

**IN THE DISTRICT COURT OF THE THIRD CIRCUIT  
NORTH AND SOUTH HILO  DIVISION  
STATE OF HAWAII**

Plaintiff

STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS

Electronically Filed  
THIRD CIRCUIT  
3DRC-23-0000008  
04-JAN-2023  
03:25 PM  
Dkt. 3 SUMM

Reserved for Court Use

Civil No.

Defendant

LAWRENCE COSTA, JR

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number

Alyssa-Marie Y. Kau 11135  
Deputy Attorney General  
Department of the Attorney General, State of Hawaii  
425 Queen Street  
Honolulu, Hawaii 96813  
808-587-2978

SUMMONS

**THE STATE OF HAWAII:**

**TO:** The Director of Public Safety of the State of Hawai'i, the Director's deputy, or any police officer or other person authorized by the laws of the State of Hawai'i:

This Summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a Judge permits, in writing on this Summons, personal delivery during those hours.

**TO THE DEFENDANT:**

You are required to file a written answer or appear before the District Judge of this Court, in the Judge's Courtroom, on the day and at the time designated by the checked box on page 2. If the Defendant is a corporation or limited liability company, Hawai'i law requires it to be represented by an attorney licensed to practice in the State of Hawai'i.

**IF YOU OR YOUR ATTORNEY FAIL TO ATTEND THE COURT HEARING AT THE TIME AND PLACE DESIGNATED OR FILE A WRITTEN ANSWER A DEFAULT JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

Date: **JAN - 4 2023**

Clerk

*[Signature]* L. FONTES

SEE PAGE 2

COURT ADDRESSES AND RETURNABLE DAYS:

- North and South Hilo Division, 777 Kilauea Ave., 2<sup>nd</sup> Floor, Hilo, Hawai'i**  
 at 8:30 a.m. on **Wednesday**, \_\_\_\_\_, 20\_\_\_\_ for summary possession.  
or  
 at 8:30 a.m. on the second **Wednesday** following date of service, and should said **Wednesday** be a legal holiday then upon the next **Wednesday**.
- Puna Division, 777 Kilauea Ave., 2<sup>nd</sup> Floor, Hilo, Hawai'i**  
 at 8:30 a.m. on **Monday**, \_\_\_\_\_, 20\_\_\_\_ for summary possession.  
or  
 at 8:30 a.m. on the second **Monday** following date of service, and should said **Monday** be a legal holiday then upon the next **Monday**.
- North and South Kona Division, 74-5451 Kamaka'eha Avenue 2nd Floor, Kailua-Kona, Hawai'i**  
 at 8:30 a.m. on **Tuesday**, \_\_\_\_\_, 20\_\_\_\_ for summary possession.  
or  
 at 8:30 a.m. on the second **Tuesday** following date of service, and should said **Tuesday** be a legal holiday then upon the next **Tuesday**.
- Ka'u Division, To be heard at North and South Kona Division, 74-5451 Kamaka'eha Avenue 2nd Floor, Kailua-Kona, Hawai'i**  
 at 8:30 a.m. on **Tuesday**, \_\_\_\_\_, 20\_\_\_\_ for summary possession.  
or  
 at 8:30 a.m. on the second **Tuesday** following date of service, and should said **Tuesday** be a legal holiday then upon the next **Tuesday**.
- South Kohala Division, 67-5187 Kamamalu St., Kamuela, Hawai'i**  
 at 1:00 p.m. on **Thursday**, \_\_\_\_\_, 20\_\_\_\_ for summary possession.  
or  
 at 1:00 p.m. on the second, fourth or fifth **Thursday** of the month following the date of service which is at least 72 hours prior to the court date and should said **Thursday** be a legal holiday then the next **Thursday**.
- Hamakua Division, To be heard at South Kohala Division, 67-5187 Kamamalu St., Kamuela, Hawai'i**  
 at 8:30 a.m. on **Thursday**, \_\_\_\_\_, 20\_\_\_\_ for summary possession.  
or  
 at 8:30 a.m. on the first **Thursday** of the month depending on when you received this Order. You must appear on the first **Thursday** of the month if you are served with this Order prior to 72 hours before the first **Thursday** of the month. Otherwise, you must appear on the following month's first **Thursday**. If the first **Thursday** is a legal holiday, you must appear on the first **Thursday** of the following month.
- North Kohala Division, To be heard at South Kohala Division, 67-5187 Kamamalu St., Kamuela, Hawai'i**  
 at 1:00 p.m. on **Wednesday**, \_\_\_\_\_, 20\_\_\_\_ for summary possession.  
or  
 at 1:00 p.m. on the fourth **Wednesday** of the month depending on when you received this Order. You must appear on the fourth **Wednesday** of the month if you are served with this Order prior to 72 hours before the fourth **Wednesday** of the month. Otherwise, you must appear on the following month's fourth **Wednesday**. If the fourth **Wednesday** is a legal holiday, you must appear on the fourth **Wednesday** of the following month.

Mailing address for the courts:  777 Kilauea Ave., Hilo, Hawai'i 96720     67-5187 Kamamalu St., Kamuela, Hawai'i 96743  
 74-5451 Kamaka'eha Ave., Kailua-Kona, Hawai'i 96740



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Attorneys for Plaintiff  
DEPARTMENT OF HAWAIIAN HOME LANDS,  
STATE OF HAWAI'I

IN THE DISTRICT COURT OF THE THIRD CIRCUIT

NORTH AND SOUTH HILO DIVISION

STATE OF HAWAI'I

STATE OF HAWAI'I, DEPARTMENT OF  
HAWAIIAN HOME LANDS

Plaintiff,

vs.

LAWRENCE COSTA, JR.

Defendant.

CIVIL NO. \_\_\_\_\_  
(Ejectment)

COMPLAINT FOR EJECTMENT;  
DECLARATION OF PETER KAHANA  
ALBINIO, JR.; EXHIBITS "1"- "13";  
DECLARATION OF JOSEPH KUALI'I  
LINDSEY CAMARA; SUMMONS

COMPLAINT FOR EJECTMENT

Plaintiff STATE OF HAWAI'I, DEPARTMENT OF HAWAIIAN HOME LANDS  
("DHHL"), by and through its attorneys, for its complaint against Defendant LAWRENCE  
COSTA, JR., ("Defendant") alleges and avers as follows:

## JURISDICTION AND VENUE

1. The Court has jurisdiction under Hawaii Revised Statutes (“HRS”) §§ 604-5 and 604-6.
2. Venue is proper under HRS § 604-7(d).

## PARTIES

3. DHHL is an executive agency of the State of Hawai‘i and is responsible for administering the Hawaiian Homes Commission Act, 1920, as amended (“HHCA”).
4. DHHL is headed by a nine-member executive board known as the Hawaiian Homes Commission (“Commission”).
5. Defendant is a resident of the State of Hawai‘i. Upon information and belief, Defendant is not an active duty member of the military.

## FACTUAL ALLEGATIONS

6. DHHL is the owner of certain parcels of Hawaiian home lands situated in the district of Hilo, island of Hawai‘i, more specifically identified as TMK Nos. (3) 3-8-001:007, (3) 3-8-001:002, (3) 3-8-001:009, and (3) 2-6-018:002 (collectively “Premises”). *See* Exhibits “1”-“8” to the Declaration of Peter Kahana Albinio, Jr. (“Albinio Declaration”), incorporated herein, and made an integral part of the Complaint; *see* Albinio Declaration at ¶¶ 4-12.
7. The Premises are in the North and South Hilo Division of this Court.
8. In late 2016, DHHL received information that Defendant illegally accessed, entered, and occupied TMK Nos. (3) 3-8-001:007 and (3) 2-6-018:002 for his cattle grazing operations. *See* Albinio Declaration at ¶ 13.
9. Defendant has never had a license, lease, or any other disposition to access and use the Premises from DHHL. *See* Albinio Declaration at ¶ 14.

10. Defendant has constructed gates across Keanakolu-Mana Road on the northeast flank of Mauna Kea, restricting access by DHHL staff, licensees, and contractors without DHHL authorization. *See* Declaration of Joseph Kualii Lindsey Camara (“Camara Declaration”), incorporated herein, and made an integral part of the Complaint, at ¶¶ 6, 12.

11. Defendant grazes between one hundred fifty (150) and four hundred fifty (450) cattle across 3,200 acres of TMK (3) 2-6-018:002 and (3) 3-8-001:007 without DHHL’s authorization. Defendant frequently obstructs removal efforts of feral cattle conducted by DHHL and its licensees and contractors. *See* Camara Declaration at ¶¶ 7, 12.

12. Defendant previously stated to DHHL staff that he seeks to take possession of all pastoral lands and feral cattle within TMK (3) 3-8-001:007, TMK (3) 3-8-001:009, TMK (3) 2-6-018:002, and TMK (3) 3-8-001:002. *See* Camara Declaration at ¶ 8. Defendant claims that the feral cattle are his personal property. *See* Camara Declaration at ¶ 9.

13. Defendant stores fencing equipment and his ranch truck DHHL’s Pu‘u ‘Ō‘o Ranch house located within TMK (3) 2-6-018:002. The Pu‘u ‘Ō‘o Ranch House is the location of a perennial spring, which he uses as a water source for the cattle. By information and belief, Defendant uses DHHL’s Pu‘u ‘Ō‘o Ranch house located within TMK (3) 2-6-018:002 as the “headquarters” of his occupation. *See* Camara Declaration at ¶ 13.

14. Defendant has previously stated to DHHL staff that he eventually seeks to take possession of all pastoral lands and feral cattle within TMK (3) 3-8-001:007, TMK (3) 3-8-001:009, (3) 2-6-018:002, and TMK (3) 3-8-001:002 and claims that the feral cattle are his personal property. *See* Camara Declaration at ¶¶ 8, 9.

15. DHHL Property Development Agent, Joseph Kuali'i Lindsey Camara ("Mr. Camara") encounters Defendant on the Premises. Defendant refuses to vacate the Premises. *See* Camara Declaration at ¶¶ 4, 5.

16. On February 13, 2017, DHHL Land Management Division Administrator, Peter Kahana Albinio, Jr. ("Mr. Albinio"), mailed Defendant a warning letter via certified mail informing him that he had illegally accessed, entered, and continued to occupy portions of TMK Nos. (3) 3-8-001:007 and (3) 2-6-018:002 for his cattle grazing operations. The warning letter provided Defendant notice that DHHL is the sole owner of the Premises and did not grant permission to Defendant for use of the Premises. DHHL demanded that Defendant remove all branded cattle and equipment brought onto the Premises by March 20, 2017, and immediately cease and desist from any unauthorized use or access to the Premises. *See* Exhibit "9" to the Albinio Declaration; Albinio Declaration at ¶ 15.

17. Defendant did not remove his branded cattle and equipment by March 20, 2017 and continued to use and access the Premises without the permission of DHHL. *See* Albinio Declaration at ¶ 16.

18. On March 6, 2019, Mr. Albinio accompanied former DHHL Enforcement Officer David Hoke to post a Trespass Warning on the gates constructed by Defendant at TMK Nos. (3) 3-8-001:007 and (3) 2-6-018:002. The Trespass Warning warned Defendant that he was committing criminal trespass in the second degree and criminal trespass in the third degree via hand delivery. *See* Exhibit "10" to the Albinio Declaration; Albinio Declaration at ¶ 17.

19. On March 6, 2019, DHHL staff posted "Government Property: No Trespassing" signs at TMK Nos. (3) 3-8-001:007 and (3) 2-6-018:002. *See* Exhibit "11" to the Albinio Declaration; Albinio Declaration at ¶ 17.

20. On March 6, 2019, DHHL staff cut the Defendant's locks on a DHHL gate located on TMK No. (3) 3-8-001:007. DHHL staff replaced Defendant's locks with their own locks. Defendant admitted to installing the locks and complained to Mr. Camara about the removal of his locks. Mr. Camara then provided new locks to Defendant to compensate him for his destroyed locks. Shortly after DHHL staff reinstalled their own locks, Defendant cut DHHL's locks and installed his own locks.

21. On August 6, 2020, after being informed by DHHL staff that DHHL planned to engage in projects to construct and maintain fencing for ungulate management, Defendant expressed his refusal to remove feral cattle and fencing from the Premises to Mr. Camara. Defendant also expressed a desire to take possession of DHHL pastoral lands and other feral cattle in the Kaūmana-Pi'ihonua and Humu'ula regions of the Premises. *See* Camara Declaration at ¶¶ 8, 15.

22. On April 8, 2022, Mr. Albinio mailed a warning letter to Defendant via U.S. mail and effected personal service at Defendant's residence. He reiterated that DHHL did not grant permission to use or access the Premises and that his acts of destruction of DHHL fence lines, installation of gates and fences, and continued trespass of cattle in DHHL lands were prohibited. He demanded that Defendant remove all branded cattle and equipment by April 22, 2022, and immediately cease and desist from any unauthorized use or access to the Premises. *See* Exhibit "12" to the Albinio Declaration; *see* Albinio Declaration at ¶ 18.

23. On April 13, 2022, Defendant provided an "Acknowledgment of Letter dated April 8, 2022," to DHHL, in part, acknowledging receipt of its April 8, 2022 letter. *See* Exhibit "13" to the Albinio Declaration; *see* Albinio Declaration at ¶ 19.

24. Defendant did not remove his branded cattle and equipment by April 22, 2022, and continues to use and access the Premises without the permission of DHHL. *See* Albinio Declaration at ¶ 20.

25. On September 14, 2022, the Defendant obstructed a DHHL licensee engaged in cattle removal activities from transporting cattle off DHHL lands. Mr. Camara also observed Defendant constructing another gate to the Pu‘u ‘Ō‘o Ranch house. Mr. Camara accompanied officers from the Hawai‘i Police Department and the State of Hawai‘i Department of Land and Natural Resources Division of Conservation and Resources Enforcement to address Defendant, who denied obstructing the cattle transport. Defendant informed the law enforcement officers and Mr. Camara that the Premises is his “personal property,” was no longer allowed on the Premises, and that he “better not see [Mr. Camara] or any of the licensees or contractors affiliated with DHHL” on the Premises, and declared “all DHHL licenses and access agreements” affiliated with the Premises as void. *See* Camara Declaration at ¶¶ 16-18.

26. Defendant prohibits access to DHHL staff and its contractors and licensees to access its designated feral cattle removal area from Keanakolu/Mana Road on the northeast flank of Mauna Kea on DHHL lands. Defendant continues to threaten DHHL staff, contractors, and licensees and attempted to “forbid” them from accessing the Premises, which he considers his personal “property.” *See* Camara Declaration at ¶¶ 6, 10, 12, 16, and 18-20.

27. Defendant continues to possess, occupy, and use the Premises without right, authority, or permission from DHHL. Defendant continues to graze cattle and store equipment on the Premises. *See* Camara Declaration at ¶ 20.



28. DHHL and its contractors and licensees are unable to move forward with its land management activities, including feral cattle removal and gorse eradication, of the Premises. *See* Camara Declaration at ¶ 21.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Honorable Court grant DHHL the following relief:

- A. Issuance of a JUDGMENT FOR POSSESSION, giving DHHL possession of the Premises;
- B. Issuance of a WRIT OF POSSESSION against Defendant, directing the Sheriff or police officers to:
  - (1) Remove Defendant and all other persons remaining on the Premises;
  - (2) Remove all personal belongings of Defendant and any other person from the Premises; and
  - (3) Put DHHL in possession of the Premises.
- C. Such other relief that this Honorable Court may deem appropriate and just under the circumstances.

DATED: Honolulu, Hawai'i, January 3, 2023.

/s/ Alyssa-Marie Y. Kau  
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RYAN K.P. KANAKA 'OLE  
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STATE OF HAWAI'I

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Plaintiff,

vs.

LAWRENCE COSTA, JR.

Defendant.

CIVIL NO. \_\_\_\_\_  
(Ejectment)

DECLARATION OF PETER KAHANA  
ALBINIO, JR.; EXHIBITS "1"- "13"

DECLARATION OF PETER KAHANA ALBINIO, JR.

1. I make this declaration based on my own personal knowledge.
2. I am employed by Plaintiff STATE OF HAWAI'I, DEPARTMENT OF HAWAIIAN HOME LANDS ("DHHL") as the Acting Administrator of DHHL's Land

Management Division. I have been the Acting Administrator of DHHL's Land Management Division since July 2015. From October 2004 to July 2015, I was a Property Development Manager. My duties as a Property Development Manager included planning, organizing, and supervising feasibility studies for developing land for commercial, industrial, or other business purposes; overseeing proposed commercial development and the financing of those development; and preparing long-term disposition of development projects on Hawaiian home lands.

3. My duties as Acting Administrator of the Land Management Division include, among other things, maintaining an inventory of all lands owned by DHHL and having knowledge of the location, description, and title history of lands owned by DHHL. I am also responsible for the management of general leases and licenses of Hawaiian home lands not used for homesteading.

4. Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, ("HHCA") designates approximately fifty-three thousand (53,000) acres of land in Humu'ula Mauka in North Hilo on Hawai'i Island and two thousand (2,000) acres of agricultural land from the lands of Pi'ihonua in South Hilo as "available lands" for homesteading use by DHHL. A true and correct copy of a portion of Section 203 of the HHCA is attached hereto as Exhibit "1."

5. The HHCA authorized the selection of public lands of the Territory of Hawai'i to be transferred to the jurisdiction of the Hawaiian Homes Commission ("Commission"). The Humu'ula lands to be selected were part of a larger parcel of public lands and were required to be specified by the Commission. On June 27, 1929, the Commission selected forty-nine thousand one hundred acres (49,100) acres of government lands of Humu'ula Mauka in North Hilo in the

County of Hawai'i as available lands for the purpose of homesteading. A true and correct copy of the Commission resolution is attached hereto as Exhibit "2."

6. Parcel 1 is a portion of the Humu'ula Mauka lands selected by the Commission on June 27, 1929. Parcel 1 is described and shown on CSF 11558 and CSF 17600, which contains Tax Map Key No. (3) 3-8-001:009. A true and correct copy of CSF 1158 and CSF 17600 with their respective metes and bounds is attached hereto as Exhibit "3".

7. Parcel 2 is a portion of the Humu'ula Mauka lands selected by the Commission on June 27, 1929. Parcel 2 is described and shown on CSF 17601, which contains Tax Map Key No. (3) 3-8-001:002. A true and correct copy of CSF 17601 with its respective metes and bounds is attached hereto as Exhibit "4."

8. Attached hereto as Exhibit "5" are the metes and bounds and a copy of a State of Hawaii Survey Map for Parcel 3 of the Pasture Lease located in Humu'ula, North Hilo, Island of Hawai'i, Hawai'i, which is designated as Tax Map Key No. (3) 3-8-001:007. Parcel 3 is a portion of the Humu'ula Mauka lands selected by the Commission on June 27, 1929.

9. Parcel 4 is a portion of the Humu'ula Mauka lands selected by the Commission on June 27, 1929. Parcel 4 is described and shown on CSF 11561, which contains Tax Map Key No. (3) 3-8-001:008. A true and correct copy of CSF 11561 with its respective metes and bounds is attached hereto as Exhibit "6."

10. On June 27, 1929, the Commission selected two thousand acres (2,000) acres of agricultural lands of Pi'ihonua in South Hilo in the County of Hawai'i as available lands for the purpose of homesteading. A true and copy of the Commission resolution is attached hereto as Exhibit "7."

11. Attached hereto as Exhibit "8" are the metes and bounds and a copy of a State of Hawaii Survey map of a Portion of the Government Land of Pi'ihonua in South Hilo, Hawai'i. The map has been marked to clearly show the Premises' designation as Tax Map Key No. (3) 2-6-018. This area is a portion of the Pi'ihonua lands selected by the Commission on June 27, 1929.

12. Given the foregoing, TMK Nos. (3) 3-8-001:007, (3) 3-8-001:002, (3) 3-8-001:009, and (3) 2-6-018:002 (the "Premises") are a portion of the lands in North and South Hilo, Island of Hawai'i classified as "available lands" for homesteading use by DHHL in Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, and the said Premises is under the control and jurisdiction of DHHL.

13. In late 2016, DHHL received information that Defendant illegally accessed, entered, and occupied TMK Nos. (3) 3-8-001:007 and (3) 2-6-018:002 for his cattle grazing operations.

14. Defendant has never had a license, lease, or any other disposition to access and use the Premises from DHHL.

15. On February 13, 2017, I mailed Defendant a warning letter via certified mail informing him that he illegally accessed, entered, and continued to occupy portions of TMK Nos. (3) 3-8-001:007 and (3) 2-6-018:002 for his cattle grazing operations. The warning letter provided Defendant notice that DHHL is the sole owner of the Premises and that DHHL did not grant permission to Defendant for use of the Premises. DHHL demanded that Defendant remove all branded cattle and equipment brought onto the Premises by March 20, 2017, and immediately cease and desist from any unauthorized use or access to the Premises. A true and copy of the trespass warning is attached hereto as Exhibit "9."

16. Defendant did not remove his branded cattle and equipment by March 20, 2017 and continued to use and access the Premises without the permission of DHHL.

17. On March 6, 2019, I accompanied former DHHL Enforcement Officer David Hoke when he issued a Trespass Warning at TMK No. (3) 3-8-001:007 and (3) 2-6-018:002 to Defendant for criminal trespass in the second degree and criminal trespass in the third degree. We posted "Government Property: No Trespassing" signs at TMK Nos. (3) 3-8-001:007 and (3) 2-6-018:002. Attached hereto as Exhibit "10" is a true and correct copy of the Trespass Warning. Attached hereto as Exhibit "11" are true and correct photographs of the Premises and the signage placed at the Premises.

18. On April 8, 2022, I mailed a warning letter to Defendant via U.S. mail and effected personal service at Defendant's residence. I reiterated that DHHL did not grant permission to use or access the Premises and that his acts of destruction of DHHL fence lines, installation of gates and fences, and continued trespass of cattle in DHHL lands were prohibited. I demanded that Defendant remove all branded cattle and equipment by April 22, 2022, and immediately cease and desist from any unauthorized use or access to the Premises. A true and copy of the letter is attached hereto as Exhibit "12."

19. On April 13, 2022, Defendant provided an "Acknowledgment of Letter dated April 8, 2022," to DHHL, in part, acknowledging receipt of its April 8, 2022 letter. A true and correct copy the letter, without enclosures, is attached hereto as Exhibit "13."

20. Defendant did not remove his branded cattle and equipment by April 22, 2022 and continues to use and access the Premises without the permission of DHHL.

//

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I declare, verify, certify, and state under penalty of perjury that the foregoing is true and correct.

DATED: Kapolei, Hawai'i, December 21, 2022

  
PETER KAHANA ALBINIO, JR.

# **EXHIBIT “1”**



**§203. Certain public lands designated "available lands."** All public lands of the description and acreage, as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereinafter referred to, as "available lands":

(1) On the island of Hawaii: Kamaoa-Puueo (eleven thousand acres, more or less), in the district of Kau; Puukapu (twelve thousand acres, more or less), Kawaihae 1 (ten thousand acres, more or less), and Pauahi (seven hundred and fifty acres, more or less), in the district of South Kohala; Kamoku-Kapulena (five thousand acres, more or less), Waimanu (two hundred acres, more or less), Nienie (seven thousand three hundred and fifty acres, more or less), in the district of Hamakua; fifty-three thousand acres to be selected by the department from the lands of Humuula Mauka, in the district of North Hilo; Panaewa, Waiakea (two thousand acres, more or less), Waiakea-kai, or Keaukaha (two thousand acres, more or less), and two thousand acres of agricultural lands to be selected by the department from the lands of Piihonua, in the district of South Hilo; and two thousand acres to be selected by the department from the lands of Kaohe-Makuu, in the district of Puna; land at Keaukaha, Hawaii, more particularly described as follows:

# **EXHIBIT “2”**

Wm

-000000-

- R E S O L U T I O N -

NO. 5

SELECTION OF THE LANDS OF KUMUULA

ISLAND OF HAWAII

-000000-



I certify that this is a copy  
of the original document.  
DEPARTMENT OF HAWAIIAN HOME LANDS  
By Perley Dan Date 11/23/21

RESOLUTION NO. 5.

WHEREAS, under the provisions of Section 203 of the Hawaiian Homes Commission Act, 1920 (Revised Laws of Hawaii, 1925, Section 532), certain lands to be selected by the Hawaiian Homes Commission from the lands of Humuula Mauka, in the District of North Hilo, Island of Hawaii, are designated as "available lands, " in words and figures as follows:

"fifty-three thousand acres to be selected  
by the commission from the lands of Humuula  
Mauka, in the district of North Hilo;       ";

and

WHEREAS, it appears to said Hawaiian Homes Commission, after due consideration, that the government lands of Humuula Mauka hereinafter described, are suitable lands to be selected for the purposes of said Act and in accordance with its provisions;

NOW, THEREFORE, BE IT RESOLVED, BY THE HAWAIIAN  
HOMES COMMISSION:

(1) That pursuant to the provisions of said Hawaiian Homes Commission Act, 1920, and the powers therein granted to

said Commission, those certain government lands of Humuula Mauka in the District of North Hilo, County of Hawaii, Island of Hawaii, Territory of Hawaii, containing an area of forty-nine thousand and one hundred (49,100) acres, described by metes and bounds in the description hereto attached, marked "Exhibit A", and in the plan and description of said lands filed in the office of the Territorial Survey Department as "C. S. F. No. 5313", a copy of which said plan is hereto attached marked "Exhibit B", which Exhibits are hereby referred to and made a part hereof, be, and they hereby are, selected as available lands for the purposes of said Act; and

(2) That said lands be, and the same hereby are designated as Hawaiian home lands within the meaning and for the purposes of Section 201 of said Act (Revised Laws of Hawaii, 1925, Section 530) and all other applicable provisions of said Act; and

(3) That the Chairman of said Commission be, and he hereby is, authorized and requested to transmit a certified copy of this Resolution to the Secretary of the Interior of the United States for his approval of this Resolution and the

selection of lands herein made.

Dated at Honolulu, T. H. this 27<sup>th</sup> day of June, 1929.

(LAWRENCE M. FIDD)  
Chairman of the Hawaiian Homes  
Commission

I certify that the foregoing Resolution was duly  
and unanimously adopted by the Hawaiian Homes Commission on  
the 27<sup>th</sup> day of June, 1929, at a meeting of said  
Commission duly held on said date.

(R.M. DUNCAN)  
Executive Officer and Secretary  
Hawaiian Homes Commission.

# Territory of Hawaii

Office of the Government Survey

Honolulu, T. H., March 23, 1929

## Pasture Lease

Humuula, North Hilo, Hawaii.

Being a portion of the Upper Section of the Government Land of Humuula adjoining the Mauna Kea Forest Reserve.

Beginning at the North corner of this lease, at a point where the Waimea trail crosses the middle of Kaula Gulch and near the intersection of the <sup>Ma Road to</sup> Waimea and Ookala trails, at a point where the boundaries of the lands of Kaché VI, Kaala and Humuula meet, on the West boundary of the Hilo Forest Reserve, the coordinates of said point of beginning referred to Government Survey Trig. Station "Kalepa" being 13216.0 feet North and 8281.0 feet East, as shown on Government Survey Registered Map No. 2789, and running by true azimuths:-

Following the West boundary of the Hilo Forest Reserve:

1. 323° 17' 4501.0 feet along the remainder of the Government land of Humuula to a Forest Reserve Monument at the West corner of the land of Waipunalei;
2. 346° 01' 3688.4 feet along the land of Waipunalei to a Forest Reserve monument;
3. Thence following the fence near the West bank of Keahuaal Gully to the Forest Reserve monument near the Keanakolu trail, the direct azimuth and distance being: 51° 40' 4646.4 feet;
4. 347° 53' 5012.6 feet along the Government Land of Lapaohoe to a Forest Reserve monument at the West corner of this land, near the Keanakolu trail;

-1-

### CERTIFICATION

I hereby certify that the foregoing document is a true and correct copy of the document on file in the Survey Division, Department of Accounting and General Services, State of Hawaii.

Dated: Honolulu, Hawaii, this 22<sup>nd</sup> day of

November 2022

M. F. H.

STATE LAND SURVEYOR  
STATE OF HAWAII

5. Thence along the West boundary of the land of Maulua Nui and the Hilo Forest Reserve fence to a Forest Reserve monument at Kahuwai, near the Hopuwai-Keanakolu trail, the direct azimuth and distance being: 349° 23' 6342.3 feet;
6. 353° 40' 4316.9 feet along the West boundary of the land of Piha to a Forest Reserve monument, + marked on old Koa stump on the South bank of Nauhi or Umauma Gulch;
7. 355° 46' 5980.0 feet along the West boundary of the land of Honohina to a rock marked H  $\Delta$  H at the Southwest corner of Honohina;
8. 8° 35' 30" 7983.2 feet along the West boundary of the land of Hakalau to a rock marked  $\Delta$  M at the West corner of Hakalau;
9. 359° 17' 30" 5305.7 feet along the West boundary of the land of Makahanaloa to a 2-inch pipe on Magnetic Hill at the West corner of Makahanaloa;
10. 15° 45' 30" 3667.3 feet along the West boundary of the land of Papaikou to a + marked on waterfall at the West corner of Papaikou;
- X 11. 43° 09' 2687.0 feet along the West boundary of the land of Paukaa to a 2-inch pipe at the West corner of Paukaa;
12. 339° 13' 2701.0 feet along the West boundary of the Government land of Pihonua to a 2-inch iron pipe;
13. 44° 24' 30" 23757.5 feet along same to a  $\Delta$  on rock;
14. 11° 13' 13553.2 feet along same to a  $\Delta$  on rock at a place called "Kaelewai";
15. 313° 01' 3174.5 feet to  $\Delta$  on rock at a place called Kahiliku at the Northwest corner of the Government land of Waiakea;
- 7 16. 339° 13' 17" 11,200 feet along the West boundary of the land of Waiakea to a point on the lava flow of 1855;  
33 17



Pasture Lease  
Humuula, Hawaii.

-3-

March 23, 1929

17. 55° 30' 12356.0 feet along the Humuula remainder to a point on the flow of 1855;
18. 83° 05' 18523.0 feet along same;
19. 175° 55' 20950.0 feet along the remainder of the land of Humuula to the top of Puu Huluhulu;
20. Thence along the edge of the Aa flow to a point on the Humuula-Kaohe boundary, the true azimuth and distance being: 118° 15' 12675.0 feet;
21. 195° 12' 18" 3110.0 feet along Kaohe to "Gnaakoili" Trig. Station, marked by  $\Delta$  on solid imbedded volcanic bomb;
22. 219° 58' 40" 15015.0 feet along Kaohe to a + on set stone at an angle in the Mauna Kea Forest Reserve on the Kaohe-Humuula boundary;
23. 245° 22' 30" 4087.1 feet along the remaining portion of Humuula along Mauna Kea Forest Reserve to + on set stone;
24. 289° 04' 2342.0 feet along same along fence to + on set stone;
25. 350° 31' 3382.0 feet along same along fence to a + on set stone;

Thence along the meandering stone wall the direct azimuths and distances between points on same being:

26. 233° 52' 2705.0 feet;
27. 275° 16' 30" 7081.0 feet;
28. 228° 44' 30" 3022.8 feet to + on set stone;
29. 177° 24' 30" 5921.0 feet along fence and stonewall to + on set stone;
30. 217° 55' 30" 6177.5 feet along fence to + on set stone;
31. 208° 16' 3721.0 feet along same to + on set stone;
32. 249° 38' 30" 1361.1 feet along same to + on set stone;
33. 218° 13' 2731.7 feet along same to + on set stone;

Thence along the meandering fence (along the remainder of Humuula) the direct azimuths and distances between points on same being:

34. 183° 29' 8807.0 feet to a + on set stone;
35. 218° 01' 2748.5 feet to + on set stone;

Pasture Lease  
Humuula, Hawaii.

-4-

March 23, 1929

- 36. 182° 04' 20" 4234.0 feet to + on set stone;
- 37. 230° 14' 10" 4043.5 feet to a + on set stone;
- 38. 181° 03' 3386.4 feet to + on set stone;
- 39. 143° 25' 30" 2072.0 feet to + on set stone;
- 40. 167° 28' 30" 2550.0 feet to + on set stone;
- 41. 192° 23' 1716.0 feet to + on set stone;
- 42. 218° 34' 4136.0 feet to + on set stone;
- 43. 138° 58' 700.0 feet;
- 44. Thence following the middle of Kaula Gulch being the boundary between the Government Lands of Kaohe VI and Humuula, the direct azimuth and distance being: 215° 52' 19035.0 feet to the point of beginning.

AREA 49,100 ACRES → 48750

Classified as follows: Pasture: 40,100 acres → 39750  
Waste Land: 9,000 acres → 9000

(Pasture 4550 Acres, added to Maunakea For Re leaving Net Area of 44200 Ac.)

Excepting and reserving therefrom all existing roads and trails, pipe lines and telephone lines, within this tract and such other roads, trails and other rights-of-way that may be required for public purposes. *see CSF*

44200 { 35200 Pasture  
9000 Waste

Compiled from  
Gov't. Survey  
Office Records,  
by

*E. W. Hockley*

*see change  
to 10/10/29 HK*

Assistant Government Surveyor.

N E  
109.555.3 7067.2 ✓  
5 " "  
109.556.4 7067.5 ✓  
W H Warr  
(See Calc. Bk. 2 Pg. 23)

Areas  
29092 Ac. = Total  
8980 " = Waste  
40112 " = Pasture

Coords.  
comp. o.k.

3-25-29  
*J. H. Platt*

Plane Area by P.H.K. Aug/37  
Total 48,800 Ac.  
48750 corr. 8/29/29  
HK



# **EXHIBIT “3”**



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

C.S.F. No. 17,600

February 2, 1976

PASTURE LEASE

PARCEL 1

Humuula, North Hilo, Island of Hawaii, Hawaii

Being portion of the Hawaiian Home (Crown) Land of Humuula.

Beginning at the southwest corner of this parcel of land, the northwest corner of Parcel 2 of Pasture Lease, and on the east boundary of Mauna Kea Forest Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AAHUWELA" being 20,965.5 feet North and 111.0 feet East, thence running by azimuths measured clockwise from True South:-

1. 187° 02' 40" 95.00 feet along the remainder of the Hawaiian Home Land of Humuula, along fence, along Mauna Kea Forest Reserve;
2. 168° 03' 20" 12,093.50 feet along the remainder of the Hawaiian Home Land of Humuula, along fence, along Mauna Kea Forest Reserve to a "+" on set stone;
3. 138° 58' 20" 963.50 feet along the remainder of the Government Land of Humuula, along fence, along Mauna Kea Forest Reserve;
4. Thence along the middle of Kaula Gulch, being the boundary between the lands of Kaehe VI and Humuula, the direct azimuth and distance being: 215° 59' 30" 19,178.00 feet to a 3-inch pipe;
5. 323° 17' 4501.00 feet along the remainder of the Government Land of Humuula, along Hilo Forest Reserve to a forest reserve monument;
6. 346° 01' 3688.40 feet along R.P. 6798, L.C.Aw. 4675, Apana 1 to Poka, along Hilo Forest Reserve to a forest reserve monument;

-1-

CERTIFICATION

I hereby certify that the foregoing document is a true and correct copy of the document on file in the Survey Division, Department of Accounting and General Services, State of Hawaii.

Dated: Honolulu, Hawaii, this 22<sup>nd</sup> day of

November 2022

*[Signature]*

STATE LAND SURVEYOR  
STATE OF HAWAII

February 2, 1976

7. 51° 40' 4646.40 feet along the Government Land of Laupahoehoe, along fence near the west bank of Keahuaai Gully, along Hilo Forest Reserve to a forest reserve monument near the Keanakolu Trail;
8. 347° 53' 5012.60 feet along the Government Land of Laupahoehoe, along Hilo Forest Reserve to a forest reserve monument near the Keanakolu Trail;
9. 349° 23' 6342.30 feet along R.P. 8018, L.C.Aw. 11216, Apana 45 to M. Kekauonohi, along Hilo Forest Reserve to a forest reserve monument at Kahuwai, near the Hopuwai-Keanakolu Trail;
10. 353° 28' 4300.00 feet along the Government Land of Piha, along Hilo Forest Reserve;
11. 355° 39' 30" 100.00 feet along R.P. 7693, L.C.Aw. 8452, Apana 18 to A. Keohokalole to a fence corner at the south bank of Umauma or Nauhi Gulch;
12. 78° 00' 810.00 feet along Parcel 2 of Pasture Lease, along fence;
13. 78° 20' 400.00 feet along Parcel 2 of Pasture Lease, along fence;
14. 64° 30' 880.00 feet along Parcel 2 of Pasture Lease, along fence;
15. 77° 40' 1280.00 feet along Parcel 2 of Pasture Lease, along fence;
16. 82° 50' 1000.00 feet along Parcel 2 of Pasture Lease, along fence;
17. 84° 50' 1220.00 feet along Parcel 2 of Pasture Lease, along fence;
18. 60° 46' 1510.00 feet along Parcel 2 of Pasture Lease, along fence;
19. 89° 15' 470.00 feet along Parcel 2 of Pasture Lease, along fence;
20. 67° 40' 880.00 feet along Parcel 2 of Pasture Lease, along fence;
21. 82° 10' 2790.00 feet along Parcel 2 of Pasture Lease, along fence, to the point of beginning and containing an AREA OF 5290.0 ACRES.

Excepting and reserving therefrom, all existing roads, trails, pipe lines and telephone lines, within this above-described Parcel 1 and such other roads, trails and other rights-of-way that may be required for public purposes.

Together with a non-exclusive road and utility easement (Keanakolu-Humuula Trail) over and across Parcels 2 and 3 of Pasture Lease to the Government Road.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Ichiro Sakamoto  
Ichiro Sakamoto  
Land Surveyor

Compiled from  
CSF 11558 and other  
Govt. Survey Records.

-2-

ac

Checked By	<u>H. FUJITA</u>	Date:	<u>5/11/76</u>
Cal. Book No.	<u>5</u>	Page	<u>109</u>
Closure			



# **EXHIBIT “4”**





STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

February 2, 1976

C.S.F. No. 17,601

PASTURE LEASE

PARCEL 2

Humuula, North Hilo, Island of Hawaii, Hawaii

Being portion of the Hawaiian Home (Crown) Land of Humuula.

Beginning at the northwest corner of this parcel of land, the southwest corner of Parcel 1 of Pasture Lease, and on the east boundary of Mauna Kea Forest Reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AAHUWELA" being 20,965.5 feet North and 111.0 feet East, thence running by azimuths measured clockwise from True South:-

- 1. 262° 10' 2790.00 feet along Parcel 1 of Pasture Lease, along fence;
- 2. 247° 40' 880.00 feet along Parcel 1 of Pasture Lease, along fence;
- 3. 269° 15' 470.00 feet along Parcel 1 of Pasture Lease, along fence;
- 4. 240° 46' 1510.00 feet along Parcel 1 of Pasture Lease, along fence;
- 5. 264° 50' 1220.00 feet along Parcel 1 of Pasture Lease, along fence;
- 6. 262° 50' 1000.00 feet along Parcel 1 of Pasture Lease, along fence;
- 7. 257° 40' 1280.00 feet along Parcel 1 of Pasture Lease, along fence;
- 8. 244° 30' 880.00 feet along Parcel 1 of Pasture Lease, along fence;
- 9. 258° 20' 400.00 feet along Parcel 1 of Pasture Lease, along fence;
- 10. 258° 00' 810.00 feet along Parcel 1 of Pasture Lease, along fence;
- 11. 355° 39' 30" 5863.30 feet along R.P. 7693, L.C.Aw. 8452, Apana 18 to A. Keohokalole to a rock marked "E A H";
- 12. 8° 35' 30" 7983.20 feet along R.P. 7541, L.C.Aw. 11216, Apana 42 to M. Kekauonohi to a rock marked "A M";
- 13. 359° 17' 30" 5305.70 feet along R.P. 7192, L.C.Aw. 8559-B, Apana 17 to Wm. C. Lunaililo to a 2-inch pipe on Magnetic Hill;

-1-

CERTIFICATION

I hereby certify that the foregoing document is a true and correct copy of the document on file in the Survey Division, Department of Accounting and General Services, State of Hawaii.

Dated: Honolulu, Hawaii, this 22<sup>nd</sup> day of

November 2022

*[Signature]*

STATE LAND SURVEYOR  
STATE OF HAWAII

February 2, 1976

- 14. 15° 45' 30" 3667.30 feet along R.P. 7875, L.C.Aw. 11215, Apana 1 to A. Keliiahonui to a "+" marked on rock at waterfall;
- 15. 43° 09' 2687.00 feet along R.P. 8335, L.C.Aw. 7715, Apana 16 to Lota Kamehameha to a 2-inch pipe;
- 16. 339° 13' 2701.00 feet along Lot B, Hawaiian Home Land of Piipihonua to a 2-inch pipe;
- 17. 44° 25' 30" 4800.00 feet along Lot B, Hawaiian Home Land of Piipihonua to a fence corner;
- 18. 115° 20' 1060.00 feet along Parcel 3 of Pasture Lease, along fence;
- 19. 97° 57' 175.60 feet along Parcel 3 of Pasture Lease, along fence;
- 20. 149° 15' 120.00 feet along Parcel 3 of Pasture Lease, along fence;
- 21. 133° 00' 610.00 feet along Parcel 3 of Pasture Lease, along fence;
- 22. 148° 20' 745.00 feet along Parcel 3 of Pasture Lease, along fence;
- 23. 139° 15' 4730.00 feet along Parcel 3 of Pasture Lease, along fence;
- 24. 116° 10' 8770.00 feet along Parcel 3 of Pasture Lease, along fence;
- 25. 118° 50' 1200.00 feet along Parcel 3 of Pasture Lease, along fence;
- 26. 218° 24' 50" 180.00 feet along the remainder of Hawaiian Home Land of Humuula, along fence, along Mauna Kea Forest Reserve;
- 27. 237° 41' 40" 8739.60 feet along the remainder of Hawaiian Home Land of Humuula, along fence, along Mauna Kea Forest Reserve;
- 28. 187° 02' 40" 13,524.00 feet along the remainder of Hawaiian Home Land of Humuula, along fence, along Mauna Kea Forest Reserve to the point of beginning and containing an AREA OF 7512.8 ACRES.

Excepting and reserving therefrom all existing roads, trails, pipe lines and telephone lines within this above-described Parcel 2 and such other roads, trails and other rights-of-way that may be required for public purposes.

Together with a non-exclusive road and utility easement (Keanakolu-Humuula Trail) over and across Parcel 3 of Pasture Lease to the Government Road.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

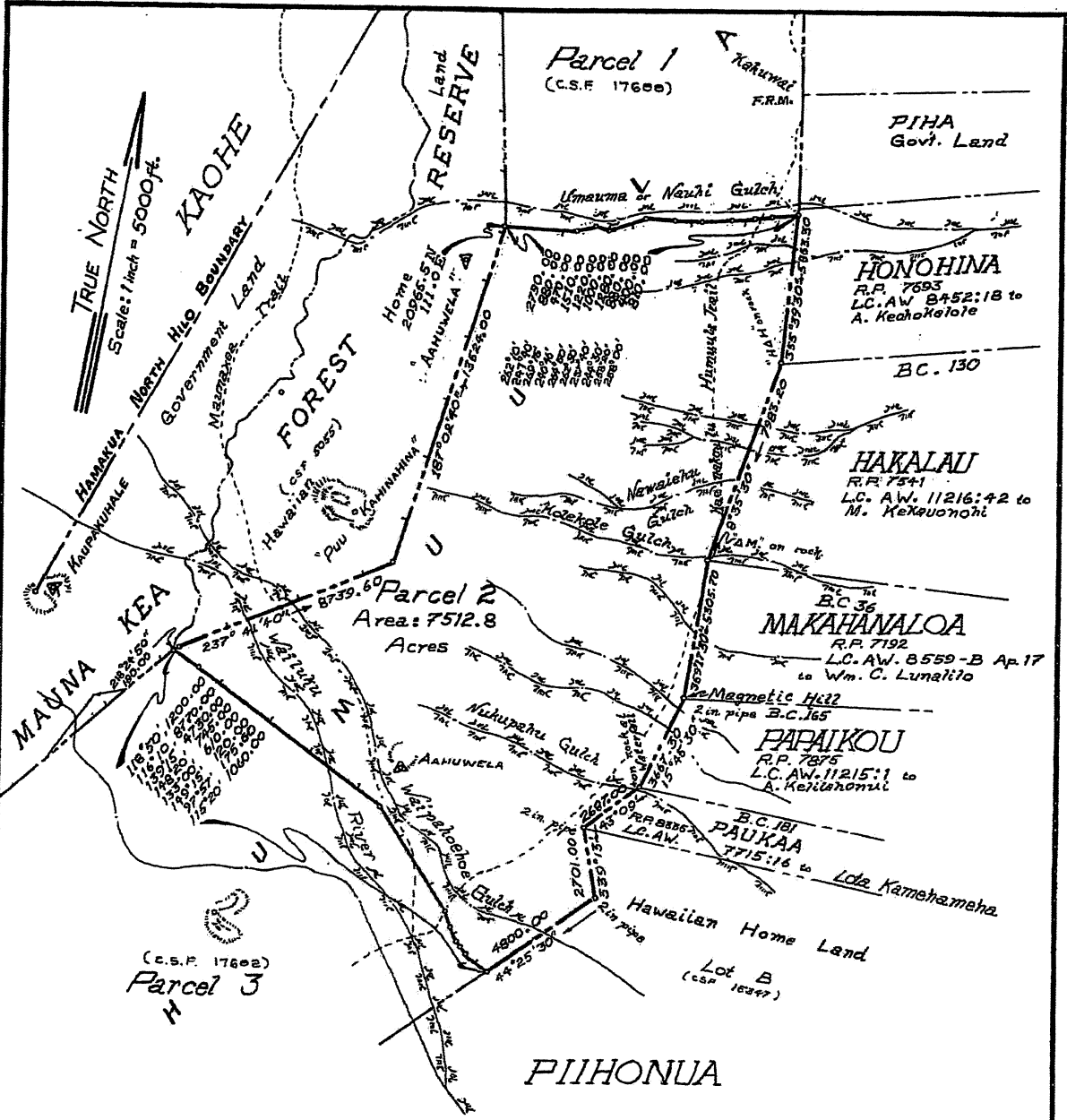
By: *Ichiro Sakamoto*  
Ichiro Sakamoto  
Land Surveyor

Compiled from  
CSF 11559 and other  
Govt. Survey Records.

-2-

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Checked By <u>H. FUJITA</u>	Date <u>5/11/76</u>
Cal. Book No. <u>5</u>	Page <u>105</u>
Closure _____	



**PASTURE LEASE  
PARCEL 2  
HUMIULA, NORTH HILO, ISLAND of HAWAII, HAWAII.**  
Scale: 1 inch = 5000 feet

JOB H-7702  
C. BK

TAX MAP 3-8-01:2

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
**STATE OF HAWAII**

C. S. F. No. 17,601

REL. FEB. 2 1976

# **EXHIBIT “5”**



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

February 2, 1976

C.S.F. No. 17,602

PASTURE LEASE

PARCEL 3

Humuula, North Hilo and Kaohe, Hamakua  
Island of Hawaii, Hawaii

Being portions of the Hawaiian Home and Government (Crown) Lands  
of Humuula and portion of the Government Land of Kaohe.

Beginning at the southeast corner of this parcel of land, on  
the centerline of Saddle Road (100.00 feet wide), and on the boundary  
between the lands of Waiakea and Humuula, the coordinates of said point  
of beginning referred to Government Survey Triangulation Station "AAHUWELA"  
being 38,343.6 feet South and 7702.2 feet West, thence running by azimuths  
measured clockwise from True South:-

Along the centerline of Saddle Road, along the remainder of the  
Hawaiian Home Land of Humuula for the next forty-two (42) courses:

- |     |              |              |
|-----|--------------|--------------|
| 1.  | 112° 44'     | 275.64 feet; |
| 2.  | 131° 27' 30" | 131.45 feet; |
| 3.  | 137° 55'     | 252.25 feet; |
| 4.  | 126° 09' 30" | 406.40 feet; |
| 5.  | 124° 18' 30" | 818.40 feet; |
| 6.  | 101° 58' 30" | 587.00 feet; |
| 7.  | 97° 30' 30"  | 480.70 feet; |
| 8.  | 91° 47' 30"  | 625.00 feet; |
| 9.  | 100° 52'     | 346.40 feet; |
| 10. | 104° 45'     | 669.60 feet; |
| 11. | 90° 12'      | 874.10 feet; |
| 12. | 92° 25' 30"  | 993.70 feet; |

-1-

CERTIFICATION

I hereby certify that the foregoing document is a  
true and correct copy of the document on file in the  
Survey Division, Department of Accounting and  
General Services, State of Hawaii.

Dated: Honolulu, Hawaii, this 22<sup>nd</sup> day of

November 2022

*Ku F M*

STATE LAND SURVEYOR  
STATE OF HAWAII

13.	88° 54' 30"	450.45 feet;
14.	100° 46'	1071.40 feet;
15.	103° 12' 30"	2425.55 feet;
16.	98° 05' 30"	1185.75 feet;
17.	87° 45'	391.20 feet;
18.	78° 52' 30"	177.70 feet;
19.	85° 05' 30"	218.55 feet;
20.	90° 25'	269.70 feet;
21.	93° 57'	708.35 feet;
22.	92° 28' 30"	386.00 feet;
23.	82° 45'	293.90 feet;
24.	86° 26' 30"	322.70 feet;
25.	85° 04'	336.00 feet;
26.	87° 42'	738.60 feet;
27.	98° 10'	652.70 feet;
28.	110° 51' 30"	686.90 feet;
29.	96° 30"	429.60 feet;
30.	97° 36' 30"	682.65 feet;
31.	93° 22'	219.50 feet;
32.	86° 18' 30"	918.60 feet;
33.	98° 17' 30"	2217.90 feet;
34.	115° 16' 30"	397.55 feet;
35.	98° 14'	1270.75 feet;
36.	95° 55' 30"	1109.35 feet;
37.	90° 59' 30"	285.60 feet;
38.	96° 06' 30"	663.55 feet;
39.	93° 49' 30"	380.70 feet;
40.	97° 55'	2324.35 feet;
41.	106° 04'	177.60 feet;

42. 117° 12' 30" 119.35 feet;
43. 199° 59' 30" 610.18 feet across Saddle Road, along the remainder of the Hawaiian Home Land of Humuula to a spike;
44. Thence along the remainder of the Hawaiian Home Land of Humuula, along the edge of 1935 Pahoe-hoe Flow, the direct azimuth and distance being: 105° 46' 45" 9714.00 feet to a spike;
45. 126° 09' 30" 461.70 feet along the remainder of the Hawaiian Home Land of Humuula to a pipe;
46. 62° 16' 682.70 feet along the remainder of the Hawaiian Home Land of Humuula to a pipe;
47. 129° 24' 30" 429.10 feet along the remainder of the Hawaiian Home Land of Humuula to a pipe;
48. 178° 29' 30" 174.30 feet along the remainder of the Hawaiian Home Land of Humuula, along fence;
49. 181° 21' 590.50 feet along the remainder of the Hawaiian Home Land of Humuula, along fence;
50. 217° 01' 10" 4210.30 feet along the remainder of the Hawaiian Home Land of Humuula, along fence, along Mauna Kea Forest Reserve;
51. 197° 00' 20" 5039.90 feet along the remainder of the Hawaiian Home Land of Humuula, along fence, along Mauna Kea Forest Reserve;
52. 248° 28' 10" 13,351.00 feet along the remainder of the Hawaiian Home Land of Humuula, along fence, along Mauna Kea Forest Reserve to a "+" on set stone;
53. 221° 43' 30" 1595.90 feet along the remainder of the Government Land of Humuula, along fence, along Mauna Kea Forest Reserve;
54. 251° 59' 30" 2061.80 feet along the remainder of the Government Land of Humuula, along fence, along Mauna Kea Forest Reserve;
55. 275° 02' 20" 2971.80 feet along the remainder of the Government Land of Humuula, along fence, along Mauna Kea Forest Reserve;
56. 268° 10' 10" 3071.40 feet along the remainder of the Government Land of Humuula, along fence, along Mauna Kea Forest Reserve;
57. 243° 13' 50" 1593.50 feet along the remainder of the Government Land of Humuula, along fence, along Mauna Kea Forest Reserve;

58. 239° 42' 1164.50 feet along the remainder of the Government Land of Humuula, along fence, along Mauna Kea Forest Reserve;
59. 285° 06' 153.40 feet along the remainder of the Government Land of Humuula, along fence, along Mauna Kea Forest Reserve;
60. 177° 23' 5939.00 feet along the remainders of the Government Lands of Humuula and Kaohe, along fence, along Mauna Kea Forest Reserve to a "+" on set stone;
61. 218° 24' 50" 13,809.00 feet along the remainders of the Government Land of Humuula and Kaohe, along fence, along Mauna Kea Forest Reserve;
62. 298° 50' 1200.00 feet along Parcel 2 of Pasture Lease;
63. 296° 10' 8770.00 feet along Parcel 2 of Pasture Lease;
64. 319° 15' 4730.00 feet along Parcel 2 of Pasture Lease;
65. 328° 20' 745.00 feet along Parcel 2 of Pasture Lease;
66. 313° 00' 610.00 feet along Parcel 2 of Pasture Lease;
67. 329° 15' 120.00 feet along Parcel 2 of Pasture Lease;
68. 277° 57' 175.60 feet along Parcel 2 of Pasture Lease;
69. 295° 20' 1060.00 feet along Parcel 2 of Pasture Lease;
70. 44° 25' 30" 18,967.70 feet along Lots B and A of the Hawaiian Home Land of Piihonua to a "▲" on rock;
71. 11° 14' 13,549.20 feet along Lot A of the Hawaiian Home Land of Piihonua and along the Government Land of Piihonua to a "Δ" on rock at Kaelewai;
72. 313° 01' 30" 3174.50 feet along the Government Land of Piihonua to a "Δ" on rock at Kahiliku;
73. 339° 33' 52" 2575.30 feet along the Government Land of Waiakea, across Saddle Road to the point of beginning and containing a GROSS AREA OF 20,416.000 ACRES and a NET AREA OF 20,377.137 ACRES after excepting and excluding therefrom the following listed Exclusions:



February 2, 1976

EXCLUSIONS:

1. North half of Saddle Road	32.1	Acres
2. Mobile Radio Relay Station Site	0.275	"
3. Antenna and VHF Repeater Site	0.014	"
4. Radio-Telephone Relay Site	0.155	"
5. Road Easement	2.769	"
6. Electric Pole Line Right-of-Way	3.55	"

TOTAL AREA OF EXCLUSIONS    38.863 Acres

Also, excepting and reserving therefrom all existing roads, trails, pipe lines, telephone and electric lines and other rights-of-way that may be required for public purposes.

Subject, also, to a non-exclusive road and utility easement (Keanakolu-Humuula Trail) over and across the above-described Parcel 3 to the Government Road.

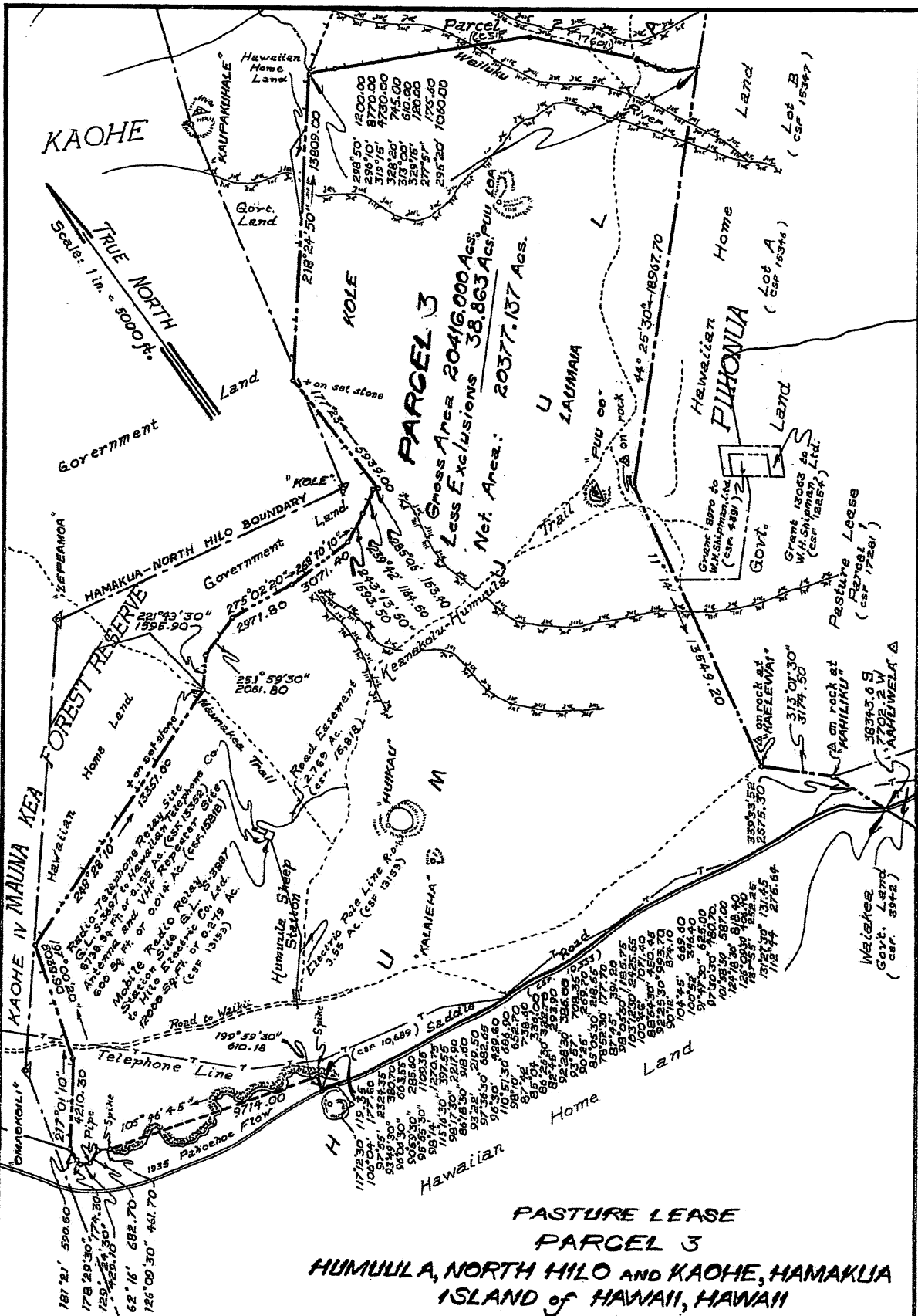
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: *Ichiro Sakamoto*  
Ichiro Sakamoto  
Land Surveyor

ac

Compiled from  
CSF 11560 and other  
Govt. Survey Records.

Checked By <u>H. FUJITA</u>	Date: <u>5/11/76</u>
Cal. Book No. <u>5</u>	Page <u>109</u>
Closure _____	



**PASTURE LEASE  
PARCEL 3  
HUMUULA, NORTH HILO AND KAOHE, HAMAUKIA  
ISLAND of HAWAII, HAWAII**

Scale: 1 inch = 5000 feet

JOB H-7702  
C. BK

TAX MAP 3-8-01:7

**SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII**

C. S. F. No. 17,602

REL. FEB. 2 1976

# **EXHIBIT “6”**



TERRITORY OF HAWAII  
SURVEY DEPARTMENT  
HONOLULU

October 27, 1952

C.S.F. No 11.561

PASTURE LEASE

PARCEL 4

Humuula, North Hilo, Hawaii, T. H.

Being portion of the Hawaiian Home (Crown) Land of Humuula.

Situate south of Saddle Road (Aina Hou)

Beginning at the northeast corner of this parcel of land, the southeast corner of Parcel 3 and on the centerline of Saddle Road (100 feet wide), the coordinates of said point of beginning referred to Government Survey Triangulation Station "AAHUWELA" being 38343.6 feet South and 7702.2 feet West, and running by azimuths measured clockwise from True South:-

1. 339° 33' 52" 8894.50 feet along the Government Land of Waiakea and Upper Waiakea Forest Reserve (Governor's Proclamation dated January 3, 1923);
2. 55° 30' 12376.40 feet along Mauna Loa Forest and Game Reserve (Executive Order 1288);
3. 83° 05' 18539.50 feet along Mauna Loa Forest and Game Reserve (Executive Order 1288);
4. 175° 55' 20259.70 feet along Mauna Loa Forest And Game Reserve (Executive Order 1288) to a spike;
5. 264° 47' 30" 623.30 feet along remainder of the Hawaiian Home Land of Humuula to a spike in old stone pile;
6. 179° 24' 30" 1168.10 feet along remainder of the Hawaiian Home Land of Humuula to a spike;
7. 98° 02' 722.20 feet along remainder of the Hawaiian Home Land of Humuula to a spike;
8. 103° 06' 30" 169.50 feet along remainder of the Hawaiian Home Land of Humuula to a spike;
9. 115° 06' 30" 93.50 feet along remainder of the Hawaiian Home Land of Humuula to a spike;
10. 199° 59' 30" 73.39 feet to the center line on Saddle Road;

-1-

CERTIFICATE

I hereby certify that the foregoing document is a true and correct copy of the document on file in the Survey Division, Department of Accounting and General Services, State of Hawaii.

Dated: Honolulu, Hawaii, this 22<sup>nd</sup> day of

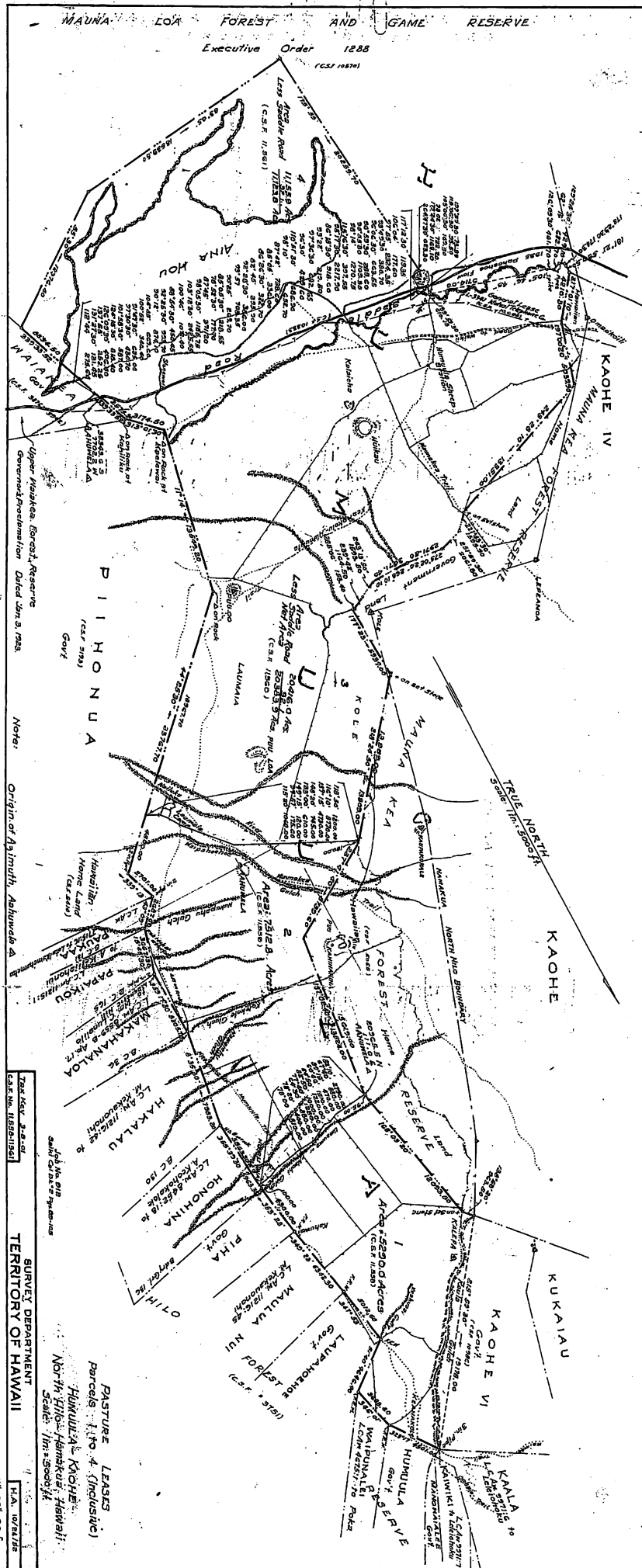
November 20 1952

STATE LAND SURVEYOR  
STATE OF HAWAII



MAUNA LOA FOREST AND GAME RESERVE

Executive Order 1285  
(CSJ 1931)



Upper Maunakea Forest Reserve  
Governor's Proclamation Dated Jan 3, 1933

Notes: Origin of Aymuth, Ashwade a

Tax Rec. 2200  
Case No. 1153-1154

SURVEY DEPARTMENT  
TERRITORY OF HAWAII

PASTURE LEASES  
Parcels 1 to 4 (Inclusive)  
Hikulea-Koahe  
North Hills, Hamakua, Hawaii  
Scale: 1 in = 500 ft

H.A. ORSUTER  
11 x 26 1/2 in

**EXHIBIT “7”**

-0000000-

- R E S O L U T I O N -

NO. 6

SELECTION OF THE LANDS OF PIHOHUA

ISLAND OF HAWAII

-0000000-

I certify that this is a copy  
of the original document.  
DEPARTMENT OF HAWAIIAN HOME LANDS  
By Debra J. Kani Date 11/23/2022



RESOLUTION NO. 6.

WHEREAS, under the provisions of Section 203 of the Hawaiian Homes Commission Act, 1920 (Revised Laws of Hawaii, 1925, Section 532), certain lands to be selected by the Hawaiian Homes Commission from the lands of Piikonia, in the District of South Hilo, Island of Hawaii, are designated as "available lands," in words and figures as follows:

"two thousand acres of agricultural lands to be selected by the commission from the lands of Piikonia, in the district of South Hilo; x x";

and

WHEREAS, it appears to said Hawaiian Homes Commission, after due consideration, that the government lands of Piikonia hereinafter described, are suitable lands to be selected for the purposes of said Act and in accordance with its provisions;

NOW, THEREFORE, BE IT RESOLVED, BY THE HAWAIIAN HOMES COMMISSION:

(1) That pursuant to the provisions of said Hawaiian Homes Commission Act, 1920, and the powers therein

granted to said Commission, those certain government lands of Pihonua in the District of South Hilo, County of Hawaii, Island of Hawaii, Territory of Hawaii, containing an area of two thousand (2,000) acres, described by metes and bounds in the description hereto attached, marked "Exhibit "A", and in the plan and description of said lands filed in the office of the Territorial Survey Department as "C. S. F. No. 5410", a copy of which said plan is hereto attached marked "Exhibit B", which Exhibits are hereby referred to and made a part hereof, be, and they hereby are, selected as available lands for the purposes of said Act; and

(2) That said lands be, and the same hereby are designated as Hawaiian home lands within the meaning and for the purposes of Section 201 of said Act (Revised Laws of Hawaii, 1925, Section 530) and all other applicable provisions of said Act; and

(3) That the Chairman of said Commission be, and he hereby is, authorized and requested to transmit a certified copy of this Resolution to the Secretary of the Interior of the United States for his approval of this Resolution and the selec-

tion of lands herein made.

Dated at Honolulu, T. H. this 27<sup>th</sup> day of June, 1929.

---

Chairman of the Hawaiian Homes  
Commission.

I certify that the foregoing Resolution was duly and  
unanimously adopted by the Hawaiian Homes Commission on the  
27<sup>th</sup> day of June, 1929, at a meeting of said Com-  
mission duly held on said date.

---

Executive Officer and Secretary  
Hawaiian Homes Commission.

# **EXHIBIT “8”**

"EXHIBIT A"

DESCRIPTION OF PORTION OF THE GOVERNMENT LAND OF  
 PIHONUA, SOUTH HILO, HAWAII, SELECTED  
 BY HAWAIIAN HOMES COMMISSION.

That certain portion of the Government land of Pihonua, adjoining the East boundary of the land of Ikaunui, the South boundary of the land of Paukaa, and the West boundary of the Hilo Watershed Reservation, more particularly described as follows:

Beginning at a + marked on rock at the Northeast corner of this tract of land and in Mukupahu Gulch on the boundary between the lands of Paukaa and Pihonua, the coordinates of said point of beginning referred to Government Survey Trig. Station "Halai" being 3704.0 feet South and 18233.0 feet East, as shown on Government Survey Registered Map No. 2682, and running by true azimuths:-

Following the fence along the Hilo Watershed Reservation on the following azimuths and distances;

- |    |      |     |   |
|----|------|-----|---|
| 1. | 355° | 11' | 2176.6 feet;  |
| 2. | 30°  | 02' | 5432.4 feet;  |
| 3. | 00°  | 53' | 3346.9 feet;  |
| 4. | 34°  | 41' | 1266.7 feet;  |
| 5. | 61°  | 10' | 1835.6 feet;  |
| 6. | 34°  | 20' | 934.7 feet;   |
| 7. | 136° | 00' | 3480.0 feet along the remaining portion of the land of Pihonua; |

8. 207° 00' 6800.0 feet along same;
9. Thence along the middle of Waipahoehoe Gulch to a point on the boundary between the lands of Huanua and Pihouua, the direct azimuth and distance being 114° 21' 50" 7199.2 feet;
10. 224° 24' 30" 2150.0 feet along the land of Huanua to a 2 inch pipe;
11. 159° 15' 2701.0 feet along same to a 2 inch pipe;
12. 271° 05' 4632.0 feet along the land of Paukaa to a "+" marked on rock;
13. Thence along the middle of Hukapahu gulch to the point of beginning, the direct azimuth and distance being 238° 20' 6435.4 feet.

Area 2000 ACRES

# Territory of Hawaii

Office of the Government Survey

Honolulu, T. H., June 17, 1929.

Portion of the Government land of Piihonua, adjoining the East boundary of the land of Humuula, the South boundary of the land of Paukaa, and the West boundary of the Hilo Watershed Reservation.

Piihonua, South Hilo, Hawaii.

To be set aside for the use of the Hawaiian Homes Commission.

Beginning at a + marked on rock at the Northeast corner of this tract of land and in Nukupahu Gulch on the boundary between the lands of Paukaa and Piihonua, the coordinates of said point of *Aohuwala*

\* Reeves  
\* Reeves  
\* Reeves  
3104.0

beginning referred to Government Survey Trig. Station "~~Hala~~" being ~~3704.0~~ feet South and 18233.0 feet East, as shown on Government Survey Registered Map No. 2682, and running by true azimuths:-

Following the fence along the Hilo Watershed Reservation on the following azimuths and distances;

- 1. 355° 11' 2176.6 feet;
- 2. 30° 02' 5462.4 feet;
- 3. 00° 38' 3846.9 feet;
- 4. 34° 41' 1266.7 feet;
- 5. 61° 16' 1885.6 feet;
- 6. 34° 20' 934.7 feet;
- 7. 136° 00' 3480.0 feet along the remaining portion of the land of Piihonua;
- 8. 207° 00' 6800.0 feet along same;
- 9. Thence along the middle of Waipahoehoe Gulch to a point on the boundary between the lands of Humuula and Piihonua, the direct azimuth and distance being 114° 21' 50" 7199.2 feet;
- 10. 224° 24' 30" 2150.0 feet along the land of Humuula to a 2 inch pipe;

-1-

### CERTIFICATION

I hereby certify that the foregoing document is a true and correct copy of the document on file in the Survey Division, Department of Accounting and General Services, State of Hawaii.

Dated: Honolulu, Hawaii, this 22<sup>nd</sup> day of November 2022

*W. K. M.*  
STATE LAND SURVEYOR  
STATE OF HAWAII

Por. of Govt. Land of  
Piiponua, South Hilo.

-2-

June 17, 1929

11. 159° 13' 2701.0 feet along same to a 2 inch pipe;
12. 271° 05' 4682.0 feet along the land of Paukaa to a "x" marked on rock;
13. Thence along the middle of Nukupahu Gulch to the point of beginning, the direct azimuth and distance being 288° 20' 6485.4 feet.

AREA 2000 ACRES

Compiled from Govt.  
Survey Office Records,  
by

*C. K.*

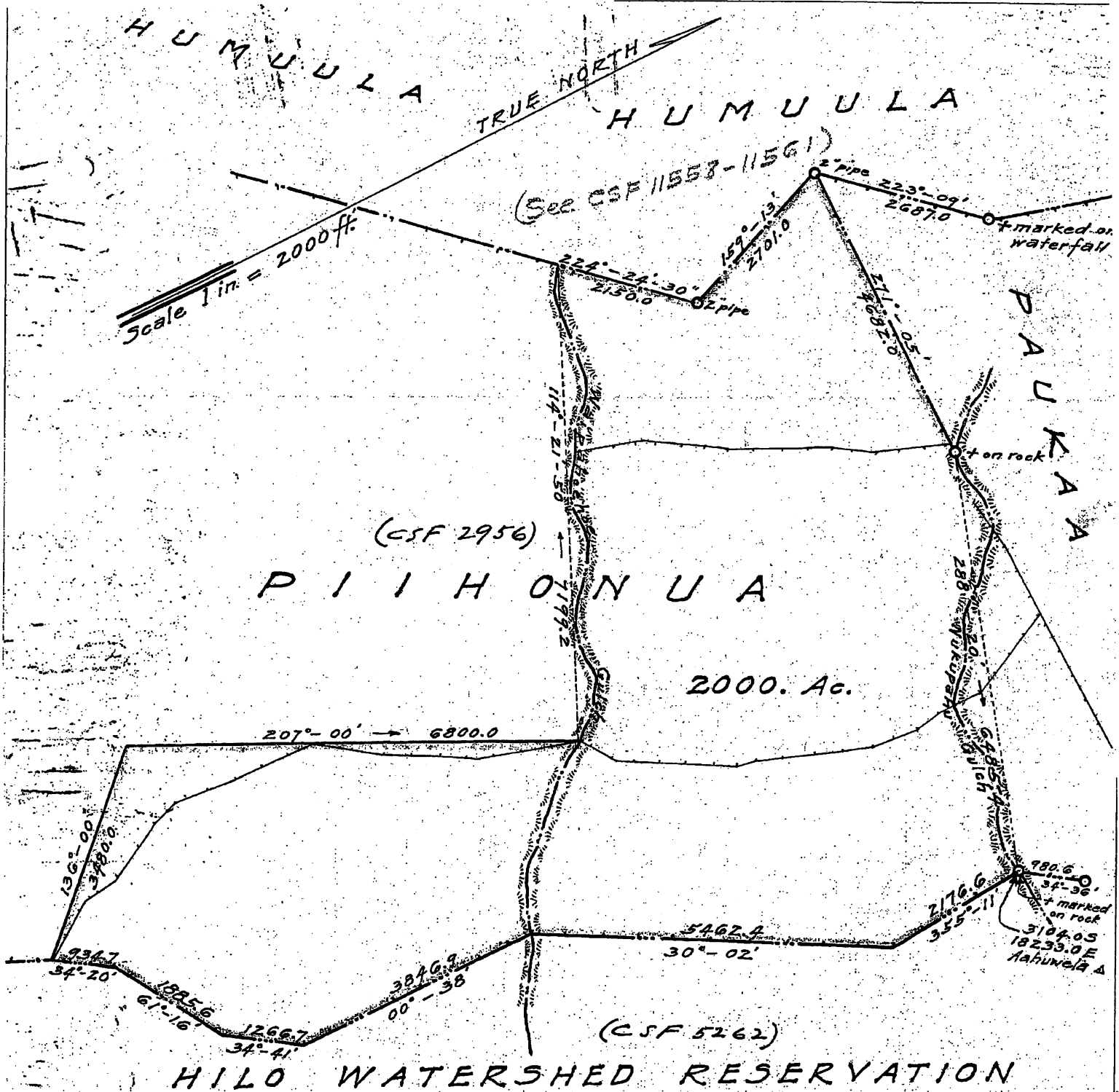
*Chas. K. Reeves*  
Assistant Government Surveyor.

N 15592.1 S 15592.0 E 15611.7 W 15611.7 Area 2001.06 Ac. Coords. Comp. 6-18-29  
e.k. *J. Dutt*  
(See Calc. Bk. No. 2-Pg. 78)

*NEW.*

GG



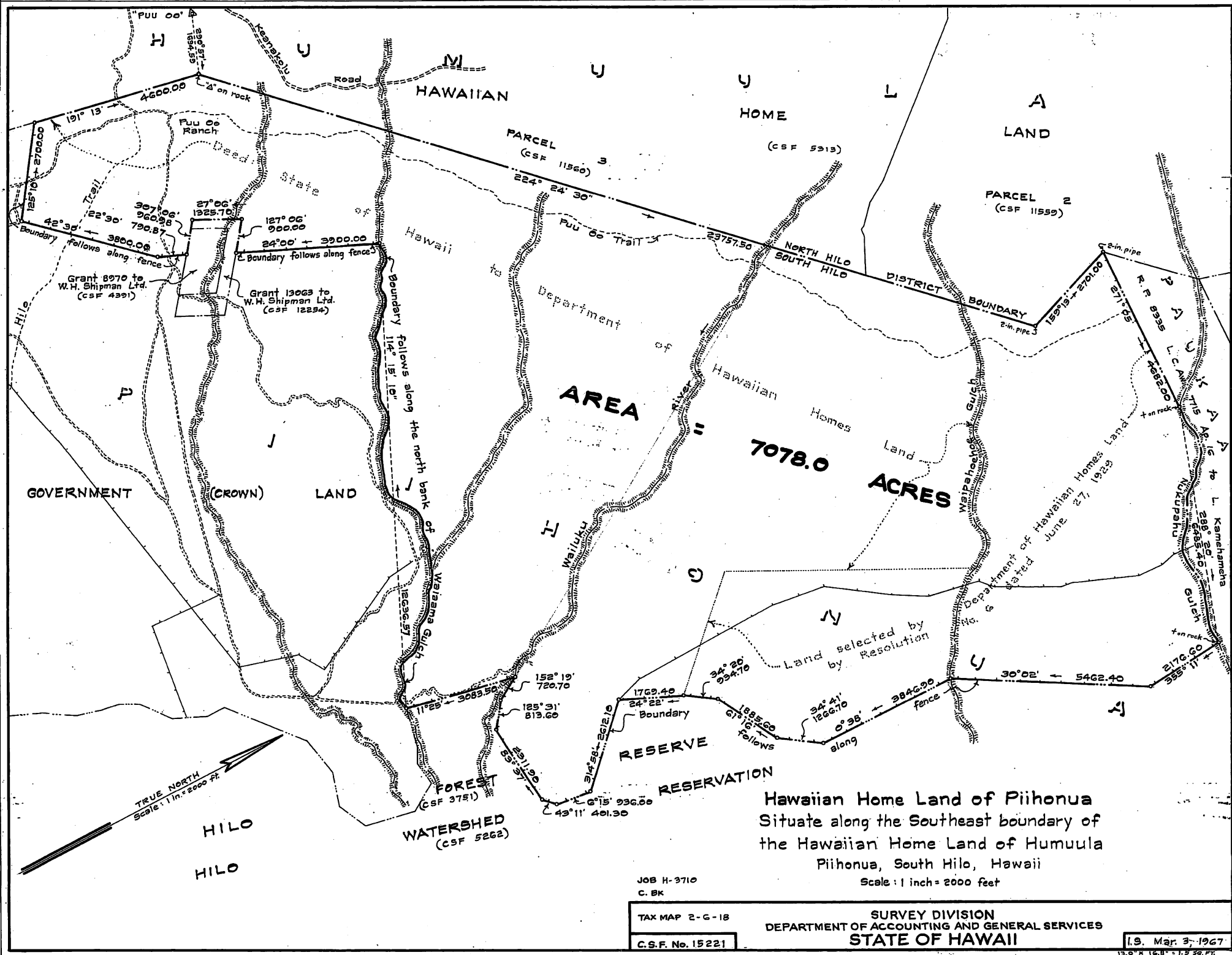


Portion of the Government Land of Piihonua  
 Piihonua, South Hilo, Hawaii  
 Scale 1 in. = 2000 ft.

TM 2-6-18

File with C.S.F. 5410

C.K.R. 6-5-29



**Hawaiian Home Land of Piionua**  
 Situate along the Southeast boundary of  
 the Hawaiian Home Land of Humuula  
 Piionua, South Hilo, Hawaii

Scale: 1 inch = 2000 feet

JOB H-3710  
 C. BK

TAX MAP 2-G-18

C.S.F. No. 15221

**SURVEY DIVISION**  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
**STATE OF HAWAII**

19. Mar. 3, 1967

# **EXHIBIT “9”**

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

SHAN S. TSUTSUI  
LT. GOVERNOR  
STATE OF HAWAII



JODIE M. K. MASAGATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96803

February 13, 2017

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7014 3490 0001 2886 5019

Mr. Lawrence Costa, Jr.  
P.O. Box 338  
Kurtistown, Hawaii 96760

I certify that this is a copy  
of the original document.  
DEPARTMENT OF HAWAIIAN HOME LANDS

By [Signature] Date 11/23/22

Dear Mr. Costa:

Subject: Unauthorized Use of Hawaiian Home Lands, Humu'ula, Hawaii,  
TMK Nos.: 38001007 & 26018002

The Department of Hawaiian Home Lands ("DHHL") has information that you have illegally accessed, entered and continue to occupy portions of Hawaiian Home Lands on Hawaii Island for cattle grazing operations, specifically:

- 1) Breaching a boundary fence at the location marked #1 on the map attached as Exhibit A, and installing an unauthorized gate for ingress into Hawaiian Home Lands. The location of the breach and unauthorized gate is shown in the photograph attached as Exhibit B;
- 2) Installed your own gate on Hawaiian Home Lands without permission and restricting access. The gate is in the location marked #2 on Exhibit A, and further shown in photograph attached as Exhibit C;
- 3) Parking a pickup truck (license plate number HEF620) without permission on Hawaiian Home Lands in the location marked #3 on Exhibit A, and further shown in the photograph marked as Exhibit D; and
- 4) Grazing approximately 150 head of cattle without permission on Hawaiian Home Lands in the area marked #4 on Exhibit A.

**DHHL HEREBY GIVES YOU NOTICE** that DHHL is the sole owner of the properties described above and marked as locations #1 through 4 on Exhibit A. As the land owner, DHHL holds exclusive rights to exercise its authority over the subject properties as governed under the Hawaiian Homes Commission Act of 1920, as amended; Hawaii Administrative Rules Title 10, as amended; and Hawaii Revised Statutes, Section 171, as amended. Under said authority, DHHL

Mr. Lawrence Costa, Jr.  
February 13, 2017  
Page 2

has **not** granted permission for use of the subject properties, in whole or in part, to you. You are therefore trespassing on State land and in violation of Hawaii Revised Statutes, sections 142-62, 142-63, and 708-814.


DHHL demands that you:

1. No later than Monday, March 20, 2017, remove: a) all branded cattle registered under Reg#831 as referenced on page 12 of Department of Agriculture, State of Hawaii, Hawaii Brand Book 2016-2020<sup>3</sup>; b) any and all equipment, brought onto the properties; and
2. **IMMEDIATELY CEASE AND DESIST** from any unauthorized use or access to the subject properties.

Failure to comply may result in DHHL taking legal action against you to the fullest extent of the law, including but not limited to, pursuing civil and criminal action against you. Your attention and cooperation in this matter is requested and appreciated.

If you have questions, contact Peter "Kahana" Albinio, Jr., Acting Administrator, Land Management Division contact me at (808) 620-9451, or email [peter.k.albinio.jr@hawaii.gov](mailto:peter.k.albinio.jr@hawaii.gov).

Aloha,



William J. Aila, Jr.,  
Deputy to the Chairman

Enc.

c: DHHL Deputy/Enforcement  
EHDO  
WHDO  
[ccosta001@hawaii.rr.com](mailto:ccosta001@hawaii.rr.com)

---

<sup>3</sup> <https://hdoa.hawaii.gov/ai/files/2012/12/Brands-2020.pdf>



Google Earth

Exhibit A

Copyright 2008 Google

Map data © 2008 Google



Exhibit B

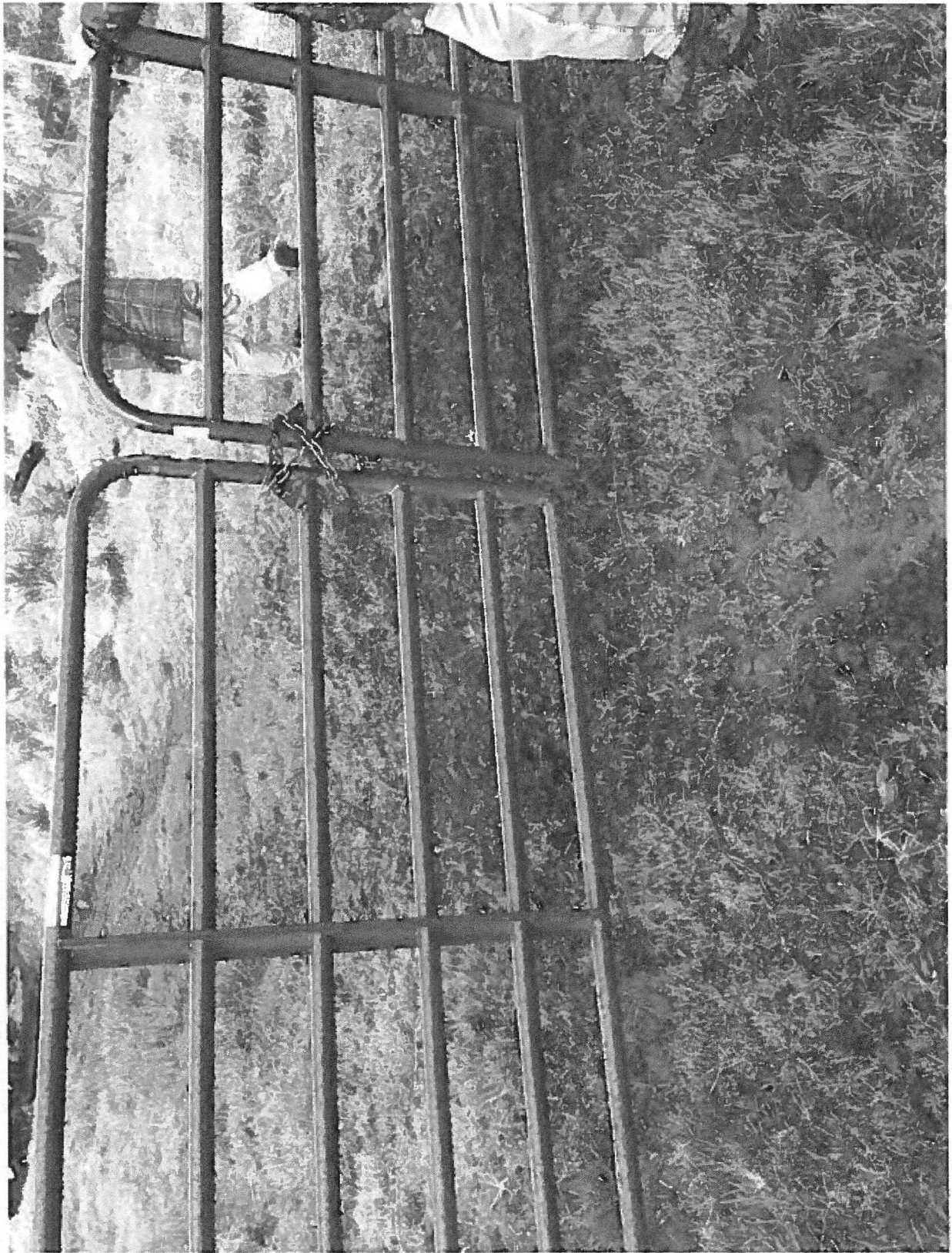


Exhibit C



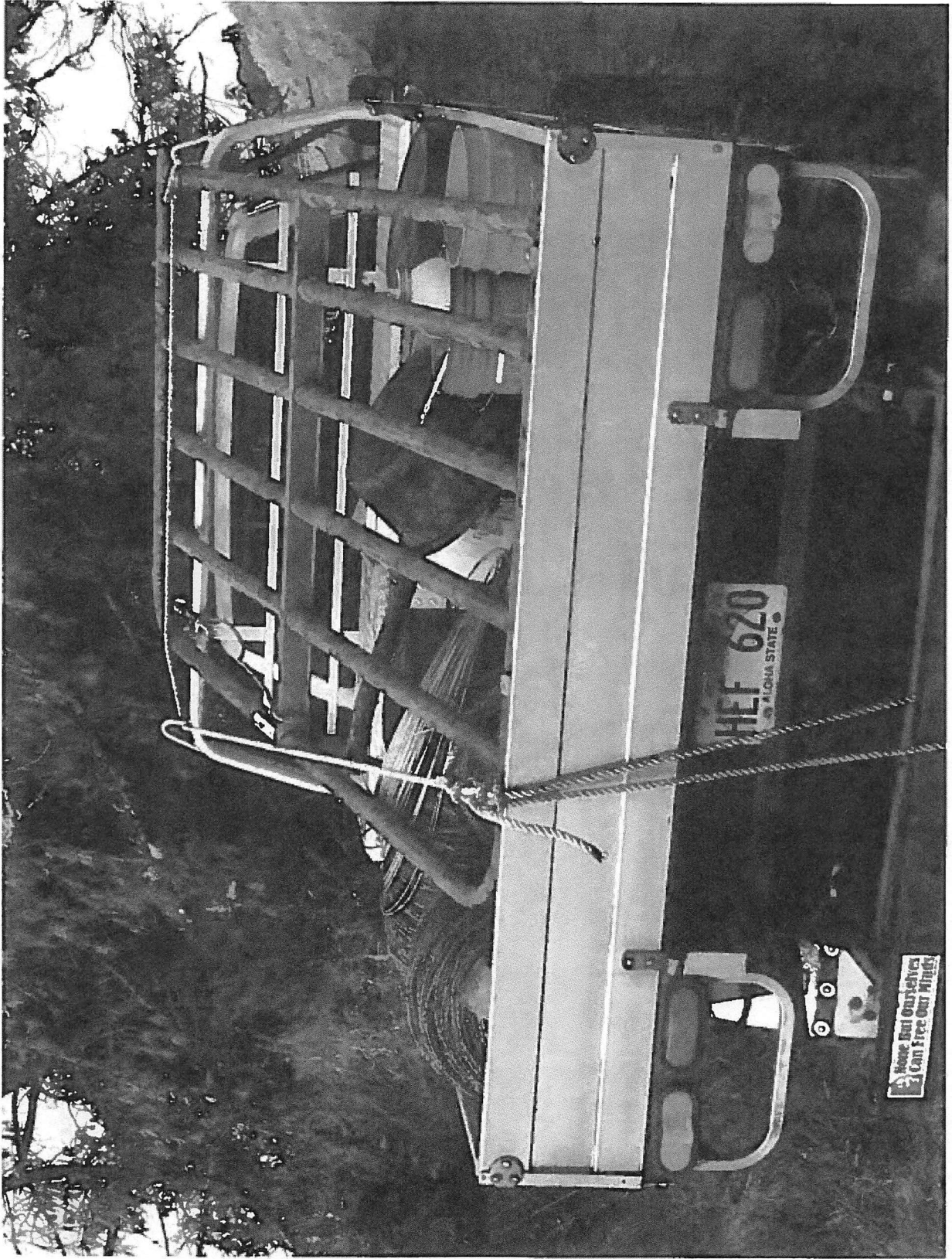


Exhibit D

# **EXHIBIT “10”**

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII



JOBIE M. K. MASAGATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

SHAN S. TSUTSUI  
LT. GOVERNOR  
STATE OF HAWAII

WILLIAM J. AILA, JR.  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

Trespass Warning

- ( ) SECTION: 708-813 HRS CRIMINAL TRESPASS IN THE FIRST DEGREE
- (a) A person knowingly enters or remains unlawfully; (i) In a dwelling (ii) In or upon the premises of a hotel or apartment building.
  - (b) That person; (i) Knowingly enters or remains unlawfully in or upon premises which are fenced or enclosed in a manner designed to exclude intruders; and (ii) Is in possession of a firearm, as defined in section 134-1, at the time of such intrusion
  - (c) Pertains to schools as defined in Section 297-1.
- Criminal Trespass in the First Degree is a Misdemeanor

- X SECTION: 708-814 HRS CRIMINAL TRESPASS IN THE SECOND DEGREE
- (a) A person knowingly enters or remains unlawfully in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced; or
  - (b) The person enters or remains unlawfully in or upon commercial premises after reasonable warning or request to leave by the owner or lessee of the commercial premises or the owner's or lessee's authorized agent or police officer.
- Criminal Trespass in the Second Degree is a Petty Misdemeanor

- X SECTION: 708-815 HRS CRIMINAL TRESPASS IN THE THIRD DEGREE
- (a) A person knowingly enters or remains unlawfully in or upon premises
- Criminal Trespass in the Third Degree is a Violation

It shall be noted on this date, 3/6/19 and time; 1000 hours I, DAVID HOKE,  DHHL Enforcement Officer, ( ) A/G Investigator, ( ) County Police Officer, or ( ) State Deputy Sheriff, advised you of the above mentioned statutes. This trespass warning constitutes a written demand that your presence is no longer wanted on this Hawaiian Home Land property and you therefore are to depart forthwith. Should you return onto this HHL property within a period of one year and again commit a criminal trespass, you will be arrested and prosecuted for trespassing, pursuant to Section 708-813, 708-814, or 708-815, of the Hawaii Revised Statutes.

Location: Puu Oo Ranch house, Piikoi TMK: 3-8-001:007  
3-26-018:002

Person Warned: any and all persons, L. Costa Jr DOB: \_\_\_\_\_

Address: Po Box 330 Kula, HI 96760 Tele: \_\_\_\_\_

Signature of Person Warned: \_\_\_\_\_

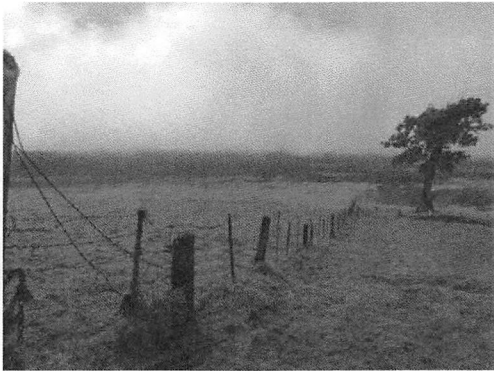
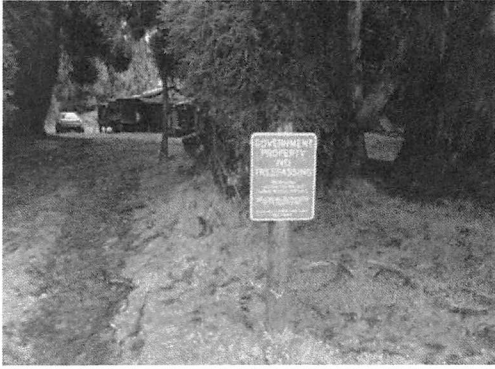
Activity: Trespassing

Officer: [Signature] Time/Date: 3/6/19 @ 1000

I certify that this is a copy of the original document.  
DEPARTMENT OF HAWAIIAN HOME LANDS

By [Signature] Date 11/23/2022

# **EXHIBIT “11”**



# **EXHIBIT “12”**

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

JOSH GREEN  
LT. GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

April 8, 2022

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7018 1830 0001 5784 6795

Mr. Lawrence Costa, Jr.  
P.O. Box 338  
Kurtistown, Hawaii 96760

Dear Mr. Costa:

Subject: Unauthorized Use of Hawaiian Home Lands, Humu'ula, Hawaii,  
TMK Nos.: 38001007, 38001002, 38001009 & 26018002

The Department of Hawaiian Home Lands ("DHHL") is aware that you have illegally accessed, entered and continue to occupy without authorization portions of the above-identified parcels of Hawaiian Home Lands on Hawaii Island for cattle grazing operations, specifically:

- Breaching boundary fence lines and installing unauthorized gates for ingress and egress at various locations and grazing well over 150 head of cattle over the subject parcels, depicted more specifically by yellow highlight on the attached map, without any written authorization/consent from DHHL.

**DHHL HEREBY GIVES YOU NOTICE** that DHHL is the sole owner of the properties described above and depicted on the attached map marked as Exhibit "A." As the landowner, DHHL holds exclusive rights to exercise its authority over the subject properties as governed under the Hawaiian Homes Commission Act of 1920, as amended; Hawaii Administrative Rules Title 10, as amended; and Hawaii Revised Statutes, Section 171, as amended. Under said authority, DHHL has **NOT** granted permission for use of the subject properties, in whole or in part, to you. You are therefore trespassing on State land and in violation of Hawaii Revised Statutes ("HRS") sections 708-814, 708-814.7, and 708-815. Your destruction of DHHL's fence lines, the installation of gates and fences, and the continued trespass of your cattle on DHHL's lands is in violation of HRS sections 142-62, 142-63, 142-64, and 142-66.

Therefore, DHHL demands that you:

I certify that this is a copy  
of the original document.  
DEPARTMENT OF HAWAIIAN HOME LANDS  
By Robyn Dan Date 11/23/27

Mr. Lawrence Costa, Jr.

April 8, 2022

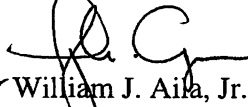
Page 2

1. By no later than Friday, April 22, 2022, remove: a) all branded cattle registered under Reg#831 as referenced on page 12 of Department of Agriculture, State of Hawaii, Hawaii Brand Book 2016-2020<sup>1</sup>; b) all equipment, brought onto the properties; and
2. **IMMEDIATELY CEASE AND DESIST** from any unauthorized use or access to the subject properties.

Failure to comply may result in DHHL fully taking legal action against you, including but not limited to, pursuing civil and criminal action against you. Your attention and cooperation in this matter is requested and appreciated.

If you have questions, please contact Peter "Kahana" Albinio, Jr., Acting Administrator, Land Management Division at (808) 620-9451, or email [peter.k.albinio,jr@hawaii.gov](mailto:peter.k.albinio,jr@hawaii.gov).

Aloha,

  
for William J. Aila, Jr., Chairman  
Hawaiian Homes Commission

c: DHHL Deputy/Enforcement  
EHDO  
WHDO  
[ccosta001@hawaii.rr.com](mailto:ccosta001@hawaii.rr.com)

---

<sup>1</sup> <https://hdoa.hawaii.gov/ai/files/2012/12/Brands-2020.pdf>





# **EXHIBIT “13”**

**LAWRENCE “BULLY” COSTA, JR.**

P.O. Box 338  
Kurtistown, HI 96720

April 13, 2022

CERTIFIED MAIL 7021 2720 0000 8245 2448

William J. Aila, Chairman  
Hawaiian Homes Commission  
Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, Hawai‘i 96805

Dear Mr. Aila:

Re: Acknowledgment of Letter dated April 8, 2022

This is to acknowledge receipt of your letter—Unauthorized Use of Hawaiian Home Lands, Humu‘ula, Hawaii, TMK Nos.: 38001007, 38001002, 38001009 & 26018002, dated April 8, 2022.

You claim in your letter that the Department of Hawaiian Home Lands (DHHL) “is the sole owner” of the ahupua‘a of Humu‘ula, and as “the landowner, DHHL holds exclusive rights to exercise its authority over the subject properties as governed under the Hawaiian Homes Commission Act of 1920, as amended; Hawaii Administrative Rules Title 10, as amended; and Hawaii Revised Statutes, Section 171, as amended.” DHHL is not the owner of the ahupua‘a of Humu‘ula, which is a portion of Crown Lands. Also, your claim to ownership is through United States municipal laws and not Hawaiian Kingdom law. Despite the unlawful overthrow of my government on January 17, 1893, my country and its laws continue to exist under international law despite being belligerently occupied by the United States for over a century.<sup>1</sup>

Under Hawaiian Kingdom law, the Hawaiian Supreme Court stated, in *Estate of His Majesty Kamehameha IV*, 2 Haw. 715, 725 (1864), that Crown Lands “descend in fee, the inheritance being limited however to the successors to the throne.” The Court also concluded that Crown Lands are not public lands but rather “private” lands. Under the *Act to Relieve the Royal Domain from Encumbrances and to Render the Same Inalienable* (1865), Crown Lands became “inalienable, and shall descend to the heirs and successors of the Hawaiian Crown forever.” DHHL is not a successor to the Hawaiian Crown.

---

<sup>1</sup> Hawaiian Kingdom Blog, *The 800-pound Gorilla in the Federal Court: Hawaiian Kingdom v. Biden* (April 8, 2022) (online at: <https://hawaiiankingdom.org/blog/the-800-pound-gorilla-in-the-federal-court-hawaiian-kingdom-v-biden/>).

The Council of Regency, established by proclamation on February 28, 1997,<sup>2</sup> is the provisional successor to the Crown, and therefore is provisionally vested with the title to Crown Lands. The Permanent Court of Arbitration, The Hague, Netherlands, prior to forming the arbitration tribunal in *Larsen v. Hawaiian Kingdom*, acknowledged that the Hawaiian Kingdom continues to exist and that the Council of Regency is its government. In these proceedings, the United States also acknowledged the continuity of the Hawaiian Kingdom and the Council of Regency as its government.<sup>3</sup>

On May 20, 2021, the Hawaiian Kingdom, by its Council of Regency, filed a complaint for declaratory and injunctive relief against Federal and State of Hawai‘i officials, to include 30 foreign Consulates, in the United States District Court for the District of Hawai‘i, *Hawaiian Kingdom v. Biden*, case no. 1:21-cv-00243. An amended complaint was filed on August 11, 2021. On January 19, 2022, an entry of default by the Clerk of the District Court was filed against the State of Hawai‘i, which is attached to this letter.

According to paragraph 56 of the amended complaint, “Defendant STATE OF HAWAI‘I includes all branches of government, their agencies and departments.”<sup>4</sup> DHHL is a department of the State of Hawai‘i, and, is therefore affected by the entry of default. The default is an acknowledgment of the allegations in the amended complaint, which includes paragraph 76:

All Federal, State of Hawai‘i and County laws are not HAWAIIAN KINGDOM law but rather constitute the municipal laws of the United States. As a result of the continuity of the Hawaiian State and its legal order, the law of occupation obliges the United States, as the occupying State, to administer the laws of the HAWAIIAN KINGDOM, not the municipal laws of the Defendant UNITED STATES OF AMERICA, until a peace treaty brings the occupation to an end. Article 43 of the 1907 Hague Regulations provides that “[t]he authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.” Article 64 of the 1949 Fourth Geneva Convention also states, “[t]he penal laws of the occupied shall remain in force.”

DHHL is not the “sole owner” to Humu‘ula as you claim, and title remains vested in the successors of the Hawaiian Crown, which is currently the Council of Regency that serves in the absence of the Crown by virtue of Article 33 of the 1864 Constitution, as amended. For a comprehensive report on land titles, which include Crown Lands, I am attaching the Royal

---

<sup>2</sup> *Hawaiian Kingdom v. Biden*, case no. 1:21-cv-00243, Professor Federico Lenzerini, Legal Opinion on the Authority of the Council of Regency of the Hawaiian Kingdom [ECF 55-2] (May 24, 2020) (online at: [https://hawaiiankingdom.org/pdf/\[ECF55-2\] Declaration of Prof Federico Lenzerini \(Filed%202021-08-11\).pdf](https://hawaiiankingdom.org/pdf/[ECF55-2] Declaration of Prof Federico Lenzerini (Filed%202021-08-11).pdf)).

<sup>3</sup> Royal Commission of Inquiry, *Preliminary Report—Explicit Recognition of the Hawaiian State and of the Council of Regency as its Government by the United States of America* (April 2, 2021) (online at: [https://hawaiiankingdom.org/pdf/RCI\\_Preliminary\\_Report\\_US\\_Recognition.pdf](https://hawaiiankingdom.org/pdf/RCI_Preliminary_Report_US_Recognition.pdf)).

<sup>4</sup> *Hawaiian Kingdom v. Biden*, Amended Complaint for Declaratory and Injunctive Relief [ECF 55] (August 11, 2021) (online at: [https://hawaiiankingdom.org/pdf/Amended\\_Complaint\\_and\\_Exhibits\\_1\\_&\\_2%20\(Filed\\_2021-08-11\).pdf](https://hawaiiankingdom.org/pdf/Amended_Complaint_and_Exhibits_1_&_2%20(Filed_2021-08-11).pdf)).

Commission of Inquiry's *Preliminary Report—Legal Status of Land Titles throughout the Realm* (July 16, 2020).

Crown Lands are subject to the rights of native tenants, and as an aboriginal Hawaiian subject I have rights as a native tenant defined by Hawaiian Kingdom laws. DHHL exists because of United States municipal laws, which has no effect beyond the borders of the United States. And the imposition of these municipal laws within the territory of my country, the Hawaiian Kingdom, which includes the "Hawaiian Homes Commission Act of 1920, as amended; Hawaii Administrative Rules Title 10, as amended; and Hawaii Revised Statutes, Section 171, as amended," is the war crime of usurpation of sovereignty. Paragraph 130 of the amended complaint states:

Municipal laws of the Defendant UNITED STATES OF AMERICA being imposed in the HAWAIIAN KINGDOM constitute a violation of the law of occupation, which, according to Professor Schabas, is the war crime of *usurpation of sovereignty*. The actus reus of the offense "would consist of the imposition of legislation or administrative measures by the occupying power that go beyond those required by what is necessary for military purposes of the occupation." All war crimes committed in the HAWAIIAN KINGDOM have a direct nexus and extend from the war crime of *usurpation of sovereignty*.

The State of Hawai'i's entry of default in *Hawaiian Kingdom v. Biden* acknowledges that it is committing the war crime of usurpation of sovereignty. And your letter to me dated April 8, 2022, is evidence that you and your department are committing the war crime of *usurpation of sovereignty*. Until DHHL can provide to me evidence that the Hawaiian Kingdom had been extinguished by the United States according to international law, you and your department are committing war crimes against myself and my personal property of cattle and equipment.

Consider my letter as evidence that you and your department have been made aware that your actions constitute the war crime of *usurpation of sovereignty*.

Sincerely,

Lawrence "Bully" Costa, Jr.

cc: Peter "Kahana" Albinio, Jr., Acting Administrator, Land Management Division  
([peter.k.albinio.jr@hawaii.gov](mailto:peter.k.albinio.jr@hawaii.gov))

enclosures

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DEPARTMENT OF HAWAIIAN HOME LANDS,

STATE OF HAWAI'I

IN THE DISTRICT COURT OF THE THIRD CIRCUIT

NORTH AND SOUTH HILO DIVISION

STATE OF HAWAI'I

STATE OF HAWAI'I, DEPARTMENT OF  
HAWAIIAN HOME LANDS

Plaintiff,

vs.

LAWRENCE COSTA, JR.

Defendant.

CIVIL NO. \_\_\_\_\_  
(Ejectment)

DECLARATION OF JOSEPH KUALI'I  
LINDSEY CAMARA

DECLARATION OF JOSEPH KUALI'I LINDSEY CAMARA

1. I make this declaration based on my own personal knowledge.
2. I am employed by Plaintiff STATE OF HAWAI'I, DEPARTMENT OF HAWAIIAN HOME LANDS ("DHHL") as a Property Development Agent.

3. My duties as a Property Development Agent include, among other things, overseeing DHHL's 'Āina Mauna Legacy Program. The 'Āina Mauna Legacy Program's objective is to restore approximately fifty-six thousand (56,000) acres of native Hawaiian forest on Mauna Kea that is ecologically, culturally, and economically self-sustaining for the Hawaiian Home Lands trust, its beneficiaries, and the community.

4. As the sole Property Development Agent for DHHL's homestead lands that are under the 'Āina Mauna Legacy Program, I encounter Defendant Lawrence Costa, Jr. ("Defendant") on the Premises.

5. I became aware of Defendant's occupation of the Premises shortly after my employment began with DHHL in April 2017. Defendant refuses to vacate the Premises.

6. I am aware that the Defendant has constructed gates across Keanakolu-Mana Road on the northeast flank of Mauna Kea, restricting DHHL staff, contractors, and licensees from accessing the Premises.

7. By helicopter, I observed Defendant grazing between one hundred fifty (150) and four hundred fifty (450) cattle across 3,200 acres of TMK (3) 2-6-018:002 and (3) 3-8-001:007 without DHHL's observations.

8. Defendant has stated to me that he eventually seeks to take possession of all pastoral lands and feral cattle within TMK (3) 3-8-001:007, TMK (3) 3-8-001:009, (3) 2-6-018:002, and TMK (3) 3-8-001:002.

9. Defendant asserts that feral cattle on TMK (3) 3-8-001:007, TMK (3) 3-8-001:009, (3) 2-6-018:002, and TMK (3) 3-8-001:002 are his personal property.

10. As a Property Development Agent, I oversee DHHL licensees that engage in cattle removal activities. They have reported to me that the Defendant attempts to restrict them from removing cattle from the Premises.

11. DHHL has installed fencing to protect native forests from feral cattle. Defendant has previously threatened legal action if DHHL commences with the installation of fencing on the Premises.

12. Defendant has prohibited me from accessing DHHL's designated cattle removal license area from Keanakolu/Mana Road on the northeast flank of Mauna Kea on DHHL lands by constructing gates across the road. Defendant frequently obstructs removal efforts of feral cattle of DHHL, its licensees, and its contractors..

13. I have seen the Defendant store fencing equipment and his ranch truck at the Pu'u 'Ō'o Ranch House located on TMK (3) 2-6-018:002. The Pu'u 'Ō'o Ranch Home is the location of a perennial spring. I have seen Mr. Costa use the spring as a water source for the cattle.

14. On March 6, 2019, I observed DHHL staff cutting Defendant's locks on a DHHL gate located on TMK No. (3) 3-8-001:007. DHHL staff replaced Defendant's locks with their own locks. Defendant admitted to installing the locks and complained to me about the removal of his locks. I provided new locks to Defendant to compensate him for his destroyed locks. Shortly after DHHL staff reinstalled their own locks, Defendant cut DHHL's locks and installed his own locks.

15. On August 6, 2020, after I informed Defendant that DHHL planned to engage in projects to construct and maintain fencing for ungulate management, Defendant expressed his refusal to remove feral cattle and fencing from the Premises to me. He reiterated his desires to



take possession of DHHL pastoral lands and other feral cattle in the Kaūmana-Pi‘ihonua and Humu‘ula regions of the Premises

16. On September 14, 2022, I received reports that from DHHL licensee Levi Rita that Defendant was obstructing him from transporting feral cattle caught on the Premises. I also observed Mr. Costa constructing another gate to the Pu‘u ‘Ō‘o Ranch house.

17. On September 14, 2022, I accompanied law enforcement officers from the Hawai‘i Police Department and the State of Hawai‘i Department of Land and Natural Resources Division of Conservation and Resources Enforcement to the Premises to address Defendant, who denied obstructing the cattle transport.

18. On September 14, 2022, Defendant informed me that the Premises is his “personal property” and that I am no longer allowed on the Premises. Defendant informed me that he “better not see me or any of the licensees or contractors affiliated with DHHL” on the Premises and declared “all DHHL licenses and access agreements” affiliated with the Premises as void.

19. On September 14, 2022, Defendant also contacted DHHL Licensee Sheldon Mattos contacted me and informed me that Defendant informed him that he “cannot access” the area under his license, which is located within the Premises. Mr. Mattos informed me that he will not return until Defendant is removed from the land because to avoid potential conflict and violence from Defendant.

20. Defendant continues to possess, occupy, and make use of the Premises without the right, authority, or permission from DHHL. He continues to graze cattle and store fencing equipment on the Premises.

21. Defendant's continued use, access, and occupation of the Premises has suspended or otherwise endangered ongoing operations of DHHL's land management activities, including feral cattle removal and gorse eradication, on the Premises.

I declare, verify, certify, and state under penalty of perjury that the foregoing is true and correct.

DATED: Hilo, Hawai'i, January 3, 2023

  
JOSEPH KUALI'I LINDSEY CAMARA