



TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2009

ON THE FOLLOWING MEASURE:

S.B. NO. 995, S.D. 2, RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

BEFORE THE:

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Wednesday, March 18, 2009 **TIME:** 9:00 AM

LOCATION: State Capitol, Room 329

TESTIFIER(S): Mark J. Bennett, Attorney General

Chair Carroll and Members of the Committee:

The Department of the Attorney General opposes this measure.

The bill does not specify the dollar value of the Legislature's "final determination of the resources that the State should have provided to the Office of Hawaiian Affairs (OHA) for the period between November 7, 1978 and July 1, 2009," and makes no effort to resolve "future payment" issues. In addition, little information has been gathered to inform the Legislature about whether it is in the State's interest to transfer the parcels of land other than the land at Kakaako, to OHA, at this time.

This bill authorizes the transfer of land of unspecified value to the OHA in two phases, to make up for an unspecified amount of receipts from the ceded land that OHA did not receive under article XII, sections 4 and 6 of the State Constitution between November 7, 1978 when the provisions were added to the State Constitution, and the present. The first transfer includes land in Kakaako, as well as Kahana Valley and Beach Park, La Mariana at Keehi Lagoon, the accreted peninsula and land fill bordered by Kalihi and Moanalua Streams, the Heeia wetlands, portions of Mauna Kea, and certain state-owned fishponds. That transfer is to be made by October 1, 2009 or six

months after OHA receives access to all such property and all documents related to that property with which to conduct due diligence. The second transfer is to be made by an act passed by the Legislature in 2010. The actual property to be transferred and the total value of those lands are not specified in this bill.

As already noted, the total value of the lands that OHA may opt to have transferred to it to make up for ceded land receipts not paid in the past, is not specified in the bill. As best we know, the value of each parcel the Senate added to the bill has not been established.

As best we can determine, no due diligence to determine the effect that transfers of the various parcels of land to OHA could have on the State's interest has been conducted - as best we know, no one has identified and assessed the effects that the transfers of land will have on activities currently being conducted on the land to be transferred, or the lands adjoining the lands to be transferred. We are particularly concerned about the transfer of land on Mauna Kea because existing agreements for the use of that land involve national and international interests.

Further, this bill allows OHA, at "its sole and absolute discretion," and without any recourse on the State's behalf by the Legislature or the Executive Branch, to unilaterally reject any of the property to be conveyed, by individual parcels or in their entirety, without having or specifying any cause. If that occurs, again without any further input from the Legislature or the Executive Branch, the value of the balance for which land must be transferred in 2010, must be increased by the tax assessed value of the property OHA rejects as of the bill's effective date. In other words, the actual lands to be transferred are unknown at this time. They could ultimately encompass lands wholly different from those described in the bill.

This also means that the State could then be faced with the real possibility that once contiguous property would be fragmented and substantially devalued by OHA's rejection of some but not all of the parcels that make up the identified property.

The bill also makes no provision for either undoing the first transfer of lands that this bill effectuates, or offsetting the value of the lands that are transferred, against future efforts to finally resolve issues relating to the past, should legislation to effectuate the 2010 transfer of land not pass.

The Legislature lacks sufficient information with which to enact this bill. Without additional information about the quality, condition, present uses, and value of the parcels of land involved, the bill should be held.



**SB995, SD2
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

House Committee on Hawaiian Affairs

March 18, 2009
Room 329

9:00 a.m.

Aloha Chair Carroll, Vice Chair Shimabukuro, and Members. This testimony is presented on behalf of Chair Apoliona and the OHA Board of Trustees. **OHA supports the intent of Senate Bill No. 995, Senate Draft 2, Relating to the Office of Hawaiian Affairs, but OHA prefers House Bill 901, House Draft 2 on the same subject.**

The purpose of SB995, SD2 is to allow the State to most effectively and responsibly make progress toward meeting part of its constitutional obligation to Native Hawaiians pursuant to sections 4 and 6 of Article XII of the State Constitution by addressing the additional amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July 1, 2009.

Background

While a detailed historical narrative of the issue of land trust revenues would not be appropriate in this testimony, kindly note the following:

- Following many years of relatively small transfers to OHA, Act 304, Session Laws of Hawaii of 1990, sought to establish how the State would carry out its state constitutional and statutory mandate to dedicate 20 percent of public land trust revenues to OHA's activities.
- Act 35, Session Laws of Hawaii 1993, appropriated \$136.5 million in general obligation bond funds to OHA as a settlement of undisputed claims to that point in time.
- Act 329, Session Laws of Hawaii 1997, established OHA's pro rata share to be \$15.1 million for each of the fiscal years 1997-1998 and 1998-1999.

- In 2001, the Hawaii Supreme Court ruled that Act 304 was invalid due to a conflict between one of its technical provisions and federal law.
- Act 34, Session Laws of Hawaii 2003, required the transfer of several million dollars to OHA to help continue the revenue stream following the court ruling against Act 304.
- Executive Order No. 03-03 set forth Governor Lingle's procedure for continuing the revenue stream.
- Act 178, Session Laws of Hawaii 2006, included an interim provision setting OHA's annual amount of land trust revenues at \$15.1 million and providing a lump sum payment of \$17.5 million for certain amounts that the Legislature determined were underpaid between July 1, 2001 through June 30, 2005.

Why OHA Prefers HB901, HD2

With all due respect to the Senate, OHA prefers HB901, HD2 over SB995, SD2. The reason is that HB901, HD2 would require the conveyance to OHA of parcels of land in Kaka`ako Makai on Oahu whose benefits to our beneficiaries have been reviewed, analyzed, and established, while SB995, SD2 would require the conveyance to OHA not only of property in Kaka`ako, but also many other properties that might be called "cultural properties" that need further review and analysis before any conclusions can be reached about whether the properties can be effectively employed by OHA for the benefit of our beneficiaries.

In considering land as a means of resolving past-due income and proceeds of the public land trust owed to OHA, the Trustees have focused on income-generating properties. Income properties help OHA support its program of service to beneficiaries, and such properties help offset the costs of OHA's stewardship of cultural properties. The Kaka`ako property is an income-generating property that has tremendous potential for becoming the type of economic engine that the Native Hawaiian community needs, while also enhancing the economy of the broader community.

HB901, HD2 gives OHA additional time and flexibility to assess various possible cultural or income-generating properties in terms of the impact of their acquisition by OHA, and their ongoing maintenance costs, on OHA's resources and OHA's capacity to satisfactorily perform its mission as required by the State Constitution and Chapter 10, Hawaii Revised Statutes. SB995, SD2 does not allow time and flexibility for such review and analysis.

Requested Amendments If HB901, HD2 Language Is Used

If your Committee chooses to use the language of HB901, HD2, instead of SB995, SD2, we recommend that the language of HB901, HD2 be amended as follows:

- In Section 1 of the HD2, insert \$200 million in two currently blank spaces, specifically the space for stating the specific dollar value that would represent the Legislature's re-examination and final determination of the resources that should be provided to OHA for the period between November 7, 1978 and July 1, 2008, and the space for stating the value of the resources that will be provided to OHA in two phases. In previous negotiations, OHA and the Attorney General agreed that \$200 million was the amount owed.
- In Section 1 of the HD2, insert \$92,719,415 in the currently blank space for stating the City and County of Honolulu tax-assessed value of the Kaka'ako property for 2007-2008, and insert \$107,280,585 in the currently blank space for stating the value of the resources that would be conveyed to OHA in the form of real property through legislation in 2010.
- In Section 10 of the HD2, instead of saying that the Act shall take effect on July 1, 2020, except that section 3 shall take effect on July 1, 2014, say that the Act shall take effect on July 1, 2009, except that section 3 shall take effect on July 1, 2014.

Additional Comments

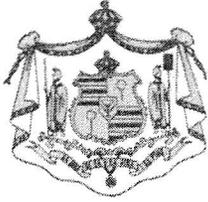
We wish to comment on certain other matters of concern. When the Attorney General suggested that the debt to OHA could be satisfied by a combination of land and money, OHA agreed with that suggestion and undertook to establish internal programs and staffing to marshal and manage any such real property that OHA would receive, either in these negotiations or otherwise. OHA engaged Dr. Stephen Roulac, an internationally known real estate consultant, to assist us. Dr. Roulac interviewed all of the OHA Trustees in order to understand how OHA's real estate management capacities could be maximized. His final report was adopted by the Board of Trustees on June 6, 2007.

Some people have been circulating a preliminary draft report by Dr. Roulac to attempt to show that OHA's Trustees and staff are incapable of managing real estate. That is a misuse of the document. Dr. Roulac's preliminary draft report is being

erroneously called an audit. In actuality, it was a review of the then-existing capacities of OHA as a basis for developing the final strategy. It was not an audit.

The preliminary document led to the Board's adoption of OHA's Real Estate Vision, Mission, and Strategy Policy on June 6, 2007, which contains clear guidelines designed to enable OHA to competently manage real properties that it receives, however they may be received. As a result, OHA has strengthened the organization and capacity of its land management function to enable the Trustees to effectively hold and manage certain property. Particular to the original SB995, the Trustees proposed selections of land based on approved criteria derived from our long-term real estate asset allocation. The lands proposed for acquisition by OHA in the original bill were consistent with those Board-adopted criteria and would serve to promote OHA's mission of the betterment of the conditions of Native Hawaiians.

Mahalo for the opportunity to testify.



Association of Hawaiian Civic Clubs
P. O. Box 1135
Honolulu, Hawai'i 96807

**TESTIMONY OF LEIMOMI KHAN, PRESIDENT
IN SUPPORT, WITH AMENDMENTS, OF**

SB 995, S.D. 2 – Relating to the Office of Hawaiian Affairs

Committee on Hawaiian Affairs
Hearing date, time and place:
Wednesday, March 18, 9:00 a.m., Conference Room 329

Aloha Chairperson Carroll, Vice Chair Shimabukuro, and Committee Members

Thank you for this opportunity to testify in support of SB 995, S.D. 2., with amendments, which is a bill for an Act expressing legislative policy, the purpose of which is "...to allow the State to most effectively and responsibly make progress toward meeting part of its constitutional obligation to native Hawaiians by addressing the additional amount of income and proceeds that the Office of Hawaiian Affairs is to receive from the public trust pursuant to article XII, sections 4 and 6, of the Hawaii constitution, for the period from November 7, 1978 to July 1, 2009 by conveying certain parcels of real property in fee simple to the Office of Hawaiian Affairs; and supporting the conveyance with appropriate provisions,..."

At its annual conventions, in 2007 and in 2008, the Association of Hawaiian Civic Clubs voted to adopt resolutions, "Encouraging the Office of Hawaiian Affairs, the Executive Branch, and the Legislature to Reach an Agreement to Resolve the Past Due Income and Proceeds from the Public Land Trust Due to OHA for the Betterment of Conditions of Native Hawaiians, and for the Legislature to Pass Such an Agreement Into Law." In so doing, the delegates to these conventions noted that the Office of Hawaiian Affairs has, for more than 30 years, attempted to litigate and negotiate payment of those revenues, but has never been fully paid, and the lack of a full, fair, timely, and just payment of said revenues has inevitably impacted OHA's ability to fulfill its purpose and mission. Further, delegates noted, that after three Hawai'i Supreme Court decisions, the Court has repeatedly said that it is the Legislature's duty, power, and obligation to determine what constitutes OHA's pro rata portion.

Last year, OHA and the Executive Branch had announced a proposed settlement, which for varying reasons was not passed by the Legislature, however, the Legislature did, in a budget proviso, ask OHA and the Executive Branch to continue to pursue this issue and come back to the 2009 Legislature. House Bill 901 and SB 995 answered that tasking.

The original versions of SB 995 and HB901 had identified the dollar value of \$200,000,000 as representing the legislature's re-examination and final determination of the resources that should be provided to OHA for the period between November 7, 1978 and July 1, 2008. Further, it identified properties to address the backpay due to be conveyed in two phases as follows: Phase I: Kaka'ako Makai and Banyan Drive; and Phase II, additional properties to be identified and acted upon in 2010.

These versions were vetted in community meetings held by Representative Carroll, enabling the voices of the community to be heard; the result of which was the removal of the Banyan Drive property from subsequent versions of the bills.

The latest version of SB 995, i.e., Senate Draft 2, introduces a new end date of July 1, 2009; removal of the reference to \$200,000,000 as the dollar value of income and proceeds due to OHA from the public trust for the period from Nov 7, 1978 to July 1, 2008; and introduction of new properties: Kahana Valley and Beach Park; La Mariana and submerged lands; Accreted peninsula and land filled bordered by Kalihi Stream and Moanalua Stream; Heeia Meadowlands; Mauna Kea; and state-owned fishponds statewide. We recommend the following amendments:

- Revise SB995, SD2 to show the end date as July 1, 2008: The \$200,000,000 value identified in the original bills was for the period Nov 7, 1978 to July 1, 2008. It is our understanding that OHA and the State agreed on this sum of \$200 million following passage of Act 178.

- Reinsert the figure of a minimum of \$200,000,000 into SB 995 to insure the integrity of the original agreement by the state and OHA that this was the amount due. Failure to do so leaves the decision to the Ways and Means Committee and we are not certain what criteria would be used to determine the dollar failure for the income and proceeds due to OHA. (This is a key factor when asking communities to comment on whether they think the bills being acted upon are fair in addressing the additional amount of income and proceeds due to the OHA.)

- Change the date for OHA to complete its due diligence to October 1, 2010, or consider phasing in the properties in Phase I and Phase II, recognizing the increased number of properties under consideration. This would also allow time for community input, a desire also expressed by the Chair of the Committee on Water, Land, Agriculture and Hawaiian Affairs, "Your committee recommends that future discussions of the parcels included by your Committee involve the communities affected."

Accordingly, the Association of Hawaiian Civic Clubs supports SB995, SD2, with the amendments recommended.



KO'OLAUPOKO HAWAIIAN CIVIC CLUB

March 18, 2009

To: Rep. Mele Carroll, Chair
And Members
House Committee on Hawaiian Affairs

From: Mahealani Cypher, President
Ko'olaupoko Hawaiian Civic Club

Subject: S.B. 995, S.D. 2, Relating to the Office of Hawaiian Affairs

Aloha mai kakou from the Ko'olaupoko Hawaiian Civic Club, working with nine ahupua'a around Kane'ohu Bay, moku Ko'olaupoko, O'ahu.

Our civic club testified in support of a similar measure, offered in last year's session, which would have conveyed lands and monies to the Office of Hawaiian Affairs as payment for past-due obligations over the period from 1978 to 2009. We thought that was a better package, but unfortunately, that is not what is before us today.

And while we support Senate Bill 995, Senate Draft 2, we would like to ask your committee's consideration of a small amendment to the bill, to add an additional parcel of land to this package: the lands held by the Department of Hawaiian Home Lands (DHHL) in Ha'iku Valley, ahupua'a of He'eia.

Although these lands are undevelopable by DHHL, in our view, they hold inestimable value to Native Hawaiians and the Windward communities for their cultural and environmental resources. We believe that we kupua'aina of the He'eia and Kane'ohu communities can help bring this valley back to life as a resource for all our community, for passive recreation, and for cultural and environmental education and activities.

This legislature passed into law, one year ago, a bill that would have created the Ha'iku Valley Cultural Preserve, which was later vetoed by the governor. Assurances were given at that time that the administration would make sure the land was

converted to a cultural preserve without the need for legislation. It is now a year later, and there is still no paperwork to show that these cultural resources will be protected or conveyed to an entity that cares about this `aina.

We therefore appeal to you to include Ha`iku Valley as part of this package in settlement of the past-due obligations owed to the Native Hawaiian people, to be held in trust by the Office of Hawaiian Affairs.

We submit that Ha`iku Valley holds no real value to the administration, and its addition to this package should not pose an undue hardship on the state administration or the DHHL.

Mahalo for this opportunity to share our mana`o.

P. O. Box 664
Kaneohe, HI 96744
Ph. (808) 235-8111
koolaupokohcc.org

Rep. Maile Shimabukuro

From: Kiersten Faulkner [Kiersten@historichawaii.org]
Sent: Sunday, March 15, 2009 10:33 AM
To: HAWtestimony
Subject: Support for SB995 SD2, Relating to the Office of Hawaiian Affairs

To: Representative Mele Carroll, Chair
Representative Maile S.L. Shimabukuro, Vice Chair
Committee on Hawaiian Affairs

From: Kiersten Faulkner
Executive Director, Historic Hawai'i Foundation

Committee Date: Wednesday, March 18, 2009
9:00 a.m.
Room 329

Subject: **Support for SB995 SD2, Relating to the Office of Hawaiian Affairs**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in support of SB995 SD2, which would address the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 1978 to July 2008.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF works to preserve the unique architectural and cultural heritage of Hawai'i and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability and economic vitality of the state.

Historic Hawai'i Foundation is one of the beneficiaries of OHA's grant program. In 2008, a substantial grant to HHF was used to initiate the Preservation Resource Center, which provides technical assistance to stewards of cultural and historic properties. It specifically supports a circuit rider program to provide increased services to the neighbor islands and rural areas, as well as information services and technical assistance to homeowners, caretakers, businesses and public agencies with responsibilities for historic resources. In the first six months of the program, the field services included over 400 individual contacts in support of cultural resources.

The historic and cultural sites of Hawai'i are irreplaceable. It takes many people working together to ensure that the historic places we use and enjoy today will be here for future generations. To ensure that the special places of Hawai'i are preserved, used and enjoyed, all people need to work together to protect the heritage and physical legacy of the Islands.

The Office of Hawaiian Affairs has demonstrated leadership in perpetuating the cultural sites of the Islands for the benefit of the Hawaiian people and for the community at large. By resolving outstanding claims, OHA will be able to have greater certainty and resources to provide for its beneficiaries. By ending a long-unsettled issue, all parties will be able to turn their time, energy and attention to the betterment of Hawai'i.

Kiersten Faulkner, AICP
Executive Director
Historic Hawai'i Foundation
680 Iwilei Road Suite 690
Honolulu, HI 96817
808-523-2900 (tel)
808-523-0800 (fax)
Kiersten@historichawaii.org
www.historichawaii.org

 [Sign up for Historic Hawai'i Foundation's Email Newsletter](#)

SB 995, SD2 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
House Committee on Hawaiian Affairs

March 18, 2009

9:00 am

Room 329

Aloha Chair Carroll, Vice-Chair Shimabukuro and members of the Committee. My name is Rowena Akana, and I am an at-large Trustee of the Office of Hawaiian Affairs (OHA). Please excuse my absence at today's hearing as I am traveling on the continent. I am writing to strongly **SUPPORT SB 995, SD 2**. I specifically support the bill's proposal to transfer the ownership of Mauna Kea, currently under the control of the University of Hawaii (UH), to OHA. I commend Senate President Colleen Hanabusa and the members of the Senate for supporting the Hawaiian community by the passage of this bill.

It should be noted that UH does not hold the fee-simple title to the Mauna Kea lands. The university only leases these lands from the Department of Land and Natural Resources (DLNR). Mauna Kea falls within the state's conservation district. The lands of Mauna Kea are Ceded Lands and the university only pays DLNR \$1 in lease rent for the entire mountain top.

UH has historically mismanaged the Mauna Kea, which is sacred to Native Hawaiians. The university also does not have the expertise to manage this important natural and cultural resource.

In her February 3, 2009 testimony to the House Committee on Higher Education, KAHEA Program Director Marti Townsend strongly opposed HB 1174, which would allow the University of Hawaii's Board of Regents (BOR) to adopt administrative rules to regulate public and commercial activities on Mauna Kea lands that UH leases from the Board of Land and Natural Resources (BLNR), for the following reasons:

- "Mauna Kea lands leased by the University are 'ceded' lands. Granting this authority to the University will violate the Supreme Court's ruling in OHA v. HCDCH. With this bill, the Lingle Administration is seeking to transfer ceded land protected by the public lands trust from the state Department of Land and Natural Resources (DLNR) to the University of Hawaii."
- "The University's activities on Mauna Kea have exploited, destroyed, and desecrated irreplaceable natural and cultural resources on the summit. Mauna Kea's Hawaiian alpine desert is unlike any other place in the world. It is home to many Hawaiian endemic species some are found only on Mauna Kea! Multiple reports, audits, and lawsuits have confirmed that the University's telescope activities have violated the law and continue to destroy the natural and cultural resources of Mauna Kea."

SB 995, SD2 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

House Committee on Hawaiian Affairs, March 18, 2009

OHA Trustee Rowena Akana

Page 2

- “In multiple reviews of the University's activities on the summit, the Hawaii State Auditor found that UH's management of Mauna Kea is ‘inadequate to ensure the protection of natural resources’ and ‘neglected ...the cultural value of Mauna Kea.’ Their report stated that UH's Institute for Astronomy ‘focused primarily on the development of Mauna Kea and tied the benefits gained to its research program,’ and that its focus on telescope construction has been ‘at the expense of neglecting the site's natural resources.’”
- “The University will use this authority to limit public access to the summit, regulate when and how Hawaiians worship on the summit, and expand telescope construction on the summit.”
- “For 30 years, the University has failed to pay the fair market rent to the State for its subleases to foreign countries and corporations that own telescopes atop Mauna Kea, as required by HRS sec. 171. This means the University owes the people of Hawaii back rent for the numerous telescope and support structures on the sacred summit.”
- “Unfortunately, the University has never accounted for the profits it has gained from its destructive use of Mauna Kea. According to a report to the UH Board of Regents in 1994, however, the University enjoyed at least \$60 million annually in benefits from its use of Mauna Kea. In 2001, the University admitted to the Legislature that the work conducted on Mauna Kea earned \$8 million a year just from the patent-lease contracts with defense contractors like Raytheon.”

For these reasons, I urge the Committee to pass SB 995 SD1, which would turn Mauna Kea over to the Office of Hawaiian Affairs.

Mahalo for the opportunity to provide this testimony.

HPACH
919 4th Street
Pearl City, Hawaii 96782

Page 2
March 18, 2009
SB 995 SD2

Since 1900 when Hawaii became a Territory of the United States the Indigenous Hawaiian people have never properly benefited from their national lands of the Hawaiian Kingdom. Instead the Kanaka Maoli Hawaii have always been on the losing end as the rightful claimers to their Sovereign Hawaiian Lands.

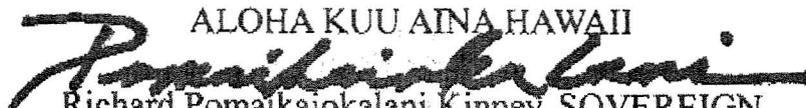
SB 995 SD2 is like the Apology Resolution that was signed into law by President Clinton in 1993. SB 995 SD2 is an admission of wrongful acts committed against the Indigenous Hawaiian people by the State of Hawaii.

Without a complete inventory of the Public Lands Trust there is no way that an honorable settlement of the past wrongs can be corrected thru any legislative actions.

SB 995 SD2 does not correct the wrongs of the past but instead it covers up and perpetuates the Fraudulent Acts against all of the Native Hawaiian people.

Once more HPACH strongly OPPOSE the passage of SB 995 SD2.
Mahalo Nui for allowing me to give testimony on this Bill.

Attachments: 1993 Renouncement Documents

ALOHA KUU AINA HAWAII

Richard Pomaikaiokalani Kinney, SOVEREIGN
Hawaiian Political Action Council of Hawaii
87-168 Maaloa Street, Waianae, Hawaii, 96792
Email: HIAHAWAII@aol.com

HPACH
919 4th Street
Pearl City, Hawaii 96782

STATE OF HAWAII
City and County of Honolulu } ss.

I, Henry Richard Kinney, Jr., a Native Hawaiian descendant and Sovereign, born on December 26, 1938 at Queen's Hospital in Honolulu, Hawaii, do hereby renounce my citizenship to the United States of America as of 6 P.M. Hawaiian Standard Time on January 17, 1993.

I protest against any and all acts done against my native country, the Hawaiian Kingdom and its constitutional sovereign, Queen Liliuokalani by United States troops on January 17, 1893. *Allo Qlo*

Now, to avoid any collision of arrest from agents of the United States, and perhaps the loss of my life and freedom, I seek the full independence of the Hawaiian Islands as an independant nation of the Free World. *Allo*

Henry R. Kinney

Henry R. Kinney, Jr.
731 McCully Street
Honolulu, Hawaii
96826

Subscribed and sworn to before me this
15th day of January, 1993

Kevin H. Oslen

Notary Public, First Judicial Circuit
State of Hawaii

MY COMMISSION EXPIRES 6-1-96

Allo

Nicole Holler
Organization: Individual
Testify in Support
To the committee on Hawaiian affairs

Dear chair Kim, vice chair Tsutsui, and members of the board. My name is Nicole Holler and I am currently a student at the University of Hawaii. I am a social work student and a member of NASW. I am testifying in support of bill SB 995 SD2.

This bill will give the state more freedom in making progress in issues relating to the Hawaiian people. This will help resolve issues in a more effective manner.

I urge you to please support this bill. Thank you for allowing me to testify in support of bill SB 995.

Rep. Maile Shimabukuro

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 15, 2009 4:41 PM
To: HAWtestimony
Cc: nancyhedlund@yahoo.com
Subject: Testimony for SB995 on 3/18/2009 9:00:00 AM

Testimony for HAW 3/18/2009 9:00:00 AM SB995

Conference room: 329
Testifier position: oppose
Testifier will be present: No
Submitted by: Nancy Hedlund
Organization: Individual
Address:
Phone:
E-mail: nancyhedlund@yahoo.com
Submitted on: 3/15/2009

Comments:

I am a concerned and committed citizen who has served for 4 years on the Ala Moana/Kaka'ako Neighborhood Board. I oppose any legislative settlement with OHA that commits shoreline land to high-end development for residential or commercial purposes. The need for a settlement notwithstanding, it is wrong to fail the children of the future by not protecting shoreline land. Many concerned citizens have worked diligently with integrity and conscience to save Kaka'ako makai from residential development and high-yield commercial development. Please do not advance legislation that betrays the sacred status Hawaii's remaining shoreline lands.

To: **Committee on Hawaiian Affairs**
Rep. Mele Carroll, Chair
Rep. Maile S.L. Shimabukuro, Vice Chair
Members

Date: Wednesday, March 18, 2009
Time: 9:00 am
Place: Conference Room 329, State Capitol

Reg: **Testimony in Opposition as written to SB 995, SD2**

Aloha,

My name is Ron Iwami and I represent the Friends of Kewalo Basin Park Association (Friends). Our mission is to: *Protect and Preserve Kewalo Basin Park and its surrounding areas and waters to ensure that the recreational user will continue to have access and the ability to enjoy the park for future generations to come.*

Back in 2006, we were instrumental in the Save Our Kaka'ako People Movement which resulted in the passage of HRS 206E-31.5; Act 317. In simple terms, it prohibits the Hawaii Community Development Authority (HCDA) from selling public lands and prohibits any type of residential development in Kaka'ako Makai.

Another result of this People Movement, was the establishment of the Community Planning Advisory Council (CPAC) of Kaka'ako Makai in April 2007. This group is made up of the general public and other stakeholders of the area and its mission is to meaningfully participate in the development, acceptance, and implementation of any future plans for the development of Kaka'ako Makai. I am currently the Vice Chair of this Council. After 2 years of meetings, CPAC recently submitted to HCDA the Vision and Guiding Principles document for Kaka'ako Makai. This public input process is ongoing.

With this brief history in mind, *Friends* would like to humbly ask that Kaka'ako Makai lands be eliminated from this bill.

If this is not possible, *Friends* recommend adding provisions to this bill which directs OHA to abide by the same prohibitions as stated in HRS 206E-31.5; Act 317. In addition, OHA shall utilize the Vision and Guiding Principles Document and work with the CPAC to develop the lands in Kaka'ako Makai.

These provisions will ensure:

- 1) that the public land will not be sold
- 2) that the land will be kept public by not allowing private residential development
- 3) that the Public Input Process for developing this land is preserved

The People have worked too hard and long to preserve and protect this last public oceanfront land in Honolulu for public use. The intent of HRS 206E -31.5; Act 317 should be a condition of the land no matter who owns it.

Mahalo and have a Nice Day.

Ron Iwami
Manoa Valley