

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 2:47 PM
To: waltestimony
Cc: laulani@gmail.com
Subject: Submitted testimony for HB1268 on Feb 1, 2013 08:00AM
Attachments: Testimony for HB 1268 999 yr leases WL.pdf

HB1268

Submitted on: 1/31/2013

Testimony for WAL/OMH on Feb 1, 2013 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laulani Teale	Ho'opae Pono Peace Project	Support	Yes

Comments:

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Ho‘opae Pono Peace Project

(808)256-6637 nativepeace@gmail.com

Testimony of Laulani Teale, MPH in Support of HB 1268, Relating to Public Lands

Committee on Water and Land, Rep. Cindy Evans, Chair and Rep. Nicole E. Lowen, Vice Chair
Committee on Ocean, Marine Resources, and Hawaiian Affairs,
Rep. Faye P. Hanohano, Chair and Rep. Ty J.K. Cullen, Vice Chair
Friday, February 01, 2013

1-31-2013

Aloha Kākou,

I am writing today in strong support of HB 1268, which would create an option for families to create ‘ohana land trusts for the purpose of holding 999-year leaseholds.

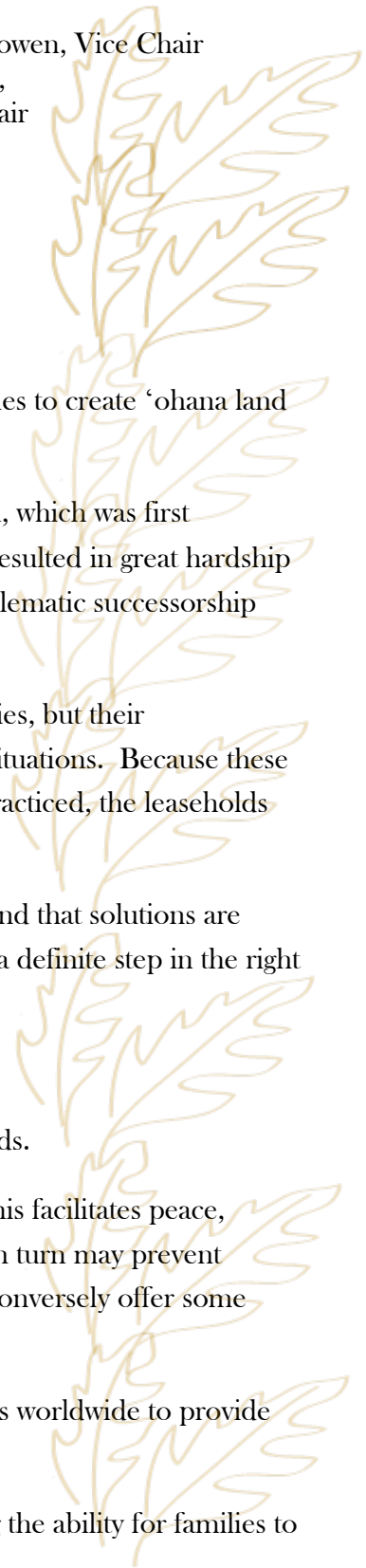
As you must know, there are many difficulties associated with the 999-year lease program, which was first implemented during the early years of the Territory of Hawai‘i. These difficulties have resulted in great hardship for many families, including many painful family battles arising from a complex and problematic successorship scheme.

In many cases, loss of the land has been the result. This has impacted not only the families, but their communities and the government agencies and others who have been involved in these situations. Because these are often deeply historic properties on which place-based traditions of the area are still practiced, the leaseholds also represent historic and cultural resources that need protection.

As a Hawaiian peacemaker who has worked with many of these families, I can say firsthand that solutions are possible. While HB 1268 does not purport to solve every problem the lessees face, it is a definite step in the right direction - and it does not cost the State anything.

Please consider the following:

- ◆ HB 1268 simply gives an additional option to families living on 999-year leaseholds.
- ◆ Trusts can provide a means for family governance of the lands that they love. This facilitates peace, pooling of resources, long-term planning and organized decision-making, which in turn may prevent loss. Trusts also protect property from personal debts of family members, and conversely offer some protection to individual members from personal liability.
- ◆ Small land trusts are increasingly being used successfully in farms and family lands worldwide to provide long-term stability for collective land sharing.
- ◆ □ These are lands with rich community history; preventing loss and strengthening the ability for families to work together is important in perpetuating culture and place-based traditions.



- ◆ This simple legislation does not cost the State anything at all. It may save money that might otherwise be spent as a result of lease difficulties that well-organized land trusts can prevent.
- ◆ This legislation does not require anything from lessees, either. It is a voluntary option only, and a win-win scenario all around. The lessees may become trustees of the trusts that they create, or may choose another form of governance.
- ◆ While HB 1268 may not, in itself, resolve existing disputes over successorship, it has the power to prevent future disputes by giving lessees and their families the ability to determine the long-term caretakership of their family lands.

Mahalo nui loa for your time and consideration.

Please contact me at any time.

Me ke aloha 'oia'i'o nō,



Laulani Teale



lowen1-Kyli

From: Michael S. Padeken [mspadeken@interact.ccsd.net]
Sent: Thursday, January 31, 2013 2:54 PM
To: omhtestimony; waltestimony; mspadeken@hotmail.com
Subject: HB 1268 Kamalolo Ohana

Dear Reps. Evans, Lowen, Hanohano and Cullen,

My name is Michael S. Padeken Jr. a direct descendant of John Kamalolo from Hauula, Oahu. I would like to submit my testimony in behalf of the Kamalolo Ohana to support the passage of HB 1268 for the purpose of preserving the 999 Year Lease holding of the Kamalolo family in a Trust form of governance over the lease. I am presently a joint lease holder with my Uncle Sonny who is in his 80s and is seeking to pass this Lease on to the next generation.

For the past three years, my family and I have been working hard toward the passage of this kind of bill for the sake of our families' preservation of the Lease land to continue for it to be held in the hands of the Kamalolo line. We, the Padekens, have worked hard to finally gain favor from my Uncle Sonny to allow my name to be placed legally in joint ownership on the 999 Year Lease issued to John Kamalolo years ago. We were able to work out this agreement and the DLNR has officially recognized and recorded this joint ownership of the Lease in the records of the State archives just recently approved and documented.

With the help of others who are deeply involved in the legislative process such as Rep. Wooley, the idea of holding these Leased Lands in a Trust form of governance makes more sense than the dividing up of the lease land into smaller parcels as the years of more and more descendants of the original owners of the lease come and go. The holdings of the Lease Land by a group of elected family members who have a common purpose of preserving the land in the hands of the Ohana who are working together having like minded ideas and solutions that benefit the whole family helps to stop the squabbling, back-biting and arguing over the land space that can only go so far. It saddens me to see that despite the closeness of our families who are descendants of the first Kamalolo, we too have had to bare the burdens of disharmony among relatives that has occurred over our own Land Lease squabbling thus far. But now that it is settled that my name is on the Lease for our generation, the Padekens are in full agreement to pursue the course of setting up a Trust for the governance of the Lease.

I was raised on this piece of land as a young child with my cousins right there on the land. We worked the land together and loved being together caring and living on the land. I'm sure our ancestors smiled down on us seeing how we played together and worked together to take care of the land. We would celebrate many great occasions that came along for all of our family members and the memories are filled with happy times. To witness some of the discord about whose name should be on the Lease now was somewhat disheartening on all sides of the family. Now is the time to heal those wounds with the governing of the Lease through a Trust where an elected board of family members of like minded ideas and solutions to every issue or problem that comes along are discussed civilly and with purpose of reaching an agreeable solution instead of ending with feelings of frustration and anger.

All that matters here is that we can build from the passage of this HB1268 a broad encompassing tent of a Trust that will protect the preservation of the Lease Land into the hands and hearts of the Kamalolo Ohana descendants who wish to preserve family unity and harmony that was present in years past. We all want to continue to build fond memories of "The Farm" of which this property is referred to whenever we gather for celebrations, meetings and social events. We love this place and want it to remain in the family for generations to come as a place of beauty, harmony, peace and family love. This is our heritage as members of the Kamalolo Ohana and the Trust will get us closer to that end.

We will pray for your persuasive powers to get more legislators on board to pass this bill for the sake of the Hawaiian people who have a right to preserve the land in the hands of its original people. The Hawaiian people have lost so much land holdings over the years that it would be a travesty should more of the 999 Year Lease Lands be lost to commercial development because of squabbling among family members. Though our own family may have suffered this loss, we are grateful that the torch has legally been passed on through me into the next generation. The Trust would only ensure safer passage of the land into future generations of the Kamalolo line who are representative of the Hawaiian people of the old and the newer generations to come.

We wait patiently for the good news that this bill passes both houses and the governor signs it. We express our appreciation to Rep. Wooley who has continued undauntingly to reintroduce this piece of legislation year after year for the sake of preserving our rightful land holdings in hope for it to remain in the hands and hearts of the Hawaiian people.

Mahalo Nui Loa!

Mike Padeken

PS. Should you feel a need to contact me, my email is: mspadeken@hotmail.com Until further testimony is needed, please let me know. Aloha!

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
WATER & LAND
and
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Friday, February 1, 2013
8:00AM
State Capitol, Room 325**

**In consideration of
HOUSE BILL 1268
RELATING TO PUBLIC LANDS**

House Bill 1268 proposes to allow 999-year homestead leases to be assigned to land trusts that are created for managing and holding the homestead leasehold estate for the benefit of the lessee and lessee's family members. The Department of Land and Natural Resources supports allowing the leases to be held by a land trust instrument.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
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