

PLANNING OFFICE
DEPARTMENT OF HAWAIIAN HOME LANDS

March 21-22, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: M. Kaleo Manuel, Acting Planning Program Manager 

FROM: Julie-Ann Cachola, Planner 
Andrew H. Choy, Planner 

SUBJECT: Accept Beneficiary Consultation Report for 'Āina Mauna
Legacy Plan - DLNR License Renewal Request

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission accepts this Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to the proposed license renewal with the Department of Land and Natural Resources (DLNR) at TMK (3)-3-8-001: 003, 004, 008 Humu'ula, Hawai'i Island.

DISCUSSION

Background

The purpose of this DHHL beneficiary consultation was to collect beneficiary feedback and input on a proposed renewal of a non-exclusive license agreement with the Department of Land and Natural Resources (DLNR) for TMK (3)-3-8-001: 003, 004, 008 Humu'ula, Hawai'i Island, an area of 14,945.80 acres of Hawaiian Home Lands (See Map Exhibit A).

In September of 1992, the HHC approved the issuance of a 20-year license agreement to DLNR, as licensee, for the non-exclusive right to operate, maintain, and manage the premises for wildlife management, forest reserve, and public hunting purposes for the above parcels (Exhibit B). The 20-year license agreement has since lapsed and DHHL is in the process of considering renewal of the agreement with DLNR. As part of the decision-making process, DHHL has sought beneficiary feedback on the proposed license renewal.

Beneficiary Consultation Process

The Department's Beneficiary Consultation Policy, approved January 2009, recognizes that meaningful, timely, and effective beneficiary consultation is essential to the successful implementation of Commission policies, programs, and projects.

The proposed license renewal went through the following steps prior to ensure that beneficiaries were informed about the opportunity to provide feedback on this proposal prior to HHC approval.

STEP 1. THE PROPOSED ACTION IS DESCRIBED:

Renewal of a license agreement to DLNR, as proposed licensee, for the non-exclusive right to operate, maintain, and manage the premises for wildlife management and public hunting purposes for TMK parcels (3)-3-8-001: 003, 004, 008 Humu'ula, Hawai'i Island, an area of 14,945.80 acres.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT (See Exhibit C):

1. Invitation Letter to attend the February 3 & 4, 2016 Beneficiary Consultation meetings in Hilo and Waimea. Approximately 5,000 letters were mailed to all Hawai'i Island lessees, undivided interest lessees, and all Homestead applicants who reside on Hawai'i Island.

STEP 3. PRESENTATION MATERIALS FOR ALL MEETINGS ARE AVAILABLE FOR FEEDBACK (See Exhibit D):

1. Agenda and Information Packet distributed at the February 3 & 4 Waimea and Hilo meetings.
2. Presentation materials posted online for public review and comment.

STEP 4. COMMENTS ARE COMPILED INTO MEETING REPORTS (See Exhibit E):

1. February 3 & 4, 2016 Waimea and Hilo Beneficiary Consultation Meeting Notes and List of Meeting Participants.

2. March 5, 2016 30-day period for additional comments on project ends.

The proceeding table and data below attempt to capture the level of participation and engagement at the two (2) Beneficiary Consultation meetings that were held in February 2016.

Table 1: Summary of Proposed Renewal of DLNR License Agreement Beneficiary Consultation Attendance and Participation

Beneficiary Consultation Meeting	Estimated Attendance	No. Sign In	No. Self-ID as DHHL Beneficiaries	No. of Comments
February 3, 2016 DHHL Kuhio Hale Waimea	60	42	32	48
February 4, 2016 Keaukaha Elementary School Hilo	100	89	61	33
Written Comments Received during 30-Day Comment Period	--	--	--	2

The meeting materials and project details presented at the February 2016 Beneficiary Consultation meetings were based upon excerpts from the DHHL 'Āina Mauna Legacy Program Plan, information and data provided by DLNR, and conversations between DHHL and DLNR staff regarding preliminary license terms and conditions. The following section provides a summary of the input and feedback received at the two (2) Beneficiary Consultation meetings in February on this proposal.

Summary of Beneficiary Comments

DHHL Beneficiaries OPPOSE Renewal of License Agreement with DLNR

In the Waimea and Hilo meetings, there was overwhelming consensus among beneficiaries that DHHL should not renew this license agreement with DLNR. Beneficiaries were opposed to the license agreement renewal for several reasons:

- Beneficiaries oppose the renewal of the license primarily in larger protest of DHHL's past practice of issuing dispositions to non-beneficiaries for activities that are inconsistent with the purposes of the Hawaiian Homes Commission Act (HHCA);

"The Waimea Hawaiian Homestead Association is not against DLNR. We thank DLNR. That's not the issue. The issue is the failure of the DHHL and HHC for breach of fiduciary responsibility to the people—and these guys waiting for so long to go on the land and they come here to listen to others. The courts reprimanded the Department and the State for failing to fund the Department. Our protest is not against what you're doing, it's the principle of our lands continuously going out to non-beneficiaries when we have 27,000 people waiting to go on the land. If we have to fight this license by license, to say no not just to this license but to all licenses that go out to non-beneficiaries, to get attention to this, we will [Waimea Meeting Notes, pg. 8, Comment #47]."

- The license agreement with DLNR has no clear and direct benefit to DHHL beneficiaries;

".....as a wahine I don't hunt so I don't benefit. I don't see how it benefits the beneficiaries. Please say no to this proposal [Hilo Meeting Notes, pg. 5, Comment #18]."

"You said that part of DLNR's purpose is to help regulate people that shouldn't be in the area, but you don't do that!" For example, Pono called to notify the Department of poaching, but was told by DLNR that it was not our jurisdiction' [Hilo Meeting Notes, pg. 7 Comment #27]."

- Beneficiaries need to be more involved in the management of these areas. Over the term of the previous license agreement, DLNR has not actively involved beneficiaries in the management of these Hawaiian Home Lands;

"You are our trustee, you shouldn't allow other people to take our land. Keaukaha says No! Cut it off. We should be the managers and stewards. Keaukaha says no, the beneficiaries should be direct stewards of the land [Hilo Meeting Notes, pg. 3, Comment #4]."

"...If we have to sacrifice not hunting some birds for a few weeks, then we have to sacrifice. If wao is not accessed, kanaka die, we need access to all wao. We need to manage our lands. It is DHHL's responsibility to make sure we have stewardship to wao akua all the way to makai. That is your responsibility [Waimea Meeting Notes, pg. 5, Comment 33]."

- Perception that DLNR has enough of its own land on Mauna Kea to carry-out its programmatic mission and purpose.

"I know most of this land from Pua'ala-- you have Hakalau--If you spend time in the forest, you would know that most of the Palila is below Hakalau. I have spent years up there. I don't understand why you're going to take the 2 parcels ((3) 3-8-001:004 and 003). How much land do you need? When does it stop? If most of the Palila are below this area, why does DLNR need the other 2 parcels? You have the whole Mauna Kea area already [Waimea Meeting Notes, pg. 3, Comment 6].

Recommendation

Staff respectfully requests that the Hawaiian Homes Commission accepts the Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to the proposed license renewal with the Department of Land and Natural Resources (DLNR) at TMK (3)-3-8-001: 003, 004, 008 Humu'ula, Hawai'i Island.