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**Robin Puanani Danner**, Chairwoman, Kauai  
**Sybil Lopez**, Vice Chairwoman, Molokai  
**Kekoa Enomoto**, Councilwoman, Maui/Lanai  
**Richard Soo**, Councilman, Oahu  
**Ron Kodani**, Councilman, Hawaii Island  
**Faisha Solomon**, Administrator

Date: March 18, 2021

To: Honorable Chair Tarnas, Chair Nakashima & Members of the Committees (WAL/JAH)

Fr: Robin Puanani Danner, SCHHA Chair  
Sybil Lopez, SCHHA Vice Chair

Re: Support of HR64 & HCR76 – Working Group to Report on Status of Act 14 Enacted in 1995

The above referenced resolutions create a working group with relevant seats established for Executive Branch agencies, Legislative Leadership appointed members, the U.S. Department of Interior (DoI), and federally defined Homestead Associations registered with the U.S. Department of Interior under 43 Code of Federal Regulations.

The function of the working group is to review Act 14, a State Law enacted over 25 years ago, to address issues regarding our land trust established by Congress under the Hawaiian Homes Commission Act of 1920 (HHCA), and for the working group to report any outstanding issues, along with recommendations to the full legislature before the 2022 opening session.

In 2016, President Obama promulgated federal regulations to provide clarity to the successful administration of the HHCA:

1. 43 CFR clarifies that the three parties to the HHCA are:
  - a. State Government represented by its Department of Hawaiian Home Lands (DHHL).
  - b. Federal Government represented by its Department of Interior (DoI); and
  - c. HHCA native Hawaiian Beneficiaries
2. 43 CFR provides a specific definition for Homestead Beneficiary Associations to be registered with the DoI as follows:

*A beneficiary-controlled organization that represents and serves the interests of its homestead community; has as a stated primary purpose the representation of, and provision of services to, its homestead community; and filed with the Secretary (of DoI) a statement, signed by the governing body, of governing procedures and a description of the territory it represents.*

Chairmen, we appreciate this common-sense approach to obtaining vital information about Act 14 at the direction of the legislative body of our State Government, and for all relevant parties to the HHCA, to work together.

We stand in full support and look forward to bringing the wisdom and knowledge of elected homestead association leaders registered under 43 CFR including the Association of Hawaiians for Homestead Lands (AHHL), a statewide Waitlist Association, to the efforts of the working group and to our Legislature.

**About SCHHA.** The *Sovereign Council of Hawaiian Homestead Associations* (SCHHA), founded in 1987, is the oldest and largest HHCA Beneficiary Organization, representing the interests of nearly 10,000 native Hawaiian lessees and 28,000 families on the waitlist. SCHHA is governed by a council elected to 4-year terms serving homestead areas in the Moku-puni of Kauai, Oahu, Molokai, Maui/Lanai and Hawaii Island. SCHHA leaders are experts on the HHCA, federal and state land trust management, finance, affordable housing, economic development and job creation.

*Founded in 1987, the Sovereign Council of Hawaiian Homestead Associations (SCHHA) is the oldest and largest governing homestead association registered with the Department of Interior, exercising sovereignty on the trust lands established under the Hawaiian Homes Commission Act of 1920.*



### **HCR76/HR64**

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
CONVENE A WORKING GROUP TO ASSESS THE STATUS OF ACT 14, SPECIAL  
SESSION LAWS OF HAWAII 1995.

Ke Kōmike Hale o ka Wai a me ka ‘Āina

House Committee on Water & Land

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i

House Committee on Judiciary & Hawaiian Affairs

Malaki 22, 2021

2:00 p.m.

Lumi 430/325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HCR76/HR64, which would urge the convening of a working group to assess the status of Act 14 (Reg. Sess. 1995). The working group contemplated by this measure may constitute a critical first step towards addressing longstanding and continuing concerns regarding the State’s improper and uncompensated use of Hawaiian Home Lands, contrary to its fiduciary and constitutional obligations under the Hawaiian Homes Commission Act (HHCA).

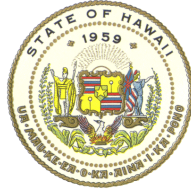
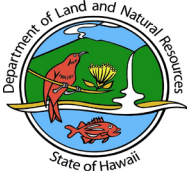
**Significant concerns have arisen in recent years regarding the State’s past and ongoing failures to address the improper and uncompensated use of lands in the Hawaiian Home Lands Trust (HHLT), more than 25 years after the State committed, via Act 14, to make the HHLT whole.** The State of Hawai‘i agreed to take on the trust responsibility of administering the HHCA and the HHCA program as a condition of statehood. However, upon statehood, the State almost immediately began to dispose of HHLT lands and improperly convert HHLT lands for road and other uses without any apparent consent from the Hawaiian Homes Commission (HHC). In response to community concerns that the State had been violating its fiduciary obligations as trustee of the HHLT, and in furtherance of recommendations made by the 1983 Federal-State Task Force on the HHCA, in 1995 the State finally enacted legislation known as Act 14, to resolve and satisfy all claims stemming from the State’s improper and uncompensated use of HHLT lands from August 21, 1959 to July 1, 1988. Notably, to resolve all controversies and claims relating to the improper and uncompensated use of HHLT lands for State roads and highways, Act 14 specifically contemplated “the initiation of [] land exchanges” between the State and the HHC; to date, approximately 25 years since Act 14’s passage, neither entity has initiated any land exchange to resolve the State’s prior improper and uncompensated use of HHLT lands for roads and highways.

**Accordingly, the working group proposed by this measure, and the contemplated assessment of the status of Act 14, may be a critical first step towards addressing the unresolved issues that Act 14 originally sought to address, including the ongoing improper and uncompensated use of HHLT lands.**

OHA does note that, to the extent that roads and highways on HHLT lands may be maintained and controlled by the Department of Transportation (DOT), that the DOT may be a relevant stakeholder to the working group's discussion; OHA defers to the Committees with respect to whether or not the DOT should be an explicitly named member of the working group.

Therefore, OHA urges the Committees to **PASS** HCR76/HR64. Mahalo for the opportunity to testify on this important measure.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committees on  
WATER & LAND  
and  
JUDICIARY & HAWAIIAN AFFAIRS**

**Monday, March 22, 2021  
2:00 PM**

**State Capitol, Via Videoconference, Conference Rooms 430 & 325**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 76 / HOUSE RESOLUTION 64  
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
CONVENE A WORKING GROUP TO ASSESS THE STATUS OF ACT 14, SPECIAL  
SESSION LAWS OF HAWAII 1995**

House Concurrent Resolution 76 / House Resolution 64 requests that the Department of Land and Natural Resources (Department) convene a working group to assess the status of Act 14, Special Session Laws of Hawaii 1995 (Act 14). **The Department appreciates the intent of these measures and offers the following comments and suggested amendment.**

In 2010, the Hawaiian Homes Commission (Commission) and the Board of Land and Natural Resources (Board) reached a full and final settlement of the lands to be transferred to the Commission pursuant to the Board's action of October 28, 2010, agenda Item D-12, approved as amended (documents may be reviewed at: <https://dlnr.hawaii.gov/ld/2010-full-and-final-dhhl-settlement/>). This settlement required the Department to transfer the outstanding balance of the 16,518 acres specified in Act 14, or 817 acres, more or less, to the Commission. The parcels agreed upon for transfer were identified in the Board action.

To date, the Department has conveyed 16,298.975 acres to the Commission, of which the Commission acknowledges 15,742.652 acres are in satisfaction of the requirements of Act 14. A further 1,070.067 acres are pending transfer to the Commission, with the following geographic distribution:

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Oahu:	213.684 acres
Molokai:	42.313 acres
Lanai	25.400 acres
Hawaii Island:	738.320 acres <sup>1</sup>
Kauai:	50.350 acres
Total:	1,070.067 acres

The Department and the Commission have been working methodically to identify and resolve issues causing delays in the transfer of the remaining parcels. Foremost among these issues is that many of the parcels have not been surveyed previously. The Commission is in the process of procuring surveys and subdividing the remaining parcels. These processes must be completed before the parcels can legally be conveyed to the Commission.

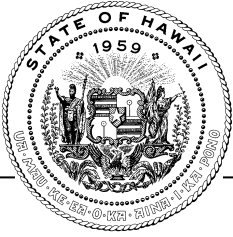
The Department believes that the working group proposed in the resolution can help facilitate the completion of the transfers remaining under Act 14. However, the Department does have concerns regarding the size and composition of the working group. Overly large working groups often struggle to work efficiently toward the completion of the assigned task. The Department suggests limiting the working group to parties directly involved in the task of completing the land transfers mandated by Act 14. The working group would still have the authority to consult with stakeholders as warranted to complete the transfers of the remaining parcels. As such, the Department recommends amending this measure to limit the working group to the following membership:

- (1) The Chairperson of the Board of Land and Natural Resources, or the Chairperson's designee;
- (2) The Chairperson of the Hawaiian Homes Commission, or the Chairperson's designee;
- (3) The Attorney General, or the Attorney General's designee; and
- (4) Any other members deemed necessary by the working group.

Thank you for the opportunity to comment on these measures.

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<sup>1</sup> Acreage of pending transfers for Hawaii Island includes 378.87 acres that were set aside to the Commission via Executive Order 4635 dated August 14, 2020 for agricultural purposes. These lands were not included in the 2010 Board action but may be added to the settlement amount by conveyance in the future if the Board and Commission approve.



## OFFICE OF PLANNING STATE OF HAWAII

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DAVID Y. IGE  
GOVERNOR

MARY ALICE EVANS  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON WATER AND LAND AND  
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**  
Monday, March 22, 2021  
2:00 PM  
Via Videoconference

in consideration of  
**HCR 76/HR64**  
**REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
CONVENE A WORKING GROUP TO ASSESS THE STATUS OF ACT 14, SPECIAL  
SESSION LAWS OF HAWAII 1995.**

Chairs Tarnas and Nakashima, Vice Chairs Branco and Matayoshi, and Members of the House Committee on Water and Land and Judiciary and Hawaiian Affairs.

The Office of Planning (OP) offers **comments** on HCR 76/HR64 which requests the Department of Land Natural Resources (DLNR) to convene a working group to identify the requirements of Act 14, Session Laws of Hawaii 1995, steps necessary to fulfill each outstanding requirement, and annual revenues and expenditures from the Hawaiian Homes Land Trust Fund since 1995.

The Office of State Planning (OSP) served on the DHHL Land Claims Task Force. OP, OSP's successor agency, is willing to serve on the working group; however, OP defers to the Department of Hawaiian Homes Lands and the Department of Land and Natural Resources on the status of the 16K acre transfer.

Thank you for the opportunity to testify on this measure.

**COUNTY COUNCIL**

Arryl Kaneshiro, Chair  
Mason K. Chock, Vice Chair  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Bill DeCosta  
Luke A. Evslin  
KipuKai Kualii



**OFFICE OF THE COUNTY CLERK**

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**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

March 19, 2021

**TESTIMONY OF KIPUKAI KUALII  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON**

**HCR 76 / HR 64, REQUESTING THE DEPARTMENT OF LAND AND NATURAL  
RESOURCES TO CONVENE A WORKING GROUP TO ASSESS THE STATUS OF  
ACT 14, SPECIAL SESSION LAWS OF HAWAII 1995**

House Committee on Water & Land  
House Committee on Judiciary & Hawaiian Affairs  
Monday, March 22, 2021  
2:00 p.m.  
Via Videoconference  
Conference Room 430 & 325

Dear Chair Tarnas, Chair Nakashima, and Members of the Committees:

Thank you for this opportunity to provide testimony in strong support of HCR 76 / HR 64, Requesting the Department of Land and Natural Resources To Convene A Working Group To Assess The Status Of Act 14, Special Session Laws Of Hawai'i 1995. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council, Chair of the Kaua'i County Council's Housing & Intergovernmental Relations Committee, Vice Chair of the Kaua'i County Council's Finance & Economic Development Committee, Co-Chair of SCHHA's Policy Board, longtime advocate for Department of Hawaiian Homelands (DHHL) waitlistees, an Anahola homesteader, and an Anahola agricultural lot waitlistee.

These resolutions are especially important, because, for the first time, they bring Hawaiian Homes Commission Act (HHCA) beneficiary organizations to the table working with our State and Federal Government to advance our Hawaiian Home Land trust.

I extend my *mahalo nui loa* to both committees for hearing these resolutions and humbly ask that you support both resolutions. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241 4188 or via E-mail to cokcouncil@kauai.gov.

Sincerely,

**KIPUKAI KUALII**  
Councilmember, Kaua'i County Council



*Dedicated to Ending the Hawaiian Home Lands Waiting List*

March 19, 2021

Honorable Committee Chairs & Members  
Committee on Water & Land  
Committee on Judiciary & Hawaiian Affairs

Re: SUPPORT: HR 64 and HCR 76 – Act 14 Working Group

The Association of Hawaiians for Homestead Lands (AHHL) was founded in 2009 to advocate for the interests of thousands of native Hawaiians on the State of Hawaii, Department of Hawaiian Home Lands (DHHL) waiting list for a homestead land award.

AHHL submits its testimony in strong support of HR 64 and HCR 76. The content of these resolutions bring to forward, the full talent of all three parties necessary to achieve success of our Hawaiian Home Land trust, State Government, Federal Government and HHCA beneficiary organizations.

We mahalo both committees for hearing these resolutions and request passage.

Mahalo.

Mike Kahikina  
AHHL Board  
Waitlist Policy Committee Chair



**HR-64**

Submitted on: 3/18/2021 1:24:38 PM

Testimony for WAL on 3/22/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Bishop	Individual	Support	No

Comments:

Please pass this important Resolution!

**HR-64**

Submitted on: 3/19/2021 11:10:25 AM

Testimony for WAL on 3/22/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marlene Kamuela Purdy	Individual	Support	No

Comments:

As a native Hawaiian, I support HR64.