

From: [Robin Danner](mailto:Robin.Danner@schha.org)
To: info@hawaiianhomesteads.org
Subject: Fwd: URGENT!!! SEND YOUR TESTIMONY TO ALL SENATORS: sens@capitol.hawaii.gov - PLEASE SHARE THIS EMAIL!!!!
Date: Sunday, May 17, 2020 9:58:40 AM
Attachments: [GM 621 Keaukaha Pana"ewa Farmers Assn. Testimony.pdf](#)
[ATT00001.htm](#)

SCHHA stands with our East Hawaii homestead leaders. It's exhausting to have unqualified political appointees on the Hawaiian Homes Commission. I'm sure Mr. Kaleikini is a good person, qualified in many things, but standing in the gap to protect HHCA beneficiaries is not one of them. Zero knowledge, experience in the HHCA, and sadly, over the many months that he has been an interim, didn't bother to reach out to East Hawaii homestead beneficiaries. Why? That in and of itself is reason for the senate to exercise its responsibility.

It's also exhausting that the senate continues to go along to get along - the constitution doesn't give the governor sole power to appoint! Every director in state government was placed there, by the senate. Period. Please senators, have a simple, relevant standard. Does this nominee have an expertise in the HHCA? Yes or no?

We must have people that know the HHCA, that have lived the HHCA, that meet with homestead leaders regularly, like Commissioner Helm from Molokai, like Commissioner Awo from Maui. We must have "what you know" NOT "who you know". Policy over politics is our standard. There are literally thousands of HHCA beneficiaries that are amazingly qualified to fill seats on the commission.

God bless Mr. Kaleikini, however SCHHA stands with the wisdom of East Hawaii. They deserve an expert on the HHCA, and there are so many HHCA beneficiaries in East Hawaii that are. We can do better.

Robin Puanani Danner
SCHHA Chairman

Begin forwarded message:



Pa`upena Community Development Inc.

P.O. Box 403, Kula, Maui, Hawai`i 96790

Telephone/Text: (808) 276-2713

Email: paupena.kekoa@gmail.com

May 18, 2020

An open letter to members of the Hawai`i state Senate:

In this week's Senate confirmation hearings involving the Hawaiian Homes Commission, please consider carefully gubernatorial nominee Michael Kaleikini's qualifications, experience and native Hawaiian community support to become a commissioner serving the 1920 Hawaiian Homes Commission Act (HHCA) federal trust.

I am Kekoa Enomoto, a lead plaintiff in the 1971 landmark litigation against the Hawai`i Supreme Court in the matter of how Bishop Estate trustees were selected, per website <https://law.justia.com/cases/hawaii/supreme-court/1973/5215-2.html>. The outcomes of that lawsuit a half-century ago are that the Native Hawaiian community now has input in the Bishop Estate trustee-selection process; that most trustees are Native Hawaiians (in contrast to the prior 84 years of the trust), and that selections are based on qualifications and not on the appointments being political plums, as allegedly in former times.

Likewise, the priorities of the statewide Sovereign Council of Hawaiian Homestead Associations (SCHHA) are for most members of the Hawaiian Homes Commission (HHC) to be native Hawaiian homeland beneficiaries (in contrast to the prior 67 years of the commission); for the native Hawaiian community to have input in the commissioner-selection process, and for the selections to be based on qualifications and experience.

As SCHHA Chairwoman Robin Puanani Danner wrote when detailing those priorities in a 2017 memo: "HHCA Beneficiary Majority. To require that five of the nine Commissioners appointed to serve, must be HHCA Beneficiaries. We have an incredible pool of highly successful, knowledgeable HHCA beneficiaries, in careers across the board, from judges to doctors, to politicians. We are missing the benefit of these individuals. . . ."

"3. HHC Selection Commission. And finally, perhaps most important of all – this legislation should be revised to establish a selection commission like the Judiciary Selection Commission, that receives applications to serve on the Commission [and] goes through an interview and vetting process, and three names for every commission seat open are sent by the Selection Commission to the Governor to choose from that list."

Qualifications and experience for the position of commissioner may include being well versed in the Hawaiian Homes Commission Act, and being aware of commissioners' fiduciary responsibility to

uphold Hawai`i Administrative Rules Title 10 Section 2-19 (1) for themselves "to act exclusively in the

Pa`upena Community Development's vision is to fulfill Prince Kuhio's century-old dream for native Hawaiians to reconnect with Waiohuli ahupua`a in thriving agricultural and pastoral communities, and to share this paradigm throughout the pae`aina.



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interest of beneficiaries.”

Homestead leader Maile Lu`uwai apparently questions the prospect of Michael Kaleikini to consider the wishes and exclusive interest of the estimated 37,700 homeland beneficiaries. A lawyer, Ms. Lu`uwai serves as president of the Keaukaha Pana`ewa Farmers Association in Hilo and coordinates the multimillion-dollar grants program for the state Office of Hawaiian Affairs.

In a May 17, 2020, email to fellow leaders, Ms. Lu`uwai wrote, “I met with Senator [Les] Ihara and East Hawai`i Hawaiian Homes Commission (HHC) Nominee Michael Kaleikini yesterday. I asked Michael Kaleikini, ‘Knowing that you do not have the support of the majority of East Hawai`i associations and DHHL [Department of Hawaiian Home Lands] beneficiaries, would you be willing to decline the nomination and then support the candidate that has been selected by the community to serve as the East Hawai`i Hawaiian Homes Commissioner?’ I asked this question three times. Michael Kaleikini stated that he will wait for the Senate to confirm him.

“I am disheartened and thought that he would hear our appeal and agree that someone who truly understands the needs of beneficiaries and the DHHL trust should serve in the East Hawai`i Hawaiian Homes Commission seat,” she said.

Currently Michael Kaleikini is senior director of Hawaii affairs for Puna Geothermal Venture and has 34 years’ experience in the power-generation field. But does he know and understand the Hawaiian Homes Commission Act? Does he have the support of the native Hawaiian community? Will he as a commissioner seek to know the interests of beneficiaries; then act exclusively to represent those interests?

The kuleana is yours, Senators, to vet Mr. Kaleikini, and to consider his qualifications, experience and native Hawaiian community support to serve as a commissioner fulfilling the mission of the century-old Hawaiian Homes Commission Act federal trust.

Sincerely,

Kekoa Enomoto

Chairwoman of the board, Pa`upena Community Development Corporation;
2019-23 president, Maui/Lana`i Mokupuni Council,
a consortium of 17 homestead entities.

Pa`upena Community Development’s vision is to fulfill Prince Kuhio’s century-old dream for native Hawaiians to reconnect with Waiohuli ahupua`a in thriving agricultural and pastoral communities, and to share this paradigm throughout the pae`aina.

From: [lizmasaoka](#)
To: [All Senators](#)
Subject: Opposition on confirmation
Date: Sunday, May 17, 2020 10:04:50 AM

Aloha to the entire Senate,

I am a DHHL homesteader in Panaewa. I was raised on DHHL residential in Keaukaha. My parents, Genesis and Elizabeth Lee Loy were a strong voice of integrity for our people, and it continues to live thru their children and others like them.

Today, my voice needs to heard!

I strongly oppose Mr. Michael Keleikini's confirmation to the DHHL East Hawaii Comissioner seat.

We have a nominee that our Associations in East Hawaii support, and is not even being considered.

What I am understanding as I read, and becoming more informed, Michael Keleikini is not the right fit for the East Hawaii seat.

The voices of the East Hawaii Beneficiaries of DHHL are speaking! These are the voices that need to he considered above any other group of people on this decision making.

Listen!

Make the right decision and do not confirm his nomination.

Standing up for my generation, and the generations to come.

Mrs. Elizabethanne Masaoka
KEAUKAHA PANAEWA FARMER'S ASSOCIATION "Secretary"

KEAUKAHA PANAEWA FARMER'S ASSOCIATION NEIGHBORHOOD WATCH
" Director "

Sent via the Samsung Galaxy A10e, an AT&T 4G LTE smartphone

Kūpuna for the Mo'opuna
committed to the well-being of Hawai'i for the next generations to come
kupuna4moopuna@gmail.com

Senate Committee on Hawaiian Affairs
Senator Maile Shimabukuro, Chair
Senator Kaiali'i Kahele, Vice Chair

Date: Tuesday, June 30, 2020
Time: 12:30pm
Place: Room 016

GM621 - Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, Michael Kaleikini - **STRONG OPPOSITION**

STOP LEGAL THIEVERY!



We, Kūpuna for the Mo'opuna, a concerned group of kūpuna Hawaiian Homes Commission Act (HHCA) beneficiaries from Pana'ewa, East Hawai'i, submit this testimony in **STRONG OPPOSITION TO GM621. We firmly oppose Michael Kaleikini as our East Hawai'i Commissioner.**

The HHCA beneficiaries of East Hawai'i must be consulted on the critical decision of who will represent us as East Hawai'i commissioner. To deny us this right is a breach of the HHCA. East Hawai'i beneficiaries have said NO to Michael Kaleikini, yet, here he turns up again, like a bad keneka.

The HHCA beneficiaries of East Hawai'i will not allow the governor and the legislature to deny us our rights "under the covid of darkness."

We urge that this Committee and the Senate **DECLINE CONSENT TO GM621.**

GM-621

Submitted on: 6/28/2020 8:46:11 PM

Testimony for HWN on 6/30/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kihei A. Ahuna	Testifying for Keaukaha Panaewa Farmers Association	Oppose	No

Comments:

PUBLIC TESTIMONY COMMITTEE ON HAWAIIAN AFFAIRS

RE: GM 621 Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, MICHAEL KALEIKINI

To Whom It May Concern,

My name is Lucianne Pukahi-Viernes and please be advised that this is my testimony in opposition to the confirmation of Michael Kaleikini to represent East Hawai'i on the Hawaiian Homes Commission.

I am currently a lessee in Panaewa, and it is my belief that Michael Kaleikini is not the best candidate for the position. As a board member of the Keaukaha Pana'ewa Farmers Association, I witnessed Michael Kaleikini disregard the members of KPFA when questioned last year of his support regarding the Rocket Launchpad, which was to be built less than 4 miles from the nearest Panaewa farm lot.

The Hawaiian Homes Commission (HHC) needs an East Hawai'i Commissioner who truly understands that the HHC has a fiduciary duty to the DHHL trust and its beneficiaries; not the Governor, the DHHL Administration or Hawai'i Island and state businesses, entities and politicians pushing for projects that are detrimental to the DHHL trust and the long term interests of DHHL beneficiaries.

If you can find the fortitude, we ask that you deny Mr. Kaleikini's nomination and send a message to Governor Ige and his administration that they should, at minimum, consult with East Hawai'i DHHL beneficiaries prior to making HHC appointments.

Thank you for your attention in this matter,

Lucianne Pukahi-Viernes

**Senate Committee on Hawaiian Affairs
Testimony in Opposition to GM621**

Aloha Honorable Senate Members,

I am addressing the nomination before you, *that of Mr. Michael Kaleikini*, of which I believe may have qualifications specific to the work he is tasked; however, does not have the requisite qualifications and background to serve in the privileged capacity as “East Hawai‘i Hawaiian Homes Commissioner”.

Therefore, it is of utmost concern to me and that of my future successor-beneficiaries of the Hawaiian Homes Trust Lands Act; I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) and am a multi-generation homesteader lessee -- my name is *La Verne Lucero*.

I hereby humbly and respectfully OBJECT AND OPPOSE GM621, which nominates Mr. Michael Kaleikini to serve as the East Hawai‘i Hawaiian Homes Commissioner. I also understand that the East Hawai‘i Hawaiian Home Lands leadership will ask Hawaii State’s Governor David Ige to WITHDRAW Michael Kaleikini’s name from consideration for this critical and serious nomination seat.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its’ independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons:

- 1) First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai‘i on the Hawaiian Homes Commission. After meeting with East Hawai‘i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini’s resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application? Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January 2020 Hilo ‘Meet & Greet’ and the same response to Senator Les Ihara and KPFA Association President Maile Lu‘uwai at May 2020 Zoom meeting. That was it! Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons. *If this is the attitude of a passive leader, then how can you expect to know that he will have the best interest of homesteaders of the Act?*

DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini seriously lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

- 2) Secondly, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This stark contrast is extremely troubling!!! *Lessees recognize this fact and constantly bring this to the attention of its commissioners to no avail!!!*

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries. *These businesses have encased the lives of my na kupuna, that of my mother, my immediate family, children and na mo'opuna for generations. We lived it, we're still living it; for how much longer? And where does it stop? We need a commissioner that is East-Hawaii based and understand what life is like.*

Research has established clear patterns of racial and socio-economic disparities in the distribution of industrial projects with environmental hazards in or near minority communities. "Communities of color....are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism." NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai'i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop! *Has anyone taken a hardcore look at the gas tanks?*

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential. Likewise, the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime. *Do you know what the average age on the DHHL applicant waitlist is? Have you checked lately? Well, it age 57! Less than a decade away from retirement!*

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries, Rather, his record reflects alignment with private business interests that are contrary to HCCA beneficiary interests and HHC fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be more inclined to advance these

business interests at the expense of HHCA beneficiary and DHHL Trust interests. *Is this fair and just?*

- 3) Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai'i commissioner position was vacant, yet surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after Mr. Kaleikini's nomination*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries. *I cannot respect a commissioner that does not know the people or yet, the community he serves to represent.*

- 4) Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHC.

In June, East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. Mr. Kaleikini was invited to apply, but chose not to.

For these reasons, I humbly and respectfully urge that this Committee and the Senate DECLINE CONSENT TO GM621 and to exercise your privileged role and appropriate powers in addressing this comprehensive testimony before you.

Mahalo nui loa for your kind attention and consideration of my testimony as presented herein.

From: [eldon masaoka](#)
To: [Sen. Maile Shimabukuro](#); [Sen. Kaiali'i Kahele](#); [Sen. Kurt Fevella](#); [Sen. Les Ihara, Jr.](#); [Sen. Jarrett Keohokalole](#)
Subject: Opposition of Michael Kaleikini
Date: Saturday, May 16, 2020 7:08:33 AM

Senators,

I am writing in **opposition** of the selection of Michael Kaleikini to the East Hawaii Hawaiian Homes Commission.

As a 3rd generation lessee, I feel we should have the voice of the beneficiaries sitting in this position as opposed to someone who is looking out for business interest and other political views.

Please listen to the beneficiaries voices. Mahalo for your time and service

Eldon Masaoka
Keaukaha Homesteader.

From: HWNTestimony
Subject: FW: APPROVED: GM-621-DENY KALEIKINI NOMINATION (Opposed, Ron Wise)

From: RonorRenee Wise <designsbykeaka@gmail.com>
Sent: Monday, May 18, 2020 10:19 PM
To: All Senators <sens@capitol.hawaii.gov>
Subject: DENY KALEIKINI NOMINATION

Dear Senators,

As a beneficiary living on Hawaiian Homes, I have been apprised of the situation at hand of the making of HHC appointments.

I wish to add my opinion in denying Mr. Kaleikini's nomination and that the Governor's administration should consult with the East Hawaii DHHL beneficiaries first before making HHC appointments.

IT'S THE RIGHT THING TO DO.

Sincerely

Kupuna Ronald Wise, DOE PTT and Hawn. Studies Leeward Coordinator

From: Pua <kihelegrly@gmail.com>
Sent: Saturday, June 27, 2020 5:32 PM
To: HWNTestimony
Subject: Testimony in Opposition to GM621

**Senate Committee on Hawaiian Affairs
Testimony in Opposition to GM621**

Aloha~

My name is PATRICIA WAIPA, and I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee/waitlist applicant.

Let me start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

I therefore respectfully OBJECT AND OPPOSE GM621, concerning Michael Kaleikini's nomination to serve as the East Hawai'i Hawaiian Homes Commissioner. I understand that East Hawai'i Hawaiian Home Land leadership will ask that Governor Ige WITHDRAW Michael Kaleikini's name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons.

First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. After meeting with East Hawai'i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo 'Meet & Greet' and the same response to Senator Les Ihara and KPFA Association President Maile Lu'uwai at May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

Second, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana‘ewa Hawaiian homesteads in East Hawai‘i have borne the brunt of numerous industrial-level projects for Hawai‘i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana‘ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana‘ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries.

Research has established clear patterns of racial and socioeconomic disparities in the distribution of industrial projects with environmental hazards in or near minority communities. “Communities of color...are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism."” NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai‘i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop.

East Hawai‘i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects alignment with private business interests that are contrary to HCCA beneficiary interests and HHC fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai‘i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai‘i commissioner position was vacant, yet surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

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For these reasons, I respectfully urge that your Committee and the Senate DECLINE CONSENT

**Senate Committee on Hawaiian Affairs
Testimony in Opposition to GM621**

Aloha~

My name is _____Josephine Duerksen _____, and I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee/waitlist applicant.

Let my start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

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interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

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Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries, Rather, his record reflects alignment with private business interests that are contrary to HCCA beneficiary interests and HHC fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai'i commissioner position was vacant, yet

surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the Mr. Kaleikini's nomination*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

In June, East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. Mr. Kaleikini was invited to apply, but chose not to.

For these reasons, I respectfully urge that your Committee and the Senate DECLINE CONSENT TO GM621.

Mahalo for your consideration of my testimony.

June 29, 2020

RE: Opposition Testimony for GM 621 Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, MICHAEL KALEIKINI, for a term to expire 06-30-2021.

Aloha Chair Shimabukuro & Members of the Senate Committee on Hawaiian Affairs:

On behalf of myself, as a beneficiary, I am submitting opposition testimony to GM 621.

The basis for my opposition is provided in the attached letter that was submitted to the Governor yesterday.

Please vote 'no' on this nomination and advise your Senate counterparts to do the same.

Mahalo,



Maile Lu'uwai
DHHL Pana'ewa Homestead Lessee
maile@luuwailaw.com

June 28, 2020

The Honorable Governor Ige
Governor of the State of Hawai'i
Executive Chambers
State Capitol
415 S Beretania Street
Honolulu, HI 96813

RE: GM621 Hawaiian Homes Commission Gubernatorial Nomination

Aloha mai e Governor Ige,

After reviewing Mr. Kaleikini's qualifications, nominal understanding of the DHHL Trust, as well as his lack of interest in our East Hawai'i beneficiary community, East Hawai'i Homestead Association leadership have unified in opposition to your gubernatorial nominee, Michael Kaleikini, for the East Hawai'i Hawaiian Homes Commission seat.

We therefore respectfully urge you to WITHDRAW Michael Kaleikini's name from consideration for this critical nomination for the following reasons.

First, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a beneficiary under the Hawaiian Homes Commission Act (HHCA).

At the May 13, 2020 Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted an application, and he answered, "I was asked to apply, and I applied." That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This was the same response from Mr. Kaleikini to beneficiaries at a January 2020 'Meet & Greet' at the DHHL Hilo Offices and the same response to Senator Les Ihara and Keaukaha Pana'ewa Association President Maile Lu'uwai at a May 2020 Zoom meeting. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions. HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications.

The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian*

Home Lands that these trust duties "**include the obligation to administer the trust solely in the interest of the beneficiary.**" [*Emphasis added*]

Second, the public record reflects that at the first nomination hearing, opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa. This decades-long and ongoing environmental and racial injustice is unconscionable and must stop.

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put us, the HHCA beneficiaries first, and who will uphold fiduciary obligations to HCCA beneficiaries, rather than a Commissioner who yields to business interests and political agendas.

Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects advocacy and alignment with private business interests. Accordingly, we are duly concerned that, in light of his business background, he will be inclined to advance these interests at the expense of HHCA beneficiary interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing problem and of serious concern. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners to include consultation with HHCA beneficiary communities. The process for the instant GM621 highlights this lack of community consultation, lack of transparency and disregard for our communities.

In particular, the Hawaiian Homes Commission's public meeting minutes for October 2019 reflect that the East Hawai'i commissioner position was vacant, yet surprisingly, and without any meaningful public notice, the meeting minutes for the December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the fact*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini at their Hilo Office. One meeting. Period. Since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i Homestead community to hear our interests, concerns, or input. Contrary to Mr. Kaleikini's public statements on this matter,

Mr. Kaleikini had ample opportunity to reach out to our East Hawai‘i community prior to COVID. During the COVID period, he could have used Zoom or GoToMeetings to reach out to us. Nothing. ZERO. In sum, these actions do not advance transparency and do not inspire confidence that Mr. Kaleikini will uphold the high fiduciaries duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, and *most importantly*, East Hawai‘i leadership established an open and fair community application and selection process for the East Hawai‘i Hawaiian Homes Commissioner seat. The application link was provided to East Hawai‘i Homestead Association leaders who shared the application link with their respective beneficiary communities. Mr. Kaleikini was also invited to apply via the community selection process. He did not submit an application.

Seven (7) East Hawai‘i community members applied. A Review Committee (Committee) comprised on beneficiaries, with no conflicts, reviewed the applications. The Committee held a meeting to review and discuss the qualifications of each candidate.

Due to solid candidate qualifications and each candidate’s commitment to our homestead communities, the Committee decided to recommend four (4) candidates to you. You can nominate any one of the candidates for the East Hawai‘i Hawaiian Homes Commissioner seat.

The four candidates recommended for your review, selection and nomination to the Senate is as follows (in alphabetical order by last name):

- Patrick Aiona
- Edward Halealoha Ayau
- Ka‘akapua Swain
- Robert Yamada

For these reasons, we respectfully urge that GM621 BE WITHDRAWN, and if not withdrawn, we will lobby and ask that the Senate to DECLINE CONSENT TO GM621.

We appreciate your consideration of our request and your consideration of candidates that were vetted and recommended through our community process.

This is of utmost importance to our community. We represent the majority of the East Hawai‘i DHHL Homestead Associations.

Mahalo,

Patrick Kahawaiolaa

Patrick Kahawaiolaa
President, Keaukaha Community Association

Maile Lu'uwai

Maile Lu'uwai
President, Keaukaha Pana'ewa Farmers Association

Milton Kalai

Milton Kalai
Pana'ewa Hawaiian Home Lands Community Association

Ronald Kodani

Ronald Kodani
Pi'ihonua Hawaiian Homes Community Association

Paula Kekahuna

Paula Kekahuna
Maku'u Farmers Association

Cc:

Senator Maile Shimabukuro
Senator Kaiali'i Kahele
Senator Les Ihara Jr.
Senator Kurt Fevella
Senator Jarrett Keohokalole
Senator Lorraine Inouye
Senator Dru Kanuha
Senator Russell Ruderman
Senator Ronald Kouchi

**Senate Committee on Hawaiian Affairs
Testimony in Opposition to GM621**

Aloha~

My name is Lisa Simmons, and I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee/waitlist applicant.

Let my start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

I therefore respectfully OBJECT AND OPPOSE GM621, concerning Michael Kaleikini's nomination to serve as the East Hawai'i Hawaiian Homes Commissioner. I understand that East Hawai'i Hawaiian Home Land leadership will ask that Governor Ige WITHDRAW Michael Kaleikini's name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons.

First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. After meeting with East Hawai'i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo 'Meet & Greet' and the same response to Senator Les Ihara and KPFA Association President Maile Lu'uwai at May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the

interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

Second, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries.

Research has established clear patterns of racial and socioeconomic disparities in the distribution of industrial projects with environmental hazards in or near minority communities. "Communities of color...are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism.'" NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai'i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop.

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects alignment with private business interests that are contrary to HHCA beneficiary interests and HHC fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai'i commissioner position was vacant, yet

surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the Mr. Kaleikini's nomination*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

In June, East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. Mr. Kaleikini was invited to apply, but chose not to.

For these reasons, I respectfully urge that your Committee and the Senate DECLINE CONSENT TO GM621.

Mahalo for your consideration of my testimony.

From: Lorilynn Pua <lorilynnsherri@icloud.com>
Sent: Sunday, June 28, 2020 5:36 PM
To: HWNTestimony
Subject: Senate Committee on Hawaiian Affairs Testimony in Opposition to GM621

Aloha~

My name is Lorilynn Pua and I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee/waitlist applicant.

Let me start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

I therefore respectfully OBJECT AND OPPOSE GM621, concerning Michael Kaleikini's nomination to serve as the East Hawai'i Hawaiian Homes Commissioner. I understand that East Hawai'i Hawaiian Home Land leadership will ask that Governor Ige WITHDRAW Michael Kaleikini's name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons.

First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. After meeting with East Hawai'i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo 'Meet & Greet' and the same response to Senator Les Ihara and KPFA Association President Maile Lu'uwai at May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These

fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

Second, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries.

Research has established clear patterns of racial and socioeconomic disparities in the distribution of industrial projects with environmental hazards in or near minority communities. "Communities of color...are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism.'" NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai'i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop.

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects alignment with private business interests that are contrary to HHCA beneficiary interests and HHCA fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been

introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai'i commissioner position was vacant, yet surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the Mr. Kaleikini's nomination*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

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A Review Committee comprised of East Hawai'i beneficiaries held a meeting to review and discuss each application. The Review Committee selected and is recommending four applicants to Governor Ige for his nomination. Thus, Community Leadership is requesting that Governor Ige withdraw his current nomination and then submit one of the candidates recommended through the community selection process.

For these reasons, and if the Governor does not withdraw the current nominee, I respectfully urge that your Committee and the Senate DECLINE CONSENT TO GM621.

Mahalo for your consideration of my testimony.

Sent from my iPhone, Lorilynn Pua 🌸

From: peter pua <peterpua26@yahoo.com>
Sent: Sunday, June 28, 2020 5:31 PM
To: HWNTestimony
Subject: Senate Committee on Hawaiian Affairs Testimony in Opposition to GM621

Aloha~

My name is Peter Pua, and I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee/waitlist applicant.

Let my start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

I therefore respectfully OBJECT AND OPPOSE GM621, concerning Michael Kaleikini's nomination to serve as the East Hawai'i Hawaiian Homes Commissioner. I understand that East Hawai'i Hawaiian Home Land leadership will ask that Governor Ige WITHDRAW Michael Kaleikini's name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons.

First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. After meeting with East Hawai'ibeneficiaries and Hawaiian Homestead leadership, Mr. Kaleikinihas no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

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concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

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For these reasons, and if the Governor does not withdraw the current nominee, I respectfully urge that your Committee and the Senate DECLINE CONSENT TO GM621.

Mahalo for your consideration of my testimony.

From: Robert M Yamada II <ryamada001@twc.com>
Sent: Thursday, May 14, 2020 6:03 PM
To: Sen. Maile Shimabukuro <senshimabukuro@capitol.hawaii.gov>
Subject: Confirmation of Mike Kaleikini

I emailed this testimony in this morning to the legislature because I could not log into the website.
Bobby

My name is Robert M Yamada II and I am a retired general contractor. I am very knowledgeable with the political arena and have made several annual visits to the legislature as a political activist for business and construction issues. I live at [1598 Auwae Road in Hilo, Hawai'i](#). I've been a DHHL wait-lister since 1978, a DHHL 5 acre Ag lessee since 1986 and a resident of that farm lot since 2000. My family before me have been DHHL residential lessees in Keaukaha on Andrews Ave and DHHL Ag lessees in Pana'ewa on Mahi'ai Road.

I have been a member of Keaukaha-Pana'ewa Farmers Association (KPFA) since 2004 and have served in various capacities on that board. I am currently a board director. I also serve on the non-profit arm Keaukaha-Pana'ewa Community Alliance (KPCA) since 2012 as its treasurer. So, as you can see, I am well versed and entrenched in my DHHL Keaukaha-Pana'ewa community.

I AM OPPOSED TO THE CONFIRMATION OF MICHAEL KALEIKINI TO THE HAWAIIAN HOMES COMMISSION (HHC).

We, HHC beneficiaries of East Hawai'i, want an East Hawai'i Commissioner who will know the trials and tribulations of being a wait-lister, a lessee and/or a beneficiary, who will serve us by protecting our Hawaiian Home Lands Trust and diligently fulfill the vision of Jonah Kuhio Kalaniana'ole. We deserve an East Hawai'i Commissioner that understands us and is willing to meet and work with us with courage, intelligence and integrity.

I was part of a delegation of East Hawai'i DHHL beneficiary's and lessees that met with Mike on January 22, 2020 at the East Hawai'i District Office in Keaukaha and had the opportunity to question his knowledge and understanding of the East Hawai'i DHHL problems and issues. He was not even aware of the East Hawai'i Regional Plan and the specific issues laid out in the plan. We had to explain it to him. **That tells me, he is not a forward thinker to be prepared for that meeting with**

us.

Since his interim appointment, his perceived actions and decisions have been business oriented Instead of what is in the best interests of the DHHL lessees, wait-listers and beneficiary's. He has not made any effort to reach out to the East Hawai'i DHHL association's to gain a better understanding and to be a better representative. **That tells me he is In this for the notoriety and to gain political stature.**

Again, I encourage you to vote no on the confirmation of Mike Kaleikini, as the East Hawai'i representative to the Hawaiian Homes Commission. We deserve better.

Mahalo,

Robert M Yamada II
[1598 Auwae Road](#)
[Hilo, Hawai'i. 96720](#)
[\(808\) 960-8128](#)
ryamada001@twc.com

Sent from my iPad

**Senate Committee on Hawaiian Affairs
Testimony in Opposition to GM621**

Aloha~

(Leilani)
My name is Donnelle Norman (384 Andrews Ave Hilo, HI 96720), and I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee/waitlist applicant.

Let my start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

I therefore respectfully OBJECT AND OPPOSE GM621, concerning Michael Kaleikini's nomination to serve as the East Hawai'i Hawaiian Homes Commissioner. I understand that East Hawai'i Hawaiian Home Land leadership will ask that Governor Ige WITHDRAW Michael Kaleikini's name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons.

First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. After meeting with East Hawai'i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo 'Meet & Greet' and the same response to Senator Les Ihara and KPFA Association President Maile Lu'uwai at May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the

interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

Second, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries.

Research has established clear patterns of racial and socioeconomic disparities in the distribution of industrial projects with environmental hazards in or near minority communities. "Communities of color...are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism." NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai'i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop.

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects alignment with private business interests that are contrary to HCCA beneficiary interests and HHC fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai'i commissioner position was vacant, yet

surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

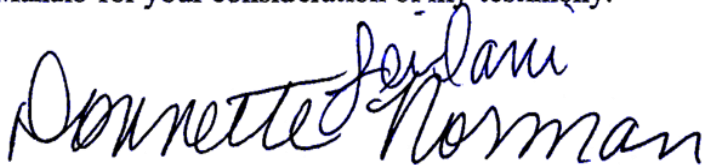
It was not until January 2020, *after the Mr. Kaleikini's nomination*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

In June, East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. Mr. Kaleikini was invited to apply, but chose not to.

For these reasons, I respectfully urge that your Committee and the Senate **DECLINE CONSENT TO GM621.**

Mahalo for your consideration of my testimony.

A handwritten signature in black ink that reads "Donnette Norman". The signature is written in a cursive style, with the first name "Donnette" on the top line and the last name "Norman" on the bottom line. The letters are connected and fluid.

**Senate Committee on Hawaiian Affairs
Testimony in Opposition to GM621**

Aloha Senate Committee on Hawaiian Affairs,

My name is Justine Kamelamela and I reside with my 'ohana in Pana'ewa on the East of Hawai'i Island. My husband is a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee.

Let me start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

I therefore respectfully OBJECT AND OPPOSE GM621, concerning Michael Kaleikini's nomination to serve as the East Hawai'i Hawaiian Homes Commissioner. I understand that East Hawai'i Hawaiian Home Land leadership will ask Governor Ige to WITHDRAW Michael Kaleikini's name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons.

First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. After meeting with East Hawai'i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has not demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo 'Meet & Greet' and the same response to Senator Les Ihara and KPFA Association President Maile Lu'uwai at a May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented

by the commissioners, and the Hawai'i Supreme Court held in *Ahuna vs. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

Second, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries.

Research has established clear patterns of racial and socioeconomic disparities in the distribution of industrial projects with environmental hazards in or near minority communities.

"Communities of color...are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism.'" NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai'i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop.

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects alignment with private business interests that are contrary to HHCA beneficiary interests and HHC fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai'i commissioner position was vacant, yet surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the nomination of Mr. Kaleikini*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini in attendance. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

In June, East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. Mr. Kaleikini was invited to apply, but chose not to.

For these reasons, I respectfully urge that your Committee and the Senate DECLINE CONSENT TO GM621.

Mahalo for your consideration of my testimony.

Aloha Pana'ewa,

Justine Kamelamela

GM-621

Submitted on: 6/23/2020 3:10:19 PM

Testimony for HWN on 6/30/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Comments	No

Comments:

Aloha, Senator Shimabukuro and Senator Kahele

On June 30, you will be holding a hearing to decide whether you will advise and consent on the Governor's nomination (GM621) of Mr. Michael Kaleikini for appointment to the Hawaiian Homes Commission. The Keaukaha Pana'ewa Farmers Association and some others are opposing Mr. Kaleikini's appointment, primarily because they did not feel that he acted in the best interests of homesteaders in the proposed development of the Alaska Aerospace Corporation (AAC) Rocket Launch Facility next to the DHHL Pana'ewa homestead community. Thus, if you have not already concluded your interview of Mr. Kaleikini, could you address this situation to gain a sense of how he considered their opposition when serving on the Hawai'i Island Economic Development Board Executive Committee and what his guiding principles are when weighing projects/developments impacting on Hawaiian Home Lands. This information would be helpful in deciding on his nomination. It is essential that Hawaiian Homestead communities have trust in Hawaiian Home Commissioners that they will make decisions in the best interest of Hawaiian Homesteaders and DHHL. Mahalo for your consideration of my comments. Respectfully,

/s/ Leimomi Khan, Native Hawaiian

GM-621

Submitted on: 6/23/2020 3:43:44 PM

Testimony for HWN on 6/30/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Support	No

Comments:

EVERETT R. DOWLING

June 24, 2020

Senator Maile S. L. Shimabukuro
Chair
Hawaiian Affairs Committee
The Senate of the State of Hawaii
Hawaii State Capitol
Honolulu, Hawaii 96813

RE: Gubernatorial Nominees to the Hawaiian Homes Commission

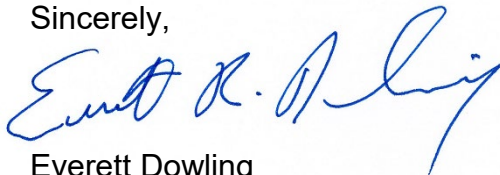
Dear Chair Shimabukuro and Members of the Senate Hawaiian
Affairs Committee,

I am writing in support of the nomination of Mr. Michael Kaleikini to
serve on the Hawaiian Homes Commission. Mr. Kaleikini is
passionate about serving DHHL's beneficiaries and his private
sector business experience enables him to provide valuable
guidance to the director and staff of DHHL.

DHHL's beneficiaries and the State of Hawaii as a whole is
fortunate that Mr. Kaleikini is willing to serve on the commission. I
wholeheartedly support his nomination to serve on the Hawaiian
Homes Commission.

Thank you for this opportunity to testify on this matter.

Sincerely,



Everett Dowling

June 26, 2020

Testimony in STRONG OPPOSITION to GM621

Aloha to the Senate Committee on Hawaiian Affairs,

My name is Nāko‘olani Warrington and I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee. I live in Pana‘ewa, East Hawai‘i.

I respectfully **OBJECT AND OPPOSE GM621**, concerning Michael Kaleikini's nomination to serve as the East Hawai‘i Hawaiian Homes Commissioner.

I understand that East Hawai‘i Hawaiian Home Land leadership will ask **that Governor Ige WITHDRAW Michael Kaleikini's** name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that **the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621**, for the following reasons.

First and foremost, while Mr. Kaleikini may be qualified in some areas, he is not qualified to represent East Hawai‘i on the Hawaiian Homes Commission. After meeting with East Hawai‘i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo ‘Meet & Greet’ and the same response to Senator Les Ihara and KPFA Association President Maile Lu‘uwai at May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai‘i Supreme Court held in *Ahuna v. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the

necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai‘i Hawaiian Homes Commissioner.

Second, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana‘ewa Hawaiian homesteads in East Hawai‘i have borne the brunt of numerous industrial-level projects for Hawai‘i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana‘ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana‘ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries.

Research has established clear patterns of racial and socioeconomic disparities in the distribution of industrial projects with environmental hazards in or near minority communities. “Communities of color...are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism."” NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai‘i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop.

East Hawai‘i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects alignment with private business interests that are contrary to HCCA beneficiary interests and HHC fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai‘i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai‘i commissioner position was vacant, yet surprisingly, and without any meaningful public notice, the meeting minutes for December 2019

reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the Mr. Kaleikini's nomination*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

In June, East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. Mr. Kaleikini was invited to apply, but chose not to.

For these reasons, I respectfully urge that your Committee and the Senate **DECLINE CONSENT TO GM621.**

Mahalo for your consideration of my testimony.

GM-621

Submitted on: 6/27/2020 10:14:30 AM

Testimony for HWN on 6/30/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Namaka	Individual	Oppose	No

Comments:

Aloha Senator Maile Shimabukuro, Chair; Senator Kaiali'i Kahele, Vice Chair and members of the Committee on Hawaiian Affairs,

I submit my **Testimony in Opposition to GM621** Hawaiian Homes Commission, **MICHAEL KALEIKINI**

My name is NÄ• maka Rawlins. I am a homestead lessee and resident in Pana'ewa, East Hawai'i.

While Mr. Kaleikini's resume provides the qualifications for his work at Puna Geothermal Venture, the resume to GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary of the HHCA. He does not have the requisite qualifications to serve as our East Hawai'i Hawaiian Homes Commissioner and that is of utmost importance to me and my 'ohana.

At your May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo 'Meet & Greet' and the same response to Senator Les Ihara and KPFA Association President Maile Lu'uwai at a May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

The current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i **have borne the brunt of numerous industrial-level projects for Hawai'i County**. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa, and have resulted in significant adverse health and

environmental impacts to HHCA beneficiaries. We need a commissioner that will uphold the responsibilities of a fiduciary under the HHCA.

East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

Our East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. **Mr. Kaleikini was invited to apply, but chose not to.** I conclude that Mr. Kaleikini is not interested in the job!

For these reasons, I respectfully urge that your Committee and the Senate DECLINE CONSENT TO GM621.

Me ka 'oia'i'o

NÄ• maka

June 29, 2020

RE: Opposition Testimony for GM 621

Aloha Chair Shimabukuro & Members of the Senate Committee on Hawaiian Affairs:

On behalf of myself, as a DHHL successor in Pana‘ewa, I am submitting opposition testimony to GM 621.

The basis for my opposition is provided in the attached letter that was submitted by our East Hawai‘i Association Leadership to the Governor yesterday.

Please vote ‘no’ on this nomination and advise your Senate counterparts to do the same.

Mahalo,

Michael Augustin

Michael Augustin

June 28, 2020

The Honorable Governor Ige
Governor of the State of Hawai'i
Executive Chambers
State Capitol
415 S Beretania Street
Honolulu, HI 96813

RE: GM621 Hawaiian Homes Commission Gubernatorial Nomination

Aloha mai e Governor Ige,

After reviewing Mr. Kaleikini's qualifications, nominal understanding of the DHHL Trust, as well as his lack of interest in our East Hawai'i beneficiary community, East Hawai'i Homestead Association leadership have unified in opposition to your gubernatorial nominee, Michael Kaleikini, for the East Hawai'i Hawaiian Homes Commission seat.

We therefore respectfully urge you to WITHDRAW Michael Kaleikini's name from consideration for this critical nomination for the following reasons.

First, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a beneficiary under the Hawaiian Homes Commission Act (HHCA).

At the May 13, 2020 Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted an application, and he answered, "I was asked to apply, and I applied." That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This was the same response from Mr. Kaleikini to beneficiaries at a January 2020 'Meet & Greet' at the DHHL Hilo Offices and the same response to Senator Les Ihara and Keaukaha Pana'ewa Association President Maile Lu'uwai at a May 2020 Zoom meeting. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions. HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications.

The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian*

Home Lands that these trust duties "**include the obligation to administer the trust solely in the interest of the beneficiary.**" [*Emphasis added*]

Second, the public record reflects that at the first nomination hearing, opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa. This decades-long and ongoing environmental and racial injustice is unconscionable and must stop.

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put us, the HHCA beneficiaries first, and who will uphold fiduciary obligations to HCCA beneficiaries, rather than a Commissioner who yields to business interests and political agendas.

Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects advocacy and alignment with private business interests. Accordingly, we are duly concerned that, in light of his business background, he will be inclined to advance these interests at the expense of HHCA beneficiary interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing problem and of serious concern. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners to include consultation with HHCA beneficiary communities. The process for the instant GM621 highlights this lack of community consultation, lack of transparency and disregard for our communities.

In particular, the Hawaiian Homes Commission's public meeting minutes for October 2019 reflect that the East Hawai'i commissioner position was vacant, yet surprisingly, and without any meaningful public notice, the meeting minutes for the December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the fact*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini at their Hilo Office. One meeting. Period. Since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i Homestead community to hear our interests, concerns, or input. Contrary to Mr. Kaleikini's public statements on this matter,

Mr. Kaleikini had ample opportunity to reach out to our East Hawai‘i community prior to COVID. During the COVID period, he could have used Zoom or GoToMeetings to reach out to us. Nothing. ZERO. In sum, these actions do not advance transparency and do not inspire confidence that Mr. Kaleikini will uphold the high fiduciaries duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, and *most importantly*, East Hawai‘i leadership established an open and fair community application and selection process for the East Hawai‘i Hawaiian Homes Commissioner seat. The application link was provided to East Hawai‘i Homestead Association leaders who shared the application link with their respective beneficiary communities. Mr. Kaleikini was also invited to apply via the community selection process. He did not submit an application.

Seven (7) East Hawai‘i community members applied. A Review Committee (Committee) comprised on beneficiaries, with no conflicts, reviewed the applications. The Committee held a meeting to review and discuss the qualifications of each candidate.

Due to solid candidate qualifications and each candidate’s commitment to our homestead communities, the Committee decided to recommend four (4) candidates to you. You can nominate any one of the candidates for the East Hawai‘i Hawaiian Homes Commissioner seat.

The four candidates recommended for your review, selection and nomination to the Senate is as follows (in alphabetical order by last name):

- Patrick Aiona
- Edward Halealoha Ayau
- Ka‘akapua Swain
- Robert Yamada

For these reasons, we respectfully urge that GM621 BE WITHDRAWN, and if not withdrawn, we will lobby and ask that the Senate to DECLINE CONSENT TO GM621.

We appreciate your consideration of our request and your consideration of candidates that were vetted and recommended through our community process.

This is of utmost importance to our community. We represent the majority of the East Hawai‘i DHHL Homestead Associations.

Mahalo,

Patrick Kahawaiolaa

Patrick Kahawaiolaa
President, Keaukaha Community Association

Maile Lu'uwai

Maile Lu'uwai
President, Keaukaha Pana'ewa Farmers Association

Milton Kalai

Milton Kalai
Pana'ewa Hawaiian Home Lands Community Association

Ronald Kodani

Ronald Kodani
Pi'ihonua Hawaiian Homes Community Association

Paula Kekahuna

Paula Kekahuna
Maku'u Farmers Association

Cc:

Senator Maile Shimabukuro
Senator Kaiali'i Kahele
Senator Les Ihara Jr.
Senator Kurt Fevella
Senator Jarrett Keohokalole
Senator Lorraine Inouye
Senator Dru Kanuha
Senator Russell Ruderman
Senator Ronald Kouchi

GM-621

Submitted on: 6/29/2020 10:15:27 AM

Testimony for HWN on 6/30/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monica Morris	Individual	Oppose	No

Comments:

Aloha mai, members of the Senate Committee on Hawaiian Affairs. My name is Monica Morris, Hawaiian Home Lands Trust beneficiary, born and raised in Keaukaha Hawaiian Homestead in East Hawaii, island of Hawaii, and currently a waitlist applicant on the Hawaiian Home Lands Trust Wait List for Hawaii island. I am submitting this testimony in **STRONG OPPOSITION TO GM621**, which nominates Michael Kaleikini to serve as the East Hawaii member on the Hawaiian Homes Commission. I previously submitted emails to members of your committee and members of the State Senate in opposition to GM621. I continue to stand by those previous emails. With this testimony, I also continue to stand with the Keaukaha-Panaewa Farmers' Association, and other Hawaiian Home Lands Trust beneficiaries who **OPPOSE GM621**. There are many reasons to oppose GM621. The primary reason your Committee should reject this nominee is that Mr. Kaleikini has absolutely **NO DEMONSTRATED KNOWLEDGE OR BACKGROUND** in the Hawaiian Home Lands Trust. Accordingly, I respectfully submit that Mr. Kaleikini will not be able to fulfill the stringent and exacting fiduciary trust obligations required of Hawaiian Homes Commissioners. As you are aware, these fiduciary trust duty and standards are higher than those required of other Hawaii State Boards and Commissions. East Hawaii Hawaiian Home Lands Trust beneficiaries, like myself, deserve better. We deserve someone with a proven record and knowledge base in the Hawaiian Home Lands Trust, and there are other highly qualified individuals in East Hawaii who stand ready and able to serve in this critical position. I therefore respectfully ask you to **DECLINE TO CONSENT TO GM621**. Mahalo nui loa for your consideration. Aloha, Monica Morris

GM-621

Submitted on: 6/29/2020 10:34:10 AM

Testimony for HWN on 6/30/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Natasha Boteilho	Individual	Oppose	No

Comments:

Aloha

I am writing to oppose the recommendation of Mr. Kaleikini to the Hawaiian Homes Commission. I think he position at thebGeothermal plant should be considered a conflict of interest. And if approved, I do not feel in my naau that he will do right for the kanaka maoli who have interests in Hawaiian Homelands. Thank you for your time.

-----Original Message-----

From: ANONYMOUS

Sent: Thursday, May 21, 2020 9:43 AM

To: Sen. Maile Shimabukuro <senshimabukuro@capitol.hawaii.gov>

Subject: Kaleikini

Aloha Kākou ~

Mike is not proven or experienced at representing or helping the people ~ only the corporations he has been employed by.

Pono no ho'i would be to pass on this individual and request another with a good/better record of service that will increase the "ea"(life) of this Sacred place you are privileged to call home. For Kanaka maoli it is our birthright to KŪ'Ē ~ stand firm for what is PONO(right)!

Mahalo ke Akua,

ANONYMOUS

From: Bob <danhieux@yahoo.com>
Sent: Sunday, June 28, 2020 6:04 PM
To: HWNTestimony
Subject: Testimony in Opposition to GM621

**Senate Committee on Hawaiian Affairs
Testimony in Opposition to GM621**

Aloha,

My name is Bob Douglas, and I am the husband of a homestead lessee beneficiary of the Hawaiian Homes Commission Act (HHCA).

Let me start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

I therefore respectfully OBJECT AND OPPOSE GM621, concerning Michael Kaleikini's nomination to serve as the East Hawai'i Hawaiian Homes Commissioner. I understand that East Hawai'i Hawaiian Home Land leadership will ask that Governor Ige WITHDRAW Michael Kaleikini's name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons.

First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. After meeting with East Hawai'i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo 'Meet & Greet' and the same response to Senator Les Ihara and KPFA Association President Maile Lu'uwai at May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

Second, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries.

Research has established clear patterns of racial and socioeconomic disparities in the distribution of industrial projects with environmental hazards in or near minority communities. "Communities of color...are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism.'" NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai'i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop.

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects alignment with private business interests that are contrary to HHCA beneficiary interests and HHCA fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai'i commissioner position was vacant, yet surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the Mr. Kaleikini's nomination*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

In June, East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. Mr. Kaleikini was invited to apply, but chose not to.

A Review Committee comprised of East Hawai'i beneficiaries held a meeting to review and discuss each application. The Review Committee selected and is recommending four applicants to Governor Ige for his nomination. Thus, Community Leadership is requesting that Governor Ige withdraw his current nomination and then submit one of the candidates recommended through the community selection process.

For these reasons, and if the Governor does not withdraw the current nominee, I respectfully urge that your Committee and the Senate **DECLINE CONSENT TO GM621**.

Mahalo for your consideration of my testimony.

Bob Douglas
danhieaux@yahoo.com
Instagram.com/danhieaux
808 333-0402 text only please, hearing impaired.

From: [Bridgit Bales](#)
To: [Sen. Maile Shimabukuro](#); [Sen. Kaiali'i Kahele](#); [Sen. Kurt Fevella](#); [Sen. Les Ihara, Jr.](#); keohokalole@capitol.hawaii.gov
Subject: OPPOSITION TO Michael Kaleikini as EAST HAWAII DHHL COMMISSIONER
Date: Saturday, May 16, 2020 7:49:57 AM

Aloha Senators on the Committee for Hawaiian Affairs:

I am writing in strong opposition to the confirmation of Michael Kaleikini as East Hawaii Commissioner to the Hawaiian Homes Commission.

I am a DHHL BENEFICIARY and a farmer in Panaewa. My parents, Elizabeth and Genesis Lee Loy, were also both beneficiaries of DHHL and residents of Keaukaha where they raised all 12 of their children while also farming in Panaewa. Upon their passing in 2006, I was blessed to have been named as successor to their Panaewa farm where I raise a variety of crops.

I am currently, and have been since mid March 2020, caring for a special needs relative who, but for COVID-19 and its multiple related governing rules and regulations, would be residing in an Adult Residential Care Home (ARCH) in Kaneohe, Oahu. Suffice to say, being caregiver is a 24/7 responsibility. I only raise this issue because I, like MANY others, was caught completely off guard to learn that GM 621 was on the legislature's agenda and submitting my timely testimony in OPPOSITION to Mr. Kaleikini was nothing shy of pure luck. In fact, many who routinely receive email hearing notices from the State Legislature advising of legislative agenda items DID NOT receive the notice advising of GM 621. I would guess a glitch in the system perhaps, and hopefully nothing more such as an attempt to block testimonies of DHHL BENEFICIARIES. I am certain that MANY other BENEFICIARIES would have submitted their testimonies OPPOSING Mr. Kaleikini's confirmation if they were not, literally, tending to LIFE AND DEATH issues related to COVID-19. I find it reprehensible that the legislature would somehow see fit to prohibit additional testimony given it has been shutdown for the past several weeks only to open 5 days ago and place a time barrier for submitting additional testimony. It was suggested that BENEFICIARIES communicate directly with the HAWAIIAN AFFAIRS COMMITTEE and provide their mana'o on the confirmation of Mr. Kaleikini, hence my email to you.

Of course the BUSINESS COMMUNITY was out in full force to support Mr. Kaleikini, who has been serving as Interim East Hawaii Commissioner for several months, an appointment which caught many East Hawaii DHHL BENEFICIARIES by surprise. It is not clear just exactly when Mr. Kaleikini began serving as the interim East Hawaii Commissioner because DHHL issued conflicting communications regarding his interim appointment. In any event, Mr. Kaleikini, who as Director of PGV and advocate of multiple other BUSINESS ventures, has done well, and will continue to do well, to support his BUSINESS partners, who now, in turn, support his confirmation. PLEASE DO NOT LISTEN TO THE VOICES OF THE BUSINESS COMMUNITY. Please, you must listen to the voices of the BENEFICIARIES, many of whom are STILL on the wait list, and who unanimously and vehemently oppose Mr. Kaleikini and who are struggling to live day to day during these unprecedented times. Unlike the supporters of Mr. Kaleikini (i.e., the BUSINESS COMMUNITY AND SPECIAL INTEREST GROUPS), DHHL BENEFICIARIES did not have the luxury of submitting their timely testimonies because they were caught off guard with this rush to confirm Mr. Kaleikini. Why now? And why the rush?

We, DHHL BENEFICIARIES know Mr. Kaleikini and his character. We BENEFICIARIES do not believe Mr. Kaleikini has our best interests in mind. We know where his interests and loyalties lie. Please be aware that William Aila did absolutely no consultation with the East Hawaii DHHL Associations regarding the interim appointment of Mr. Kaleikini as East Hawaii Commissioner. In fact, in January 2020, all of a sudden DHHL announced the list of Commissioners and lo and behold Mr. Kaleikini is included in a photo which lists all the HHC Commissioners. What on earth happened??? The East Hawaii Associations have candidates for East Hawaii Commissioner who possess integrity, are trustworthy, are

well versed in the HHCA with an expert knowledge of the DHHL Trust and would be well-suited for the position of East Hawaii Commissioner. Mr. Kaleikini has demonstrated his allegiance lies with the BUSINESS COMMUNITY with very little to no regard for protecting the DHHL Trust and instead with an eye toward circumventing/ignoring the HHCA to benefit his BUSINESS interests and those of the BUSINESS COMMUNITY.

The voices of the DHHL BENEFICIARIES must be heard. We do not want a BUSINESS puppet representing East Hawaii. PLEASE DO NOT CONFIRM MR. MICHAEL KALEIKINI. I would ask you instead to please PAUSE, reset the the button, have Mr. Aila go to the East Hawaii DHHL Associations, the BENEFICIARIES OF THE DHHL Trust, AS HE SHOULD HAVE DONE TO BEGIN WITH, and ask for a candidate(s) for the position of East Hawaii Commissioner. If Mr. Aila is sincerely interested in bringing forth a candidate(s) to represent East Hawaii BENEFICIARIES , he will certainly agree to doing so.

Sincerely,
BRIDGIT MARY LUAHIWA LEE LOY BALES

**Senate Committee on Hawaiian Affairs
Testimony in Opposition to GM621**

Aloha~

My name is Eldon Masaoka, and I am a beneficiary of the Hawaiian Homes Commission Act (HHCA) as a homestead lessee.

Let my start by stating that I believe Michael Kaleikini may have qualifications specific to the work he does. However, Mr. Kaleikini does not have the requisite qualifications and background to serve as East Hawai'i Hawaiian Homes Commissioner and that is of utmost concern to me.

I therefore respectfully OBJECT AND OPPOSE GM621, concerning Michael Kaleikini's nomination to serve as the East Hawai'i Hawaiian Homes Commissioner. I understand that East Hawai'i Hawaiian Home Land leadership will ask that Governor Ige WITHDRAW Michael Kaleikini's name from consideration for this critical nomination.

If Governor Ige does not withdraw the nomination, I ask that the Senate should exercise its independent authority under HRS 26-34 and NOT CONSENT TO GM621, for the following reasons.

First and foremost, while Mr. Kaleikini may well be qualified in many areas, he is not qualified to represent East Hawai'i on the Hawaiian Homes Commission. After meeting with East Hawai'i beneficiaries and Hawaiian Homestead leadership, Mr. Kaleikini has no demonstrated knowledge or background with the Hawaiian Homes Commission Act. Mr. Kaleikini's resume for GM621 does not reference any familiarity or experience with the responsibilities of a fiduciary under the HHCA.

At the May 13, 2020, Senate Hawaiian Affairs Committee hearing on his nomination, Mr. Kaleikini was asked by the Senate Committee Chairperson to elaborate on why he submitted his application, and Mr. Kaleikini answered, "I was asked to apply, and I applied." This is the same answer Mr. Kaleikini provided to East Hawaii beneficiaries at a January Hilo 'Meet & Greet' and the same response to Senator Les Ihara and KPFA Association President Maile Lu'uwai at May Zoom meeting. That was it. Notably absent from his verbal response was any reference to the goals of the HHCA, or any reference to a personal commitment to serve the beneficiaries of the HHCA. This is extremely troubling for many reasons.

As you know, DHHL Commissioners have fiduciary trust obligations arising from the creation of the Hawaiian Home Land Trust as part of the 1921 Hawaiian Homes Commission Act. These fiduciary trust obligations are more exacting than the standards for appointed members of other State boards and commissions.

HHCA Commissioners must be highly qualified to serve and Mr. Kaleikini lacks these qualifications. The HHCA fiduciary trust duties transferred to the State are implemented by the commissioners, and the Hawai'i Supreme Court held in *Ahuna v. Department of Hawaiian Home Lands* that these trust duties "include the obligation to administer the trust solely in the

interest of the beneficiary." Therefore, I humbly submit that Mr. Kaleikini does not have the necessary HHCA background and history to meet the exacting fiduciary standards expected of an East Hawai'i Hawaiian Homes Commissioner.

Second, the current public record reflects that opposition to GM621 is from the HHCA beneficiary community, whereas support for GM621 is almost exclusively from the business community. This contrast is extremely troubling.

For decades, Keaukaha and Pana'ewa Hawaiian homesteads in East Hawai'i have borne the brunt of numerous industrial-level projects for Hawai'i County. The Hilo International Airport, Hilo Harbor, HELCO Powerplant, Hilo Landfill, Hilo Sewage Treatment Plant, Gas Storage Tanks, Hilo Mass Transit Agency Base Yard, and Pana'ewa Drag Strip, among others, all sit on or adjoin Hawaiian Home Lands in Keaukaha and Pana'ewa, and have resulted in significant adverse health and environmental impacts to HHCA beneficiaries.

Research has established clear patterns of racial and socioeconomic disparities in the distribution of industrial projects with environmental hazards in or near minority communities. "Communities of color...are routinely targeted to host facilities that have negative environmental impacts -- say, a landfill, dirty industrial plant or truck depot. The statistics provide clear evidence of what the movement rightly calls "environmental racism.'" NRDC, 2016. This decades-long and ongoing environmental injustice and embedded systematic racism against East Hawai'i Hawaiian homestead communities, as well as other Hawaiian communities, is absolutely unconscionable and must stop.

East Hawai'i deserves and needs a Hawaiian Homes Commissioner who will put HHCA beneficiaries first, and who will uphold fiduciary obligations to beneficiaries of the HHCA, rather than one who yields to business interests. Strong advocacy for purposes of the HHCA trust and the needs of HHCA beneficiaries to enjoy quiet use of their leases is essential, in the same way that strong advocacy is needed to ensure waitlist applicants may receive homesteads during their lifetime.

Mr. Kaleikini's public record does not reflect any type of work or advocacy for HHCA beneficiaries. Rather, his record reflects alignment with private business interests that are contrary to HHCA beneficiary interests and HHC fiduciary obligations. Accordingly, I am duly concerned that, in light of his business background, he will be inclined to advance these business interests at the expense of HHCA beneficiary and DHHL Trust interests.

Third, Mr. Kaleikini's nomination has proceeded with a lack of transparency that has been an ongoing and significant problem with the current administration. Numerous bills have been introduced in the Hawai'i State Legislature to amend the nomination and appointment process for Hawaiian Homes Commissioners, so that HHCA beneficiaries are consulted and able to provide input into the process.

The process for GM621 highlights and is evidence of this lack of community consultation and lack of transparency. In particular, the Hawaiian Homes Commission's public meeting minutes for November 2019 reflect that the East Hawai'i commissioner position was vacant, yet

surprisingly, and without any meaningful public notice, the meeting minutes for December 2019 reflect Mr. Kaleikini suddenly acting in that commissioner's position, and apparently voting on matters before the Commission.

It was not until January 2020, *after the Mr. Kaleikini's nomination*, that the Department of Hawaiian Home Lands hosted a "meet and greet," with Mr. Kaleikini. Also, since Mr. Kaleikini began serving as the interim East Hawai'i Commissioner in December of 2019, he has not reached out to the East Hawai'i homestead communities to hear their interests, concerns, or input. In sum, these actions do not advance transparency, and does not inspire any semblance of confidence that Mr. Kaleikini will uphold the high fiduciary duties owed by HHCA Commissioners to HHCA beneficiaries.

Finally, East Hawai'i has several highly qualified individuals who have extensive knowledge, background and familiarity with the HHCA.

In June, East Hawai'i Hawaiian Homes Association Leadership initiated a community application process to identify, select and offer a qualified candidate or candidates to Governor Ige for nomination. Seven qualified East Hawai'i beneficiaries have applied through the community selection process. Mr. Kaleikini was invited to apply, but chose not to.

For these reasons, I respectfully urge that your Committee and the Senate DECLINE CONSENT TO GM621.

Mahalo for your consideration of my testimony.

Keahi Renaud

From: Howard Pe'a <kahalepea49@gmail.com>
Sent: Thursday, June 25, 2020 11:59 AM
To: HWNTestimony

Dear Senators,

Oppose the nomination of Michael Kaleikini as a East Hawaii DhhI Commissioner!

I am a lessee Panaewa farm community. Keaukaha Panaewa Farmers Association.

1,185 acres, 233 lessee! Michael Kaleikini is not our community choice. Please honour our voices!

Howard Kahale Pe'a
Keaukaha Panaewa Farmers Association
Board member

From: HWNTestimony
Subject: FW: APPROVED-GM621-Kaleikini-OPPOSED_SaraSteiner

From: Sara Steiner <pahoatoday@gmail.com>
Sent: Saturday, May 23, 2020 6:32 AM
To: All Senators <sens@capitol.hawaii.gov>; Hilo Letters <letters@hawaiitribune-herald.com>;
letters@staradvertiser.com; news@civilbeat.com; wht <wht@aloha.net>; David Corrigan
<davecorrigan2002@yahoo.com>
Subject: MIKE KALEKINI FOR HAWAIIAN HOMES COMMISSIONER

Dear Senators,

I want you to take a look at what Mike Kalekini's Puna Geothermal Ventures did to the Puna people during the 2018 Kilauea Eruption.

PGV's Emergency Response Plan most likely said remove the pentane and cement the wells shut in an active eruption - it is called abandonment. Instead they (Mike) did nothing until the people living around the plant called for intervention.

Instead of following an emergency response plan and cementing the holes shut as called for in an eruption, PGV started their Halliburton Kill Pump on May 9, 2018 at 6:20 pm (May 10 4:20 HI and UT time) and proceeded to fracture the side of Kilauea wide open - exploding Fissure 17 wide open on a separate fracture from the other 21 Fissures.... which then led to Fissure 8 becoming the newest most weakest spot for the next foreseeable future....

So, no I wouldn't recommend Mike Kalekini be responsible for Hawaiian Homes, he doesn't care for the land or the Hawaiian people enough. He values money. Rather than cement the wells shut and be safe, Mike and PGV wanted to save money incase they could re-open - so they used water to frack the wells shut and now Mike/PGV is responsible for the entombment of Kapoho..... make them clean up their rusting pipes and chemical messes and restore the land to its former beauty.

Sara Steiner

From: [Edward Halealoha Ayau](#)
To: [Sen. Maile Shimabukuro](#); [Sen. Kaiali'i Kahele](#); [Sen. Kurt Fevella](#); [Sen. Les Ihara, Jr.](#); [Sen. Jarrett Keohokalole](#)
Cc: [Maile Luuwai](#); keleeloy@hawaii.rr.com; [Ian LeeLoy](#); [Lee Loy, Sue](#)
Subject: Testimony in Opposition to Confirmation of Michael Kaleikini to Hawaiian Homes Commission
Date: Saturday, May 16, 2020 7:02:58 AM

Aloha Chair Senator Shimabukuro, Vice Chair Senator Kahele, Senator Flavella, Senator Ihara and Senator Keohokalole,

Please consider this email has my testimony in Opposition to the Confirmation of Michael Kaleikini to the Hawaiian Homes Commission for East Hawaii.

First, Mr Kaleikini has demonstrated a lack of a functional understanding of his duties and responsibilities, indeed the very operation of the Hawaiian Homes Commission Act. At a meeting of the Keaukaha Homestead Association last September 2019, Appointee Kaleikini was asked several questions about the HHC Act. He clearly demonstrated no operational understanding most important of which is that he is to represent the interests of beneficiaries residing in East Hawaii. I am a beneficiary, having a lease for Hawaiian Homelands on Molokai and I oppose his confirmation primarily because it is clear he does not intend to represent the interests of East Hawaii beneficiaries, but rather the Governor's agenda

Second, at the October 2019 meeting of the Hawaiian Homes Commission, beneficiaries of East Hawaii testified as to the need for an advocate (commissioner) to the HHC that represented their interests. One name that was proposed and supported by beneficiaries was that of Ms. Keala Leeloy. She is a homesteader in East Hawai'i and knowledgeable of the Hawaiian Homes Commission Act. Instead, the governor selected someone outside of the minimal requirements of representing beneficiaries and instead having a pro development background. This is unacceptable.

Third, a lawsuit filed by three DHHL beneficiaries including Pualani Kanaka'ole Kanahale, Keli'i 'Skippy' Ioane, Jr and myself for breach of trust by the HHC was able to clear a major hurdle by defeating a State of Hawai'i motion to dismiss. This means a Summary Judgement motion will now be made. Appointee Kaleikini supports the actions by the Commission to violate its trust duties owed to beneficiaries under the HHC, in contravention of the law, largely because he does not understand that he owes such a duty. This fact reifies why Mr Kaleikini is unfit to serve on the Hawaiian Homes Commission as an effective advocate of East Hawaii, but certainly as an effective advocate for the State of Hawai'i.

For these reasons, I OPPOSE the nomination of Mr Kaleikini in favor of the appointment and confirmation of Ms. Keala Leeloy who is the peoples choice to represent East Hawaii, mahalo. The governor must act in the best interests of beneficiaries when appointing to the HHC, and not in the best interests of the State of Hawai'i which too often are detrimental to the interests of beneficiaries as with the Maunakea Access Road litigation against the HHC.

E Halealoha Ayau
808.646.9015
622 Wainaku Street Hilo, HI 96720

From: [Iolana Espaniola Brewster](#)
To: [Sen. Maile Shimabukuro](#); [Sen. Kaiali'i Kahele](#); [Sen. Kurt Fevella](#); [Sen. Les Ihara, Jr.](#); [Sen. Jarrett Keohokalole](#)
Subject: Opposition of Kaleikini
Date: Sunday, May 17, 2020 9:15:26 AM

Aloha Chair Senator Shimabukuro, Vice Chair Senator Kahele, Senator Flavella, Senator Ihara and Senator Keohokalole,

Please consider this email has my testimony in Opposition to the Confirmation of Michael Kaleikini to the Hawaiian Homes Commission for East Hawaii.

First, Mr Kaleikini has demonstrated a lack of a functional understanding of his duties and responsibilities, indeed the very operation of the Hawaiian Homes Commission Act. At a meeting of the Keaukaha Homestead Association last September 2019, Appointee Kaleikini was asked several questions about the HHC Act. He clearly demonstrated no operational understanding most important of which is that he is to represent the interests of beneficiaries residing in East Hawaii. I am a beneficiary, having a lease for Hawaiian Homelands on Molokai and I oppose his confirmation primarily because it is clear he does not intend to represent the interests of East Hawaii beneficiaries, but rather the Governor's agenda

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Iolana Brewster,

PO Box 1976
Wailuku, HI 96793

GM-621

Submitted on: 6/30/2020 7:46:27 AM

Testimony for HWN on 6/30/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne Kauhi	Individual	Oppose	No

Comments: