

## Land Dispositions Allowed for Hawaiian Home Lands Under the Hawaiian Homes Commission Act – December 2012

Type of Land Use & Disposition	HHCA Section	Held By
<b>1. Homesteading for native Hawaiians</b>	<b>207(a)</b>	Small n
Provide 99 year leases to native Hawaiians with a residential homestead and an agricultural/aqua-cultural or pastoral homestead		
<b>2. Easements for Utilities, Railroads, etc</b>	<b>207(c)(1)</b>	n/a
Provide necessary easements for utilities and transportation – to support homesteading and other land use. HRS 171 procurement does not apply.		
<b>3. Public Purpose (schools, hospitals, churches, postal, etc)</b>	<b>207(c)(1)(A)</b>	Small n
Provide land licenses for functions of public use (used to issue land to nonprofits) – to support homesteading with the public purpose components of a healthy community. HRS 171 procurement does not apply.		Large N
		No N
<b>4. Mercantile Purpose by native Hawaiians</b>	<b>207(c)(1)(B)</b>	Small n
Provide land licenses for mercantile purposes such as theatres, garages, service stations, markets, stores and other establishments, all of which <u>shall</u> be owned by native Hawaiians or native Hawaiian controlled orgs – obviously to enable beneficiaries to own and operate businesses that are common in a healthy community. HRS 171 procurement does not apply.		
<b>5. Federal Government Use</b>	<b>207(c)(2)</b>	n/a
Provide the federal government land licenses for reservations, water storage, roads, distribution facilities, practice ranges, etc. HRS 171 procurement does not apply.		
<b>6. Commercial, Industrial or Other Business Purpose by native Hawaiians</b>	<b>204(2)</b>	Small n
Provide lands <u>not required for 207(a)</u> to native Hawaiians or native Hawaiian controlled orgs for commercial, industrial or other business purpose – to enable beneficiaries to access lands under HRS 171 (procurement) for commercial purposes beyond licenses under 207. Requires bid, unless exempt from HRS 171 (nonprofit, energy firm, etc)		
<b>7. Commercial, Industrial or Other Business Purpose by Public</b>	<b>204(2)</b>	n/a
Provide lands <u>not required for 207(a)</u> to the public for commercial, industrial or other business purpose – to create opportunities for non-beneficiaries to access lands under HRS 171 (procurement) for commercial purposes. Requires bid, unless exempt from HRS 171 (nonprofit, energy firm, etc)		Large N
		No N

*\*It is absolutely clear that Kuhio intended trust lands to go to beneficiaries (all the green purposes) and NOT the General Public, the white section (item 7). Yet, DHHL has issued a third of our lands (over 60,000 acres) to the General Public! More land than has been issued for homesteading! We make NO apologies that this federal Act is for Beneficiaries! SHAME ON DHHL!*



**Ige/Masagatani Proposal: Land Use Matrix Based on Abercrombie Recommendations**

Description	Not Assigned	Homesteading Beneficiaries	Public Purpose Beneficiaries/Non	Mercantile License Beneficiaries	Commercial Lease Beneficiaries	Commercial Lease General Public
<i>Estimated Land Inventory Today</i>	<b>100,000</b>	<b>40,000</b>	<b>500</b>	<b>0</b>	<b>500</b>	<b>59,000</b>
<b>Who Can Use the Land?</b>	N/A	<i>Beneficiaries</i>	<i>Beneficiary 501c3s Any 501c3s</i>	<i>Beneficiaries, Beneficiary Business, Beneficiary 501c3s</i>	<i>Beneficiaries, Beneficiary Business, Beneficiary 501c3s</i>	<i>General Public, Business, Nonprofits, Govt Agencies, Etc</i>
<b>Right of Entry: 1 to 90 Days</b>	N/A	Exploratory Instrument - Status Quo				
<b>Revocable Permit: 30 Days to 1 Yrs</b>		N/A	Recommends General Public Bidding RPs Based on Market Rates Twice Annually. Beneficiaries Access RP as Part of General Public. <b>RP Program</b>			
<b>License: 1 Yr to 65 Yrs</b>			Recommends Any Lands Not Designated by DHHL for Homesteading – Put Out for Disposition by License or Lease. Beneficiaries Access as Part of General Public. <b>Non-Homesteading Land Program</b>			
<b>General Lease: 1 Yr to 65 Yrs</b>		Status Quo	N/A			
<b>Homestead Lease 99 Yrs – 199 Yrs</b>		<b>Homesteading Program</b>				
<b>Easements 1 Yr to Perpetual</b>		Status Quo of Issuance of Easements				
<b>Note: Planning to Designate Lands by Use, by Term Until Needed. RPs Bid by Market Value. Chairman Selects Winning Bid on DHHL Selection Criteria, not HHC. Any Lands Deemed Not Needed by Planning for Homesteading, to be Licensed or Leased Out to General Public.</b>						
<b>Result of Policy – Same or Worse Than Last 95 Years</b>		<b>Homesteading Becomes Lost Priority to DHHL Land Designation Schemes</b>	<b>Majority of Lands in General Public Nonprofits, Not Beneficiary Nonprofits</b>	<b>No Beneficiary Mercantile Program</b>	<b>No Beneficiary Commercial Lease Program</b>	<b>Majority of Lands in General Public Businesses, Not Beneficiary Business</b>
<b>Financial Impact</b>	<b>Expenses Status Quo</b>	<b>N/A</b>	<b>Revenues Status Quo (nominal)</b>	<b>Revenues Status Quo (nominal)</b>	<b>Revenues Status Quo (nominal)</b>	<b>Revenues Increase</b>

## Beneficiary Working Group Alternative Proposal: Land Use Matrix Based on HHCA

Description	Not Assigned	Homesteading Beneficiaries	Public Purpose Beneficiaries/Non	Mercantile License Beneficiaries	Commercial Lease Beneficiaries	Commercial Lease General Public
<i>Estimated Land Inventory Today</i>	100,000	40,000	500	0	500	59,000
<i>Who Can Use the Land?</i>	N/A	<i>Beneficiaries</i>	<i>Beneficiary 501c3s Any 501c3s</i>	<i>Beneficiaries, Beneficiary Business, Beneficiary Nonprofits</i>	<i>Beneficiaries, Beneficiary Business, Beneficiary Nonprofits</i>	<i>General Public, Business, Nonprofits, Govt Agencies, Etc</i>
<b>Right of Entry: 1 to 90 Days</b>	Exploratory Status Quo					
<b>Revocable Permit: 30 Days to 2 Yrs</b>	HHA Stewardship Program	NONBID – By Request of Waitlist  Ranch/Farm \$1 Per Yr Pilot Program	NONBID – By Request  Market + HBA w/ Non-Ben 501c3s.  Nominal Rates w/ HHA 501c3s.  Public Purpose Program	NONBID License – By Request BID Lease By RFP Unless Exempt  Market + HBA w/ Private Interest Beneficiaries or Private Interest Beneficiary 501c3s.  Negotiated Rates w/ HHA 501c3s  Beneficiary Mercantile/Commercial Program	BID Lease By RFP Unless Exempt  Market + HBA w/ Private Interests & 501c3s. Right of First Refusal for Mercantile License or Beneficiary Commercial Lease Programs  General Public Program	
<b>License: 1 Yr to 65 Yrs</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>General Lease: 1 Yr to 65 Yrs</b>						
<b>Homestead Lease 99 yrs – 199 yrs</b>		Status Quo Homesteading Program	N/A			
<b>Easements 1 - Perpetual</b>	Issuance of Easements Require Market Rate Pricing					
<b>Result of Policy – Majority of Land in Beneficiary Hands</b>	Beneficiary Stewards on Land to Prevent Dumping, Fires, etc	Waitlist Beneficiaries Use of Land for Ranching or Farming Increases	Non-Ben 501c3 Partnerships with HHAs Increases, HHAs Capacity Increases	Beneficiary Mercantile Program Increases Beneficiaries Making a Living through Commerce, Farming, Ranching, etc	Beneficiary Commercial Leasing Program Increases Beneficiaries Making a Living and Partnerships Increase	Greatly Reduced, as any General Public Commercial Use Can be Partnered Under Mercantile or Beneficiary Commercial
<b>Financial Impact</b>	Expenses Decrease	Expenses Decrease	Revenues Increase	Revenues Increase	Revenues Increase	Revenues Status Quo