

HAWAI'I ISLAND BENEFICIARY CONSULTATION
POTENTIAL DHHL-DLNR LICENSE AGREEMENT
TMK (3) 3-8-001:003, 004, 008

HILO MEETING NOTES

Keaukaha Elementary School
Hilo, Hawai'i
February 4, 2016
6:00 p.m. to 9:00 p.m.

Attendance:

DLNR: David Penn, Project Coordinator, DOFAW Access & Acquisitions Program; Joey Mello, East Hawai'i Wildlife Manager, Steven T. Bergfeld, Branch Manager;
DHHL: Kahana Albinio, Jr., Acting Administrator, Land Management Division; Mike Robinson, Property Development Agent, Land Management Division; Andrew Choy, Planner, Planning Office; Julie-Ann Cachola, Planner, Planning Office
HHC: Wally Ishibashi, East Hawai'i Commissioner, Hawaiian Homes Commission

Beneficiaries:

61 Beneficiaries signed-in at the registration table (see Exhibit B for a List of Participants)

Presentation:

The presentation by DLNR and DHHL was followed by questions and answers and comments.

Beneficiary Questions/Answers and Comments

1. Thank you for coming, but you haven't been good stewards of our lands. The cattlemen's association needs to get their cattle out so we can put ours in.
2. Did you hear how many times you said beneficiary? This meeting is supposed to be for the beneficiaries. All of these non-beneficiaries are here.

DHHL: DHHL sends letters out to only its beneficiaries. Because this is a public meeting since we are a state agency we cannot turn away people who come to the meeting. The HHC is interested in beneficiary comments above and beyond comments by others.

3. This doesn't concern me. I'm not a hunter. I came to see what you're going to give to me. The Department should be telling beneficiaries what they are going to give the beneficiaries.
4. How many of you know who I am? I grew up in this community. How many of you were here on Dec 16? I'm 4th generation homestead, and am proud of it. We still have a place on Kalaniana'ole. How many of you listened to your parents? Grandparents? Some of you I know; some I don't know. Did you know that we have 9 businesses who had a lease for 100 years? Parker Ranch. I want an audit. I want to see. Did you do any history with Parker Ranch? How many of you hunted at Pu'u

'Ō'ō? That land, 56,000 acres are all Hawaiian Home Lands. Parker Ranch did the same thing –you would think that DHHL would ask how many on the pastoral wait list? How many? Just divide 56,000 acres by how many on the pastoral wait list. On Dec 16, 2024 it will mark 100 years. DLNR and DHHL, you are on notice--9 more years--how many have been given a pastoral lease? All 56,000 acres are within our jurisdiction. Go look at what number you are on the list. It's over 70. I'm really disappointed. The last guys they gave--I'm proud to say--happened when I was on the Commission. We settled the Aged Hawaiians case. 67 Hawaiians that were on the 1952 list got their lease. Jimmy Akiona and Irene—2 out of the 67 that gained access, told me that Sonny's lot was right next to them—300 acres. The 1952 list; settled in 2006 or 2007. Let us go and restore our lands and culture. We got to be positive, give input, beneficiaries will take the lead. We have to educate. One way or another, let's do it as a family. For me, if they want the lease, the answer is no because they can get the license, provided that they help the beneficiary. From the Ka Wai Ola paper, there's only 1 Department in the State of Hawai'i that has a Constitutional provision that guarantees operational and administrative funding. The Nelson case. If they do their job, it's so simple. Communication is the biggest failure. You can do it if you input us throughout—put us through the whole program. That mountain is a gold mine. Restoration of koa is important for me to stand in front everybody else. I'm tired of hearing people that have been on the list for 30 years. Lot's of contracts on that mountain. Cut them all off unless beneficiaries are participating. From the last 20 years, how much did DLNR pay?

DHHL: DLNR paid \$8,848.00 for the 15,435 acres, for 1 year.

5. Was that the lease amount or what you collected?

DHHL: It's what we collected.

6. At the end, if people can give money---give us an opportunity. For me this is another 20 years--I want it to stop at this 4th generation. Make it positive, \$1.00—if we're all listening—we say no more money, no more money...but enforcement is a problem. Stop all the leases we have and let the associations help. In summary, the acres on 'Āina Mauna could be used to address the Wait List. If DLNR wants to be there, beneficiaries need to be the lead, DLNR can partner with beneficiaries.

Commissioner Wally Ishibashi: I have 3 questions on behalf of the Hawaiian Homes Commission:

1. How can the renewal of this lease promote the rehabilitation of our people?
2. How can the renewal of this lease meet the fiduciary responsibilities of the Trust?
3. How does this renewal meet any of the purposes of the Act?

These are tough questions because we're not following the Act. These questions need to be the first questions you ask. All dispositions need to consider these questions. Under the purpose of the Hawaiian Homes Commission Act

- Section 101- the Congress of the United States and the State of Hawaii declare the policy to return native Hawaiians to their land in order to fully support self-sufficiency of Hawaiians and the administration of this Act. Purposes include: establishing a permanent land base for their benefit and use, to live, farm, ranch, and engage in other activities; placing native Hawaiians on the land in a prompt, efficient manner; ensuring long term benefit to their successors; no alienation so land remains in the Trust; adequate water and infrastructure so land is always accessible; and technical assistance to native Hawaiians so by pursuing strategies, the traditions, culture and quality of life shall be forever self-sustaining.
 - Section 206 –the power that the Governor and BLNR has over State land shall not extend to the Hawaiian Home Lands—no one can control our land except us. All leases canceled on Mauna Kea. We should not be doing anything inconsistent with the Act, everything should be consistent with the Act.
7. I stand on what the Commissioner said. This Act is for native Hawaiians, not the palila bird. The word tells us that you're trying to transition it to your style. Whatever land you have here should go back to the beneficiaries on the land. It's time to return the land to native Hawaiians. We build our trust on righteousness. It has to be ua mau ke ea o ka 'āina i ka pono. Stick to the plan. Don't try to manipulate lies. Back in 1978 we marched for righteousness and you've been trying to take it away. The pebble was dropped in the pond—but how is it going to pick up the Hawaiian? The land should be returned the beneficiaries first and foremost.
 8. I'm not the greatest speaker—but it should be out...where are the watersheds that you're trying to protect? Is this the only way to do this? They gave a 1,000 trees to someone so they would stop this.
 9. Keep our water rights; keep it out of DLNR. Do not renew the lease. Keep the water in beneficiaries' hands.
 10. The only thing I see wrong with all of this is that we are not the real managers and stewards of this land. I would ask how does this benefit the native Hawaiians of this land? We always know that DHHL is not good business. We have to be the ones up there making decisions on the land. 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 steward of the land.
 11. To think we have looked at this list, sit here and to realize how many have passed. I sat in a TMT meeting and I heard the President of the University of Hawaii speak to Paul Neves: son...he said, we told you folks—prove to us that you were here before. How do we prove this? At Pohakuloa they had found iwi. In March 2020, they explained about the iwi, but there were no 'ohana there. In Oct 2015, we received a big envelop from the Department of the Army, which was a golden egg. It was from a Lt. Colonel at Pohakuloa. The iwi was dated back 3,000 years. This was a blessing. We are presently in the court room explaining exactly how they failed us. It's over. They have changed our language, our crown land, and now our ceded lands. People are getting into a new term. Rather than "sub-leasing," they're changing the words to take it out of the courts. I have sat and watched...every time you have a change in

- Governor, there's a change in plans. After spending so much money on something, they say don't use that thing. Enough is enough. We are the beneficiaries. Stand up for who you are. Ke Akua knows that we are of our Queen. What moves me is the prayer of our Queen. Forgive them for they know not what they do; come and save our people. For those of you who sit to take care of our beneficiaries—don't abuse your rights; be diligent; the land should be returned to beneficiaries. The Department shouldn't be using beneficiaries.
12. We went to last night's meeting at Waimea. We've been spending a lot of time at Maunakea. We want to share that Waimea is already moving forward to unite the beneficiaries and mālama the 'āina. We discussed our proposal with the Commission and the Dept. Waimea accepted that we're going to work together and we started communicating. This is a big kuleana and we have to be proactive.
 13. To explain this vessel. We see the neglect and want to do something. I was raised in Keaukaha; we spent a lot of time on the Mauna, we saw a lot of neglect. We didn't see kanaka! There's no place for our kanaka to get together, to connect. 'Āina is the connection of the kanaka to the environment. So we started to roll out an idea. Our idea is that we'd create 6 moku. There would be 6 representatives from 6 moku. We're trying to be proactive, ensure participation of kanaka to be at par with this. Get the 'ōpio involved too because it's their future. For the Koa Kia'i program, we went through all kinds of hassles just to make a presentation to the Hawaiian Homes Commission (HHC). We didn't realize that the HHC didn't have to respond. We're proposing 6 member nonprofit boards. We're looking for people to serve on the boards. The 'Āina Mauna program document is 200-pages long. How are we going to control this? We're proposing that we take the first step and we start planting and restoring. But it's for the people to decide. It's going to take all of us to mālama. We don't have funds, but we have a lot of energy. We have 'ōpio but we want kūpuna to lead us too. We want to be doing our own community meetings too. The beneficiaries need to benefit. You already heard. Cut the leases on the mountain. Let's make it 'āina; 'āina is a connection between kanaka and the environment.
 14. I'm the President of Pi'ihonua Hawaiian Homestead Association. We are a small association and we are very concerned about the mountain. We're the only place that's not covered in a regional plan. Skylark said we'll be doing a regional plan. We are in the ahupua'a of Pi'ihonua. We're sitting on over 20-30% of our whole inventory. Tonight we have 7 homestead associations. The waiting list says 27,000 people-- I think it should be bigger. Beneficiaries don't want to come in --we really applaud Dept. staff who are functioning with only 40% of staffing. Every year the HHC has to take the budget into the legislature. We all need to register to vote. In Summary: register to vote. Kaumana and Pi'ihonua Regional Plan Process will start in September of this year-- so we will have more say in our community.
 15. We're the one with the lawsuit for all HHLs. We're trying to stop everything, and this includes Maunakea. If you read up on HHLs, it's not just 200,000 acres, it says all available lands. We're trying to get back to the beginning and bring it forward...quickly. The court didn't want to talk about annexation. It didn't even want to address subleasing, section 204 says you cannot sublease. Here, you're taking the land. We're not going to get action at the state courts, so our action is in federal courts, trying to get it all back; clear the slate, get it all back. Because what

- they're doing is taking all the land they opened in the overthrow in the hearing. US cannot annex land. The Kū'ē Petition was never brought to court. For the use of any kind of Hawaiian Home Lands, the answer should be NO, unless it's about native Hawaiian beneficiaries. Any time there's a petition for HHLs and it's not going to a native Hawaiian, the answer should be no.
16. It's so good to see everyone here tonight. It's good perspective for me as President of the Farmers Association. I just want to share with you that before the State-of-the-State address, the Department convened a meeting of homestead leaders where we learned about the legislative process and the Nelson case. It was a great eye opener for me. I'm 3rd generation Keaukaha; my parents were leaders too. I want to deal with the issues we're faced with today, because I really don't want my kids to be dealing with this again. This group is powerful. After learning about the legislative process, all of the leaders were awakened. This is what I have to share about the license: the license expired in 2012—just table it –don't give them the lease or license. This is a process that's going to continue, meeting to meeting. I heard the Department say that they did this for you folks. We have no one else to go to; we need them to get everything together so we can move together as one. It was very disturbing on the day of the State-of-the-State address. We're trying to fight them, but when we went to the legislature, we still had to tell the legislators how to vote on it. We have to make sure our Department has the funds it needs to operate. There's a court order that says this too. My thoughts are that if we don't get funding, all these things are going to continue to happen. The commitment side of this: if we want anything, we have to give testimonies. The ones that I know, I have to encourage them to send testimony. All of the associations are doing this right now. They are trying to push the issue. So this is the Hawaiian Home Lands; it's a program. I'm kind of disappointed that they're not supporting us. Our legislators are bound by the oath they took when they came into their office –they said they would uphold the Constitution. The Governor didn't mention anything about us. We're at the bottom of the pile. We have to share, how we're going to get it. This is a distraction--we should table this because this is taking our attention off the important matter with Legislative funding. DHHL has hired an independent counsel to help define what is sufficient sums that should be funded. This issue inihis important but it's not the most important issue for native Hawaiian beneficiaries. Kihei is asking all beneficiaries to call their legislators to tell them to abide by the Nelson decision and fund the Department. In the meantime, table this discussion.
17. I am 2nd generation Keaukaha. I went through first from the business side. It said \$8,000 but it says fees. We're not getting income or land. There's no specific benefits that we receive from this. To make it simple, this is my business, my money. I want our people to get something out of this. The reason they're not here is that they passed it on. Take this off the table, sorry DLNR, we don't want to give this to anyone. I want to put my name on something to say no...no further licensing. 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.
18. I never know where to start. I was just at the DLNR meeting on the 15th about leases on Banyan Drive. You put us through this then we find out that the lease is

- already made. How have we helped small investors to come in? This is Hawai'i; not America. All this doesn't exist. If you want to do this, go on your own land, somewhere else. You take from us. You want us to die—its genocide, it's called let them die. I'm not going to be nicer. I'm going to be honest. We don't care what your courts have to say, we have our own courts and we will make decisions on our lands. You took it from us and used fraud and theft and since then, you're only perpetuate fraud and treason. You're supposed to stop.
19. One main point. There are 3 US laws that explicitly state that the US and the State does not have jurisdiction or authority over our lands. The joint resolution is invalid. We should make our own bank. This document tells you exactly who we are. It's our land. In addition, the US federal government does not have subject matter jurisdiction under common law or admiralty law. You were never ordained. You cannot come in the kitchen and tell me what to do. They're taking advantage of us. We need to build our bank under our jurisdiction.
 20. What's up? I hear a bunch of bullshit. I came here with my grandfather. Where is Mike Robinson and Kahana? They're gone. These 3 people—DLNR—are still here listening. My grandfather has been on the list for a long time. What are we going do Hawaiians? We have the next generation coming up, we're all hungry. We have the will power and the real power. I love everyone in here and am willing to put it all on the line. I never liked the plan from the beginning. Actually, it's not so much the plan--it's who is controlling the plan that's the problem. So 7 years later he comes tonight and wants to talk about hunting? What we're going to do is come back to the next meeting. My grandfather is 100 years old and he still didn't get his land, so that's all the generations; true 'ike is here. This year is going to be awesome. We gave you one message, one decision. We're ready to strike hot. And this comes from a place of love. A lot of love.
 21. Thanks to my grandmother. If you really do care and you can commit, I want you to call Lākea Trask. If we look at this map, the gorse is occupying this 'āina. The termites. The question is to everybody –if you are committed, please share your contact number with Lākea. We don't have money but it's no problem because we never had money. I went to UH but it was foreign to me. We found out their connection to the community—things Uncle Henry did up at the UH but didn't have energy to do it anymore. The UH promised to be a bigger part of the community. The UH farm is in Pana'ewa there's so much going on. Come down on Thursday and Friday...Jan and Arnold will be there. Would like to invite the community to come to the farm--for allowing UH to be there. If you want to see commitment and wheels turning.
 22. I'm Hawaiian and I'm a pig hunter. Saddle road—what's the difference where I park? I now see federal government signs on HHLs in Ka'ū. Why are there federal government signs on Hawaiian Home Lands? From Hilo side to Keanakolu cabin, it's all buss up. Once you pass, you can drive a rental car. So as soon as I can, I go up there. For our kids. Teach them how to skin the pig, we shot a sheep, and picked imu stone. Unfortunately, they shut us down and said that we couldn't take imu rock-- they made us take it all back. Why can't I take imu rock to teach the next generation with our land, our mountains, our rivers, how are kids going to come up with we don't teach them now.

23. Clearly based on what was said tonight, East Hawaii beneficiary organizations, do not want to renew this license. Beneficiaries came out to this meeting and there was consensus that the Department/HHC should say no to this proposal.

WRITTEN COMMENTS/QUESTIONS SUBMITTED

24. What was done in the initial 20 years?
25. How do they plan on seeing results/making things happen, if they couldn't do it before.
26. I think there should be a better way of documenting the number of hunters/animal, like an app.
27. You said that part of your 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."
28. The meeting got out of control. Should have had a facilitator. Speakers should only address what's on the agenda. I believe that DHHL should have beneficiary consultations before working on the agreement with a potential lessee. Have beneficiary input then.
29. I just wanted to say I support the beneficiary blood quantum going down to 1/32nd. I am third generation Keaukaha Boy. My blood quantum is 25%. My children are 1/8 Hawaiian. I only wish that I will be able to give them the land and home which we have lived on my whole life. I am very thankful that I have been able to live in Keaukaha my whole life and hope that my children and their family will be able to enjoy this for generations to come.
30. We should be the stewards of the land. Get the beneficiaries to take over the land lease of Mauna Kea. We are being screwed by all of you collecting a pay check using us as your payroll. Cancel all leases related to 'Āina Mauna Legacy Program. Stop the evictions of beneficiaries. 'Āina Mauna Legacy Program T1, T2 so typical. Give the gorse lands to the stupid Hawaiians. Take the keys back from DLNR.
31. I think the lands to be given to the beneficiaries. Put the people on the land. I am on the list. I hope I get awarded my land soon. Let the beneficiaries manage the land.
32. A'ole to the re-issuing of the lease. TMK385001004—it's the land above Waipio. It's better to use that land for cultural benefit. TMK 338001008 should be used for homesteading purposes.
33. (from Waimea mtg): I heard that a water well was dug on Hawaiian Home Lands in the Kipuka 'Āina Hou area. Can that be utilized for future homestead use?