



HB1385 HD2 SD1
RELATING TO PUBLIC LANDS
Senate Committee on Ways and Means

March 31, 2023

9:45 AM

Room 211

The Office of Hawaiian Affairs (OHA) offers **COMMENT** on HB1385 HD2 SD1, which would clarify that the Board of Land and Natural Resources (BLNR) shall not unilaterally amend the terms and conditions of leases of public lands within the Hilo Community Economic District and must include such practices within the rules of the board if the BLNR wishes to amend terms and conditions. **OHA appreciates the limited scope of the measure that will prevent unintended impacts while promoting the revitalization of the Waiakea Peninsula. However, OHA has concerns that the measure may negatively impact Native Hawaiians by unintentionally providing a pathway that could (and has) led to the permanent alienation of public land trust lands.**

This measure would clarify that the BLNR shall not unilaterally amend the terms and conditions for leases of public lands within the Hilo Community Economic District without first establishing rules on such practices for the board under Hawaii Revised Statutes (HRS) Chapter 91. Among those items the existing law would allow the BLNR to amend is lease restrictions under HRS §171-36(a), including the 65-year lease term aggregate restriction.

OHA wishes to emphasize that the Crown and Government lands of the Hawaiian Kingdom, often referred to as “Ceded Lands” of the Public Land Trust corpus, are continuously held in trust for the betterment of the conditions of Native Hawaiians.¹ In addition to its codification within the Hawai‘i Admissions Act, lawmakers sought to ensure the continuous uplifting of Native Hawaiian socio-economic status through the creation of OHA and the enacting of these principles into State law.² OHA serves as the principal public agency of the State responsible for the programs and activities of Native Hawaiians,³ whose well-being is often positively impacted by the programs and services funded by revenue from the public land trust.

OHA promotes the best use of public land trust lands to protect the interests and rights of Native Hawaiians. Long-term leases beyond the 65-year lease term aggregate have been used in the past to permanently alienate land from the public land trust and privatize public lands. To mitigate OHA’s concerns that the BLNR may be allowed to amend lease restrictions, including the 65-year lease term aggregate restriction, OHA asks that the following language be inserted into the measure in Section 2, on page 11, line 14, to read:

¹ Pub. L. 86-3, 73 Stat. 4; Hawai‘i Admissions Act of 1959.

² HRS §10-3.

³ Id.



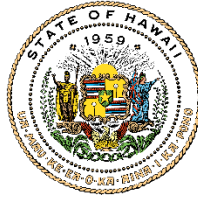
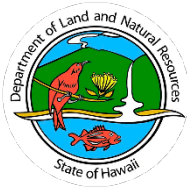
HB1385 HD2 SD1
RELATING TO PUBLIC LANDS
Senate Committee on Ways and Means

(i) Nothing contained in this section shall diminish, alter, or amend any existing rights, privileges or practices of the Native Hawaiian people; nor shall the obligations of the State to the Native Hawaiian people be absolved.

OHA appreciates the opportunity to testify on HB1385 HD2 SD1 and **respectfully asks the Legislature to take into consideration OHA's recommendations for the betterment of conditions of Native Hawaiians.** Mahalo nui loa.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF Hawai'i | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
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

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Friday, March 31, 2023
9:45 AM

State Capitol, Conference Room 211 & Videoconference

In consideration of
HOUSE BILL 1385, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO PUBLIC LANDS

House Bill 1385, House Draft 2, Senate Draft 1 deletes in its entirety the text of House Draft 2 of the measure (pertaining to redevelopment districts and specifically to redevelopment of Waiakea Peninsula in Hilo) and inserts the text of Senate Bill 97, Senate Draft 1, relating to lease extensions in the Hilo Community Economic District (i.e., a “gut and replace”). As such, House Bill 1385, House Draft 2, Senate Draft 1 now proposes to amend Section 171-36, Hawai‘i Revised Statutes (HRS), to prohibit the Board of Land and Natural Resources (Board) from updating the terms of leases when they are extended under Act 149, Sessions Laws of Hawai‘i (SLH) 2018 (Act 149), unless the most current lease forms and leasing practices and policies of the Board are included in rules of the Board adopted in accordance with Chapter 91, HRS. **The Department of Land and Natural Resources (Department) opposes this measure.**

Act 149 is limited in application to the Hilo Community Economic District (HCED). The Department’s leases in the HCED were issued either by: (i) public auction; or (ii) direct negotiation under disaster relief legislation enacted after the 1960 tsunami that impacted Hilo and other areas of the State. For many years, the Board was under the understanding that the Hawai‘i Supreme Court’s decision in *Kahua Ranch*¹ precluded the Department from updating public auction leases to the current standard terms and conditions used by the Department of the Attorney General (AG) in the extension period. In contrast, the Board could update direct negotiation leases to the current standard terms and conditions used by the AG. Accordingly, the

¹ *State v. Kahua Ranch, Ltd.*, 47 Haw. 28, 384 P.2d 581 (1963), aff’d on reh’g, 47 Haw. 466, 390 P.2d 737, reh’g denied, 47 Haw. 485, 391 P.2d 872 (1964).

Department initially processed lease extension applications differently under Act 149, depending on whether the leases were issued by public auction or direct negotiation; public auction leases would be extended on their original terms and conditions while direct negotiation leases would be updated in the extension period to the current standard terms and conditions used by the AG.

The disparate treatment of these two types of leases troubled the Department and members of the Board. The Department therefore sought legal advice from the AG on the effect of the *Kahua Ranch* decision on Act 149 lease extensions. Pursuant to an advice letter from the AG dated July 26, 2022, the Department determined that public auction leases could be updated to the AG's current lease terms and conditions, to the extent necessary to implement the requirements of Act 149. Below is a summary of three substantive provisions the Department is now allowed to update in extensions of public auction leases:

- **Lease Assignments.** AG's current lease form includes an assignment of lease premium analysis that allows the State to share in the consideration paid for an assignment of a lease under some circumstances. This term is consistent with Section 171-36, HRS, which was amended to allow for the assessment of a lease assignment premiums by Act 55, SLH 1982. Leases issued prior to 1982 contain no such provision.
- **Sublease Rents.** AG's current lease form includes language allowing the State to adjust the lease rent based on the sublease rent charged to the sublessee. This is consistent with Section 171-36, HRS, which was amended to allow for rent adjustments in the subleasing context by Act 239, SLH 1965. Leases issued prior to 1965 contain no such provision.
- **Ownership of Improvements.** AG's current lease form includes a provision on ownership of improvements at lease expiration giving the State the option of assuming ownership or requiring the lessee to remove them at lessee's expense. State leases have incorporated this provision since about the mid-1960s. The older leases simply provide that at the expiration of the lease, title to the improvements vests in the State, leaving open the question whether the State is responsible for removing improvements that have outlived their useful lives. The lease extension period should include the current standard terms clarifying the State's options relating to ownership of improvements.

House Bill 1385, House Draft 2, Senate Draft 1 would hamstring the Department's leasing practices by requiring the Board to use outdated lease forms for Act 149 extensions, unless the lease form and leasing practices and policies of the Board are included in rules governing the extensions of public lands pursuant to applicable law, adopted by the Board in accordance with Chapter 91, HRS. The Board does have policies on lease assignment premiums and adjustment of rent for subleases that were adopted at its noticed, sunshine meetings where the Department's lessees and the public at large had an opportunity to testify. However, the lease forms and practices at issue are actually those of the AG, not the Board or the Department. The AG prepares the lease documents and approves them as to form. It would not make sense for the Board to adopt rules about the lease forms prepared and used by the AG. Additionally, the AG needs flexibility in drafting and revising its lease forms to accommodate industry changes, developments in landlord-tenant law as determined by courts or new statutory enactments. Requiring rules for the contents of AG's legal documents is not a workable approach.

The Department also takes issue with the use of language in the bill to the effect that the Department “unilaterally amends . . . terms and conditions of the extended lease to conform to the most current lease form and leasing practices and policies” of the Board. A lease extension is effectuated by a document requiring the signature of both the State and representatives of lessee. If the lessee does not agree with the terms and conditions of the extension documents, it does not have to sign it.

The best interests of the State are not served by extending leases on outdated forms that are not even compliant with the current requirements of Chapter 171, HRS. Further, there is no compelling reason that lessees should continue to benefit from lease provisions that are outdated. The Legislature already provided a significant benefit to State lessees by allowing them to apply for extensions of their leases beyond the maximum term of 65 years that existed prior to 2018. Act 149 was in derogation of the stated public policy of leasing state lands through a competitive process under Section 171-32, HRS.² Additionally, even under the outdated lease forms discussed above, the State is entitled to ownership of improvements built by lessee on the premises at lease expiration. If the leases in HCED were allowed to expire, the State would be able to lease them with improvements (assuming the improvements retain useful life) thereby potentially increasing the fair market rental rent payable to the State. Act 149 provides that the rent for the lease extension period is to be based on land only – another benefit to the lessee. Under these circumstances, the Department should be permitted to update its lease forms in the extension period in accordance with the advice provided by the AG.

Mahalo for the opportunity to provide testimony in opposition to this measure.

² “§171-32 Policy. Unless otherwise specifically authorized in this chapter or by subsequent legislative acts, all dispositions shall be by lease only, disposed of by public auction in accordance with the procedure set forth in sections 171-14 and 171-16.”

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 3:43:51 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglass S. Adams	Testifying for Department of Research & Development, County of Hawaii	Support	Written Testimony Only

Comments:

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means:

Thank you for the opportunity to provide testimony in **support** of **HB 1385 HD2 SD1**, which clarifies that the Board of Land and Natural Resources shall not unilaterally amend the terms and conditions of any lease of public lands being extended pursuant to Act 149, Session Laws of Hawai'i 2018, except as otherwise provided therein, notes that if the Board of Land and Natural Resources wishes to amend the terms and conditions of any lease of public lands being extended to reflect the Board's most current lease form and leasing practices and policies, such lease form and leasing practices and policies must be included in the rules of the Board, and defines "lease of public lands". The bill serves as a valuable approach to improve Act 149, while helping the County address intergovernmental concerns in support of local businesses and other organizations in the Waiakea Peninsula and nearby areas.

We encourage the Committee to move HB 1385 HD2 SD1 forward with a **POSITIVE** recommendation for Senate passage.

Thank you for your consideration.

very respectfully,

Douglass S Adams

Director, Department of Research & Development

County of Hawai'i

LATE

From: [Sen. Donovan Dela Cruz](#)
To: [Mary Deneen](#); [Carey Price](#)
Cc: [Chung Chang](#); [David Cho](#)
Subject: FW: HB 1385, HD2, SD1 - WAM 3/31/2023 - STRONG OPPOSITION
Date: Thursday, March 30, 2023 10:41:32 AM

From: Kupuna Moopuna <[REDACTED]>
Sent: Thursday, March 30, 2023 10:24 AM
To: Sen. Donovan Dela Cruz <sendelacruz@capitol.hawaii.gov>; Sen. Gilbert Keith-Agaran <senkeithagaran@capitol.hawaii.gov>; Sen. Dru Mamo Kanuha <senkanuha@capitol.hawaii.gov>; Sen. Michelle Kidani <senkidani@capitol.hawaii.gov>; Sen. Donna Mercado Kim <senkim@capitol.hawaii.gov>; Sen. Chris Lee <senlee@capitol.hawaii.gov>; Sen. Sharon Y. Moriwaki <senmoriwaki@capitol.hawaii.gov>; Sen. Maile Shimabukuro <senshimabukuro@capitol.hawaii.gov>; Sen. Glenn Wakai <senwakai@capitol.hawaii.gov>; Sen. Kurt Fevella <senfevella@capitol.hawaii.gov>; Sen. Lynn DeCoite <sendecoite@capitol.hawaii.gov>; senaquino@capitol.hwa; senfevella@capitol.hawaii
Cc: Kupuna Moopuna [REDACTED]
Subject: HB 1385, HD2, SD1 - WAM 3/31/2023 - STRONG OPPOSITION

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Kūpuna for the Mo'opuna

committed to the well-being of Hawai'i for the next generations to come

kupuna4moopuna@gmail.com

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

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

Date: Friday, March 31, 2023

Time: 9:45am

Place: Room

211

HB 1385, HD2, SD1 – RELATING TO PUBLIC LANDS – **STRONG OPPOSITION**

Aloha Senators,

Kūpuna for the Mo'opuna, a network of Hawaiian Homes Commission Act kūpuna farmers from Pana'ewa, Hawai'i, submit this testimony in **STRONG OPPOSITION to HB 1385, HD2, SD1.**

Under Article 11, section 1 of the Hawai'i State Constitution and Chapter 171, HRS, the State, through the Board of Land and Natural Resources, **holds in trust** Hawai'i's 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 State 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. **HB 1385 disregards all of this.**

In addition, the Hawai'i County General Plan 2005 (GP 2040 way overdue) and outdated South Hilo Community Development Plan 1975 – a CDP wherein lies the targeted area - with no plans to update and enable the South Hilo CDP in the County Code *in spite of numerous attempts at engagement by the community* must be at the front of all responsible long range planning efforts. **HB 1385 puts the cart before the horse.**

Do not pass HB 1385, HD2, SD1.

Mahalo,
Kūpuna for the Mo'opuna
Pana'ewa, Hawai'i

Ua mau ke ea o ka 'āina i ka pono!

LATE

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Kūpuna for the Mo'opuna

committed to the well-being of Hawai'i for the next generations to come

kupuna4moopuna@gmail.com

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

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

Date: Friday, March 31, 2023

Time: 9:45am

Place: Room

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HB 1385, HD2, SD1 – RELATING TO PUBLIC LANDS – **STRONG OPPOSITION**

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In addition, the Hawai'i County General Plan 2005 (GP 2040 way overdue) and outdated South Hilo Community Development Plan 1975 – a CDP wherein lies the targeted area - with no plans to update and enable the South Hilo CDP in the County Code *in spite of numerous attempts at engagement by the community* must be at the front of all responsible long range planning efforts. **HB 1385 puts the cart before the horse.**

Do not pass HB 1385, HD2, SD1.

Mahalo,
Kūpuna for the Mo'opuna
Pana'ewa, Hawai'i

Ua mau ke ea o ka 'āina i ka pono!



Senate Committee on Ways and Means

Hawai'i Alliance for Progressive Action (HAPA) Opposes: HB1385 HD2 SD1

Friday, February 31st, 2023 at 9:45am, Conference Room 211

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

HAPA opposes HB1385 HD2 SD1, which removes important protections against the de facto alienation and inappropriate disposition of public lands in favor of private interests.

HAPA appreciates this measure's apparent intent to facilitate the redevelopment of the Waiakea Peninsula. However, Part III of this measure would remove statutory safeguards for public lands throughout our islands, including statutory provisions limiting lease lengths and limiting the renewal of lease terms and conditions – safeguards essential to preventing the undue privatization of our limited public land base.

We believe it is important not to risk the de facto privatization of our limited public lands, which HB1385 may facilitate. This bill gives politically connected private entities even more opportunities to exert their influence over the disposition of our public lands, to the detriment of the public interest.

This bill removes important legal protections against private land grabs of public and "ceded" Hawaiian lands. These ceded lands should not be on the table for century-long or longer leases until kānaka maoli claims to such lands are addressed and resolved.

We ask that you please defer HB1385 HD2 SD1. Thank you for your consideration.

Respectfully,

Anne Frederick
Executive Director

LATE



SIERRA CLUB OF HAWAI‘I

SENATE COMMITTEE ON WAYS AND MEANS

March 31, 2023

9:45 AM

Conference Room 211

In **OPPOSITION** To **HB1385 HD2 SD1**: Relating to Public Lands

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Water and Land,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai‘i respectfully **OPPOSES** HB1385 HD2 SD1, which would inhibit the Board of Land and Natural Resources’ (“BLNRs”) ability to uphold the public trust in public lands in Hilo.

The Sierra Club of Hawai‘i appreciates the amendments made to the prior draft of this measure, which would have removed important protections against the de facto alienation and inappropriate disposition of public lands across the islands. However, as drafted, the current version of this measure would now appear to unduly tie the BLNRs’ hands in updating outdated lease terms and conditions in the extension of leases in the Hilo Community Economic District, and thereby violate the state’s fiduciary obligations under the public trust and public land trust.

As a trustee of our public trust and public land trust, the BLNR has duties of prudence and due diligence in ensuring that the interests of Native Hawaiians and the general public are appropriately reflected in any disposition of public and public land trust lands. By forcing the BLNR to process lease extensions using old and outdated lease terms and conditions, pending the promulgation of administrative rules – a process that may take months or even years – this measure would prevent the BLNR from updating decades-old lease provisions to reflect changes in land management practices and lessees’ subleasing activities. **Accordingly, current lessees seeking lease extensions could realize a substantial windfall in revenues from their continued occupation and subleasing of leased public lands, without modern lease provisions that can uphold the BLNR’s duties to ensure a fair return for public trust and public land trust beneficiaries.**

Accordingly, the Sierra Club of Hawai‘i respectfully asks that HB1385 HD2 SD1 be held.

Mahalo nui for your consideration of this testimony.

HB-1385-SD-1

Submitted on: 3/29/2023 8:30:49 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
alan nagakura	Individual	Support	Written Testimony Only

Comments:

Please consider this bill. It is important to our future and the overall well being of our community as a whole.

Hilo needs this.

thank you.

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 10:06:49 AM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Oppose	Written Testimony Only

Comments:

Aloha Senators - I'm writing to oppose HB1385. It says it is about the Hilo economic district, but then makes wholesale changes to 171, like: " (1) Modify or eliminate any of the restrictions specified in section 171-36(a);" including lease limitations. I'm working on a case where a foreign LLC has been nonexistent since 2014 and yet still a lease because DLNR apparently hasn't been properly reviewing it. In the meantime, Coco Palms resort developers are using the public trust lands. Please do not remove further scrutiny when there already isn't enough.

Bianca Isaki

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 12:08:24 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kerry A. Umamoto	Testifying for Hilo Fish Co	Support	Written Testimony Only

Comments:

TO Chair,

im am writing in support of HB1385. Here in hilo we are still trying to work on our lease extension and are getting no response. i would appreciate after being an owner ocupied leasee of the state for years that at some point we have some honest direction to move forward.

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 2:04:14 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Cards Pintor	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this bill.

Mahalo nui,

Cards Pintor

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 3:27:19 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Bronze Fonoimoana	Individual	Oppose	Written Testimony Only

Comments:

I am extremely oppose all HB1385

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 4:12:35 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
L. Itokazu	Individual	Oppose	Written Testimony Only

Comments:

strongly oppose

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 5:51:40 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Individual	Oppose	Written Testimony Only

Comments:

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

I am writing in opposition to HB 1385, HD 2, SD 1, which would establish a ten-year pilot project to authorize the extension of leases of public lands in the Hilo community economic district.

Within a decade it is readily foreseeable that new lease extensions can be made giving private economic interests long-term access to valuable real property on fixed terms that inure to their discrete benefit for many decades.

As such, this bill furthers the ongoing multi-generational transfer of wealth from those public interests ostensibly represented by state agencies, including indigenous Native Hawaiians, to private vested interests.

Mechanisms like long-term leases have been used to dispossess Native Hawaiians in their homeland in relative perpetuity, sometimes accompanied by lasting environmental degradation (as is the case in long-term leases with the U.S. military, including Pohakuloa).

The Legislature should instead endeavor to promulgate a comprehensive plan under the State Plan Act to re-evaluate its management of public lands, [including ceded trust properties](#); consider each island's carrying capacity for tourism; and, among other concerns, make arrangements for [managed retreat from rising sea levels](#).

This ongoing deliberative process should include broad cross-sections of impacted communities and not primarily be the purview of those engaged in rent-seeking activities.

As Gov. George Ariyoshi wrote in his most recent volume: "Whatever we become we owe to our connectedness of one to another... We all live on the same islands. Interconnecting the issues of the public sphere will help us think better. It will move our sights to the bigger picture and the longer term."

While this bill seeks to be at once time-limited and far-reaching, it is not in accord with a deliberative long-term perspective that gives due consideration to the public interest.

Mahalo for the opportunity to provide testimony.

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 7:34:29 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynda Williams	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. It is a Land grab by local politicians and businesses and will be challenged in court because as OHA pointed out it is illegal! I am disgusted by my local representatives in Hilo district for advancing this bill.

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 7:57:23 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Marquez	Individual	Oppose	Written Testimony Only

Comments:

Aloha kākou,

My name is Malia Marquez and im from Maunalua, O'ahu. I absolutely OPPOSE HB 1385. This attempt proves that you have NO problem disregarding kanaka maoli and our rights to our lands. Mai poina, there is NO Hawai'i without Hawaiians. We need to KEEP HAWAIIAN LANDS IN HAWAIIAN HANDS. Please OPPOSE HB1385 for the sake of Hawai'i and the kanaka maoli of this land. Mahalo.

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 8:33:59 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Joanna Maile Pokipala Resurrection	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Joanna M P Resurrection. I oppose bill HB 1385. As kanaka Maoli I don't agree to having to lease land this is ours. However, if I have to lease land than it should be for longer lease terms versus shorter. Therefor, I oppose HB1385.

Mahalo,

Joanna M P Resurrection

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 8:35:28 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Alfred Medeiros	Individual	Oppose	Written Testimony Only

Comments:

Aloha...it seems this bill has risen from the dead, due to Senator Lorraine Inouye's continued hate against Kānaka Maoli and Hawaiians, and not wanting Hawaiians to live in Hawai'i or on their own land. She wants to extend the leases and steal land, to help her developer investors that have contributed to not only her campaign, but her day to day life. Lorraine Inouye is wrong for her actions and rewording everything to disguise a bill that's bad for the people and Hawai'i. She needs to be removed from office, as her actions have shown she only cares about the money, not the protection or preservation of our land or the betterment of the people. Myself and many others are in full opposition and we need our delegates to start listening to the people, especially the ones of this land. Mahalo got your time and I wish we could've given in person testimony, but it seems it wasn't available.

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 9:59:22 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Hideki Kimukai	Individual	Oppose	Written Testimony Only

Comments:

Dear representatives

I oppose this bill because the people of the land will suffer even more by priced out of their home.

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 10:51:56 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Christine A Villaflor	Individual	Oppose	Written Testimony Only

Comments:

I vehemently oppose HB1385. Stolen Kānaka Maoli land should not be leased for more than 65 years. It shouldn't be leased to the US or commercial businesses in the first place. Oppose. Oppose. Oppose.

Christine A Villaflor

‘Ewa Beach, HI

LATE

HB-1385-SD-1

Submitted on: 3/30/2023 11:02:29 PM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Puanani Rogers	Individual	Oppose	Written Testimony Only

Comments:

In strong opposition. Please kill this bill!

LATE

SENATE COMMITTEE ON WAYS AND MEANS

TESTIMONY OPPOSING HB1385 HOUSE DRAFT 2 AND SENATE DRAFT 1
RELATING TO PUBLIC LANDS

Aloha Senators

I oppose HB1385 for the following reasons:

- It is unclear what parts of Act 149 (which is halfway through a ten-year pilot) requires change with HB1385 HD2 and SD1? All I see are anecdotal descriptions indicating designated public lands that have “fallen into dilapidation, deterioration, or obsolescence.” Where is the data proving a problem exists and what are the root causes this bill intends on fixing? Is it mismanagement by the Department of Land and Natural Resources (DLNR)? Is it because of a lack of a coherent, congruent and coordinated development plan between the State, County, and key stakeholders such as the Office of Hawaiian Affairs (OHA) and the general public? Or is it because the State of Hawaii intends on abrogating its fiduciary responsibilities over Crown/Ceded/Public lands by privatizing the area and placing governance responsibility and authority in the hands of a special interest group?
- This bill intends on leveraging recently passed Act 236 automatic lease extensions of Crown/Ceded/Public lands which I vehemently oppose as a native Hawaiian.
- I do not agree with the special interest group retaining and reinvesting dollars that are owed to the public by law. Reinvestment is a business expense that should be taxed accordingly.

Sincerely
William L. Kapaku Jr

LATE

HB-1385-SD-1

Submitted on: 3/31/2023 5:58:56 AM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ekini Lindsey	Individual	Oppose	Written Testimony Only

Comments:

OPPOSITION OF BILL HB1385.

PLEASE READ THIS MEASURE PROPERLY, AND VOTE CORRECTLY! LAND IS PRECIOUS TO THE PEOPLE OF HAWAII ESPECIALLY TO KANAKA, AND PEOPLE WHO CALL HAWAII THEIR HOME. MANY COMMUNITIES ARE WORKING DILIGENTLY IN SUSTAINING AND SUPPORTING GRASS ROOT SUSTAINABILITY, INSTEAD OF HIGH RISES, FOREIGN INVESTMENTS, AND COMMERCIAL DEVELOPMENT THAT DOES NOT SUPORT THE ISLANDS MAINTENANCE, ECONOMIC STRUGGLES, SCHOOLS, ROADS, AND ESPECIALLY WATER RESOURCES!!.....

LAND AND WATER ARE VITAL!! IT NEEDS ATTENTION, THE CORRECT WAY!!

THINK...WHAT WOULD YOUR GRANDMOTHER DO....

HB-1385-SD-1

Submitted on: 3/31/2023 9:35:35 AM

Testimony for WAM on 3/31/2023 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
jacinto kaleo zulueta	Individual	Oppose	Written Testimony Only

Comments:

i oppose lease the extensions.

LATE

HB-1385-SD-1

Submitted on: 3/31/2023 9:38:24 AM

Testimony for WAM on 3/31/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kainani Littlejohn	Individual	Oppose	Written Testimony Only

Comments:

Stop the outright genocide on us Kānaka maoli, the only thing you guys should be focusing on is giving Landback and keeping Hawaiian Land in Hawaiian hands! 'A'ole loa! Enough already!

You are only here because we allow it, you are lucky we have more dignity respect and kāpū aloha. If only you understood nor cared about the major impact your most importantly having for kānaka maoli but also for the impact of the climate, and environment all around the world. This planet cannot support nor sustain a neo-colonial structure no longer. Global warming and climate change is solely your guy's fault, with mass extinctions of indigenous people's of all over and all of our ancestral species of our lands. Look at what you guys have done to our native bird population to our culture to us as a people. **YOU ARE KILLING US, STOP IT! ENOUGH ALREADY, PAU!!!**

think of the kind of ancestors you will be, will your grandchildren look at you and be proud of all the genocide you've actively carried out? To avoid these gut wrenching feelings and family curse's that come with wronging us, you can simple give **LANDBACK** and get out!!!!