

HCR 183

**REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO
REFRAIN FROM SELLING, EXCHANGING, OR OTHERWISE ALIENATING
LANDS IN THE PUBLIC LAND TRUST.**

House Committee on Hawaiian Affairs

April 1, 2009

9:30 a.m.

Room 329

Aloha Chair Carroll, Vice Chair Shimabukuro, and Members.

The Office of Hawaiian Affairs (OHA) **supports the intent of this concurrent resolution.** The resolution takes a stand on preserving ceded lands in the public land trust until the unrelinquished claims of the Native Hawaiian people to those lands are resolved. The March 31, 2009 opinion of the United States Supreme Court in *Hawaii et al. v. Office of Hawaiian Affairs et al.* asserted that this matter is for the State to resolve. (556 U.S. _____ (2009), Slip Opinion, p. 12.)

However, because this resolution simply expresses a legislative request to BLNR, OHA would prefer a bill that, once enacted, would impose a moratorium by law. In particular, House Bill No. 902 and Senate Bill No. 996 of this Session, which were part of OHA's legislative package, would have placed a moratorium on the sale or exchange of lands in the public land trust until the claims of the Native Hawaiian people to those lands have been resolved or until the Legislature finds that the State no longer supports reconciliation between the State and the Native Hawaiian people.

Those bills would allow for transfer of public land trust lands between State agencies. With regard to HCR 183, OHA is concerned that the use of the term "or otherwise alienating" might imply that BLNR should not transfer land trust lands to other State agencies.

Mahalo for the opportunity to testify.