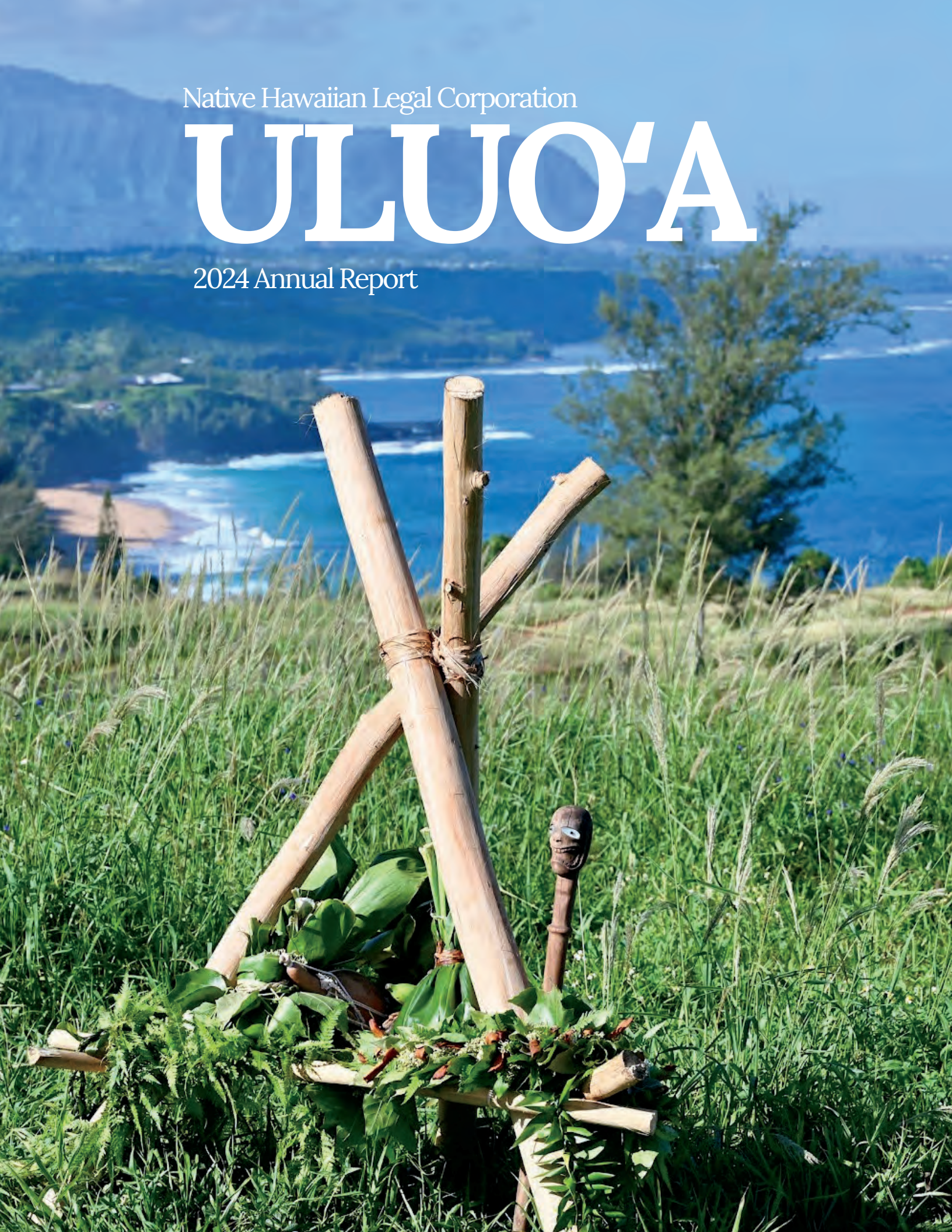


Native Hawaiian Legal Corporation

ULUO'A

2024 Annual Report



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Aloha Kākou

In 2024 the Native Hawaiian Legal Corporation celebrated 50 years of advocacy for the lāhui, continuing its mission to protect and advance Native Hawaiian identity, culture, and lifeways. Over this time, the organization has been privileged to stand with families, communities, practitioners, and kia'i to preserve and perpetuate Hawaiian pilina to 'āina, to wai, to our wahi pana, to our iwi kūpuna, to our 'ohana, and to our lāhui. Together we have stood uluo'a, upright, for the law and justice our people need to achieve Hawaiian health, wellness, and success in Hawai'i, according to the guidance of our 'ike kupuna.

We are proud to share about our 2024 work in this report. In it you will see that NHLC continues its commitment to defend 'ohana at risk of land loss. NHLC was created in 1974 for this work, because Hawaiians were being evicted from their homes in waves by large landowners and they needed legal help. NHLC also continues its programmatic work to protect iwi kūpuna and historic, sacred, and culturally significant sites. NHLC is steadfast too in its work to hold the government accountable to its duties under the Hawaiian Homes Commission Act; under Article 12, Section 7 of the Hawai'i Constitution to protect Native Hawaiian traditional and customary practices; and to protect the natural environment upon which Native Hawaiian culture and all life depends.

NHLC is also adapting to the changing justice needs of the Native Hawaiian people. In 2024, NHLC began offering new services under the Ola Nā Iwi program to help families at risk of separation. NHLC also launched its Kani Hou ka Iwi program for disaster recovery and resilience, which has grown out of NHLC's rapid response to the Lāhainā wildfires disaster. NHLC is active as well in rapidly evolving work across the lāhui to better protect Hawaiian traditional knowledge, traditional cultural expressions, genetic resources, and intellectual and cultural property.

This has been a time of huluhia for Hawai'i and for our people. We are committed to navigating the changes to come with the lāhui to achieve a pono future for all in Hawai'i nei. We appreciate all our partners, collaborators, and supporters. With the kōkua of many hands and hearts, we persist.



Mark Kawika Patterson
President



Makalika Nāholowa'a
Executive Director

NHLC Board of Directors



Kawika Patterson
President



Malia Ka'aihue
Vice President



Kawena Sukanuma-Beaupré
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Roger McKeague
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David Soong
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Elmer Ka'ai
Director



Jamee Mahealani Miller
Director



Keolamaikalani Dean
Director



Ke'alohi M. Reppun
Director

NHLC Staff



Makalika Naholowa'a
Executive Director



Kirsha Durante
Litigation Director



Sharla Manley
Of Counsel, Equal Justice Works Disaster Resilience Fellow



Angela Correa-Pei
Of Counsel



Ashley Obrey
Senior Staff Attorney



L'ua Christensen
Senior Staff Attorney



Henderson Huihui
Staff Attorney



Terina Fa'agau
Staff Attorney



Devin Kamealoha Forrest
Title & Research Specialist and Staff Attorney



Devon Haia
Staff Attorney, Equal Justice Works Disaster Resilience Fellow



Grace Lee
Intake Specialist



Leanna Gandauli
Legal Secretary



Jamboree Fong-Soon
Senior Paralegal



Mondy Jamshidi Kent
Development Officer



Ihilani Chu
Executive Administrator



Aonei Cusac
Communications Manager

Ho'olauna

Mission

E mālama a e kahu i ka loina me ka mo'omeheu Hawai'i

Protecting and advancing Native Hawaiian identity and culture

Vision

He Hawai'i pono i alaka'i 'ia e ke aloha 'āina

A just Hawai'i guided by Hawaiian values, customs, and ways of knowing

Values

Pono actions and outcomes
'Onipa'a and **Wiwo'ole** service to our **kuleana**
Pilina with people, community, and 'āina



Ku'i ka Lono

In February of 2024, NHLC launched a new family law program, **Ola Nā Iwi**. The program is aimed at providing culturally competent legal support needed to maintain pilina between keiki and their kūpuna, 'ohana, lāhui, and 'āina. Former NHLC Board member and seasoned family law practitioner **Angela Correa-Pei** joined NHLC as Of Counsel to lead this program.

NHLC participated along with many legal organizations in Hawai'i to support families impacted by the West Maui wildfires. With recovery projected to take numerous years, NHLC developed and launched **Kani Hou ka Iwi**, in February, with support from the **Council for Native Hawaiian Advancement** and **Equal Justice Works**, to provide legal advocacy for disaster recovery and resiliency in Lāhainā and across the State. NHLC welcomed former NHLC Litigation Director, **Sharla Manley**, who returned to lead this program as Of Counsel.

NHLC received numerous positive appellate decisions this year, including a successful appeal before the Hawai'i Supreme Court in the **Kanahele, et al. v. State** case regarding Hawaiian Home Lands underlying the Mauna Kea Access Road and a successful appeal before the Intermediate Court of Appeals in **Rosquita v. Hawaiian Homes Commission** regarding due process rights for homesteaders and notice requirements when the Hawaiian Homes Commission Act seeks to cancel a lease.

In June, the Native Hawaiian Intellectual Property Working Group was convened pursuant to a Joint Resolution of the Hawai'i Legislature. Executive Director, **Makalika Naholowa'a** was elected Vice Chair. The group's kuleana is to produce a report for the Legislature with recommendations for state legislation that can better protect Native Hawaiian

cultural integrity and prevent abuse of Native Hawaiian cultural property.

In August, NHLC celebrated 50 years of service to the lāhui at its **Uluo'a** celebration. NHLC honored its founders and past executive directors for the foundation they created, which has allowed four generations of NHLC clients and advocates to defend Hawaiian rights and justice.

In September, the **City and County of Honolulu** recognized NHLC for its contributions to the pono stewardship of Hawai'i and service to the community.

In December, NHLC was selected for a \$500,000 grant from the **John D. and Catherine T. MacArthur Foundation** to support NHLC's mission and the advocacy needs for the lāhui.

2024

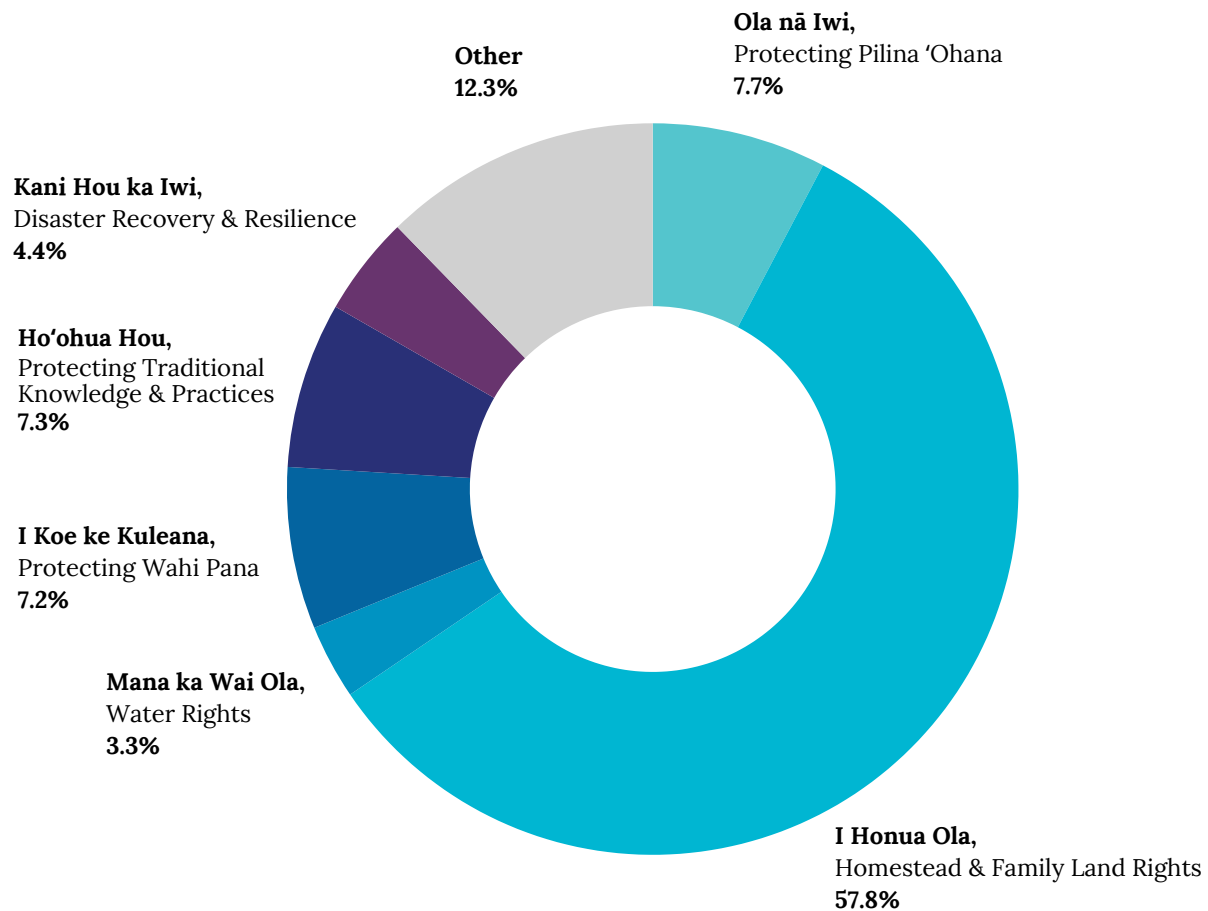
By the numbers

NHLC serves statewide. Community members can contact NHLC for help via phone, email, or online.

Requests for help start as inquiries at NHLC. After clearing an attorney conflicts check, anyone seeking help with a Native Hawaiian rights matter is given the opportunity to speak with an NHLC attorney. Matters can resolve with brief counseling and advice. For those needing additional investigation, NHLC engages in assessments and may be retained for representation. These matters mature to cases.

The charts below shows the number of matters NHLC serviced in 2024 by NHLC program.

500+ Matters Serviced **100+** Cases Managed **6,000+** Legal Service Hours Provided



Case Highlights by Moku

Statewide Matters

- Protecting traditional birthing practices from unconstitutional regulation
- Quiet title and partition defense for 'ohana
- Defense of 'ohana in response to DHHL blood quantum recertification practices
- Successorship clinics for homestead 'ohana

Kaua'i

- Protecting Nihokū from luxury home development impacting traditional practices and the world's largest sea bird refuge
- Access for practitioners in Makaweli, Kahana Valley
- Protecting iwi kūpuna at Naue

O'ahu

- Land lease for Kalaeloa Heritage and Legacy Foundation
- Protecting iwi kūpuna at The Park at Ke'eaumoku project, expected to become the second tallest residential tower development in Hawai'i

Moloka'i

- Protecting access rights for cultural practitioners on land within Moloka'i Ranch
- Conservatorship services for Homestead 'Ohana

Maui

- Recovery services for wildfire survivors
- Protection for east Maui water
- Permits for traditional lawai'a
- Probate assistance with heirs to avoid land loss

Hawai'i Island

- Protection of Hawaiian Home Lands underlying the Mauna Kea Access Road
- Section 106 advocacy in defense of Mauna Kea and opposing the TMT
- Monitoring state and military action to uphold duties to complete weapons cleanup at Pōhakuloa
- Punalu'u black sand beach protection against development without sufficient environmental and cultural review
- North Kona water advocacy for homesteaders





Ola nā Iwi

Protecting Pilina Within Healthy Families

NHLC's Ola Nā Iwi program launched in February 2024 to kōkua with the legal services needed to protect familial relationships between mo'opuna, mākua, kūpuna, and iwi kūpuna. The 'ōlelo no'ēau "ola nā iwi," the bones live on, recognizes the perpetuation of life through the strength of our families. Ola nā Iwi is guided by pilina to 'ohana, pilina to the lāhui, and pilina to 'āina.

Collaborators

Office of Hawaiian Affairs
Hawai'i State Judiciary
Lili'uokalani Trust
Partners in Development's Kupa 'Āina Farm
EPIC 'Ohana Inc.
Barton Child Law and Policy Center



"Ōpio that become impacted by foster care are too often then impacted by juvenile justice. Cultural diversion and support are critical to their health and success."

Shawn Kana'iaupuni
CEO, Partners in Development
NHLC Collaborator



Legal Services

The Ola Nā Iwi program is a cradle-to-grave support for 'ohana whose pilina is at risk due to legal processes posing a barrier to their health and wellness. These matters include:

- Representation in Child Welfare Services ("CWS") matters for keiki, mākua, and kūpuna to ensure 'ohana have the representation needed to maintain and protect the 'ohana unit when that is in the best interest of the child.
- Adoption matters to assist families in ensuring permanent care for keiki is formalized legally.
- Legal guardianship for keiki, mākua, and kūpuna who need legal caretaking from a trusted and loving 'ohana member.
- Conservatorships to enable the protection of successorship rights to homesteads, 'āina and 'ohana homes.
- Expungement services to assist juveniles and adults that qualify, so they can access housing, educational opportunities, and employment necessary to care for their 'ohana.
- Defense of iwi kūpuna and mālama iwi kūpuna cultural practices protected under the Hawai'i Constitution and Hawai'i burial treatment law.

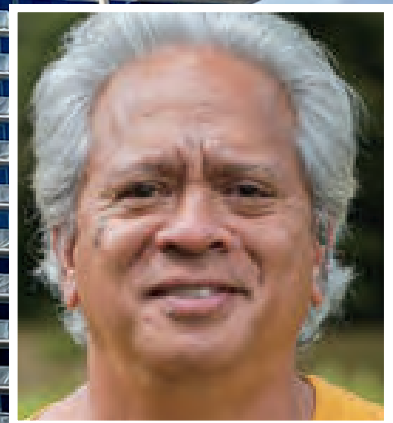
Hawaiian Keiki are Over-Removed by CWS

The Hawai'i Budget and Policy Center published a report in April 2023 citing that as of 2019, 45% of the total children placed into foster care following action by the Hawai'i Department of Human Services Child Welfare Services Branch were Native Hawaiian, though only 34% of children in the state are Native Hawaiian. Native Hawaiian children continue to be significantly overrepresented in Hawai'i's foster care system. This overrepresentation continues into the criminal justice system.



Ola nā Iwi

Protecting Pilina Within Healthy Families



“As part of the kuleana to mālama iwi kūpuna, it is crucial that we strive to achieve reburial by ceremonially returning the ancestral remains to the land— back to pō and the sanctity of the moeloa.”

Halealoha Ayau

The Park on Ke‘eaumoku Plaintiff & Mālama Iwi Kūpuna Practitioner

Project Spotlights

Securing Guardianship for ‘Ohana

In January of 2024, the Ka’ōpua ‘ohana approached NHLC for assistance with guardianship of their soon-to-be adult daughter, Henohea, who is diagnosed with Autism Spectrum Disorder. Facing what they described as a “daunting process,” the Ka’ōpuas were grateful for the assistance of the Ola Nā Iwi team who successfully petitioned the court for legal guardianship, ensuring the Ka’ōpuas retain the legal rights to care for Henohea. Maile Ka’ōpua shared, “NHLC not only gave us a voice in advocating for Henohea’s continued development, especially in her education, but also built a lasting relationship of trust with our family.”

Expungement for ‘Ōpio in Cultural Diversion

Starting in the Fall of 2023, NHLC began collaborating as a part of a hui launching the **Ho’okanaka community based cultural diversion program**. Native Hawaiian juveniles are, like adults, overrepresented in the criminal justice system. Juveniles who complete the six-week program are given the opportunity to become eligible for expungement, which can help to prevent those youth from experiencing more justice impact and entering the pipeline to incarceration as adults. NHLC’s role in the hui is to assist juveniles who successfully complete the Ho’okanaka Program with an expungement of their juvenile arrest records.

Mālama Iwi Kupuna at The Park on Ke‘eaumoku

NHLC settled a dispute involving 28 burials disinterred at The Park at Ke‘eaumoku project in Honolulu. The Park project, when completed, will include two of the largest residential towers in the state. In the summer of 2024, Ke‘eaumoku Development LLC (KDL) and cultural descendent Edward Halealoha Ayau reached a settlement. KDL agreed to build a burial vault on The Park project site, rebury the 28 iwi kūpuna that had been encountered, and work with cultural descendants to ensure reinterment occurred according to cultural protocols and an accepted Burial Treatment Plan in 2024.



I Honua Ola

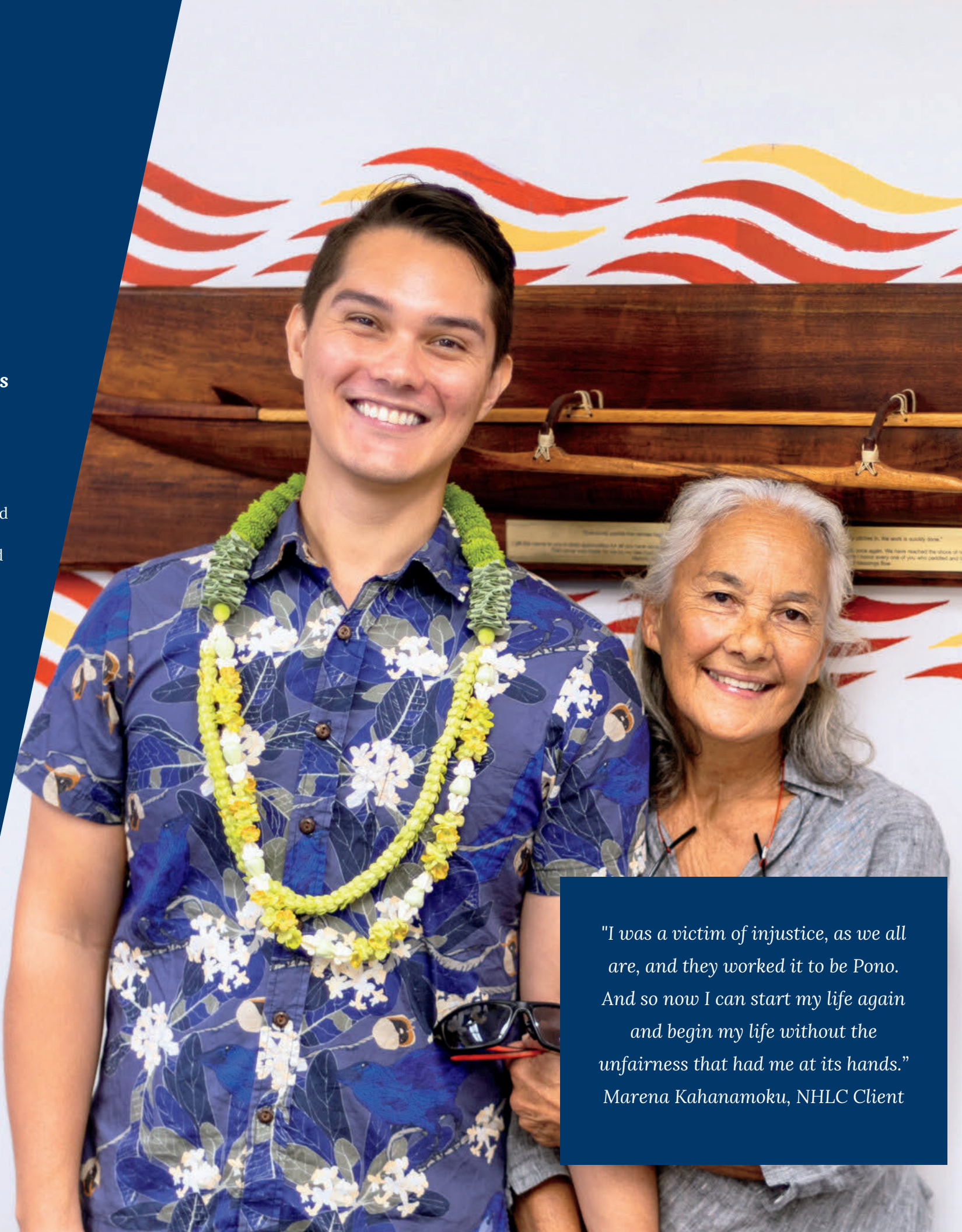
Protecting 'Ohana Homestead and Land Rights Against Lease Cancellation, Adverse Possession, and Other Land Loss

Native Hawaiian identity is centered on familial connections to people and place. NHLC's I Honua Ola program offers essential services to protect housing and 'ohana land rights. Inspired by its meaning "to have a thriving foundation alluding to the necessities of a good life," the I Honua Ola program is dedicated to perpetuating Native Hawaiian wellbeing by protecting Native Hawaiian pilina to 'āina.

Legal Services

The I Honua Ola program advances the imperative to maintain pilina to 'ohana, lāhui, and 'āina by providing services encompassing:

- Protection of rights related to Hawaiian Home Lands
 - Successorship
 - Lease cancellation
 - Blood quantum certification
- Protection of family-owned lands
 - Quiet title and partition defense
 - Kuleana lands access & real property tax exemptions
- Defense of other state leases for family uses



*"I was a victim of injustice, as we all are, and they worked it to be Pono. And so now I can start my life again and begin my life without the unfairness that had me at its hands."
Marena Kahanamoku, NHLC Client*

Homesteading and Family Land

Born in 1974 from a grassroots movement to address the injustices faced by Native Hawaiians, NHLC's start was focused on (i) the dispossession of land due to large land owner claims of adverse possession and (ii) failures by the federal and state government to keep the promise of the Hawaiian Homes Commission Act regarding Hawaiian Home Lands for Native Hawaiians. NHLC remains steadfast in its mission to hold the government accountable to its legal trust duties and ensuring Hawaiian families have advocates in quiet title actions to maintain Native Hawaiian pilina to 'āina.

The Never Ending Homestead Waitlist

Roughly 10,000 Native Hawaiians hold Hawaiian Homelands leases, yet the dream of a homestead remains elusive for over 28,000 families still on the waiting list. The journey to secure and sustain a homestead lease is fraught with challenges, including issues of successorship, lease cancellations, and the 50% blood quantum requirement. In the last year, NHLC received more than 150 inquiries regarding land and homestead-related matters. This program plays a critical role in protecting homesteader rights and the rights of families on or deserving access to the waitlist.

Adverse Possession and Clouded Title on Family Land

After the Mahele and the Kuleana Act of 1850, maka'āinana (common Hawaiian people) retained less than 5% of Hawaiian land. Since that time, landlessness and land loss have posed some of the greatest threats to Native Hawaiian identity and culture. In the 1970s, this threat took the form of large scale eviction of families on the defensive end of adverse possession claims by large land owners. Today, inherited property with clouded title called heirs property, and access to the legal services needed to navigate probate and land tax law, threaten intergenerational held family properties. NHLC aides families with legal services to retain their 'ohana lands.



I Honua Ola

Protecting 'Ohana Homestead and Land Rights Against Lease Cancellation, Adverse Possession, and Other Land Loss



“Mahalo piha no kēia hana nui! Our village and 'ohana are supremely grateful to you and NHLC for helping us.”
Maile Lavea-Malloe, resident of Pepe'ekeo



NHLC – What We Do

Quiet Title Actions
Protecting Cultural Sites
Whāpapa/Kūiauna Rights
Protecting Traditional and Customary Practices
Other Emerging Needs
Strengthening Native Hawaiian Legal Leadership

Project Spotlights

Successful Challenge to DHHL Blood Quantum Recertification Practice

In the 1970s, NHLC's client applied for a homestead lease with DHHL. DHHL subsequently approved the application, finding that the client was at least 50% Native Hawaiian as required for eligibility for a homestead based on birth certificate evidence. Later in 2008, DHHL notified the client that a review was done of their application and that there was “insufficient documentation” to verify that they are at least 50% Native Hawaiian. DHHL then placed the application on “inactive” status. NHLC was engaged for help and in 2024 argued for DHHL to uphold its trust duties under the Hawaiian Homes Commission Act, adhere to its own administrative rules governing blood quantum documentation, and respect the due process rights of Hawaiians on the homestead waitlist. The matter was successfully resolved; DHHL reinstated the client's application.

Defending Family Lands from Large Land Owner Encroachment

In April 2024, six families in Pepe'ekeo on Hawai'i-island were startled by a notice they received from a large lot landowner nearby. The large landowner declared they would be building a barbed wire fence through their properties, starting in two weeks, asserting rights to do so because of an easement. The families sent the landowner protests and objections, saying they did not agree to the fence. Nevertheless, crews entered their properties and built the fence, cutting them off from a 25-foot-wide stretch of land across their backyards. NHLC successfully negotiated a settlement with the landowner by providing families in the neighborhood with effective advocacy as to their land ownership rights and Hawai'i law pertaining to easements. The fence was removed and the condition of the family land was restored.

Homesteader Successorship Clinics

In 2024 NHLC built on a mature history of successorship support for homesteaders to collaborate with DHHL on offering a successorship clinic for Keaukaha homesteaders. At the successorship clinic, NHLC provided information on how to ensure that a homestead lease is passed on to a lessee's chosen successors. Successor designation paperwork and the opportunity to talk to a NHLC attorney were available for participants in real time. Homestead families greatly benefited from the clinic model. Clinics that bring services to the homestead neighborhood eliminate barriers to receiving help and allow for the development of pilina, building trust in legal professionals and legal processes.



Mana ka Wai Ola

Protecting Water, including Streams, Groundwater, and Aquaculture

This program takes inspiration from the mele Ka Wai a Kane. Mana means spiritual power, but it also means to split as a stream. Mana Ka Wai Ola was founded to ensure that the rights to wai for Kānaka are respected and upheld, with clean water in Hawai'i aquifers and streams, and the sea.

According to the Hawai'i Department of Land and Natural Resources, there are approximately 376 streams that continuously flow in the state. However, water is increasingly being diverted for private commercial use to the benefit of large land owners and developers, often to the detriment of the environment and traditional and customary practices.

NHLC is committed to holding the state accountable to its constitutional public trust duties and duties to protect Native Hawaiian traditional and customary practices associated with water.



"We are truly grateful for our attorney's commitment to our community and our Native Hawaiian people, most of all our WAI."

Jerome Kekiwi, Jr., Nā Moku

Safeguarding East Maui Streams

For more than a century, the waters of East Maui have been subject to broad scale commercial diversions posing an existential threat to traditional and customary farming, fishing, and gathering practices for generations of families and cultural practitioners.

Since 1985, this has been facilitated by the state allowing Alexander & Baldwin, Inc. ("A&B") to use state land in East Maui to divert as much as 450 million gallons of water daily pursuant to "temporary" revocable permits, issued without an environmental assessment. In 2015, cultural practitioners Healoha Carmichael, Lezley Jacintho, and Nā Moku Aupuni O Ko'olau Hui, represented by NHLC, sued the Board of Land and Natural Resources' ("BLNR"), A&B and East Maui Irrigation Co. to end this practice.

NHLC continues advocating for Maui water access through the *Carmichael v. Bd. of Land and Nat. Res.* case and the related *Nā Moku Aupuni O Ko'olau Hui v. Bd. of Land and Nat. Res.* case. In 2022, the Hawai'i Supreme Court ruled against BLNR in *Carmichael*, acknowledging "the significant environmental impact" of the diversions and holding that "the BLNR's authority to issue revocable permits is subject to . . . environmental review[.]" The Court also determined that the Board implemented a "sweeping process" of continuing revocable permits "without an adequate explanation as to why a continuance served the best interests of the State." In December 2023, the environmental court ruled that BLNR, A&B, and East Maui Irrigation violated the Hawai'i Environmental Policy Act. It further concluded that "BLNR had no authority to renew or continue the revocable permits to calendar year 2015 and thus BLNR had no legal basis to authorize A&B's use of the diverted stream water."

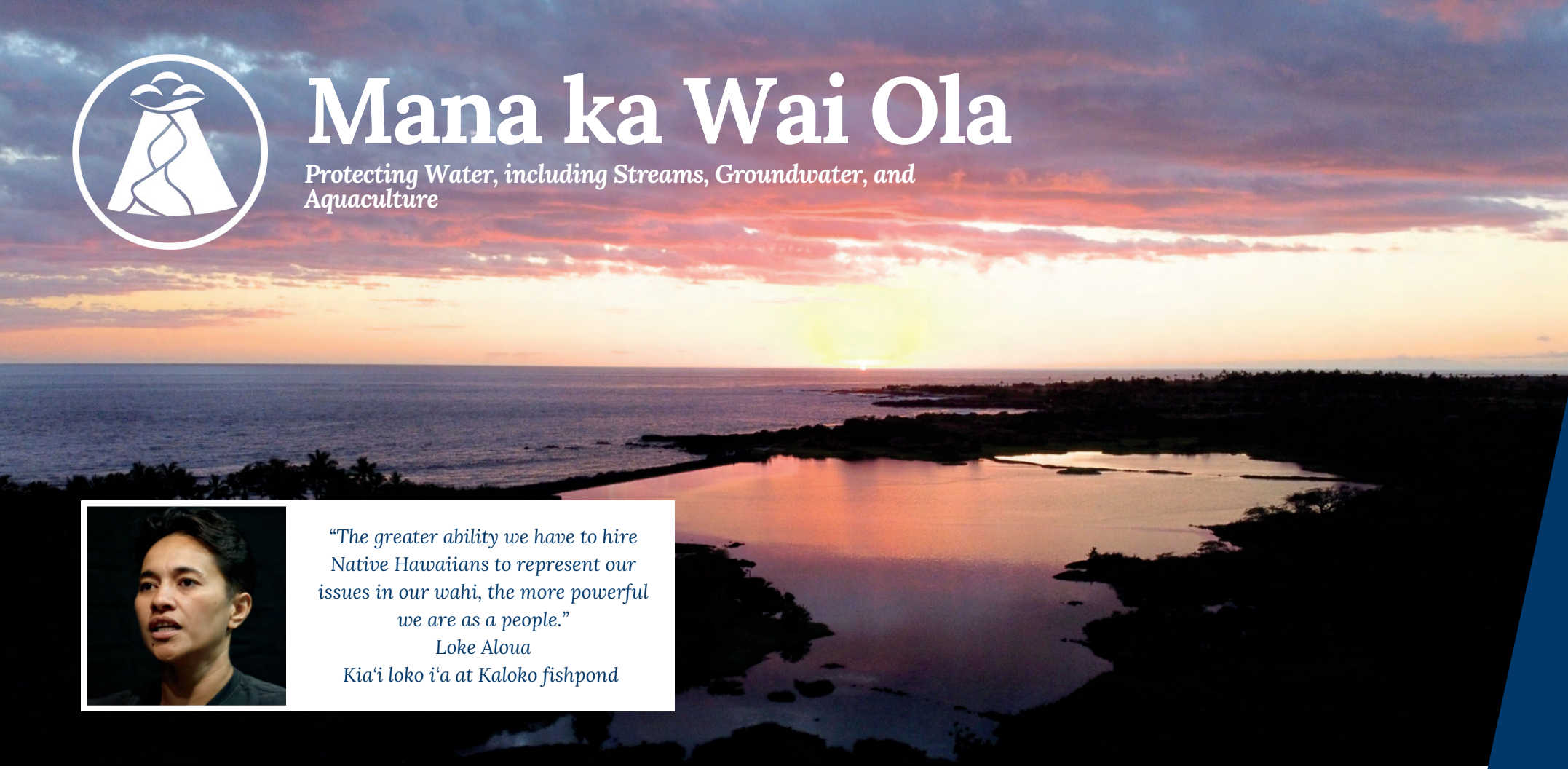
As a result of this legal victory, in 2024, the court also allowed the plaintiffs to amend their complaint to seek restitution for A&B's draining streams dry for years. The plaintiffs also defeated a motion to dismiss the amended complaint. As of this publication, this case is on appeal.

In the related *Nā Moku* case NHLC challenged BLNR's 2016 authorization of water diversions which was found in 2024 to violate public trust and cultural protections.



Mana ka Wai Ola

Protecting Water, including Streams, Groundwater, and Aquaculture



"The greater ability we have to hire Native Hawaiians to represent our issues in our wahi, the more powerful we are as a people."

Loke Aloua

Kia'i loko i'a at Kaloko fishpond

Project Spotlights

Empowering Lawai'a on Maui

In 2024, NHLC represented the Lu'uwai 'ohana in obtaining a Special Use Permit for lawai'a, traditional Hawaiian fishing, in Honua'ula, Maui. Their multi-generational fishing lineage, ongoing since at least the mid-1800s in this area, was put at risk when the 'Ahihi-Kina'u Natural Area Reserve was established in 1973 and forbade fishing. Following years of negotiations with state agencies, conditional permits were granted allowing for the respect of the Lu'uwai traditional and customary practice rights and the conservation goals for the reserve. With NHLC's assistance, the Lu'uwai 'ohana obtained a permit in 1998, and their family has continued to request permits since then as required to continue their practices. In March 2023, however, state agencies indicated that the permits may not be granted. Again NHLC got involved and represented the third generation of Lu'uwai 'ohana to advocate for their continued rights to access and perpetuate their practices. In August 2024, BLNR unanimously renewed the Lu'uwai 'ohana's permit, reaffirming the state's dual obligations to preserve Native Hawaiian traditions and the Reserve's resources.

Protecting Groundwater in Kona

Since 2021, NHLC has been advocating on behalf of Native Hawaiian practitioners and kia'i loko i'a for the protection of North Kona's groundwater resources, challenging the development of the first major well in Kona since the Commission on Water Resource Management ("CWRM") opted not to designate the Keauhou Aquifer System a designated water management area. Issues raised include CWRM's failure to fulfill the state's constitutional duty to protect Native Hawaiian traditional and customary practices, lack of understanding of the impacts of withdrawals on the nearshore area, and the lack of an approved Water Use and Development Plan to guide decision-making. As a result, CWRM initially deferred decision-making on the permits. When the well permits came back to CWRM for decision-making in early 2024, CWRM and its staff agreed to spend more time synthesizing existing data in lieu of a contested case hearing. NHLC and its client group continue to monitor this and other water issues. NHLC and its clients are committed to advocacy for a legally sufficient process to ensure protection of the public trust water resources, before new wells are developed.



"For us to continue those traditions means that we are able to pass on the generational knowledge we are fortunate to have to the next generation."

Kaulu Lu'uwai





I Koe ke Kuleana

Protecting Wahi Pana and Access Rights for Traditional and Customary Practices

The I Koe ke Kuleana program takes inspiration from the Mahele and Kuleana Act documents that reserved and preserved the rights of the maka'āinana for access, gathering, and other purposes even after the adoption of fee simple land ownership in Hawai'i. This program is meant to ensure that these rights continue to be reserved and preserved for the people of Hawai'i.

Legal Services

This program seeks to defend and uphold the constitutional rights of cultural practitioners and sacred place stewards to enable access to, and culturally necessary protection of, sacred places. This program includes legal advocacy in courts and before administrative agencies, as well as engagement in Native Hawaiian consultation processes involving federal, state, and local government agencies.



Mauna Kea Access Road

In 2020, NHLHC filed a breach of trust lawsuit against the state to ensure proper management of Hawaiian Home Lands trust lands underlying the Mauna Kea Access Road (“MKAR”) on behalf of Pualani Kanaka’ole Kanahale, Edward Halealoha Ayau, and Keli’i “Skippy” Ioane, Jr. In 2018, the Department of Transportation (“DOT”) unlawfully claimed control over these lands when it designated the road a state highway without following processes required by the Hawaiian Homes Commission Act (“HHCA”). DHHL did not object, thereby breaching its trust duties. In reliance on its purported authority over MKAR, the DOT closed the road in 2019 to facilitate development of the Thirty Meter Telescope. This led to the arrest of dozens of kūpuna who were peacefully protesting including two of the named plaintiffs..

The case was argued before the Hawai’i Supreme Court in December 2023. On May 30, 2024, the Court issued a unanimous decision in favor of the plaintiffs in *Kanahale, et al. v. State, et. al.*, holding: (1) the DOT violated the HHCA when it asserted control of the lands underlying the MKAR without following the proper processes; (2) DHHL breached its duties by not objecting to that action by the DOT; (3) the native Hawaiian plaintiffs had a right to sue for these breaches of trust; and (4) the access road was improperly designated a state highway.

The case will return to the trial court to determine appropriate relief, including damages owed by the state for the unlawful and uncompensated use and control of MKAR since 2018.

NSF Environmental Review and Section 106 Consultation Related to the TMT Project on Mauna Kea

In 2022, the National Science Foundation (“NSF”) began its scoping process for environmental assessment and Section 106 consultation under the National Historic Preservation Act. Both steps are to inform decisions by NSF about whether to invest in the Thirty Meter Telescope (“TMT”) Project on Mauna Kea. In partnership with the Native American Rights Fund, NHLHC has assisted community and cultural practitioners in knowing their rights related to these processes and to advocate for sufficient process and consultation. This work is ongoing.

“Everyone we have worked with at NHLC has been amazing. Knowledgeable, skilled and compassionate while seeing on so many levels. They have enhanced our work as Kilo, both through explaining and anticipating the ups and downs and twists of the legal process, and walking with us in ceremony on our Mauna. We have learned so much from working with NHLC.”

Nā Kia’i O Nihokū



Project Spotlights

Ensuring Continuity of Sacred Site Protection at The Kalaeloa Heritage Park

The Kalaeloa Heritage Park spans 11 acres, housing over 177 cultural sites, including heiau, habitation sites, iwi kūpuna, and more. In 2011, community members, practitioners, and kia’i organized to establish the Kalaeloa Heritage and Legacy Foundation (“KHLF”) for Kalaeloa’s protection and preservation. The Hawai’i Community Development Authority (“HCDA”) then entered a 40-year lease agreement with KHLF. Citing unaddressed stockpiling issues by KHLF, HCDA terminated the lease agreement in 2019. KHLF retained NHLC to negotiate a resolution with HCDA, resulting in a new lease that allowed them to continue their cultural practices and Park stewardship.

Protection of Nihokū

In January 2022, NHLC began work as counsel for Nā Kia’i o Nihokū comprised of a group of cultural practitioners from Kīlauea, Kaua’i. Since 2015, Nā Kia’i o Nihokū members have engaged in a variety of practices including mele, oli, hula, awa, kilo, and Makahiki ceremonies. In June 2021, a permit application was submitted to build a 30,000-square-foot compound on Lot 11-A within the Seacliff Plantation subdivision. Lot 11-A is located at the base of Nihokū and adjacent to the 203-acre Kīlauea National Wildlife Refuge. In December 2021, Nā Kia’i o Nihokū requested a contested case hearing citing potential impacts on their practices. From November 2022 to January 2023, a 9-day contested case hearing was held. NHLC argued the development would impact traditional practices and should only occur within the original lower building setback line. On July 15, 2024, the Hearing Officer recommended the Kaua’i Planning Commission (“KPC”) uphold the lower building setback line and impose conditions to mitigate impact to cultural practices, specifically kilo. In November 2024, the KPC unanimously adopted the hearing officer’s recommendations, which upheld the original building setback line that the community had fought for and put in place four decades ago in 1982 and imposed conditions to mitigate the impact to traditional and cultural practices.

Photos Courtesy of Nā Kia’i o Nihokū



“NHLC’s assistance meant the world to us. We have no legal background and we were fighting an uphill battle with a large state organization.

Definitely out of our depth and we needed someone who was very ma’a to the legal ways”

Dwight Victor, Kalaeloha Heritage and Legacy Foundation President





Ho'ohua Hou

Protecting Ike, Cultural Intellectual Property, and the Use of Traditional Knowledge

This program is meant to build on and protect the 'ike of Native Hawaiian kūpuna. The lāhui needs the ability to use and steward this knowledge as a guide for pono and distinctively Hawaiian ways of being. 'Ike kūpuna is essential foundation for Native Hawaiian identity and worldview.

Collaborators

Center for Reproductive Rights
Perkins Coie
Resolution 108 Intellectual
Property Working Group



Legal Services

This program is focused on protection of 'ike kūpuna and other intangible aspects of Native Hawaiian culture, including traditional knowledge, traditional cultural expressions, genetic resources, associated traditional and customary practices, and the intellectual property comprised of or developed from these cultural resources. This work includes advocacy for advancement in the law that prevents cultural appropriation and abuse, including within the intellectual property system.

The world is changing ever more quickly. As change occurs, the lāhui needs to ensure that Native Hawaiian 'ike kūpuna is not adapted incorrectly, exploited or abused without conforming to traditional protocols, nor restricted from use in daily Hawaiian life. Yet there are numerous risks including the capture of cultural property as privatized intellectual property rights that are weaponized against the community, regulation restricting rights to cultural practice, and failures to institute law and policy that adequately enable cultural practice and the use of traditional knowledge.

NHLC is dedicated to being at the forefront of advocacy with kumu and practitioners to protect 'ike kūpuna and Native Hawaiian traditional protocols for the stewardship of this ike.

“Our lāhui rely on the knowledge, experience and sense of kuleana that NHLC embodies to support our Native Hawaiian people in our efforts to hold on to and retain our cultural identity, intellectual properties, 'āina and so much more.”
Kumu Vicky Holt Takamine
Chair, Native Hawaiian IP Working Group
Founder & Executive Director
PA'I Foundation



Project Spotlights

Challenging State Law that Criminalizes Hawaiian Traditional Birthing Practices

In February of 2024, NHLC joined the Center for Reproductive Rights and the law firm, Perkins Coie, to file a lawsuit against the state asking the court to stop the Hawai'i Midwifery Restriction Law's threat of prison time and fines for midwives who train through traditional and apprenticeship-based pathways. As part of the case, the team filed a Motion for Preliminary Injunction which requested, in part, that the court block the State of Hawai'i from pursuing criminal and civil penalties against cultural practitioners while the case is being litigated. On July 23, 2024, the court issued a decision acknowledging the strength of our client's arguments that the regulation of Native Hawaiian birthing traditions and practices under HRS §457J was unreasonable. Ultimately, the court granted the statewide injunction and it will remain in effect until a kūpuna council exists that can recognize practitioners of Native Hawaiian birthing practices, or until there is another pathway for recognition of practitioners. This case is ongoing with trial currently scheduled for January 2026.

Resolution 108 Native Hawaiian Intellectual Property Working Group

In May 2023, the Hawai'i Legislature passed House Concurrent Resolution No. 108, HD 1, SD 1. This resolution established a Native Hawaiian Intellectual Property Working Group. The working group was established to propose steps the state can take to reduce the abuse of Native Hawaiian cultural property. Abuses include uses and intellectual property claims on Native Hawaiian traditional knowledge, traditional cultural expressions, and genetic resources without conforming to traditional protocols. Examples include trademarking of 'ōlelo Hawai'i and cultural imagery; the recomposition and copywriting of traditional mele; and patenting of inventions based on traditional plants including kalo and 'awa. Abuse compromises the integrity of the culture, causes economic injustice, and confuses people in and outside the Native Hawaiian community about authentic cultural goods, experiences, and practices. The working group convened in the summer of 2024 and has been conducting community consultation and research. Its is expected in 2025. The NHLC Executive Director is the Working Group Vice Chair serving under Chair Vicky Holt Takamine.

"Today, we are once again able to stand in our own ancestral knowledge and serve our community with skills and traditions passed down through generations. In a nation scarred by colonization, I can now resume my path toward becoming a midwife, preserving the wisdom gifted to us by our kūpuna."

Makalani Franco-Francis, plaintiff



Ho'ohua Hou

Protecting 'Ike, Cultural Intellectual Property, and the Use of Traditional Knowledge



Kani Hou ka Iwi

Helping communities to recover from and build resilience to disasters

Following the devastating wildfires that occurred in Lāhainā in August of 2023, the need for legal services in the realm of disaster relief and resilience became abundantly apparent. NHLC founded Kani Hou ka Iwi, a program dedicated to disaster relief and resilience, soon after the Lāhainā wildfires to respond to this need.

Program Collaborators

- Equal Justice Works
- Council for Native Hawaiian Advancement
- Legal Aid Society of Hawai'i
- PONO Legal
- Foster Law Offices
- Pepperdine Law School Clinic



"The NHLC has been instrumental in providing essential legal information and support to disaster survivors at the Kāko'o Maui center. Unfortunately, numerous legal challenges have affected the West Maui community and continue to do so. Throughout this time, NHLC has remained a reliable source of legal aid."

*Kūhio Lewis
CEO, Council for Native Hawaiian Advancement*



Legal Services

The Kani Hou ka Iwi program provides legal services in these areas specifically tailored to disaster recovery efforts:

- FEMA applications and appeals
- Access rights
- Burial protection
- Water rights
- Probate
- Debris clean-up
- Resolving clouds on title for family-owned land, e.g., heirs property

Hawai'i Needs Disaster Preparedness

According to the Federal Emergency Management Agency ("FEMA"), Hawai'i has faced 68 declared disasters from May 1952 to November 2024. Alarming, over a third were fires (26 of 68) and the number of fire-related disasters has nearly quadrupled in the past 20 years.

Leading the count in disasters are Hawai'i Island and Maui County, with 29 and 28 disasters, respectively. Additionally, environmental threats like floods, severe storms, and volcanic eruptions pose significant risks to Hawai'i communities.

"NHLC has been an important partner and ally in providing free legal services to West Maui families helping them to not only recover but navigate the many legal challenges our people faced because of this disaster."

*Heidi Ho
Executive Director
Pono Legal*



Kani Hou ka Iwi

Helping communities to recover from and build resilience to disasters



"Not a day goes by that we are not filled with many emotions over what we are having to endure but please know that having the support from NHLC and others is what keeps us uplifted and strong to get thru this."

U'i Castro

Project Spotlights

Lāhainā Wildfire Recovery Efforts

To adequately provide services for the needs expressed by the community, NHLC partnered with Equal Justice Works to bring on two fellows and support a summer intern for Kani Hou ka Iwi's work for Lāhainā. One of those fellows was prior NHLC staff attorney Sharla Manley who now serves as Of Counsel to the organization. She has been joined by a second fellow and staff attorney Devon Haia, a recent graduate of the UH Richardson School of Law who completed a clerkship for a Hawai'i environmental court judge in 2024. With the intention of utilizing Native Hawaiian traditional knowledge, values, customs, and practices, NHLC fights to uphold both the proper use of trust resources, such as water, and state law for the protection of Native Hawaiian rights in Lāhainā's revitalization.

Helping 'Ohana Rebuild

When the Maui wildfires destroyed their home in Lahaina, the Castro 'ohana found themselves in need of legal assistance. Title and insurance for the home were still in the name of their deceased matriarch which impeded the 'ohana's access to the disaster relief they were entitled to. NHLC assisted the family with opening probate to appoint a personal representative with authority to act on behalf of the estate, allowing the family to access insurance proceeds, obtain aid from FEMA, and enroll in the government-sponsored debris removal program. Today, the 'ohana is rebuilding and nearing completion on a new home. NHLC is continuing to assist to update title to the property and create a family land trust to prevent future issues and build disaster resilience.

Community Engagement and Education

NHLC proudly joined the Council for Native Hawaiian Advancement's Kāko'o Maui resource hub to staff resource desks, offering vital legal assistance to those affected by the wildfires. Individuals could seek help with FEMA applications and appeals. Additionally, externs from Pepperdine Caruso School of Law bolstered our staffing efforts at the resource center to provide help to as many people as possible. NHLC staff also hosted free legal clinics at the 2023 Maui Conference and the Royal Lāhainā, providing crucial support on a wide range of legal issues for displaced families.

Hu'ea'o Student Experiential Learning

This year, NHLC welcomed its largest student cohort for the Hu'ea'o Student Experiential Learning Program. Hu'ea'o is one of the few indigenous rights advocacy internship programs in the country and uniquely allows students of all backgrounds to participate first-hand in serving Native people. Over 25 students from across the country participated in the program.

The Hu'ea'o program at NHLC trains and inspires the rising generation of Indigenous Peoples' advocates. Excellence in Indigenous advocacy requires cultural competence and sensitivity. Students in the program are offered meaningful opportunities to assist in delivering legal services and to learn about and engage in Native Hawaiian traditional practices. This year, participants accessed workshops for kahili making, niu pāpale weaving, oli (chanting), mele (singing), and lo'i care with NHLC staff.



Nurturing an 'Auwai of Indigenous Rights Advocates

Native Peoples represent one-half of 1% of the American legal profession, the most underrepresented racial group in the country. Because of longstanding exclusion in the legal profession, Native communities face a critical shortage of legal expertise, limiting their access to justice.

As the only dedicated Native Hawaiian rights law firm in the world, NHLC has a distinctive kuleana to build capacity for Native advocacy and nurture the rising generation of Native lawyers. To do that, NHLC welcomes undergraduate and law students to volunteer, extern, or intern throughout the year. In 2024, NHLC was proud to welcome students from a diverse set of schools, including the UH Richardson School of Law, Yale, Harvard, UC Berkeley, UC Davis, the University of Washington, Seattle University, Amherst, Cornell, Boston University, the University of Maryland, and more.



Uluo'a 50th Anniversary

Four Generations of Service

NHLC celebrated 50 years of dedicated service to the lāhui at the 2024 Uluo'a event. Since 1974, NHLC has been a steadfast advocate, providing legal assistance to families and communities committed to preserving the culture and traditions of Hawai'i's indigenous people.

The Uluo'a celebration was a manaful gathering drawing 500 attendees. Speeches were delivered by Office of Hawaiian Affairs Chair Carmen Hulu Lindsey and Lieutenant Governor Sylvia Luke. Recorded remarks and testimonials were shared from clients and honorees. Musical performances were provided by Kamakakēhau Fernandez, Raiatea Helm, and NHLC Board Member Keali'i Reichel.



The Mo'olelo of Uluo'a

Uluo'a means to stand erect or upright. NHLC strives to stand uluo'a with our clients and community to preserve and protect Native Hawaiian identity, culture, and lifeways.

NHLC has been a vital bridge between Western law and Native Hawaiian justice, advocating for pono, just, and equitable outcomes before courts and government agencies. This work is crucial in safeguarding and preserving the unique culture of Hawai'i. To learn more of the mo'olelo of Uluo'a and NHLC's history of service, visit www.nhlchi.org/uluoa-aha



2024 Uluo'a Honorees

NHLC's 50-year legacy stands as a powerful testament to the unwavering vision and leadership of those who founded the organization and lead it through five impactful decades. Their steadfast commitment to NHLC's mission and to the lāhui remains the cornerstone of all NHLC does. In honor of their dedication, courage, and gifts of service, NHLC proudly recognized the organization's 13 founders, founding members, and past Executive Directors at the celebration.

Founders

- Gayle Kawaipuna Prejean
- Randy Kalahiki
- Stephen Morse
- Roy Ula Kawelo

Founding Members

- Winona Rubin
- John Agard
- Louis "Buzzy" Agard
- Robert "Gil" Johnston

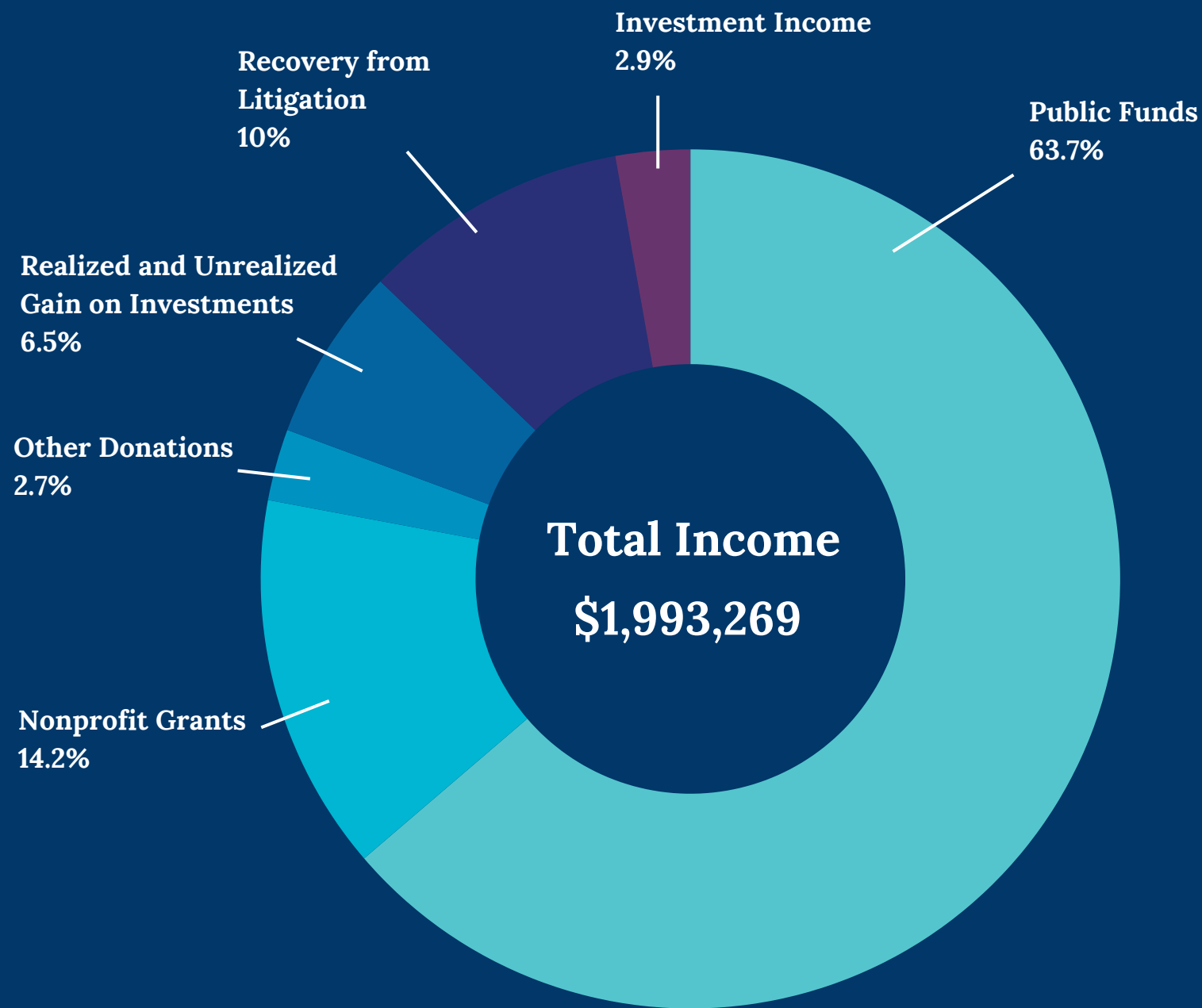
Former Executive Directors

- Boyce Brown, 1980-1982
- Melody Kapilialoha Mackenzie, 1982-1986
- Mahealani Wendt, 1986-2009
- Moses K. Haia, 2010-2019
- Summer Sylva, 2019-2021



2024 Financials

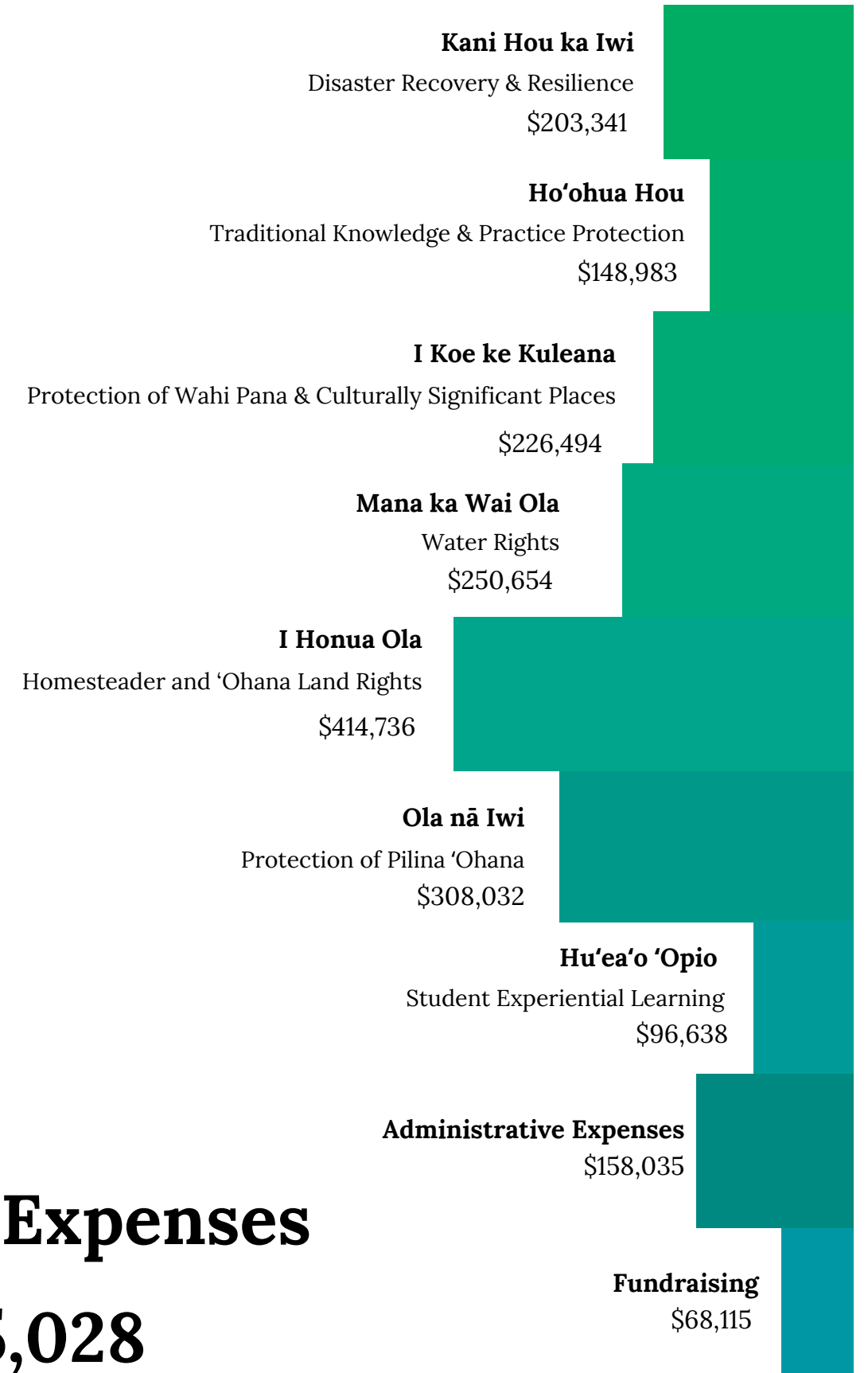
This financial information is provided based off of NHLC's fiscal year beginning July 1, 2023 and ending June 30, 2024. For this fiscal year, NHLC's financial statements were audited by Choo, Osada, & Lee, a firm of certified public accountants in Honolulu.



*Income categories aggregate funding sources summarized on the audited financial statements and Form 990.

**Expenses by program take the program expenses as detailed on the audited financial statements and allocate them based on labor allocation from management's estimates of time and effort by staff. The fundraising and management and general categories are directly from the statements.

Total Expenses \$1,875,028



2024 Donors & Grant Support

GRANT SUPPORTERS

The Hawai'i Justice Foundation
The Christensen Fund
The Council for Native Hawaiian Advancement
The Frost Family Foundation
Tides Foundation
Windward Fund
Mitchell Foundation

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Mauna Kea Sponsors (\$10,000)

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Native Hawaiian Philanthropy
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Consuelo Zobel Alger Foundation
N30 Productions
Ekolu Mauna



Native Hawaiian Philanthropy
Maunalua Hawaiian Civic Club
Consuelo Zobel Alger Foundation
N30 Productions
Ekolu Mauna
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Verna Takashima



2024 Donors

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Why Do You Give?



"I support NHLC because it provides critical legal expertise centered around the protection and preservation of Native Hawaiian culture, identity, and 'āina and plays a vital role in Native Hawaiian rights jurisprudence."

Kawena Suganuma-Beaupré

"Our family wishes to live in reciprocity with Native Hawaiians and do right by the land that holds us. Giving to NHLC allows us to support the legal warriors fighting for Native Hawaiians, their culture, and their 'āina. Thank you NHLC for all of the good work that you do and for doing it in a good way."

Brie & Aaron Coyle-Jones



Michelle M. Hensley
 Kathryn Huihui
 Iain Johnston
 Dora Johnson
 Phil Johnson
 Briana Jones
 Joshua & Laura Kaakua
 Canile Kaio
 Albert Kalin and Hiltrud Kalin-Munch
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 Megan Yoshimura
 James Young
 Suzanne Young



"I support the Native Hawaiian Legal Corp because they have been winning major legal battles for Native Hawaiians for 50 years, and as we all know, there are more battles to be fought, and no one is in a better position to fight and win them than NHLC."

Bob Merce



Mahalo Nui

Ways to give

NHLC depends upon charitable giving. Gifts can be made electronically using the QR code below. You can also send gifts to NHLC at:

Native Hawaiian Legal Corporation
1164 Bishop Street, Suite 1205
Honolulu, HI 96813

or online at www.nhlchi.org.

To discuss options for major gifts, please call NHLC and ask for the Executive Director at 808-521-2302. NHLC is a 501(c)(3) nonprofit charity, EIN 99-0161861.

