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**SYLVIA LUKE**  
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**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**KA 'OIHANA KUMUWAIWAI 'ĀINA**

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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of**  
**DAWN N. S. CHANG**  
**Chairperson**

**Before the House Committee on**  
**WATER & LAND**

**Thursday, February 1, 2024**  
**9:00 a.m.**

**State Capitol, Conference Room 430 & Videoconference**

**In consideration of**  
**HOUSE BILL 2471**  
**RELATING TO INSPECTIONS ON PUBLIC LAND**

House Bill 2471 proposes to establish a statutory framework for inspections of public land leases, licenses, and revocable permits by the Department of Land and Natural Resources (Department). **The Department supports this Administration bill.**

Under Chapter 171, Hawaii Revised Statutes (HRS), and the terms and conditions of the various land dispositions approved by the Board of Land and Natural Resources (Board), the Department has authority to periodically inspect the premises under lease, license, or revocable permit. However, the Department's land agents are typically not architects, engineers, or licensed contractors and may not be qualified to identify components of existing structures on the premises in need of repair or replacement. Furthermore, to the extent the Department's land agents are able to identify items requiring repair or replacement, existing lease terms and conditions do not provide the Department with sufficient leverage to compel the lessee to make the necessary repair or replacement. This is particularly problematic at the end of a long-term lease when the lessee has little incentive to invest significant funds in the upkeep of the property.

The House Investigative Committee (Committee), established under House Resolution No. 164 during the 2021 Regular Session, was tasked with, among other things, reviewing Audit Report No. 19-12 by the State Auditor, on the Department's Special Land and Development Fund. Rather than having the Department's land agents conduct the inspections, the Committee recommended

that the Department require lessees to pay for third-party inspectors selected by the Department to conduct physical inspections of the leased property every five years. The Committee further recommended that if the third-party inspector found any defaults with the lease terms, the lessee should be required to take any corrective actions recommended by the inspector.

The purpose of this bill is to establish a statutory framework for inspections of public land leases, licenses, and revocable permits. The inspections may be conducted by qualified third-party inspectors contracted by the Department but paid for by the lessee, licensee, or permittee, as applicable. If the inspection identifies items needing repair or replacement, the lessee, licensee, or permittee will be required to make the necessary repair or replacement at its expense or risk termination of its land disposition.

Mahalo for the opportunity to testify on this measure.

**HB-2471**

Submitted on: 1/31/2024 4:42:39 PM

Testimony for WAL on 2/1/2024 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>       |
|---------------------|---------------------|---------------------------|----------------------|
| clara loprinzi      | Na Iwi Kupuna       | Support                   | Remotely Via<br>Zoom |

Comments:

This is so important that inspection happens, Mauna Kea lands at Pohakuloa holds Makahiki which had to be fought for many years, Pohaku which are kapu are lying down, this is shameful on the part of the military, the lawsuit Ku Ching and Maxine Kahaulelio Native Hawaiian Legal Corp. rights that were won in that lawsuit have never been held. Similarly Mauna Kea Ainahou has been still fighting for their rights that should not even be having to fight for. Wargames being played in burials. Not acceptable.

January 31, 2024

Testimony for HB 2471 Relating to Inspection of Public Land

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

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

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

I'm in Support for HB 2471 for the following reasons:

Department of Land and Natural Resources for years has not inspected the land let alone do anything that has be in violation with the rules. See Maunakea Aina Hou v Board of Land and Natural Resources.

In the case filed by the Native Hawaiian Legal Corporation on behalf of Clarence Ching and Maxine Kahaulelio, found that the state failed to conduct regular monitoring and inspections of the land at Pohakuloa Training Area to prevent the area from "FALLING INTO RUIN"

Four years the State for its alleged breach of trust regarding its lease in most or all of the trust lands.

Native Hawaiians Suffer Irreparable Damage when the State Alienates Trust Land without providing an accounting of their rights under the Trust. Native Hawaiians would suffer a second form of irreparable damage upon premature sale of trust lands because the State has not fulfilled its fiduciary duty to infor them of their rights under the trust. See Article XVI, § 7 of the Hawaii Constitution.

Therefore I support HB 2471 to make sure that the Board has a responsibility to uphold there fiduciary dutys.

Mahalo,

\_\_\_\_\_/s/\_\_\_\_\_  
Cindy Freitas