

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

No. 2019 – 60

SUPPORTING DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARIES IN AND AFFIRMING THEIR KULEANA TO HAVE A VOICE IN COMING TO A RESOLUTION ON COMPENSATION FOR UNAUTHROIZED USE OF THE MAUNAKEA ACCESS ROAD AND OTHER DHHL PARCELS IN THE SURROUNDING AREA

WHEREAS, the Department of Hawaiian Home Lands (DHHL) is governed by the Hawaiian Homes Commission Act of 1920, enacted by the U.S. Congress to protect and improve the lives of native Hawaiians; and

WHEREAS, the act created a Hawaiian Homes Commission to administer certain public lands, called Hawaiian home lands, for homesteads; and

WHEREAS, native Hawaiians are defined as individuals having at least 50 percent Hawaiian blood; and

WHEREAS, in 1995, the State of Hawai‘i enacted legislation, known as Act 14, to resolve and satisfy all claims stemming from its improper and uncompensated use of Trust lands that arose between August 21, 1959, and July 1, 1988; and

WHEREAS, to resolve all controversies and claims regarding the improper and uncompensated use of lands for state roads and highways, Act 14 contemplated “the initiation of a land exchange” between the State and the Hawaiian Homes Commission; and

WHEREAS, to date, some 24 years after the law was passed, there is no evidence that either entity has initiated any land exchange pursuant to Act 14 to resolve the State’s prior improper and uncompensated use of trust lands for roads and highways, including for the use of the MKAR; and

WHEREAS, the transfer agreement was initiated on November 4, 1994, and in 2019, 25 years later, the transfer has not been properly completed; and

WHEREAS, the Hawaiian Homes Commission, under the Hawaiian Homes Commission Act and the Hawai‘i State Constitution, has an obligation to (1) protect the trust res (DHHL land

inventory), and (2) exercise exclusive loyalty to its beneficiaries (reference Hawai'i Supreme Court, Ahuna v. DHHL); and

WHEREAS, beneficiary consultation between the Hawaiian Homes Commission and the beneficiaries has not commenced for land exchanges; and

WHEREAS, as of December 31, 2017, there were 44,952 beneficiary applicants on the waitlist for Hawaiian home lands leases, and annually, a large number of these beneficiaries die while still waiting for a land award while non-Hawaiian interests are afforded access to land for the "greater good" of the community; and

WHEREAS, it is the right and responsibility of the native Hawaiian beneficiaries of the DHHL to provide input and to be consulted in matters of land disposition, yet they have not been afforded the venue to do so; and

WHEREAS, previous resolutions of the Association of Hawaiian Civic clubs have affirmed the sacredness of Maunakea; and

WHEREAS, County of Hawai'i Mayor Harry Kim met with members of the Association of Hawaiian Civic Clubs Hawai'i Council on October 17, 2019, and the council brings forward this issues as a result of this meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 60th Annual Convention in Lahaina, Maui, in the malama of Welehu and the rising of Lā'au Pau, this 16th day of November 2019, supporting Department of Hawaiian Home Lands beneficiaries in and affirming their kuleana to have a voice in coming to a resolution on compensation for unauthorized use of the Maunakea access road and other DHHL parcels in the surrounding area; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the chair of the Hawaiian Homes Commission, as well as the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate subject matter committee on Hawaiian Affairs, Chair of the State House subject matter committee on Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of Welehu and the rising of Lā'au Pau on the 16th day of November 2019, at the 60th Annual Convention of the Association of Hawaiian Civic Clubs in Lahaina, Maui.

Hailama V. K. K. Farden, President