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### Third Round of Hawaiian Meetings

November 17-21, 2008

#### Native Hawaiian Comments and Suggested Changes to Draft Consultation Protocol Outline

Group Name	No.	Reference cited	Comment
OHA Radio Show (Hosts: Kimo Kahoano and Sen. Brickwood Galuteria)	1.	General.	Use Native Hawaiian veterans and those currently in the military service to help develop the protocol and reach out to Hawaiian communities.
OHA Radio Show (Hosts: Kimo Kahoano and Sen. Brickwood Galuteria)	2.	General.	Native Hawaiians must educate the military about what is important: indigenous Hawaiian history, culture, and what "iwi" really means to Hawaiian people.
OHA Radio Show (Hosts: Kimo Kahoano and Sen. Brickwood Galuteria)	3.	General.	Elders are a possible way into the Hawaiian community.
Kaho'olawe Island Reserve Commission Office visit (3 people)	4.	General.	The Protect Kaho'olawe Ohana organization should be listed in the protocol document as a NHO.
Kaho'olawe Island Reserve Commission Office visit (3 Attendees)	5.	General.	Native Hawaiian military officers or civil service staff should be detailed to head up the Kaho'olawe cleanup project.
Kaho'olawe Island Reserve Commission Office visit (3 Attendees)	6.	General.	Long-term POCs are critical for DoD/Commanders to establish and maintain relationships with NHOs
Cameron Community Center – Wailuku, Maui (6 Attendees)	7.	General.	Nothing in protocol documents addresses International Law and the unlawful and belligerent occupation by the U.S. of the Kingdom of Hawaii.

Cameron Community Center – Wailuku, Maui (6 Attendees)	8.	Title.	“Native Hawaiian” is not proper term to use – should be Kanaka Maoli. “Native Hawaiian” is an artificial fiction created through the Native Hawaiian Homes Commission Act.
Cameron Community Center – Wailuku, Maui (6 Attendees)	9.	General.	Instead of holding meetings, we should go out to contact entities that are actively pursuing sovereignty in the development of the protocol.
Paukukalo Hawaiian Homes Community Center (12 Attendees)	10.	Preamble.	The Preamble is the crux of the protocol document and should be revised to reflect the fact that “we are part of the Hawaiian Nation.”. Leave out statement about “lands of the U.S.” as this is not a factual statement.
Paukukalo Hawaiian Homes Community Center (12 Attendees)	11.	Title.	Don’t like term “Native Hawaiians.” Need to change because it’s a detrimental term legally. Prefers “Kanaka Maoli.”
Paukukalo Hawaiian Homes Community Center (12 Attendees)	12.	General.	Hawaii is a peaceful nation and we don’t want “Star Wars” in our back yard.
Paukukalo Hawaiian Homes Community Center (12 Attendees)	13.	General.	Can’t go on to new business (consultation protocol) until we clear old business (sovereignty?)
Paukukalo Hawaiian Homes Community Center (12 Attendees)	14.	General.	DoD should have a moderator to regulate discussion.
Paukukalo Hawaiian Homes Community Center (12 Attendees)	15.	General.	In determining whom to consult with, each family of the apua ha should be considered.
<b>November 19 Hilo and Kailua-Kona, Hawaii</b>			
Kawananakoa	16.	General.	All DoD should know that Hawaii was an

Center, Hilo (30 Attendees and 24 Students)			independent nation.
Kawananakoa Center, Hilo (30 Attendees and 24 Students)	17.	General.	Tell us what the military is going to do in Hawaii and then we will give you our mana'o.
Kawananakoa Center, Hilo (30 Attendees and 24 Students)	18.	General.	Need to open meetings with prayer.
Kawananakoa Center, Hilo (30 Attendees and 24 Students)	19.	Protocol.	Language to effect that Hawaiian people never relinquished sovereignty under the monarchy needs to be included.
Kawananakoa Center, Hilo (30 Attendees and 24 Students)	20.	General.	Meetings should not be held during the day as most people have to be at work. Makes it difficult to attend for many.
Kawananakoa Center, Hilo (30 Attendees and 24 Students)	21.	General.	Protocol needs to reflect an exit strategy for the military from Hawaii (interim?).
Kealakehe High School, Kailua-Kona (14 Attendees)	22.	General.	Any and all consultations DoD wishes to conduct with regard to U.S. military operations in Hawaii must include consultations with members of <i>Na Kapuna O Moku O Keawe</i> , <i>Na Kapuna O Maui</i> , and <i>Na Kapuna O Mano O Kalanipo</i>
Kealakehe High School, Kailua-Kona (14 Attendees)	23.	General.	Meetings need to be better publicized and longer notice given. Need to work with community associations (like the Kaneohale Community Association.) Need to come up with a list of organizations from these meetings that will be included in the consultation protocol.
Kealakehe High School, Kailua-Kona (14 Attendees)	24.	General.	Some feel they should be consulted with as individuals and not as an organization.
Kealakehe High School, Kailua-Kona (14 Attendees)	25.	Appendix A.	Statutes described in protocol need to be explained in layman's terms.
Kealakehe High School, Kailua-	26.	General.	DoD must acknowledge Queen Liliu'uokalani.

Kona (14 Attendees)			
Kealakehe High School, Kailua-Kona (14 Attendees)	27.	Preamble.	Should be changed to say "...occupied by the United States..."
Kealakehe High School, Kailua-Kona (14 Attendees)	28.	General.	DoD should notify lineal and cultural descendants of a particular area. SHPO has records to identify them. A religious site may exist even if practitioners don't go there every day.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	29.	General.	It would be helpful if DoD provided a summary of earlier discussions on the protocol so those concerned could determine if all comments were addressed in the document.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	30.	Preamble.	Should include historical documentation of what happened to Native Hawaiians, the Apology Resolution (in its entirety), the 1956? Law of Land Warfare, 27-10 Army Warfare Manual and Genocide Act. Also need to consider international law.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	31.	General.	NHO's political status does not exist. The people have the inherent right, not the organization. A list may be convenient for the commander, but the people hold the right. The U.S. cannot circumvent our indigenous rights.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	32.	General.	DoD only comes to Native Hawaiians when something goes wrong. How do Native Hawaiians go to the commander? Protocol must indicate that it is most important for commander to meet face to face with Native Hawaiians. There is no place in the protocol to describe what Native Hawaiians think is meaningful consultation.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees))	33.	General.	Noted inconsistencies in treatment of Native Hawaiians between federal agencies and even different military services. Reflects inconsistent knowledge of our own regulations.
Queen	34.	General.	Even with the extension to January 2009,

Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)			there is insufficient time to consult to develop a protocol. May require several more months or even years.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	35.	General.	Native Hawaiian health status needs to be included in protocol because health is important to Native Hawaiians.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	36.	General.	Protocol needs to have highest person to follow it – it shouldn't only be targeted for the staff level DoD, specifically CRMs.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	37.	General.	Definition section needs to be revised.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	38.	General.	If you could find other statutes that define Native Hawaiians, we would want to see them.
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	39.	General.	What about reaching out to Native Hawaiians on the mainland?
Queen Liliu'okalani Childrens Center Koolaupoko, Kaneohe, Oahu (13 Attendees)	40.	General.	You should have a facilitator at these meetings.
OHA Board Room, Honolulu, Oahu (22 Attendees)	41.	Preamble.	The Apology Bill, along with overthrow, must be included in the description of who DoD is and who Native Hawaiians are.
OHA Board	42.	General.	Most of this assumes DoD is in total

Room, Honolulu, Oahu (22 Attendees)			control. In fact, our people must be advised before plans are in place.
OHA Board Room, Honolulu, Oahu (22 Attendees)	43.	General.	Let Native Hawaiians draft a document for DoD and merge the two documents.
OHA Board Room, Honolulu, Oahu (22 Attendees)	44.	Title.	Need a more powerful word than "Protocol." Should use the word "Policy."
OHA Board Room, Honolulu, Oahu (22 Attendees)	45.	General.	Not one Hawaiian word throughout entire document. Would be more respectful to include terms in Hawaiian language.
OHA Board Room, Honolulu, Oahu (22 Attendees)	46.	General.	Draft protocol implies that NHOs rely on federal statutes and regulations. This is not what is important to Native Hawaiians – our values are important (e.g., aloha, aina, kuleana)
OHA Board Room, Honolulu, Oahu (22 Attendees)	47.	General.	This should not be a <u>wish</u> document, but a <u>do</u> document (vague commitments). DoD is only <u>encouraged</u> to follow. Should say <u>you will do it</u> .
OHA Board Room, Honolulu, Oahu (22 Attendees)	48.	General.	There should be more consultations on the draft protocol on Oahu than on the other islands because of the larger amount of military lands here.
OHA Board Room, Honolulu, Oahu (22 Attendees)	49.	General.	You need to tell us who NHOs are besides OHA. We mentioned over 700 at the Hale Koa meetings.
OHA Board Room, Honolulu, Oahu (22 Attendees)	50.	General.	Our people need to have more education regarding the military in Hawaii and what our rights are in protecting our aina.
OHA Board Room, Honolulu, Oahu (22 Attendees)	51.	General.	Need to rethink this document from an indigenous lens and balance out the legalese of DoD with words from Native Hawaiians themselves.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	52.	General.	DoD is asking for legitimate organizations (NHOs), but what about individuals?
Waianae Boat Harbor, Waianae,	53.	General.	There should be a listing by DoD of people and community groups by area. OHA

Oahu (13 Attendees)			should do this.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	54.	General.	PhD Hawaiians are making decisions on how I will practice culture. Not going to have a clear understanding without getting cultural practitioners, activists.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	55.	Preamble.	Need to include the American Freedom Religious Protection Act. (American Indian Religious Freedom Act?)
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	56.	I. Determining When to Consult.	Significant effect...and then significant treat – raises threshold...need to lower threshold.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	57.	General.	Good faith is not defined. Good faith is coming to the community and not sending letters. Definition to good faith.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	58.	II. Determining with Whom to Consult.	Suggests adding where (the location) to conduct consultation. Need to meet at the site if the subject is at that site.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	59.	General.	Need to reach out to people who cannot make the meeting.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	60.	General.	Less jargon needed in the protocol.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	61.	III. Consultation.	Give them a reasonable amount of time. Not to do so is insulting and culturally inappropriate.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	62.	IV. First bullet point.	“Protect and preserve.” Native Hawaiians are interested in perpetuating. How can we perpetuate if we cannot touch. Protect and preserve used against Hawaiians.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	63.	Appendix A, III. NHPA	What is an adverse effect. Need to highlight “the change in character in use.”
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	64.	Appendix A, III. NHPA	Significance of local expertise needs to be highlighted.

Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	65.	Appendix B.	ICRMP needs to define when to consult.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	66.	General.	Need to have a clear distinction between commenting and supporting.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	67.	General.	Addressing the comments and why or why not the comments were used.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	68.	General.	OHA should not be the referee. It looks like the commander should go to OHA but personally OHA should not be the one.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	69.	General.	Track (table) amount of participation. Survey to all the parties and note at what point they fell out and what will get them back into this process.
Waianae Boat Harbor, Waianae, Oahu (13 Attendees)	70.	General.	Have a critique process of DoD's process for these protocols.
Lihue Neighborhood Center, Lihue, Kauai (11 Attendees)	71.	General.	Native Hawaiians have never had monetary compensation. Need to pay Kanaka because you use our land.
Lihue Neighborhood Center, Lihue, Kauai (11 Attendees)	72.	General.	There needs to be more accountability by the military in this document.
Lihue Neighborhood Center, Lihue, Kauai (11 Attendees)	73.	General.	Kanaka Maoli are different from Native Hawaiians. Reference the Admission Act.
Lihue Neighborhood Center, Lihue, Kauai (11 Attendees)	74.	General.	DoD could benefit from a presentation done by the Aha Moku Council which was formed based on care of the lands.
Lihue Neighborhood	75.	General.	DoD should start asking the Kanaka Maoli and families who live in the areas where the



Center, Lihue, Kauai (11 Attendees)			military uses lands or waters – talk to the community, but let the community know when you want to meet.
Lihue Neighborhood Center, Lihue, Kauai (11 Attendees)	76.	General.	Don't rely on OHA to get the message out and set the meetings – you need to invest in the people you want to reach. Use community leaders to help you.
Lihue Neighborhood Center, Lihue, Kauai (11 Attendees)	77.	General.	Send meeting notices out, and use public TV station; this is the best way to get the message out. Also, Sam Kapu radio show, other Hawaiian radio shows.
Lihue Neighborhood Center, Lihue, Kauai (11 Attendees)	78.	General.	Aha Moku Councils are trying to bring back traditional system and each island should have a Hawaiian person at the installation.

**Post 2008 Public Meeting NHO Comments on the  
Draft DoD Native Hawaiian Organization Consultation Protocol**  
NHO Comments and Suggested Changes to Draft Consultation Protocol Outline  
Received after the Third Round of Public Meetings in Hawaii

Name	No.	Reference cited	Comment
Hon. Boyd P. Mossman (Ret.), Trustee, OHA, Maui	1.	General	Native Hawaiians are Americans and those who disclaim American citizenship should not be included in any consultation as their position is not that of any citizen and they would only be there to claim ownership of all military lands.
Hon. Boyd P. Mossman (Ret.), Trustee, OHA, Maui	2.	General	Congress has provided federal benefits exclusive to Native Hawaiians on over 160 occasions; thus, besides just four federal acts, there are many past and present that designate Native Hawaiians as a unique people of the United States.
Hon. Boyd P. Mossman (Ret.), Trustee, OHA, Maui	3.	General	Military commanders should benefit from ongoing meetings between a select group of Native Hawaiians and selected military leaders and advisors. The Hawaiian group should include vets as well as others and need not be the same as the consultation group.
Thomas T. Shirai, Jr., Kawaihapai Ohana – Po’o	4.	General	NAGPRA consultation should be afforded in the following order: 1. Recognized Lineal Descendant of a Specific Geographical Area; and, 2. Native Hawaiian Organization of a Specific Geographical Area. A recognized lineal descendant is paramount, supersedes any form of NHO, and should be given preference. If no recognized lineal descendant can be identified, then a NHO of a Specific Geographical Area should be afforded the same status.
Thomas T. Shirai, Jr., Kawaihapai Ohana – Po’o	5.	General	<i>Po’e</i> (Head) <i>Kanaka</i> of a specific geographical location are very capable of providing <i>mana’o</i> when in consultation with DoD regarding NAGPRA issues

Office of Hawaiian Affairs (OHA)	6.	II. Determining With Whom to Consult	<b>before general input</b> (emphasis added). OHA recognizes that many individuals maintain the position that no organization can represent their interests; therefore, Section II should place equal importance on consultation and communication with both NHO and individuals who have specific knowledge and/or ancestral connections to geographic areas which will be affected by DoD action.
OHA	7.	General	Communication between DoD and organizations and individuals representing communities and lands on which DoD installations are situated should not be solely undertaking driven. Installation commanders and staff should hold regular meetings with the communities which surround their installations.
OHA	8.	General	When consultation relative to a specific undertaking is required, at least one consultation meeting should be held "on-site" and all consultation and community meetings should be held in the communities which the DoD installation directly affects.
OHA	9.	General	All appropriate DoD personnel, including installation commanders, should make it a priority to attend all consultation and community meetings.
OHA	10.	General	The consultation process for a specific undertaking must be initiated as early as possible and appropriate questions, concerns and requests for clarification relative to a specific undertaking must be routed to the appropriate DoD personnel and responded to in a timely manner.
OHA	11.	General	DoD must fully consider the thoughts and information obtained during the consultation process. The DoD must conduct a thorough review of not only how the undertaking will adversely impact the Hawaiian community, but also alternatives which will mitigate or eliminate those impacts. The results of this review should then be presented to the community to continue the consultation process.
OHA	12.	Preamble	In addition to the four Federal Regulations

OHA	13.	General	<p>listed, the American Indian Religious Freedom Act (AIRFA) should also be included.</p> <p>A summary of input received during a series of meetings and workshops the DoD held in Hawaii in August and November 2006 and the community meetings held Nov. 17-21, 2008, should be provided to meeting participants.</p>
OHA	14.	General	<p>OHA strongly advocates for a second draft of the protocol and series of community meetings with additional meeting locations being selected on the islands of Hawaii and Oahu.</p>
Verliann Molina-Wright	15.	Preamble	<p>Add the following language: “At the core of traditional Native Hawaiian spirituality is the belief that from the mountains to the oceans, from the sky to mother earth, all lands are connected to ancestors and present generations as family members or stewards. The Department of Defense also recognizes that in November 1993, the United States Congress passed an Apology Resolution (Public Law 103-150, 107 Stat.1510) which explicitly acknowledged that the inherent sovereignty of the Native Hawaiian people at the time of the overthrow of the Hawaiian Kingdom was never relinquished. The unique and distinct status of the Native Hawaiians was also recognized. The Resolution states “the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.”</p>
Verliann Molina-Wright	16.	Footnote 2, Second Sentence	<p>Delete certain portions of the sentence and edit so that it reads as follows: “It is expected that DoD personnel will <u>notify the public</u> and contact interested NHOs when <u>any part of cultural and natural resources</u> [of importance to NHOs] may be affected by a proposed DoD action, and that continued, more formal consultation will be</p>

Verliann Molina-Wright	17.	Footnote 2, Third Sentence	necessary when it appears, from initial discussions with the NHO, that there will be any significant effects. (New language is underlined.)
Verliann Molina-Wright	18.	Footnote 2	Delete “without the need for further” and replace with “with” Insert the following new language after the 6 <sup>th</sup> sentence: “Prior to the implementation of any use of land and resources, the DoD personnel will proceed with notifying the public and contact any interested NHOs so that when the original purpose to use these lands are no longer required the DoD shall be required to develop a plan as to how these lands or resources will be mitigated and restored to its original condition for access and use by the Native Hawaiian people.”
Verliann Molina-Wright	19.	Preamble	Add the following new language which will constitute the final two sentences in the Preamble: “The DoD is informed and acknowledges that Native Hawaiian cultural practices of well-being includes lokahi or harmony and balance. The mitigation of returning lands to a healthy ecology is the sole responsibility of the DoD when the lands are no longer needed and can be returned for traditional and customary use by the Native Hawaiian people.”
Verliann Molina-Wright	20.	I. Determining When to Consult	Add the following language as the final bullet: “DoD proposed actions for which consultation may be appropriate shall occur when decisions have been made that the lands and resources are no longer required and must be mitigated, restored and certified safe for return to the Hawaiian people to reclaim their traditional cultural practices and uses of their ancestral lands.”
Verliann Molina-Wright	21.	New Section	Add the following as a new section: V. Collaborative Partnerships. The Native Hawaiian people are in the process of establishing a process as to how they will build their <i>lahui</i> (nation) and how their <i>kaiāulu</i> (communities) and <i>‘ohana</i> (families) will define this process that includes a wide range of traditional

			<p>knowledge, beliefs, values, and practices to ensure the needs of <i>na 'o iwi kanaka maoli</i> thrives for generations not yet born. The practices of <i>ho'oponopono</i> or problem solving provides a foundation to achieve common core outcomes to ensure our honor, duty, country, family and humanity are safely provided for through preparedness.</p>
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