

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
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
WATER AND LAND

Thursday, March 20, 2025
12:30 PM

State Capitol, Conference Room 016 & Videoconference

In consideration of
HOUSE BILL 511, HOUSE DRAFT 1
RELATING TO PUBLIC LANDS

House Bill 511, House Draft 1 proposes to amend Section 171-11, Hawaii Revised Statutes (HRS), to provide that a survey of land to be set aside shall not be a condition precedent to set aside public lands to a department or agency of the State by executive order. **The Department of Land and Natural Resources (Department) supports this bill.**

The Department understands this measure is intended, in part at least, to facilitate the transfer of agricultural lands from the Department to the Department of Agriculture (DOA) pursuant to Act 90 Sessions Laws of Hawaii 2003 (Act 90). General leases approved for transfer from the Department to DOA already include survey maps and metes and bounds descriptions of the leased premises that can be used for the executive order setting aside the land to DOA. However, many parcels of unencumbered public lands and lands under revocable permit that DOA has requested the Department transfer to it pursuant to Act 90 have not been surveyed. House Bill 511, House Draft 1 would provide an additional tool to the Department and DOA to complete Act 90 transfers without the incurring the expense and additional time required to furnish surveys.

At the same time, the Department notes that the measure would not mandate the transfer of lands without survey maps and descriptions. The Department supports this approach because there are situations where the inclusion of a survey map and description in the set-aside of land would be prudent, such as where a formal subdivision of the land is required or where mortgage lending on the land is anticipated once under DOA management. Also, there are at least some cases where the Department of Accounting and General Services (DAGS), Land Survey Division, can generate maps and metes and bounds descriptions

for public lands based on historical data. The Department would likely continue to include maps and descriptions in the executive order set-asides for all parcels where DAGS Land Survey Division could use historical data to generate them. Additionally, the Department notes that even if land is set aside without a survey, the bill allows for a subsequently prepared survey of the land to be binding if ratified by the Board of Land and Natural Resources.

Mahalo for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
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Honolulu, Hawai'i 96814-2512
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON WATER AND LAND

THURSDAY, MARCH 20, 2025
12:30 P.M.
CONFERENCE ROOM 016

HOUSE BILL NO. 511 H.D.1
RELATING TO PUBLIC LANDS

Chair Inouye, Vice Chair Elefante, and Members of the Committee:

Thank you for the opportunity to testify on House Bill 511 H.D.1. This bill amends section 171-11, Hawaii Revised Statutes ("HRS") as follows: (1) a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State; (2) provided that a subsequent survey of the land set aside shall be binding if ratified by the board of land and natural resources and the governor; and (3) further provided that a qualified immunity to the State, its departments and agencies, and its officials and employees from all suits of whatever character, whether sounding in law or in equity, relating to the boundaries of land set aside without a survey.

The Department of Agriculture ("Department") acknowledges that not requiring a survey of lands to be set aside will expedite the setting aside of public lands between state departments and agencies and will conserve government resources with one clarification and offers comments on this measure.



The Department's comments are regarding transfers to the Department or other agencies. In these cases, the request is for consideration of funding to conduct a survey, which is required for the Department to be able to lease the land. The comment is not to question whether land can be transferred via Executive Order (EO) without a survey, it is that the Department is unable to lease land that has not been surveyed and not able to offer a long-term lease.

Through prior appropriation, the Department currently has funding to complete the surveys of most, if not all, the Board of Agriculture approved parcels. It is our intent to complete the surveys and provide them to the Department of Land and Natural Resources for their use prior to drafting the EO. Without continued appropriations, however, the program may not have the funding necessary to conduct surveys, as the program is special funded by rents collected from its tenants. The survey of the larger pastoral parcels could run over \$75,000 per parcel. The Department respectfully comments that this measure consider the responsibility for the survey may fall on the receiving agency, which will require continued appropriations for lands EO'd to the Department or the receiving agency.

Thank you for your time and consideration.

HB-511-HD-1

Submitted on: 3/18/2025 11:58:23 AM

Testimony for WTL on 3/20/2025 12:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---|---------------------------|----------------------|
| Russell Tsuji | Testifying for Department of Land and Natural Resources | Support | Remotely Via Zoom |

Comments:

DLNR Testimony was submitted for HB511 HD1 on main account. Request for a Zoom link for additional staff to attend remotely as backup.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER AND LAND
Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair

HB511 HD1
RELATING TO PUBLIC LANDS

Thursday, March 20, 2025, 12:30 PM
Conference Room 016 & Videoconference

Chair Inouye, Vice Chair Elefante, and Members of the Committee,

The Hawaii Cattlemen's Council **supports HB511 HD1** which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State.

Land surveys are often expensive, difficult to schedule, and are unnecessary if transferring lands between departments within the State. This bill will ensure that the expense and timing of a land survey are not a delay to transferring lands from DLNR to DOA pursuant to Act 90 to ensure agricultural lands remain in agricultural production.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





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e-mail info@hfbf.org; www.hfbf.org

March 20, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON HB 511, HD1
RELATING TO PUBLIC LANDS

Conference Room 016 & Videoconference
12:30 PM

Aloha Chair Inouye, Vice-Chair Elefante, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 511, HD1, which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State. This measure will help streamline the process of transferring land between state agencies, particularly agricultural lands, moving from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA) pursuant to Act 90.

Act 90, enacted in 2003, was intended to ensure that agricultural lands managed by DLNR would be transferred to DOA to provide long-term stability for farmers and ranchers. While some progress has been made, many qualifying lands have yet to be transferred due to procedural and administrative delays, including the requirement for land surveys. Surveys can be costly and time-consuming, delaying the transition of lands that are already being used for agricultural production. By allowing transfers to proceed without requiring a survey upfront, this bill provides an important tool to facilitate the timely execution of these transfers while still allowing for surveys to be conducted later when necessary.

The measure does not eliminate the need for land surveys but ensures that they do not create an unnecessary barrier to transferring land pursuant to Act 90. This is especially important for farmers and ranchers who need long-term security to invest in conservation efforts, infrastructure, and sustainable agricultural practices. Without these transfers, many agricultural producers remain in a state of uncertainty, limiting their ability to make long-term commitments that support local food production and agricultural sustainability.

We urge the committee to pass HB 511, HD1, to remove administrative barriers to the transfer of agricultural lands. This would ensure that Hawai'i's farmers and ranchers have the security they need to continue producing food for local communities.

Thank you for the opportunity to testify on this measure.

HB-511-HD-1

Submitted on: 3/19/2025 8:08:56 AM

Testimony for WTL on 3/20/2025 12:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------------|
| Leonard Nakoa III | Individual | Oppose | Remotely Via Zoom |

Comments:

This is taking away the people voice in the building of homes in Hawaii

HB-511-HD-1

Submitted on: 3/19/2025 8:33:17 AM

Testimony for WTL on 3/20/2025 12:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|-------------------|
| Tara Rojas | Individual | Oppose | Remotely Via Zoom |

Comments:

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

I stand in **strong opposition to HB511** and urge this committee to reject this bill based on clear violations of legal and fiduciary responsibilities inherent in managing public lands in Hawai‘i.

HB511 allows the transfer of public lands to state agencies or subdivisions without the critical safeguard of conducting a land survey prior to transfer. This omission violates the state's legal obligation under the Public Trust Doctrine, which mandates thorough oversight and management of Hawai‘i’s public lands, held in trust for the benefit of the people, particularly Kānaka Maoli, as acknowledged explicitly in Public Law 103-150, the Apology Resolution.

Allowing land transfers without surveys directly undermines accountability and transparency, placing these public lands at risk of improper use, boundary disputes, and untraceable transfers. More alarming, the bill explicitly grants absolute immunity to the State and its officials from any legal challenges related to improperly transferred lands. This blatant attempt to escape judicial review violates fundamental principles of justice and accountability, which are essential under both state and federal law.

Additionally, it is highly concerning that public notification has been waived pursuant to Senate Rule 21. *Why was this critical procedural safeguard bypassed, especially for legislation involving significant public land transfers and profound implications for community rights and sovereignty?* Such action severely undermines public trust and raises serious concerns about transparency and democratic process.

Furthermore, the provisions of HB511 legitimize past land actions from the Territorial era (1900-1959), a period of documented colonial wrongdoing when vast amounts of Hawaiian Kingdom lands were illegally appropriated. Explicitly validating such transfers is not only historically unjust but is also contrary to the spirit and intent of the Apology Resolution and recognized international principles regarding indigenous land rights.

Additionally, the bill facilitates the expedited transfer of public lands directly to U.S. federal entities, including military purposes, without adequate oversight. Considering the widespread historical harm, environmental degradation, and ongoing land contamination tied to military control of lands such as at Red Hill, Pōhakuloa, and Mākua, it is highly irresponsible and legally

questionable to permit further streamlined land access without thorough scrutiny and community consent.

Passage of HB511 would irreparably harm public trust resources, perpetuate colonial-era injustices, violate constitutional principles of transparency and accountability, and place the State in clear legal jeopardy for breach of trust duties owed primarily and foremost to Kānaka Maoli, the original and rightful stewards of this land.

Should the legislature choose to advance this measure despite the legal and ethical wrongdoing clearly detailed, it would become complicit in these violations. The committee and legislature are urged, therefore, to carefully reconsider and decisively reject HB511.

Mahalo for your careful attention and responsible action on behalf of the People of Hawai‘i, for whom you work. This bill must be declared **NULL AND VOID**.

Respectfully submitted in **COMPLETE OPPOSITION**,

Tara Rojas

HB-511-HD-1

Submitted on: 3/19/2025 8:42:37 AM

Testimony for WTL on 3/20/2025 12:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Kukana Wahine | Individual | Oppose | Written Testimony Only |

Comments:

**Josh Green, Governor of the State of Hawai‘i
Board of Land and Natural Resources (BLNR)
[Relevant Unlawful Agencies or Entities]**

Notice to Challenge the Unlawful Acquisition of Land Set Aside by King Kamehameha III (Kamehameha III) - HB511

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, Kukana A., of Ko Hawai‘i Pae Aina, and as one of the people seen in the Hawai‘i Constitution, do hereby declare the following affidavit in response to actions related to the unlawful acquisition of land set aside by King Kamehameha III of Hawai‘i:

1. Background

1.1 I am a kanaka maoli and a resident of the Ko Hawai‘i Pae Aina, and a beneficiary of the laws and protections of both the State and Federal Constitutions, and am covered under the Hawai‘i’s Constitution prior to the illegal overthrow of Hawai‘i.

1.2 The land in question was originally set aside by King Kamehameha III under royal grant, preserved by law, and intended for the protection and benefit of the Hawaiian people and their heirs. This land remains protected under the laws of both the Kingdom of Hawai‘i and the United States Constitution.

1.3 The actions of Josh Green, the Board of Land and Natural Resources (BLNR), and its unlawful agencies to acquire or disturb the possession of said land violate both historical protections and constitutional provisions.

2. Maxims of Law

2.1 "The law does not require a vain or idle thing" – [Maxim 1]

This maxim asserts that laws, including royal grants and constitutional provisions, are meant to fulfill a legitimate purpose. Therefore, the land set aside by the King cannot be taken lightly or used for illegitimate purposes.

2.2 "Nemo dat quod non habet" – [Maxim 2]

This maxim translates to "no one gives what they do not have." As the original grant was made by the King, the state or its agencies cannot lawfully claim or transfer crown (Kingdom) lands that they do not possess the lawful right to claim.

2.3 "He who comes into equity must come with clean hands" – [Maxim 3]

The actions of Josh Green, BLNR, and any other state agency in acquiring crown lands are inequitable and unlawful, violating the rights of the people, including myself, who are rightful heirs to the land. Therefore, they come to equity with unclean hands.

2.4 "All contracts and grants are presumed to be valid until the contrary is proven" – [Maxim 4]

The original royal grant of this land, which was made by King Kamehameha III, remains valid and enforceable under both the Hawaiian Kingdom law and the U.S. Constitution, unless proven otherwise by a lawful tribunal.

3. Constitutional Provisions

3.1 United States Constitution – Article IV, Section 3, Clause 2

The United States Constitution provides for the protection of territories and lands belonging to the United States. Any action to unlawfully acquire or alter the possession of lands set aside by the King of Hawai‘i is inconsistent with federal principles of land ownership and rightful inheritance.

3.2 Hawaiian Kingdom Constitution – Article [X] (or the specific article protecting land rights)

The land set aside by King Kamehameha III is protected by the Constitution of the Hawaiian Kingdom, which guarantees land rights to its citizens and heirs. The illegal appropriation of this land by state agencies is a violation of these constitutional provisions.

3.3 Hawai‘i State Constitution – Article [Y]

The State of Hawai‘i’s Constitution guarantees protection of land rights, and any unlawful acquisition of land by state agencies, including the BLNR, is in direct contravention of these protections.

3.4 LAW OF THE LAND. Due process of law, (q.o)

By the law of the land is most clearly intended the general law which bears before it condemns, which proceeds upon inquiry, and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the

protection of general rules which govern society. Everthing which may pass under the form of an enactment is NOT law of the land. *Sedg. St. & Const. Law (2d Ed.) 475*

4. Legal Arguments

4.1 The land in question was originally set aside by royal decree, and as such, is protected under both international law and historical treaties, including those between the Kingdom of Hawai'i and foreign nations, which the United States is obligated to honor.

4.2 Any action taken by Josh Green, the BLNR, or its unlawful agencies to seize or redistribute the land constitutes a violation of the original grant made by the King, which is protected under the Constitution of the Hawaiian Kingdom and the U.S. Constitution.

4.3 The unlawful appropriation of the land by state agencies violates the principles of due process and equal protection under the law, guaranteed by the U.S. Constitution.

4.4 The actions taken by the state entities in acquiring this land are also in violation of the maxim "Sic utere tuo ut alienum non laedas" – "Use your own property in such a manner as not to injure that of another." The state's attempt to transfer or seize the land harms the rightful claimants, including myself and other beneficiaries of the royal grant.

5. Prayer for Relief

5.1 I respectfully demand that the unlawful acquisition of the land set aside by [Name of King] be halted immediately.

5.2 I demand that any deeds, actions, or legal titles concerning the land in question, which have been executed by Josh Green, the BLNR, or its unlawful agencies, be declared null and void, as they are based on illegal and unjust practices.

5.3 I request that a full investigation be conducted into the actions of Josh Green and the BLNR regarding this unlawful acquisition, and that all affected parties receive restitution or appropriate legal redress.

6. Affirmation

I affirm that the contents of this affidavit are true and correct to the best of my knowledge, and I make this affidavit in support of my claim to the land and in defense of the rights granted to me by law.

TO:

Senator Lorraine R. Inouye, Chair, Senator Brandon J.C. Elefante, Vice Chair, and Members of the Senate Committee on Water and Land

FROM: Ronnie Inagaki

HEARING DATE: Thursday, March 20, 2025 @ 12:30PM

RE: HB511 HD1 – RELATING TO PUBLIC LANDSPOSITION: STRONG OPPOSITION

Aloha Chair Inouye, Vice Chair Elefante, and Members of the Committee,

I am submitting this testimony in **strong opposition to HB511 HD1**, as it raises serious legal, historical, and procedural concerns regarding the management of public lands, particularly those considered "ceded lands." This bill undermines fiduciary responsibilities, eliminates essential safeguards, and perpetuates historical injustices tied to the unlawful overthrow of the Hawaiian Kingdom.

1. Historical and Legal Context

The public lands referenced in HB511 HD1 originate from the Government and Crown Lands of the Hawaiian Kingdom. These lands were unlawfully seized following the illegal overthrow of the Hawaiian Kingdom in 1893. The **1993 Apology Resolution (Public Law 103-150)** acknowledges this illegal overthrow and explicitly recognizes that the Native Hawaiian people never relinquished their claims to sovereignty or their lands.

By proposing to remove the requirement for land surveys before setting aside public lands for state department or agency use, HB511 HD1 continues to disregard these historical injustices. Land surveys serve as a critical tool to establish transparency, accountability, and proper management of lands that were meant to serve the public good. Without these safeguards, the bill risks causing boundary disputes, mismanagement, and further alienation of lands deeply tied to Native Hawaiian heritage and sovereignty.

2. Violation of Trust Obligations

Under **Section 5(f) of the Hawaii Admission Act (1959)**, ceded lands must be held in trust for specific purposes, including the betterment of conditions for Native Hawaiians. HB511 HD1 jeopardizes these trust obligations by:

- **Eliminating Land Surveys:** Without surveys, there is a heightened risk of improper use or mismanagement of ceded lands. This undermines the trust obligations owed to Native Hawaiians and the broader public.
- **Granting Immunity to the State:** The bill’s provision that grants immunity to the state and its officials from lawsuits related to boundary disputes removes critical legal remedies for Native Hawaiians and other affected parties. This provision effectively shields the state from accountability for potential breaches of fiduciary duty.

By removing these safeguards, HB511 HD1 risks violating the trust obligations outlined in Section 5(f) and further erodes public trust in the state’s stewardship of these lands.

3. Procedural and Practical Concerns

A. Lack of Transparency and Accountability

The removal of the requirement for land surveys before setting aside public lands diminishes transparency and opens the door to potential mismanagement. Surveys are a fundamental part of land management and ensure that the land is properly accounted for and used appropriately.

B. Immunity Provisions

The immunity provision in this bill removes the ability for Native Hawaiians, other stakeholders, and the public at large to seek legal recourse in cases of boundary disputes or mismanagement. This provision disproportionately impacts Native Hawaiians, whose claims to land and resources are already burdened by historical injustices.

C. Placeholder Effective Date

The bill’s effective date of **July 1, 3000** raises concerns about the seriousness of the measure. This placeholder date suggests a lack of deliberation and undermines confidence in the legislative process.

4. Historical and Moral Obligations

The lands affected by HB511 HD1 are not just state assets—they are a legacy of the Hawaiian Kingdom, tied to the culture, rights, and self-determination of Native Hawaiians. The **1993 Apology Resolution** acknowledges the ongoing harm caused by the unlawful seizure of these lands and reaffirms the trust obligations owed to Native Hawaiians.

This bill disregards these obligations and perpetuates patterns of harm that have persisted since the overthrow of the Hawaiian Kingdom.

5. Recommendation: Reject HB511 HD1

HB511 HD1 fails to uphold the principles of transparency, accountability, and trust obligations that are essential for the responsible management of public lands. It disregards the historical and legal context of these lands, violates the fiduciary duties owed to Native Hawaiians, and undermines public confidence in the state’s stewardship of ceded lands.

For these reasons, I strongly urge the Committee to reject this measure. Instead, I recommend pursuing efforts that honor the historical significance of these lands, fulfill the trust obligations owed to Native Hawaiians, and ensure proper safeguards like land surveys to maintain transparency and accountability.

Mahalo for the opportunity to provide testimony.

Sincerely,
Ronnie Inagaki

HB-511-HD-1

Submitted on: 3/19/2025 10:25:27 AM

Testimony for WTL on 3/20/2025 12:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Kimberly Oshiro | Individual | Oppose | Written Testimony Only |

Comments:

I strongly oppose HB511!!! No

HB-511-HD-1

Submitted on: 3/19/2025 6:53:09 PM

Testimony for WTL on 3/20/2025 12:30:00 PM



| Submitted By | Organization | Testifier Position | Testify |
|------------------|--------------|--------------------|------------------------|
| Ikaika Smith-Koa | Individual | Oppose | Written Testimony Only |

Comments:

I IKAIKA SMITH-KOA, 8th generation from my ancestor Pai'ea Kamaehameha I, KING of Hawai'i, OPPOSE this HEWA bill. Josh Green and and other STATE entity has no jurisdiction in the KINGDOM OF HAWAII. As a continued illegally occupied country, by claiming lands not belonging to the United States is a deliberate act of war on a sovereign nation, and is a WAR CRIME according to the GENEVA CONVENTIONS and INTERNATIONAL LAW. The U.S continued occupation of Hawai'i is UNLAWFUL therefore proposed "bills" like this are a direct disregard of COMMON LAW.

LATE

HB-511-HD-1

Submitted on: 3/20/2025 8:05:51 AM
Testimony for WTL on 3/20/2025 12:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Krista Vessell | Individual | Oppose | Written Testimony Only |

Comments:

STRONGLY OPPOSE. The illegal military occupation of Hawaii that has been going on since 1893 that enforces the illegitimate "statehood" needs to come to an end.