



SCR20

**SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF
ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND
EXCHANGE**

Senate Committee on Ways & Means

April 4, 2013

9:50 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) offers the following comments on SCR20, which approves the exchange of the leased fee interest in certain lands. **This parcel does not appear to be “ceded” lands and accordingly OHA does not oppose the exchange of this parcel.**

This resolution was offered for consideration by the Legislature in accordance with Act 176, Session Laws of Hawai‘i 2009, as amended. Among other things, Act 176 requires a two-thirds majority vote of both houses of the Legislature before any specific lands controlled by the State can be sold (including, but not limited to, ceded lands).

In the 1993 “Apology Resolution,” the United States Congress, referring to Native Hawaiians’ loss of control of their lands, stated:

[t]The Republic of Hawaii . . . ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government.

Sales or exchanges of ceded lands raise significant concerns for OHA and its beneficiaries, because the Native Hawaiian people’s claim to ceded lands has yet to be resolved. OHA urges your committee to consider these unresolved claims carefully as it deliberates regarding each specific sale or exchange. However, HCR25 does not appear to involve the sale of ceded lands. Accordingly, OHA does not oppose this exchange.

Mahalo for the opportunity to testify on these important measures.

SENATE COMMITTEE ON WAYS AND MEANS

Thursday, April 4, 2013, at 9:50 am

SCR 20

Submitting to the Legislature of the State of Hawaii for Review of Action Taken by the Board of Land and Natural Resources on a Land Exchange

Chair David Ige, Vice Chair Michelle Kidani, and Members of the Committee:

I am Naomi Kuwaye, representing Hawaii Baptist Academy. Hawaii Baptist Academy strongly supports SCR 20, which asks the Hawaii State Legislature to approve the proposed land exchange between Hawaii Baptist Academy and the State of Hawai'i, by its Board of Land and Natural Resources.

Hawaii Baptist Academy has been leasing the land under its middle school campus pursuant to a long-term lease with the State. In 2008, the Board of Land and Natural Resources approved in principle a proposed land exchange involving the State land currently leased to Hawaii Baptist Academy for its middle school campus in exchange for land to be determined in the future.

Since 2008, Hawaii Baptist Academy has been working with the State to secure land that met the State's stringent exchange criteria. In late 2010, a property in Waipahu Industrial Park was identified and the owner agreed to be part of this land exchange process.

After conducting due diligence, both Hawaii Baptist Academy and the Board of Land and Natural Resources agreed that this Waipahu Industrial Park property met all of the State's criteria. The Board of Land and Natural Resources subsequently approved the proposed land exchange and submitted it for the Legislature's review and consideration.

Hawaii Baptist Academy would like to express its appreciation to the Board of Land and Natural Resources and its staff at the Department of Land and Natural Resources for all of their work and efforts in supporting this proposed land exchange and respectfully requests this Committee's support and endorsement of SCR 20.

Thank you for the opportunity to provide testimony in favor of this land exchange.