

TESTIMONY IN SUPPORT OF AGENDA ITEM D-11 - Consent to name Lowell K. Nahoopii as lessee of record on Homestead Lease No. 52, Hauula, Koolauloa, Island of Oahu, Tax Map Key: 5-4-007:028—FOR THE MEETING OF THE BOARD OF LAND AND NATURAL RESOURCES, October 8, 2021, 9.00 am Online via ZOOM, Livestream via YouTube:

by

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IMPORTANT SOURCES OF INFORMATION FROM WHICH SOME OF THIS TESTIMONY IS DERIVED AND FROM WHICH THE LARGER CONTEXT IN WHICH THE 'NAHO'OPI'I CASE' IS EMBEDDED AND CAN BE BETTER UNDERSTOOD

Short list of reference material with selected annotations

1. Bill Wynhoff (long time Deputy Attorney-General assigned to BLNR), this quote (that is, his opinion) on the loss of land sustained by native Hawaiians: “In large part this loss came about through failure to understand and comply with Western notions of property, ownership, transfer and successorship” [Emphasis added].

Wynhoff is not a historian, nor does he speak, read or understand the Hawaiian language, and he has, to the best of my knowledge, **never published anything in any form that has been peer reviewed and that exists in the public domain.**

This additional annotation/comment is warranted: Well, here we are now in this case, a couple of native Hawaiians who have so far spent around \$30,000 of their hard earned savings to comply with Wynhoff's “Western notions of property, ownership [and especially] transfer and successorship.” As I understand it, Lowell Naho'opi'i just wants this to be, finally, finally, after 70 years, done right, comprehensively: a full and complete Decision and Order by the Board which incorporates his appointment as successor lessee; his right to transfer the property to his successors with a minimum of fuss and bother (one page will do it—see Soga case, referenced below), the right to encumber the property with loans to

access the substantial amount of equity that his ‘ohana has in the property, close to \$2 million, as any American has the right to do throughout the United States. Further, Lowell wants his named successors to further name other successors in a user friendly, simple process and that all of this be memorialized in the Board’s D & O in this case and ***for the whole Decision and Order of the Board in this case to be fully recorded in the records of the Bureau of Conveyances.*** Anything short of this, in my view, would be an injustice, ***definitely not pono*** considering the \$30,000 cost so far, the 70 years of waiting, the human cost that comes with stress and the corrosive effects of uncertainty and the pain and suffering that accompanied Lowell’s mother’s struggles to buy the fee interest from the early 1950s until she died in 1993—heart broken, her health ruined, her tears shed, her legacy fragile and incomplete. This is what Lowell, the youngest of Annie Kamakeeaina’s 8 children inherited.

Right after High School (Kahuku) Lowell went to work as an apprentice Mason, married Antonette (Keawe), had, and raised three sons, two of whom were born with an inherited health/life threatening impediment that has taken, and continues to take, thousands of dollars a year to keep them alive into manhood, through marriage, children of their own as they hold and navigate distinguished careers in construction—just like their parents. Lowell Naho’opi’i is now a father and grandfather. Their two homes in Hau’ula on three quarters of an acre (the land that is the subject of the 999-year lease) are homes built with sweat equity, hard earned savings, cooperative family *kokua*. In the great tradition of American culture and history, immortalized by Robert Frost: ***“Home is the place where, when you have to go there, they have to take you in.”*** ***These homes, as they have been in the past (going all the way back into 1930) has been and, will continue to be, open to ‘ohana—their gathering place.*** This is what the successor issue in this case, at its heart, is all about. This is Lowell Naho’opi’i’s humble but resolute response to Bill Wynhoff: ***“You want us to play by Western notions of property concerning ownership, transfer and successorship, well, here we are—\$30,000 down payment, western lawyer in our corner. Please give us our full due. Full due, not half a loaf. This is not just big time but it is for all time—for generation after generation, after generation and on and on. As best he can, it seems to me, Lowell, even in the face of the multiple uncertainties likely to be generated by global climate change induced warming seas and rising sea levels, wants to leave as secure a legacy behind, free of the uncertainty that he inherited and has lived with these past sixty-eight years.***

The above is the context—the epistemological foundations—that Mr. Tellio appears not to understand, even aware of. As such the Tellio submittal is seriously flawed in my layperson’s opinion. In Denning’s elegant rendition of

island historiography, in his celebrated text, *Islands and Beaches*, the author distinguishes between models and metaphors in the telling of first peoples' history. Mr. Tellio, for all of his gifts, and his good enough heart, apparently knows nothing of either. Mr. Tellio knows nothing of the metaphor of what land means to first people like Mr. Naho'opi'i. In short, it is completely beyond Mr. Tellio's intellectual reach to saying anything about the human context in which this entire case is deeply set. The law in and of itself does not trump (no pun intended) the human story before a statutory Board which is not a Court bound by arcane rules. Mr. Tellio thus leaves himself open to the charge made by Mr. Ikehara: that of settler colonialism. This is not Andrew Tellio/DLNR "bashing". As a professional Pacific historian and a very broadly trained and read social scientist, this is my professional assessment—rooted in reason, drawn from the professional literature and now increasingly the view shared by a wide swath of indigenous scholars (as well as others, critical race theorists, for example), activists and other scholars who are examining and reconceptualizing the epistemological foundations of how stories are told and history is written. This work is being done not only in Hawai'i but around the world. In this country the work of Professor Saidiya Hartman, PhD, Yale, MacArthur Fellow (and more) and currently full professor in the Department of English and Comparative Literature at Columbia University is not just also relevant, it is outstanding. To enlarge the relevant context just this one tiny bit more: these vital principles (related to models and metaphors and epistemological foundations) are also what is in part at the heart of the on going Mauna Kea battle. Injury done to kupuna on the forefront of the Mauna Kea struggle is an injury done to all of us including those who are arrested and muffled at public hearings. When the power of the gavel is used to silent and drown out these voices we are all injured and public policy is demeaned and diminished. Injured parties include those who wait 70 years for justice.

2. John H. Bay, Esq. and Jane vanSchaick, Analysis of the 999 year lease program: Current Problems and possible solutions, January 10, 1994, pp. 87 plus Appendices and Bibliography.
3. Carol A. Soga and Beatrice Soga, Plaintiffs v. Board of Land and Natural Resources, Department of Land and Natural Resources and William Aila, in his official capacity as the Chairperson of the Board of Land and Natural Resources and Director of the Department of Land and Natural Resources,

Defendants, Civil No. 12-1-2255-08, August 2012 – March 12, 2013, in the Circuit Court of the First Circuit, State of Hawaii.

4. Agenda Item # F-11, Meeting of the Board of Land and Natural Resources, April 24, 1981. Direct sale of Homestead Lease No. 52. Applicant: Annie Kamakeeaina. **Approved April 24, 1981. Annie Kamakeeaina is recognized by DLNR as the apparent successor to Homestead Lease No. 52. Forty years later this Decision is still ‘on the books’. Mr. Tellio does not mention this. This is what some enlightened historians call the dark art of ‘selectivity’.**
5. §13-1-1 HRS, Hawaii Administrative Rules [with respect to the Board of Land and Natural Resources]: **“These rules shall be construed to secure the just, speedy, and cost-effective determination of every proceeding.”** [Emphasis added.] **This provision in plain language, English, speaks for itself.**
6. Agenda Item No. D-6, Minutes of the meeting of the Board of Land and Natural Resources on Friday, January 13, 2012 : Issuance of a Revocable Permit to Jundale U. Hashimotopp. 4-9. Approved by the Board at its meeting held on February 24, 2012. **Hereafter referred to as “the Hashimoto case”. The proceedings in this case shows clearly that the Board has wide ranging discretion and can use informal processes when it chooses to do so and when it can be nudged into doing so by citizens who speak out within the confines of constitutionally protected free speech.**
7. Melody K. MacKenzie, Attorney, Native Hawaiian Legal Corporation, letter dated February 20, 2004 re 999-year Homestead Lease of Joseph Kalili.
8. Correspondence on this case to be found in the files of the Department of Land and Natural Resources, State Archives, First Circuit Court, the Internet and material to be found in the open stacks of the Hawaii Supreme Court library.
9. Minutes of the Board of Land and Natural Resources meeting held on August 22, 2021. Agenda Item No. D-4: Consent to Assign Applicant’s 1/6 undivided interest in Certificate of Occupation (see Bay and vanSchaick

Report cited above for what a Certificate of Occupation is in the 999 -year Homestead Lease system) No. 90-A, Raymond M. Judd, III also known as Raymond M. Judd, Assignor, Raymond M. Judd, Trustee of the Raymond M. Judd, III Family Land Trust, Assignee, Waiomao, Pukele, Palolo, Oahu, Tax Map Key: (1) 3-4-003:009. Staff Submittal prepared by Andrew Tellio. **I emphasize that Mr. Tellio's recommendation here is for recordation for a mere 1/6th interest in a Certificate of Occupation.**

10. Sam Ikehara, "Hawaii's BLNR, Mauna Kea and Settler Colonialism," Civil Beat, November 13, 2017. **Speaks for itself.**
11. Saidiya Hartman, Scenes of Subjection: Terror, Slavery and Self-making in nineteenth century America, `1997; Lose Your Mother: a journey along the Atlantic Slave Route, 2007; Wayward Lives, Beautiful Experiments Intimate Histories of Social Upheaval. Selected. **Required reading.**
12. HRS 516, §83. **Speaks for itself. Required reading.**
13. Irwin K. KELIIPULEOLE, Plaintiff-Appellant v. MICHAEL D. WILSON, in his capacity as Chairperson, Board of Land and Natural Resources, Christopher J. Yuen, Herbert K. Apaka, Jr., Colbert Matsumoto, Michael H. Nekoba, William Kennison, in their capacities as members of the Board of Land and Natural Resources, Defendants-Appellees. 85 Hawai'i 217, 941 P.2d 300. Supreme Court of Hawai'i, No. 18681, June 10, 1997.

Affirms the order and judgment granting the BLNR's motion for summary judgment and the order denying Appellant's motion for summary judgment. 999 year Homestead Lease case. Court stresses discretionary powers of the Board relevant to arguments made in the testimony tendered here.

I SUPPORT THE PROPOSAL BEFORE THE BOARD *in principle* AS SET OUT IN THE 4-page STAFF SUBMITTAL dated October 8, 2021, signed by Andrew Tellio and approved for submittal by Suzanne Case-- with this major condition: the proposed first recommendation on page 4 does not go far enough considering the fact that this matter has been outstanding for nearly seventy (70)

years. Further, Mr. Tellio's first recommendation does not take into account relevant context in which this long outstanding matter is embedded.

I am opposed to recommendation no. 3 for reasons set out below. As for recommendation no. 2 I have reservations about it as it stands and raise questions about it.

My submissions-in-chief precede this in the first section above and are further set out below, first in summary, followed by arguments in the Summary section at the end for the Board's consideration. The principal purpose of this testimony is to enhance the Board's information domain so that it can better understand the larger context in which this case rests and how it has evolved and to bring to the fore information not provided by the Board's administrative arm, staff of the Department of Land and Natural Resources.

I take the view, partly based on my roughly 40 years of experience in dealing with the Board of Land and Natural Resource, the BLNR (hereafter "the Board") and its companion Board, the Water Commission, that the Board is not a Court. It does not only hear legal arguments. One does not have to be a lawyer to appear before it. Testimony is not given under oath. There is no cross examination of witnesses. Board members do not wear Black robes. They do not sit at a "bench" at an elevated platform. By constitutional fiat (as well as the statute from which the Board derives its legal existence) and by long standing practice: the Board hears testimony from everyday citizens, ordinary people, who come before the Board to tell their stories, share the human side of their lives or point to what they think is "the law". Ordinary people testifying before the Board can draw on history or on what they believe are their cultural foundations about spirituality and the sacred places that come to them from times long past. **A pertinent recent example of this is the Hashimoto case which last came before the Board on January 13, 2012. By relevant coincidence the Hashimoto case is also about a 999-year lease just like this one before the Board this morning. What the Hashimoto case emphasizes is at least 2 things: (a) the Board can, if it wishes to, do things informally, and (b), the Board has plenty of room for exercising discretion—a point that long time attorney associated with the Board, Russell Tsuji, made and is recorded in the Minutes of the January 13, 2012 meeting.** By fortunate coincidence, also, it happens that Board Member Gon is back on the Board. I am obliged to remind him and his colleagues on the Board of what he said in the Hashimoto case discussions. Here is what the confirmed

Minutes say: “Member Gon said for the record I firmly believe that we have an important role to play in keeping kama’aina on the lands of their families in the face of history, of disenfranchisement, and escalating rents assessed on the value of surrounding properties. I think it is a major issue and I am glad that we can play a role in that.” [Emphasis added]

I may as well say this right here and now: This case is precisely about what Board member Gon was talking about in the Hashimoto case. This case is about keeping families on their lands where their ancestors have lived and where their children and their children’s children plan to live not just for seven generations but for a thousand years—that’s what, for all practical purposes, a 999-year lease is: the enhancement and preservation of intergenerational equity. It is in no small part about successorship which should be user friendly and simple and should meet the Board’s own first principle in its Administrative Rules §13-1-1: **“These rules shall be construed to secure the just, speedy, and cost-effective determination of every proceeding.”** [Emphasis added.] THE NAHOOPIIS HAVE about \$2 million of equity in the Hauula property (two houses built with sweat equity and cash from hard earned wages totally free and clear of any debt. And they cannot get access to that equity by a simple, use friendly system *without a lawyer. This case has already cost them close to, or more than, \$30,000, \$400 an hour, about \$7 a minute in legal fees. And it has taken them some 70 years to finally get to this hearing.* That is not just, certainly not speedy and certainly not cost-effective. Mr. Tellio’s approach promises more of substantially the same thing if all that Petitioner Naho’opi’i gets this morning is appointment as successor lessee for the internal purposes of the Board (whatever those so far undisclosed purposes might be). Don’t get me wrong. It appears to me that Mr. Tellio, a recent hire in the Department of Land and Natural Resources, has apparently been gracious about the way he has handled this matter. My main point is that he has not gone far enough.

As Mr. Tellio’s recommendation is written what Lowell gets upon being appointed successor lessee is a t-shirt that says “successor lessee” on it and a chair that has a bronze strip on it that is engraved with the word “successor lessee”. Moreover, there is no provision for recordation. Every time that Lowell might want to do something like get a loan by way of using the almost \$2 million in equity he has in the Hauula property, he will have to run to the Board hat in hand, a lawyer at his side. No rules, no handrails, no time lines by which he might get a decision. If Lowell wants to do the one thing that is at the heart of this case--=designation of successors or his successors want to designate their successors—the same thing, somebody will have to run to the Board with a lawyer. Mr. Tellio’s

recommendations do not address the crucial matter of recordation. Lowell definitely wants recordation. No recordation, for one thing, does not allow him to get standing to apply for property tax exemptions or lodge appeals against his property tax assessments or even deal with the Property Tax Department. Between 2002 and 2020 Lowell's property taxes have increased from \$1,460 a year to \$12,146. Board member Gon was right in 2012 when he spoke in the Hashimoto case deliberations.

My argument: The Board has plenty of discretionary elbow room to order recordation as well as order staff to consult with Lowell to work out a user friendly system that is simple to appoint his successors. It can be done. In fact this was just done in the Judd case (BLNR meeting, August 27, 2021). The Board can help immensely just by being proactive. Lowell should not have to have a lawyer to get this done: \$7 a minute, \$400 an hour, another \$30,000?

Seventy years is a long time.

Lowell is now 68. He has recently had health issues. There is an urgency to getting this done. But Lowell's appointment on its own and by itself does not solve the problem without recordation and user friendly rules that will enable Lowell and each successor lessee after him to appoint his or her successor lessee. And each successor lessee should have a clear, rules based procedure to encumber the property with responsible borrowing such as is the right and practice of every American in this country. Yes, I know, there are frequently problems with what is "responsible borrowing" but there are, especially in these circumstances, ways around this. This Board should be aware that these problems are not just confined to those who only have 999-year leases. There are other leases administered by DLNR that have the same problem and the Board has for too long been kept in the dark about them. Too long. A fundamental problem in getting such lease related issues before the Board is that the Chair—this Chair especially—misuses her position to allow citizens with grievances to get before the Board. The Soga case¹ (also about successorship to leases) had to be litigated. The BLNR lost that case on summary judgment and is, I submit, at least persuasive authority relevant to this case.

Mr. Tellio's 3rd recommendation: "Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State" – has, for far

¹ Civil No. 12-1-2255-08 KKS. Summary Judgment against BLNR, March 12, 2013. It took from August 2012 to March, 2013 in massive filings and cross filings by attorneys to get to Summary Judgment against BLNR. The Board of the day was probably never informed about this outcome.

too long been a standard bureaucratic condition imposed on unwary petitioners who come before this Board. Attorneys have for years played along with this and so has the Board. Handing such broad powers to a Chairperson who has one foot in the bureaucracy of which the Chair is head and one foot in the Board also as its titular head is a naked encouragement to creeping authoritarianism of which there has been far too much for much too long already. Giving so much unchecked power to the Chair of the Board does not, in my view, serve the interests of accountability. And often does not serve the interests of the State either. Further, this kind of delegation of power to one individual invites corruption and more. Here's an example: hundreds, may be several thousand acres of land, claimed by many Hawaiians to be sacred, have been leased to telescope entities on Maunakea for \$1 (one dollar) a year by this same process with that key provision: Subject to "such other terms and conditions as may be prescribed by the Chairperson [of the Board] to serve the interests of the State."² The term "interests of the State" is vague and possessed of enormous elasticity. Nowhere has this term been ever defined. The Maunakea formula does not apply to Revocable permits and agricultural and other leases of State land even when they are clearly related to some very important interests of the State—in Kahana, for example, where lessees are growing their own food (such as kalo, for example) and teaching other people to do the same thing in a designated cultural living park. **I can enlarge on this example before the Board but not in three minutes unless the Board either overrides the Chair's often ruthless use of her gavel or simply asking me direct questions. I invite any member of the Board to ask me questions not only on this issue but on any matter in this submittal.**

Your Board, this Board, has been long been slipping into disrepair. More and more of the power vested in the Board has been, and continues to be, usurped by the bureaucracy, The bureaucracy is increasingly uncheck, if there was once mechanism of accountability that work, they no longer do so. What the State Auditor discovered and unveiled in 1998 about '30 years of mismanagement' is just the tip of the iceberg. Over the years the Board of Land and Natural Resources has become the tail of the dog, rather than the dog it was meant to be. The bureaucracy is now the dog. The Board has no independent staff or research arm. The files, all of the archives of

² See State Auditor's 1998 report documenting 30 years of mismanagement pf Mauna Kea by the Land Board and University of Hawaii. The time has come—and that time is long overdue-- for a similar investigation by the State Auditor to investigate and document years of massive mismanagement of leases and Revocable Permits by the LAND BOARD and DLNR.

information are in the care, custody and control of the bureaucracy which has access to, and control over legal resources vested in the Department of the Attorney General. The Dept of the Attorney-General is weaponized to drown opposing parties in paper generated at taxpayer expense. The Soga case listed above is one such example except that the gamble to silence the Sogas back fired. The case brought in the name of the BLNR was lost on summary judgment. BLNR did not appeal.

The Department of Land and Natural Resources under Suzanne Case and Bob Masuda is a broken system on the loose and the Board is being kept in the dark more and more. There is a tendency for decisions made by the Board to be ignored. There is one case at least, where a decision made by the Board more than ten years ago, remains in the doldrums – with Suzanne Case refusing to instruct her staff to do what the Board ordered and refuses to allow the citizen party with standing access to a formal Board re-hearing. At least one Report which cost tax payers \$200,000 has been buried by Suzanne Case. She steadfastly refuses to place this matter before the Board even for just its information. There are other irregularities waiting to be investigated and exposed. The mismanagement of remaining 999 year leases is yet another case in point. The old, old excuse that “there is not enough staff” has worn thin. One inescapable truth is that existing staff in many cases (maybe far from near all) and undereducated and underinformed. The massive mismanagement laid bare by the 1998 Auditor’s report is still “there”, still relevant—gathering du

The Annie Kamakeeaina story: her role in the attempt to convert the lease to fee simple as the terms of the 999-year lease allowed, and still allows—at fair price – the then language in the law (Public Law 746). Letter to Commissioner of Lands, May 17, 1956.

May 23, 1956: Commissioner of Lands appoints appraisers to set a fair price.

October 3, 1956: Appraisers report back and set a price of \$7,175.

August 13, 1959 Annie writes to Gov. Territory of Hawaii objecting to \$7,175 appraised figure.

October 15, 1959 Annie is informed of new price: \$3,426..

Annie still not satisfied. She raises the very sophisticated question of reversionary interest of what is now the State of Hawaii. Quinn is now the new Governor. Annie says that because of the length of the lease and its original intention, the State has zero reversionary interest.

October 19, 1959: Governor Quinn orders a review of the last appraisal.

October 21, 1959: Eric Reppun, Commissioner of Public Lands, sets a new price of \$3,460, based on the fair price formula. Annie is informed by letter.

A reasonable inference is that Annie begins looking for the money. Her husband, Alale, Lowell's dad, is basically a taro farm on the $\frac{3}{4}$ of an acre. Both he and Annie have part time jobs cutting flowers and tending Mrs. Johnson's gardens in Hakipu'u. Money is hard to come by. 1959 becomes 1960 and 1961 becomes 1961 and 1961 becomes 1962. Annie is still looking for the three thousand dollars and some to buy the land. In 1962 (see the Bay and vanSchaick report cited above, p. 17) the new State of Hawaii, with Governor Burns in office, changes fair price to FAIR MARKET PRICE without apparently informing lessees but with DLNR's full knowledge and, apparently, its cooperation.³

The situation goes into drift. DLNR digs in. Annie retains counsel. She also gets seriously ill but recovers. Counsel has the usual tough time with DLNR. Finally, the matter goes to a meeting of the Land Board on April 24, 1981. The Board decides to sell the $\frac{3}{4}$ acre piece to Annie at fair market price plus a number of other conditions. Annie's attorney drifts out of view. The written records held in the files of DLNR do not tell us much. Annie dies in 1993 pretty much in a sea of her own tears. In 2004 Lowell tries to get a \$10,000 loan for urgent home renovations using the family's growing equity in the property as collateral. DLNR refuses to let him do this. The rest, as the saying goes, is now history: Lowell is now back before the Board. In 1981, Lowell was 28. 2021 is 40 years after 1981. Lowell is now 68.

Lowell's record: He has lived on the property pretty much since the day he was born. Once he started working after graduating from High School he saw to it that all of the property taxes continued to be fully paid on time. He ensured continuing full compliance with all of the terms of the lease as he has done until today. Full compliance. The Department of Planning and Permitting, City and County of Honolulu recognized Lowell for purposes of giving him a permit to build the first house on the property (1976, Living

³ Similar 'under the table' changes to existing law related to leases also occurred in 2003 to §1 of HRS 516 and, more recently, 2020/21, to changes related to Act 15 of 2009. At least one decision made by the Board that I know of that is now close to eleven years old has not be implemented by DLNR staff and the present Chair demies access to the Board and by this means and others, keeps the Board in the dark. The present Director of DLNR is even known to enter into agreements with members of the Legislature and then to dishonor them at its convenience. My conclusion: DLNR is a bad actor, not to be trusted. That earned reputation is particularly relevant to this case.

Area—2.450 sq. feet⁴) as well as the second house (2016, Living Area—4,054 sq. feet⁵). Total property assessed value in 2020 --⁶\$1,775,300.

The Naho’opi’i ‘ohana has gotten to where it is today by dint of hard work, thrift, planning and scrupulous honoring of contracts they enter into: payment of property taxes and the terms and conditions of the 999-year lease.

SUMMARY

This entire testimony, that precedes this Summary, is submitted in the public interest in as much as there are a large number of other leases and lessees “out there” who have a potential interest in this case including the larger context in which leases are embedded. The same holds for the issues canvassed in this Summary.

1. This testimony is submitted for the record. I hereby request that it be incorporated as part of the record for this item on the agenda (D-11), attached to the minutes and made a part thereof.
2. As to petitioner Lowell K. Naho’opi’i’s application that he be designated successor lessee to Homestead Lease No. 52 there appears to be no substantial disagreement on the part of the DLNR (as advanced by Mr. Tellio in the Staff Submittal) and what Lowell wants *de minimis*. The language used by Mr. Tellio is that the Board consent to naming Lowell K. Nahoopii [*sic*] as lessee of record in Homestead Lease No. 52, subject to the proviso that such appointment shall be only for the Board’s internal records which are to be amended to name Lowell K Nahoopii [*sic*] as lessee of record. What these “internal records” are we are not told.
3. I have argued that this recommendation does not go far enough—that in as much as the recommendation says nothing about recordation Mr. Naho’opi’i would be wise to insist on recordation.
4. To the extent that Mr. Tellio does not address the matter of Mr. Naho’opi’i’s right to designate his successors, it would be wise for Mr. Naho’opi’i to insist on having that matter addressed now and settled one way or the other.

⁴ 5 bedrooms, 4 Full baths.

⁵ 5 bedrooms, 6 full baths.

⁶ Source: City and County of Honolulu, Property Tax Department.

5. To the extent that Mr. Tellio's Staff Submittal does not address the very important matter of Mr. Naho'opi'i being able to access some of the very substantial amount of unencumbered equity in this property (no less, so it seems, than an amount of at least \$2 million), it would also be wise for Mr. Naho'opi'i to give serious thought to this matter being addressed as well.- and settled now. **As long as a lessee—any lessee—cannot access unencumbered equity in the property that she or he owns, he or she is sentenced to a place on economic death row.** Put plainly this is just unAmerican.
6. The form in which the Board's decision is finally to be set out is not addressed in Mr. Tellio's Staff Submittal either. It might also be wise for Mr. Naho'opi'i to consider requesting that the Board's entire decision in this case be framed by a Decision and Order (a common form in these proceedings) and that the entire D & O then be the instrument that is submitted for recordation to the Bureau of Conveyances with the consent of the Board which appears to have discretion enough to make such an order.
7. I think it is reasonable and defensible to argue as a matter of common sense that a comprehensive order such as I have outlined in 6 above contributes to solving Mr. Naho'opi'i's long standing problems of not being able to represent himself before the Property Tax Division of the City and County of Honolulu regarding tax assessments, exemptions and, perhaps, other such matters.
8. Keep in mind Mr. Tellio's No. 2 recommendation: "review and approval by the Department of the Attorney General." So if the Department of the Attorney General withholds its approval, what then? The matter gets kicked back to the Board and Mr. Naho'opi'i has to find more money for legal fees at \$7 a minute, \$400 an hour? The common sense way to solve this problem is to have a representative from the Department of the Attorney General sit in on the meeting of the Board and do his or her "reviewing and approving" on the spot in real time. Common sense again. This has, by the way, been the Board's practice in the past.
9. It occurs to me, also as a matter of common sense, that for Lowell Naho'opi'i to get the justice to which he is entitled, that he and his successors can only get their due if the Board follows its own Administrative Rules (§13-1-1, HRS) which say it must. The key words are: **"just, speedy and cost effective determination of every proceeding** **"[Emphasis added].** My comment: 70 years is not speedy. \$30,000 in legal fees with billable hours machines still ticking, is not cost effective. And no rules, hand rails or enforceable timelines for decisions to be made is, I submit with great respect, a remarkable absence of justice. The Board has

plenty of carefully calibrated discretion well within range of its grasp to change course from the past. “Oh, but this is the way that we have always done it,” is the cheapest of cheap excuses. It was partly this excuse that allowed slavery to go on for so long. It was partly the excuse why people of color had to sit at the back of the bus. It was partly the excuse why white people and people of color were not allowed to use the same public and other restrooms. It was part of the so called “reason” that propped up Apartheid for so long. I could go on.

For Lowell Naho’opi’i to be appointed lessee of record only for the Board’s internal purposes without any duly promulgated rules to follow is unworthy of our State government at this time in history. Unworthy... and disgraceful. Without rules, Lowell Naho’opi’i and his entire ‘ohana are held hostage by Suzanne Case, the bureaucrats in her Department and this Board. Movement comes to a stop, a full stop. To get the canoe moving again the Naho’opi’i ‘ohana has to find more money to shovel towards their lawyer. Common sense again.

This, members of the Board, is the time to do something very, very simple: **to do the right thing, to make a long, long festering injustice, pono.** **Pono is a matter of the heart talking with, and to, the brain.** The unceremonious use of the gavel to shut citizen petitioners up after three minutes or have them arrested by the settler colonists’ forces of law and order are all not **pono**. Arresting *kupuna* who exercise their constitutional right to assemble and protest peacefully is not **pono**. There is a lot that is not **pono** about how this Board and especially its Chair does business, public business—both in public and behind closed doors. This is that “larger context” in which this 70 year old case has been locked in place.

To Suzanne Case, Chair of the Board and Head of the **Department** of Land and Natural Resources, I say this: It is time to change course. I offered my hand in friendship and a spirit of cooperation in the first month of your first term, in your office in the Kalanimoku Building. You made commitments that you never kept. Four years later when you were up before the Senate Committee considering you for a second term I spoke strongly against your re-appointment. My wife, Grace, now 70, a Samoan woman of distinguished lineage, also spoken against your reappointment in Samoan. You made promises to the Chair of the Senate Committee which you never kept. I have waited in silence since that first and only one on one meeting we had in your office in the first month of your first term to give you enough rope to hang

yourself. We can still step back from what is now the brink. You can change course by helping do the right thing in this case. It would be a good signal: the beginning of a new beginning. I cannot do it alone. The sound of one hand clapping is just that: the sound of one hand clapping. You should know that – as the daughter of a distinguished member of the local legal fraternity and as a product of Stanford where I now have a grandson.

To round my testimony off in this very important human case, languishing for 70 years waiting for justice to be done, may I remind all of you (members of the Board), and all of us out there watching or listening in:

- That Bill Wynhoff’s western tradition is not the only tradition in the world—or, just as certainly— not the only tradition in this State
- That justice delayed, is always justice denied
- That when decisions of this Board are made and its bureaucratic arm under the control of its Chair ignores and refuses to implement them, that is also justice denied
- That when ordinary citizens’ access to this Board is blocked by its Chair (as happened in the Soga case) and in at least one other case that I know of, that these are examples of justice denied
- That when the Chair of this Board keeps the rest of the Board in the dark on any issue, that undermines citizen confidence and trust in government and gives it a bad name
- That justice is everybody’s business; that as the ILWU said in 1946: an injury to one, is an injury to all—that is still true today and will always be true.

I make this plea to you, Chair case and all of your colleagues who make up this Board to honor the memory of Lowell’s parents, Annie and Alale. They are long gone but they still hurt. They will continue to hurt as long as all those they have left behind still hurt . This is unfinished business that cries out ro be made pono and it cannot be made pono until it is addressed comprehensively within its larger context, put together in a Decision and Order and recorded in the archives of the Bureau of Conveyances. Just because no 999 year lease has even been recorded by the Bureau of Conveyances before is no excuse not to break new ground now.

As for me, my motivation in putting hundred of hours into this case, that, for me is simple: it is driven by one thing: I have eaten out of the poi bowl of the first people of Hawai’i. I have not forgotten my one obligation: to put something, however small, back into the poi bowl from which I have eaten. Simple. Just the right thing.

I invite relevant questions from the Board.

And, of course, I thank the Board in advance for reviewing this testimony submitted in the public interest.

Mahalo.

Jim Anthony, PhD
P.O. Box 1381, Kane'ohe, HAWAII 96744
drjimanthony77@gmail.com
808-237-1417; 808-358-4093

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Honolulu, HI 96813
Tel No. (808) 457-1320

Attorneys for Petitioner
LOWELL K. NAHOPII

BEFORE THE BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

Re:

HOMESTEAD LEASE NO. 52

**TESTIMONY ON BEHALF OF
PETITIONER**

**BOARD HEARING:
October 8, 9:00am
Agenda Item D.11**

TESTIMONY ON BEHALF OF PETITIONER

Lowell and Antonette Nahoopii much preferred an in-person hearing, which is best suited for finding common ground in a way that is pono. However, when the Covid Delta variant surge resulted in extensions of the emergency orders with no definite end in sight, they made the difficult choice to proceed by remote ZOOM hearing.

The Nahoopiis also appreciate Andrew Tello's recommendation to the Board. He was very professional in his work and showed sincere, warm interest in the Nahoopii's Petition.

In addition to the Petition and its 20 Exhibits and the Memorandum In Support delivered to Russell Tsuji on December 28, 2020, mahalo for also considering the following facts and analysis:

Antonette arranged for a copy of the complete DLNR file on Homestead Lease No. 52 pre-covid. The following are all found in the records in the file.

Homestead Lease No. 52 was issued in 1947 with a Lease commencement date of April 17, 1930, even though Hilda had died in 1926 and her estate had not been probated. The Territory's Commissioner of Public Lands relied on "Prove Up Statements" by Hilda's husband (widower) Edward K. Nihipali, a George M. Kanakanui and a Subagent of the Commissioner. Mr. Nihipali continued to reside on the subject land until his death on August 22, 1949. According to the foregoing Prove Up Statements and other sworn statements by Annie M. K. Kamakeeaina starting in 1956, when Annie first applied to buy the land covered by the Lease, Annie and Herbert H. Nihipali were the only heirs of Hilda that survived Edward.

By letter dated October 21, 1959 the Commissioner of Public Lands acknowledged Annie and Herbert as the only heirs. He also wrote that since Herbert "is not interested in this property," Annie should "secure from him, a waiver of his interest." Other documents in DLNR's file reconfirm the Commissioner's findings that Annie and Herbert were the heirs. In fact, by letter dated December 11, 1975, the Board wrote to the City and County's Department of Land Utilization and stated the land is "held by Mrs. Annie Kamakeeaina under a 999-year State Homestead Lease No. 52 commencing April 17, 1930."

By letter dated September 18, 1980, DLNR Land Management Administrator James J. Detor acknowledged Annie's renewed interest in purchasing the property. The letter also mentioned that Petitioner Lowell, one of Annie's sons, was communicating with Mr. Detor or his

staff. In April 1981, Lowell filed Annie's Power of Attorney to him with the DLNR.

In October or November 1980, Annie filed her sworn affidavit with the DLNR as to the deaths of Hilda and Edward and that she and Herbert were their only heirs. Along with it Annie provided Herbert's notarized Disclaimer of Right, Title And Interest in the Lease and that of his "heirs, devisees and/or assigns." Petitioner Lowell has provided the sworn Affidavit of one of Herbert's daughters, Pearl Pruett, who knew about her father's disclaimer when she was 34 years old. Ms. Pruett's Affidavit swears to Annie and Herbert being the heirs and that Herbert's Disclaimer as valid. Annie's affidavit and Herbert's Disclaimer of Right, Title and Interest are attached hereto as Exhibit 1.

All the foregoing was handled without need for probate proceedings. After all it wasn't affecting the State's title to the land. The DLNR, as Lessor, was simply deciding who its Lessee was.

But then by letters dated March 19, 1981 and April 8, 1981, Mr. Detor advised Annie's attorneys that the Land Division has changed from its reliance on genealogies for other homestead leases to requiring determination of heirs "through the courts before we conclude any sale of such areas." Even though the Nahoopii's current Petition is not about purchasing the land, sometime thereafter the DLNR has apparently required probate court proceedings to determine who successor Lessees are. In response, Nahoopii's attorney makes the following points:

- (i) Haw.Rev.Stat. 171-97 through 100 have never authorized or required the Board to require family members to go to the courts for determination of heirs or other probate orders; (ii) prior to 1981, the Board relied on family genealogies and didn't require family members to go to the courts when the lessee was applying to purchase the land; (iii) this Petition is not an attempt to purchase the land; (iv) the

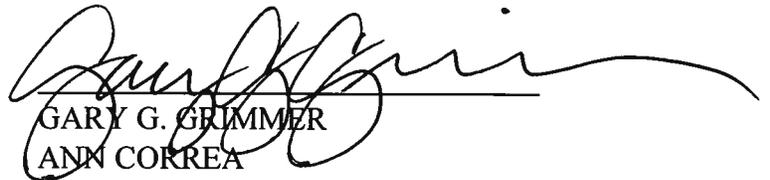
Board should follow the spirit of Act 166 set forth in the legislature's stated purpose: ". . .make the lease more freely available to members of the lessee's family;" (v) there is no risk to the State of a challenge by another family member. Such a challenge will not affect the State's title in the land; if the challenger can prove a lessee interest, the Board can issue an order that he/she is a co-lessee; (vi) Haw.Rev.Stat. 171-99(f) provides that "co-tenants" lessees can use the "office of land agent" to process a buy-out among "co-tenants" lessees; (vii) when a family member has clear and convincing evidence of his inheritance and years of records in DLNR's own file plus other proof provided with his Petition, the Board should do what Landlords do all the time, agree to the transfer to a successor lessee; (viii) the Board should allow its Order herein to be recorded at the Bureau of Conveyances so that applicant Lowell can apply for and receive the real property tax homeowners exemption discount from the City and County of Honolulu and obtain a mortgage loan against it.

The City and County real property tax code requires that a homeowner' lease be recorded to be eligible for the homeowner exemption. *ROH Sec. 8-10.4 and .5(a)(2)*. In 2001 the Nahoopiis paid \$1460.37 in real property taxes. In 2021 the taxes had increased to \$12,350.85. They would like relief from this expense through the homeowner exemption. The 2021 tax assessed value is \$1,747,700.00. Thus, the value is at current market levels but the Lessees won't be able to borrow against that value if the Lease is not recorded. The City and County digital record of real property tax assessments is attached hereto as Exhibit 21.

For the reasons set forth in the Petition and Memorandum in Support and above, we respectfully request that paragraph 1 of the Recommendation be revised to read,

“At a minimum this action is for the Board’s own internal records to recognize Lowell K. Nahoopii as lessee of record. The Board has no jurisdiction to quiet title to HL 52 and does not fully determine the property rights of any person. On the other hand, no law requires the Board to quiet title to any HL nor prohibits it from deciding successor lessees without Court involvement like it used to do even on purchases. Thus, the Board can authorize HL no. 52 and its Order herein to be recorded at the Bureau of Conveyances. Even if recorded, Lessee has to get Board approval for future assignments and to place a mortgage on the Lease.”

DATED: Honolulu, Hawai‘i, October 5, 2021.



GARY G. GRIMMER
ANN CORREA

Attorneys for Petitioner

Parcel Information

Parcel Number 540070280000
Location Address 54-56 KUKUNA RD
Project Name
Legal Information
Property Class RESIDENTIAL
Land Area (approximate sq ft) 33,106
Land Area (acres) 0.7600

[Plat Map PDF](#) [GIS Parcel Map](#)

Email us at bfsrmailbox@honolulu.gov regarding Supplemental Plat Map PDFs.

Owner Information

Owner Names
 STATE OF HAWAII Fee Owner
 NIHIPALI, EDWARD K EST Lessee
 Show All Owners and Addresses

Assessment Information

Hide Historical Assessments

Assessment Year	Property Class	Assessed Land Value	Dedicated Use Value	Land Exemption	Net Taxable Land Value	Assessed Building Value	Building Exemption	Net Taxable Building Value	Total Property Assessed Value	Total Property Exemption	Total Net Taxable Value
2021	RESIDENTIAL A	\$597,500	\$0	\$0	\$597,500	\$1,150,200	\$0	\$1,150,200	\$1,747,700	\$0	\$1,747,700
2020	RESIDENTIAL A	\$597,500	\$0	\$0	\$597,500	\$1,157,800	\$0	\$1,157,800	\$1,755,300	\$0	\$1,755,300
2019	RESIDENTIAL A	\$597,500	\$0	\$0	\$597,500	\$1,130,700	\$0	\$1,130,700	\$1,728,200	\$0	\$1,728,200
2018	RESIDENTIAL A	\$527,200	\$0	\$0	\$527,200	\$1,132,100	\$0	\$1,132,100	\$1,659,300	\$0	\$1,659,300
2017	RESIDENTIAL A	\$492,100	\$0	\$0	\$492,100	\$844,800	\$0	\$844,800	\$1,336,900	\$0	\$1,336,900
2016	RESIDENTIAL	\$464,000	\$0	\$0	\$464,000	\$384,500	\$0	\$384,500	\$848,500	\$0	\$848,500
2015	RESIDENTIAL	\$449,900	\$0	\$0	\$449,900	\$345,100	\$0	\$345,100	\$795,000	\$0	\$795,000
2014	RESIDENTIAL	\$379,600	\$0	\$0	\$379,600	\$430,200	\$0	\$430,200	\$809,800	\$0	\$809,800
2013	RESIDENTIAL	\$309,300	\$0	\$0	\$309,300	\$300,700	\$0	\$300,700	\$610,000	\$0	\$610,000
2012	RESIDENTIAL	\$337,400	\$0	\$0	\$337,400	\$309,000	\$0	\$309,000	\$646,400	\$0	\$646,400
2011	RESIDENTIAL	\$393,700	\$0	\$0	\$393,700	\$300,200	\$0	\$300,200	\$693,900	\$0	\$693,900
2010	NON-HOMEOWNER	\$478,000	\$0	\$0	\$478,000	\$165,800	\$0	\$165,800	\$643,800	\$0	\$643,800
2009	RESIDENTIAL	\$506,100	\$0	\$0	\$506,100	\$332,500	\$0	\$332,500	\$838,600	\$0	\$838,600
2008	RESIDENTIAL	\$520,200	\$0	\$0	\$520,200	\$312,300	\$0	\$312,300	\$832,500	\$0	\$832,500
2007	IMPROVED RESIDENTIAL	\$562,400	\$0	\$0	\$562,400	\$296,400	\$0	\$296,400	\$858,800	\$0	\$858,800
2006	IMPROVED RESIDENTIAL	\$649,400	\$0	\$0	\$649,400	\$275,900	\$0	\$275,900	\$925,300	\$0	\$925,300
2005	IMPROVED RESIDENTIAL	\$328,000	\$0	\$0	\$328,000	\$285,200	\$0	\$285,200	\$613,200	\$0	\$613,200
2004	IMPROVED RESIDENTIAL	\$187,500	\$0	\$0	\$187,500	\$239,200	\$0	\$239,200	\$426,700	\$0	\$426,700
2003	IMPROVED RESIDENTIAL	\$187,500	\$0	\$0	\$187,500	\$227,700	\$0	\$227,700	\$415,200	\$0	\$415,200
2002	IMPROVED RESIDENTIAL	\$288,600	\$0	\$0	\$288,600	\$138,800	\$0	\$138,800	\$427,400	\$0	\$427,400
2001	IMPROVED RESIDENTIAL	\$264,600	\$0	\$0	\$264,600	\$135,500	\$0	\$135,500	\$400,100	\$0	\$400,100

[How to calculate real property taxes](#)

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
RESIDENTIAL	33,106	0.76	

[Department of Planning and Permitting \(DPP\)](#)

Residential Improvement Information

Building Number 1
Occupancy SINGLE-FAMILY
Framing DOUBLE WALL
Year Built 1976
Eff Year Built

Living Area 2,450
Bedrooms 5
Full Bath 4
Half Bath 0

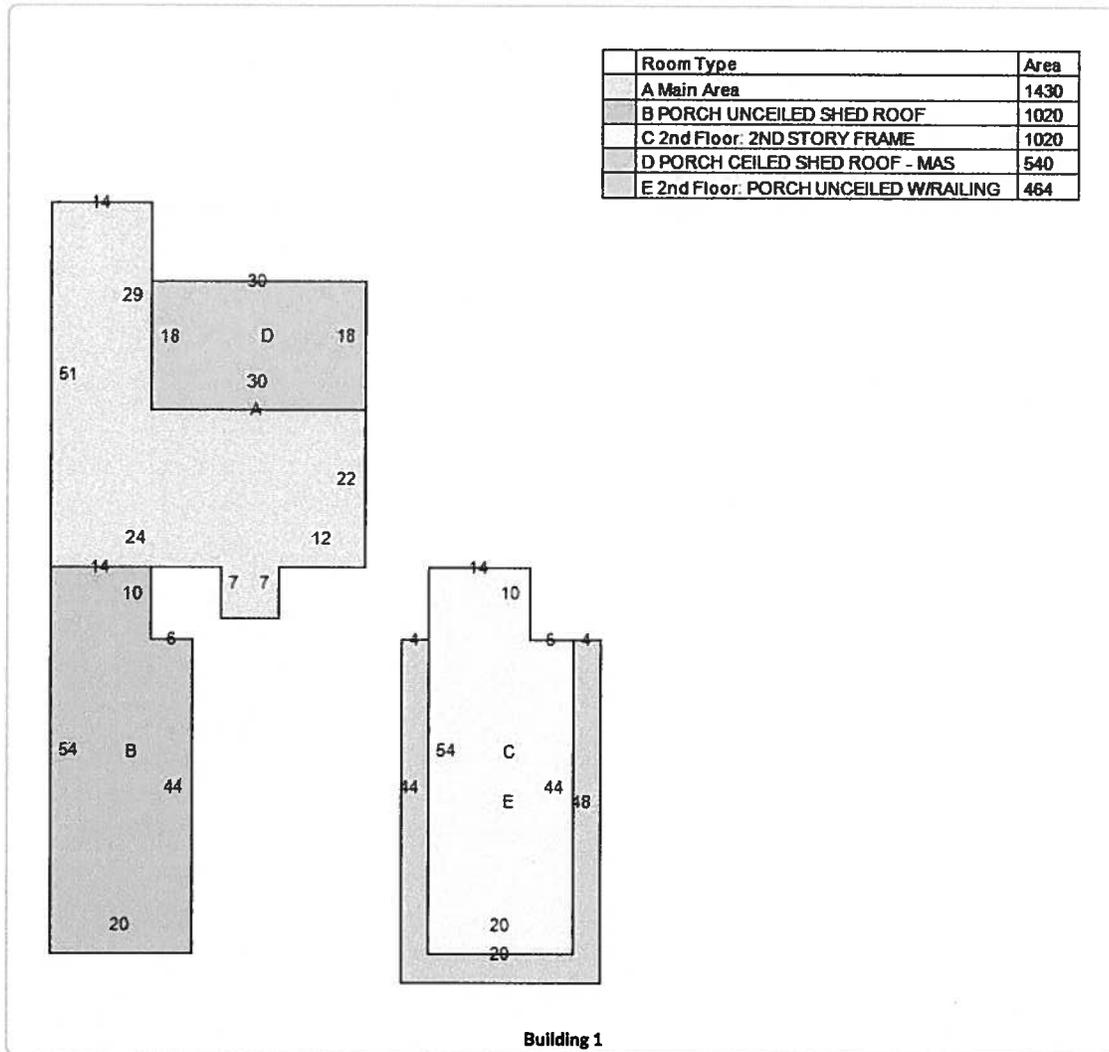
Building Number 2
Occupancy SINGLE-FAMILY
Framing DOUBLE WALL
Year Built 2016
Eff Year Built

Living Area 4,054
Bedrooms 5
Full Bath 6
Half Bath 0

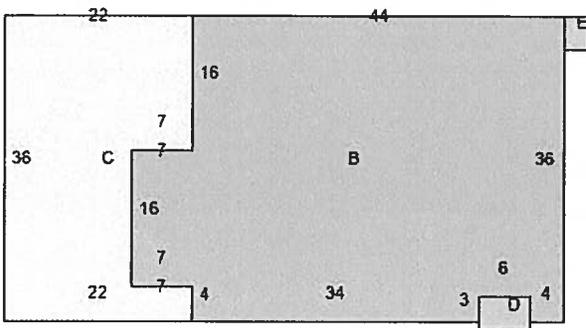
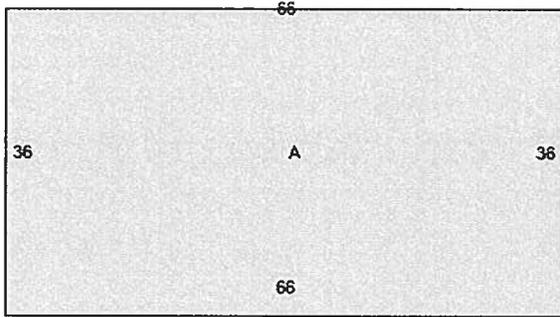
Residential Additions

Card	Line	Lower	First	Second	Third	Area
1	0					1,430
1	1		PORCH CEILED SHED ROOF - MAS			540
1	2		PORCH UNCEILED SHED ROOF			1,020
1	3			2ND STORY FRAME		1,020
1	4			PORCH UNCEILED W/RAILING		464
2	0					1,678
2	1		PORCH CEILED SHED ROOF - MAS			24
2	2		PORCH UNCEILED SHED ROOF			680
2	3		CONCRETE SLAB			12
2	4			2ND STORY FRAME		2,376

Sketches



Room Type	Area
A 2nd Floor. 2ND STORY FRAME	2376
B Main Area	1678
C PORCH UNCEILED SHED ROOF	680
D PORCH CEILED SHED ROOF - MAS	24
E CONCRETE SLAB	12



Building 2

Click on sketch to enlarge

Permit Information

Date	Permit Number	Reason	Permit Amount
4/10/2020	847493	ELECTRICAL	\$41,000
6/18/2019	834018	ELECTRICAL	\$26,334
11/30/2015	778087	NEW BUILDING	\$600,000
7/30/2015	770723	DEMOLITION	\$5,000
3/30/1998	415492	ADDITION	\$32,000
12/31/1997	412165	ADDITION	\$128,000

Department of Planning and Permitting (DPP)

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date of Recording	Land Court Document Number	Cert #	Book/Page
09/30/2007			FEE CONVEYANCE	Route Slip				

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2021-2	Property Tax	02/22/2022	\$6,175.42	\$0.00	\$6,175.42	\$0.00	\$0.00	\$0.00	\$6,175.42
			\$6,175.42	\$0.00	\$6,175.42	\$0.00	\$0.00	\$0.00	\$6,175.42

Tax Bill with Penalty and Interest computed through 10/31/2021

[Treasury Division](#)
 Pay online at www.hnlpay.com
 Other Payment Options [Click Here](#)

Please call Treasury Division at (808)768-3980 if you have questions on your balance.

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
⊕ 2021	\$12,350.85	(\$6,175.43)	\$0.00	\$0.00	\$0.00	\$6,175.42
⊕ 2020	\$12,430.65	(\$12,430.65)	(\$328.90)	(\$141.53)	\$0.00	\$0.00
⊕ 2019	\$12,146.10	(\$12,146.10)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2018	\$10,433.70	(\$10,433.70)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2017	\$7,532.10	(\$7,532.10)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2016	\$2,969.75	(\$2,969.75)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2015	\$2,782.50	(\$2,782.50)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2014	\$2,834.30	(\$2,834.30)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2013	\$2,135.00	(\$2,135.00)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2012	\$2,262.40	(\$2,262.40)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2011	\$2,428.65	(\$2,428.65)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2010	\$2,304.80	(\$2,304.80)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2009	\$2,868.01	(\$2,868.01)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2008	\$2,738.93	(\$2,738.93)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2007	\$2,825.46	(\$2,825.46)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2006	\$3,321.83	(\$3,321.83)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2005	\$2,299.50	(\$2,299.50)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2004	\$1,600.13	(\$1,600.13)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2003	\$1,557.01	(\$1,557.01)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2002	\$1,560.01	(\$1,560.01)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2001	\$1,460.37	(\$1,460.37)	\$0.00	\$0.00	\$0.00	\$0.00

[Treasury Division](#)
[How to calculate real property taxes](#)

Email us at bfstre@mailbox@honolulu.gov regarding historical tax data questions.

Map



No data available for the following modules: Condominium/Apartment Unit Information, Appeal Information, Agricultural Assessment Information, Commercial Improvement Information, Other Building and Yard Improvements.

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From: [Jessica Keawe-Reuter](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] October 8, 2021 Agenda for Land Division no.52
Date: Wednesday, October 6, 2021 6:41:34 PM

I Jessica Keawe-Reuter submit this testimonial to the BLNR Board Meeting for October 8, 2021 pertaining to Land Division agenda 11
I submit my testimony for Lowell Naho'opi'I to be named lessee on record homestead lease no.52: Hauula, Koolauloa, Island of Oahu, Tax Map Key (1) 5-4-007:028

Sincerely and Aloha,
Jessica Keawe-Reuter

Sent from [Mail](#) for Windows

From: [Zelda Keller](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: Naho'opi'i case, agenda item # D-11
Date: Wednesday, October 6, 2021 9:43:46 AM

To Whom It May Concern:

I am writing this e-mail in support of the Naho'opi'i 'ohana, and with high hopes that you will do the right thing for this family's land case. To ensure that the property remains in their family, the Naho'opi'i family must be able to designate a successor lessee and appoint more successor lessees in the future. I strongly urge the Board to exercise its most careful consideration for the Naho'opi'i's, and for those who build their own homes on lease land (999-year leases, in this circumstance). Please use your board position to help this great family.

Thank you,
Zelda

--

Zelda Keller
(603) 707-7167

From: [Jessica Keawe-Reuter](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] October 8, 2021 Pertaining to Land division agenda No. 11
Date: Wednesday, October 6, 2021 7:19:34 PM

I Saipele Keawe Manutai would like to submit this testimony on behalf of my uncle Lowell Naho'opi'i to be named Lessee of record homestead lease NO52:Hauula,koolauloa island of Oahu tax map key(1)5-4-007;028. Thank you.

Saipele Keawe Manutai

Sent from [Mail](#) for Windows

From: [Dasia Nahoopii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Lowell Nahoopii Sr. 10/08/2021 D11
Date: Thursday, October 7, 2021 8:19:09 AM

Aloha, my name is Dasia Nahoopii and I am the granddaughter of Lowell and Antonette Nahoopii. I consent to name my papa as lessee of record on our homestead lease. Our lives lie within our property, and my family has worked very hard in building everything we have. I couldn't recount all that my grandparents have done for me and anyone who has ever needed them, they are the most reliable and whole hearted individuals.

From: [Lil Diamond](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re:Lowell K Nahoopii D.11 Homestead lease No.52
Date: Wednesday, October 6, 2021 8:14:44 AM

Aloha, my name is Lill Kim Nahoopii. I am Lowell K Nahoopii, Ex-Daughter In-law. I would like to share with you a little bit about Lowell and Antonette. During the 27 years that I have known them. Lowell and Antonette have taken in and cared for many of his siblings and other family members, three of his older brothers and their spouses during sickness and death. They have also helped nieces, nephews and many others that needed help, from a place to stay to helping them with monetary needs, my kids and I included... many times over, even though I have been divorced from their son for more than 11yrs. In my observation they are the anchor to the families.

Thank you for your time,

Lill M Kim Nahoopii.

Sent from my iPhone

From: [Katey Peck](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: Naho'opi'i case, agenda item # D-11
Date: Wednesday, October 6, 2021 1:13:17 PM

Aloha kākou,

I hope this message finds you healthy and well. I am reaching out to voice my support for the Naho'opi'i 'ohana.

Hard working people like the Naho'opi'i 'ohana who build their own homes on lease land must be protected and supported. Their requests are simple: to be able to name a successor lessee, for the successor lessee to be able to name other successor lessees in the future, and to have easy rules to follow to ensure this property can stay in their family for generations to come.

I urge the Board to assert its discretionary authority, and I trust that you will do what is pono for the Naho'opi'i 'ohana.

Me ke aloha,
Katey Peck

From: [Jessica Keawe-Reuter](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] October 8, 2021 Board meeting
Date: Wednesday, October 6, 2021 7:00:56 PM

For the BLNR Board Meeting for October 8, 2021 Meeting Pertaining to Land Division Agenda 11

I Dennis Reuter Submits this testimony on behalf of Lowell K. Naho'opi'I To be named Lessee of Record Homestead Lease No. 52: Hauula, Koolauloa, Island of Oahu
Tax Map Key (1) 5-4-007:028.

Thank you,
Dennis Reuter

Sent from [Mail](#) for Windows