demographic data establishes that Native Hawaiians will benefit from the Legislature's continued support of affordable housing development.

Thank you for the opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



DEAN UCHIDA
DIRECTOR

DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

March 23, 2021

The Honorable Mark M. Nakashima, Chair
and Members of the Committee on Judiciary
and Hawaiian Affairs
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Nakashima and Committee Members:

**Subject: Senate Bill No. 2, SD 2, HD 1
Relating to Public Lands**


The Department of Planning and Permitting (DPP) is in **strong support** of Senate Bill No. 2, SD 2, HD 1, which would exempt lands set aside by the governor to the Hawaii Housing Finance and Development Corporation (HHFDC) from classification as "public land," subject to management by the Department of Land and Natural Resources.

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

The fee simple interest in the land would still remain with the State as HHFDC would develop these lands using long-term leases. Government housing agencies need a wide range of tools to create more housing units and help us build our way out of our housing crisis. We defer to HHFDC on the additional language in HD 1.

We are in strong support of Senate Bill No. 2, SD 2, HD 1, and appreciate the opportunity provide comments on the matter.

Very truly yours,


Dean Uchida
Director



SB2 SD2 HD1
RELATING TO PUBLIC LANDS
Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
House Committee on Judiciary & Hawaiian Affairs

Malaki 23, 2021

2:00 p.m.

Lumi 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB2 SD2 HD1, which seeks to amend the Hawai‘i Revised Statutes (HRS) § 171-2 definition of “public lands,” removing certain procedural safeguards found in HRS Chapter 171 for public lands set aside from the Governor or leased by other State departments or agencies to the Hawai‘i Housing Finance and Development Corporation (HHFDC). OHA notes that the long-term leases contemplated for public lands under this measure may foreclose Native Hawaiian claims to potentially large swaths of “ceded” lands for a century or longer, and have long been considered tantamount to a fee sale of lands in other contexts, such as those involving the leasing of tribal lands. **OHA opposes the foreclosure of Native Hawaiian claims to “ceded” lands that were unlawfully taken under extreme duress and without consent by or compensation to the Native Hawaiian people, and urges the inclusion of language provided below that would provide some recognition of and protection for these claims.**

OHA appreciates the HD1 draft amendment to this measure, which would provide OHA with three months’ notice prior to any plans to lease “ceded” lands for a period longer than 65 years. Such notice may potentially provide OHA with an opportunity to advocate for terms and conditions in HHFDC development projects that can protect Native Hawaiians’ claims of the “ceded” lands corpus. **However, notice alone does not provide any substantive protection for Native Hawaiian claims, and leaves open the significant risk that Native Hawaiians’ concerns and claims will be rejected, misunderstood, or ignored in the envisioned, century-long encumbrance of “ceded” lands.** This notice provision, as drafted, also relies on HHFDC’s interpretation of what may constitute “ceded” lands, which are often incorrectly and inappropriately conflated with the Public Land Trust and the lands classified under section 5(b) of the Admission Act. **Notably, the lack of substantive protections and the potential for agency misinterpretation will only invite future conflicts in the planning and implementation of HHFDC development projects, which OHA’s suggested amendment below specifically intends to avoid.**

As OHA has testified previously, SB2 SD2 HD1 contemplates a significant expansion of the public lands that could be leased under HHFDC’s very flexible and liberal land disposition authorities. Currently, HHFDC can give out extremely long-term

leases, including 99-year leases, on the limited lands that HHFDC holds in fee; HHFDC may also lease or otherwise dispose of such lands for far less than fair market value, and without the auction or other requirements generally applicable to the disposition of public lands. **SB2 SD2 would allow a vast amount of public lands—which are overwhelmingly “ceded” lands to which Native Hawaiians maintain unrelinquished claims, and which are also largely Public Land Trust lands, held for the benefit of native Hawaiians and the general public—to be leased or otherwise disposed of under HHFDC’s broad leasing and disposition authorities.** These lands are currently subject to the public transparency and accountability protections of HRS Chapter 171, which include lease length limitations (i.e. maximum aggregate lease period of 65 years), lease extensions prohibitions, and auction requirements; allowing these lands to be exempted from HRS Chapter 171 and instead subjecting them only to HHFDC’s broad leasing and dispositions authorities may foreclose, for a century or more, opportunities for Native Hawaiians to fully and directly realize the benefits from lands to which they have specific legal and moral claims.

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

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

“(c) The corporation may lease or rent all or a portion of any housing project and establish and revise the rents or charges therefor. The corporation may sell, exchange, transfer, assign, or pledge any property, real or personal, or any interest therein to

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

any person or government. With regards to real property set aside or leased to the corporation that was classed as government or crown lands prior to August 15, 1895, or exchanged for such lands, any lease, sublease, rental, exchange, transfer, assignment, or pledge of such property or interests in such property by the corporation for an aggregate period of longer than 65 years shall be made subject to terms and conditions approved by the board of trustees of the Office of Hawaiian Affairs. Such terms and conditions shall include provisions that reflect the maintained claims of native Hawaiians in the "ceded" lands corpus, such as provisions requiring rights of first refusal, transfers or commitments of resources for programs serving native Hawaiian interests, affordability requirements based on native Hawaiian housing demand data, a reservation of the rights and interests of a native Hawaiian self-governing entity in such lands, or any other relevant provision."

Accordingly, OHA respectfully urges the Committee to **HOLD** SB2 SD2 HD1. However, should the Committees choose to move this measure forward, OHA minimally urges the inclusion of the suggested amendment offered above. Mahalo nui loa for the opportunity to testify on this measure.

SB-2-HD-1

Submitted on: 3/21/2021 8:06:56 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eldred K. Kalehua	Royal Order of Kamehameha I. Heiau O Mammalohoa Helu Elua	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

KA LĀHUI HAWAI‘I

KŌMIKE KALAI‘ĀINA

BEFORE THE HOUSE JUDICIARY & HAWAIIAN AFFAIRS COMMITTEE

MARCH 23, 2021

SENATE BILL 2 HD1
Relating to Public Lands

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

Ka Lāhui Hawai‘i Kōmike Kalai‘āina submits the following written testimony in **STRONG OPPOSITION** to Senate Bill 2 HD1 which would take lands given to the Hawai‘i Housing Finance and Development Corporation (HHFDC) by the Governor and leased to HHFDC out of the "Public Lands" definition out from under the purview of Section 171 of the Hawai‘i Revised Statutes.

The majority of the lands held by the State of Hawai‘i are “ceded lands” or Hawaiian Kingdom crown and government lands. The University of Hawai‘i Professor Williamson Chang stated in a lecture given on October 1, 2014 entitled “Hawaii’s ‘Ceded Lands’ and the Ongoing Quest for Justice in Hawai‘i” that the Joint Resolution was incapable of acquiring these Hawaiian Kingdom public lands. Despite this analysis, the former Crown and government lands of the Kingdom of Hawai‘i were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai‘i to be held as a public trust for 5 purposes including the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920. 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 the Governor to take out lands from this Trust for HHFDC while Kanaka Maoli claims to these lands go unquieted is tantamount to theft and a breach of Trust. Furthermore, HHFDC would be allowed to give out leases beyond the maximum 65 years for Public Lands aka Hawaiian Kingdom Crown and Government lands and would set up lessees as pseudo owners of these lands without public input and oversight setting a bad precedence and is irresponsible.

Me ka 'oia'i'o,

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

SB-2-HD-1

Submitted on: 3/22/2021 10:45:22 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

We stand firmly in opposition to this effort to tske public lands and transfer, set aside, give, or gift HHFDC or any other manner of transferring land away from the ceded lands trust for whatever purpose.

Public lands (ceded lands) are private lands of the Hawaiian kingdom Government and Crown. All these types of attempts are efforts to illegally convert...illegal conversion...without proper title and being done with full knowledgge of said illegality. Hanalei Fergerstrom

STOP SB2, SD2 HD1 !

SB2, SD2 HD1 seeks to amend the Hawai'i Revised Statutes § 171-2 definition of "public lands."

Mahalo to teachers who taught students, *"Just because you wrote your name on a pencil you stole from a classmate, that doesn't make it yours. Give it back, apologize, and don't do it again."*

Testimony of Kūpuna for the Mo'opuna - STRONG OPPOSITION

JUDICIARY & HAWAIIAN AFFAIRS Chair Nakashima & Vice Chair Matayoshi, 3/23/21 @ 2pm



STOP LEGAL THIEVERY!

*The lands granted to the State of Hawai'i by Section 5 (b) (f) of the Admission Act and pursuant to Article XVI, Section 7, of the Hawai'i State Constitution, **shall be held by the State as a public trust for native Hawaiians and the general public.***

1.) Watch "PUBLIC LAND TRUST: JUSTICE DELAYED IS JUSTICE DENIED."

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

2.) Read "PUBLIC-PRIVATE PARTNERSHIPS HAVE A TROUBLED HISTORY IN HAWAII."

<https://www.staradvertiser.com/2021/03/14/hawaii-news/public-private-partnerships-have-a-troubled-history-in-hawaii/>

Ua mau ke ea o ka 'āina i ka pono!

SB-2-HD-1

Submitted on: 3/22/2021 12:05:12 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:



March 22, 2021

TO: House Committee on Housing, House Committee on Finance, House Committee

on Judiciary & Hawaiian Affairs and House Committee on Water and Land

FR: Kanaeokana Kula Hawai'i Network

RE: SB2 SD2 HD1 Relating to Public Lands

Aloha Representatives:

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

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

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

Therefore, we humbly ask the committees to OPPOSE SB2 SD2 HD1.

Me Ka 'Oia'i'o

Mahina Paishon-Duarte, Co-Chair

Elena Farden, Co-Chair

KÅ• mike Advocacy

Kanaeokana Kula Hawai'i Network

SB-2-HD-1

Submitted on: 3/22/2021 1:51:22 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Alice	HOPE Services Hawai'i	Oppose	No

Comments:

Hope Services Hawai'i opposes this bill.



Native Hawaiian LEGAL CORPORATION

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



SB2 SD2 HD1

RELATING TO PUBLIC LANDS

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

March 23, 2021

2:00 p.m.

Room 325

Aloha e Committee Chair, Vice Chair, and Members,

The Native Hawaiian Legal Corporation (“NHLC”) **OPPOSES SB2 SD2 HD1**, which would remove Hawai‘i Revised Statutes (“HRS”) Chapter 171 protections from public “ceded” lands set aside by the governor to the Hawai‘i Housing Finance and Development Corporation (“HHFDC”) or leased to HHFDC by any state department or agency. These protections include, but are not limited to, public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain “ceded” lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases, effectively alienating public and “ceded” lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries. SB2 SD2 HD1’s potential to divest Native Hawaiians of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of “ceded” lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. But the trust vested in the Department of Land and Natural Resources to manage and administer the “ceded” lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, “for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended”—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State’s disposition of “ceded” lands. Which lands (if any) should be alienated and assurance that the revenue such transfers generate maximizes the twenty percent fair market value realized by the Office of Hawaiian Affairs are decisions that should be discharged with reasonable skill and care. So too such decisions benefit from the public transparency and accountability protections of HRS Chapter 171. Exempting these lands from lease length limitations, lease extension prohibitions, and auction requirements while subjecting them to HHFDC’s broad leasing

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

So long as native Hawaiian claims to ownership of the “ceded” lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State’s failure to meet its trust obligations to Native Hawaiians, prudence demands that the State’s management and administration of the “ceded” lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. **SB2 SD2 HD1** fails to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory. Indeed, it is well-settled that native Hawaiian beneficiaries of the ceded land trust have a right to bring suit under the Hawai‘i Constitution when the terms of the “ceded” lands trust are violated, including failure by the State to adhere to the high fiduciary duties owed by a trustee to its beneficiaries. As trustee of the “ceded” lands trust, the State has charged itself with moral obligations of the highest responsibility and trust. As such, its conduct will be judged by the most exacting fiduciary standards, as is appropriate for a kuleana of this magnitude and consequence for generations of Native Hawaiians.

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

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

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

For all the above-stated reasons, NHLC **OPPOSES SB2 SD2 HD1**. Mahalo for the opportunity to testify.

Summer L.H. Sylva



Executive Director
Native Hawaiian Legal Corporation

Ashley K. Obrey



Staff Attorney
Native Hawaiian Legal Corporation



March 23, 2021

COMMITTEES ON JUDICIARY & HAWAIIAN AFFAIRS

Representative Mark M. Nakashima, Chair

Representative Scot Z. Matayoshi, Vice Chair

Testimony STRONGLY OPPOSING SB 2, SD 2, HD 1

Aloha, Chair Nakashima, Vice Chair Matayoshi, and members of the Committee,

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii **strongly opposes SB 2 SD 2, HD 1** that states land set aside for the Hawai'i Housing and Finance Development Corporation (HHFDC) is exempt from the definition of "public lands." The Caucus objects to any legislation that compromises the State's fiduciary obligation to Native Hawaiians under the public trust and public land trust.

Without Chapter 171 protections currently in place, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. This is tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for the past 100 years.

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

We encourage your committee to vote against SB 2, SD 2, HD 1.

Mahalo nui loa for the opportunity to testify.

Me ka mahalo nui,

JUANITA MAHIENAENA BROWN KAWAMOTO, Chair

Hawaiian Affairs Caucus of the Democratic Party of Hawai'i

SB-2-HD-1

Submitted on: 3/22/2021 1:59:26 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaikea K. Blakemore	Community Alliance Partners	Oppose	No

Comments:

We do not support the development or transfer of ceded lands for purposes differing from their original intent. The intended benefactors of these lands would not necessarily benefit from such changes, and changes could be utilized to cause environmental harm and increased gentrification in Hawai'i.

Kaikea Kaleikini Blakemore

Awareness Chair

Community Alliance Partners



House Committee on Judiciary & Hawaiian Affairs

Hawai'i Alliance for Progressive Action (HAPA) OPPOSES: SB2 SD2 HD1

Tuesday, March 23rd, 2021 2:00 p.m.

Aloha Chair Nakashima, Vice Chair Matayoshi and Members of the Committee,

HAPA strongly opposes SB2 SD2 HD1 which would remove Chapter 171 protections from public lands that were set aside by the governor to the Hawai'i Housing Finance and Development Corporation (HHFDC), or leased to HHFDC by any state department or agency.

We do not support the removal of these protections. Chapter 171 protections include public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources.

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

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

Please oppose SB2 SD2 HD1. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director

SB-2-HD-1

Submitted on: 3/20/2021 11:58:16 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I strongly oppose this bill. Fund the DHHL to provide real affordable housing for LOCAL people. Hawaiian lands aren't yours to sell!

SB-2-HD-1

Submitted on: 3/20/2021 12:32:05 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

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

SB-2-HD-1

Submitted on: 3/20/2021 1:58:45 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I strongly oppose leases of crownlands to aliens!!

SB-2-HD-1

Submitted on: 3/20/2021 2:02:12 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anna Weightman	Individual	Oppose	No

Comments:

My name is Anna Weightman and I am a student and Ulu Lehua Scholar at the University of Hawai William S.i Richardson School of Law. I have first hand experience with mismanagement of trust land at the hands of the Bureau of Indian Affairs as a Cobell Class Action beneficiary and as a beneficiary of undivided land interest of several Coastal Salish tribes. Native Hawaiians have a unique relationship with the State of Hawai'i and the US at large. Consultation laws and regulations with tribes and other Indigenous People such as kÄ• naka 'Å• iwi are imperative to repairing the State's relationship with Indigenous People. I oppose SB2 HD2 because it would streamline the process for HHFDC to misappropriate ceded lands for century long leases. The bill should be held. If the bill does move forward, I agree with OHA's proposition to add in, what is essentially, a consultation process with OHA prior to lengthy leases being approved. I am in strong opposition to SB2 SD2 and ask that you learn from your past mistakes, and mistakes of the Bureau of Indian Affairs to other Indigenous People, in short changing and violating the trust relationship you have with rightful heirs and beneficiaries of ceded lands. 99 year leases essentially dispose of ceded land - there is no way around it.

SB-2-HD-1

Submitted on: 3/20/2021 3:36:53 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I continue to oppose this measure for all of the reasons stated in the testimony of the Office of Hawaiian Affairs and the Native Hawaiian Legal Corporation.

SB-2-HD-1

Submitted on: 3/20/2021 6:45:06 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Meade	Individual	Oppose	No

Comments:

I OPPOSE SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/20/2021 8:46:56 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/21/2021 7:53:15 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
christine ahn	Individual	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/21/2021 8:25:58 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Aiko Yamashiro	Individual	Oppose	No

Comments:

I oppose this measure that would remove critical Chapter 171 protections from public "ceded" lands. These protections and processes are necessary to allow the public to participate in management and care for land--creating space for community voice critical to a strong democratic society.

Because "ceded" lands are kept for the specific benefit of our Native Hawaiian community, it is important that this community protection be maintained in its integrity. I am not Native Hawaiian (fourth-generation, Japanese/Okinawan, Windward O'ahu), but have seen over and over again how important it is to take care of this community. Besides being clearly the right and just thing to do given Hawai'i's history, taking care of Native Hawaiian claims to land strengthens their culture, and benefits our shared future.

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

This pandemic has taught us that the world can be upended at any moment. 99-year (or more) leases on land are simply unnecessary, and in fact would be a detriment to the creativity and adaptability that we need right now to build back better, to experiment boldly and smartly, and to reflect and change strategies as needed. Giving these dangerously long leases to entities to build non-subsidized housing will exacerbate our housing crisis, and continue to make living in Hawai'i affordable to only the rich for generations to come.

SB-2-HD-1

Submitted on: 3/21/2021 12:05:13 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

My name is John Kawamoto, and I support SB 2 SD 2 HD 1, which streamlines the process for the Hawaii Housing Finance and Development Corporation (HHFDC) to build affordable housing.

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

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

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

The exemption from the definition of "public lands" proposed by this measure will streamline the development of affordable housing on state land by reducing the number of approvals required from the Department of Land and Natural Resources as affordable housing projects move forward from set-aside to leasing, entitlement, financing, and development.

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

SB-2-HD-1

Submitted on: 3/21/2021 12:13:57 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hans Mortensen	Individual	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

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

S.B. 2, S.D. 2, H.D. 1
RELATING TO PUBLIC LAND

House Committee on Judiciary & Hawaiian Affairs

Hearing: Tuesday, March 23, 2021, at 2:00 pm

Aloha, and thank you for the opportunity to submit testimony in **opposition** to S.B. 2, S.D. 2, H.D.

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

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

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

The State has recognized that these lands have a unique history and, in previously enacting laws requiring a two-thirds majority vote in both houses of the Legislature for the sale or gift of trust lands, has made a commitment to limit the alienation of these lands to ensure that they are preserved for future reconciliation efforts with the Native Hawaiian community. HRS § 171-64.7. Although this proposal keeps in place the two-thirds majority vote for alienation of the trust lands set aside to HHFDC, and also includes a three-month notice requirement to OHA on plans to develop or finance a housing development on trust lands, by removing potentially large amounts of trust land from the definition of public lands and contemplating extremely long-term leases of the lands, this bill goes too far and undermines the State’s overall commitment to true reconciliation.

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

SB-2-HD-1

Submitted on: 3/21/2021 5:42:27 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I strongly oppose SB2 SD2 HD1. If we truly aim to create affordable housing for our local community, then actually fund the agencies tasked with that responsibility. Don't sell Hawaiian lands; those lands aren't yours to sell.

SB-2-HD-1

Submitted on: 3/21/2021 6:13:54 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I oppose sb2 sd2 hd1

SB-2-HD-1

Submitted on: 3/21/2021 9:35:37 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I oppose this measure that would remove critical Chapter 171 protections from public "ceded" lands. These protections and processes are necessary to allow the public to participate in management and care for land--creating space for community voice critical to a strong democratic society.

SB-2-HD-1

Submitted on: 3/22/2021 12:36:17 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Molly Leilani Trihey	Individual	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/22/2021 8:23:43 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mervina Cash-Kaeo	Individual	Oppose	No

Comments:

Removing Chapter 171 protections from public ceded lands is a bad idea. These protections were put in place for a very good reason. Removing the ceded lands from Chapter 171 protections opens the possibility of 99 year commercial leases with indefinite extensions. It is a great deal for the commercial entities and a bad deal for the people. It is tantamount to selling these ceded lands. Please don't do this.

SB-2-HD-1

Submitted on: 3/22/2021 8:31:16 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

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

If you want to help streamline affordable housing, you should concurrently be looking at ways to do the same for DHHL. This bill cannot be passed in good conscience when it clearly favors one group over the decades of cries of the most marginalized group in Hawai'i -- Native Hawaiians.

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

Please defer the bill until next session. Mahalo.

SB-2-HD-1

Submitted on: 3/22/2021 9:32:03 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/22/2021 9:39:44 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

Strong opposition

SB-2-HD-1

Submitted on: 3/22/2021 9:51:36 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Napali Souza	Individual	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/22/2021 10:12:44 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald Taber	Individual	Oppose	No

Comments:

OPPOSE

SB-2-HD-1

Submitted on: 3/22/2021 10:14:40 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

OPPOSE:

Why? Kuleana Legislators with \$\$\$ for eyes and no understanding of the lands or their responsibilities push these bills through committees even with overwhelming opposition. Leave the land alone, leave the water alone, leave the Mauna alone. Work towards protecting instead of destroying. This is not the USA no matter how hard some of you try.

"Do not be afraid, be steadfast in aloha for your land and united in thought, Protest forever..until the very last aloha `Ä• ina." Listen to the kupuna.

Testimony in Opposition to SB2
House Committee on Judiciary & Hawaiian Affairs
Tuesday, March 23, 2021 2:00pm

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

Contrary to the assertion of Denise Matsubara (executive director for the HFFDC), the predecessor to the HFFDC did NOT "[win] the right to alienate 'ceded' lands."¹

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

If this bill becomes law, the state will open itself up to another lawsuit. It should also be noted that the HD1 amendment³ does not provide any additional safeguards to protect the interests of Native Hawaiians, nor does it contemplate any type of meaningful consultation.

Mahalo nui for the opportunity to testify on this measure,

-J.R. Kealoha

¹ This statement was made in the 03/16/21 WTL/HOU hearing for SB2 SD2. It was made at the 22 minute mark of the youtube video of the hearing: <https://youtu.be/o2MDALyC4MY?t=1320>.

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

³ (e) With regard to real property set aside or leased to the corporation that was classed as government or crown lands previous to August 15, 1895, or exchanged for such lands by the corporation for an aggregate period of more than sixty-five years, the corporation shall submit the following documentation to the office of Hawaiian affairs at least three months prior to any plan to develop or finance an affordable housing development under this section:

(1) The specific location and size of the parcel of land to be developed or financed; and
(2) A detailed project description of the proposed affordable housing development, including the type of project, whether rental or owned; number of stories; number of units; amenities; estimated rent or sales price of the units; and a development timeline."

SB-2-HD-1

Submitted on: 3/22/2021 10:37:30 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tehani Louis-Perkins	Individual	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/22/2021 10:45:29 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheena Lopes	Individual	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands. PLEASE stop shorting Native Hawaiians their rights to these lands.

SB-2-HD-1

Submitted on: 3/22/2021 10:58:02 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

SB2 SD2 HD1 would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

SB-2-HD-1

Submitted on: 3/22/2021 11:11:12 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/22/2021 11:11:12 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kekaiokalani Naone	Individual	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/22/2021 11:17:17 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I am Clarence ku Ching - and I rise in opposition to this bill.

These are the stolen (so-called "ceded") lands of the Kingdom of Hawaii - that continues to exist and has the best title to these lands.

They were illegally "ceded" to the u.s. by the illicit Republic of Hawaii (having no good title) to the u.s. in the 1890s. Then they were attempted to be returned to the "people" of Hawaii by the 1959 Admissions Act - to the so-called "State of Hawaii" as Trustee with fiduciary responsibilities and duties - "for the betterment of conditions of Native Hawaiians and the general public" - to be held as a Public Trust for those beneficiaries.

The primary purpose of the Trust is to provide benefits for its beneficiaries - not to be objects over which "the State" can gift or lease - for the benefit of others.

This Bill - giving the governor utmost power and authority to discretionarily do his thing to is un-Constitutional and a breach of the Trust - as it, among other things, does NOT benefit the beneficiaries (that is the primary purpose of the Trust).

On the other hand, it "exempts" the governor from having to exercise the rule of fiduciary duties and responsibilities that is an intrinsic part of the Trust.

The Legislature, with fiduciary duties and responsibilities, is obligated to uphold Trust rules and standards - and Must adhere to the "standards" of Trust law.

To violate these fiduciary rules and standards is to be illegal and immoral!

Do uphold the "Law of Trusts" and reject this gross violation of Trust Law.

SB-2-HD-1

Submitted on: 3/22/2021 11:38:43 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
carol lee kamekona	Individual	Oppose	No

Comments:

I OPPOSE SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

SB-2-HD-1

Submitted on: 3/22/2021 12:06:53 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

SB2 SD2 HD1 would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

I oppose separating "ceded" Hawaiian national lands from the land trust without compensation, or making 99+ year leases of it.

SB-2-HD-1

Submitted on: 3/22/2021 12:12:14 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

Chair Nakashima, Vice-Chair Matayoshi and Members -

I write in OPPOSITION to SB2, SD2 HD1, because ths bill would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency.

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

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

The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands. Thank you for this opportunity to provide testimony in opposition to SB2, SD2 HD1.

Respectfully -

George White

SB-2-HD-1

Submitted on: 3/22/2021 12:22:03 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

My name is Carla Allison and I stand in strong opposition to SB2. We need to listen to and support the voices of our Native Hawaiian leaders. Please do not support or pass SB2. Thank you.

SB-2-HD-1

Submitted on: 3/22/2021 12:28:50 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tahiti Reed	Individual	Oppose	No

Comments:

I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands.

"Do not be afraid, be steadfast in aloha for your land and be united in thought.

Protest forever... until the very last aloha 'Ä• ina."

This is my testimony. Tahiti Reed

SB-2-HD-1

Submitted on: 3/22/2021 1:46:18 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Meleana Shim	Individual	Oppose	No

Comments:

Aloha honorable members of this committee hearing,

I am a Native Hawaiian law student at the William S. Richardson School of Law and I **OPPOSE** SB2 SD2 HD1 because it would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer. The HD1 amendments are not meaningful in any way and do not provide any additional layer of protections for these lands, therefore I oppose SB2 SD2 HD1.

Thank you for the opportunity to testify on this measure.

SB-2-HD-1

Submitted on: 3/22/2021 2:02:14 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jazzmin Cabanilla	Individual	Oppose	No

Comments:

I OPPOSE SB2 SD2 HD1

As a "beneficiary", rightholder, trustee of the Public Land Trust, Crown and Government lands; I hereby oppose SB2 SD2 HD1.

I submitted testimony in opposition the first time, we will continue to oppose these types of measures in all their forms until you folx remember where you are.

<http://libweb.hawaii.edu/digicoll/annexation/petition.php>

<http://archives.starbulletin.com/1999/01/02/news/story1.html>

<http://libweb.hawaii.edu/digicoll/annexation/protest.php>

#notreatyofannexation

‘Ohana Pu‘uohau Cabanilla

SB-2-HD-1

Submitted on: 3/22/2021 2:44:21 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I strongly oppose this bill! It takes ceded lands, gives it to developers, without any regard to the beneficiaries for whom this land is in trust.

SB-2-HD-1

Submitted on: 3/22/2021 8:17:57 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

These lands are for Hawaiians and for their use.

SB-2-HD-1

Submitted on: 3/22/2021 8:59:37 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I strongly oppose SB2 SD2 HD1. This bill would remove Chapter 171 protections from public "ceded" lands set aside by the governor to the Hawai'i Housing Finance and Development Corporation ("HHFDC") or leased to HHFDC by any state department or agency. These protections include, but are not limited to: public auction and appraisal requirements, lease length and extension limits, and prohibitions against lease transfers without prior approval from the Board of Land and Natural Resources. Without Chapter 171 protections, HHFDC would be able to obtain "ceded" lands at little to no cost, lease it to a developer for 99 years, and then indefinitely extend those leases. These long leases are tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.

SB-2-HD-1

Submitted on: 3/22/2021 10:28:29 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I oppose Bill SB2 SD2 HD1 because you are trying to legalize the theft of Hawaiian lands and the kanaka have had enough taken from them already. We only have so much public lands left and you want to take that from us, 'A'OLE!

SB-2-HD-1

Submitted on: 3/22/2021 10:30:20 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I oppose Bill SB749.

SB-2-HD-1

Submitted on: 3/23/2021 8:15:54 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

I understand that seated lands would be affected by this legislation, so I oppose the effort as it will threaten The status of Hawaiian lands.

SB-2-HD-1

Submitted on: 3/23/2021 9:34:56 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric D Carter	Individual	Oppose	No

Comments:

Hawaiian lands aren't yours to sell

While I understand the need for the Hawaii Housing Finance & Development Corporation's work, I urge you to **vote "NO" on SB2 SD2** because exempting public lands, especially so-called "ceded" lands, "from the definition of 'public lands'" for the purpose of land development is very likely **an international human rights concern**. This international human rights concern is in addition to "the state's constitutional and moral obligations to Native Hawaiians."

A BRIEF TIMELINE PROVIDING CONTEXT FOR SB2 SD2

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

In 2010, the Obama Administration moved the United States on a course to meet its international obligations for protecting indigenous peoples' human rights when the administration endorsed the United Nations Declaration on the Rights of Indigenous Peoples² ("UNDRIP") in 2010. In doing so, President Obama also mentioned efforts in advancing the rights of Native Hawaiians.³

In 2011, our state recognized Native Hawaiians "as the only indigenous, aboriginal maoli people of Hawaii."⁴ This was done in front of the backdrop of the United Nations General Assembly's passage of the UNDRIP and the Obama Administration's subsequent endorsement of the UNDRIP.

THE RELEVANCE OF INTERNATIONAL INDIGENOUS HUMAN RIGHTS TO SB2 SD2

In passing the UNDRIP, the world's nations recognized "[I]ndigenous peoples possess [1] collective rights which are [2] indispensable for their existence, well-being and integral development as peoples[.]"⁵ To clarify, "the[se] articulated collective rights derive from values of human dignity that are commonly associated with human rights."⁶ A few months after passage, the Hawai'i Supreme Court expressed the same sentiment as the UNDRIP in a decision dealing with "ceded" lands and stated, "we are keenly aware -- as was Congress -- that 'the health and well-being of the [n]ative Hawaiian people is intrinsically tied to *their deep feelings and attachment to the land*[.]'"⁷

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

[i]ndigenous peoples' collective rights over traditional lands and resources . . . can be seen as derivative of the universal human right to property, as concluded by the

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

² G.A Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007) (hereinafter "UN Declaration").

³ See, Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples, available at <https://2009-2017.state.gov/s/srgia/154553.htm>

⁴ Act of July 6, 2011, No. 195, 2011 Haw. Sess. Laws 646 (codified at HAW. REV. STAT. ch. 10H (2013)).

⁵ UN Declaration Preambular Para. [22].

⁶ S. James Anaya, Keynote Address to the 52nd International Congress of Americanists: Why There Should Not Have to Be a Declaration on the Rights of Indigenous Peoples 3 (July 2006) available at www.u.arizona.edu/~wbraynen/globalsocietyjustice/papers/anaya.pdf (hereinafter "Anaya keynote").

⁷ Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp., 117 Hawai'i 174, 214, 177 P.3d 884, 924 (2008) (footnotes and internal citations omitted) (emphases in original)..

inter-American human rights institutions, or as extending from the right to enjoy culture, as affirmed by the UN Human Rights Committee in light of the cultural significance of lands and resources to indigenous peoples.⁸

The UNDRIP also recognizes the importance of obtaining indigenous peoples' free, prior, and informed consent regarding land issues.⁹ More specifically, article 32 requires States to

consult and operate in good faith with the indigenous peoples concerned *through their own representative institutions* in order to obtain their free and informed consent *prior* to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."¹⁰

Free, prior, and informed consent (colloquially known as "FPIC") refers to consultation processes satisfying elements ensuring that consent is in fact free, prior, and informed. To satisfy the "free" element, consultation processes need to be free of coercion and pressure. To satisfy the "prior" element, consultations must be conducted before *any* action or development project is undertaken (when "development projects affect[] Indigenous peoples' lands, consultations should be conducted sufficiently in advance of any authorization or commencement of activity and more specifically during the exploratory or planning phase of the corresponding project"¹¹ and development plans start only after consultations are completed). To satisfy the "informed" element, consultations must also be informative. Informative consultations ensure that affected communities know the scope and effects of proposed development projects on their lives, resources, and culture.¹²

PROBLEMS WITH SB2 SD2

SB2 SD2 makes it possible for public and "ceded" lands – lands that Native Hawaiians have unrelinquished claims to – to be effectively sold via 99-plus year leases, without the comprehensive protection process for the fee sale of such lands our legislature created when it passed Act 176 in 2009.

Second, in addition to exempting lands from the Act 176 protective process, SB2 SD2 falls short of international human rights standards by not including language for obtaining Native Hawaiians' free, prior, and informed consent. As a reminder, "ceded" lands are lands Native Hawaiians have unrelinquished claims to. A ninety-nine year (or longer) lease, is in effect, a land sale. A land sale (or long-term lease) that does not seek to obtain Native Hawaiians' free, prior, and informed consent violates the human rights principles the United States government acknowledged when President Obama endorsed the UNDRIP and the growing body of

⁸ *Id.*, at 13 (internal citations omitted).

⁹ UN Declaration, arts. 10, 11(2), 19, 28(1), and 29(2), 32(2).

¹⁰ *Id.*, at art. 32 (emphases added).

¹¹ Mauro Barelli, *Free, Prior, and Informed Consent in the UNDRIP: Articles 10, 19, 29(2), and 32(2)*, in THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: A COMMENTARY, 250 (Jessie Hohmann and Marc Weller eds., 2018).

¹² *Id.*

international human rights law developed at, and by, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.¹³

While it may be true that SB2 SD2 may comport with Hawai‘i law, **passage of SB2 SD2**, coupled with anticipated actions to develop “exempted” lands (including leased lands) **puts Hawai‘i’s reputation as a tourist destination at risk by potentially changing it to a human rights violator.**

CONCLUSION

I understand and sympathize with the unique needs and concerns the State of Hawai‘i, and its people, face. *How* we approach these needs and concerns are equally important. **I urge you to vote NO on SB2 SD2** and find another way – a way that acknowledges, protects, and respects Native Hawaiians’ human rights - to meet the challenges ahead.

Derek Kauanoe
(808) 729-0289
dkauanoe@gmail.com

¹³ These two entities are organs of the Organization of American States for which the United States is a founding member. *See*, OAS: About the IACHR *available at* <https://www.oas.org/en/iachr/mandate/what.asp>. *See also*, OAS: Our History *available at* http://www.oas.org/en/about/our_history.asp.

SB-2-HD-1

Submitted on: 3/23/2021 11:24:49 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

Oppose