

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 House Committee on
WATER & LAND

Tuesday, February 4, 2025
9:00 AM

State Capitol, Conference Room 411 and Via Videoconference

In consideration of
HOUSE BILL 491
RELATING TO LAND LEASES

House Bill 491 prohibits the State from leasing or extending leases for public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime. Requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State. Provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments.**

The Department shares the Legislature's interest in ensuring responsible stewardship of public lands. However, the Department notes that existing practices and statutory provisions already provide a robust framework for lease compliance and enforcement.

Most leases issued by the Board of Land and Natural Resources (Board) contain provisions governing the lease default process as set forth by the Department of the Attorney General. Lessees are also required to comply with all applicable laws. Furthermore, section 171-20, Hawaii Revised Statutes (HRS), already empowers the Board to correct a lessee that may be noncompliant with the terms of its lease. This section provides a framework wherein the Department notifies the lessee of a default and allots a specific timeframe within which the lessee is required to cure or remedy the breach or default. The timeframes provided to cure lease breaches or defaults are generally no longer than sixty days and never

up to three years or until the end of the lease term as provided in this measure. Should the lessee fail to timely cure a default or breach, the Board can enforce the lease provisions governing defaults up to and including cancellation of a lease or permit for noncompliance.

Should the Board cancel a lease for noncompliance, section 171-13, HRS, provides that, no person shall be eligible to purchase or lease public lands, or to be granted a license, permit, or easement covering public lands, who has had during the five years preceding the date of disposition a previous sale, lease, license, permit, or easement covering public lands canceled for failure to satisfy the terms and conditions thereof.

Finally, when the Board is asked to consider land dispositions it is first informed of any concerns the Department may have regarding the potential good standing of an applicant. If an applicant is not in good standing, including payment of applicable taxes and current registration with the Department of Commerce and Consumer Affairs, the Board will not approve the disposition. As such, certification of good standing by the Office of the Governor is duplicative and unnecessary.

The Department believes that existing statutes provide ample means to ensure lease compliance, enforcement, and accountability. As such, the Department respectfully suggests that this measure may be unnecessary.

The Department is committed to working with the Legislature to address any specific concerns regarding lease compliance and enforcement, but recommends that the Committee consider deferring this measure in light of existing statutory authority.

Mahalo for the opportunity to provide comments on this measure.

HB-491

Submitted on: 2/2/2025 5:45:14 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

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

Comments:

DLNR testimony was submitted for HB491. Requesting a zoom link for additional staff as backup testifiers.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER & LAND

February 4, 2025

9:00 AM

Conference Room 411

In **SUPPORT** of **HB491**: Relating to Land Leases

Aloha Chair Hashem, Vice Chair Lamosao, and Members of the Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS** HB491, which will ensure that our limited public trust lands are adequately stewarded and maintained for present and future generations.

Our public lands are held in trust for the benefit of present and future generations, and government entities such as the Department of Land and Natural Resources (DLNR) therefore have fiduciary obligations to apply standards of due diligence, prudent decisionmaking, and undivided loyalty in the management of these lands.

Unfortunately, as has been recognized in recent years including by the Hawai'i Supreme Court¹ and Hawai'i State Auditor,² the DLNR has in many instances failed to apply an appropriate standard of care in the leasing or disposition of lands to third party entities. Until the underlying systemic problems causing these issues are resolved, DLNR cannot afford to issue leases to unreliable lessees who may only create additional oversight burdens; doing so would only further hamper its efforts to uphold its fiduciary responsibilities and rebuild community trust in its actions.

This measure would accordingly provide a safeguard against the issuance of leases to unreliable entities who have a history of noncompliance or other problematic behavior. By ensuring that prospective lessees are reviewed for issues such as nonpayment of rent, criminal behavior, or noncompliance with certain environmental legal obligations, this bill would assist the DLNR in avoiding costly, wasteful, and/or controversial dispositions of our public trust lands. As a result, the DLNR would be able to maintain focus on its mission, and on improving the ways in which it upholds its fiduciary obligations.

Accordingly, the Sierra Club respectfully urges the Committee to **PASS** HB491.

Mahalo nui for the opportunity to testify.

¹ See *Ching v. Case*, 449 P.3d. 1146 (Hawai'i 2019).

² See HAWAI'I STATE AUDITOR, 19-12, AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES SPECIAL LAND DEVELOPMENT FUND (2019).



Hawaii Legislative Council Members

Joell Edwards
Wainiha Country Market
Hanalei

Russell Ruderman
Island Naturals
Hilo/Kona

Dr. Andrew Johnson
Niko Niko
Family Dentistry
Honolulu

Robert H. Pahia
Hawaii Taro Farm
Wailuku

Maile Meyer
Na Mea Hawaii
Honolulu

Tina Wildberger
Kihei Ice
Kihei

L. Malu Shizue Miki
Abundant Life
Natural Foods
Hilo

Tanya Aynessazian
Principal Contractor

Chamber of
Sustainable Commerce
808.445.7606
P.O. Box 22394
Honolulu, HI 96823

Rep. Mark J. Hashem, Chair
Rep. Rachele F. Lamosao, Vice Chair
Committee on Water and Land

Tuesday, February 4, 2025
9:00 Am in Room 411

RE: **HB 491** Public Land Leases - **Strongly Support**

Dear Chair Hashem, Vice Chair Lamosao and Members of the Committee,

The Chamber of Sustainable Commerce represents over 450 small businesses and entrepreneurs across the state that strive for a triple bottom line: people, planet and prosperity.

As small business owners who believe we can strengthen Hawaii's economy without hurting workers, consumers, communities or the environment, we urge this committee to vote in favor of passing HB491, which prohibits the state from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State and/or is noncompliant with a consent decree or agreement that requires environmental remediation or maintenance (in other words, "cleanup") of the subject public lands.

State actors with a fiduciary duty to care for the State's precious natural resources should not lease lands to tenants who illegally contaminate our land and water; if a tenant has a memoranda of agreement or understanding to clean past contamination, but decades later have not yet completed the clean up, the tenant should not be allowed to sign new leases for the same or additional state lands.

Furthermore, we strongly support HB491 in that any individual, corporation or federal agency that continues to misuse and/or mismanage leased land and natural resources, or circumvent or break laws protecting the safety of workers, residents, critical habitats and cultural preservation shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including carrying out any required environmental remediation cleanup, or the lease shall be terminated.

Simply put: do right by Hawaii and her people. Our health and wealth depend on responsible stewardship of public lands.

HB-491

Submitted on: 2/1/2025 4:10:48 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------------|---------------------|---------------------------|---------------------------|
| Jonah Cummings (Hilina'i) | The Queens Court | Support | Written Testimony Only |

Comments:

Aloha,

My name is Jonah Cummings and I'm in support of HB491.



74 Kihapai Street,
Kailua, HI 96734
Ph: 808.346.3239
Em: kailaw.la@gmail.com

February 1, 2025

TO: COMMITTEE ON WATER & LAND
Rep. Mark J. Hashem, Chair
Rep. Rachele F. Lamosao, Vice Chair
Rep. Della Au Belatti
Rep. Mahina Poepoe
Rep. Linda Ichiyama

Rep. Justin H. Woodson
Rep. Kim Coco Iwamoto
Rep. Garner M. Shimizu
Rep. Dee Morikawa
Rep. Kanani Souza

RE: SUPPORT for HB491

Aloha Distinguished Committee Chair, Vice Chair, and Members,

My name is Kai Kakana Ali'I Lawrence, and I am the Surfing Lawyer (www.hikailaw.com). I focus primarily on Appellate Law, but I have intentionally embraced my surf background as well, together with my love of the ocean and of Ka Pae 'Āina o Hawai'i. Additionally, I am Kanaka 'Ōiwi, and I often work with other Native Hawaiians in my work, noting that I am also a board member for the Native Hawaiian Bar Association.

I am writing today in strong support of HB491. This bill is important, generally, as it encourages compliance with State leases, mandates, orders, and the like, by individuals, corporations, and federal agencies.

More specifically, this bill is worthy of passage as the United States Military, the industrial military complex, one of the largest polluters, destroyers, and subjugaters in the world, has often and repeatedly been in violation of its leases in the State of Hawaii, not to mention the many court orders and mandates it has flat-out ignored regarding remediation of its countless wrongs committed across Nā Moku for more than 100 years. Unless and until this industrial military complex remediates the past wrongs committed, complies with the various orders and mandates it has violated, and truly learns to Mālama 'Āina, then it should not be afforded the privilege of using our precious resources here in Hawaii.

Thank you for your time. I look forward to the passage of this Bill.

Sincerely,

Kai Lawrence,
Surfing Lawyer, Writer, Storyteller
<https://tinyurl.com/Hikoi2024>

February 1, 2025

TO: COMMITTEE ON WATER & LAND
Rep. Mark J. Hashem, Chair
Rep. Rachele F. Lamosao, Vice Chair
Rep. Della Au Belatti
Rep. Mahina Poepoe
Rep. Linda Ichiyama

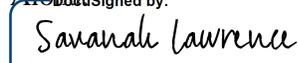
Rep. Justin H. Woodson
Rep. Kim Coco Iwamoto
Rep. Garner M. Shimizu
Rep. Dee Morikawa
Rep. Kanani Souza

RE: SUPPORT for HB491

Aloha Distinguished Committee Chair, Vice Chair, and Members,

Our names are Savannah Ku'ulei Lawrence and Cheyenne Makanamalu'o'nalani Lawrence, and we are siblings to the Surfing Lawyer noted above. We too are Kanaka 'Ōiwi, and we too support passage of HB491 for the reasons stated in Kai Lawrence's letter above.

Thank you for your time.

Aloha Signed by:

412D4D5E1973426...
Savannah Lawrence

Signed by:

B32D94EB0D624F8...
Cheyenne Lawrence

Dated: 2/1/2025

Dated: 2/1/2025



Environmental Caucus of The Democratic Party of Hawai'i

February 4, 2025

Testimony in Strong Support of HB491: Relating to Land Leases

Aloha Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water & Land,

We, Melodie Aduja and Alan Burdick, Co-chairs of the Environmental Caucus of the Democratic Party of Hawaii, **strongly support** HB491. This bill is crucial for ensuring that our public lands are managed responsibly and sustainably.

Key Points:

1. Prohibits the State from leasing public lands to entities in arrears, noncompliant with environmental agreements, or convicted of a crime.
2. Requires certification by the Office of the Governor before issuing or extending federal leases.
3. Ensures responsible and sustainable management of public lands.
4. Promotes transparency and accountability in public land management.

Arguments in Favor:

By prohibiting leases to entities that are not in good standing with the State, we can protect our natural resources and ensure they are used in a manner that benefits the public and the environment. HB491 will help hold accountable those who have failed to meet their obligations to the State, ensuring they cannot continue to exploit our public lands without consequence.

This bill will also promote transparency and accountability in the management of our public lands. By requiring certification from the Office of the Governor, we can ensure that all leases are subject to rigorous scrutiny and that only those in good standing with the State are granted the privilege of leasing our public lands.

In conclusion, we urge you to support HB491 and help ensure that our public lands are managed responsibly and sustainably. This initiative will benefit our environment, our economy, and our community by promoting transparency, accountability, and responsible stewardship of our natural resources.

Mahalo for your kind consideration.

Sincerely,

Melodie Aduja and Alan Burdick

Co-chairs, Environmental Caucus of the Democratic Party of Hawaii

HB-491

Submitted on: 2/3/2025 7:41:52 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|------------------------|---------------------------|---------------------------|
| HCN Warrington | Kupuna for the Moopuna | Support | Written Testimony Only |

Comments:

Kūpuna for the Mo‘opuna is in **STRONG SUPPORT of HB491.**

The State of Hawaii, as the trustee of our public lands, has a legal obligation to manage these lands for the benefit of Native Hawaiians and the general public.

The State must not lease out public lands or extend the lease of any public lands to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State and/or is noncompliant with a consent decree or memoranda of agreement with the State.

Mahalo.

HB-491

Submitted on: 2/3/2025 7:49:15 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------------|------------------|--------------------|-----------|
| Melinda Healani Sonoda-Pale | KA LAHUI HAWAI'I | Support | In Person |

Comments:

KA LĀHUI HAWAI'I

Native Initiative for Self-Governance & Self-Determination

Testimony in STRONG SUPPORT of HB 491 with AMENDMENT

Before the House Committee on Water & Land

Rep. Mark J. Hashem, Chair

Rep. Rachele F. Lamosao, Vice Chair

Tuesday, February 4, 2025 – 9:00 AM

Via Videoconference & Conference Room 411, State Capitol

Aloha Chair Hashem, Vice Chair Lamosao, and Members of the Committee on Water & Land,

Ka Lāhui Hawai'i **strongly supports HB 491**, which ensures **public lands are leased only to entities in good standing with the State**—a critical step in protecting Pōhakuloa from continued **military desecration and environmental destruction**.

For over **75 years**, the U.S. military has **bombed and contaminated Pōhakuloa**, a **conservation district** that should be **preserved, not exploited for war games**. The military's **failure to clean up unexploded ordnance, depleted uranium (DU), and toxic waste** has **harmed the 'āina and endangered public health**.

Despite **legal and county orders demanding accountability**, the military has **continued its destruction with no consequences**.

Pōhakuloa: Conservation Land, Not a Bombing Range

Pōhakuloa is one of the largest conservation districts in Hawai‘i, home to rare and endangered native plants and animals, including the last remaining sub-alpine tropical dryland ecosystem in the world. Conservation lands are legally designated for protection, not destruction. Military use directly violates this designation, causing irreparable harm to the ecosystem.

- Live-fire training and bombings have destroyed native habitat, introduced invasive species, and caused permanent soil damage.
- Radioactive DU contamination threatens not just the land but also the water table below, risking long-term impacts on Hawai‘i’s freshwater supply.
- The continued use of Pōhakuloa for military training contradicts conservation laws designed to protect Hawai‘i’s fragile environment.

HB 491 is essential to ensuring that public lands intended for conservation are not handed over to entities that violate these protections.

Legal and County Mandates Ignored

2008 Hawai‘i County Resolution 639-08

- Ordered a halt to bombing and live-fire exercises at Pōhakuloa.
- Demanded full environmental assessment and cleanup of depleted uranium.
- Military ignored this order, and bombing continues.

2018 Circuit Court Ruling

- Found the State in breach of trust for failing to enforce military lease conditions.
- Required the State to ensure proper inspections and compliance before any lease renewal.
- State has failed to enforce this ruling.

HB 491 provides the enforcement tool needed to finally uphold these mandates.

HB 491: Holding the Military Accountable

HB 491 ensures:

- ✓ No lease renewal unless the lessee has met environmental and legal obligations.
- ✓ The State enforces its own conservation laws and court orders.
- ✓ Public lands are no longer handed over to bad actors who violate trust responsibilities.

For too long, the **U.S. military has been given a free pass** while leaving a **toxic legacy on Hawaiian lands**. **HB 491 corrects this failure by preventing lease renewals for those who refuse to comply with their obligations.**

Suggested Amendment

Ka Lāhui Hawai‘i **requests an amendment to strike Section C**, which:

- **Disqualifies individuals convicted of any crime**, and
- **Requires certification by the Governor for lease approval.**

These provisions **are unrelated to the bill’s core intent and should be removed** to keep the focus on **land stewardship and environmental responsibility.**

Conclusion

We urge the committee to **pass HB 491** with this **amendment** to ensure that **Pōhakuloa and all public lands in Hawai‘i are protected from further destruction and military abuse.**

Mahalo for your time and consideration.

Me ka ‘oia‘i‘o,

Healani Sonoda-Pale
Spokesperson, Ka Lāhui Hawai‘i

HB-491

Submitted on: 2/3/2025 9:11:44 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------|
| Alfred Medeiros | Kuleana Ka 'Aina | Support | In Person |

Comments:

Aloha mai kākou, as an Aloha 'Āina and steward of this land that gives us life, I fully support HB491 and there needs to be more done to protect our home of Hawai'i, as for decades our homelands have been desecrated and destroyed due to the negligence and carelessness by the U.S. Military and other entities. We must not continue on the same path we've been or it'll only get worse throughout time as we've seen and all Hawai'i will be uninhabitable. Just look at what's been done...they've destroyed our island of Kaho'olawe, poisoned our water of Kapūkakī (Red Hill), desecrated Mākua, desecrated Pōhakuloa, etc. without any accountability or repercussions...THIS NEEDS TO STOP NOW and this bill will help prevent it from happening. We've only got 1 Hawai'i and for many of us, we love our home and will do whatever to protect it by any means necessary and everybody should do the same. Enough is enough, it's time to restore our Hawai'i and preserve our home for future generations to live in as it was intended. Please do what's right and pass this bill, as well as other bills that will KEEP HAWAII HAWAII. Mahalo nui for your time and taking testimony.

HB-491

Submitted on: 2/3/2025 9:22:47 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|-------------------|
| Dave Mulinix | Greenpeace Hawaii | Support | Remotely Via Zoom |

Comments:

Aloh committee,

On behalf of Greenpeace Hawaii's thousands of members and supporters in Hawaii we Stand in STRONG SUPPORT of HB491 that Prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime. Requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State. Provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated.

HB491 ids just plain common sense.

Please pass HB491.

Mahalo for your kind attention,

Dave Mulinix, CoFounder & Hawaii State Representative

Greenpeace Hawaii



House Committee on Water and Land

Hawai'i Alliance for Progressive Action (HAPA) Strongly Supports: HB491

February 4th, 2025 at 9:00am; Conference Room 411

Aloha Chair Hashem, Vice Chair Lamosao and members of the committee,

HAPA is testifying in strong support of HB491 which prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime. Requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State. Provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated.

The State currently leases over 30,000 acres of land including Pōhakuloa Training Area, Maui Space Surveillance Site as well as remote experimental sites, Mākua Military Reservation, Kahuku Training Area, Kawailoa-Poamoho Training Areas, Mākaha Ridge, Pacific Missile Range Facility, Miloi'i Ridge, Kamokala Ridge and Kōke'e Air Force Station. The expiration of the US military leases between 2028-2030 provides an opportunity to re-envision a better future for Hawaii's lands and natural resources. Hawai'i's lands leased to the military have been severely degraded and are in desperate need of rehabilitation.

Impacts of Military Footprint in Hawai'i

Hawai'i is one of the most militarized states in the US, about 5% across Hawai'i and 21% of the lands on O'ahu.¹ U.S. Military stewardship of Hawai'i's lands and waters has been largely disastrous.

The repeated and unaddressed failure of the U.S. Navy's bulk fuel storage tanks led to the contamination of the largest aquifer on the island of O'ahu at Kapūkakī that supplies roughly 40% of the island's residents. The tanks were only decommissioned after widespread public outcry and poisonings of military families and other residents.

In 2018 the Hawai'i Supreme Court found that Hawai'i Department of Land and Natural Resources "breached its trust duty to mālama 'āina with respect to the lands the state leases to the U.S. Army" at the Pōhakuloa Training Area. The U.S. Army violated the lease terms which

¹ <https://kawaiola.news/cover/pohakuloa-a-land-besieged/>



include provisions to “make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner” and to “remove or bury all trash, garbage or other waste materials.” Additionally the presence of depleted uranium in the soil at Pōhakuloa is consistently churned up and aerosolized during live fire exercises and blown across the island. Exposure to depleted uranium is linked to cancer.

For over 80 years the military occupation of Mākuā Valley in West O’ahu restricted community access to sacred sites, while desecrating its sacred cultural sites, and destroyed sensitive ecological habitat with wildfires, bombs, and bullets.

Time for Better Stewardship of Hawai‘i’s Lands and Waters

HB491 would rightly prohibit the State from leasing lands or extending a lease to an entity that has not complied with a memorandum of agreement that requires environmental maintenance or remediation. This is an opportunity to ensure Hawaii’s lands and natural resources are appropriately protected and cared for.

Please support HB3491. Mahalo for your consideration.

Sincerely,

Anne Frederick,
Executive Director

Testimony in favor of HB 491

Date: February 2, 2025

**From: Rev. Amy Chieko Wake, Hawai'i Acts of Repentance Task Force Chair,
California-Pacific Conference of the United Methodist Church**

'Aina Bill HB 491: In support

We are in strong support of HB 491, which prohibits the State from leasing or extending the lease of any public lands to any entity (including the US Military) that is noncompliant with any order, consent decree, or memorandum of agreement that requires environmental maintenance or remediation. The measures included in HB 491 align with the values of the United Methodist Church regarding social and environmental justice.

"Be fair-minded and just. Do what is right! Help those who have been robbed." Jeremiah 22:3

On April 29, 2024, the United Methodist Church General Conference approved a formal apology for the part played by our denomination in the illegal overthrow of the Kingdom of Hawaii in 1893. Specifically, Rev Harcourt W. Peck, who became a pastor of the First Methodist Episcopal Church in Honolulu, was one of the riflemen and aide to the commander of the illegal overthrow.

This official apology is not an ending, but a beginning. The next step is to continue to build relationships with Hawaiians and listen to them so they can guide us on how to make this apology meaningful beyond words into action, advocacy and ally-ship. One such relevant and timely opportunity to advocate for k̄naka maoli is the issue of land leases by the state that lead to environmental damage.

The lands that are the subject of the leases are often Crown Lands, which are defined under the Constitution of the Kingdom of Hawaii and were owned by the King Kamehameha III and "henceforth inalienable and shall descend to the heirs and successors of the Hawaiian Crown forever." However, after the illegal overthrow, the Crown Lands were seized by the new illegal self-proclaimed "Republic of Hawaii" government, followed by an "annexation" by the United States.

This land confiscation was both a legal and a moral injustice against the subjects of the Kingdom of Hawaii. The historical facts show that there exists no signed treaty of annexation and that the state does not hold clear, legal title to these lands and therefore is not in a position to lease this.

We are advocating for proper care of the earth and the return of Crown lands to the people of Hawai'i, especially lands that are abused and misused by lessees and in need of healing.

"In the past, God didn't judge people for what they didn't know. But now he commands all people everywhere to turn away from their sins." Acts 17:30

We cannot change the past, but we can change the present and inform the future. We are not the people we were 65 years ago; we have more knowledge and more understanding, and realize there is a difference between “dominion” over the land meaning stewardship and creation care verses and “domination” interpreted as extractive and exploitive actions against the ‘aina. The United Methodist Book of Discipline, our governing document, ¶160 states, “All creation is the Lord’s, and we are responsible for the ways in which we use and abuse it. Water air, soil, minerals, energy resources, plants, animal life and space are to be valued and conserved because they are God’s creation and not solely because they are useful to human beings.”

Mahalo for reading our testimony.

HB-491

Submitted on: 1/30/2025 11:32:09 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Dana Keawe | Individual | Support | Written Testimony Only |

Comments:

I STRONGLY SUPPORT HB491

HB-491

Submitted on: 1/31/2025 12:15:07 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Alexia Akbay | Individual | Support | Written Testimony Only |

Comments:

From a purely risk perspective, it makes sense to preemptively identify the items in this bill as part of lease agreements moving forward. It would be in the State's best interest to ensure proper expenditure of tax dollars. For example, the tenant should be held liable for damage to the property and made aware of this liability before signing a lease, versus taxpayers needing to compensate for bad actors by paying for the cleanup following lease termination. This is even less aggressive than a traditional security deposit, which most commercial and private renters must commit to when signing a lease.

Additionally, under Hawai'i law, the State must preserve and protect the exercise of traditional and customary Native Hawaiian rights. The right to a clean environment is a traditional and customary right in Hawaiian culture. This bill ensures that the State can more easily abide by this duty to Hawai'i's peoples.

From this perspective, HB491 minimizes the financial and legal risk of the State at a time when leaders are being called to lean into both precautionary spending and intentional development.

Mahalo nui for your consideration,

Alexia Akbay

Kailua Kona, Hawai'i 96740

HB-491

Submitted on: 1/31/2025 7:36:40 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Kayla Marie | Individual | Support | Written Testimony Only |

Comments:

I strongly support this measure

HB-491

Submitted on: 1/31/2025 8:59:53 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert H. Pahia | Individual | Support | Written Testimony Only |

Comments:

Please support HB491 . The State of Hawaii should not be awarding leases to non residents and hold those that have current leases accountable for their misuse and disrespect of Hawaii's precious resource .

HB-491

Submitted on: 2/1/2025 2:20:31 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Summer Yadao | Individual | Support | Written Testimony Only |

Comments:

Aloha kākou,

Mahalo for hearing this vital bill for Hawai'i. This is long overdue and with agencies showing they are incapable of taking care of the lands they have been leasing, and paying far too little to lease in the first place, we cannot and should not EVER lease lands while Kanaka are being displaced on their own home lands. There are reprivations due for the 130+ years of occupation and blatant destruction of Hawai'i and Hawaiians, while systematically creating an environment where Kanaka are not wholefully supported in their sovereignty on their home lands. Greed, pride and toxic egoic behaviors has been running rabid in Hawai'i for far too long. Now you will do what is right, what is pono for the entire Hawai'i pae 'āina and it's people who have loved and cared for her since time immemorial.

Mahalo,

Summer Yadao

HB-491

Submitted on: 2/1/2025 2:29:38 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Kailana Moa-eli | Individual | Support | Written Testimony Only |

Comments:

Aloha I'm a Kanaka maoli being so I'm in full support of this bill for having the United States be accountable to their side in being Pono in the vast majority of public lands or stolen Hawaiian kingdom lands we kanaka knows how to be better stewards to the aina for all Hawaii's Future.

me ke aloha

Kailana moa-Eli

HB-491

Submitted on: 2/1/2025 2:53:49 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Carie Lunsford | Individual | Support | Written Testimony Only |

Comments:

I support

HB-491

Submitted on: 2/1/2025 3:00:54 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Summer P Noland | Individual | Support | Written Testimony Only |

Comments:

I strongly support HB491. Please also strike section C. Aloha 'āina! Mahalo!

HB-491

Submitted on: 2/1/2025 3:50:03 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Jayven Okuda | Individual | Support | Written Testimony Only |

Comments:

I am strongly in support of this bill. We need to stop the extension of higher organizations and the military being on our lands. There have been countless times that the military have literally destroyed and broke our water tables, animals, and air apart. I don't see how any shooting or bombing can benefit this Kingdom. Please.

HB-491

Submitted on: 2/1/2025 6:07:47 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| cheryl burghardt | Individual | Support | Written Testimony Only |

Comments:

Aloha

I SUPPORT this bill, HB 491 which prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime. Requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State. Provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated.

It has been my experience and understanding that especially in the case of the US military/army that orders from Hawaii Judges as well as Hawaii Council resolutions have been ignored throughout the past many years in regards to the military training bases which include Pohakuloa, for one. It is a fact that the Hawaii State Supreme Court ruled that the state of Hawaii breached its trust duties by failing to monitor and inspect the Pohakuloa Training Area (PTA). (<https://www.civilbeat.org/2019/08/hawaii-has-failed-to-take-care-of-pohakuloa/>). This is just one example in many years of challenges. I believe that HB 491 will provide the people of Hawaii with a vehicle to look at the lands and people who are currently misusing them. In addition to the military, HB 491 should assist in examining and holding others who use lands to be more accountable. The state has a duty to its citizens and this bill will be a positive step forward.

Again, I SUPPORT HB 491

HB-491

Submitted on: 2/1/2025 9:21:39 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Keoni Shizuma | Individual | Support | Written Testimony Only |

Comments:

Aloha committee members of the House Committee on Water and Land,

I am testifying in support of this bill.

Lessees should be treated the same, regardless of the entity of the lessor, be it public, private, or governmental department. Especially in the case that the lessee has a history of not maintaining environmental conditions, and/or not providing the required remediation that may be need to restore the land back to the condition that it was in when the lease first began.

Please consider supporting this bill.

Mahalo for your consideration.

HB-491

Submitted on: 2/1/2025 9:45:31 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------|---------------------|---------------------------|---------------------------|
| kalena Charlene Holani | Individual | Support | Written Testimony Only |

Comments:

THIS WILL ADD ANOTHER 100 YEARS TO HAWAIIANS AND HAWAII CULTURE.
HAWAII'S ECOLOGY WILL FLOURISH WITH GREATER STEWARDSHIP. I 100% ASK
YOU PASS THIS BILL.

HB-491

Submitted on: 2/2/2025 4:08:40 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Ikona Lee | Individual | Support | Written Testimony Only |

Comments:

Testimony in Support of House Bill 491

Hearing Date: Tuesday, February 4, 2025

House Water and Land Committee

Aloha Chair and Committee Members,

I am submitting this testimony in strong support of House Bill 491. This bill is essential in ensuring the responsible stewardship of Hawai'i's public lands by holding entities, including the military, accountable for environmental compliance before granting or extending land leases.

For too long, we have witnessed the harmful impacts of environmental negligence on our sacred lands and waters. From fuel leaks contaminating our drinking water to inadequate remediation efforts on lands used for military training, history has demonstrated that without strict oversight, our environment suffersâ€”along with the health and well-being of our communities. HB491 is a necessary safeguard to prevent further harm and to ensure that those who lease public lands are in full compliance with environmental protection agreements, consent decrees, and remediation requirements.

This bill is not about denying land use; it is about enforcing accountability. If an entityâ€”military or otherwiseâ€”has violated environmental regulations or failed to meet remediation obligations, they should not be granted continued access to our public lands until they have rectified those violations. Public lands are not a privilege for polluters; they are a responsibility for caretakers.

By passing HB491, the State of Hawai'i will take a firm stand in protecting our ʻĀina and upholding the rights of future generations to clean land, air, and water. I urge this committee to support HB491 and ensure its passage for the health of our environment and the well-being of our people.

Mahalo for your time and consideration.

Respectfully,

I'kona Lee

HB-491

Submitted on: 2/2/2025 8:49:08 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Max Gross | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I am writing in support of HB491. Why should we continue leases with entities that are not acting in good faith or supporting Hawai'i? If lands are to be leased it is imperative that people who live here should benefit from that arrangement. We are not in a place to be subsidising profits or access to the limited resources of an island.

Mahalo.

HB-491

Submitted on: 2/2/2025 8:54:16 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Cassandra Gross | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I support this bill. This bill is necessary to ensure that only pono actors have access to precious and limited Hawai'i lands. The requirements reduces potential for corruption and hold those negotiating and overseeing leases to a high standard. I do think that 3 years is a long time to allow for copmliance and should be reduced to 1 year. A lot of horrible and destructive things can happen in a short time.

Mahalo,

Cassandra

HB-491

Submitted on: 2/2/2025 10:14:09 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Kodie Solis-Kalani | Individual | Support | Written Testimony Only |

Comments:

Aloha nui. Please support HB491 and follow through with said bill. We as Native Hawaiians, with proper preparedness and resources, know how to best steward our lands. For years now the military occupation has degraded native habitat and forests, and created a disconnect between people and place. I have seen many fires in Pohakuloa with no accountability and plans to change action of the cause (live fire) and that is just one of the reasons why we should require environmental maintenance and remediation. Mahalo.

HB-491

Submitted on: 2/2/2025 10:22:23 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| fred hofer | Individual | Support | Written Testimony Only |

Comments:

HB491 prohibits the state from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State and/or is noncompliant with a consent decree or agreement that requires environmental remediation or maintenance (in other words, “cleanup”) of the subject public lands.

State actors with a fiduciary duty to care for the State’s precious natural resources should not lease lands to tenants who illegally contaminate our land and water; if a tenant has a memoranda of agreement or understanding to clean past contamination, but decades later have not yet completed the clean up, the tenant should not be allowed to sign new leases for the same or additional state lands.

Furthermore, we strongly support HB491 in that any individual, corporation or federal agency that continues to misuse and/or mismanage leased land and natural resources, or circumvent or break laws protecting the safety of workers, residents, critical habitats and cultural preservation shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including carrying out any required environmental remediation cleanup, or the lease shall be terminated.

Simply put: do right by Hawaii and her people. Our health and wealth depend on responsible stewardship of public lands.

Plus there was a supreme court ruling, 2019

Ching v. Case, 449 P. 3d 1146 - Haw: Supreme Court 2019

"Several parcels of ceded land on the island of Hawai`i that are indisputably held in public trust by the State have been leased to the federal government of the United States of America for military training purposes, subject to a number of lease conditions designed to protect the land from long-term damage or contamination. This case concerns the degree to which the State must monitor the leased trust land and the United States' compliance with the lease terms to ensure the trust property is ultimately safeguarded for the benefit of Hawai`i's people.

We hold that an essential component of the State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's use of the property, and that this duty exists independent of whether the third party has in fact violated the terms of any agreement governing its use of the land. To hold otherwise would permit the State to ignore the risk of impending damage to the land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurs. We therefore affirm the trial court's determination that the State breached its constitutional trust duties by failing to reasonably monitor or inspect the trust land at issue."

https://scholar.google.com/scholar_case?case=15834793832021341621&q=Pohakuloa&hl=en&scisbd=2&as_sdt=4,12,142

Mahalo for listening

Fred Hofer

Hilo

HB-491

Submitted on: 2/2/2025 10:58:53 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Regina Gregory | Individual | Support | Written Testimony Only |

Comments:

strong support

HB-491

Submitted on: 2/2/2025 1:17:15 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| shantee brown | Individual | Support | Written Testimony Only |

Comments:

I support most of HB491. Please strike out section C of HB491. Instead, bar leasing to those who have committed serious environmental crimes, human trafficking, weapons trafficking, wage theft, and labor violations. I think the grace period of non-compliance with the lease should be less than 3 years.

HB-491

Submitted on: 2/2/2025 1:56:24 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Francisco | Individual | Support | Written Testimony Only |

Comments:

I am a lineal descendant of Hawai'i. I am in favor of HB491. Manawa or time is something not afforded to us and our descendants. For manawa is ever progressing and short in the grand scheme. Change or growth is needed in our home. So once again I am in favor of HB491.

Aloha Chair Hashem, Vice Chair Lamosao, and members of the House WAL Committee,

I strongly support HB491.

It is absolutely absurd to begin with that the military leases our lands on \$1 a year, while harming our soils, our aquifers, our lands, our culture, our housing market, and of course, our PEOPLE, while having the audacity to believe they are entitled to renewals of such leases.

The argument that I've seen made, by, notably, a MINORITY of individuals at past hearings on these subjects, in opposition to this sort of bill, is the economy. Well, as someone who has owned and managed a successful business myself, those folks are ignoring the COSTS. The costs of the aforementioned harm far outweighs the marginal spending that military members may do as they live here for a few years.

The military shops primarily on base, and does not pay taxes on those goods. Many military members maintain their legal residence in their home state, meaning they do not pay taxes. And yet, all military children are schooled in our public schools, despite not paying taxes, which means they actually take resources from a system they do not pay into. In fact, the U.S. military owes the Hawaii DOE approximately \$300B to date for this fact alone.

If you gave any group of non-military, hard-working hawaii citizens the same housing stipends that the military members receive, that group would also "significantly contribute to our economy". But without poisoning our land, water, and people, extracting from our state's taxpayer-funded resources, and being culturally and socially detached from this sacred place.

Put simply, if you were a landlord renting to a tenant, and the tenant bombed your windows regularly, displaced your family members who lived next door, guaranteed that they would not be there for a long time, poisoned your soil, and poisoned your water, even IF they were giving you money, which, in the case of the military, THEY ARE NOT, would you keep them as a tenant?

If someone has proven to be a delinquent tenant, no matter how much so-called-protection or money they might generate for other assets of yours, you do not lease to them. It's that simple. They have proven to be an unreliable tenant. It's bad business. It doesn't. Make. sense.

Much more beyond this bill needs to happen, but this bill is just common sense, whether or not we're talking about the military as the lessee. I urge the committee to pass this bill, and future committees and legislators responsible for this bill's passage, to remember the TRUE COSTS of killing this bill.

Mahalo,
Colby Sameshima
4th generation in Aina Haina

HB-491

Submitted on: 2/2/2025 5:26:18 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Stacy Lau Baumann | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Hashem and Vice Chair Lamosao,

I strongly support HB491, which would ensure accountability from all lessees of Hawaii's public lands, including federal agencies.

As a resident of Hawaii, this bill is long overdue. Currently, some lessees of our public lands pay far below market value – while also failing miserably to meet their financial and environmental obligations to our state. This is particularly true of military leases, where substantial impact aid remains unpaid and environmental damage goes unremediated.

This bill would strengthen Hawaii's 'āina, people, and economy by:

1. Requiring lessees to pay what they owe before getting new leases or extensions
2. Making environmental cleanup and maintenance mandatory
3. Ensuring all lessees - whether private, corporate, or federal - follow the same rules
4. Giving the state more control over its public lands

Under the current system, Hawaii's taxpayers bear the burden when lessees don't meet their obligations. We effectively subsidize federal operations while our schools go underfunded and our environment suffers. This bill would change that by creating real accountability.

The three-year grace period for existing lessees to come into compliance is fair and reasonable. It gives current tenants time to address their obligations while ensuring these issues can't continue indefinitely.

This bill is about respect for our land, our resources, and our people. It's about ensuring that all who benefit from the use of Hawaii's public lands fulfill their responsibilities to our community.

I urge you to pass HB491. It's time we protect Hawaii's interests and ensure fair treatment from all who wish to lease our public lands.

Mahalo for your consideration.

Stacy Lau Baumann

Honolulu, HI

HB-491

Submitted on: 2/2/2025 5:28:05 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Brandt Kam | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Hashem and Vice Chair Lamosao,

I strongly support HB491, which would ensure accountability from all lessees of Hawaii's public lands, including federal agencies.

As a resident of Hawaii, this bill is long overdue. Currently, some lessees of our public lands pay far below market value – while also failing miserably to meet their financial and environmental obligations to our state. This is particularly true of military leases, where substantial impact aid remains unpaid and environmental damage goes unremediated.

This bill would strengthen Hawaii's 'āina, people, and economy by:

1. Requiring lessees to pay what they owe before getting new leases or extensions
2. Making environmental cleanup and maintenance mandatory
3. Ensuring all lessees - whether private, corporate, or federal - follow the same rules
4. Giving the state more control over its public lands

Under the current system, Hawaii's taxpayers bear the burden when lessees don't meet their obligations. We effectively subsidize federal operations while our schools go underfunded and our environment suffers. This bill would change that by creating real accountability.

The three-year grace period for existing lessees to come into compliance is fair and reasonable. It gives current tenants time to address their obligations while ensuring these issues can't continue indefinitely.

This bill is about respect for our land, our resources, and our people. It's about ensuring that all who benefit from the use of Hawaii's public lands fulfill their responsibilities to our community.

I urge you to pass HB491. It's time we protect Hawaii's interests and ensure fair treatment from all who wish to lease our public lands.

Mahalo for your consideration.

Brandt R Kam

Makiki, Hawaii

HB-491

Submitted on: 2/2/2025 6:00:48 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Clemens Mayer | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Hashem and Vice Chair Lamosao,

I strongly support HB491, which would ensure accountability from all lessees of Hawaii's public lands, including federal agencies.

As a resident of Hawaii, this bill is long overdue. Currently, some lessees of our public lands pay far below market value – while also failing miserably to meet their financial and environmental obligations to our state. This is particularly true of military leases, where substantial impact aid remains unpaid and environmental damage goes unremediated.

This bill would strengthen Hawaii's 'āina, people, and economy by:

1. Requiring lessees to pay what they owe before getting new leases or extensions
2. Making environmental cleanup and maintenance mandatory
3. Ensuring all lessees - whether private, corporate, or federal - follow the same rules
4. Giving the state more control over its public lands

Under the current system, Hawaii's taxpayers bear the burden when lessees don't meet their obligations. We effectively subsidize federal operations while our schools go underfunded and our environment suffers. This bill would change that by creating real accountability.

The three-year grace period for existing lessees to come into compliance is fair and reasonable. It gives current tenants time to address their obligations while ensuring these issues can't continue indefinitely.

This bill is about respect for our land, our resources, and our people. It's about ensuring that all who benefit from the use of Hawaii's public lands fulfill their responsibilities to our community.

I urge you to pass HB491. It's time we protect Hawaii's interests and ensure fair treatment from all who wish to lease our public lands.

Mahalo for your consideration.

Clemens Mayer

Honolulu, Hawaii

HB-491

Submitted on: 2/2/2025 6:20:10 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Ryan Chang | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Hashem and Vice Chair Lamosao,

I strongly support HB491, which would ensure accountability from all lessees of Hawaii's public lands, including federal agencies.

As a resident of Hawaii, this bill is long overdue. Currently, some lessees of our public lands pay far below market value – while also failing miserably to meet their financial and environmental obligations to our state. This is particularly true of military leases, where substantial impact aid remains unpaid and environmental damage goes unremediated.

This bill would strengthen Hawaii's 'āina, people, and economy by:

1. Requiring lessees to pay what they owe before getting new leases or extensions
2. Making environmental cleanup and maintenance mandatory
3. Ensuring all lessees - whether private, corporate, or federal - follow the same rules
4. Giving the state more control over its public lands

Under the current system, Hawaii's taxpayers bear the burden when lessees don't meet their obligations. We effectively subsidize federal operations while our schools go underfunded and our environment suffers. This bill would change that by creating real accountability.

The three-year grace period for existing lessees to come into compliance is fair and reasonable. It gives current tenants time to address their obligations while ensuring these issues can't continue indefinitely.

This bill is about respect for our land, our resources, and our people. It's about ensuring that all who benefit from the use of Hawaii's public lands fulfill their responsibilities to our community.

I urge you to pass HB491. It's time we protect Hawaii's interests and ensure fair treatment from all who wish to lease our public lands.

Mahalo for your consideration.

Ryan Chang

Honolulu, Hawaii

HB-491

Submitted on: 2/2/2025 7:55:23 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Patrice Choy | Individual | Support | Written Testimony Only |

Comments:

I support HB491 with an amendment. Our environment is too precious to continue military leases that desecrate our land, water, and other natural resources that must be protected for generations to come.

Pohakuloa must be protected from further destruction.

AMendment request: Please delete Section C of HB491.

Thank you.

HB-491

Submitted on: 2/2/2025 8:07:39 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------------|---------------------|---------------------------|---------------------------|
| Alexander K.D. McNicoll | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I am in STRONG SUPPORT of HB491.

Mahalo.

HB-491

Submitted on: 2/2/2025 9:18:46 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Lorraine Waianuhea | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Hashem and Vice Chair Lamosao,

I strongly support HB491, which would ensure accountability from all lessees of Hawaii's public lands, including federal agencies.

As a resident of Hawai‘i, this bill is long overdue. Currently, some lessees of our public lands pay far below market value – while also failing miserably to meet their financial and environmental obligations to our state. This is particularly true of military leases, where substantial impact aid remains unpaid and environmental damage goes unremediated.

This bill would strengthen Hawai‘i's ‘āina, people, and economy by:

- Requiring lessees to pay what they owe before getting new leases or extensions
- Making environmental cleanup and maintenance mandatory
- Ensuring all lessees - whether private, corporate, or federal - follow the same rules
- Giving the state more control over its public lands

Under the current system, Hawaii's taxpayers bear the burden when lessees don't meet their obligations. We effectively subsidize federal operations while our schools go underfunded and our environment suffers. This bill would change that by creating real accountability.

The three-year grace period for existing lessees to come into compliance is fair and reasonable. It gives current tenants time to address their obligations while ensuring these issues can't continue indefinitely.

This bill is about respect for our land, our resources, and our people. It's about ensuring that all who benefit from the use of Hawai‘i's public lands fulfill their responsibilities to our community.

I urge you to pass HB491. It's time we protect Hawai‘i's interests and ensure fair treatment from all who wish to lease our public lands.

Mahalo for your consideration,

Lorraine Waianuhea

Honolulu, Hawai'i

HB-491

Submitted on: 2/2/2025 9:44:01 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|----------------------------|
| Maki Morinoue | Individual | Support | Written Testimony— Only |

Comments:

Aloha Chair and Members of the Committee,

I strongly support HB491, a necessary and long-overdue measure to ensure accountability in the management of Hawai‘i’s public lands. This bill prohibits the State from leasing or extending the lease of any public lands to entities, including the military and hotel resorts, that have failed to comply with environmental maintenance or remediation agreements.

Hawai‘i’s lands are sacred, and their protection is a kuleana we must uphold. Yet, history has shown us that entities leasing public lands—particularly the U.S. military and resort industries—have repeatedly mismanaged and desecrated these lands without proper oversight or remediation.

The **Pōhakuloa Training Area is a glaring example** of this failure. Since 1964, the U.S. Army has leased 23,000 acres of public lands for military training, firing millions of live rounds annually. In the 1960s, rounds containing **Depleted Uranium (DU)**—a toxic and radioactive material with a *half-life of 4.5 billion years*—were fired at Pōhakuloa, contaminating the land and posing ongoing health risks.

Despite Judge Chang’s 2018 ruling, which called out the State’s failure to mālama ‘āina and ordered the development of a management plan for Pōhakuloa, the degradation continues. In 2008, **Hawai‘i County Resolution 639-08** called for an immediate halt to B-2 bombing missions and all live-fire exercises until DU contamination was assessed and cleaned up. Yet, the military has ignored these mandates, and live-fire training continues, further polluting and endangering this fragile ecosystem.

Similarly, large hotel resorts have a history of misusing leased public lands and exploiting resources without regard for environmental sustainability. Over-extraction of water, coastal erosion, and desecration of cultural sites have been well-documented, yet lease renewals persist without stringent accountability measures.

HB491 provides a critical safeguard—ensuring that any entity leasing Hawai‘i’s public lands is held accountable for their environmental responsibilities. This bill is particularly urgent as the military’s lease of Pōhakuloa expires in 2029. Without HB491, there is little to prevent the continuation of destructive practices that threaten the health of our land, water, and future generations.

I urge you to pass HB491 to uphold our responsibility to protect Hawai'i's public lands. Entities that fail to meet their obligations to care for and restore our 'āina should not be entrusted with its use. The time for action is now.

Mahalo for your time and consideration.

Maki Morinoue
Holualoa, HI 96725

HB-491

Submitted on: 2/2/2025 9:49:10 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Dianne Deauna | Individual | Support | Written Testimony Only |

Comments:

I support HB 491 - the State should not lease public lands to any entity that is non compliant with any order, consent decree, or memorandum of agreement that requires environmental maintenance or remediation. I also support amending the bill to remove Section C, which disqualifies anyone convicted of any crime and requires certification by the Office of the Governor to acquire a lease.

HB-491

Submitted on: 2/2/2025 11:46:15 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Meredith Buck | Individual | Support | Written Testimony Only |

Comments:

Aloha mai kākou,

My name is Meredith Buck and I am a resident of Hawai'i Island, residing in Kailua Kona. I support HB491, prohibiting the State of Hawaii from leasing public lands to any entity that is not in compliance with any order, consent decree, or memorandum of agreement that requires environmental maintenance or remediation.

Mahalo,

Meredith

HB-491

Submitted on: 2/3/2025 5:50:10 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Kaimi | Individual | Support | Written Testimony Only |

Comments:

State actors with a fiduciary duty to care for the State’s precious natural resources should not lease lands to tenants who illegally contaminate our land and water; if a tenant has a memoranda of agreement or understanding to clean past contamination, but decades later have not yet completed the clean up, **the tenant should not be allowed to sign new leases for the same or additional state lands.**

We strongly support HB491 in that any individual, corporation or federal agency that continues to misuse and/or mismanage leased land and natural resources, or circumvent or break laws protecting the safety of workers, residents, critical habitats and cultural preservation shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including carrying out any required environmental remediation cleanup, or *the lease shall be terminated.*

Do right by Hawaii and her people. Our health and wealth depend on responsible stewardship of public lands.

mahalo,

Kaimi Kaupiko

HB-491

Submitted on: 2/3/2025 6:18:40 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Mina H Elison | Individual | Support | Written Testimony Only |

Comments:

Aloha mai,

HB491 prohibits the state from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State and/or is noncompliant with a consent decree or agreement that requires environmental remediation or maintenance (in other words, “cleanup”) of the subject public lands.

State actors with a fiduciary duty to care for the State’s precious natural resources should not lease lands to tenants who illegally contaminate our land and water; if a tenant has a memoranda of agreement or understanding to clean past contamination, but decades later have not yet completed the clean up, **the tenant should not be allowed to sign new leases for the same or additional state lands.**

Furthermore, we strongly support HB491 in that any individual, corporation or federal agency that continues to misuse and/or mismanage leased land and natural resources, or circumvent or break laws protecting the safety of workers, residents, critical habitats and cultural preservation shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including carrying out any required environmental remediation cleanup, or *the lease shall be terminated.*

Simply put: do right by Hawaii and her people. Our health and wealth depend on responsible stewardship of public lands.

Mahalo,

Mina Elison

HB-491

Submitted on: 2/3/2025 6:49:15 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Summer Said | Individual | Support | Written Testimony Only |

Comments:

I am in support of HB491. Thank you.

Strong support for House Bill 491; RELATING TO LAND LEASES

Dear Chair Hashem, Vice Chair Lamosao and Esteemed Members of the House Committee on Water and Land,

I am writing to express my strong support for House Bill 491, which aims to ensure that the State of Hawaii holds lessees of public lands to the same standards of accountability and responsibility as private landlords do with their tenants. As citizens and stewards of our public trust, it is imperative that we uphold these principles of good governance and accountability, especially in regards to environmental and fiduciary responsibility.

One of the fundamental responsibilities of any landlord is to ensure that their tenants are in good standing, meeting all financial, contractual, and legal obligations. This is not only common practice but also essential for maintaining the integrity of lease agreements and the well-being of the community. Just as private landlords have the right to terminate a lease when a tenant commits a crime on their property, it is equally important for the State to have mechanisms in place to hold lessees of public lands accountable for their actions.

The rationale behind HB 491 is grounded in the understanding that when the State leases out public lands, it enters into agreements with lessees who have certain obligations. These obligations typically include paying all required fees, adhering to environmental regulations, and refraining from criminal activities on the leased property. Therefore, it is only logical that the State should exercise its authority to ensure that all lessees, whether individuals, corporations, or federal agencies, are in compliance with these obligations *before* any lease renewal is even considered.

By prohibiting the State from leasing or extending leases to entities that are not in good standing or have not met their obligations, HB 491 reinforces the principle that all lessees must uphold their end of the agreement. This legislation not only protects the interests of the State but also safeguards the environment and promotes responsible stewardship of our public lands.

In conclusion, **I urge you to support HB 491 as it aligns with the principles of accountability, responsibility, and good governance.** By ensuring that all lessees of public lands meet their obligations, we can safeguard our natural resources for future generations and uphold the integrity of our lease agreements. Thank you for considering my testimony in support of this important legislation.

Laura Acasio, Former State Senator, District 1

HB-491

Submitted on: 2/3/2025 8:36:07 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|------------------------|
| Hannah Hartmann | Individual | Support | Written Testimony Only |

Comments:

HB491 prohibits the state from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State and/or is noncompliant with a consent decree or agreement that requires environmental remediation or maintenance (in other words, “cleanup”) of the subject public lands.

State actors with a fiduciary duty to care for the State’s precious natural resources should not lease lands to tenants who illegally contaminate our land and water; if a tenant has a memoranda of agreement or understanding to clean past contamination, but decades later have not yet completed the clean up, the tenant should not be allowed to sign new leases for the same or additional state lands. Therefore I STRONGLY SUPPORT HB491 to ensure that any individual, corporation or federal agency that continues to misuse and/or mismanage leased land and natural resources, or circumvent or break laws protecting the safety of workers, residents, critical habitats and cultural preservation shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including carrying out any required environmental remediation cleanup, or the lease shall be terminated.

The logic is simple. Those who are not responsibly caretaking our precious ‘āina, wai, and public trust resources safeguarded by our state’s constitution, should not be allowed to continue to degrade and poison our public lands. The health of all who call Hawai‘i home depends on it.

Mahalo for the opportunity to testify.

Hannah Hartmann

HB-491

Submitted on: 2/3/2025 8:50:11 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Laila Moire-Selvage | Individual | Support | Written Testimony Only |

Comments:

I support HB491. Enough is enough with bombing on Hawaiian public lands. The military owns enough and has destroyed enough of our aina. No renewed leases! Mahalo.

HB-491

Submitted on: 2/3/2025 10:10:38 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Sherry Pollack | Individual | Support | Written Testimony Only |

Comments:

I strongly support HB491 that prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime. This bill further requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State, and provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated.

I urge you to pass this very important and critical measure.

Thank you for the opportunity to submit testimony.

HB-491

Submitted on: 2/3/2025 10:56:44 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|------------------------|
| Andrea Kawabata | Individual | Support | Written Testimony Only |

Comments:

Dear Committee Chairs and Members,

I strongly support HB491 and hope you will agree as well.

HB491 prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State and/or is noncompliant with a consent decree or agreement that requires environmental remediation or maintenance (in other words, “cleanup”) of the subject public lands.

It's time to really mālama our lands.

State actors with a fiduciary duty to care for the State’s precious natural resources should not lease lands to tenants who illegally contaminate our land and water; if a tenant has a memoranda of agreement or understanding to clean past contamination, but decades later have not yet completed the clean up, **the tenant should not be allowed to sign new leases for the same or additional state lands.**

Furthermore, I **strongly support HB491** in that any individual, corporation or federal agency that continues to misuse and/or mismanage leased land and natural resources, or circumvent or break laws protecting the safety of workers, residents, critical habitats and cultural preservation shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including carrying out any required environmental remediation cleanup, or *the lease shall be terminated.*

Thank you.

HB-491

Submitted on: 2/3/2025 11:23:10 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| H. Doug Matsuoka | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Hashem, Vice Chair Lamosao, and Members of the Committee,

My name is H. Doug Matsuoka, a life-long (72 years) resident of Hawaii. I am a director of Kokua Council, and founding member of Hawaii Guerrilla Video Hui. This is my own personal testimony.

I am in strong support of HB491 Relating to Land Leases. Although there are many political, cultural, and social issues involved with the provisions in this bill, I ask consideration for something that may have a positive effect on the public good for people in Hawaii, the rest of the USA, and even the world.

This bill directly addresses the environmental damage caused by the military. The military use of land at various bases and training areas like Pohakuloa on Hawaii Island may be serious enough for the military to claim that the lands are beyond remediation. That may devolve the issue into politically rancorous and divisive name-calling.

But the reclamation of military lands would require the development of technology and systems that could be used elsewhere in the US. The remediation would cover the clearing of unexploded ordinance, lead and depleted uranium, toxic materials including chemicals such as PFAS, TCE, PCE, and benzene, and yes, jet fuel.

But these environmental challenges are not limited to Hawaii. There is a long list of military sites in the US that could use any newly developed methods for land and water reclamation: There is Fort Sill and McAlester Army Ammunition Plant in Oklahoma, Loring Air Base in Maine, and sharing headlines with Red Hill, Camp Lejeune, as well as Adak Naval Air Station. And many more, of course. Land and water in Nevada are still seriously polluted from atomic testing.

Let this bill serve the public good by spurring the development of new technologies that could be applied to many other places in the US. Land reclamation and remediation systems would be paid for through the Department of Defense and follow the same procedures as the development of weapons systems: by proposals and bids by private contractors. This would allow the private developers to tap into a nearly \$1 trillion Defense Department budget that is likely only to increase.

Just as American weapon systems are sought after throughout the world, these land remediation systems will be as valued. Once a battle is won, who will be ready to reclaim land for civilian (and civil) purposes in places like Ukraine, Gaza, Iraq, Yemen, etc?

Let's be forward, pointed, and daring in our quest for the public good and Mālama 'Āina.

Mahalo for your time and attention,

H. Doug Matsuoka
Alewa

HB-491

Submitted on: 2/3/2025 12:03:33 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Kilihea Inaba | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair, Vice Chair, and Committee members,

Thank you for hearing HB491 which prohibits the state from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is behind in the payment of certain moneys to the State and/or is noncompliant with a consent decree or agreement that requires environmental remediation or maintenance (in other words, “cleanup”) of the subject public lands.

State actors with a fiduciary duty to care for the State’s precious natural resources should not lease lands to tenants who illegally contaminate our land and water; if a tenant has a memoranda of agreement or understanding to clean past contamination, but decades later have not yet completed the clean up, **the tenant should not be allowed to sign new leases for the same or additional state lands.**

This is huge for the caring of and responsible stewardship of Hawai‘i’s lands. We have to bring an end to the continued allowance of leased lands when they have not been or are not currently being managed appropriately.

Furthermore, we strongly support HB491 in that any individual, corporation or federal agency that continues to misuse and/or mismanage leased land and natural resources, or circumvent or break laws protecting the safety of workers, residents, critical habitats and cultural preservation shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including carrying out any required environmental remediation cleanup, or *the lease shall be terminated.*

PLEASE see that this is big step forward to improve the health of our lands and thus our people.

Mahalo for your consideration,

Kilihea Inaba (Kaloko, Kona, Hawai‘i)

HB-491

Submitted on: 2/3/2025 1:25:17 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Kristen Young | Individual | Support | Written Testimony Only |

Comments:

I support HB491 which prohibits the State from leasing or extending the lease of any public lands to any entity that is noncompliant with any order, consent decree, or memorandum of agreement that requires environmental maintenance or remediation.

Anyone that claims to support the people of Hawai‘i must ensure the protection and stewardship of land on which we all depend. Allowing public lands to be used for outside profit and as training grounds for the U.S. to terrorize our neighbors abroad while harming life here should be a crime.

In just a few years, decades-long military leases will expire. This is a major opportunity to correct course in Hawai‘i. The military has proven that it cannot adequately care for the environment, nor is it interested in doing so – it simply is not their function or goal. Entities like this should not have access to Hawai‘i's precious lands.

While the State is operating in illegally-occupied Hawai‘i and it seems like there are too few people in power who would not sell out the people of Hawai‘i if given the opportunity, HB491 could be a vehicle to force the State and people in power to legally protect the lands that citizens depend on.

Please consider striking out Section C of HB491 which seeks to disqualify anyone convicted of any crime and would require certification by the office of the Governor to acquire a lease.

Mahalo for your consideration.

Kristen Young
Honolulu resident 96813

HB-491

Submitted on: 2/3/2025 1:54:15 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Avalon Paradea | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Avalon Paradea and I am in full support of HB491. We must put Kānaka Maoli and 'āina first and ensure that military degradation ceases, for the wellbeing of current and future generations.

Mahalo,

Avalon Paradea, Waikōloa, Hawai'i

HB-491

Submitted on: 2/3/2025 2:58:30 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Lehua Alapai | Individual | Support | Written Testimony Only |

Comments:

HB491 prohibits the state from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State and/or is noncompliant with a consent decree or agreement that requires environmental remediation or maintenance (in other words, “cleanup”) of the subject public lands.

Please do the right thing for our land.

I strongly support HB491 in that any individual, corporation or federal agency that continues to misuse and/or mismanage leased land and natural resources, or circumvent or break laws protecting the safety of workers, residents, critical habitats and cultural preservation shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including carrying out any required environmental remediation cleanup, or *the lease shall be terminated*.

Please do the right thing for our people.

You know the right thing to do. Please do not convince yourself otherwise.

Mahalo, Lehua Alapai

HB-491

Submitted on: 2/3/2025 3:05:17 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Nanea Lo | Individual | Support | Written Testimony Only |

Comments:

Hello Chair, Vice Chair, and Esteemed Members of the Committee,

I write today in **strong support of HB 491**, which seeks to reform land lease policies to ensure long-term stability for our local communities, protect Native Hawaiian land rights, and promote equitable land stewardship practices in Hawai‘i.

As a Kanaka Maoli and lineal descendant of the Hawaiian Kingdom, I am deeply invested in the protection of our ‘āina and the well-being of our people. For far too long, the leasing of Hawaiian lands—particularly to non-Hawaiian entities, corporate interests, and the military—has resulted in displacement, environmental degradation, and the erosion of our cultural and historical connections to place. HB 491 presents an opportunity to correct past injustices and create a more just and sustainable future for Hawai‘i.

This measure is essential for:

1. Ensuring Long-Term Community Stability – Affordable and secure land leases will allow local families, farmers, and businesses to thrive without the constant threat of eviction or exorbitant rent increases.
2. Protecting Native Hawaiian Land Rights – Too often, land use policies have ignored the rights and historical claims of Kānaka Maoli. This bill takes a step toward restoring land access to Native Hawaiians and ensuring these lands are used for their intended purposes.
3. Promoting Sustainable Land Stewardship – Leasing policies should align with mālama ‘āina principles, ensuring that our lands are cared for in a way that benefits both the environment and future generations.
4. Preventing Irresponsible Land Leasing – HB 491 prohibits the state from leasing or extending the lease of public lands to individuals, corporations, or federal agencies—such as the military—that are not in good standing with the state. This ensures that land use aligns with community and environmental well-being, rather than benefiting entities that exploit or neglect our resources.

Hawai‘i cannot afford to continue its history of land mismanagement that prioritizes short-term profit over the well-being of its people and ‘āina. I urge you to pass HB 491 to ensure that our communities remain rooted in their ancestral lands and that stewardship of our public lands aligns with the best interests of Hawaii’s people.

Me ke aloha 'āina,
Nanea Lo
Mō'ili'ili, HI 96826
Sierra Club of Hawai'i Executive Committee Member
Board Member, Hawai'i Workers Center
Kanaka Maoli / Lineal Descendant of the Hawaiian Kingdom

HB-491

Submitted on: 2/3/2025 3:15:44 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Keoni DeFranco | Individual | Support | Written Testimony Only |

Comments:

Aloha

I am submitting testimony in strong support of **HB491**, which prohibits the State from leasing or extending public lands to any entity that is delinquent in payments to the State, noncompliant with environmental remediation agreements, or convicted of a crime. This measure ensures greater accountability in the stewardship of Hawai‘i’s most valuable public resource—its land.

For too long, irresponsible lessees have been allowed to exploit public lands despite outstanding debts, environmental degradation, and legal violations. This bill takes a necessary step toward protecting our ‘āina and ensuring that those benefiting from public resources fulfill their obligations to the people of Hawai‘i.

By requiring certification from the Governor’s Office before any federal lease is issued or extended, this measure also enhances transparency and ensures that federal agencies are held to the same standards as private entities. Moreover, the three-year compliance window for existing lessees provides a fair opportunity for correction while prioritizing accountability.

Public lands belong to the people of Hawai‘i, and they should be managed in a way that prioritizes economic fairness, environmental integrity, and responsible stewardship. Allowing entities that have neglected their financial, environmental, or legal responsibilities to continue leasing public lands undermines the public trust.

I urge the committee to pass HB491 to ensure that Hawai‘i’s public lands are managed responsibly and for the collective benefit of our communities, not for the benefit of those who fail to meet their obligations.

Mahalo for your time and consideration.

HB-491

Submitted on: 2/3/2025 3:57:00 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------------------|--------------|--------------------|-------------------|
| Kelsey Carlos-Keli?ikipi | Individual | Support | Remotely Via Zoom |

Comments:

I am writing in strong support that Bill HB491/SB427 that prohibits the “State” of Hawai‘i from leasing/extending the lease of any public lands to any entity that is noncompliant with any order, consent decree, or memorandum of agreement that requires environmental maintenance or remediation. Section 3 states “If any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation, including remitting full payment of any unpaid balances owed to the State, carrying out any required environmental maintenance or remediation activities on the subject lands, or completing any adjudicated penalties for any relevant criminal activity, or the lease shall be terminated”. A lessee of public lands includes the U.S Military who currently occupies more than 230,000 acres of land across Hawai‘i. This includes Pōhakuloa on Hawai‘i island, the Kahuku and Kawailoa-Poamoho Training Areas and the Mākua Military Reservation in Wai‘anae.

In Wai‘anae, where I am from, there is a high Native Hawaiian population and also a high houseless population. Due to the military presence in Wai‘anae on Lualualei Naval Base and Makua Military Reserve, Native Hawaiians are continuously displaced. In October 2024, there was a huge fire on Lualualei Naval Base that burned over an acre of land. I was working for Ma‘o Organic Farms at the time and we cultivate the ‘āina that they desecrate each day. The U.S Department of Defense has never been good stewards of the land and their presence has contributed to the displacement of indigenous Native Hawaiians. They continuously bombed Kohe Malamalama o Kanaloa or Kaho‘olawe from 1941 throughout 1990 when George Bush halted the live-fire training practices and the Kaho‘olawe Island Reserve Commission was established to clean up the island. Despite these efforts that happened more than 30 years ago Kaho‘olawe has not yet been fully restored. I can only imagine the continuous environmental harm that the U.S Navy does on Lualualei Naval Base.

As a Hawaiian individual, I ask kindly of you to pass this bill that would prevent further desecration of public lands.

Mahalo no,

Kelsey Carlos-Keliikipi

HB-491

Submitted on: 2/3/2025 4:41:13 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------------------|---------------------|---------------------------|----------------|
| Kimmer "Nahonu" Horsen Bighorse | Individual | Support | In Person |

Comments:

I support HB491 because land/terrain posturing and show of force here in Hawaii as a nuclear power is not essential. Oahu has five United States armed mimitary services stationed here. The United States Army, and Marine Corps who utilize heavy artillery, weapons and field ranges have proven to be more destructive to the environment/soil/air/vegetation/personnel/lical civilians than a protection. Unexploded ordnance, mines, bombs and now depleted uranium have all been detected at these various weapons/field training exercise ranges such as Makua, Pohakuloa, Schofield Barracks, Bellows Amphibious training reserve, Kahuku, Waimanalo, and Marine Corps Base Hawaii. Military Personnel, mainly combat military occupational service personnel such as infantry, field artillery, military police, combat engineer, and Stryker Brigades all fail to dispose of their shells, and ordnance once their training and weapons have been tested. I was a Soldier stationed at Schofield Barracks Hawaii and witnessed units denigrate and contaminate the soil with bullets, grenades, .50 caliber machine guns and ordnance only to quickly pick up the least amount of debris and properly dispose of it. There is no oversight of hazardous material disposal such as unexploded ordnance or exploded ordnance on the military installations, bases and training ranges in Hawaii.

Most future conflict can be mitigated by means other than land such as uav unmanned aerial vehicle craft, drones and missiles from perhaps Navy Ships rather than ground forces. A ground patrol of Soldiers or Marines is unnecessary unless for emergencies like the Lahaina wildfire cleanup. It had been over a century since any ground combat operations in Hawaii and the land, sea, air and fresh water resources are currently destructing and contaminating from previous wars such as WWII (Red Hill Fuel Tanks), putting our Hawaii pae island security and not to mention United States National security at risk. Oahu risks becoming like Kahoolawe if we keep contaminating it, overpopulating it and prioritizing destructive man made weapons and borh waste and recreation projects like WaiKai, golf courses, football fields, lawns, cesspools, landfills and water parks from limited supply of fresh water aquifers.

Please evict the active United States Army, Marine Corps and other ground forces that are non-essential for sustainable security and protection of this aina. Allow Kanaka Maoli to inspect all weapons ranges and field training sites for proper clean up of debris. Ensure the department of defense disposes of all depleted uranium and hazardous waste materials properly.

The optimal would be to evict all services from Hawaii Pae Aina as the Navy Sonar destroys ocean life as well.

Mahalo for your time.

HB-491

Submitted on: 2/3/2025 8:46:34 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Kyhl A Austin | Individual | Support | Written Testimony Only |

Comments:

I strongly SUPPORT HB491. The US military has shown time and time again that they have no respect for the land, people, or species of Hawaii. Leases should NOT be renewed with entities that continue to bomb, desecrate, and pollute the land of Hawaii.

Mahalo for your time,

Kyhl Austin

HB-491

Submitted on: 2/3/2025 10:30:43 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Carmela Resuma | Individual | Support | Written Testimony Only |

Comments:

I support this measure. The military has caused extreme harm to the land and the wider ecosystem. Extending or renewing any of these leases will only exacerbate this problem.

HB-491

Submitted on: 2/3/2025 11:06:22 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Noel Shaw | Individual | Support | Written Testimony Only |

Comments:

Accountability is key. No leases to bad tenants. No leases to tenants who don't think beyond themselves and who don't make it better for those coming next.

HB-491

Submitted on: 2/3/2025 11:36:14 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Breanne Fong | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Hashem and Vice Chair Lamosao,

My name is Breanne Fong and I am from Niu Valley, Kona, O'ahu, and I also grew up in Kaimuki. I strongly support HB491, which would ensure accountability from all lessees of Hawaii's public lands, including federal agencies.

As someone who has the privilege of growing up and living in Hawai'i, this bill is long overdue. Currently, some lessees of our public lands pay far below market value – while also failing miserably to meet their financial and environmental obligations to our state. This is particularly true of military leases, where substantial impact aid remains unpaid and environmental damage goes unremediated.

This bill would strengthen Hawai'i's 'āina, people, and economy by:

1. Requiring lessees to pay what they owe before getting new leases or extensions
2. Making environmental cleanup and maintenance mandatory
3. Ensuring all lessees - whether private, corporate, or federal - follow the same rules
4. Giving the state more control over its public lands

Under the current system, Hawai'i's taxpayers bear the burden when lessees don't meet their obligations. We effectively subsidize federal operations while our schools go underfunded and our environment suffers. This bill would change that by creating real accountability.

The three-year grace period for existing lessees to come into compliance is fair and reasonable. It gives current tenants time to address their obligations while ensuring these issues can't continue indefinitely.

This bill is about respect for our land, our resources, and our people. It's about ensuring that all who benefit from the use of Hawai'i's public lands fulfill their responsibilities to our community.

I urge you to pass HB491. It's time we protect Hawai'i's interests and ensure fair treatment from all who wish to lease our public lands.

Mahalo for your time and consideration.

Breanne Fong

HB-491

Submitted on: 2/4/2025 3:50:33 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------|--------------|--------------------|------------------------|
| Aree Worawongwasu | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I am writing in strong support of Hawai‘i HB 491, a bill that represents a critical step toward ensuring that public lands are managed and leased in a way that aligns with the value of mālama ‘āina.

This bill takes necessary action to hold those who benefit from Hawai‘i’s resources accountable for their actions. The implications of this bill are profound, particularly in the context of Hawai‘i’s ongoing struggles with environmental degradation and the displacement of local communities. Powerful corporations and government agencies have been allowed to hold leases on public lands while failing to meet their obligations to protect the environment or respect the needs of the people. The failure to uphold these obligations has resulted in the contamination of Hawai‘i’s lands, waters, and communities, as well as the perpetuation of a colonial legacy that prioritizes corporate profit over the well-being of Kanaka Maoli and kama‘āina.

I urge you to pass this bill to ensure that Hawai‘i’s resources are protected, that those responsible for their stewardship are accountable, and that future generations can thrive in pono relation with the ‘āina.

Me ke aloha,

Aree Worawongwasu, PhD Student, University of Hawai‘i at Mānoa.

HB-491

Submitted on: 2/4/2025 7:11:53 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Isis Usborne | Individual | Support | Written Testimony Only |

Comments:

Aloha e,

Please support this vital bill! Our State Constitution requires it!

Mahalo,

Isis “Izzy” Usborne, 96815

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Kimmer Horsesen <kimmer.bighorse@gmail.com>

Testimony HB491

1 message

Kimmer Horsesen <khorsesen@my.hpu.edu>
 To: Horsesen Kimmer <kimmer.bighorse@gmail.com>

Tue, Feb 4, 2025 at 9:16 AM

Chairs and Reps,

I support HB491 because land/terrain posturing and show of force here in Hawaii as a nuclear power is not essential. Oahu has five United States armed military services stationed here. The United States Army, and Marine Corps who utilize heavy artillery, weapons and field ranges prove more destructive than helpful to the residents, environment/soil/air/vegetation than protect. Unexploded ordnance, mines, bombs and depleted uranium are detected at these various weapons/field training sites, such as Makua, Pohakuioa, Schofield Barracks, Beilows Amphibious training reserve, Kahuku, Waimanaio, and Marine Corps Base Hawaii. Military Personnel, mainly combat military occupational service personnel such as infantry, armor, and field artillery. All fail to dispose of their shells, and exploded ordnance once their weapons in live fire training test out.

I was an active duty Soldier stationed at Schofield Barracks Hawaii during the global war on terrorism and witnessed units denigrate and contaminate the soil with bullets, grenades, .50 caliber machine gun ordnance only to hastily pick up the least amount of debris and properly dispose of it. There is zero to no regulation of hazardous material disposal of both unexploded or exploded ordnance on military installations, bases and training ranges here in Hawaii outside of the defense scope. Hawaii pae aina risks becoming totally uninhabitable like Kahoolawe.

- Most future international armed conflict can be mitigated by means other than ground force such as UAV unmanned aerial vehicles, drones and missiles from perhaps Navy Destroyers or missile carriers rather than ground forces. A ground patrol of Soldiers and Marines is unnecessary unless for emergencies like the Lahaina wildfire cleanup. It has been over a century since any ground combat operations in Hawaii. The land, sea, air and fresh water resources are destructing/contaminating from previous wars such as WWII (Red Hill Fuel Tanks), placing our island security and not to mention United States National security at risk.
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- Oahu risks becoming like Kahoolawe if we keep contaminating, overpopulating and prioritizing destructive man made heavy weapons system testing, non-essential man made recreation projects like WaiKai (artificial wave parks), golf courses, football stadiums, lawns, toxic cesspools, landfills, sewers, and water parks ahead of the preservation of fresh drinking water.
- Evict the active duty United States Army, Marine Corps and other ground forces that are non-essential for sustainable security and protection of this aina, especially the ground combat forces: Infantry, Armor and Artillery. Allow Hawaiian Kingdom Subjects to inspect all weapons ranges and field training sites for proper clean up of debris. Ensure the department of defense disposes of all depleted uranium and hazardous waste materials properly before deoccupying and complying with Aloha Aina Kanawai.
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Military personnel increase domestic violence, missing and murdered wahine (Native Hawaiian)-sex trafficking and are the primary perpetrators of Operation Keiki Shield 2023. Army Criminal Investigation Division arrested and/or prosecuted over 45 active-duty military personnel for internet crimes against children within the military in Hawaii'i.

- The optimal would be to evict all services from Hawaii Pae Aina as the Navy Sonar destroys ocean life and contaminates fresh water aquifers at Kapukahi.
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- Mahalo for your time.