

From: [REDACTED]

Sent: Wednesday, June 03, 2015 8:57 AM

To: General Plan

Subject: RE: GENERAL PLAN PUBLIC COMMENT POLICY ON NATIVE TENANTS IN OPEN SPACES DRAFT RESOLUTION NEEDED

ALOHA...THANK YOU AND MAHALO FOR OPPORTUNITY TO. DISCUSS THE ESTABLISHMENT OF POLICY ON NATIVE TENANTS. AT THIS TIME THE COUNTY OF HAWAII AND...THE P.O.N.C. (PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES COMMISSION) HAS NO FORMAL POLICY TO ADDRESS THE APPURTENANT RIGHTS, NATIVE TENANT ACCESS TO CANOE HALE, CULTURAL SITES, WAHI PANA, BURIAL PLACES, CEREMONIAL and KAPU AREAS, FISHERIES,GARDENS, HALE, GATHERING & WATER RIGHTS AND OTHER APPURTENANT RIGHTS ALREADY AFFORDED BY MANY LAWS AND STATUTES....BUT NOT IN FORMAL COUNTY POLICY. MAHELE TITLE KULEANA AND NATIVE TENANT CULTURAL LANDSCAPES ARE A FORM PROTECTED UNDER INTERNATIONAL LAW ESTABLISHING CULTURAL PROPERTY, ALONG WITH THE STATE OF HAWAII CONSTITUTION (WITH BASIS IN PRIOR LAW).....AND UNDER THE CONSTITUTION OF THE UNITED STATES OF AMERICA... SUCH APPURTENANT RIGHTS ARE A "CODIFIED CONSTITUTIONALLY PROTECTED NATIVE HAWAIIAN RIGHT".

WE MAY NEED AN ADHOC COMMITTEE TO REVIEW ALL LAWS AND STATUTES. P.O.N.C. IS UNFAMILIAR WITH SUCH DESCRIPTIONS AND DEFINITIONS. UNFORTUNATELY, COUNTY OF HAWAII CORPORATION COUNSEL IS NOT "MA'A " TO THE LAW CONCERNING NATIVE TENANTS. HOWEVER. I'M SURE LINCOLN ASHIDA MAY BE ABLE TO PROVIDE POSITIVE LEGAL ADVICE CONCERNING LEGAL RIGHTS OF NATIVE TENANTS IN OPEN SPACES, ACCESS AND USE OF WAHI PANA .

THE RESOLUTION WILL DEFINITELY REQUIRE DIRECT INPUT FROM OFFICE OF HAWAIIAN AFFAIRS (OHA) AND THE SHERIFFS FOR ESTABLISHMENT OF FORMAL POLICY ON NATIVE TENANTS (INCLUDING "LOCKED-GATE-KEY-TO-NATIVE TENANTS-AND-HEIRS-UNDER-HRS 172-11 AND OTHER LAWS AND STATUTES" PLEASE CONTACT NATHPO (advice on NHPA,NEPA, AND CONSULTATION)

I DO CONGRATULATE THE COUNTY ON THE "KULEANA LAND TAX EXCEMPTION" (available at COUNTY OF HAWAII DEPT. IF PLANNING) WHICH DOES GIVE TAX RELIEF TO KULEANA LAND OWNERS AND VERY IMPORTANTLY, ACCURATELY DESCRIBES THE RIGHTS OF NATIVE TENANTS.

*PLEASE ESTABLISH FORMAL POLICY ON NATIVE TENANTS, ISSUES OF STRICT NO SPRAY ZONES,AND PROTECTION OF SITES IMPORTANT FOR NATIVE GATHERING, HAPAI WA'A TRAILS (MOUNTAIN TO THE SEA CALLING DISTRICTS FOR OHANA TO COME DOWN TRAIL BECAUSE OF FULL CANOE OF FISH, AND

AREAS CRITICAL TO SUSTAINABLE AGRICULTURE AND FISHERIES, KAHUNA
LAPA'AU, AND INPUT FROM KUMU HULA AND CULTURAL
PRACTITIONERS....PLEASE CONTACT DOCARE AND HPD FOR ENFORCEMENT
PLAN AND TRAINING GUIDELINES FOR NATIVE TENANT PROTECTION.
THANK YOU AND MAHALO [REDACTED]