

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

Kūlana 'Ōiwi Multi-Purpose Conference Room
600 Maunaloa Highway, Kalama'ula, Moloka'i, Hawai'i
Monday, April 15, 2019 at 9:00 a.m. to be continued, if necessary, on
Tuesday, April 16, 2019, at 9:00 a.m.

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov, by Friday, April 12, 2019.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for April 2015, June 2018
- D. Public Testimony on Agendized Items

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-4 Approval of Homestead Application / Cancellations (see exhibit)
- D-5 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-6 Approval of Assignment of Leasehold Interest (see exhibit)
- D-7 Approval of Amendment of Leasehold Interest (see exhibit)
- D-8 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-9 Approval of Subdivision, Transfer of a Portion of Department of Hawaiian Home Lands Residential Lease No. 2892, Lot No. 130-A-1, Keaukaha, Hawaii – **SHIRLEY ANN KAGAWA**

B. REGULAR AGENDA

Office of the Chairman

- C-1 Adoption of Resolution No. 299 Honoring Wallace A. Ishibashi for his Service to the Hawaiian Homes Commission
- C-2 Adoption of Resolution No. 300 Honoring Jobie M.K. Masagatani for her Service to the Hawaiian Homes Commission
- C-3 Acceptance of 2019-2020 Native Hawaiian Housing Block Grant Annual Housing Plan

Homestead Services Division

- D-10 Request to Schedule Contested Case Hearing – **IMOGENE K. MAIO** (Deceased), Residential Lease No. 3485, Lot No. 32, Paukukalo, Wailuku, Maui
- D-11 Request to Schedule a Contested Case Hearing – **GREGORY CHAD K. PUAOI**

- (Deceased), Agricultural Lease No. 2970, Lot No. 99-A & 99-B, Hoolehua, Molokai
- D-12 Commission Designation of Successor - **GREGORY CHAD K. PUAOI** (Deceased),
Agricultural Lease No. 2970, Lot No. 99-A & 99-B, Hoolehua, Moloka'i
- D-13 Request to Schedule Contested Case Hearing – **DENISE ROSEHILL-MAHI**,
Residential Lease No. 01891, Lot No. 63, Waiakea, Hawaii

Land Management Division

- F-1 Annual Renewal of Right of Entry Permit(s), Moloka'i Island

III. EXECUTIVE SESSION (discussion to be held during lunch break)

The Commission anticipates convening in executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on these matters.

1. Discussion on Contested Case Issues and Process
2. Update on Enforcement and Lease Compliance on Hawaiian Home Lands

IV. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Stephanie Lauifi – Blood Quantum Issue
- J-2 Moloka'i Homestead Farmers Alliance – Certified Kitchen Update
- J-3 Kalamaula Hawaiian Homestead Association – Erosion Plan
- J-4 Cora Schnackenberg – Project proposal
- J-5 Harry Purdy – Agriculture Lease
- J-6 Wa'akapaemua Canoe Club – Malama Park
- J-7 Bo Kahui – La'i 'Opua 2020 and Villages of La'i 'Opua Homestead Association
- J-8 Kekoa Enomoto – Pa'upena Community Development Corporation and DHHL
Land Development Division Capacity

B. WORKSHOPS

Homestead Services Division

- D-14 For Information Only – Extension of Kalamaula & Hoolehua Homestead Leases.

Land Development Division

- E-1 For Information Only – Molokai Island Capital Improvement Project Updates

C. REGULAR AGENDA

Office of the Chairman

- C-4 For information only - Update Administrative Rules for Management of Water Systems

Planning Office

- G-1 For Information Only – Beneficiary Consultation Report for the Kahikinui Moae Ku Wind Energy Project Proposed by Semptra Renewables, LLC, Kahikinui, Maui, TMK (2) 1-9-001:003 (portion)
- G-2 For Information Only - Beneficiary Consultation Report for the Solar Energy Project Proposed by Innergex Renewables USA LLC, at Kalaeloa, Oahu, TMK 9-1-013:040 and 9-1-013:038
- G-3 For Information Only – Molokai Planning Projects Status
- G-4 For Information Only – Molokai Water Projects Update
- G-5 For information only - Legislative Updates 2019

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

Kūlana ‘Ōiwi Multi-Purpose Conference Room
600 Maunaloa Highway, Kalama‘ula, Moloka‘i, Hawai‘i
Tuesday, April 16, 2019, at 9:00 a.m.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Public Testimony on Agendized Items

II. ITEMS FOR DECISION MAKING

A. REGULAR AGENDA

Planning Office

- G-1 Acceptance of the Beneficiary Consultation Report for the Kahikinui Moae Ku Wind Energy Project Proposed by Sempra Renewables, LLC, Kahikinui, Maui, TMK (2) 1-9-001:003 (portion)
- G-2 Acceptance of the Beneficiary Consultation Report for the Solar Energy Project Proposed by Innergex Renewables USA LLC at Kalaeloa, Oahu, TMK 9-1-013:040 and 9-1-013:038

III. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR AGENDA

Homestead Services Division

- D-1 HSD Status Reports
 - A - Homestead Lease and Application Totals and Monthly Activity Reports
 - B – Delinquency Report
 - C – DHHL Guarantees for USDA-RD Mortgage Loans
 - D – DHHL Guarantees for FHA Construction Loans

IV. EXECUTIVE SESSION (discussion to be held during lunch break)

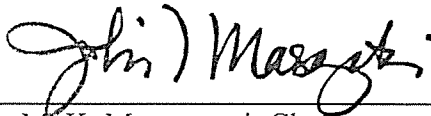
The Commission anticipates convening in executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities on these matters.

- 1. Update on Paradigm Construction, LLC v. Department of Hawaiian Home Lands, Civil No. 16-1-2035-11 DEO, Circuit Court of the First Circuit.

V. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Meeting – May 20 & 21, 2019, Waimea, Hawai‘i Island
- B. Adjournment

Note: Contested Case Hearings begin at 12:00 p.m.



Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Michael P. Kahikina, O‘ahu
David B. Ka‘apu, West Hawai‘i
Pauline N. Namu‘o, O‘ahu

Zachary Z. Helm, Moloka‘i
Wallace A. Ishibashi, East Hawai‘i
Wren W. Wescoatt, O‘ahu
Vacant, Kaua‘i

Next community meeting is scheduled for Monday,
April 15, 2019 at Kulana Oiwi Halau, Kalama‘ula, Moloka‘i

Special Accommodations (such as Sign Language Interpreter, large print, taped material) can be provided, if requested, at least five (5) working days before the scheduled meeting on the respective island by calling the
Information & Community Relations Office, on Oahu, (808) 620-9590.

ITEM D-2 EXHIBIT
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
AH MOOK SANG-FRANK, Maileann E.P.	11283	Kumuhau, Oahu
AHUNA, Reyden P.	2032	Kewalo, Oahu
AINA, Mason	12852	Kauluokahi, Oahu
AKEN, Gordon K., Jr.	8924	Lualualei, Oahu
CALIO, Wilma L.	9902	Nanakuli, Oahu
DEREGO, Patricia D.	10326	Waiohuli, Maui
FISCHER, Brenda	3979	Waimanalo, Oahu
FREITAS, Shirley Ann N.	11955	Kaupea, Oahu
FUATA, Virginia M.	6743	Waianae, Oahu
GAMBILL, Mahealani M.	7128	Kawaihae, Hawaii
GONSALVES, Angie	12854	Kauluokahi, Oahu
HAUHIO, David	12832	Kauluokahi, Oahu
HAWN, Vanessa A.	12067	Kaupea, Oahu
KAMAE, Darlene	12851	Kauluokahi, Oahu
KANNO, Kainoa	10985	Lanai, Lanai
KEKAHUNA, Jaemarlene H.	2514	Kewalo, Oahu
KEKAHUNA, Joseph H., III	2514	Kewalo, Oahu
KINTARO, Maile	10422	Waiohuli, Maui
LUAVASA, Alfie L. P.	5687	Nanakuli, Oahu
MACHADO, Stuart	12195	Waiehu 4, Maui
MAIO, Paul	7260	Nanakuli, Oahu
MAKAILA, Tad K.	11952	Kaupea, Oahu
MEDEIROS, Darlene R. L.	11636	Kanehili, Oahu
MEYERS, George A. A.	5158	Nanakuli, Oahu
MEYERS, Kathleen P.	8711	Waianae, Oahu
MEYERS, Waldemar W. J.	8711	Waianae, Oahu
NAEOLE, Davileigh K.	7585	Waiohuli, Maui
NAKANELUA, Odella P.	8503	Princess Kahanu Estates, Oahu
PAIO, Matthew S.	9231	Kaniohale, Hawaii
PALING, Stephen, III	4408	Nanakuli, Oahu
RICHARDSON, Bronson	12856	Kauluokahi, Oahu
SMITH, Tiade	12494	Kauluokahi, Oahu
STONE, Chad K.	11706	Kanehili, Oahu
SUGAI, Melissia Mae A.	8666	Anahola, Kauai
THOMPSON, Melanie N.	10218	Anahola, Kauai
UAHINUI, Joseph	12850	Kauluokahi, Oahu

ITEM D-3 EXHIBIT**APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS**

LESSEE	LEASE NO.	AREA
ELI, Stacyann L.	5724	Nanakuli, Oahu
ELLIS, Timothy W.	5544	Lualualei, Oahu
HOAPILI, Sean L.	12680	Anahola, Kauai
KAPUWAI, Mary	8814	Waimanalo, Oahu
KAUWELOA, Leialoha H.	8584	Nanakuli, Oahu
KAUWELOA, Ryan P.	8584	Nanakuli, Oahu
KEKUA, Lavena M. K.	4332	Anahola, Kauai
TANAKA, Lucille L.	4498	Nanakuli, Oahu

ITEM D-4 EXHIBIT**HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS**

APPLICANT	AREA
BEAN, Mellaney L.	Hawaii IW Pas
CRISOSTOMO, Sharleen E.	Maui IW Agr
HAILI-CASTILLO, Denise N.	Hawaii IW Res to Oahu IW Res
HANOHANO, Rani Ann N.	Oahu IW Res
INCIONG, Adriene M.	Hawaii IW Res to Oahu IW Res
KALILIMOKU, Justis K.	Hawaii IW Res to Oahu IW Res
KEKAUALUA, Ira C.	Hawaii IW Agr
KEKAUALUA-MEDEIROS, Lisa-Gayle L.	Hawaii IW Agr
KELIHKUPAKAKO, Georgette L.	Hawaii IW Pas to Oahu IW Agr
KELIHKUPAKAKO, Georgette L.	Hawaii IW Res to Oahu IW Res
NEEDS, Gloria L.	Kauai IW Agr to Oahu IW Agr
OHELO, Steven J.	Oahu IW Res
PAGAY, Jamielyn R.	Oahu IW Res to Molokai IW Res
PU, Ipolani K.	Maui IW Res
SAPIGAO, Brandon F.E.K.	Oahu IW Res
SILVA, Shannon I.P.W.	Kauai IW Res
TAEOLALII, Ronette K.	Oahu IW Res
WILSON, Alsieann L.	Oahu IW Res to Hawaii IW Res
WILSON, Alsieann L.	Maui IW Pas to Hawaii IW Agr
YASSO, Nathan P.K.	Maui IW Res

* IW = Islandwide

ITEM D-5 EXHIBIT**LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR LEASEHOLD INTEREST FOR
MONTH OF JANUARY 2019**

LESSEE	LEASE NO.	AREA
ASCOBIDO, Julia L. C.	8753	Waianae, Oahu
CUMMINGS, Amy C. Y.	3696Z	Waimanalo, Oahu
HAUPU, William K., III	6432	Waimanalo, Oahu

KAUHI, Adelaide A.	2732	Keaukaha, Hawaii
KOA, Henry N. K.	7782	Waimanalo, Oahu
LUHIA, Velma L.	4625	Waianae, Oahu
ROSARIO, Jo Ann N.	4475	Waianae, Oahu
RUIZ, Helen M.	5974	Waimanalo, Oahu
SIMAO, Joyce K.	8843	Hanapepe, Kauai
TAI, Rowena K.	5644	Lualualei, Oahu
TRIPP, Robert, Jr.	2909	Waiakea, Hawaii
YOUNG, Elaine H.	2247	Waimanalo, Oahu

ITEM D-6 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
CANDA, Bernadette L.	6925	Puukapu, Hawaii
CHU HING, John G. K.	5659	Keaukaha, Hawaii
ELI, Frederick P., Jr.	419	Nanakuli, Oahu
ENRIQUE, Joseph-Paul K.	6018	Anahola, Kauai
FOSTER, Shannon K.	4733	Waianae, Oahu
JOHNSON, Jennie M. K. L.	12844	Kauluokahai, Oahu
KAAPUNI, Lihauokalani T.	1769	Nanakuli, Oahu
KAAWA, Shoshana H. O. D.	1782	Nanakuli, Oahu
KEKAUALUA-MEDEIROS, Lisa-Gayle	6996	Makuu, Hawaii
KOVERMAN, Kristian K.	12552	Kanehili, Oahu
KELIIKOA, Annette P.	12552	Kanehili, Oahu
MAKAILA, Penny K.	11952	Kaupea, Oahu
MARTIN, Elizabeth M.	12848	Kauluokahai, Oahu
MEYERS, Tiffany A.	5158	Nanakuli, Oahu
ARMITAGE, Destiny M.	5158	Nanakuli, Oahu
MEYERS, Tiffany A.	5158	Nanakuli, Oahu
MOKIAO, Annie K.	3647	Waimanalo, Oahu
PEREIRA, Margaret-Louise P. W.	5091	Keaukaha, Hawaii
RAPOZA, Geraldine M.	8711	Waianae, Oahu
SANTOS, Dennis N.	9811	Maluohai, Oahu
SCOTT, Nancy P.	3427	Nanakuli, Oahu
SMITH, Joy J.	12494	Kauluokahai, Oahu
ALCOS, Kathleen N.	11134	Anahola, Kauai
HAA, Albert K.	6267	Panaewa, Hawaii
KAILIAWA, Jamie K.	6352	Keaukaha, Hawaii
KAMALANI, Ann-Gaylin K.	8076	Puukapu, Hawaii
KANE, Lawrence, Jr.	7912	Hoolehua, Molokai
NAKILA, Irene P.	6105	Kalamaula, Molokai

ITEM D-7 EXHIBIT**APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST**

LESSEE	LEASE NO.	AREA
CROWLEY, Lovette E.	3898-B	Panaewa, Hawaii
CUMMINGS, Amy C. Y.	3696Z	Waimanalo, Oahu
IOANE, Joanne U.	3429	Nanakuli, Oahu
KAABA, Charity A. H. A.	1782	Nanakuli, Oahu
KAABA, Shoshana H. O. D.	1782	Nanakuli, Oahu
KAABA, Amethyst C. H.	1782	Nanakuli, Oahu
KEKAUALUA-MEDEIROS, Lisa-Gayle L	6996	Makuu, Hawaii
MOKIAO, Annie K.	3647	Waimanalo, Oahu
ROSARIO, Jo Ann N.	4475	Waianae, Oahu
SCOTT, Nancy P.	3427	Nanakuli, Oahu
TANCAYO, Henry K.	597	Hoolehua, Molokai
TRIPP, Robert, Jr.	2909	Waiakea, Hawaii
YOUNG, Elaine H.	2247	Waimanalo, Oahu

ITEM D-8 EXHIBIT**APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES**

LESSEE	LEASE NO.	AREA
FERNANDEZ, Lucy Ann L. K.	9319	Kaniohale, Hawaii
KAMAUU-RICHARDS, Darlene K.	3513	Waimanalo, Oahu
MOKIAO, Annie K.	3647	Waimanalo, Oahu
MOKIAO, Wayne	3647	Waimanalo, Oahu
VIELA, Raymond	9788	Maluohai, Oahu

ITEM F-1 EXHIBIT**RIGHT OF ENTRY PERMITS MOLOKAI ISLAND**

<u>Acre</u>	<u>No.</u>	<u>USE</u>	<u>PERMITEE</u>	<u>LOCATION</u>	<u>STARTED</u>
30.0	499	Agriculture	Monsanto Hawaii	Palaau	7/1/2006
35.0	501	Agriculture	Harry K. Purdy, III & Marlene K. Purdy	Hoolehua	4/1/2000
0.860	498	Commercial	Patricio & Cora Sanchez, Jr.	Kalamaula	8/1/1977
0.975	504	Community	Molokai Humane Society	Hoolehue-Palaau	7/1/2007
0.490	507	Community	Ahapuaa O Molokai	Hoolehua	9/1/2003
0.036	502	Office	Parnters in Development	Hoolehua	4/1/2005
9370.0	500	Pastoral	Molokai Homestead Livestock Association	Kalamaula	5/1/1995
542.5	503	Pastoral	Desmond & Christy Manaba	Hoolehua-Palaau	4/1/2007

Denotes Beneficiary



DEPARTMENT OF HAWAIIAN HOME LANDS

Notice of Annual Hawaiian Homes Commission Regular Meeting - Molokaʻi

on Monday, April 15th, 2019 at 9:00 a.m.*
and Tuesday, April 16th, 2019 at 8:30 a.m. at
at Kūlana ʻŌiwi Multi-Purpose Conference Room

600 Maunaloa Highway, Kalamaʻula, Molokaʻi 96748

Hawaiian Homes Commission Meeting agendas are available approximately one week in advance on the HHC Meetings page of our website: dhhl.hawaii.gov

*Meeting times are subject to change. Please check the website for an updated schedule.

Hawaiian Homes Commission

Meeting with the Molokaʻi Homestead Community on Monday,
April 15th, 2019 from 6:30 p.m. - 8:30 p.m.

NEW LOCATION:

at Kūlana ʻŌiwi Multi-Purpose Hālau

600 Maunaloa Highway, Kalamaʻula, Molokaʻi 96748

AGENDA

- 6:30 - 7:00 p.m. DHHL Update
- 7:00 - 7:30 p.m. Homestead Community Update
- 7:30 - 8:30 p.m. Open House*
- 8:30 p.m. Adjournment

**During Open House, representatives from the DHHL divisions will be available for beneficiary questions. Community organizations will also be present.

To request accommodations for a sign language interpreter or accessible parking (must be requested five days prior to the meeting date), or for more information, please contact the DHHL Information and Community Relations Office on Oʻahu at 808-620-9591.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

April 15 & 16, 2019
Kalamaula Molokai

C-ITEMS
OFFICE OF THE CHAIRMAN



HAWAIIAN HOMES COMMISSION

RESOLUTION NUMBER 299

**HONORING WALLACE AEAE ISHIBASHI, JR. FOR HER SERVICE TO THE
HAWAIIAN HOMES COMMISSION**

WHEREAS, Prince Jonah Kuhio Kalanianaʻole, was Hawaii's delegate to the United States Congress from 1902 until his untimely passing on January 7, 1922; and,

WHEREAS, Prince Jonah Kuhio Kalanianaʻole introduced the Hawaiian Homes Commission Act for passage by the United States Congress for the betterment of his beloved Hawaiian people; and,

WHEREAS, the Hawaiian Homes Commission Act was signed on July 9, 1921 by President Warren G. Harding and fully operative on September 16, 1921; and,

WHEREAS, Wallace Aeae Ishibashi, Jr. was appointed to this Commission on August 9, 2013 by Governor Neil S. Abercrombie through May 2, 2019; and,

WHEREAS, Wallace Aeae Ishibashi, Jr. was born and raised in Keaukaha until the family's forced relocation to Panaewa in 1964; and,

WHEREAS, Wallace Aeae Ishibashi, Jr. was a member in good standing for 38 years with the International Longshore and Warehouse Union where he served as Business Agent since 1991; and,



HAWAIIAN HOMES COMMISSION

WHEREAS, Wallace Aeae Ishibashi, Jr. is a committed advocate for native Hawaiian beneficiaries of the Hawaiian Homes Commission Act of 1920, as amended; and,

WHEREAS, Wallace Aeae Ishibashi, Jr. has passionately served his East Hawaii beneficiary community with integrity, leadership, and aloha;

NOW, THEREFORE, BE IT RESOLVED, the undersigned, duly recognized as the chairman and members of the Hawaiian Homes Commission, on this 15th day of April 2019, do set forth their signatures in recognition of Wallace Aeae Ishibashi, Jr. and his service to the legacy of Prince Jonah Kuhio Kalanianaʻole and the thousands of beneficiaries of the Hawaiian Homes Commission Act; and

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted in its entirety to his wife, Naty, and their three children: Wallace III, Brandon, and Poliahu; the Honorable David Lassner, President of the University of Hawaii; the Honorable Kaialii Kahele, Hawaii State Senator; the Honorable Harry Kim, Mayor of the County of Hawaii; the Honorable Sue Lee Loy, Councilwoman; and the leaders of the East Hawaii Hawaiian Homestead Associations.

ADOPTED THIS 15th day of April 2019, at Kalamaula, Molokai, State of Hawaii, by the Hawaiian Homes Commission in Regular Meeting assembled.

OFFERED BY:

Jobie M. K. Masagatani, Chair

David Kaapu, Member

Wallace A. Ishibashi, Member

Wren Westcoatt III, Member

Michael P. Kahikina, Member



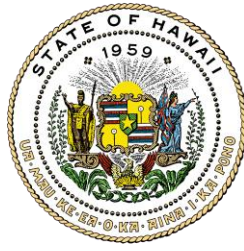
HAWAIIAN HOMES COMMISSION

Randy Kalei Awo, Member

Zachary Helm, Member

Pauline Namuo, Member

Vacant



HAWAIIAN HOMES COMMISSION

RESOLUTION NUMBER 300

**HONORING JOBIE MIDORI KAIMIPOMAIKAI MASAGATANI FOR HER
SERVICE TO THE HAWAIIAN HOMES COMMISSION**

WHEREAS, Prince Jonah Kuhio Kalanianaʻole, was Hawaii’s delegate to the United States Congress from 1902 until his untimely passing on January 7, 1922; and,

WHEREAS, Prince Jonah Kuhio Kalanianaʻole introduced the Hawaiian Homes Commission Act for passage by the United States Congress for the betterment of his beloved Hawaiian people; and,

WHEREAS, the Hawaiian Homes Commission Act was signed on July 9, 1921 by President Warren G. Harding and fully operative on September 16, 1921; and,

WHEREAS, Jobie Midori Kaimipomaikai Masagatani was appointed Chairman of the Hawaiian Homes Commission on May 16, 2012 by Governor Neil S. Abercrombie with her term completing May 2, 2019; and,

WHEREAS, Jobie Midori Kaimipomaikai Masagatani previously served as Deputy to the Chairman of the Hawaiian Homes Commission from 1995-2005; and,

WHEREAS, Jobie Midori Kaimipomaikai Masagatani did submit, from 2012 – the present, a “sufficient sums” budget to the Hawaii State Legislature, making recent history as it had not been done for nearly a decade; and,



HAWAIIAN HOMES COMMISSION

WHEREAS, Jobie Midori Kaimipomaikai Masagatani provided relevant testimony in the Nelson litigation which resulted increased general funding for administration and operations; and,

WHEREAS, Jobie Midori Kaimipomaikai Masagatani oversaw the completion of the administrative rules for the Planning System, better ensuring consistency and transparency across changing department administrations; and,

WHEREAS, Jobie Midori Kaimipomaikai Masagatani established friendly relations with the Navajo Nation as evidenced by Navajo Nation Council Standing Committee Resolution 0205-16 and Hawaiian Homes Commission Resolution 187; and,

WHEREAS, Jobie Midori Kaimipomaikai Masagatani did execute an aggressive six-year, spend-down plan of over \$65 million in federal funds for affordable housing activities such as lot development; homeowner financing; home repair; financial literacy; and environmental record preparation; and,

NOW, THEREFORE, BE IT RESOLVED, the undersigned, duly recognized as the chairman and members of the Hawaiian Homes Commission, on this 15th day of April 2019, do set forth their signatures in recognition of Jobie Midori Kaimipomaikai Masagatani and her service to the legacy of Prince Jonah Kuhio Kalanianaʻole and the thousands of beneficiaries of the Hawaiian Homes Commission Act; and

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted in its entirety to her mother, Ernesta Masagatani; her daughter, Pomaikai; her son, Kalakea; the Honorable Brian Schatz, U.S. Senator; the Honorable Mazie Hirono, U.S. Senator; the Honorable Tulsi Gabbard, U.S. Congresswoman; the Honorable Ed Case, U.S. Congressman; the Honorable David Y. Ige, Governor of the State of Hawaii; and all the leaders of the Hawaiian Homestead Associations.

ADOPTED THIS 15th day of April 2019, at Kalamaula, Molokai, State of Hawaii, by the Hawaiian Homes Commission in Regular Meeting assembled.



HAWAIIAN HOMES COMMISSION

OFFERED BY:

Jobie M. K. Masagatani, Chair

David Kaapu, Member

Wallace A. Ishibashi, Member

Wren Westcoatt III, Member

Michael P. Kahikina, Member

Randy Kalei Awo, Member

Zachary Helm, Member

Pauline Namuo, Member

Vacant

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15-16,2019

To: Chairman and Members, Hawaiian Homes Commission

Through: Niniau Simmons, NAHASDA Manager

Subject: 2019-2020 Native Hawaiian Housing Block Grant Annual
Housing Plan

RECOMMENDED MOTION:

That the members of the Hawaiian Homes Commission move to accept the 2019 – 2020 Native Hawaiian Housing Block Grant Annual Housing Plan.

DISCUSSION:

Each year, as part of its compliance with 24 CFR Part 1006, Title VIII of the Native American Housing and Self Determination Act (NAHASDA), the Department of Hawaiian Home Lands (DHHL) must file an approved annual housing plan (AHP) with the U.S. Department of Housing and Urban Development (HUD). As part of that process, the department releases the draft housing plan for public comment and review. Thus far, no comments were received and the comment period will end on April 18, 2019. DHHL has submitted a request to HUD to submit its AHP by April 30, 2019 to allow for the commission's acceptance at its Kalamaula, Molokai meeting.

Notable changes to the AHP:

- Significant reduction in CIP activities due to substantial completion of lot development in Kakaina; Waiohuli; and Lai Opuia;
- Remaining balances are encumbered in existing contracts and projected homeowner financing; and,
- Any new proposed allocation is at \$2 million, drastically lower than in prior years.

RECOMMENDED ACTION:

That the Hawaiian Homes Commission vote to accept the 2019 – 2020 Native Hawaiian Housing Block Grant Annual Housing Plan.

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

U.S. Department of Housing and Urban Development

NHHP/APR

Office of Public and Indian Housing
Office of Native American Programs

For DHHL's Use: July 1, 2019 thru June 30, 2020 Annual Housing Plan

NATIVE HAWAIIAN HOUSING PLAN (NAHASDA §§ 803(b)(1), 803(c)(1) and 820(a)(2))

This form meets the requirements for a Native Hawaiian Housing Plan (NHHP) and Annual Performance Report (APR) required by the United States Department of Housing and Urban Development. The information requested does not lend itself to confidentiality.

Regulatory and statutory citations are provided throughout this form as applicable. The Department of Hawaiian Home Lands (DHHL) is encouraged to review these citations when completing the NHHP and APR sections of the form.

Under Title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.), HUD will provide grants under the Native Hawaiian Housing Block Grant (NHHBG) program to DHHL to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands. To be eligible for the grants, DHHL must submit a NHHP that meets the requirements of the Act. To align the NHHBG program with recent improvements made to the Indian Housing Block Grant program, HUD is requiring DHHL to submit the NHHP to HUD at least 75 days prior to the start of its 12-month fiscal year. The APR is due no later than 60 days after the end of DHHL's fiscal year (24 CFR § 1006.410).

The NHHP and the APR (previously two separate forms) are now combined into one form. The sections pertaining to the NHHP are submitted **before** the beginning of the 12-month fiscal year, leaving the APR (shaded) sections blank. If the NHHP has been updated or amended, use the most recent version when preparing the APR. After the 12-month fiscal year, enter the results from the 12-month fiscal year in the shaded sections of the form to complete the APR. More details on how to complete the NHHP and APR sections of the form can be found in the body of this form. In addition, DHHL may find it helpful to refer to the IHP/APR form guidance available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/nahasda/guidance until a guidance specific to the NHHP/APR form is made available.

FORM COMPLETION OPTIONS: The NHHP/APR form may be completed either in hard copy or electronically. Hard copy versions may be completed either by hand or typewriter. Alternatively, the form may be completed electronically as it is a Word document. It is recommended that the form be completed electronically because it is more efficient to complete, submit, and review the form. Furthermore, electronic versions of the form may be submitted to HUD as an email attachment. To document official signatures on the electronic version, you should sign a hard copy of the pages and either fax (808-457-4694) that signed page or email (claudine.c.allen@hud.gov) it as an attachment to the Office of Native American Programs – Attention: Claudine Allen in the HUD Honolulu Field Office. The sections of the NHHP that require an official signature are the Cover Page and Sections 13 and 14, if applicable. For the APR, the Cover Page requires an official signature.

The NHHP data is used to verify that planned activities are eligible, expenditures are reasonable, and DHHL certifies compliance with related requirements. The APR data is used to audit the program accurately and monitor DHHL's progress in completing approved activities, including reported expenditures, outputs, and outcomes. This form is exempt from OMB Approval pursuant to 5 CFR 1320.3(4)(c).

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Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

U.S. Department of Housing and Urban Development**NHHP/APR**Office of Public and Indian Housing
Office of Native American Programs**COVER PAGE****(1) Grant Number: 14HGBHI0001; 15HBGHI0001; 17HBGHI0001; 18HBGHI0001; 19HBGHI0001****(2) Recipient Fiscal Year: 2019****(3) Federal Fiscal Year: 2020****(4)** ☒ **Initial Plan** (Complete this Cover Page then proceed to Section 1)**(5)** ☐ **Amended Plan** (Complete this Cover Page and Section 14)**(6)** ☐ **Annual Performance Report** (Complete items 24-27 and proceed to Section 3)

(7) Name of Recipient: Department of Hawaiian Home Lands		
(8) Contact Person: Niniau Simmons, NAHASDA Manager		
(9) Telephone Number with Area Code: 808-620-9513		
(10) Mailing Address: PO Box 1879		
(11) City: Honolulu	(12) State: HI	(13) Zip Code: 96805
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(16) Tax Identification Number: 99-0266483
(17) DUNS Number: 809935661
(18) CCR/SAM Expiration Date: 03/17/20
(19) NHHBG Annual Grant Amount: \$2,000,000
(20) Name of Authorized NHHP Submitter: Jobie M. K. Masagatani
(21) Title of Authorized NHHP Submitter: Chairman, Hawaiian Homes Commission
(22) Signature of Authorized NHHP Submitter:
(23) NHHP Submission Date:
(24) Name of Authorized APR Submitter:
(25) Title of Authorized APR Submitter:
(26) Signature of Authorized APR Submitter:
(27) APR Submission Date:

Certification: The information contained in this document is accurate and reflects the activities actually planned or accomplished during the program year. Activities planned and accomplished are eligible under applicable statutes and regulations.

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under 18 U.S.C 1001. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional disclosure, is subject to a civil money penalty not to exceed \$10,000 for each violation.

SECTION 1: FIVE YEAR PLAN

The Five Year Plan is intended to cover the Department of Hawaiian Home Lands' (DHHL) long range plans for affordable housing. Each housing plan must contain, for the five-year period beginning with the fiscal year for which the plan is first submitted, the following information.

Five Year Period: **2018** through **2023**

MISSION STATEMENT (NAHASDA § 803(b)(2)(A))

A Mission Statement describes the mission of the DHHL to serve the needs of Native Hawaiian low-income families.

Enter the DHHL's Mission Statement here:

To manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians.

GOALS, OBJECTIVES AND PROGRAMS/ACTIVITIES (NAHASDA § 803(b)(2)(B) and (C))

DHHL must provide a statement of the goals, objectives, and programs/activities planned for the beneficiaries over the five year period. The goals are the intended result of the NHHBG activity and are based on the types of outcomes that the DHHL will report in the APR. The objectives are the means or approach that the DHHL will use to reach the goal. The programs/activities are the specific programs/activities that will be funded in order to achieve the goal and the objective.

Goals May Include:

- | | |
|--|--|
| (1) Reduce over-crowding | (6) Assist affordable housing for college students |
| (2) Assist renters to become homeowners | (7) Provide accessibility for disabled/elderly persons |
| (3) Improve quality of substandard units | (8) Improve energy efficiency |
| (4) Address homelessness | (9) Reduction in crime reports |
| (5) Create new affordable rental units | (10) Other |

Objectives May Include:

- | | |
|--|---|
| (1) [RESERVED – DO NOT USE THIS NUMBER] | (14) Lending subsidies for homebuyers |
| (2) [RESERVED – DO NOT USE THIS NUMBER] | (15) Other homebuyer assistance activities |
| (3) Acquisition of rental housing | (16) Rehabilitation assistance to existing homeowners |
| (4) Construction of rental housing | (17) Tenant based rental assistance |
| (5) Rehabilitation of rental housing | (18) Other Housing Service |
| (6) Acquisition of land for rental housing development | (19) Housing Management Services |
| (7) Development of emergency shelters | (20) Operation and maintenance of NHHBG units |
| (8) Conversion of other structures to affordable housing | (21) Crime Prevention and Safety |
| (9) Other rental housing development | (22) Model Activities |
| (10) Acquisition of land for homebuyer unit development | (23) [RESERVED – DO NOT USE THIS NUMBER] |
| (11) New construction of homebuyer units | (24) Infrastructure to support housing |
| (12) Acquisition of homebuyer units | (25) [RESERVED – DO NOT USE THIS NUMBER] |
| (13) Downpayment/Closing cost assistance | |

Use the sections below to describe the DHHL's goals, objectives, and programs/activities during the five year period.

Goal(s) Number: I	(2) Assist renters to become homeowners
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Select from the goals listed above.

Objective(s) Number: Ia.	(24) Infrastructure to support housing
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Select from the objectives listed above.

Program/Activity Description: Infrastructure Development (Statewide)	To develop lots statewide.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: II	(2) Assist renters to become homeowners
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Select from the goals listed above.

Objective(s) Number: IIa.	(11) New construction of homebuyer units; (14) Lending subsidies for homebuyers; (13) Downpayment/Closing cost assistance
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Select from the objectives listed above.

Program/Activity Description: Homeowner Financing (Statewide)	To provide NHHBG-funded home loans (including down payment assistance, individual development accounts) to lessee families participating in new construction. This activity also provides for down payment/closing cost assistance where NHHBG funds are not the primary loan source.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: III	(2) Assist renters to become homeowners
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Select from the goals listed above.

Objective(s) Number: IIIa.	(8) Conversion of other structures to affordable housing
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Select from the objectives listed above.

Program/Activity Description: Housing Conversion	This activity supports the exploration of converting existing land and structures to affordable housing whose general lease or license may soon expire and revert back to the department.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: IV.	(5) Create new affordable rental units
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Select from the goals listed above.

Objective(s) Number: IVa.	(4) Construction of rental housing
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Select from the objectives listed above.

Program/Activity Description: Lai Opuia Rent with Option to Purchase, Developer Financing	This activity will provide NAHASDA funding as part of a capital stack to conduct vertical construction of 118 units in Village 4 of Lai Opuia.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: V.	(5) Create new affordable rental units
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Select from the goals listed above.

Objective(s) Number: Va.	(4) Construction of rental housing
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Select from the objectives listed above.

Program/Activity Description: Kupuna Housing Development	This activity will support the development of elderly housing for the aging native Hawaiian population. Sites may include the departments land at Isenberg and East Kapolei II.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: VI.	(7) Provide accessibility for disabled/elderly persons
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Select from the goals listed above.

Objective(s) Number: VIa.	(16) Rehabilitation assistance to existing homeowners
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Select from the objectives listed above.

Program/Activity Description: Home Assistance Program (Statewide)	<p>This activity provides three types of assistance: (1) a deferred, no payment loan up to \$100,000; (2) a small repayment loan (up to \$50,000) for costs exceeding the original \$100,000 amount; and (3) a demolition/new build loan for properties who cost to repair exceed the appraised or tax assessed value.</p> <p>Over 60 families identified for this program are located in: Kalamaula/Hoolehua, Molokai; Keaukaha-Panaewa, Hawaii; Nanakuli/Waianae/Waimanalo/Papakolea, Oahu.</p>
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: VII.	(1) Reduce over-crowding; (5) Create new affordable rental units; (2) Assist renters to become homeowners
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Select from the goals listed above.

Objective(s) Number: VIIa.	(10) Acquisition of land for homebuyer unit development; (6) Acquisition of land for rental housing development;
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Select from the objectives listed above.

Program/Activity Description: Land Acquisition (Oahu – Priority)	This activity will support land purchase(s) for home development.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: VIII.	(1) Reduce over-crowding
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Select from the goals listed above.

Objective(s) Number: VIIIa.	(18) Other Housing Service
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Select from the objectives listed above.

Program/Activity Description: Alternative Housing Design	This activity will support the design of alternative housing models, to include multi-family; multi-lease; and culturally-relevant housing models.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: IX.	(8) Improve energy efficiency
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Select from the goals listed above.

Objective(s) Number: IXa.	(16) Rehabilitation assistance to existing homeowners
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Select from the objectives listed above.

Program/Activity Description: Energy Retrofits	This program reduces the high cost of energy in the State by installing solar panels or photovoltaic panels on lessee homes thru the use of new construction loans.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: X.	(3) Improve quality of substandard units
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Select from the goals listed above.

Objective(s) Number: Xa.	(19) Housing Management Services
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Select from the objectives listed above.

Program/Activity Description: Waimanalo Kupuna Housing Operating Subsidy	This activity establishes an Operating Subsidy for the Waimanalo Kupuna Housing from 2017 – 2046. Built in 2002 utilizing Low Income Housing Tax Credits, the operating subsidy will assist in stabilizing rental increases over the remainder of the project's LIHTC existence. The use of NHHBG funds in the project will result in tenant's maximum contribution not exceeding 30% of their gross monthly income.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

ONE YEAR PLAN & ANNUAL PERFORMANCE REPORT

SECTION 2: HOUSING NEEDS

(NAHASDA § 803(c)(2)(B))

- (1) **Type of Need:** Check the appropriate box(es) below to describe the estimated types of housing needs and the need for other assistance for low-income Native Hawaiian families (columns B and C) and non-low-income Native Hawaiian families, including non-Native Hawaiian essential families [809(a)(2)(B) and (C)] (column D) eligible to be served by DHHL.

(A) Type of Need	Check All That Apply		
	(B) Low-Income Native Hawaiian Families on Hawaiian Home Lands	(C) Low-Income Native Hawaiian Families on Wait List	(D) Non-Low- Income Native Hawaiian Families
(1) Overcrowded Households	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Renters Who Wish to Become Owners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Substandard Units Needing Rehabilitation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Homeless Households	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) Households Needing Affordable Rental Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(6) College Student Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Disabled Households Needing Accessibility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(8) Units Needing Energy Efficiency Upgrades	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(9) Infrastructure to Support Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(10) Other (specify below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) Other Needs. *(Describe the "Other" needs below. Note: this text is optional for all needs except "Other.")*:

The Hawaiian Homes Commission Act of 1920, as amended, established the Hawaiian Home Lands Trust and defined the population eligible to reside on Hawaiian home lands as those native Hawaiians with at least 50% Hawaiian blood and their successors or assignees of less than 50% Hawaiian blood. With approximately 8,876 leases on homesteads stretching from Hawaii Island unto Kauai, the Department of Hawaiian Home Lands was created at statehood to assist the commission in meeting its fiduciary obligations.

In 2014, DHHL contracted with SMS Research & Marketing Services, Inc. (SMS) to update the Beneficiary Needs Survey conducted in 1995, 2002 and 2008. The results estimate *half* of all existing lessees; *almost half* of all waitlist applicants; and *over half* of all potential applicants are at or below 80% of the area median income as determined by the US Department of Housing & Urban Development. Thus, over 34,000 native Hawaiian individuals/households are eligible for services under Title VIII of the Native American Housing and Self Determination Act.

Of that amount, approximately 12,000 are applicants and 17,000 are potential applicants. If we extrapolate and say that the average DHHL turnkey home is \$350,000, then the sufficient sums amount for NAHASDA new construction would look like this:

$$30,000 \times \$350,000 = \textbf{\$10.5 billion funding for NAHASDA new homes}$$

Of the balance of individuals/households residing on the home lands, approximately 4,500 need home repair or rehabilitation. If the average cost for home repair is \$100,000, then the sufficient sums amount for NAHASDA home rehabilitation would look like this:

$$4,500 \times \$100,000 = \textbf{\$450,000,000 funding for NAHASDA rehab}$$

Native Hawaiian Rehabilitation

The kupuna of our past left the native Hawaiian people a wealth of information held in the Hawaiian newspapers and the archives of the many entities that Prince Jonah Kuhio Kalanianaʻole was credited with founding. One of those entities, the Ahahui Puuhonua o na Hawaii, served as the catalyst toward the chronicling of the despair and destitution of the makaainana (commoner) in 1911. By 1918, one of the Prince's closest confidants and the kahu (pastor) of Kawaiahao Church, put the results of many years of study in publishing, "*The Sinews for Racial Development*."¹ This book, which the Prince carried with him every day, was dedicated, "...for leaders, for those whose hearts are touched by the pressing needs of the race and are willing to offer the very best of their lives and service freely for its uplift."

The book provides a guide to the rehabilitation of the native Hawaiian people from the perspective of those who developed and championed the Hawaiian Homes Commission Act. It covers the following areas and seeks to offer counsel to any whose direction may not be clear:

1. Race Consciousness: to mean pride for, and faith in the race. That "Hawaiians must play the primary part in the solution" and that self-respect for oneself and others was a "true foundation for a successive progression in life."
2. Broadmindedness: to maintain a broad outlook on life and "a sympathetic attitude toward humanity as a whole." It encourages natives to "Give out to those about us, and to the community in which we live, the very best that we possess" and to "cultivate the ability to observe, to absorb, and to assimilate the good in other races."

¹ Akana, Akaiko. (1992) *Light Upon the Midst*. Mahina Productions: Kailua-Kona, Hawaii.

3. Education: both 1 and 2 above need the “discerning power and the balanced judgment of proper education.” He describes a “Thoroughly trained mind, and a broadly cultivated hear are luminous in the soul of a nation.”
4. The Home Life: the home life is the foundation of the development of 1, 2 and 3. It is the “starting point of all social organization, the foundation of civilization.”
5. Systematic Living: the execution of the afore-mentioned activities cannot be achieved at once or in burst of energy but rather cultivated over time in a systematic fashion. Regular, good habits such as mindful eating and exercise can help to develop the fortitude to continue no matter the circumstance.
6. Godliness: the thought of ke Akua; the worship and observance of His laws provides a stabilizing relationship that leads to one’s fulfillment of one’s purpose in life. Today, with the many religious beliefs, spirituality is important to the self-fulfillment each experiences in his/her own life.

The work of the Ahahui Puuhonua o na Hawaii and its members provided Prince Kuhio the much-needed support, both at home in Hawaii and abroad in Washington, D.C. to finally pass the Hawaiian Homes Commission Act of 1920. It was an arduous task that encouraged and/or developed the following community strengthening organizations:

Royal Order of Kamehameha
Mamakakaua
Hale O Na Alii
Counties of Hawaii, Maui, Oahu and Kauai
Honolulu Civic Club
Territorial Legislature
Hawaii Republican Party

Through the Prince’s leadership and participation in each of these community endeavors, the legacy of the Prince lives on for us today. This housing plan, a descendant of Kuhio’s legacy thru the HHCA, is but a small piece of a much broader articulation of need in the State of Hawaii today. By focusing on housing, this most basic of needs acknowledged in the Western world by Maslow, the department attempts to participate in the rehabilitation of the Hawaiian people. Should every Hawaiian have a safe, affordable, decent home, with fresh water for bathing and eating and cooking and food grown or gathered nearby, we could claim success. But with over \$10 billion in need and as the average 57-year-old applicant dies on the waiting list, it does not seem likely we will be able to make such a claim without immediate and swift monetary assistance in the next few years.

(3) Planned Program Benefits. *(Describe below how your planned programs and activities will address the needs of low income families identified above. Also describe how your planned programs will address the various types of housing assistance needs. NAHASDA § 803(c)(2)(B)):*

Over the past four housing plans, DHHL has developed nearly 400 lots for vertical development. Focus has been on homeowner financing and leveraged loans with USDA Rural Housing to provide new awardees with the opportunity for safe, affordable and decent housing. However, with the drastic drop in Title VIII funding the past two years (zero in 2016 and \$2 million in 2017/2018/2019) and currently being zeroed out in the present HUD budget, the department realizes it will no longer be able to aggressively address the need identified in the preceding paragraph but rather focus on smaller, less costly activities like housing assistance vouchers.

(4) Geographic Distribution. *(Describe below how the assistance will be distributed throughout the geographic area and how this geographic distribution is consistent with the needs of low income families, including the needs for various categories of housing assistance. NAHASDA § 803(c)(2)(B)(i)):*

In early 2013, the Department confirmed the Hawaiian Homes Commission's commitment in the \$75 million NAHASDA spend down to addressing new housing opportunities for home ownership. Since the need for housing was statewide, a priority had to be developed that beneficiaries and lessees could readily understand and accept. It was determined that prioritizing based on the homestead mookuahau would serve as the best methodology in prioritizing NAHASDA funding and the initial first three homesteads of Kalamaula, Hoolehua and Keaukaha were chosen. The programmatic funding of Home Assistance Program (home rehabilitation); HALE (financial literacy/foreclosure prevention); and Homeowner Financing (60/40 split; Deferred Sales Price; Self Help; IDA; DPA) were utilized in these areas and then expanded to other homestead areas in the last two years. Homeowner Financing are direct loans (or DPA) from the department and the availability is limited to new homestead awards coming online.

SECTION 3: PROGRAM DESCRIPTIONS

(NAHASDA § [803(c)(2)(A)], [802(c)], [820(b)], 24 CFR §1006.410(b)(2) and (3))

Planning and Reporting on Program Year Activities

For the NHHP, the purpose of this section is to describe each program that will be operating during the 12-month fiscal year. Each program must include the eligible activity, its planned outputs, intended outcome, who will be assisted, and types and levels of assistance. Each of the eligible activities has a specific, measurable output. The first column in the table below lists all eligible activities, the second column identifies the output measure for each eligible activity, and the third column identifies when to consider an output as completed for each eligible activity. Copy and paste text boxes 1.1 through 1.10 as often as needed so that all of your planned programs are included.

For the APR, the purpose of this section is to describe your accomplishments, actual outputs, actual outcomes, and any reasons for delays.

Eligible Activities May Include (citations below reference sections in NAHASDA)

Eligible Activity	Output Measure	Output Completion
(1) RESERVED – DO NOT USE THIS NUMBER		
(2) RESERVED – DO NOT USE THIS NUMBER		
(3) Acquisition of Rental Housing [810(b)(1)]	Units	When recipient takes title to the unit
(4) Construction of Rental Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(5) Rehabilitation of Rental Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(6) Acquisition of Land for Rental Housing Development [810(b)(1)]	Acres	When recipient takes title to the land
(7) Development of Emergency Shelters [810(b)(1)]	Households	Number of households served at any one time, based on capacity of the shelter
(8) Conversion of Other Structures to Affordable Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(9) Other Rental Housing Development [810(b)(1)]	Units	All work completed and unit passed final inspection
(10) Acquisition of Land for Homebuyer Unit Development [810(b)(1)]	Acres	When recipient takes title to the land
(11) New Construction of Homebuyer Units [810(b)(1)]	Units	All work completed and unit passed final inspection
(12) Acquisition of Homebuyer Units [810(b)(1)]	Units	When recipient takes title to the unit
(13) Down Payment/Closing Cost Assistance [810(b)(1)]	Units	When binding commitment signed
(14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]	Units	When binding commitment signed
(15) Other Homebuyer Assistance Activities [810(b)(1)]	Units	When binding commitment signed
(16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]	Units	All work completed and unit passed final inspection
(17) Tenant Based Rental Assistance [810(b)(2)]	Households	Count each household once per year

(18) Other Housing Service [810(b)(2)]	Households	Count each household once per year
(19) Housing Management Services [810(b)(3)]	Households	Count each household once per year
(20) Operation and Maintenance of NHHBG-Assisted Units [810(b)(3)]	Units	Number of units in inventory at Fiscal Year End
(21) Crime Prevention and Safety [810(b)(4)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(22) Model Activities [810(b)(5)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(23) RESERVED – DO NOT USE THIS NUMBER		
(24) Infrastructure to Support Housing [810(b)(1)]	Improved Lots	All work completed and lot passed final inspection
(25) RESERVED – DO NOT USE THIS NUMBER		

Outcome May Include:

(1) Reduce over-crowding	(7) Create new affordable rental units
(2) Assist renters to become homeowners	(8) Assist affordable housing for college students
(3) Improve quality of substandard units	(9) Provide accessibility for disabled/elderly persons
(4) Improve quality of existing infrastructure	(10) Improve energy efficiency
(5) Address homelessness	(11) Reduction in crime reports
(6) Assist affordable housing for low income households	(12) Other – must provide description in boxes 1.4 (NHHP) and 1.5 (APR)

NHHP: PLANNED FISCAL YEAR ACTIVITIES (NAHASDA § 803(c)(2)(A))

For each planned activity, complete all the non-shaded sections below. It is recommended that for each program name you assign a unique identifier to help distinguish individual programs. This unique number can be any number of your choosing, but it should be simple and clear so that you and HUD can track tasks and results under the program and collect appropriate file documentation tied to this program.

- One way to number your programs is chronologically. For example, you could number your programs 2014-1, 2014-2, 2014-3, etc.
- Or, you may wish to number the programs based on type. For example rental 1, rental 2, homebuyer 1, homebuyer 2, etc. This type of numbering system might be appropriate if you have many programs that last over several years.
- Finally, you may wish to use an outline style of numbering. For example, all programs under your first eligible activity would start with the number 1 and then be consecutively numbered as 1.1, 1.2, 1.3, etc. The programs under the second eligible activity would be numbered as 2.1, 2.2., 2.3, etc.

APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month fiscal year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133* audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

*DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to existing grants. After HUD implements the new requirements in 2 C.F.R. Part 200 (after December 26, 2014), all grants will be subject to 2 C.F.R. Part 200, as implemented by HUD.

1.1 Program Name and Unique Identifier: 2019 Capital Improvement Projects (AHP I)
1.2 Program Description <i>(This should be the description of the planned program.):</i> <u>Panaewa</u> This activity provides infrastructure and lot development of 16 subsistence ag lots in Panaewa, Hawaii. Draft ERR being updated and awaiting County approval of DHHL zoning and subdivision request.
1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i> (24) Infrastructure to Support Housing [810(b)(1)]
1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i> (2) Assist renters to become homeowners
Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i>
1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i>
Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i>
1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i> Applicant lessees or undivided interest lessees who meet NAHASDA criteria will receive vacant or improved lots for new home construction.
1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i> This activity covers the cost of the infrastructure for each of the projects. As most of the infrastructure is completed, and no new moneys exist to start new CIP developments, the outputs for this housing plan year will be expenditures made for planning and design.
1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Improved Lots	0	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Developer Financing (AHP II)
1.2 Program Description <i>(This should be the description of the planned program.):</i> This activity will provide for funding as part of a capital stack to conduct vertical construction of 160 rent with option to purchase units in Lai Opuu, Village 4. Developer selected and DHHL waiting on completion of ERR to begin construction. It is not anticipated that expenditures will result in units being built until 2021.
1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i> (4) Construction of Rental Housing [810(b)(1)]
1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i> (7) Create new affordable rental units
Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i>
1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i>
Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i>
1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i> Undivided interest lessees meeting the 80% AMI income guidelines will have the opportunity to rent with an option to purchase their unit. NAHASDA guidelines for rental projects keep the unit rents at or below 30% of the tenant's gross monthly income.
1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i> The assistance being provided will go directly to the developer as part of the capital stack for vertical construction financing.
1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	0	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

1.1 Program Name and Unique Identifier: HALE Program – Risk Mitigation (AHP III)

1.2 Program Description *(This should be the description of the planned program.):*

The HALE Program has two branches: 1) Risk Mitigation, in the form of homebuyer education services; and 2) Loss Mitigation, in the form of lease cancellation/foreclosure prevention services. This first activity will deal with Risk Mitigation. Only the Risk Mitigation is being funded with NAHASDA at this time.

The department began the HALE program pilot in August 2013, and identified barriers to loan approval and developed risk mitigation efforts to address/remove those barriers.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(18) Other Housing Service [810(b)(2)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(2) Assist renters to become home owners

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

HALE's risk mitigation services will serve the families located on Oahu, Kauai and Hawaii Island in assisting beneficiaries to become loan qualified.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

In the past three years, the department has discovered that many lessees who are attempting to qualify for homestead offerings simply do not have the credit to do so. Many of these lessees have taken homebuyer education courses that have had no impact to their behavior and as a result, for example, within six months of pre-qualifying for a self-help loan, they are debt ridden and not on a budget.

The department has moved the two housing specialists into HALE and a new manager promoted to oversee the program. HALE staff now conduct lease awards on projects statewide and under this housing plan, expect to conduct lease awards across the islands.

The following vendors have agreements that will finish this goal and activity in July and November 2019, respectively, and will be reported as follows in the Annual Performance Report to enhance transparency and facilitate information dissemination:

Executed Agreements:

- Hawaii Home Ownership Center, 2014 Award, (Assist families on Hawaii Island & Kauai with homeownership preparation)
- Helen Wai, LLC, 2014 Award, (Assist families on Oahu with homeownership preparation)

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	5	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Homeowner Financing (AHP IV)
1.2 Program Description <i>(This should be the description of the planned program.):</i> Financing will be provided by the department through its Direct Loan Program.
1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i> (14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]
1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i> (2) Assist renters to become homeowners
Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i>
1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i>
Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i>
1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i> Kauai: 1 lessees, Piilani Mai Ke Kai (pending ERR) Maui: 5 Waiohuli lessees Molokai: 3 Package Home Lessees Molokai: 1 Home Repair lessees Oahu: 4 Kakaina lessees for self-help units Hawaii: 3 Package Home lessees in Keaukaha (pending ERR) Hawaii: 3 Home Repair lessees in Keaukaha (pending ERR) Total: 20 lessees
1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i> Financing for home loans statewide utilizing NHHBG funds for projects aforementioned.
1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	5	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Home Assistance Program (HAP) (AHP V)
1.2 Program Description <i>(This should be the description of the planned program.):</i> This program covers the department's attempt to address substandard, aging housing on the homelands. Using its existing partnerships with community agencies, the goal is to service the beneficiary lessees of: Kalamaula/Hoolehua/Kapaakea; Keaukaha-Panaewa; Nanakuli/Waianae; and Papakolea/Waimanalo. There are already 50 families identified or being served at present by the department.
1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i> (16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]
1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i> (3) Improve quality of substandard units
Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i>
1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i>
Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i>
1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i> Families determined and identified by HAP or subrecipient staff as eligible will be assisted.
1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i> Families determined and identified by HAP or subrecipient staff as eligible will be assisted. This includes the 20 families who were waiting for help from the C&C of Honolulu program. Deferred, no-payment loans, subject to conditional recapture, as defined by Home Assistance Program will be provided. NAHASDA eligible families will receive \$100,000 to repair their home according to HUD Housing Quality Standards. The standards prioritize repairs for the home. Only two families remain in active home repair of the original 20 from the City & County of Honolulu's 2011 program.
1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	5	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Emergency Financing (AHP VI)
1.2 Program Description <i>(This should be the description of the planned program.):</i> This activity provides emergency funding (CIP, fee for services) for the DHHL to use on behalf of existing lessees. In the instance where health or safety of lessee(s) may be compromised, this activity will allow for the use of NHHBG funds for emergency CIP or contract services to assist eligible families.
1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i> (24) Infrastructure to Support Housing [810(b)(1)]
1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i> (4) Improve quality of existing infrastructure
Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i>
1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i>
Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i>
1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):</i> Assistance would be for lessees who have need for help on an emergency basis (retaining wall collapse; sewer/septic tank backup; shifting foundation; earthquake/flood/tsunami/lava flow)
1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i> The DHHL would use NHHBG funds to carry out assistance for lessees who may be in imminent danger or health/sanitation compromised by an existing/new situation.
1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i>

This activity will be reported on the Uses of Funding Table

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Improved Lots	2	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Rental Operating Subsidy (AHP VII)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for use as a rental operating subsidy to eligible rental housing on Trust Lands in Waimanalo.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(20) Operation and Maintenance of NHHBG-assisted Units</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>The rental housing project, with up to 85 units, on Trust Lands in Waimanalo will be assisted.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>The project would be assisted with an annual operating subsidy paid directly to the development company. This elderly housing project was first occupied in 2002 and was constructed with funds from the state's Low Income Housing Trust Fund and Rental Housing Trust Fund along with funds from DHHL and the Office of Hawaiian Affairs. Many of the elderly are living on fixed income and cannot afford current rental rates under Hawaii Housing and Finance Development Corporation (HHFDC) which oversees the project and approves the rates from the developer.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units in Inventory	40	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

I.I Program Name and Unique Identifier: Rental Vouchers (AHP VIII)
1.2 Program Description (This should be the description of the planned program.): This activity provides funds for rental housing vouchers (first month rent/deposit/emergency rent) to non-profits already engaged in this activity. Eligible families will be 80% AMI and beneficiaries of the Hawaiian Homes Commission Act of 1920.
1.3 Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.): (17) Tenant Based Rental Assistance [8I0(b)(2)]
1.4 Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.): (6) Assist Affordable Housing for Low-Income Households
Describe Other Intended Outcome (Only if you selected "Other" above.):
1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.):
Describe other Actual Outcome (Only if You selected "Other." above.):
1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate program</u> within this section.): Eligible families under the HHCA and Title VIII of NAHASDA.
1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.): At present a number of non-profits provide deposit/first months rent/emergency rent for families at risk of homelessness, overcrowding, or without shelter. The goal of this activity will have the DHHL conduct a a Request for Proposals to provide funding to families eligible for this activity. With the average rent/deposit at approximately \$2000 per family, the DHHL anticipates assisting over 500 families with funds recently appropriated in the US Congress' FY18 Omnibus legislation. In this first year of this activity's setup, the DHHL is being conservative in its outputs listed under 1.9

1.8 APR.: (Describe the accomplishments for the APR in the 12 months in accordance with 24 .CFR §1006.4JQ(b)(2) and (3)):

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	15	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

SECTION 4: AFFORDABLE HOUSING RESOURCES

This section of the NHHP is designed to provide the public with basic background information on the characteristics shaping DHHL's affordable housing programs. Each portion of the text below has several required components that must be discussed. DHHL is encouraged to carefully review the instructions for each section and provide text covering all required elements.

Housing Market (NAHASDA § 803(c)(2)(D)(i) and (ii)) *(Describe the key characteristics of the housing market in the State of Hawaii, currently, and in the period of time covered by the plan. Include a description of the availability of housing from other public sources and private market housing, and how this supply of housing affected the DHHL's program/activity choices.):*

Wages remain relatively low in Hawai'i making housing affordability a major issue for residents of the state. Because wages remain low, families living in Hawai'i often work more than one job to make ends meet. The SMS Study of 2006 indicated that 44% of all households in the state were at or below 80% of median income. According to the same report, even families with household incomes between 120% and 140% of median income in Hawai'i require affordable housing units given the high costs of housing.

Almost one fourth (22.7%) of all Hawai'i residents pay over 40% of their monthly household income toward their shelter costs and approximately one third (34%) pay over 30% of their monthly household income toward their shelter costs. However, when examined closer it is clear that those households with income levels below 80% of the area median income are more likely to be paying over 30% of their household income toward shelter costs. More specifically, for all households in the state that are at or below 80% of area median income levels, about half (52.22%) pay over 30% of their monthly income toward shelter costs and approximately 38.33% pay over 40% of their monthly income toward shelter costs. As stated previously, shelter to income ratios are higher for native Hawaiian households in that 45.5% pay over 40% of their monthly household income toward their shelter costs whereas only 36.6% of non-native households pay over 40% of their monthly household income toward shelter costs.

The department's NHHBG funded mortgage loans provide single family housing for the same or lower price than a studio in a multi-family high rise built by another housing agency in the urban core. Without NHHBG funding, the department would be unable to build or finance housing for the 80% AMI or below target population.

Cooperation (NAHASDA § 803(c)(2)(D)(iii) *(Describe the structure, coordination, and means of cooperation between DHHL and other relevant partners and organizations [including private nonprofit organizations experienced in the planning and development of affordable housing] in the development, submission, or implementation of its housing plan. In addition, DHHL must indicate if it plans to use loan guarantees under Section 184A of the Housing and Community Development Act of 1992 and any other housing assistance provided by the Federal Government.):*

The department currently partners with a number of housing agencies and organizations either thru subject matter meetings or formal MOUs or agreements. Included in each of the activities of the plan above were the names of the organizations currently or about to receive, monies from the NHHBG.

The Section 184A Loan Guarantee Program, which is similar to the Section 184 Loan Guarantee Program giving Native Americans access to private mortgage financing by providing loan guarantees to lenders, was implemented in 2007. Currently, Home Street Bank and Bank of Hawai'i are approved lenders for the Section 184 A loan program.

DHHL has been utilizing the FHA 247 loan program since 1987. Almost \$390 million in mortgage loans are outstanding through the FHA 247 loan program to lessees on Hawaiian home lands. Also available is the FHA 203K program for rehabilitation of homes. The Veterans Affairs direct loan, Rural Development (U.S. Department of Agriculture) loan programs, Federal Home Loan Bank (Seattle) Affordable Housing Program grants and low-income housing tax credits are other financing options and tools utilized on Hawaiian home lands.

Demolition and Disposition (NAHASDA § 803(c)(2)(D)(viii), 24 CFR 1006.101(b)(4)(viii) *(Describe any planned demolition or sale of NHHBG-assisted housing units, or any other demolition or disposition that will be carried out with NHHBG funds. Be certain to include a financial analysis of the proposed demolition, the timetable for any planned demolition or disposition and any other information that is required by HUD with respect to the demolition or disposition.):*

There are no 1937 Act housing on Hawaiian home lands. The DHHL does not anticipate demolishing any units funded by the NHHBG.

Coordination (NAHASDA § 803(c)(2)(D)(ix) *(Describe how DHHL will coordinate with partners to promote employment and self-sufficiency opportunities for residents of affordable housing.)*):

The State of Hawai'i Department of Human Services (DHS) administers individual and family financial assistance programs that provide cash payments to help individuals and families meet their basic needs. The programs include Temporary Assistance to Needy Families (TANF), Temporary Assistance to Other Needy Families (TAONF), General Assistance (GA), Aid to the Aged, Blind and Disabled (AABD) and the Food Stamps program. Medical assistance is provided through the Hawai'i QUEST and Medicaid fee-for-services programs. Vocational rehabilitation services are provided to persons with disabilities. Whenever the DHHL staff is made aware of a lessee in need, the families are referred to DHS or to an appropriate non-profit service provider.

Safety (NAHASDA § 803(c)(2)(D)(x)) *(Describe how DHHL will promote crime prevention and resident involvement in affordable housing.)*:

The DHHL continues to coordinate efforts with the Police Narcotics Division, the Sherriff's Office and the Attorney General's Office—Investigative Division to do surveillance and to evict the offending occupants whenever there is evidence of drug problems or other crimes in the homestead areas. If investigation results in a conviction, the lessee is taken to a contested case hearing for lease cancellation.

Capacity (NAHASDA § 803(c)(2)(D)(xi)) *(Describe the structure, capacity, and key personnel of the entities that will carry out the program/activities of the housing plan.):*

The DHHL was created by the State Legislature in 1964 to administer the Hawaiian home lands program and manage the Hawaiian home lands trust. The DHHL is one of eighteen principal agencies of the Executive Branch of the State of Hawai'i.

The DHHL serves native Hawaiians or individuals of at least 50% Hawaiian blood, as defined by the Hawaiian Homes Commission Act of 1920, as amended, and their successors and assigns. These native Hawaiians are the beneficiaries of the Hawaiian home lands trust consisting of a land trust of over 200,000 acres, settlement monies from the State for the mismanagement of trust lands, funds received from the State general fund for a portion of its operating costs, and revenues and earnings from the land leasing program.

The DHHL is governed by a nine-member board of commissioners headed by the Chairman, who also serves as the executive officer of the DHHL. The Governor of the State of Hawai'i appoints each commissioner and Chairman to a four-year term. The terms of the commissioners are staggered.

Currently, there are 99 full time employees in DHHL with six offices statewide. DHHL's main administrative office is located in Kapolei, Oahu and the five (5) district offices are located on neighbor islands. There are two (2) district offices on the Big Island, one in Hilo (East Hawaii) and one in Waimea (West Hawai'i), Hawai'i; one (1) district office in Lihue, Kauai; one (1) district office in Wailuku, Maui; and one (1) district office in Kalamaula, Molokai. DHHL is organized into five offices and three divisions under the Hawaiian Homes Commission and Office of the Chairman. The various offices and divisions are described as follows:

Office of the Chairman (OCH) — 20 staff members

The Office of the Chairman consists of the Chairman of the Hawaiian Homes Commission, who is also the Director of Department of Hawaiian Home Lands; the Deputy to the Chairman, the Executive Assistant; the NAHASDA Manager, HALE Manager, NAHASDA Program Specialist, NAHASDA Compliance Specialist, NAHASDA Clerk; and executive staff.

Administrative Services Office (ASO) – 7 staff members

The Administrative Services Office provides DHHL staff support in the areas of personnel, budgeting, program evaluation, information and communication systems, risk management, facilities management, clerical services and other administrative services. This office also provides support services in preparation of legislative proposals and testimonies, coordinates the preparation of reports to the legislature and facilitates the rule-making process.

Fiscal Office (FO) – 12 staff members

The Fiscal Office provides accounting support for DHHL. One accountant is dedicated to the NHHBG whose position is currently vacant.

Planning Office (PO) - 8 staff members

The Planning Office conducts research and planning studies required in the development of policies, programs, and projects to benefit native Hawaiians. The PO coordinates and develops the Regional Plans, administers the Native Hawaiian Development Program, provides capacity building training

for homestead organizations, and provides community based grants for the implementation of Regional priority projects, community based economic development, and membership development.

Information and Community Relations Office (ICRO) – 2 staff members

The Information and Community Relations Office disseminates information to the public on Department issues, oversees community relations with the various homestead communities and coordinates DHHL's ceremonies. They also publish DHHL's annual reports to the State Legislature.

Homestead Services Division (HSD) – 32 staff members

HSD is composed of three branches: 1) Homestead Applications, 2) District Operations, and 3) Loan Services. HSD is the largest division in DHHL, has staff on all islands, and services more than 25,000 applicants and 8,000 lessees on five islands.

Land Management Division (LMD) – 12 staff members

LMD is responsible for managing Hawaiian home lands that are not used for homestead purposes. Unencumbered lands are managed and disposed of for long and short term uses in order to generate revenues and keep the lands productive while minimizing the occurrence of vegetative overgrowth, squatting or illegal dumping. LMD is responsible for properly managing the lands in DHHL's inventory.

Land Development Division (LDD) – 17 staff members

LDD is charged with the responsibility of developing trust lands for homesteading and income-producing purposes. This is accomplished through the development of properties for residential, agricultural, pastoral, and economic development uses. LDD has three operating branches: 1) Design and Construction – concentrating on the design and construction of off-site and on-site improvements for the various subdivisions; and 2) Master-Planned Community – expediting the construction of housing options through partnerships with private sector and exploring other housing opportunities; and, 4) Housing Project—awards leases.

The following is a listing of the key personnel responsible for the implementation of DHHL and NAHASDA assisted programs:

Hawaiian Homes Commission (HHC)

Jobie M.K. Masagatani, Chairman
David Kaapu, West Hawaii Commissioner
Wallace "Wally" Ishibashi, East Hawaii Commissioner
Randy Awo, Maui Commissioner
Zachary Helm, Molokai Commissioner
Pauline Namuo, Oahu Commissioner
Michael P. Kahikina, Oahu Commissioner
Wren Wescoatt, Oahu Commissioner
David Neves, Kauai Commissioner

Department of Hawaiian Home Lands

Jobie M. K. Masagatani, Director
William J. Aila, Jr., Deputy to the Chairman
Rodney Lau, Administrative Services Officer
Pearl Teruya, Fiscal Management Officer
Andrew Choy, Acting Planning Program Manager

Kip Akana, HHL Compliance and Community Relations Officer
Niniau Simmons, Manager (NAHASDA)
Trisha Paul, Program Specialist (NAHASDA)
Cynthia Rezendes, NAHASDA Compliance Specialist
Michelle Hitzeman, HALE Manager
Paula Aila, Finance and Development Manager
Cedric Duarte, Information & Community Relations Officer
Juan Garcia, Homestead Services District Supervisor III
Nina Fisher, East Hawaii Homestead District Supervisor
James Du Pont, West Hawaii Homestead District Supervisor II
Gene Ross Davis, Molokai Homestead District Supervisor II
Dean Oshiro, Housing Services Division Administrator
Carol Ann Takeuchi, Housing Specialist
Nadine Pomroy, Clerk (NAHASDA)
Stewart Matsunaga, Land Development Division Administrator
Kelbert Yoshida, Engineer III
Jeff Fujimoto, Engineer IV

SECTION 5: BUDGETS

(1) Sources of Funding (NAHASDA § 803(c)(2)(C)(i) and 820(b)(1)) (Complete the **non-shaded** portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year.)**

SOURCE	NHHP					APR					
	(A) Estimated amount on hand at beginning of fiscal year	(B) Estimated amount to be received during 12-month fiscal year	(C) Estimated total sources of funds (A + B)	(D) Estimated funds to be expended during 12- month fiscal year	(E) Estimated unexpended funds remaining at end of fiscal year (C minus D)	(F) Actual amount on hand at beginning of fiscal year	(G) Actual amount received during 12-month fiscal year	(H) Actual total sources of funding (F + G)	(I) Actual funds expended during 12- month fiscal year	(J) Actual unexpended funds remaining at end of 12- month fiscal year (H minus I)	(K) Actual unexpended funds obligated but not expended at end of 12- month fiscal year
1. NHHBG Funds	8,400,000	2,000,000	10,400,00	7,570,000	2,830,000						
2. NHHBG Program Income	0	480,000	480,000	480,000	0						
LEVERAGED FUNDS											
3. Other Federal Funds											
4. LIHTC											
5. Non-Federal Funds											
TOTAL	8,400,000	2,480,000	10,880,000	8,050,000	2,850,000						

Notes:

- For the NHHP, fill in columns A, B, C, D, and E (non-shaded columns). **For the APR, fill in columns F, G, H, I, J, and K (shaded columns).**
- Total of Column D should match the total of Column N from the **Uses Table** on the following page.
- Total of Column I should match the Total of Column Q from the Uses Table on the following page.**
- For the NHHP, describe any estimated leverage in Line 3 below. **For the APR, describe actual leverage in Line 4 below (APR).**

(2) Uses of Funding (NAHASDA § 803(c)(2)(C)(ii)) (Note that the budget should not exceed the total funds on hand (Column C) and insert as many rows as needed to include all the programs identified in Section 3. **Actual expenditures in the APR section are for the 12-month fiscal year.**)

PROGRAM NAME (tie to program names in Section 3 above)	Unique Identifier	NHHB			APR		
		(L) Prior and current year NHHBG (only) funds to be expended in 12- month fiscal year	(M) Total all other funds to be expended in 12- month fiscal year	(N) Total funds to be expended in 12- month fiscal year (L + M)	(O) Total NHHBG (only) funds expended in 12-month fiscal year	(P) Total all other funds expended in 12- month fiscal year	(Q) Total funds expended in 12-month fiscal year (O+P)
2019 CIP	AHP I	250,000	100,000	350,000			
Developer Financing	AHP II	5,000,000		5,000,000			
HALE Risk Mitigation	AHP III	50,000		50,000			
Homeowner Financing	AHP IV	1,000,000	280,000	1,280,000			
HAP	AHP V	400,000		400,000			
Emergency Financing	AHP VI	100,000	100,000	200,000			
Rental Operating Subsidy	AHP VII	250,00		250,000			
Rental Vouchers	AHP VIII	20,000		20,000			
Planning and Administration		500,000		500,000			
Loan Repayment – describe in 3 and 4 below.							
TOTAL		7,570,000	480,000	8,050,000			

Notes:

- Total of Column L cannot exceed the NHHBG funds from Column C, Row 1 from the Sources Table on the previous page.
- Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources Table on the previous page.
- Total of Column O cannot exceed total NHHBG funds received in Column H, Row 1 from the Sources Table on the previous page.**
- Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources Table on the previous page.**
- Total of Column Q should equal total of Column I of the Sources Table on the previous page.**

(3) Estimated Sources or Uses of Funding (NAHASDA § 803(c)(2)(C)). *(Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):*

The department anticipates using only program income and block grant balances for activities in this housing plan.

(4) APR (NAHASDA § 820(b)(1)) *(Enter any additional information about the actual sources or uses of funding, including leverage (if any)).*

SECTION 6: OTHER SUBMISSION ITEMS

- (1) Useful Life/Affordability Period(s)** (NAHASDA § 813, 24 CFR § 1006.305) *(Describe your plan or system for determining the useful life/affordability period of the housing assisted with NHHBG funds. A record of the current, specific useful life/affordability period for housing units assisted with NHHBG funds must be maintained in DHHL's files and available for review for the useful life/affordability period.):*

DHHL has established the following affordability periods to describe the term during which DHHL will keep the unit affordable:

<u>NHHBG Funds Invested</u>	<u>Affordability Period</u>
Up to \$24,999	6 months
\$25,000 to \$50,000	1 year
\$50,001 to \$100,000	10 years
\$100,001 to \$150,000	20 years
\$150,001 and above	30 years

The affordability period is based on the total amount of NHHBG funds invested in the development and/or rehabilitation of a housing unit. Resale and recapture provisions will be included as a condition of the Hawaiian homestead lease to enforce the affordability restriction for each assisted housing unit.

- (2) Model Housing and Over-Income Activities** (NAHASDA § 810(b)(5) and 809(a)(2)(B), 24 CFR § 1006.225 and 1006.301(b)) *(If you wish to undertake a model housing activity or wish to serve non-low-income households during the 12-month fiscal year, those activities may be described here. Each approved model activity must be included as a separate program in Section 3 (Program Descriptions) and the APR portions of Section 3 must be completed in the APR submission for any approved model activity.):*

- (3) Anticipated Planning and Administration Expenses** (NAHASDA § 802(d), 24 CFR § 1006.230)

Do you intend to exceed your allowable spending cap for Planning and Administration? Yes ☐ No ☒

If yes, describe why the additional funds are needed for Planning and Administration.

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing
Office of Native American Programs

(4) Actual Planning and Administration Expenses (NAHASDA § 802(d), 24 CFR § 1006.230)

Did you exceed your spending cap for Planning and Administration? Yes ☐ No ☐

If yes, did you receive HUD approval to exceed your spending cap on Planning and Administration? Yes ☐ No ☐

If you did not receive approval for exceeding your spending cap on Planning and Administration costs, describe the reason(s) for exceeding the cap.

SECTION 7: NATIVE HAWAIIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE (NAHASDA § 803(c)(2)(E))

By signing the NHHP, you certify that you have all required policies and procedures in place in order to operate any planned NHHBG programs.

- (1) In accordance with applicable statutes, the recipient certifies that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out the NHHBG program, to the extent that such Acts are applicable, and other applicable federal statutes.

Yes ☒ No ☐

The following certifications will only apply where applicable based on program activities.

- (2) The recipient will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD.

Yes ☒ No ☐ Not Applicable ☐

- (3) Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA.

Yes ☒ No ☐ Not Applicable ☐

- (4) Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA.

Yes ☒ No ☐ Not Applicable ☐ and

- (5) Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.

Yes ☒ No ☐ Not Applicable ☐

SECTION 8: SELF-MONITORING

(NAHASDA § 819(b), 24 CFR § 1006.401)

(1) Do you have a procedure and/or policy for self-monitoring?

Yes ☐ No ☐

(2) Did you conduct self-monitoring, including monitoring sub-recipients?

Yes ☐ No ☐

(3) Self-Monitoring Results. *(Describe the results of the monitoring activities, including inspections for this program year.):*

SECTION 9: INSPECTIONS

(NAHASDA § 819(b))

(1) Inspection of Units *(Use the table below to record the results of inspections of assisted housing.)*

		Results of Inspections	
(A)	(B)	(C)	
Activity	Total number of units inspected	Total number of units (Inventory)	
NAHASDA-Assisted Units: Running inventory as of Fiscal Year Beginning (July 1) a 12-month total.			
a. New Construction Completed			
b. Rehab/Repair Completed			
c. Rental Assistance (if applicable)			
d. Other			
Total			

(2) Did you comply with your inspection policy: Yes ☐ No: ☐

(3) If no, why not:

SECTION 10: AUDITS

(24 CFR § 1006.375(d))

This section is used to indicate whether an Office of Management and Budget Circular A-133* audit is required, based on a review of your financial records.

Did you expend \$500,000* or more in total Federal awards during the APR reporting period?

Yes ☐ No ☐

If Yes, an audit is required to be submitted to the Federal Audit Clearinghouse and the Office of Native American Programs.

If No, an audit is not required.

*DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. Audits covering recipients' fiscal years that begin in January 2015 will be subject to the revised audit requirements. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to grants until implementation of the new requirements.

SECTION 11: PUBLIC AVAILABILITY

(NAHASDA § 820(d), 24 CFR § 1006.410(c))

- (1)** Did you make this APR available to the beneficiaries of the Hawaiian Homes Commission Act before it was submitted to HUD?

Check one: Yes ☐ No ☐

- (2)** If you answered “No” to question #1, provide an explanation as to why not and indicate when you will do so.

- (3)** Summarize any comments received from the beneficiaries (NAHASDA § 820(d)(2)).

SECTION 12: JOBS SUPPORTED BY NAHASDA

(NAHASDA § 820)

Use the table below to record the number of jobs supported with NHHBG funds each year (including DHHL staff, Subrecipient staff, Contractors, etc.).

Native Hawaiian Housing Block Grant Assistance (NHHBG)	
(1) Number of Permanent Jobs Supported	
(2) Number of Temporary Jobs Supported	

(3) Narrative (*optional*):

SECTION 13: NHHP WAIVER REQUESTS

(NAHASDA § 802(b)(2), 24 CFR 1006.20(b))

THIS SECTION IS ONLY REQUIRED IF DHHL IS REQUESTING A WAIVER OF A NHHP SECTION OR A WAIVER OF THE NHHP SUBMISSION DUE DATE. Fill out the form below if you are requesting a waiver of one or more sections of the NHHP. **NOTE:** This is NOT a waiver of the NHHBG program requirements but rather a request to waive some of the NHHP submission items because DHHL cannot comply due to circumstances beyond its control.

- (1) List below the sections of the NHHP where you are requesting a waiver and/or a waiver of the NHHP due date. *(List the requested waiver sections by name and section number):*

- (2) Describe the reasons that you are requesting this waiver *(Describe completely why you are unable to complete a particular section of the NHHP or could not submit the NHHP by the required due date.):*

- (3) Describe the actions you will take in order to ensure that you are able to submit a complete NHHP in the future and/or submit the NHHP by the required due date. *(This section should completely describe the procedural, staffing or technical corrections that you will make in order to submit a complete NHHP in the future and/or submit the NHHP by the required due date.):*

(4) Recipient:	
(5) Authorized Official's Name and Title:	
(6) Authorized Official's Signature:	
(7) Date (MM/DD/YYYY):	

SECTION 14: NHHP AMENDMENTS

(24 CFR § 1006.101(d))

Use this section for NHHP amendments only.

Fill out the text below to summarize your NHHP amendment. Copy and paste Section 14 for each amendment. This amendment is only required to be submitted to the HUD Office of Native American Programs when the recipient is adding a new activity that was not described in the current One-Year Plan that has been determined to be in compliance by HUD. All other amendments will be reflected in the APR and do not need to be submitted to HUD.

NOTE: A Cover Page is strongly recommended but not required with a NHHP Amendment submission.

APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month fiscal year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133* audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

*DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to existing grants. After HUD implements the new requirements in 2 C.F.R. Part 200 (after December 26, 2014), all grants will be subject to 2 C.F.R. Part 200, as implemented by HUD.

(1) Program Name and Unique Identifier:**(2) Program Description** (*This should be the description of the planned program.*):**(3) Eligible Activity Number** (*Select one activity from the Eligible Activities list in Section 3. Do not combine homeownership and rental housing in one activity, so that when units are reported in the APR they are correctly identified as homeownership or rental.*):

(4) Intended Outcome Number <i>(Select one Outcome from the Outcome list in Section 3.):</i>
Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i>
(5) Actual Outcome Number <i>(Select one Outcome from the Outcome list in Section 3.):</i>
Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i>
(6) Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median income should be included as a <u>separate</u> program within this Section.):</i>
(7). Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i>
(8). APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year. In accordance with 24 CFR § 1006.410(b)(2) and (3), provide an analysis and explanation of cost overruns or high unit costs.):</i>

(9). Planned and Actual Outputs for 12-Month Fiscal Year

Planned Number of Units to be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program	APR: Actual Number of Units Completed in Fiscal Year	APR: Actual Number of Households Served in Fiscal Year	APR: Actual Number of Acres Purchased in Fiscal Year

(10). APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

(11) Amended Sources of Funding (NAHASDA § 803(c)(2)(C)(i)) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year.**)

SOURCE	NHHP					APR					
	(A) Estimated amount on hand at beginning of fiscal year	(B) Estimated amount to be received during 12- month fiscal year	(C) Estimated total sources of funds (A + B)	(D) Estimated funds to be expended during 12- month fiscal year	(E) Estimated unexpended funds remaining at end of fiscal year (C minus D)	(F) Actual amount on hand at beginning of fiscal year	(G) Actual amount received during 12- month fiscal year	(H) Actual total sources of funding (F + G)	(I) Actual funds expended during 12- month fiscal year	(J) Actual unexpended funds remaining at end of 12- month fiscal year (H minus I)	(K) Actual unexpended funds obligated but not expended at end of 12- month fiscal year
6. NHHBG Funds											
7. NHHBG Program Income											
LEVERAGED FUNDS											
8. Other Federal Funds											
9. LIHTC											
10. Non-Federal Funds											
TOTAL											

Notes:

a. For the NHHP, fill in columns A, B, C, D, and E (non-shaded columns). **For the APR, fill in columns F, G, H, I, J, and K (shaded columns).**

b. Total of Column D should match the total of Column N from the **Uses Table** on the following page.

c. Total of Column I should match the Total of Column Q from the Uses Table on the following page.

(12) Amended Uses of Funding (NAHASDA § 803(c)(2)(C)(ii)) (Note that the budget should not exceed the total funds on hand and insert as many rows as needed to include all the programs identified in Section 3. **Actual expenditures in the APR section are for the 12-month fiscal year.**)

PROGRAM NAME (tie to program names in Section 3 above)	Unique Identifier	NHHP			APR		
		(L) Prior and current year NHHBG (only) funds to be expended in 12- month fiscal year	(M) Total all other funds to be expended in 12- month fiscal year	(N) Total funds to be expended in 12- month fiscal year (L + M)	(O) Total NHHBG (only) funds expended in 12-month fiscal year	(P) Total all other funds expended in 12- month fiscal year	(Q) Total funds expended in 12-month fiscal year (O+P)
Planning and Administration							
Loan repayment							
TOTAL							

Notes:

- a. Total of Column L cannot exceed the NHHBG funds from Column C, Row 1 from the Sources Table on the previous page.
- b. Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources Table on the previous page.
- c. Total of Column O cannot exceed total NHHBG funds received in Column H, Row 1 from the Sources Table on the previous page.
- d. Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources Table on the previous page.
- e. Total of Column Q should equal total of Column I of the Sources Table on the previous page.

(13) Estimated Sources or Uses of Funding (NAHASDA § 803(c)(2)(C)). *(Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment listed in the Uses Table on the previous page. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):*

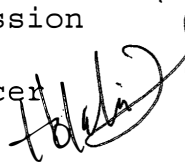
(14) APR (NAHASDA § 820(b)(1)) *(Enter any additional information about the actual sources or uses of funding, including leverage (if any). You must provide the relevant information for any actual loan repayment listed in the Uses Table on the previous page. The text must describe which loan was repaid and the NAHASDA-eligible activity and program associated with this loan.):*

(15) Recipient:	
(16) Authorized Official's Name and Title:	
(17) Authorized Official's Signature:	I certify that all other sections of the NHP approved on are accurate and reflect the activities planned.
(18) Date (MM/DD/YYYY):	

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15-16, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, Administrative Rules Officer
Office of the Chairman 

SUBJECT: Update: Administrative Rules for Management of Water Systems

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

This is to advise the Hawaiian Homes Commission (HHC) on administrative updates made to the draft administrative rules related to the Management of Water Systems (Exhibit A). At its January 2018 regular meeting, the HHC granted the department's request to proceed with rulemaking under chapter 91, Hawaii Revised Statutes (HRS) and approved several changes to the draft language, some of which were recommended in the submittal and some of which were suggested during the discussion. The HHC's approval also authorized the Chairman to make administrative changes to finalize the draft for the formal rulemaking process.

To provide greater certainty, penalty and fee charges that previously stated only that amounts would be set by the HHC have been specified. The various counties impose similar fees and the amounts included in the draft rules are standardized to be consistent with practices of the counties. The following changes articulate specific penalties and charges:

- §§10-4.1-31 and 10-4.1-42: The new rate schedules, as approved by the HHC, are incorporated and attached as exhibits;
- §10-4.1-9: Penalties for delinquent payment of the water bill are specified:
 - A twenty-five dollar service charge for dishonored payments, consistent with section 40-35.5, HRS;

- o A late payment charge of 1% of the outstanding balance per month or fraction thereof, consistent with Hawaii¹ and Maui² Counties, and the Board of Water Supply;³
- §10-4.1-15: A twenty-five dollar recurring obstructed meter fine for each month the meter is rendered unreadable because of the obstruction and a twenty-five dollar charge for remediation, if the department clears the obstruction;⁴ and
- §10-4.1-16: Tampering with service laterals, water meters, the valve, or stopcock before the meter is prohibited and results in a misdemeanor pursuant to section 701-107(3), HRS, and any person found tampering is also liable for all costs associated with the repair. A late payment fee of 1% per month against costs for repair was added. The Board of Water Supply⁵ and Kauai County⁶ have similar misdemeanor language in their rules.

RECOMMENDATION:

None. For information only.

¹ County of Hawai'i, Department of Water Supply, Water Rates, Effective April 1, 2018.

² County of Maui, Revenues—Fees, Rates, Assessments and Taxes, Appendix B, Fiscal Year July 1, 2018 to June 30, 2019, Department of Water Supply, pg. 54.

³ City and County of Honolulu, Board of Water Supply, Rules and Regulations, §2-204(4).

⁴ Although the counties do not articulate a fine, meter obstruction is prohibited and violation of the rules can result in discontinuation of service. See e.g., City and County of Honolulu, Board of Water Supply, Rules and Regulations, §2-211(4), 2-205(2)(b); County of Kauai, Rules and Regulations for Water Service Connections, §XIV-3, §XXV.

⁵ City and County of Honolulu, Board of Water Supply, Rules and Regulations, §2-211, §5-501.

⁶ County of Kauai, Rules and Regulations for Water Service Connections, §XXV-2.

DEPARTMENT OF HAWAIIAN HOME LANDS

Adoption of Chapter 10-4.1
Hawaii Administrative Rules

[]

1. Chapter 10-4.1, Hawaii Administrative Rules, entitled "Management of Water Systems", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 4.1

MANAGEMENT OF WATER SYSTEMS

Subchapter 1 General Provisions

§10-4.1-1	Purpose
§10-4.1-2	Applicability
§10-4.1-3	Definitions
§10-4.1-4	General conditions for water service
§10-4.1-5	Water pressure conditions and elevation agreement
§10-4.1-6	Application for water service
§10-4.1-7	Installation of water service
§10-4.1-8	Responsibility for equipment
§10-4.1-9	Payment of bills and delinquency

§10-4.1-10	Discontinuance of service
§10-4.1-11	Restoration of water service
§10-4.1-12	Meter test and adjustment of bill
§10-4.1-13	Underground leak adjustment
§10-4.1-14	Water charge adjustment
§10-4.1-15	Obstructed meter fine
§10-4.1-16	Tampering prohibited
§10-4.1-17	Accessing the consumer's premises
§10-4.1-18	Cross-connection control and backflow prevention
§10-4.1-19	Interruption of water supply
§10-4.1-20	Meter disconnection or reconnection
§10-4.1-21	Change in service administration fee
§10-4.1-22	Department fire hydrants and fire protection
§10-4.1-23	Water spigots
§10-4.1-24	Consumer's sale of water
§10-4.1-25	Electrical grounding
§10-4.1-26	Unscheduled meter replacement
§10-4.1-27	Compensation
§§10-4.1-28 to 10-4.1-30	(Reserved)

Subchapter 2 Hawaiian Home Lands Public Water Systems

§10-4.1-31	Water service rates
§10-4.1-32	Meter reading and rendering of bills
§10-4.1-33	Conservation and emergency measures
§§10-4.1-34 to 10-4.1-40	(Reserved)

Subchapter 3 Puukapu Non-Potable Water System

§10-4.1-41	General conditions
§10-4.1-42	Monthly maintenance fee
§10-4.1-43	Conservation measures and emergency conditions
§10-4.1-44	Unauthorized drawing of water

SUBCHAPTER 1

GENERAL PROVISIONS

§10-4.1-1 Purpose. The purpose of this subchapter is to promote the health, safety, and general welfare of the community by providing standards for governing water service provided by water systems in the exclusive control of the department. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-2 Applicability. This subchapter shall apply to all water systems under the exclusive control of the department. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-3 Definitions. As used in this chapter, unless plainly evident from the context that a different meaning is intended:

"Applicant" means any person who submits an application for water service or additional water service.

"Application" means a written request for water service or additional water service.

"Consumer" means the person, firm, corporation, association, or governmental entity, whether owner or tenant, whose name appears on the records of the department as the party responsible and liable for receiving water service from the department.

"Consumer's water system" means the pipes and plumbing extending from the water service connection.

"Cross-connection" means any actual or potential connection between the public water supply and a source of contamination or pollution.

"County" means the county where the department water service is located.

"Department of health" means the State of Hawaii department of health.

"Governmental entity" means any State of Hawaii or county department or office.

"Main" or "main pipe" means the department's supply or distribution pipe from which service connections are made.

"Non-potable water" means water that has not been certified by the department of health as suitable for cooking, drinking, and bathing purposes.

"Potable water" means water that has been certified by the department of health as suitable for cooking, drinking, and bathing purposes.

"Premises" means a parcel of real property and any structures thereon which have water service, will require water service, or requires additional water service.

"Public water system" means a water system which provides water for human consumption as provided by the department of health in title 11, Hawaii administrative rules chapter 20.

"Service lateral" means the main tap and complete installation of pipes, fittings, and appurtenances from the main to and including the meter.

"Water meter" or "meter" means a device that measures the volume of water delivered to any premises.

"Water service" means the delivery of water to any premises.

"Water spigot" means a water spigot or standpipe that is maintained by the department and connected to a public water system for lessee access to potable water.

"Water system" means a network of pipelines, main taps, storage, facilities, pumps, shut-off valve, and other appurtenances, wells, water filtration treatment facilities, or other sources which furnishes a supply of water to the premises. [Eff]

(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-4 General conditions for water service.

(a) Any applicant whose premises is located within service limits established by the department and adjacent to a distribution main where pressure conditions permit may obtain water service, provided that:

- (1) The existing water system servicing the area has adequate physical and legal capacity, as determined by the department, for such intended use without impairing service to existing consumers or future lessees;
- (2) All applicable fees and deposits for such service have been paid in full;
- (3) The applicant is not delinquent on other services in his or her name; and,
- (4) The applicant agrees to abide by the rules, regulations, and policies of the department relating to water service.

(b) Water service shall be restricted to the property for which the application is made.

(c) All water service supplied by the department shall be measured by means of meters furnished by the department and only the department is authorized to install water meters on department water systems.

(d) The department shall determine the final location and size of the service lateral. Service laterals shall be operated and maintained by the department.

(e) The department shall only be responsible for the operation and maintenance of water systems in its exclusive control, which may include contracted operations and maintenance services.

[Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-5 Water pressure conditions and elevation agreement. (a) The department shall exercise due diligence and reasonable care to maintain adequate pressure in its water mains but accepts no responsibility to maintain such pressure.

(b) Where a premise is situated at such an elevation that it cannot be assured of a dependable supply or of adequate service from the department's distribution system, the consumer, in consideration of water service and connection to the department's system:

- (1) Shall agree to accept such service as the department is able to render from its existing facilities;
- (2) Shall agree to install, if necessary, and maintain at the consumer's expense a tank and pump, with an air gap between the consumer's supply pipe and the department's system, of suitable design and of sufficient capacity to furnish an adequate supply of water; and
- (3) Shall execute a written release in favor of the department for all claims due to any inadequacy in the department's system or inadequacy of water supply to the premise including but not limited to lack of fire department services in the event of a fire.

(c) When the pressure of the department's supply fluctuates or is higher than that for which individual fixtures are designed, the consumer shall protect such fixtures by installing and maintaining pressure reducing, or relief valves, or both. The department shall not be liable for damage due to pressure conditions or for damages caused by or arising from the failure of, or the defective condition of such pressure regulators or relief valves, or for damage that may occur through the installation, maintenance, or use of such equipment. [Eff]

(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-6 Application for water service. (a) Each prospective consumer shall complete a standard application form for the water service desired. Prospective consumers shall assume responsibility for

the payment of future charges for service at the location identified on the application before water is turned on for any use. The department shall inform the applicant in writing that the application is complete and accepted or if the application is deficient, what specific information is necessary to complete the application. The department shall assign an account number when the application is complete. The person, entity, or organization executing the application form shall be liable for the payment of all charges for water service at the designated location including a meter charge with each billing cycle as provided in section 10-4.1-31 and 10-4.1-42.

(b) Charges for service shall begin when the service lateral and the consumer's water system are physically joined and water is made available to the consumer, and will continue until:

- (1) The consumer makes a written request to discontinue service;
- (2) A judicial order to discontinue service is issued; or
- (3) The department discontinues service for failure of the consumer to comply with the provisions of this subchapter.

(d) When an application for water service is made by a former consumer who was responsible for and failed to pay all bills for water service previously rendered, regardless of location or time incurred, the department may refuse to furnish service to the premises of the applicant until the outstanding bills are paid.

(e) A consumer taking possession of the premises and using water without having made application for the transfer of water service shall be held liable for the water delivered from the date of the last recorded meter reading. If application for transfer is not made, and accumulated bills for water service are not paid upon presentation, the water service may be discontinued ten business days after written notice is sent to the consumer. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-7 Installation of water service. (a)

When an application for water service has been approved, water service shall be installed as approved. There shall be one meter for each service, unless the department, because of operating necessity, installs a combination meter, or two or more meters in parallel. All meters shall be tested for accuracy before installation. All meters shall be installed along the property boundary, unless, due to operating necessity or other extenuating situations, the department approves installation of the meter elsewhere.

(b) It is the consumer's responsibility and expense to install their supply pipe and water system, to connect such system to the department's service lateral, and to install an approved backflow prevention device on the consumer's system on the downstream side of the meter. The department may provide backflow prevention devices to lessees as a means to protect the public water system, however the cost of installation shall be paid by the consumer within thirty days of installation. The consumer's water system shall, at all times, remain the sole property of the consumer, who shall be responsible for its maintenance, repair, and replacement.

(c) A readily accessible shutoff valve controlling all outlets shall be installed by the department on the consumer's water service supply pipe at a location to be determined by the department. In addition, the department may install a shutoff valve before the meter for the use of employees of the department. If a replacement of the shutoff valve is necessary, it shall be installed by the department and paid for by the consumer.

(d) The department may make the connection to the consumer's water service supply pipe once the consumer installs the supply pipe at the approved location.

(e) Only the department may connect or disconnect the water service to or from the department's main.

(f) When the proper size of service lateral for any premises has been determined and the department has made installation at the location specified by the consumer, the department has fulfilled its obligations insofar as the size of the service and the location thereof are concerned. If the consumer desires a change in size of the service lateral or a change in the location thereof, the consumer shall bear all costs of such change.

(g) Whenever a check valve or pressure reducing valve is installed on the consumer's cold water supply line between the meter and the hot water storage tank or heater, there shall be installed on the consumer's hot water distribution system a suitable pressure relief valve.

(h) Once installed, any costs associated with the repair or replacement of damaged or missing meters and services will be charged to the consumer. Such costs include but are not limited to gaskets, meter boxes, lid inserts, meters, pressure regulator valves, related labor, equipment, vehicles, and materials. This does not include replacement of meters that are operating outside of tolerances. [Eff]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-8 Responsibility for equipment. (a) At the consumer's own risk and expense, the consumer shall furnish, install, and keep in good, safe, and operating condition all equipment that may be required for receiving, controlling, applying, and utilizing water. The department shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, want of proper care, or wrongful act of the consumer.

(b) Water service may be discontinued to any consumer whose water system includes plumbing fixtures or water containers in any form, or of any use, which in the opinion of the department may contaminate the department's water supply or may endanger the public

water supply from a public health standpoint. Any such discontinuation of service shall continue until such dangerous fixtures or uses have been corrected, removed or discontinued, and the department is assured that the dangerous fixtures or uses will not be reinstalled or resumed.

(c) The department shall not be responsible for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is turned on at the meter either when turned on originally or when turned on after temporary shutdown.

(d) All service laterals are the property of the department and shall be operated and maintained by the department.

(e) All equipment belonging to the department and installed upon the consumer's premises for measurement, test, check, or any other purpose, shall continue to be the property of the department, and the department may access the consumer's premises without consent whenever necessary to inspect, maintain, repair, replace, or remove the equipment. The consumer shall exercise reasonable care to prevent damage to meters and other equipment of the department upon the premises and shall in no way interfere with the operation of the same.

(f) Any cost to repair damaged water mains, service laterals, valves, fire hydrants, or other property of the department shall be paid for by the party responsible for the damage. The consumer shall be liable for any damage to a meter or other equipment or property of contractors, licensees or permittees, on the consumer's premises, and the department shall be promptly reimbursed by the consumer for any such damage upon presentation of the bill thereof. In the event settlement for such damage is not made within thirty days, the department may discontinue water service to the premises according to 10-4.1-10.

(g) When a meter is found to have been damaged by hot water or steam emanating from the premises served, the consumer shall pay for all costs required to repair the meter. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-9 Payment of bills and delinquency. (a)

All bills shall be due and payable within twenty-one days from the bill date. Payment shall be made at the office of the department or, at the department's option, to duly authorized collectors of the department. Any bill not paid within thirty days from the bill date, shall be considered delinquent and the water service shall be subject to shut-off. There shall be a service charge for payments made by check or electronic debit which have been dishonored for any reason. The service charge shall be as set in section 40-35.5, HRS. On accounts where payments have been dishonored more than four times in one calendar year, the department may require payment on the account to be made by cash, by certified or cashier's check or by money order, and may require a deposit equal to the highest amount billed in the last twelve months to be held.

(b) An account is delinquent when it is not paid in full within thirty days after the bill date. A late payment charge shall be assessed at an amount of one per cent for each month or fraction thereof against the delinquent balance. When a delinquent account remains unpaid twenty-one days after the second regular billing, water service for the account may be discontinued.

(c) The department may enter into a payment agreement with a consumer to facilitate the payment of delinquent water charges. The terms of a payment agreement between the department and a lessee-consumer may include alternative payment methods and shall not exceed the term of five years. Current charges shall continue to be paid when due. The agreement shall be signed by the department and the consumer, and breach of such an agreement by the consumer shall result in further collection efforts including disconnection.

(1) Alternative payment methods are goods that are grown, caught, or produced by the consumer and donated to the homestead community on island or services provided by

the consumer free of charge to the department. Goods shall be dropped off at the district office at a time determined by the district office supervisor for distribution among beneficiaries. Services shall be provided to the department as determined by the district office supervisor.

- (2) The value of the alternative payment methods rendered shall not exceed five per cent of the delinquent amount. All terms regarding alternative payment methods, including the goods or services or both to be donated, valuation, and dates and times of service or drop off shall be included in the payment agreement. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-10 Discontinuation of service. (a) The department may refuse or discontinue water service for any of the following reasons:

- (1) Non-payment of bills or fees. If the consumer fails to pay any sums due, the department may discontinue service five business days after written notice is given to the consumer.
- (2) Noncompliance with rules and regulations. If the consumer fails to comply with any of the department's rules and regulations and noncompliance is not corrected within five days after written notice is given to the consumer, the department may discontinue service.
- (3) Unauthorized use of water. Without notice, the department may refuse or discontinue water service to any premises or consumer to protect itself against fraud, abuse or unauthorized use of water. For unauthorized use of water, a surcharge may be assessed as provided in section 10-4.1-31 and 10-4.1-42.

- (4) Wasteful use of water. Where negligent or wasteful use of water exists on any premises and such conditions are not corrected within five business days after written notice is given to the consumer, the department may discontinue service.
- (5) Service detrimental to others. The department may refuse to furnish water and may discontinue the service to any premises where the demands of the consumer will result in inadequate service to others.

(b) Where discontinuation of water service for any of the above reasons is proposed, the department shall, prior to the proposed shut off, give the consumer written notice at least five business days before shut off. The notice shall specify the reasons for the proposed shut off as well as inform the consumer of the right to dispute the shut off by making appropriate request to the department at the address or phone number provided on the notice. The notice shall further inform the consumer that once water service has been discontinued, water service may be restored but only in accordance with section 10-4.1-11.

(c) If the consumer wishes to dispute the shut off, the consumer shall within five business days from the date of the notice of shut off, request a billing conference. Once requested, the billing conference shall be scheduled at the earliest reasonable opportunity for the consumer and in no case more than ten days from the request and the consumer shall be given the option of having the conference over the phone or in person with a district office supervisor from another district office that manages a department water system. The district office supervisor conducting the billing conference shall not have previously been involved in the case, shall objectively review the basis for water shut off, shall be subject to all state ethics rules on conflicts of interest, and shall exercise impartial

judgment in deciding the merits of the consumer's request for reinstatement of water service.

- (1) At the billing conference, the consumer shall have the right to submit evidence, present and cross examine witnesses, and bring a representative to aid in presenting the case. The consumer shall have the right to see the department's records concerning the account and shall have the right to reasonable explanation for any matter concerning the proposed discontinuance of service. The district office supervisor conducting the billing conference shall be empowered to correct any errors in billing and to take whatever remedial action is necessary if the consumer presents evidence that would demonstrate by a preponderance of the evidence that the consumer is not responsible for conditions leading to the department's decision to shut off service other than non-payment of the water bill. The district office supervisor conducting the billing conference shall make a written decision within three working days of the conference.
- (2) If the consumer is dissatisfied with the decision from the billing conference, the consumer shall have the right within five business days of receipt of the written decision to appeal the matter to the chairman or the chairman's designee. The amount due shall be paid into an escrow trust account after the billing conference with the district office supervisor and shall not be postponed pending the appeal. The chairman or the chairman's designee shall review the consumer's written appeal and the billing conference record and decision for compelling factual, legal, or procedural errors, or any combination

thereof, and render a final written decision affirming the district office supervisor's written decision or remanding the matter to the district office supervisor for further handling pursuant to the chairman's or the chairman's designee's written decision and direction on appeal. The decision of the chairman shall be final.

(d) A charge of \$150 shall be added to each account in which service is discontinued if the consumer or other party cuts the lock and turns the meter on without prior approval of the department. The meter shall be removed and the water service capped off. Water service shall not be reconnected until the consumer has paid the past due water charges, water disconnection charges, and the meter disconnection and reconnection charges.

(e) An account that remains disconnected or suspended because of delinquent payment shall continue to accrue monthly base rate service charges as well as late fees.

(f) A consumer about to vacate any premises supplied with water by the department shall give written notice of their intention to vacate, specifying the date service should be discontinued. If the consumer fails to give such notice, the consumer shall be responsible for all water service furnished to such premises until the department has received a notice of discontinuance. Before buildings are demolished, the department shall be notified so the water service can be shut off.

(g) The department may remove a meter for non-use after one year of non-use. A consumer whose meter is removed for non-use forfeits all previous fees and reapplication shall be treated as a new service connection with applicable costs. [Eff]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-11 Restoration of water service. Water service shall not be resumed until all of the consumer's delinquent accounts, including all charges, fees, and reinstallation costs, including one hour of labor, and materials, transportation, and any other overhead costs for the meter reinstallation and reactivation, have been paid in full or the consumer has entered into and signed an approved payment plan. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-12 Meter test and adjustment of bill.

(a) Any consumer who has a reasonable doubt of the accuracy of the meter serving his or her premises may request a test of the meter. The consumer may request to be notified as to the time of the test and may witness the test. No charge shall be made for meter tests unless such tests are requested more often than once every twelve months.

(b) If, as a result of the test, the meter is found to register more than five percent fast under conditions of normal operation, the department shall refund to the consumer the overcharge based on past consumption, for a period not exceeding six months, unless it can be proven that the error was due to some cause, the date of which can be fixed, then the overcharge shall be computed back to, but not beyond, such date.

(c) The consumer has sole control of the water delivered beyond the department's meter and the department is not responsible for the maintenance and repairs to pipes and fixtures beyond the meter.

(d) If the meter fails to register due to any cause except the non-use of water, an average bill may be rendered. Such average bill will be subject to equitable adjustment taking into account all factors before, during, and after the period of said bill.

[Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-13 Underground leak adjustment. (a) If a consumer experiences a leak within their water line, the consumer may request the department provide a leak adjustment for excessive bills provided a leak adjustment was not granted to the consumer within the twelve month period prior to the request and the leak was reported to the department and repaired within thirty days of detection. The adjustment shall be one-half of the excess consumption over a normal bill.

(b) No additional refunds shall be given.

(c) If there is not an existing valve on the consumer side of the meter, there shall be no credit processed on the account until a valve is installed.

(d) Department personnel shall be dispatched to inspect the consumer's meter to verify the leak has been repaired. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-14 Water charge adjustment. Errors in billing or collection shall be corrected in a timely manner by the department. Resulting credits on accounts or refunds shall be made as expeditiously as possible. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-15 Obstructed meter fine. (a) The department shall charge the consumer an obstructed meter fine of twenty-five dollars per billing period when access to the water meter is significantly obstructed by landscaping or other barriers and the meter cannot be read. This fine shall be applied only after the property owner has been notified, via a door hanger, that the obstruction exists and that the problem must be corrected by the time of the next meter reading.

(b) If the consumer fails to remove the obstruction, the department may remove the obstruction

and bill the consumer twenty-five dollars for the cost of remediation. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-16 Tampering prohibited. (a) Any person found tampering with service laterals, water meters, the valve, or stopcock before the meter shall be guilty of a misdemeanor, pursuant to section 701-107(3), HRS, and shall be liable for all costs associated with any repair to the service lateral, water meter, valve, or stopcock.

(b) A late payment charge shall be assessed at the rate of one per cent for each month or fraction thereof against costs associated with repairs for tampering that go unpaid for thirty days following the date of billing. After sixty days, the delinquency shall be reported to the commission and the amount due turned over to collections. Further legal action may be taken with commission approval.
[Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-17 Accessing the consumer's premises. Any properly identified officer or employee of the department shall have the right of ingress to and egress from the consumer's premises at any reasonable hour, and at any hour during an emergency, for any purpose reasonably connected to the protection of the public drinking water system and furnishing of water to said premises and the exercise of all rights secured to it by law or this subchapter. If the officer or employee is prevented from carrying out the duties, the department may shut off water service to said premises five business days after written notice

is given to the consumer. [Eff]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-18 Cross-connection control and backflow prevention. (a) No cross-connections shall be made without the written consent of the department.

(b) It is unlawful for any person to make, maintain, or cause temporarily or permanently, any cross-connection that has a potential for backflow between their plumbing pipes or water fixtures and the department's water system. Existing cross-connections between the department's water system and any auxiliary water supply shall be eliminated or protected by means of an approved backflow prevention assembly. Cross-connection control and backflow prevention requirements for facilities and premises shall be in accordance to this subchapter.

(c) The department requires installation of an approved backflow prevention assembly on the consumer's side of the meter at the consumer's expense before service will be provided. The department may provide for the installation of an approved backflow prevention assembly to homestead lots in the service area.

(d) If uninterrupted water service is necessary, an additional backflow prevention assembly may be installed in an approved manner to ensure continued water service whenever inspection, testing and repair procedures is being performed on any one of these assemblies.

(e) The backflow prevention assembly installed in accordance with these rules shall, unless otherwise approved by the department in writing, be located above ground and in a manner safe from flooding or submergence in water or other liquid, properly protected from external damage, freely accessible, and with adequate working room for inspections, testing, and repairing.

(f) All backflow prevention devices shall be tested at least once annually and as often as required

by the department where successive tests indicate repeated failure. Repairs, replacement of parts, or any other maintenance shall be made whenever deemed necessary by the department and at the expense of the consumer. The annual test shall be the responsibility of the consumer and shall be made in accordance with methods approved by the department. Upon request by the department, the consumer shall present an affidavit certifying that there are no cross-connections of the type prohibited under this rule on the premises or describing in detail all nonconforming connections or installations.

(g) Records of tests, repairs, parts, and inspections shall be made on forms prescribed by the department and furnished to the department. Failure of the consumer to properly test and submit the records may, at the option of the department, result in termination of service or the department making the tests, repairing and replacing any equipment, and charging the cost to the consumer.

(h) When a backflow prevention assembly fails in service, the consumer shall notify the department. Repairs are the responsibility of the consumer. A certified general tester shall perform the testing. Backflow prevention assembly test forms shall be completed and sent to the department for confirmation that the device has been properly repaired and functions as required. Inspection and approval by the department shall be conducted before the device is put back into operation.

(i) When the department encounters water uses that represent a clear and immediate hazard to the department's water supply that cannot be immediately abated, the department shall terminate water service at the premises immediately. Written notice shall be given to the consumer after water service termination.

(j) For other situations requiring backflow protection where there is not apparent and immediate hazard to the water supply, the department may terminate water service to a consumer's premises after proper notification has been sent.

(k) Conditions relative to the installation and maintenance of cross-connection control and backflow prevention referred to in this section shall be subject to change to meet changing requirements of federal, state, and county laws, ordinances, and rules. [Eff] (Auth: HHC Act §222)
(Imp: HHC Act §221)

§10-4.1-19 Interruption of water supply. (a) While the department shall exercise reasonable diligence and care to deliver an adequate supply of potable water under reasonable pressure, the department shall not be financially liable for any direct or consequential damages resulting from water supply interruption, shortage, insufficiency of supply, inadequate or excessive water pressure, leakage on the consumer's premises, or temporary colored and turbid water quality conditions caused by emergency repair of water mains. The department further disclaims all warranties, expressed or implied, and reserves the right to shut off water mains for repairs, extensions, or alterations, and to terminate water service as provided herein for conservation measures, during emergency conditions, and for other reasons deemed by the department to be necessary and proper without notice.

(b) The department may shut off water from the mains without notice for making repairs, extensions, alterations, or for other reason. Consumers depending upon a continuous supply of water shall provide for their own emergency water storage and any check valves or other devices necessary for the protection of plumbing or fixtures against failure of the pressure or supply of water in the department's mains. Repairs or improvements shall be completed as rapidly as practicable. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-20 Meter disconnection or reconnection fees. (a) The department shall charge a fee equal to one hour of labor and overhead costs to those consumers requesting disconnection or reconnection of a water meter when not related to an account delinquency. The department shall apply such charges to the consumer's account.

(b) Upon request and payment of a turn off fee the department shall turn off the water at the meter during regular business hours. Upon request and payment of a turn on fee, the department shall turn on the water at the meter during regular business hours. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-21 Change in service administration fee. (a) The department shall levy a charge when a change in service status requires administrative action or a special meter reading by department personnel.

(b) When a change in account status requires a special water meter reading by the department a fee equal to one hour of labor and costs shall be charged to the consumer. When a change in account status does not require a special water meter reading by the department the standard change of owner fee shall be charged to the consumer. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-22 Department fire hydrants and fire protection. (a) Any use of a fire hydrant, fire protection reservoir, or the taking of water from one for purposes other than fire protection by persons other than authorized employees of the fire department or of the department is prohibited without a written permit from the department. The fire department shall have the prior right to use any hydrant at any time and shall have the authority to remove peremptorily, if necessary in case of emergency, any connection

approved by the department. The fire department shall notify the department when use of water during non-fire events, including training, is contemplated. Hydrant main line valves shall not be used to control flows. The fire department shall coordinate with the department during a fire emergency to prevent damage to the water system.

(b) The department may provide water to a governmental entity provided the governmental entity first submits a written hydrant permit application and agrees to all the terms and conditions contained therein including but not limited to notifying the department when any use of water is contemplated, paying a security deposit for a meter assembly and backflow prevention device and utilizing the meter assembly and backflow prevention device. Any failure of the permittee to properly utilize the meter assembly to record water taken through the fire hydrant shall constitute a violation of the hydrant permit and shall immediately terminate the hydrant permit and the permittee's right to draw water. Hydrant permits shall not be issued for a period longer than six months. Renewal shall be allowed on a case by case basis.

(c) Any damage to fire hydrants, and any consequent resulting loss or damage to property, or any injury to persons arising from or out of the damage to fire hydrants shall be paid for by the person or legal entity responsible for the damage. All repairs for any damage to fire hydrants shall be paid by the person or entity responsible for the damage.

(d) Any persons or entities, or both, found to have used, obstructed, or tampered with a department fire hydrant without the express written consent of department shall be assessed fees and charges including the estimated amount of the water taken, water discharged by the department to clear the mains, labor and materials, and administrative costs. Each invoice not paid within ten calendar days of date thereon will accrue a late charge equal to five per cent of the unpaid balance at the time it becomes

delinquent and an additional five per cent for each month delinquent thereafter.

(e) The department shall, if it approves the request for a change in location of a hydrant, change such location; provided, that all labor, material, equipment, and all other costs and charges are paid in advance by the consumer. [Eff]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-23 Water spigots. (a) The department may provide water spigots connected to public water systems. The water spigot shall be labeled with the appropriate public water system number as issued by the department of health. Each water spigot, and water spigot area, shall be maintained by the department in a manner suitable for lessee access to potable water.

(b) Each spigot shall be metered and the commission shall set the maximum amount that may be drawn from each spigot during a single billing cycle.

(c) The department shall manage access to the spigot by reasonable means.

(d) The department may restrict spigot use during time of water restrictions.

(e) The department guarantees potable water only to the point of withdrawal from the public water system. [Eff] (Auth: HHC Act §222)
(Imp: HHC Act §221)

§10-4.1-24 Consumer's sale of water. Subject to civil or criminal prosecution or both, unless specifically agreed upon by the commission, the consumer shall not sell any water received or purchased from the department. [Eff]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-25 Electrical grounding. (a)

Protective grounding of alternating current secondary distribution circuits made to the water system shall conform in all details with the national electrical code of the national board of fire underwriters and with the county building code where the water system is located.

(b) The department shall not be responsible for any damage or injury caused by any electrical grounding.

(c) No grounding of direct current to any portion of the water system shall be permitted.

(d) No grounding other than as provided in this section shall be made to any portion of the water system without the department's written approval.

(e) The department shall not be responsible for the maintaining of a continuous metallic water piping system and reserves the right, without liability to public utility electric companies, electric consumers, or any other agency, consumer, or individual, to create a physical break in its service laterals and mains, or to incorporate non-metallic pipes and appurtenances in its system and to make joints of any materials, without regard to their efficiency as conductors of electricity and without giving notice.

[Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-26 Unscheduled meter replacement.

If a consumer requests a meter replacement prior to the scheduled routine replacement, the consumer will be billed for the service call plus the current cost of the meter. As is the case with all new meters, upon installation the meter becomes the property of the department. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-27 Compensation. Employees of the department are strictly forbidden to demand or accept personal compensation for services rendered.
[Eff _____] (Auth: HHC Act §222) (Imp: HHC Act §221)

§§10-4.1-28 to 10-4.1-30 (Reserved)

SUBCHAPTER 2

HAWAIIAN HOME LANDS PUBLIC WATER SYSTEMS

§10-4.1-31 Water service rates. (a) The department shall conduct a cost of service study annually, based upon enterprise accounting, and a water service rates analysis at least every three years.

(b) Water service rates for each department owned public water system shall be established by the commission and attached to this chapter. Effective July 1, 2019, once each fiscal year the commission may adjust base water service charges by no more than ten per cent per thousand gallons of water delivered. Effective upon approval by the commission, water service rates are set as follows:

- (1) The table entitled, "Hoolehewa Water System Service Rates Approved on April 17, 2018", dated April 17, 2018, attached as Exhibit "A" at the end of this chapter and made part of this chapter.
- (2) The table entitled, "Kawaihae Water System Service Rates Approved on May 14, 2018", dated May 14, 2018, attached as Exhibit "B" at the end of this chapter and made part of this chapter.
- (3) The table entitled, "Anahola Water System

Service Rates Approved on August 21, 2018", dated August 21, 2018, attached as Exhibit "C" at the end of this chapter and made part of this chapter. [Eff]
 (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-32 Meter reading and rendering of bills.

(a) Meter readings and billings shall be on at least a bi-monthly basis, except for closing of accounts for special conditions with the approval of the department.

(b) Closing bills for a period shorter than the regular billing period shall be determined by the sum of the charges per water meter reading and prorating of the monthly service charge. If a meter cannot be read, an estimated bill shall be rendered following acceptable practices using the reading, where available, of the same time the previous year.

(c) Bills for metered water service shall be on a per meter basis. If the consumer has more than one metered installation on the premises, each meter shall be billed separately. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-33 Conservation and emergency measures.

(a) Whenever, in the department's opinion, special conservation measures are advisable to forestall water shortage or an emergency, the department may restrict the use of water by any means or method of control. The department shall also have the right to limit the quantity of water taken from any of its facilities. In determining the priorities in restricting the use of water, the health and safety of the public shall be given first consideration over other uses.

(b) When the department's water supply usage exceeds the rate of resupply, the commission may declare a water shortage or emergency and further

restrict the use of water by any means or method of control.

(c) The department shall notify consumers of emergency conditions by written communication through mailing, electronic posting, or the newspaper, or combination thereof. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§§10-4.1-34 to 10-4.1-40 (Reserved)

SUBCHAPTER 3

PUUKAPU NON-POTABLE WATER SYSTEM

§10-4.1-41 General conditions. (a) The water supplied by the Puukapu non-potable water system is intended to be used only for pastoral uses consistent with pastoral leases. Consumers may not use water for any other purpose except with the express written consent of the department. The department makes no guarantee, warranty, or representation, expressed or implied, as to the quality, quantity, flow rate, condition, or fitness of the water supplied for any use or purpose.

(b) The department shall deliver water to the lot of each consumer at the ground elevation and at the outlet site as the department may establish upon each consumer's land convenient with the operation of the department's irrigation system, and it shall be the responsibility of each consumer to provide for the distribution of water upon the consumer's lot by the consumer's own method. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-42 Monthly maintenance fee. (a) The lease shall provide service conditions and for the assessment of the monthly maintenance fee set as follows: the table entitled, "Puukapu Maintenance Fee" Approved on May 19, 2014 and Extended on May 15, 2018", dated May 15, 2018, attached as Exhibit "D" at the end of this chapter and made part of this chapter. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-43 Conservation measures and emergency conditions. (a) Whenever, in the department's opinion, special conservation measures are deemed necessary to forestall a water shortage and a consequent emergency, the department may restrict or ration the use of water by any method or means of control. Livestock watering consumers may be required to install an automatic water flow control device to prevent waste or continued overflow from livestock drinking troughs. Each device shall be approved by the department prior to installation and shall be tested periodically to determine its functionality.

(b) The department reserves the right in times of declared emergency to allow the use of water for emergency purposes. Charges for the water used shall be established by the commission based on the nature of the emergency and attendant circumstances.

(c) During periods of special conservation measures, the department shall develop notices and criteria for the manner in which water will be delivered, restricted, and allocated for the duration for the emergency. Violations of the restrictions or allocations may result in the discontinuance of service, additional water toll surcharges, or the removal of the water connection.

(d) Upon declaration of emergency conditions and implementation of mandatory conservation measures (i.e., ten per cent, twenty per cent, or thirty per cent cutbacks), consumers exceeding the level of

mandatory cutback shall be assessed a surcharge as established by the commission. [Eff]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-44 Unauthorized drawing of water. (a)
No person or entity shall be permitted to draw water from any part of the system without the written consent of the department. No approval shall be granted in cases where, in the opinion of the department, the drawing of water may adversely affect the water service extended by the department to lessees.

(b) Approvals given by the department under this section are subject to revocation upon thirty days written notice." [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

Exhibit "A"
 April 17, 2018

HOOLEHUA WATER SYSTEM SERVICE RATES
 APPROVED ON APRIL 17, 2018

Lessee Service Rates:

Lessee water service delivery (usage) tiers:

	Gallons Bi-Monthly
Tier 1	0 - 10,000
Tier 2	10,001 - 25,000
Tier 3	Over 25,000

Residential lessee meter service (base) fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$6.21	\$6.82	\$7.43	\$8.04	\$8.65	\$9.26	\$9.87	\$10.48	\$11.09	\$11.70
3/4"	\$7.76	\$8.53	\$9.29	\$10.05	\$10.82	\$11.58	\$12.34	\$13.10	\$13.87	\$14.63
1"	\$12.75	\$14.01	\$15.26	\$16.51	\$17.77	\$19.02	\$20.27	\$21.53	\$22.78	\$24.04
1 1/2"	\$24.40	\$26.80	\$29.19	\$31.59	\$33.99	\$36.39	\$38.79	\$41.18	\$43.58	\$45.98
2"	\$33.27	\$36.54	\$39.81	\$43.08	\$46.35	\$49.62	\$52.89	\$56.16	\$59.43	\$62.70
3"	\$66.54	\$73.08	\$79.62	\$86.16	\$92.70	\$99.24	\$105.78	\$112.32	\$118.86	\$125.40
4"	\$121.99	\$133.98	\$145.97	\$157.96	\$169.95	\$181.94	\$193.93	\$205.92	\$217.91	\$229.90
6"	\$216.26	\$237.51	\$258.77	\$280.02	\$301.28	\$322.53	\$343.79	\$365.04	\$386.30	\$407.55
8"	\$332.70	\$365.40	\$398.10	\$430.80	\$463.50	\$496.20	\$528.90	\$561.60	\$594.30	\$627.00

Residential lessee water service delivery (usage)
 fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$1.53	\$1.65	\$1.76	\$1.87	\$1.99	\$2.10	\$2.22	\$2.33	\$2.44	\$2.56
Tier 2	\$2.06	\$2.22	\$2.37	\$2.52	\$2.67	\$2.83	\$2.98	\$3.13	\$3.29	\$3.44
Tier 3	\$2.43	\$2.61	\$2.79	\$2.97	\$3.15	\$3.33	\$3.51	\$3.69	\$3.87	\$4.05

Agriculture lessee meter service (base) fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$6.21	\$6.82	\$7.43	\$8.04	\$8.65	\$9.26	\$9.87	\$10.48	\$11.09	\$11.70
3/4"	\$7.76	\$8.53	\$9.29	\$10.05	\$10.82	\$11.58	\$12.34	\$13.10	\$13.87	\$14.63
1"	\$12.75	\$14.01	\$15.26	\$16.51	\$17.77	\$19.02	\$20.27	\$21.53	\$22.78	\$24.04
1 1/2"	\$24.40	\$26.80	\$29.19	\$31.59	\$33.99	\$36.39	\$38.79	\$41.18	\$43.58	\$45.98
2"	\$33.27	\$36.54	\$39.81	\$43.08	\$46.35	\$49.62	\$52.89	\$56.16	\$59.43	\$62.70
3"	\$66.54	\$73.08	\$79.62	\$86.16	\$92.70	\$99.24	\$105.78	\$112.32	\$118.86	\$125.40
4"	\$121.99	\$133.98	\$145.97	\$157.96	\$169.95	\$181.94	\$193.93	\$205.92	\$217.91	\$229.90
6"	\$216.26	\$237.51	\$258.77	\$280.02	\$301.28	\$322.53	\$343.79	\$365.04	\$386.30	\$407.55
8"	\$332.70	\$365.40	\$398.10	\$430.80	\$463.50	\$496.20	\$528.90	\$561.60	\$594.30	\$627.00

Agriculture lessee water service delivery (usage)
fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$1.53	\$1.65	\$1.76	\$1.87	\$1.99	\$2.10	\$2.22	\$2.33	\$2.44	\$2.56
Tier 2	\$2.06	\$2.22	\$2.37	\$2.52	\$2.67	\$2.83	\$2.98	\$3.13	\$3.29	\$3.44
Tier 3	\$0.82	\$0.88	\$0.94	\$1.00	\$1.06	\$1.12	\$1.19	\$1.25	\$1.31	\$1.37

Non-Beneficiary Service Rates:

Non-Beneficiary water service delivery (usage) tiers:

	Gallons Bi-Monthly
Tier 1	0 - 10,000
Tier 2	10,001 - 30,000
Tier 3	Over 30,000

Non-Beneficiary commercial / non-agriculture meter
service (base) fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$40.35	\$50.70	\$61.05	\$71.40	\$81.75	\$92.10	\$102.45	\$112.80	\$123.15	\$133.50
3/4"	\$59.18	\$74.36	\$89.54	\$104.72	\$119.90	\$135.08	\$150.26	\$165.44	\$180.62	\$195.80
1"	\$94.15	\$118.30	\$142.45	\$166.60	\$190.75	\$214.90	\$239.05	\$263.20	\$287.35	\$311.50
1 1/2"	\$182.92	\$229.84	\$276.76	\$323.68	\$370.60	\$417.52	\$464.44	\$511.36	\$558.28	\$605.20
2"	\$282.45	\$354.90	\$427.35	\$499.80	\$572.25	\$644.70	\$717.15	\$789.60	\$862.05	\$934.50
3"	\$524.55	\$659.10	\$793.65	\$928.20	\$1,062.75	\$1,197.30	\$1,331.85	\$1,466.40	\$1,600.95	\$1,735.50
4"	\$860.80	\$1,081.60	\$1,302.40	\$1,523.20	\$1,744.00	\$1,964.80	\$2,185.60	\$2,406.40	\$2,627.20	\$2,848.00
6"	\$1,708.15	\$2,146.30	\$2,584.45	\$3,022.60	\$3,460.75	\$3,898.90	\$4,337.05	\$4,775.20	\$5,213.35	\$5,651.50
8"	\$2,690.00	\$3,380.00	\$4,070.00	\$4,760.00	\$5,450.00	\$6,140.00	\$6,830.00	\$7,520.00	\$8,210.00	\$8,900.00

Non-Beneficiary commercial / non-agriculture water
service delivery (usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$2.21	\$2.63	\$3.04	\$3.46	\$3.87	\$4.28	\$4.70	\$5.11	\$5.53	\$5.94
Tier 2	\$4.12	\$4.89	\$5.66	\$6.43	\$7.20	\$7.97	\$8.74	\$9.51	\$10.28	\$11.06
Tier 3	\$6.09	\$7.23	\$8.37	\$9.50	\$10.64	\$11.78	\$12.92	\$14.06	\$15.20	\$16.34

Non-Beneficiary commercial / agriculture meter service
(base) fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$40.35	\$50.70	\$61.05	\$71.40	\$81.75	\$92.10	\$102.45	\$112.80	\$123.15	\$133.50
3/4"	\$59.18	\$74.36	\$89.54	\$104.72	\$119.90	\$135.08	\$150.26	\$165.44	\$180.62	\$195.80
1"	\$94.15	\$118.30	\$142.45	\$166.60	\$190.75	\$214.90	\$239.05	\$263.20	\$287.35	\$311.50
1 1/2"	\$182.92	\$229.84	\$276.76	\$323.68	\$370.60	\$417.52	\$464.44	\$511.36	\$558.28	\$605.20
2"	\$282.45	\$354.90	\$427.35	\$499.80	\$572.25	\$644.70	\$717.15	\$789.60	\$862.05	\$934.50
3"	\$524.55	\$659.10	\$793.65	\$928.20	\$1,062.75	\$1,197.30	\$1,331.85	\$1,466.40	\$1,600.95	\$1,735.50
4"	\$860.80	\$1,081.60	\$1,302.40	\$1,523.20	\$1,744.00	\$1,964.80	\$2,185.60	\$2,406.40	\$2,627.20	\$2,848.00
6"	\$1,708.15	\$2,146.30	\$2,584.45	\$3,022.60	\$3,460.75	\$3,898.90	\$4,337.05	\$4,775.20	\$5,213.35	\$5,651.50
8"	\$2,690.00	\$3,380.00	\$4,070.00	\$4,760.00	\$5,450.00	\$6,140.00	\$6,830.00	\$7,520.00	\$8,210.00	\$8,900.00

Non-Beneficiary commercial / agriculture water service
delivery (usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$2.21	\$2.63	\$3.04	\$3.46	\$3.87	\$4.28	\$4.70	\$5.11	\$5.53	\$5.94
Tier 2	\$4.12	\$4.89	\$5.66	\$6.43	\$7.20	\$7.97	\$8.74	\$9.51	\$10.28	\$11.06
Tier 3	\$6.09	\$7.23	\$8.37	\$9.50	\$10.64	\$11.78	\$12.92	\$14.06	\$15.20	\$16.34

Exhibit "B"
May 15, 2018

KAWAIHAE WATER SYSTEM SERVICE RATES
APPROVED ON MAY 15, 2018

Residential Lessee Service Rates:

Residential lessee meter service (base) fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$49.07	\$63.37	\$77.70	\$92.06	\$106.46	\$120.90	\$135.37	\$149.88	\$164.42	\$179.01

Residential lessee service delivery (usage) tiers:

	Gallons Bi-Monthly
Tier 1	0 - 10,000
Tier 2	10,001 - 30,000
Tier 3	30,001 - 80,000
Tier 4	Over 80,000

Residential lessee service delivery (usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$3.67	\$4.73	\$5.81	\$6.88	\$7.95	\$9.03	\$10.11	\$11.20	\$12.28	\$13.37
Tier 2	\$4.92	\$6.35	\$7.79	\$9.23	\$10.68	\$12.12	\$13.58	\$15.03	\$16.49	\$17.95
Tier 3	\$6.89	\$8.90	\$10.92	\$12.94	\$14.96	\$16.99	\$19.02	\$21.06	\$23.10	\$25.15
Tier 4	\$8.30	\$10.73	\$13.15	\$15.58	\$18.02	\$20.46	\$22.91	\$25.37	\$27.83	\$30.30

Kailapa Community Association Service Rates:

Kailapa Community Association meter service (base)
fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$49.07	\$63.37	\$77.70	\$92.06	\$106.46	\$120.90	\$135.37	\$149.88	\$164.42	\$179.01

Kailapa Community Association water service delivery
(usage) tier:

	Gallons Bi-Monthly
Tier 1	9,999,999

Kailapa Community Association water service delivery
(usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$11.41	\$14.73	\$18.06	\$21.40	\$24.75	\$28.11	\$31.47	\$34.84	\$38.22	\$41.61

Exhibit "C"
August 21, 2018

ANAHOLA WATER SYSTEM SERVICE RATES
APPROVED ON AUGUST 21, 2018

Residential Lessee Service Rates:

Residential lessee meter service (base) fees:

Meter size (inches)	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29
5/8"	\$28.08	\$32.16	\$36.24	\$40.32	\$44.40	\$48.48	\$52.56	\$56.64	\$60.72	\$64.80
3/4"	\$37.44	\$42.88	\$48.32	\$53.76	\$59.20	\$64.64	\$70.08	\$75.52	\$80.96	\$86.40
1"	\$58.50	\$67.00	\$75.50	\$84.00	\$92.50	\$101.00	\$109.50	\$118.00	\$126.50	\$135.00
1 1/2"	\$105.30	\$120.60	\$135.90	\$151.20	\$166.50	\$181.80	\$197.10	\$212.40	\$227.70	\$243.00
2"	\$175.50	\$201.00	\$226.50	\$252.00	\$277.50	\$303.00	\$328.50	\$354.00	\$379.50	\$405.00
4"	\$514.80	\$589.60	\$664.40	\$739.20	\$814.00	\$888.80	\$963.60	\$1,038.40	\$1,113.20	\$1,188.00

Residential lessee water service delivery (usage)
tiers:

METER SIZE	TIER 1	TIER 2	TIER 3
	Gallons Bi-monthly	Gallons Bi-monthly	Gallons Bi-monthly
5/8"	0 – 20,000	20,001 – 40,000	> 40,000
3/4"	0 – 70,000	70,001 – 140,000	> 140,000
1"	0 – 200,000	200,001 – 400,000	> 400,000
1 1/2"	0 – 600,000	600,001 – 1,200,000	> 1,200,000
2"	0 – 1,200,000	1,200,001 – 2,400,000	> 2,400,000
4"	0 – 6,000,000	6,000,001 – 12,000,000	> 12,000,000

Residential lessee water service delivery (usage)
fees:

Per 1,000 gallons	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29
Tier 1	\$3.23	\$3.70	\$4.17	\$4.64	\$5.11	\$5.58	\$6.04	\$6.51	\$6.98	\$7.45
Tier 2	\$3.74	\$4.29	\$4.83	\$5.38	\$5.92	\$6.46	\$7.01	\$7.55	\$8.10	\$8.64
Tier 3	\$5.27	\$6.03	\$6.80	\$7.56	\$8.33	\$9.09	\$9.86	\$10.62	\$11.39	\$12.15

Agricultural Lessee Service Rates:

Agricultural lessee meter service (base) fees:

Meter size (inches)	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29
5/8"	\$28.08	\$32.16	\$36.24	\$40.32	\$44.40	\$48.48	\$52.56	\$56.64	\$60.72	\$64.80
3/4"	\$37.44	\$42.88	\$48.32	\$53.76	\$59.20	\$64.64	\$70.08	\$75.52	\$80.96	\$86.40
1"	\$58.50	\$67.00	\$75.50	\$84.00	\$92.50	\$101.00	\$109.50	\$118.00	\$126.50	\$135.00
1 1/2"	\$105.30	\$120.60	\$135.90	\$151.20	\$166.50	\$181.80	\$197.10	\$212.40	\$227.70	\$243.00
2"	\$175.50	\$201.00	\$226.50	\$252.00	\$277.50	\$303.00	\$328.50	\$354.00	\$379.50	\$405.00
4"	\$514.80	\$589.60	\$664.40	\$739.20	\$814.00	\$888.80	\$963.60	\$1,038.40	\$1,113.20	\$1,188.00

Agricultural lessee water service delivery (usage)
tiers:

METER SIZE	# of structures	TIER 1	TIER 2
		Gallons Bi-monthly	Gallons Bi-monthly
5/8"	N/A	0 – 25,000	> 25,000
3/4"	1	0 – 25,000	> 25,000
3/4"	2	0 – 50,000	> 50,000
1 1/2"	1	0 – 25,000	> 25,000
1 1/2"	2	0 – 50,000	> 50,000
2"	1	0 – 25,000	> 25,000
2"	2	0 – 50,000	> 50,000

Agricultural lessee water service delivery (usage)
fees:

Per 1,000 gallons	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29
Tier 1	\$3.23	\$3.70	\$4.17	\$4.64	\$5.11	\$5.58	\$6.04	\$6.51	\$6.98	\$7.45
Tier 2	\$0.82	\$0.94	\$1.06	\$1.18	\$1.30	\$1.41	\$1.53	\$1.65	\$1.77	\$1.89

Exhibit "D"
May 15, 2018

PUUKAPU MAINTENANCE FEE
APPROVED ON MAY 19, 2014 AND EXTENDED ON MAY 15, 2018

COST COMPONENT	RATE PER MONTH
• Standby Charge: 4-Inch Master Meter \$255.00 per month. \$255.00/184 lots = \$1.39 per lot	\$ 1.39
• Flat Rate Water Charge	\$ 18.00
• Electricity Charge (\$1,692/40 users)	\$ 42.30
• Operations and Maintenance (10,761/184 users)	\$ 58.48
• Potable Water via Spigot (600 gpd/40 users)	\$ 2.24
TOTAL	\$122.41

One-time equipment and installation costs:

EQUIPMENT/INSTALLATION	COST
5/8" Meter	\$114.00
Backflow Preventer	\$675.00
TOTAL	\$789.00

2. The adoption of chapter 10-4.1, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafter in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on [] and filed with the Office of the Lieutenant Governor.

JOBIE M. K. MASAGATANI, Chairman
Hawaiian Homes Commission

APPROVED AS TO FORM:

Deputy Attorney General

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
April 15 & 16, 2019
Kalamaula Molokai

D-ITEMS
HOMESTEAD SERVICES DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission
From: Dean T. Oshiro, Acting HSD Administrator
SUBJECT: **Homestead Services Division Status Reports**

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

- Exhibit A: Homestead Lease & Application Totals
and Monthly Activity Reports
- Exhibit B: Delinquency Report
- Exhibit C: DHHL Guarantees for USDA-RD Mortgage
Loans
- Exhibit D: DHHL Guarantees for FHA Construction
Loans

April 15, 2019

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through March 31, 2019

	As of 2/28/19	Add	Cancel	As of 3/31/19
Residential	8,372	0	0	8,372
Agricultural	1,096	0	0	1,096
Pastoral	410	0	0	410
Total	9,878	0	0	9,878

The number of Converted Undivided Interest Lessees represents an increase of 425 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 2/28/19	Converted	Rescinded/ Surrendered/ Cancelled	As of 3/31/19
Undivided	897	0	0	897

Balance as of 3/31/2019

Awarded	1,434
Relocated to UNDV	7
Rescinded	111
Surrendered	5
Cancelled	3
Converted	425
Balance to Convert	897

Lease Report For the Month Ending March 31, 2019

	----- RESIDENCE -----				----- AGRICULTURE -----				----- PASTURE -----				----- TOTAL LEASES -----			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU																
Hoolimalima	70	0	0	70	0	0	0	0	0	0	0	0	70	0	0	70
Kakaina	21	0	0	21	0	0	0	0	0	0	0	0	21	0	0	21
Kalawahine	91	0	0	91	0	0	0	0	0	0	0	0	91	0	0	91
Kanehili	359	0	0	359	0	0	0	0	0	0	0	0	359	0	0	359
Kapolei	235	0	0	235	0	0	0	0	0	0	0	0	235	0	0	235
Kauluokahai	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kaupea	325	0	0	325	0	0	0	0	0	0	0	0	325	0	0	325
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	249	0	0	249	0	0	0	0	0	0	0	0	249	0	0	249
Kumuhau	52	0	0	52	0	0	0	0	0	0	0	0	52	0	0	52
Lualualei	149	0	0	149	31	0	0	31	0	0	0	0	180	0	0	180
Malu'ohai	156	0	0	156	0	0	0	0	0	0	0	0	156	0	0	156
Nanakuli	1,047	0	0	1,047	0	0	0	0	0	0	0	0	1,047	0	0	1,047
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	271	0	0	271	0	0	0	0	0	0	0	0	271	0	0	271
Waiahole	0	0	0	0	16	0	0	16	0	0	0	0	16	0	0	16
Waianae	419	0	0	419	11	0	0	11	0	0	0	0	430	0	0	430
Waimanalo	724	0	0	724	2	0	0	2	0	0	0	0	726	0	0	726
TOTAL	4,270	0	0	4,270	60	0	0	60	0	0	0	0	4,330	0	0	4,330
MAUI																
Hikina	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Leaili	104	0	0	104	0	0	0	0	0	0	0	0	104	0	0	104
Paukukalo	180	0	0	180	0	0	0	0	0	0	0	0	180	0	0	180
Waiehu 1	39	0	0	39	0	0	0	0	0	0	0	0	39	0	0	39
Waiehu 2	109	0	0	109	0	0	0	0	0	0	0	0	109	0	0	109
Waiehu 3	114	0	0	114	0	0	0	0	0	0	0	0	114	0	0	114
Waiehu 4	97	0	0	97	0	0	0	0	0	0	0	0	97	0	0	97
Waiohuli	593	0	0	593	0	0	0	0	0	0	0	0	593	0	0	593
TOTAL	1,266	0	0	1,266	65	0	0	65	75	0	0	75	1,406	0	0	1,406
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaumana	42	0	0	42	0	0	0	0	0	0	0	0	42	0	0	42
Keaukaha	474	0	0	474	0	0	0	0	0	0	0	0	474	0	0	474
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makuu	0	0	0	0	121	0	0	121	0	0	0	0	121	0	0	121
Panaewa	0	0	0	0	262	0	0	262	0	0	0	0	262	0	0	262
Piihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puueo	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waiakea	298	0	0	298	0	0	0	0	0	0	0	0	298	0	0	298
TOTAL	840	0	0	840	395	0	0	395	25	0	0	25	1,260	0	0	1,260
WEST HAWAII																
Honokaia	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
Humuula	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kaniohale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	188	0	0	188	0	0	0	0	1	0	0	1	189	0	0	189
Laiopua	284	0	0	284	0	0	0	0	0	0	0	0	284	0	0	284
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nienie	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio VII	116	0	0	116	110	0	0	110	215	0	0	215	441	0	0	441
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
TOTAL	875	0	0	875	110	0	0	110	282	0	0	282	1,267	0	0	1,267
KAUAI																
Anahola	534	0	0	534	46	0	0	46	0	0	0	0	580	0	0	580
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opae	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	698	0	0	698	46	0	0	46	1	0	0	1	745	0	0	745
MOLOKAI																
Hoolehua	156	0	0	156	346	0	0	346	21	0	0	21	523	0	0	523
Kalamaula	163	0	0	163	71	0	0	71	3	0	0	3	237	0	0	237
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
O'ne Alii	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
TOTAL	394	0	0	394	420	0	0	420	27	0	0	27	841	0	0	841
LANAI																
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
TOTAL	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
STATEWIDE TOTAL	8,372	0	0	8,372	1,096	0	0	1,096	410	0	0	410	9,878	0	0	9,878

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
March 31, 2019**

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu District	961	0	0	961	0	0	0	0	0	0	0	0	961
Maui District	50	0	0	50	4	0	0	4	5	0	0	5	59
Hawaii District	130	0	0	130	28	0	0	28	46	0	0	46	204
Kauai District	51	0	0	51	3	0	0	3	28	0	0	28	82
Molokai District	20	0	0	20	18	0	0	18	1	0	0	1	39
TOTAL	1,212	0	0	1,212	53	0	0	53	80	0	0	80	1,345

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	9,761	7	24	9,744	3,711	1	0	3,712	0	0	0	0	13,456
Maui	3,797	1	1	3,797	4,663	1	1	4,663	611	0	0	611	9,071
Hawaii	5,740	3	12	5,731	7,199	2	1	7,200	1,870	2	3	1,869	14,800
Kauai	1,625	1	0	1,626	2,226	0	0	2,226	298	0	0	298	4,150
Molokai	802	1	0	803	1061	0	1	1060	201	0	0	201	2,064
Lanai	87	0	0	87	0	0	0	0	0	0	0	0	87
TOTAL	21,812	13	37	21,788	18,860	4	3	18,861	2,980	2	3	2,979	43,628

AREA AND ISLANDWIDE LISTS

	RES	AG	PAS	TOTAL
OAHU	10,705	3,712	0	14,417
MAUI	3,847	4,667	616	9,130
HAWAII	5,861	7,228	1,915	15,004
KAUAI	1,677	2,229	326	4,232
MOLOKAI	823	1,078	202	2,103
LANAI	87	0	0	87
TOTAL	23,000	18,914	3,059	44,973

ADDITIONS	
New Applications	15
Application Transfers	4
Lease Rescissions	0
App Reinstatements	0
HHC Adjustments	0
TOTAL	19

CANCELLATIONS	
New Lease Awards	39
Application Transfers	4
Succ'd and Cancel Own	0
Public Notice Cancel	0
Voluntary Cancellations	0
Lease Successorships	0
HHC Adjustments	0
Dec'd No Successor	0
Additional Acreage	0
NHQ Unqualified	0
TOTAL	43

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING

March 31, 2019

	RESIDENCE				AGRICULTURE				PASTURE				
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	TOTAL
OAHU DISTRICT													
Nanakuli	170	0	0	170	0	0	0	0	0	0	0	0	170
Waianae	142	0	0	142	0	0	0	0	0	0	0	0	142
Lualualei	0	0	0	0	0	0	0	0	0	0	0	0	0
Papakolea/Kewalo	71	0	0	71	0	0	0	0	0	0	0	0	71
Waimanalo	578	0	0	578	0	0	0	0	0	0	0	0	578
Subtotal Area	961	0	0	961	0	0	0	0	0	0	0	0	961
Islandwide	9,761	7	24	9,744	3,711	1	0	3,712	0	0	0	0	13,456
TOTAL OAHU APPS	10,722	7	24	10,705	3,711	1	0	3,712	0	0	0	0	14,417
MAUI DISTRICT													
Paukukalo	50	0	0	50	0	0	0	0	0	0	0	0	50
Kula	0	0	0	0	4	0	0	4	5	0	0	5	9
Subtotal Area	50	0	0	50	4	0	0	4	5	0	0	5	59
Islandwide	3,797	1	1	3,797	4,663	1	1	4,663	611	0	0	611	9,071
TOTAL MAUI APPS	3,847	1	1	3,847	4,667	1	1	4,667	616	0	0	616	9,130
HAWAII DISTRICT													
Keaukaha/Waiakea	69	0	0	69	0	0	0	0	0	0	0	0	69
Panaewa	0	0	0	0	16	0	0	16	0	0	0	0	16
Humuula	0	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	16	0	0	16	0	0	0	0	0	0	0	0	16
Waimea	45	0	0	45	12	0	0	12	46	0	0	46	103
Subtotal Area	130	0	0	130	28	0	0	28	46	0	0	46	204
Islandwide	5,740	3	12	5,731	7,199	2	1	7,200	1,870	2	3	1,869	14,800
TOTAL HAWAII APPS	5,870	3	12	5,861	7,227	2	1	7,228	1,916	2	3	1,915	15,004
KAUAI DISTRICT													
Anahola	43	0	0	43	3	0	0	3	21	0	0	21	67
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	7	0	0	7	15
Subtotal Area	51	0	0	51	3	0	0	3	28	0	0	28	82
Islandwide	1,625	1	0	1,626	2,226	0	0	2,226	298	0	0	298	4,150
TOTAL KAUAI APPS	1,676	1	0	1,677	2,229	0	0	2,229	326	0	0	326	4,232
MOLOKAI DISTRICT													
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0	4
Hoolehua	8	0	0	8	18	0	0	18	1	0	0	1	27
Kapaakea	7	0	0	7	0	0	0	0	0	0	0	0	7
One Alii	1	0	0	1	0	0	0	0	0	0	0	0	1
Subtotal Area	20	0	0	20	18	0	0	18	1	0	0	1	39
Islandwide	802	1	0	803	1,061	0	1	1,060	201	0	0	201	2,064
TOTAL MOLOKAI APPS	822	1	0	823	1,079	0	1	1,078	202	0	0	202	2,103
LANAI DISTRICT													
Islandwide	87	0	0	87	0	0	0	0	0	0	0	0	87
TOTAL LANAI APPS	87	0	0	87	0	0	0	0	0	0	0	0	87
TOTAL AREA ONLY	1,212	0	0	1,212	53	0	0	53	80	0	0	80	1,345
TOTAL ISLANDWIDE	21,812	13	37	21,788	18,860	4	3	18,861	2,980	2	3	2,979	43,628
TOTAL STATEWIDE	23,024	13	37	23,000	18,913	4	3	18,914	3,060	2	3	3,059	44,973

DELINQUENCY REPORT - STATEWIDE

April 15, 2019

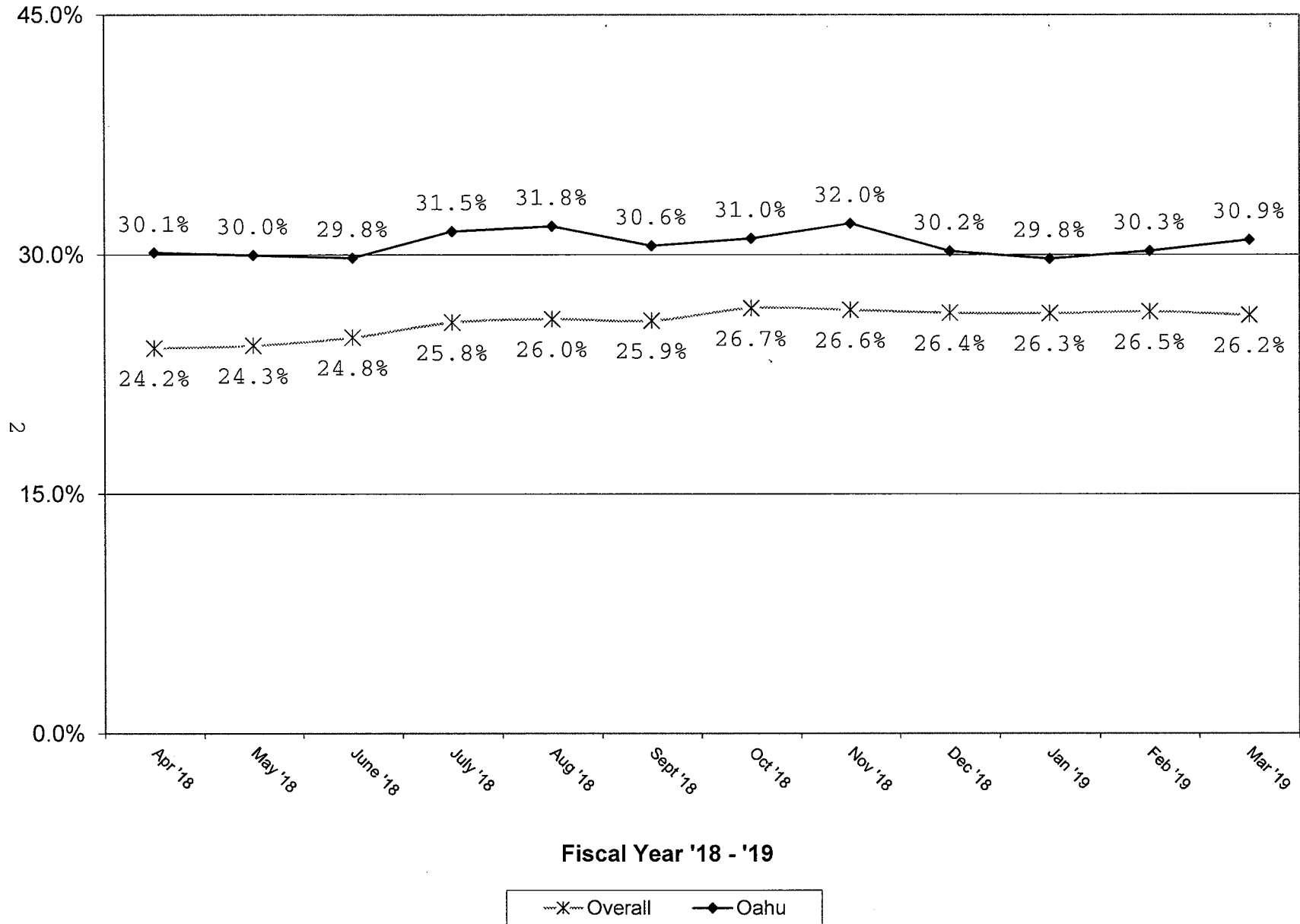
(\$Thousands)

	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 3/31/2019	
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	\$
DIRECT LOANS														
OAHU	405	36,613	113	11,327	17	1,066	8	628	19	1,711	69	7,922	27.9%	30.9%
EAST HAWAII	213	13,213	62	4,092	8	143	5	345	7	227	42	3,377	29.1%	31.0%
WEST HAWAII	81	8,345	16	1,551	4	582	2	333	3	284	7	352	19.8%	18.6%
MOLOKAI	88	6,870	20	636	2	105	2	30	3	53	13	447	22.7%	9.3%
KAUAI	99	7,630	16	1,147	4	423	1	121	5	300	6	303	16.2%	15.0%
MAUI	<u>88</u>	<u>10,590</u>	<u>26</u>	<u>3,088</u>	<u>5</u>	<u>191</u>	<u>2</u>	<u>165</u>	<u>5</u>	<u>688</u>	<u>14</u>	<u>2,044</u>	<u>29.5%</u>	<u>29.2%</u>
TOTAL DIRECT	974	83,262	253	21,841	40	2,510	20	1,622	42	3,263	151	14,445	26.0%	26.2%
	100.0%	100.0%	26.0%	26.2%	4.1%	3.0%	2.1%	1.9%	4.3%	3.9%	15.5%	17.3%		
Advances (including RPT)	225	8,416	225	8,416	0	0	0	0	225	8,416			100%	100%
DHHL LOANS & Advances	1,199	91,678	478	30,257	40	2,510	20	1,622	267	11,680	151	14,445	39.9%	33.0%
LOAN GUARANTEES as of June 30, 2018														
SBA	1	94	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	287	33,996	50	6,142	0	0	0	0	50	6,142			17.4%	18.1%
Habitat for Humanity	56	2,309	31	1,296	0	0	0	0	31	1,296			55.4%	56.1%
Maui County	5	74	0	0	0	0	0	0	0	0			0.0%	0.0%
Nanakuli NHS	1	7	1	7	0	0	0	0	1	7			100.0%	100.0%
City & County	16	301	14	290	0	0	0	0	14	290			87.5%	96.3%
FHA Interim	8	1,260	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	41	258	2	11	0	0	0	0	2	11			4.9%	4.3%
TOTAL GUARANTEE	415	38,299	98	7,746	0	0	0	0	98	7,746			23.6%	20.2%
PMI Loans	188	30,142	11	2,086	4	896	3	557	4	633			5.9%	6.9%
HUD REASSIGNED for Recovery	152	18,768	132	17,619	1	14	1	69	5	320	125	17,217	86.8%	93.9%
FHA Insured Loans	<u>2,808</u>	<u>440,532</u>	<u>206</u>	<u>25,890</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>206</u>	<u>25,890</u>			<u>7.3%</u>	<u>5.9%</u>
TOTAL INS. LOANS	3,148	489,442	349	45,595	5	910	4	626	215	26,843	125	17,217	11.1%	9.3%
OVERALL TOTALS(EXC Adv/RP)	4,537	611,003	700	75,182	45	3,421	24	2,247	355	37,852	276	31,662	15.4%	12.3%
ADJUSTED TOTALS	4,762	619,420	925	83,598	45	3,421	24	2,247	580	46,269	276	31,662		13.5%

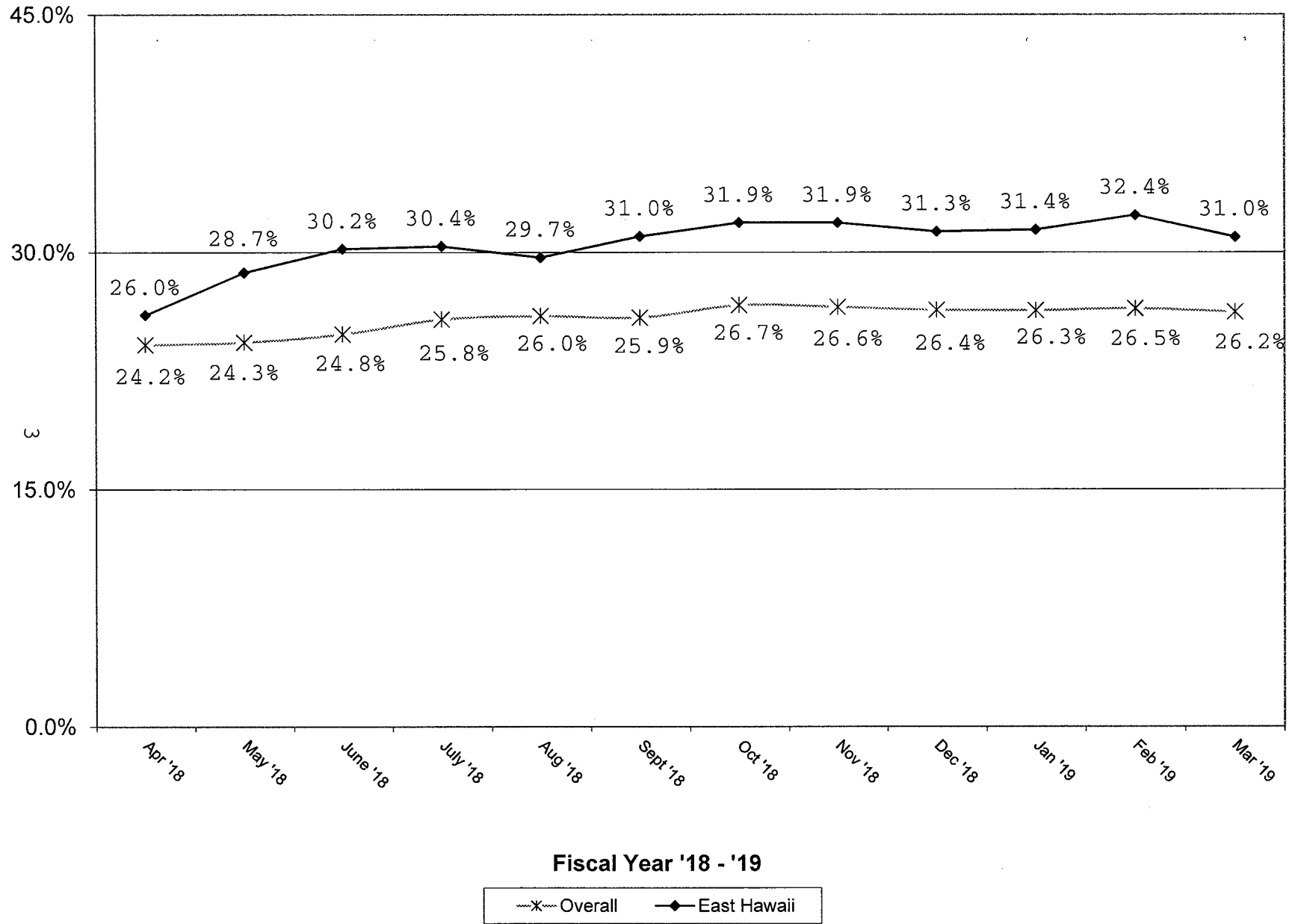
Note: HUD 184A loan program has 459 loans, with a total outstanding principal balance of \$102,001,583.84 as of June 30, 2018. 16 loans, totalling \$3,917,537.94 are delinquent.

EXHIBIT B
ITEM NO. D-1

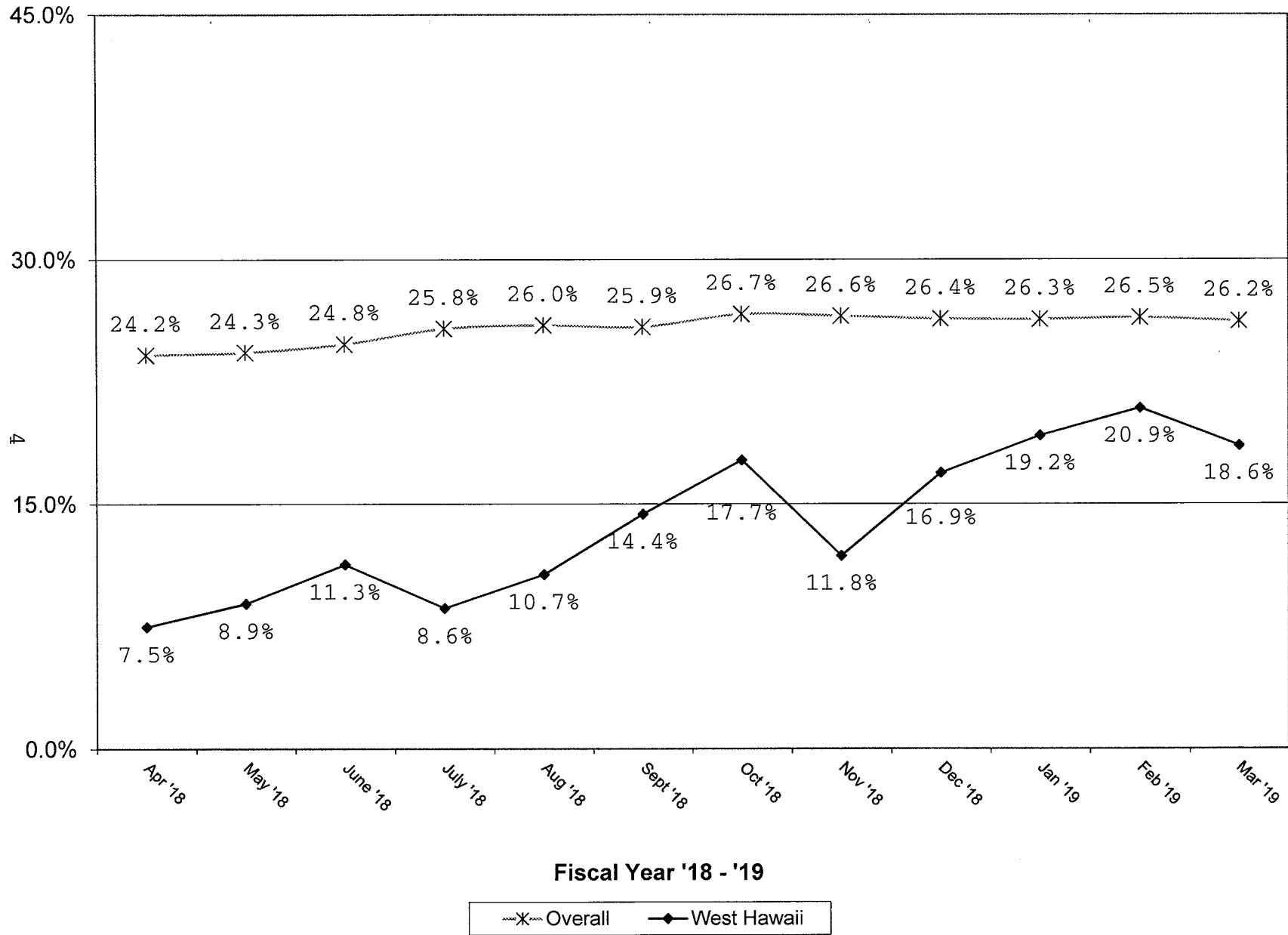
OAHU Direct Loans Delinquency Ratio Report



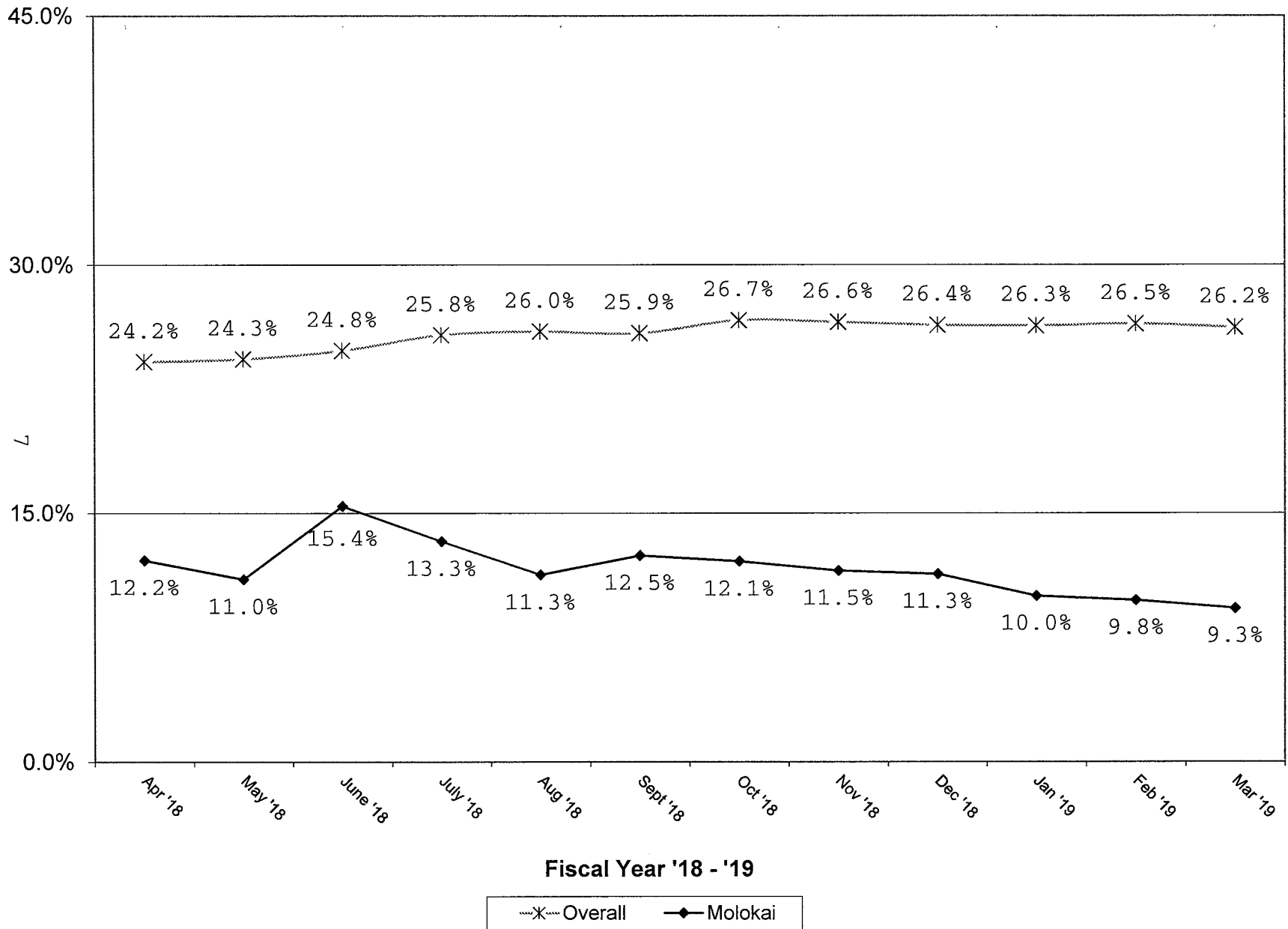
EAST HAWAII Direct Loans Delinquency Ratio Report



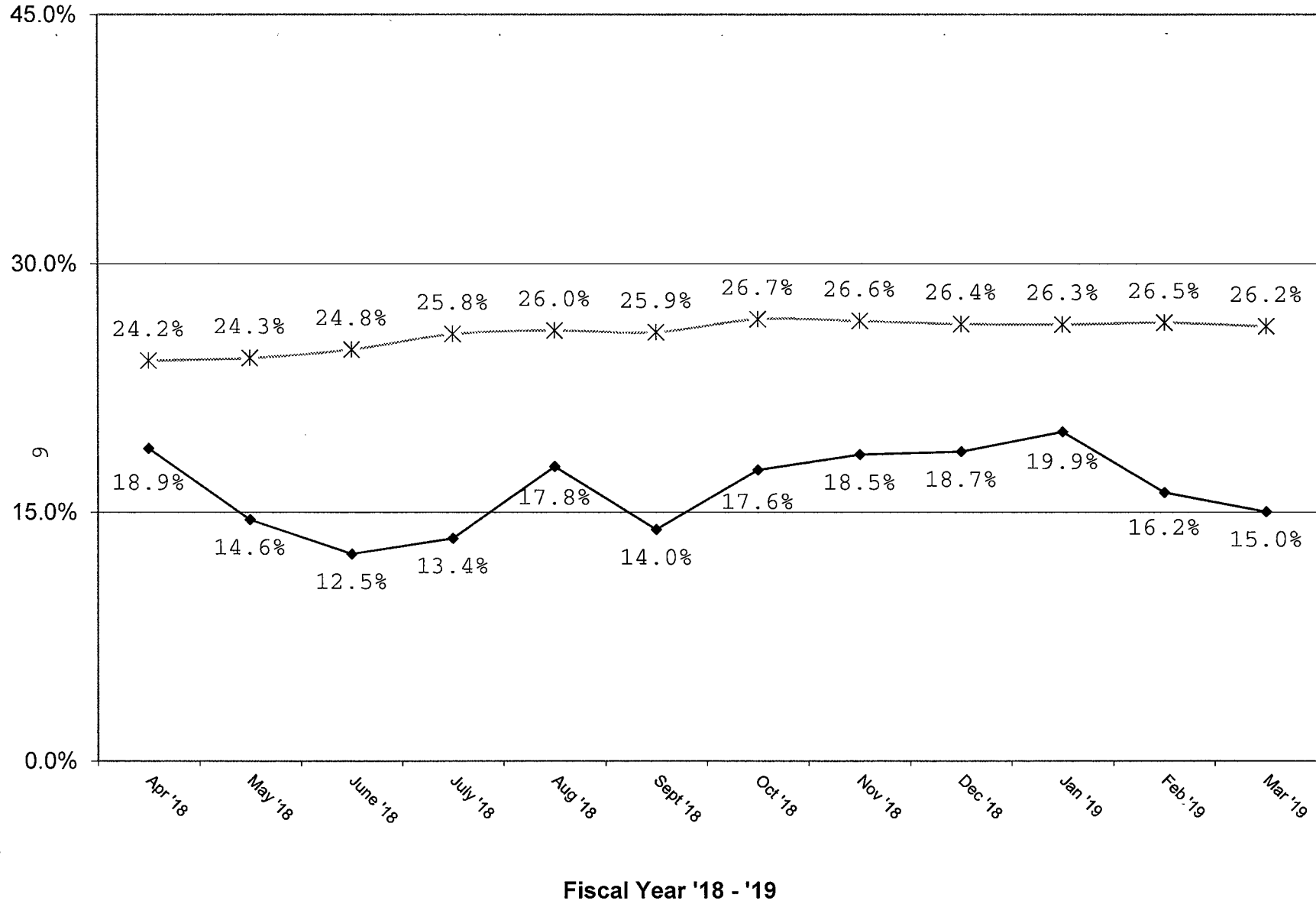
WEST HAWAII Direct Loans Delinquency Ratio Report



MOLOKAI
Direct Loans
Delinquency Ratio Report

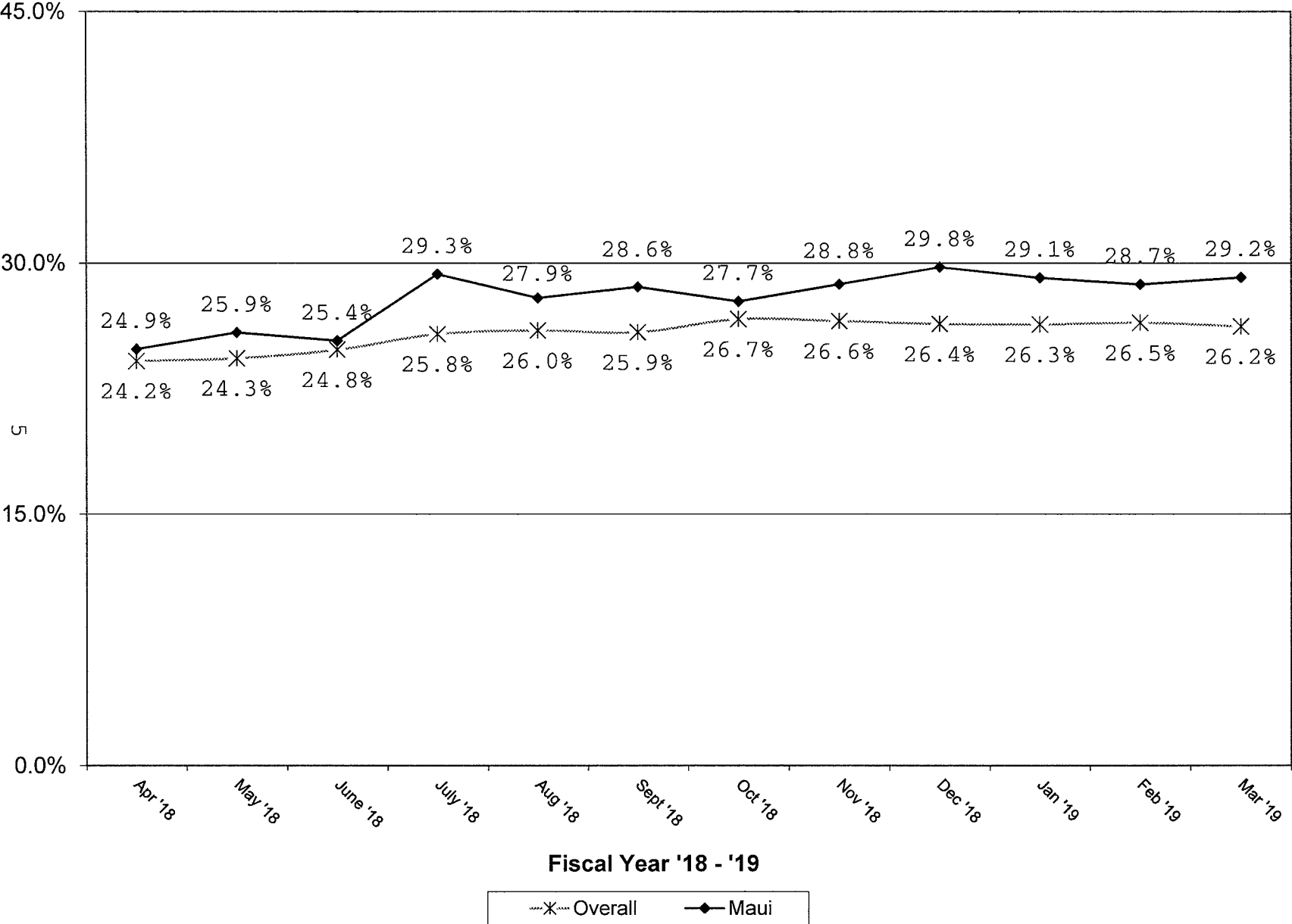


KAUAI
Direct Loans
Delinquency Ratio Report



---x--- Overall —◆— Kauai

MAUI
Direct Loans
Delinquency Ratio Report



April 15, 2019

SUBJECT: **DHHL Guarantees for USDA-Rural Development Mortgage Loans**

DISCUSSION: The Department issued guarantees for the following
USDA Rural Development loans:

<u>LOT NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
147	Waiohuli	Jacintho, Johanna-Leigh K.	\$263,120	3/22/19

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/18	3	\$ 682,166
Previous Months	3	\$ 731,952
This Month	<u>1</u>	<u>263,120</u>
FY '18-'19 to date	4	\$ 995,072

April 15, 2019

SUBJECT: **DHHL Guarantees for FHA Construction Loans**

DISCUSSION: The Department issues guarantees to FHA lenders during the construction period of a home, as FHA does not insure the loan until the home is completed. The loan term for these loans do not exceed fifteen (15) months from the date of loan signing. The following FHA Interim Construction loans were issued guarantees:

*Note: FHA loans are insured by the U.S. Department of Housing and Urban Development (HUD) and do not impact the State's guaranty ceiling.

<u>LEASE NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
7430	Keokea	Poepoe, Tracy K.H.C.	\$328,900	03/14/19
10326	Waiohuli	Derego, Patricia D.	\$251,130	03/21/19

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/18	3	\$ 885,331
Previous Months	10	\$ 2,787,112
This Month	2	580,030
FY '18-'19 to date	12	\$ 3,367,142

ITEM NO. D-1
EXHIBIT D

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 16, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator
Homestead Services Division

SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

To approve the following consents to mortgages for Federal Housing Administration (FHA) insured loans, Department of Veterans Affairs (VA) loans, United States Department of Agriculture, Rural Development (USDA, RD) guaranteed loans, United States Housing and Urban Development (HUD 184A) guaranteed loans and Conventional (CON) loans insured by private mortgage insurers.

DISCUSSION

<u>PROPERTY</u>	<u>LESSEE</u>	<u>LENDER</u>	<u>LOAN AMOUNT</u>
<u>OAHU</u>			
Waimanalo Lease No. 3979 TMK: 1-4-1-031:008	FISCHER, Brenda (Cash Out Refinance)FHA	Hightechlend ing Inc.	\$ 372,000
Kaupea Lease No. 11955 TMK: 1-9-1-139:048	FREITAS, Shirley Ann N.(Cash Out Refinance)HUD 184A	Bank of Hawaii	\$ 126,250
Kanehili Lease No. 11636 TMK: 1-9-1-152:145	MEDEIROS, Darlene R. L.(Cash Out Refinance)FHA	Cardinal Financial	\$ 290,640

OAHU

Waianae Lease No. 8711 TMK: 1-8-5-033:119	MEYERS, Waldemar W. J. &, MEYERS, Kathleen P. (Purchase)FHA	Guild Mortgage Co.	\$ 327,000
Kaupea Lease No. 11952 TMK: 1-9-1-139:030	MAKAILA, Tad K. (Purchase)FHA	HomeStreet Bank	\$ 395,642
Kaupea Lease No. 12067 TMK: 1-9-1-140:079	HAWN, Vanessa A. (Cash Out Refinance)HUD 184A	HomeStreet Bank	\$ 398,750
Nanakuli Lease No. 9902 TMK: 1-8-9-016:053	CALIO, Wilma L. (Cash Out Refinance)FHA	Bank of Hawaii	\$ 330,862
Kauluokahi Lease No. 12832 TMK: 1-9-1-017:161	HAUHIO, David (Purchase)FHA	Guild Mortgage Co.	\$ 375,016
Kewalo Lease No. 2514 TMK: 1-2-5-021:024	KEKAHUNA, Jaemarlene H. &, KEKAHUNA, Joseph H., III (Cash Out Refinance)FHA	Hightechlend ing Inc.	\$ 372,000
Nanakuli Lease No. 7260 TMK: 1-8-9-016:008	MAIO, Paul (Cash Out Refinance)FHA	HomeStreet Bank	\$ 389,787
Princess Kahanu Estates Lease No. 8503 TMK: 1-8-7-042:118	NAKANELUA, Odella P. (Cash Out Refinance)FHA	HomeStreet Bank	\$ 186,080

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OAHU

Nanakuli Lease No. 4408 TMK: 1-8-9-003:050	PALING, Stephen, III (Purchase)FHA	HomeStreet Bank	\$ 445,709
Nanakuli Lease No. 5687 TMK: 1-8-9-015:007	LUAVASA, Alfie L. P. (Purchase)FHA	Hightechlend ing Inc.	\$ 391,000
Lualualei Lease No. 8924 TMK: 1-8-6-023:124	AKEN, Gordon K., Jr. (Cash Out Refinance)FHA	HomeStreet Bank	\$ 435,200
Kewalo Lease No. 2032 TMK: 1-2-5-022:013	AHUNA, Reyden P. (Purchase)HUD 184A	HomeStreet Bank	\$ 246,818
Kauluokahi Lease No. 12856 TMK: 1-9-1-017:161	RICHARDSON, Bronson (Purchase)FHA	Guild Mortgage Co.	\$ 370,000
Kauluokahi Lease No. 12850 TMK: 1-9-1-017:161	UAHINUI, Joseph (Purchase)FHA	HomeStreet Bank	\$ 399,715
Kauluokahi Lease No. 12851 TMK: 1-9-1-017:161	KAMAE, Darlene (Purchase)FHA	HomeStreet Bank	\$ 280,400
Kauluokahi Lease No. 12494 TMK: 1-9-1-017:161	SMITH, Tiade (Purchase)FHA	HomeStreet Bank	\$ 380,091
Kauluokahi Lease No. 12852 TMK: 1-9-1-017:161	AINA, Mason (Purchase)USDA, RD	HomeStreet Bank	\$ 405,252

ITEM NO. D-2

OAHU

Kauluokahi Lease No. 12854 TMK: 1-9-1-017:161	GONSALVES, Angie (Purchase)FHA	HomeStreet Bank	\$ 404,571
Waiānae Lease No. 6743 TMK: 1-8-5-033:115	FUATA, Virginia M. (Cash Out Refinance)HUD 184A	HomeStreet Bank	\$ 388,550
Kanehili Lease No. 11706 TMK: 1-9-1-153:154	STONE, Chad K. (Cash Out Refinance)FHA	Bank of Hawaii	\$ 399,630
Nanakuli Lease No. 5158 TMK: 1-8-9-013:007	MEYERS, George A. A. (Purchase)FHA	Guild Mortgage Co.	\$ 365,000
Kumuhau Lease No. 11283 TMK: 1-4-1-040:051	AH MOOK SANG-FRANK, Maileann E.P. (Cash Out Refinance)HUD 184A	HomeStreet Bank	\$ 474,500

MAUI

Waiohuli Lease No. 7585 TMK: 2-2-2-028:094	NAEOLE, Davileigh K. (Cash Out Refinance)HUD 184A	HomeStreet Bank	\$ 196,650
Waiohuli Lease No. 10326 TMK: 2-2-2-034:004	DEREGO, Patricia D. (1 Step Construction)FHA	HomeStreet Bank	\$ 251,130
Waiohuli Lease No. 10422 TMK: 2-2-2-033:061	KINTARO, Maile (1 Step Construction)FHA	HomeStreet Bank	\$ 327,110

ITEM NO. D-2

MAUI

Waiehu 4 Lease No. 12195 TMK: 2-3-2-025:036	MACHADO, Stuart (Cash Out Refinance) FHA	Bank of Hawaii	\$ 293,754
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LANAI

Lanai Lease No. 10985 TMK: 2-4-9-024:027	KANNO, Kainoa (Cash Out Refinance) FHA	Bank of Hawaii	\$ 277,146
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KAUAI

Anahola Lease No. 8666 TMK: 4-4-8-019:024	SUGAI, Melissia Mae A. (Cash Out Refinance) HUD 184A	HomeStreet Bank	\$ 404,000
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Anahola Lease No. 10218 TMK: 4-4-8-022:028	THOMPSON, Melanie N. (Purchase) FHA	SecurityNati onal Mortgage Co.	\$ 503,000
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HAWAII

Kawaihae Lease No. 7128 TMK: 3-6-1-007:046	GAMBILL, Mahealani M. (Cash Out Refinance) FHA	Bank of Hawaii	\$ 186,850
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Kaniohale Lease No. 9231 TMK: 3-7-4-022:018	PAIO, Matthew S. (Cash Out Refinance) HUD 184A	HomeStreet Bank	\$ 214,930
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<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/18	298	\$ 77,704,372	13	\$4,914,100	12	\$3,929,543
Prior Months	202	\$ 57,619,297	10	\$4,123,495	14	\$4,817,675
This Month	<u>25</u>	<u>8,749,333</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>405,252</u>
Total FY '18-'19	227	\$ 66,368,630	10	\$4,123,495	15	\$5,222,927
HUD 184A						
FY Ending 6/30/18	82	\$23,579,214				
Prior Months	54	\$16,768,485				
This Month	<u>8</u>	<u>2,450,448</u>				
Total FY '18-'19	62	\$19,218,933				

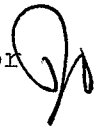
ITEM NO. D-2

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

SUBJECT: **Approval to Schedule Loan Delinquency Contested Case Hearings**

RECOMMENDED MOTION/ACTION

To authorize the scheduling of the following loan delinquency contested case hearings as shown below.

DISCUSSION

The department has been working to resolve the problem of loan delinquencies. The past due delinquent loan status with lessees continues to be a problem for the department; therefore, we recommend that contested case hearings be scheduled:

<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 3/19</u>	<u>Balance At 3/19</u>
<u>Oahu</u>						
Kauwelo, Ryan P. & Leialoha H.	8584	Nanakuli	19604 (HUD buyback)	\$TBD	\$TBD	\$TBD
Ellis, Timothy W.	5544	Lualualei	19501	\$814	\$78,743	\$217,539
Tanaka, Lucille L.	4498	Nanakuli	19606 (HUD buyback)	\$TBD	\$TBD	\$TBD
Kapuwai, Mary	8814	Waimanalo	15638	\$114	\$712	\$8,985
Eli, Stacyann L.	5724	Nanakuli	17559	\$885	\$7,252	\$123,167

<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 3/19</u>	<u>Balance At 3/19</u>
<u>Kauai</u> Hoapili, Sean	12680	Anahola	19603 (HUD buyback)	\$TBD	\$TBD	\$TBD
Kekua, Lavena M. K.	4332	Anahola	18189	\$155	\$814	\$17,185

ITEM NO. D-3

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Dean T. Oshiro, Acting HSD Administrator
FROM: Ross K. Kapeliela, Application Officer
Homestead Services Division
SUBJECT: **Approval of Homestead Application Transfers/Cancellations**

RECOMMENDED MOTION/ACTION

To approve the transfers and cancellations of applications from the Application Waiting Lists for reasons described below:

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

PAGAY, Jamielyn R.	03/06/2006	MOLOKAI	RES	10/09/2018
WILSON, Alsieann L.	03/30/2009	HAWAII	RES	10/23/2017

MAUI ISLANDWIDE PASTORAL LEASE LIST

WILSON, Alsieann L.	03/30/2009	HAWAII	AGR	10/26/2017
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HAWAII ISLANDWIDE PASTORAL LEASE LIST

KELIIKUPAKAKO, Georgette L.	04/04/1988	OAHU	AGR	11/13/2018
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

HAILI-CASTILLO, Denise N.	05/30/2006	OAHU	RES	11/15/2018
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INCIONG, Adriene M.	12/09/1998	OAHU	RES	11/13/2018
KALILIMOKU, Justis K.	05/15/2013	OAHU	RES	10/10/2018
KELIIKUPAKAKO, Georgette L.	04/04/1988	OAHU	RES	11/13/2018

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

NEEDS, Gloria L.	01/31/1995	OAHU	AGR	11/30/2018
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2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

HANOHANO, Rani Ann N.	Assigned Residential Lease #413-A, Lot 186-A-1 in Nanakuli, Oahu dated 01/22/2019. Remove application dated 01/25/2005.
OHELO, Steven J.	Assigned Residential Lease #2244, Lot 4 in Waimanalo, Oahu dated 01/30/2019. Remove application dated 11/01/1993.
SAPIGAO, Brandon F.E.K.	Assigned Residential Lease #5273, Lot 22 in Waianae, Oahu dated 02/12/2019. Remove application dated 01/19/2010.
TAEOLALII, Ronette K.	Assigned Residential Lease #9758, Lot 13704 in Maluohai, Oahu dated 02/01/2019. Remove application dated 02/22/2017.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

CRISOSTOMO, Sharleen E.	Assigned Agricultural Lease #3018, Lot 35-A-1, 35-A-2 in Hoolehua, Molokai dated 02/06/2018. Remove application dated 05/28/1987.
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

PU, Ipolani K.	Assigned Residential Lease #7947, Lot 107 in Kalamaula, Molokai dated 02/06/2019. Remove application dated 05/19/2017.
YASSO, Nathan P.K.	Assigned Residential Lease #4988, Lot 44-B-2 in Hoolehua, Molokai dated 11/01/2017. Remove application dated 11/21/2003.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KEKAUALUA, Ira C.	Assigned Agricultural Lease #6996, Lot 52 in Makuu, Hawaii dated 12/22/2017. Remove application dated 04/07/1989.
KEKAUALUA-MEDEIROS, Lisa-Gayle L.	Assigned Agricultural Lease #6996, Lot 52 in Makuu, Hawaii dated 12/22/2017. Remove application dated 11/27/1987.

HAWAII ISLANDWIDE PASTORAL LEASE LIST

BEAN, Mellaney L.	Assigned Pastoral Lease #7880, Lot 2 in Kamaoa, Hawaii dated 12/19/2018. Remove application dated 12/14/1987.
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

SILVA, Shannon I.P.W.

Assigned Residential Lease
#3799, Lot 408 in Nanakuli,
Oahu dated 01/31/2019. Remove
application dated 10/04/1988.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

NONE FOR SUBMITTAL

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL


Last Month's Transaction Total	43
Last Month's Cumulative FY 2018-2019 Transaction Total	244
Transfers from Island to Island	9
Deceased	0
Cancellations:	
Awards of Leases	11
NHQ	0
Voluntary Cancellations	0
Successorship	0
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	20
This Month's Cumulative FY 2018-2019 Transaction Total	264

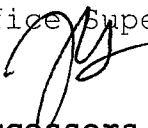
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

FROM: Juan Garcia, Oahu District Office Supervisor 
Homestead Services Division

SUBJECT: **Approval of Designation of Successors to Leasehold
Interest and Designation of Persons to Receive the Net
Proceeds**

RECOMMENDED MOTION/ACTION

To approve the designation of successor to the leasehold interest and person to receive the net proceeds, pursuant to Section 209, Hawaiian Homes Commission Act, 1920, as amended.

*See attached list of Lessee.

Leasehold Interest:

Approved for April 2019	12
Previous FY 2018 - 2019	<u>69</u>
FY 2018 - 2019 Total to Date	81

Approved for FY '17 - '18	87
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Net Proceeds

Approved for April 2019	0
Previous FY 2018- 2019	<u>0</u>
FY 2018 - 2019 Total to Date	0

Approved for FY '17 - '18	1
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LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST
FOR MONTH OF APRIL 2019

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Julia L. C. Ascobido Lot No.: 26 Area: Waianae, Oahu Lease No. 8753	<u>PRIMARY:</u> Jazz K. Ascobido, Grandson <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
2. Amy C. Y. Cummings Lot No.: 33 Area: Waimanalo, Oahu Lease No. 3696Z	<u>PRIMARY:</u> Richard J. Cummings, Jr., Son <u>ALTERNATE: Joint Tenants</u> Robyn K. Kalahiki, Daughter Kathleen K. Fleming, Daughter <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
3. William K. Haupu, III Lot No.: 6 Area: Waimanalo, Oahu Lease No. 6432	<u>PRIMARY:</u> Waverlyn M. Haupu, Sister <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A

4. Adelaide A. Kauhi
Lot No.: 226-A
Area: Keaukaha, Hawaii
Lease No. 2732

PRIMARY:
Jodi K. Kauhi, Daughter

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

5. Henry N. K. Koa
Lot No.: 7
Area: Waimanalo, Oahu
Lease No. 7782

PRIMARY: Joint Tenants
William Koa, Brother
Donaldeen Koa, Niece

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

6. Velma L. Luhia
Lot No.: 104
Area: Waianae, Oahu
Lease No. 4625

PRIMARY: Joint Tenants
James F. Luhia, Husband
Jynastie Fran L. Luhia,
Daughter

ALTERNATE: Joint Tenants
James F. Luhia IV, Son
Jamie F. L. L. Luhia,
Daughter

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

7. Jo Ann N. Rosario
Lot No.: 77
Area: Waianae, Oahu
Lease No. 4475

PRIMARY:
Jeremy K. Rosario, Son

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

8. Helen M. Ruiz
Lot No.: 63
Area: Waimanalo, Oahu
Lease No. 5974

PRIMARY:
David D. Quimpo, Nephew
ALTERNATE:
Normalei Jackson, Daughter
DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

9. Joyce K. Simao
Lot No.: 2
Area: Hanapepe, Kauai
Lease No. 8843

PRIMARY:
Steven N. Simao, Son
ALTERNATE: Joint Tenants
Tina K. Niau, Daughter*
Cooper N. Niau, Grandson*
*Omit due to lack of
genealogy documents to
determine eligibility to
successorship.

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

10. Rowena K. Tai
Lot Nos.: 33
Area: Lualualei, Oahu
Lease No. 5644

PRIMARY:
Darlamae-Kanoe C. K. Vaenuku,
Daughter

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

11. Robert Tripp, Jr.
Lot No.: 7
Area: Waiakea, Hawaii
Lease No. 2909

PRIMARY: Joint Tenants
Charlene K. Kauvaka, Daughter
Wanza U. Falevai, Daughter
La Rue L. Lauaki, Daughter
Joyce N. Johansen, Daughter

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

12. Elaine H. Young
Lot No.: 7
Area: Waimanalo, Oahu
Lease No. 2247

PRIMARY: Joint Tenants
Stephen K. Young, Son
Susan E. Soares, Daughter
Nainoa M. Soares,
Granddaughter
Jastine K. Young,
Granddaughter


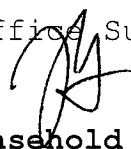
ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division
FROM: Juan Garcia, Oahu District Office Supervisor 
Homestead Services Division
SUBJECT: **Approval of Assignment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the assignment of the leasehold interest, pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended, and subject to any applicable terms and conditions of the assignment, including but not limited to the approval of a loan.

DISCUSSION

Twenty-seven (27) assignments of lease.

1. Lessee Name: Bernadette L. Canda
Agr. Lease No. 6925, Lot No. 56
Lease Date: 12/1/1986
Area: Puukapu, Hawaii
Property Sold & Amount: No, N/A
Improvements: 1 bedroom, 1 bath dwelling

Transferee Name: Liloa D. M. Kang
Relationship: Son
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

2. Lessee Name: John G. K. Chu Hing
Res. Lease No. 5659, Lot No. 356
Lease Date: 7/1/1985
Area: Keaukaha, Hawaii
Property Sold & Amount: No, N/A
Improvements: 1 bedroom, 1 bath dwelling

Transferee Name: William A. H. S. Chu Hing
Relationship: Son
Loan Assumption: N/A
Applicant: Yes, Hawaii IW Res., 5/11/2000

Reason for Transfer: "Giving lease to relative."

3. Lessee Name: Frederick P. Eli, Jr.
Res. Lease No. 419, Lot No. 192
Lease Date: 11/25/1930
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 5 bedroom, 2 bath dwelling

Transferee Name: Cecilia U. Eli
Relationship: Sister
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

4. Lessee Name: Joseph-Paul K. Enrique
Res. Lease No. 6018, Lot No. 64
Lease Date: 6/30/1994
Area: Anahola, Kauai
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Joseph-Paul K. Enrique & Pikake S. Q. Enrique
Relationship: Lessee & Daughter
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "I would like to share my tenant in common interest with my daughter Pikake Suzie Quon Thompson"

5. Lessee Name: Shannon K. Foster
Res. Lease No. 4733, Lot No. 61
Lease Date: 12/13/1977
Area: Waianae, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Jaysha K. Aikala-Foster
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Personal."

6. Lessee Name: Jennie M. K. L. Johnson
Res. Lease No. 12844, Lot No. 124
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$239,500.00
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Jerelenn L. Medeiros
Relationship: Daughter
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 10/16/2013

Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price.

7. Lessee Name: Lihauokalani T. Kaapuni
Res. Lease No. 1769, Lot No. 247-A
Lease Date: 12/20/1946
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$275,000.00
Improvements: 5 bedroom, 3 bath dwelling

Transferee Name: Joelyn K. Des Forge
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 10/28/2009

Reason for Transfer: "Moving off island." Special
Condition: Transferee to obtain funds to pay purchase
price.

8. Lessee Name: Shoshana H. O. D. Kaawa
Res. Lease No. 1782, Lot No. 94
Lease Date: 1/27/1947
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Charity A. H. A. Kaawa & Amethyst C. H. Kaawa
Relationship: Sisters
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Wanting/need to obtain own residential homestead."

9. Lessee Name: Lisa-Gayle L. Kekaulua-Medeiros
Agr. Lease No. 6996, Lot No. 52
Lease Date: 12/1/1986
Area: Makuu, Hawaii
Property Sold & Amount: No, N/A
Improvements: 1 bedroom, 1 bath dwelling

Transferee Name: Iris-Vohn Kekaulua-Medeiros
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

10. Lessee Name: Kristian K. Koverman
Res. Lease No. 12552, Lot No. 18592
Lease Date: 12/1/2009
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$511,084.00
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Annette P. Keliikoa
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 5/20/1994

Reason for Transfer: "Financial Reasons." Special Condition: Transferee to obtain funds to pay purchase price. See simultaneous transfer below.

11. Lessee Name: Annette P. Keliikoa
Res. Lease No. 12552, Lot No. 18592
Lease Date: 12/1/2009
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$511,084.00
Improvements: 4 bedroom, 3 bath dwelling
- Transferee Name: Lehua P. K. Paishon
Relationship: Daughter
Loan Assumption: N/A
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price.
12. Lessee Name: Penny K. Makaila
Res. Lease No. 11952, Lot No. 17107
Lease Date: 10/23/2007
Area: Kaupea, Oahu
Property Sold & Amount: Yes, \$385,000.00
Improvements: 4 bedroom, 2-1/2 bath dwelling
- Transferee Name: Tad K. Makaila
Relationship: Son
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 5/11/1995
- Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price.
13. Lessee Name: Elizabeth M. Martin
Res. Lease No. 12848, Lot No. 139
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$400,000.00
Improvements: 4 bedroom, 3 bath dwelling
- Transferee Name: Joseph K. Kaneakua, III
Relationship: Son
Loan Assumption: N/A
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price.

14. Lessee Name: Tiffany A. Meyers & Destiny M. Armitage
Res. Lease No. 5158, Lot No. 7
Lease Date: 8/2/1982
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$350,000.00
Improvements: 4 bedroom, 3 bath dwelling
- Transferee Name: Tiffany A. Meyers
Relationship: Sister
Loan Assumption: N/A
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.
15. Lessee Name: Tiffany A. Meyers
Res. Lease No. 5158, Lot No. 7
Lease Date: 8/2/1982
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$350,000.00
Improvements: 4 bedroom, 3 bath dwelling
- Transferee Name: George A. A. Meyers
Relationship: Husband
Loan Assumption: N/A
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price.
16. Lessee Name: Annie K. Mokiao
Res. Lease No. 3647, Lot No. 45
Lease Date: 6/27/1966
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 1-1/2 bath dwelling
- Transferee Name: Annie K. & Wayne A. Mokiao
Relationship: Lessee & Grandson
Loan Assumption: N/A
Applicant: No
- Reason for Transfer: "Adding relative to lease."

17. Lessee Name: Margaret-Louise P. W. Pereira
Res. Lease No. 5091, Lot No. 264-A
Lease Date: 1/1/1982
Area: Keaukaha, Hawaii
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Shaunna-Ann E. Pereira
Relationship: Sister
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

18. Lessee Name: Geraldine M. Rapoza
Res. Lease No. 8711, Lot No. 60
Lease Date: 12/15/1996
Area: Waianae, Oahu
Property Sold & Amount: Yes, \$330,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Waldemar W. J. Meyers & Kathlene P. Meyers
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 4/22/2003 & Oahu IW Res.,
12/21/1977

Reason for Transfer: "Taking care of parents." Special
Condition: Transferees to obtain funds to pay purchase
price.

19. Lessee Name: Dennis N. Santos
Res. Lease No. 9811, Lot No. 13835
Lease Date: 10/01/2001
Area: Maluohai, Oahu
Property Sold & Amount: Yes, \$450,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Gary D. Lewis
Relationship: None
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Medical reasons." Special Condition:
Transferee to obtain funds to pay purchase price.

20. Lessee Name: Nancy P. Scott
Res. Lease No. 3427, Lot No. 208-A
Lease Date: 7/20/1962
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$150,000.00
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Eric S. K. Scott, Jr.
Relationship: Grandson
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price.
21. Lessee Name: Joy J. Smith
Res. Lease No. 12494, Lot No. 120
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$400,000.00
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Tiade M. H. H. M. Smith
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price.
22. Lessee Name: Kathleen N. Alcos
Res. Lease No. 11134, Lot No. UNDV133
Lease Date: 5/13/2006
Area: Anahola, Kauai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Reid K. L. Hoomanawanui-Saffery
Relationship: Son-in-law
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

23. Lessee Name: Albert K. Haa
Agr. Lease No. 6267, Lot No. 162-B
Lease Date: 11/1/1985
Area: Panaewa, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Willyann K. Quanan
Relationship: Daughter
Loan Assumption: N/A
Applicant: Yes, Hawaii IW Pas., 6/9/1995

Reason for Transfer: "Giving lease to relative."
24. Lessee Name: Jamie K. Kailiawa
Res. Lease No. 6352, Lot No. 395
Lease Date: 12/1/1985
Area: Keaukaha, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Chaydeen M. K. Crivello
Relationship: Cousin
Loan Assumption: N/A
Applicant: Yes, Hawaii IW Res., 6/23/2017

Reason for Transfer: "Giving lease to relative."
25. Lessee Name: Ann-Gaylin K. Kamalani
Pas. Lease No. 8076, Lot No. 102
Lease Date: 2/1/1991
Area: Puukapu, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Thomas H. Friel
Relationship: Cousin
Loan Assumption: N/A
Applicant: Yes, Hawaii IW Pas., 6/19/1986

Reason for Transfer: "Giving lease to relative."

26. Lessee Name: Lawrence Kane, Jr.
Agr. Lease No. 7912, Lot No. 16
Lease Date: 6/1/1987
Area: Hoolehua, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Nathan K. Yasso
Relationship: Cousin
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

27. Lessee Name: Irene P. Nakila
Res. Lease No. 6105, Lot No. 89
Lease Date: 10/1/1985
Area: Kalamaula, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Sheira-Lilia P. Hirashima
Relationship: Niece
Loan Assumption: N/A
Applicant: Yes, Molokai IW Res., 1/27/2005

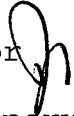

Reason for Transfer: "Giving lease to relative."

Assignments for the Month of April`19	27
Previous FY '18 - '19 balance	<u>207</u>
FY '18 - '19 total to date	234
Assignments for FY '17 - '18	271

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Dean Oshiro, Acting HSD Administrator 
FROM: Juan Garcia, Oahu District Office Supervisor
Homestead Services Division 
SUBJECT: **Approval of Amendment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Eleven (11) amendments of lease.

1. Lessee: Lovette E. Crowley
Agr. Lease No.: 3898-B
Lot No., Area, Island: 181-B, Panaewa, Hawaii
Amendment: To amend the lease title and Lessor's name and to incorporate the currently used terms, covenants, and conditions to the lease.

2. Lessee: Amy C. Y. Cummings
Res. Lease No.: 3696Z
Lot No., Area, Island: 33, Waimanalo, Oahu
Amendment: To amend the lease number and to incorporate the currently used terms, covenants, and conditions to the lease.

3. Lessee: Joanne U. Ioane
Res. Lease No.: 3429
Lot No., Area, Island: 47, Nanakuli, Oahu
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, and to extend the lease term to an aggregate term of 199 years.
4. Lessee: Charity A. H. A. Kaawa, Shoshana H. O. D. Kaawa, & Amethyst C. H. Kaawa
Res. Lease No.: 1782
Lot No., Area, Island: 94, Nanakuli, Oahu
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions contained in the lease, and to extend the lease term to an aggregate term of 199 years.
5. Lessee: Lisa-Gayle L. Kekauialua-Medeiros
Agr. Lease No.: 6996
Lot No., Area, Island: 52, Makuu, Hawaii
Amendment: To amend the tenancy from joint tenants to tenants in common due to transfer of 50% interest.
6. Lessee: Annie K. Mokiao
Res. Lease No.: 3647
Lot No., Area, Island: 45, Waimanalo, Oahu
Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions to the lease.

7. Lessee: Jo Ann N. Rosario
Res. Lease No.: 4475
Lot No., Area, Island: 77, Waianae, Oahu
Amendment: To amend the lease to release the
20 year retention period
established for the Native Hawaiian
Housing Block Grant.
8. Lessee: Nancy P. Scott
Res. Lease No.: 3427
Lot No., Area, Island: 208-A, Nanakuli, Oahu
Amendment: To amend the lease title and
Lessor's name, to update the
property description, to
incorporate the currently used
terms, covenants, and conditions
contained in the lease, and to
extend the lease term to an
aggregate term of 199 years.
9. Lessee: Henry K. Tancayo
Agr. Lease No.: 597
Lot No., Area, Island: 169, Hoolehua, Molokai
Amendment: To amend the lease title and
Lessor's name, to incorporate the
currently used terms, covenants,
and conditions contained in the
lease, and to extend the lease term
to an aggregate term of 199 years,
to update the property description
and to amend the lot
10. Lessee: Robert Tripp, Jr.
Res. Lease No.: 2909
Lot No., Area, Island: 7, Waiakea, Hawaii
Amendment: To amend the lease title and
Lessor's name, to update the
property description, to
incorporate the currently used
terms, covenants, and conditions to
the lease, and to amend the lease
number.

11. Lessee: Elaine H. Young
 Res. Lease No.: 2247
 Lot No., Area, Island: 7, Waimanalo, Oahu
 Amendment: To amend the lease title and
 Lessor's name, to incorporate the
 currently used terms, covenants,
 and conditions to the lease, and to
 extend the lease term to an
 aggregate term of 199 years.


Amendments for the Month of April '19	11
Previous FY '18 - '19 balance	<u>136</u>
FY '18 - '19 total to date	147
Amendments for FY '17 - '18	249

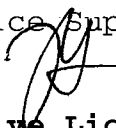
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 

FROM: Juan Garcia, Oahu District Office Supervisor
Homestead Services Division 

SUBJECT: **Approval to Issue a Non-Exclusive License for Rooftop Photovoltaic Systems for Certain Lessees**

RECOMMENDED MOTION/ACTION

To approve the issuance of a non-exclusive license to allow the Permittee to provide adequate services related to the installation, maintenance, and operation of a photovoltaic system on the premises leased by the respective Lessees.

The non-exclusive license is necessary as the Lessee cannot issue his/her own licenses.

DISCUSSION

Four (4) non-exclusive licenses.

1. Lessee: Lucy Ann L.K. Fernandez
Res. Lease No.: 9319
Lot No., Area, Island: 6, Kaniohale, Hawaii
Permittee: Sunrun Installaion Services Inc.
2. Lessee: Darlene K. Kamauu-Richards
Res. Lease No.: 3513
Lot No., Area, Island: 7, Waimanalo, Oahu
Permittee: Sunrun Installaion Services Inc.
3. Lessee: Annie K. Mokiao and Wayne Mokiao
Res. Lease No.: 3647
Lot No., Area, Island: 45, Waimanalo, Oahu
Permittee: Vivint Solar

4. Lessee: Raymond Viela
Res. Lease No.: 9788
Lot No., Area, Island: 13833, Maluohai
Permittee: RevoluSun Power LLC


Non-Exclusive License for March '19	4
Previous FY '18 - '19 balance	<u>69</u>
FY '18 - '19 total to date	73
 Non-Exclusive License for FY '17 - '18	 102

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division Administrator 

FROM: Olinda L. Fisher, East Hawaii District Office
Homestead District Assistant Supervisor

SUBJECT: **Approval of Subdivision, Transfer of a Portion of
Department of Hawaiian Home Lands Residential Lease
No. 2892, Lot No. 130-A-1, Keaukaha, Hawaii, SHIRLEY
ANN KAGAWA**

RECOMMENDED MOTION/ACTION

1. To approve the request of Shirley Ann Kagawa to subdivide Department of Hawaiian Home Lands Residential Lease No. 2892, Lot No. 130-A-1, Keaukaha Hawaii consisting of 42,310 square feet, and further identified as TMK (3) 2-1-021:011 into two (2) lots, provided that Shirley shall be responsible for all cost incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the County of Hawaii (County), fees for utility (electric, water, etc.) and other fees associated with the subdivision of Lot No. 130-A-1
2. To approve the amendment of Lease No. 2892, to reflect the subdivision of Lot No. 130-A-1 into two (2) lots; to update the property description of original Lot No. 130-A-1; to amend the Lease title and Lessor's name; and to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the term to an aggregate term of 199 years.
3. To approve the designation of Residential Lease No. 2892, demising the newly created lot.

4. To approve the transfer of the newly created lot, under Lease No. 2892-A, to Malia Kuuipo Steffen.
5. The above is subject to the completion of the survey work done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps to the County of Hawaii and State of Hawaii Bureau of Conveyances, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands (Department), applying to the County for subdivision approval, obtaining the tax map keys for the Lots, and final subdivision approval by the County of Hawaii.
6. Upon final subdivision and completion of the Transfer of a Portion of the Lease, Malia Kuuipo Steffen will be required to build and occupy the Lease within one (1) year from the execution date of the Lease document.

DISCUSSION

On August 26, 2005, by way of Assignment of Lease and Consent, Department of Hawaiian Home Lands Residential Lease No. 2892, Lot No. 130-A-1, situate in Keaukaha, Hawaii (Lease) was transferred to Shirley Ann Kagawa (Shirley Ann).

Shirley is requesting approval to subdivide her lot into two (2) lots, giving her niece Malia Kuuipo Steffen (Malia) the newly subdivided lot and retaining the existing lot with the residential structure for herself. Malia's Hawaiian Blood Quantum is deemed to be at 50%; therefore, qualifying Malia to receive a transfer of a portion of lot 130-A-1.

Section 10-3-38 of the Hawaii Administrative Rules state that, "A lessee of a residential lot, with approval of the commission, may subdivide and transfer a portion of the lot for the remaining term of the lease to any individual who is native Hawaiian and is at least 18 years old; provided that after the transfer, each lot conforms to County zoning standards. The Department shall not be required to finance the construction of the house on the transferred portion." The Rules also state "The Department

shall not be required to pay for any costs incurred in the processing and obtaining of the subdivision."

Attached is "Exhibit A" showing an illustration of the proposed subdivision of lot 130-A-1.

There is an outstanding loan attached to the lease. The lease rent to the Department and real property tax owed to the County of Hawaii is current.

RECOMMENDATION

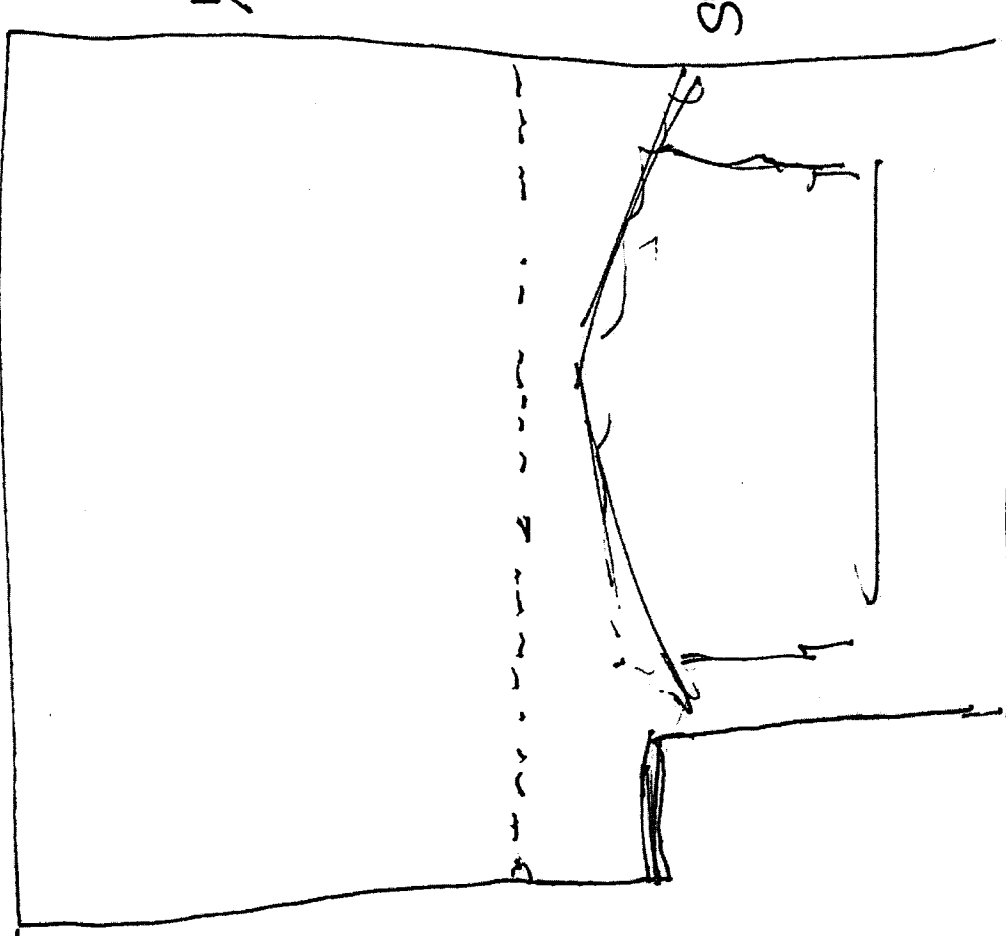
The Department recommends the approval of its recommendation.

Lau'ie Yung

Malia Yokoyama - Steffen

1/2 acre

Shirley Ann Kagawa




Desha Ave

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division 

FROM: Toni Eaton, Maui District Supervisor
Homestead Services Division

SUBJECT: Request to Schedule Contested Case Hearing -
Imogene K. Maio (Deceased), Residential Lease No.
3485, Lot No. 32, Paukukalo, Wailuku, Maui

RECOMMENDED MOTION/ACTION

To deny the request by Ms. Terry Miller and Mrs. Laura Johnson to schedule a Contested Case Hearing regarding the transfer of the above-mentioned lease.

DISCUSSION

The interest in the lease was transferred to Imogene K. Maio (decendent) by way of the Transfer through Successorship, Rescission and Amendment to Lease No. 3485, made on July 24, 1992.

The Decedent designated her sister, Leilani Munar as successor, however, this individual passed away on November 28, 1995.

The Decedent passed away on June 8, 2010 without having designated a qualified successor to the lease.

Ms. Terry Miller and Mrs. Laura Johnson, the residents of 631 Kalakaua St. Wailuku, HI, has requested to schedule a Contested Case Hearing. Ms. Miller and Mrs. Johnson contends that Imogene K. Maio (decedent) intended to designate Ms. Terry Miller as her successor. They further contend that DHHL impeded Ms. Maio's request to name Ms. Terry Miller as her successor by failing to follow up with Ms. Miller's application that was submitted in 2008. (Exhibit A). A homestead lease transfer request was submitted on January 24, 2008 from Ms. Imogene Maio Tom Sun to Ms. Terry Ann Kahealani Miller, but it was never date stamped or processed because Ms. Miller didn't turn in her birth

certificate or that of her parents. According to notes on the transfer request, Ms. Miller was a "no show" for an appointment on April 13, 2009 where she was supposed to bring in the required documentation to complete the transfer therefore that request was voided. (Exhibit B)

On April 15, 2009, a letter from Mona Kapaku, Homestead Services Administrative Assistant, was sent to Ms. Maio stating that the Department was unable to process her transfer request due to the lack of genealogical documentation to verify Ms. Miller has the required 50% Hawaiian blood quantum to qualify for the lease transfer. (Exhibit C)

On June 8, 2010, Ms. Imogene Kehaulani Maio Tom Sun passed away without designating a successor to her lease.

On January 29, 2014, a public notice to successors was published in the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, the Honolulu Star-Advertiser and The Garden Isle to all the possible successors of the deceased leaseholders who died and failed to designate a successor to their lease. The expiration date was May 29, 2014, four months from the first published date. (Exhibit D)

On May 29, 2014, DHHL received a letter from Harry Johnson, the husband of Laura Johnson, cousin to Ms. Terry Miller, stating that he would like to be considered for the lease. (Exhibit E)

On June 4, 2014, a letter was sent to Ms. Terry Miller advising her that she didn't qualify as a successor pursuant the Hawaiian Homes Commission Act (Act), as amended and the Hawaii Administrative Rules therefore it was recommended that Ms. Miller plan to vacate the home. (Exhibit F)

On September 30, 2014, a letter was received from Mr. and Mrs. Harry Johnson requesting that the Hawaiian Homes Commissioners consider them to be the next person to lease the property of the late Imogene Maio. (Exhibit G)

On October 8, 2014, a letter was sent to Mr. Harry Johnson from Jobie K. Masagatani, Chairman of the Hawaiian Homes Commission, stating that based on the Act, you do not qualify to succeed the lease interest of Ms. Imogene Maio, Lease No. 3485, Lot No. 32, Paukukalo, Maui. It further states that Mr. Johnson's request to address the Commission on the J Agenda on

Kauai has been approved. Ms. Masagatani further states that the Commission does not make any decisions on any J Agenda items, however, your case will be heard. (Exhibit H)

On August 17, 2015, Mona Kapaku, Operations Manager, Homestead Services Division, submitted a request to the Commission to approve the cancellation of Lease No. 3485, Lot No. 32, Paukukalo, Maui, pursuant to the Act, as there is no qualified successor to the Lease interest. (Exhibit I). The Commission approved this request on the same day.

On September 7, 2015, a certified letter was sent to the occupants of 631 Kalakaua St. Wailuku, HI 96793, notifying them of the Lease cancellation and notice to vacate the property by Dean T. Oshiro, Acting Administrator, Homestead Services Division. This notice advised the occupants to remove all personal property by November 10, 2015. (Exhibit J)

On January 17, 2019, another certified letter was sent to the above occupants, at the above stated address, again advising them that the Lease has been cancelled and they needed to vacate the property by March 4, 2019. (Exhibit K)

Although Ms. Imogene K. Maio's intent was to have Ms. Terry Miller succeed her lease, Ms. Miller is not a qualified successor because she is a cousin of the Decedent. Pursuant to Section 209 of the Act, when a lessee fails to designate a successor, the Department may only select the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, children or grandchildren then brothers or sisters; or
5. If there is no husband, wife, children, grandchildren, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

DHHL recommends denial of the request. There has been no violation of the Hawaiian Homes Commission Act, the Hawaii Administrative Rules, or the lease itself.

On February 5, 2019, The Miller and Johnson Ohana met with Commissioner Randy Awo on Maui. We are requesting a contested case hearing. In addition we request to have the process explained to us with clear instruction.

In 1992 Imogene K. Maio Tomsun was granted successorship to her parents estate. She named her sister Leilani Munar as her successor. However, Leilani passed away in 1995, leaving no successor. In 2008 it was Imogene's intent to pass successorship of her estate to her cousin Terry Ann Miller who is a beneficiary and has met blood quantum requirements. Imogene filed a Homestead Transfer Request application designating Terry Miller as her successor. But, the state failed to inform her of her rights or the process for successfully transferring her estate. Therefore she was not able to make an informed decision.

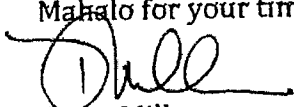
Points:

1. Imogene K. Maio Tomsun's **intent** was to pass her estate and interest to a family member as her successor.
 - a. Her sister Leilani Munar died before her.
 - b. She chose her cousin Terry Ann K. Miller as her successor.
2. DHHL failed to ensure Imogene Maio Tomsun's right as a beneficiary to be able to make an informed decision in completing an application requesting to declare a new successor to her estate.
 - a. Which became a barrier for the beneficiary to complete application request.
3. DHHL failed to ensure beneficiary's right in following up on her application request that she submitted in 2008.
 - a. Imogene dies in 2010
 - b. With the thought that she had left her estate to her appointed successor Terry Ann Miller

We are now in a situation where we may be forced to vacate without having had any due process to resolve our issue. Our immediate concern is to postpone the notice to vacate until such time as we have been allowed our due process with a contested case hearing.

We humbly ask to be granted a contested case and to be provided with clear and complete instructions.

Mahalo for your time,


Terry Miller
Laura "Lala" Johnson

RECEIVED
FEB 11 2019
DEPT. OF LAND & NATURAL RESOURCES

2019 FEB 20 AM 8:47

HOMESTEAD LEASE TRANSFER REQUEST

VOID

This section to be completed by Lessee(s)

Name of Lessee(s):(PRINT Last Name, First Name, Middle Initial)			
Lessee #1: Imogene Maio TomSun		SSN: [REDACTED]	
Mailing Address: [REDACTED]			
Telephone Number:		Cell:	
Business: [REDACTED]	Residence: [REDACTED]	Cell: [REDACTED]	
Lessee #2:		SSN:	
Mailing Address:			
Telephone Number:			
Business:		Residence:	Cell:
Lease No.: 3485		Lease Type: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Lot No.: #32	Area: Paukukalo	Island: MAUI	
TMK: 3-3-25-32	Property Address: [REDACTED]		
Type of Transaction:	<input checked="" type="checkbox"/> 100% Interest <input type="checkbox"/> Partial Interest: (explanations in back) <input type="checkbox"/> T/C <input type="checkbox"/> J/T <input type="checkbox"/> T/E		
Mortgage/Loan Balance: \$ 8		Name of Lender:	
List Other Debts Attached to Lease: for example -- OHA loans, Grants, etc.			
Lease being sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Sale Price \$			
This section must be completed. If Yes, attach copy of DROA or Sales Contract, and Name of Escrow Company.			
Reason For Transfer:			
Wanted to give my cousin the opportunity to have my lease			
Reservation of Limited Life Interest (a box must be checked):			
<input checked="" type="checkbox"/> I/We choose to retain life interest in the lease. I/We understand that that as long as the lease is in effect, I/We have the right of occupancy of the homestead. Also, I/We understand and agree that should the transferee(s) apply for a loan, I/We are aware that I/We are required to apply and sign for any loan that is to be secured by this lease.			
<input type="checkbox"/> I/We do not choose to retain life interest in the lease.			

By signing below, I/We accept and agree to the following: I/We request to transfer the above lease for the remaining term of the lease. I/We take responsibility along with the transferee(s) to submit all necessary documents for the clearing of transferees' native Hawaiian blood quantum. If necessary documentation is not submitted with this request, I/We understand that the department will not accept my/our request to transfer. I/We understand that this request will not be final until approved by DHHL Chairman or designee. I/We declare that this request is of my/our own freewill and choice.

Furthermore, I/We understand that should the lease transfer involve a defaulted improved vacant lot in which the default is the result of failing to construct a dwelling on the homestead lot within the allowable time, the transferee(s) must comply with all requirements imposed by the department prior to this transfer being finalized.

Lessee #1 Signature: Imogene Maio TomSun Date: 1-29-08
 Lessee #2 Signature: _____ Date: _____

FOR OFFICIAL USE ONLY The following items must accompany this transfer request; otherwise request will not be accepted. <input type="checkbox"/> Genealogy documents (Birth, Death, Marriage) <input type="checkbox"/> RPT Clearance or Plan of Payment <input type="checkbox"/> Copy of Photo ID One of the Following items: <input type="checkbox"/> Letter of pre-approval to assume loan. <input type="checkbox"/> Letter of pre-approval of mortgage loan. <input type="checkbox"/> Verification of financial statements. Acknowledgment of receipt of above items: Staff Initial _____ Date _____	TIME STAMP IN THIS SECTION AFTER RECEIPT OF ALL ITEMS LISTED ON LEFT SIDE.
---	---

This section to be completed by Transferee #1

Name of Transferee: (PRINT First Name, Middle Name, Last Name) <i>Terry Ann Miller Kakealani Miller</i>	
Mailing Address: [REDACTED]	
Social Security No.: [REDACTED]	Date of Birth: [REDACTED]
Relationship to Lessee(s): <i>COUSIN</i>	
Telephone Number: Business: [REDACTED] Residence: [REDACTED] Cell: [REDACTED]	
Are you an Applicant with DHHL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Are you a Lessee with DHHL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Is your Spouse an Applicant with DHHL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Is your Spouse a Lessee with DHHL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Are you purchasing the lease? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of Escrow Company to be used.	
If Spouse is an Applicant or Lessee: (PRINT Last Name, First Name, M.I.)	Social Security No.:
By signing below, I agree that it is my responsibility to submit to the Department of Hawaiian Lands (DHHL) all necessary documentation to substantiate my native Hawaiian ancestry and I agree to comply with all other requirements imposed by the DHHL, including but not limited to a financial statements indicating cash deposits or Lender pre-approval of a mortgage loan to pay off or assume all debts attached to the lease. I understand that this request will not be final until approved by DHHL Chairman or designee.	
Transferee Signature <i>Miller</i>	Date <i>1/24/08</i>

This section to be completed by Transferee #2

Name of Transferee: (PRINT First Name, Middle Name, Last Name)	
Mailing Address:	
Social Security No.:	Date of Birth:
Relationship to Lessee(s):	
Telephone Number: Business: Residence: Cell:	
Are you an Applicant with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Are you a Lessee with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Is your Spouse an Applicant with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Is your Spouse a Lessee with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
If Spouse is an Applicant or Lessee: (PRINT Last Name, First Name, M.I.)	Social Security No.:
By signing below, I agree that it is my responsibility to submit to the Department of Hawaiian Lands (DHHL) all necessary documentation to substantiate my native Hawaiian ancestry and I agree to comply with all other requirements imposed by the DHHL, including but not limited to a financial statements indicating cash deposits or Lender pre-approval of a mortgage loan to pay off or assume all debts attached to the lease. I understand that this request will not be final until approved by DHHL Chairman or designee.	
Transferee Signature/Date	

Note – If multiple Transferees are named – Check off ONE of the tenancy selection below

<input type="checkbox"/> Joint Tenancy	<input type="checkbox"/> Tenants in Common	<input type="checkbox"/> Tenants By the Entirety
---	---	---

Joint tenancy - A tenancy with two or more co-owners take identical interest simultaneously by the same instrument and with the same right of possession. A joint tenancy differs from a tenancy in common because each joint tenant has a right of survivorship to the other's share.

Tenancy in common – One of two or more tenants who hold the same land by unity of possession but by separate and distinct titles, with each person having an equal right to possess the whole property but no right of survivorship.

Tenancy by the entirety – A joint tenancy that arises between husband and wife when a single instrument conveys realty to both of them but nothing is said in the deed or will about the character of their relationship.

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICHAEL KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION
KAULANA H. PARK
DEPUTY TO THE CHAIRMAN
ROBERT J. HALL
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

April 15, 2009

Ms. Imogene K. Maio
[REDACTED]
[REDACTED]

Dear Ms. Maio:

Subject: Department of Hawaiian Home Lands Residence
Lease No. 3485, Lot No. 32, Paukukalo, Maui

The department has not been able to process your transfer request of your lease to your cousin, Ms. Terry Ann K. Miller, due to the lack of genealogy documentation to verify that she has the required 50% Hawaiian blood quantum to receive the lease from you. Therefore, we are returning your transfer request.

If Ms. Miller is able to provide the needed documentation, you may again submit your request to transfer your lease to her at any time. Enclosed is another lease transfer form.

If you have any questions, please call our office at 760-5120.

Mahalo for your kokua.

Aloha,

A handwritten signature in dark ink, appearing to read "Mona L. Kapaku".

Mona L. Kapaku,
Homestead Services Administrative Assistant

c: Ms. Terry Ann K. Miller

Enclosures

ITEM NO. D-10
EXHIBIT C

PUBLIC NOTICE TO SUCCESSORS
DEPARTMENT OF HAWAIIAN HOME LANDS
HOMESTEAD SERVICES DIVISION
DISTRICT OPERATIONS BRANCH

NOTICE TO POSSIBLE SUCCESSORS OF THE FOLLOWING DECEASED LEASEHOLDERS, WHO DIED AND FAILED TO DESIGNATE A SUCCESSOR(S) TO THEIR HAWAIIAN HOME LANDS LEASE UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

ADOLPHO, Matthew K., Jr., Residence Lease No. 206, Lot No. 130, Hoolehua, Molokai

BENEVEDES, Yvonne A. A., Residence Lease No. 8189, Lot No. 29, Waimanalo, Oahu

COLIPANO, Richmond I., Residence Lease No. 6111, Lot No. 100, Kalamaula, Molokai

GASPAR, Dorothy B., Residence Lease No. 5384, Lot No. 108, Waiakea, Hawaii

KAUNAMANO, Samuel K. K., Residence Lease No. 11724, Lot No. Undv181, Kapolei, Oahu

KEAU, Benjamin P., Jr., Pastoral Lease No. 9146, Lot No. 83, Kahikinui, Maui

MAIO, Imogene K., Residence Lease No. 3485, Lot No. 32, Paukukalo, Maui

MAKUA, Violet, Residence Lease No. 2226, Lot No. 148, Kewalo, Oahu

PARAAN, Wayne A., Residence Lease No. 3930, Lot No. 39, Waimanalo, Oahu

PELFREY, Richard H. E., Residence Lease No. 2688Z, Lot No. 66, Kuhio Village, Hawaii

PUAOI, Herman E. K., Agriculture Lease No. 2970, Lot No. 99AB, Hoolehua, Molokai

All possible successors of the above-named decedents are hereby notified to present their claims to succeed to the homestead lease together with proof of their qualifications to the Department of Hawaiian Home Lands at its Oahu District Office at 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, or at any of the neighbor island district offices, within four (4) months from the first day of publication of this notice, or be forever barred from succeeding to the lease.

Dated: January 13, 2014

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

Hawaii Tribune Herald – 1/29, 2/02, 2/12, 2/16/2014.

West Hawaii Today – 1/29, 2/02, 2/12, 2/16/2014

The Maui News – 1/29, 2/02, 2/12, 2/16/2014

Honolulu Star-Advertiser/The Garden Isle – 1/29, 2/02, 2/12, 2/16/2014

May 29, 2014

Department of Hawaiian Home Lands – Maui Branch

2014 MAY 30 AM 9:26

Dept. of Hawaiian Home Land
Maui District Office

To Whom It May Concern:

My name is Harry Johnson. My family and I reside with Terry Miller at the residence of 631 Kalakaua Street, Wailuku, Maui, Hawaii where the late Imogene Maio resided. We were asked to reside in the home with Terry by Imogene to help keep the home secure and livable.

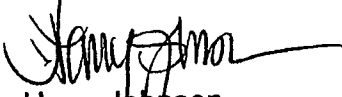

It is my understanding that she is not able to assume the property and that the lease will be closed. If Terry is not able to assume the home, I would like to submit my name to assume the lease to the property. I am an applicant on the list of Hawaiian Homes land and I was awarded a lot at the Waiohuli project during the year 2009. Because we could not secure a loan to build on the property due to a cap by lending institutions, we were advised that we needed to surrender the lease.

We have invested over \$8000 in this home because the home required the stabilization of walls, electrical work, flooring, painting, windows, etc. We accomplished this task through assistance from our family and friends. We recently spoke to Michael Kanada Construction because we wanted to fix the roof and continue with other repairs. Estimates were given and we were ready to invest more into the home however with the recent situation that Terry has received, we held up on the upgrades until we could get more clarification on the matter.

I would like to ask for consideration to assume the lease on the property because of the fact that we remain at the residence, but most especially the home will be able to remain within the family if this is an option. I am willing to upgrade the property and keep the condition of the residence up to a standard that represents Hawaiian Homelands. We do not smoke, drink, do drugs, or are involved in any illegal activity since we resided there with Terry. You can ask the neighbors (Mrs. Hannah Kamai and Mrs. Dot Akahi, and Mr. Steven Kramer) about our presence. We are model citizens of this community and would like to keep the neighborhood free of crime or illegal activity.

I respectfully ask for your consideration to allow my family to remain at the property and assume the property while investing to upgrade and maintain it to a safer and respectful venue.

Sincerely,


Harry Johnson


pdf to Roman

ITEM NO. D-10
EXHIBIT E

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

DARRELL T. YOUNG
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P O BOX 1879
HONOLULU, HAWAII 96805

June 4, 2014

Ms. Terry Miller
[REDACTED]
[REDACTED] 3485

Subject: Residential Lease No. 3485, Lot No. 32, Paukukalo, Maui, Oahu

Dear Ms. Miller:

This is in response to your letter dated April 25, 2014 regarding the above homestead lease held by your late "cousin," Imogene K. Maio (Imogene), and your request to be designated as a successor to the lease interest.

Imogene did not designate a successor to her lease interest prior to her death. Therefore, pursuant to the Hawaiian Homes Commission Act, as amended (Act), and the Hawaii Administrative Rules, the Department of Hawaiian Home Lands (Department) published a notice calling all qualified relatives to submit to the Department their successorship claim to the lease interest.

Pursuant to the Act, the qualified successors to the lease are the following relatives of the lessee:

1. at least one-quarter Hawaiian husband, wife, child, grandchild, brother, or sister
2. native Hawaiian father and mother, widow and widowers of the children, widow and widower of the brothers and sisters, nieces and nephews

Based on the Act, you do not qualify to succeed to the lease interest.

The public notice expired on May 29, 2014. Should there be no qualified claimant to the lease interest, the Department will then request for the Hawaiian Homes Commission's approval to cancel the lease and award the homestead lot to a qualified applicant on the Department's wait list. This process will take a few months. As you are still occupying the homestead, it is recommended that you make arrangements to vacate the home.

ITEM NO. D-10
EXHIBIT F

Ms. Terry Miller
June 4, 2014

If you have any questions, please contact Mona Kapaku, District Operations Manager,
at (808) 760-5121.

Aloha,

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

c: Maui District Office
J. Hopkins, R. Tassill

September 22, 2014

Department of Hawaiian Home Lands - Commissioner's
Honorable Commissioners
A. O. Box 1879
Honolulu, HI 96805

2014 SEP 22 PM 2:23
Dept. of Hawaiian Home Lands

Honorable Commissioners of the Department of Hawaiian Home Lands,

My name is Harry Johnson. I reside in [REDACTED] here in Hawaiian Homes. In 2009, I was awarded a property to develop at the Waiohuli Lots, and within a years time I returned the award back to DHHL because there was a national economical downfall in the banking system so that loans were not issued for projects such as this one. At about the same time another awardee asked me if I would like to sell my property to him for cash because his awarded property required more work to start with than what my award would. At the time I thought this would have been unethical in selling this recently awarded property in order to gain money just for doing nothing. I didn't sell but surrendered the property back to DHHL for ethical reasons.

About this time, a relative of ours asked us to stay in her home at 631 Kalakaua Street because her Auntie (Imogene Maio) was being sent to a care home. She asked us to reside with her in the home because she didn't want the home to be occupied by complete strangers as she had experienced in the past. We took in a small investment to upgrade the home and make the best of its condition.

During the time we learned that the street was well known for illegal activity, disregard to a persons property and a worthy campaign effort to start a police sub station to help the police save on fuel costs since they were visiting this street more than any US Mail postal person. With these realities, we remained at this residence, growing watermelon, corn, eggplant, and a variety of legal cooking herbs to sustain ourselves and our neighbors. There was a true establishment of growth on this street and we found that even though the smell of illegal drug activity was flourishing around the neighborhood, the safety and well being of this residence was based upon our example as a positive contributor to community development. We were here to promote self-sufficiency and empower the neighbors to do the same by contacting police when illegal activity was present. It wasn't easy but we remain in the fight to establish respect for self and community by "working side-by-side with beneficiaries and other partners to create and maintain a vibrant homestead community."

I present this preface to you so that you can understand the predicament that we

face. Because our relative (Imogene Maio) has since passed on, and there was no legal adoption of her hanai cousin (Terry Miller) to her, I am here to ask for your consideration to have me as the next person to lease the property so that the home can still remain within the family and that we can preserve the value statement of DHHL for this venue. Our plans are to remodel the home as we have already been in contact with a construction company. We are working to secure a loan with the assistance of our ohana and will be seeking assistance through the Habitat for Humanity program.

I work full time as a Transportation Director for a 501c3 company here on Maui and have been with the company for a total of 20 years. My wife is a certified Substance Abuse Counselor so you can understand why we feel the way we do when it comes to the type of activities that surround this neighborhood.

Since we were first asked to vacate the property, we immediately noticed how the illegal activity resurfaced. Cars were freely parked in our front yard, empty alcoholic containers were littered on the property and on-street fighting re-established its hold on this street. As we were allowed to relocate back into the home temporarily, we held a meeting with our neighbors and advised them of the activities and our concern for the safety of everyone in the neighborhood. This communication with them established protocols as to when it would be necessary to contact law enforcement and we all agreed to place safety as the main concern when these activities exist. It was evident that the absence of respect for oneself and one's community quickly deteriorates when left unchecked by the surrounding constituents.

In closing, I wish to express my/our deepest mahalo to Mona and her staff who guided us through this process. I also extend that appreciation to all the Commissioners for giving us the opportunity to express our concerns. If it is too late to be drawn into a private meeting during this visit, may we request for another time and venue. We humbly ask for your consideration to this request.

Sincerely,



Harry & Laura Johnson



NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



JORIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

DARRELL T. YOUNG
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P.O. BOX 1879
HONOLULU, HAWAII 96805

October 8, 2014

Mr. Harry Johnson
[REDACTED]

Dear Mr. Johnson:

Subject: Residential Lease No. 3485, Lot No. 32,
Paukukalo, Maui

This is in response to your letter dated September 22, 2014 regarding the above homestead lease held by your wife Laura's cousin, Imogene K. Maio (Imogene), and your request for consideration to be awarded the lease interest as an applicant waiting since 1995.

On June 12, 2014 a letter was sent to you stating:

Imogene did not designate a successor to her lease interest prior to her death. Therefore, pursuant to the Hawaiian Homes Commission Act, 1920, as amended (Act), and the Hawaii Administrative Rules, the Department of Hawaiian Home Lands (Department) published a notice calling all qualified relatives to submit to the Department their successorship claim to the lease interest.

Pursuant to the Act, the qualified successors to the lease are the following relatives of the lessee:

1. at least one-quarter Hawaiian husband, wife, child, grandchild, brother, or sister
2. native Hawaiian father, mother, widows and widowers of the children, widows and widowers of the brothers and sisters, nieces and nephews

Based on the Act, you do not qualify to succeed to the lease interest.

ITEM NO. D-10
EXHIBIT H

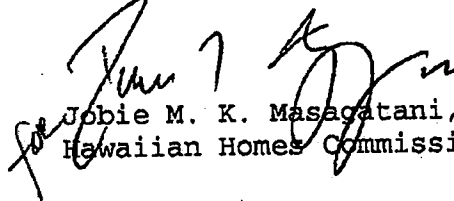
Mr. Harry Johnson
October 8, 2014
Page 2

The public notice expired on May 29, 2014. Should there be no qualified claimant to the lease interest, the Department will then request for the Hawaiian Homes Commission's approval to cancel the lease and award the homestead lot. If you are still occupying the homestead, it is recommended that you make arrangements to vacate the home.

Your request to address the Commission on the J Agenda on Kauai is approved. The Commission does not make any decision on any J Agenda items, however, your case will be heard.

If you have any questions, please contact Ms. Mona Kapaku, Maui District Supervisor, at (808) 760-5121.

Aloha,


Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

c: Commissioners

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

August 17, 2015

TO: Chairman and Members, Hawaiian Homes Commission
THRU: Dean Oshiro, Acting HSD Administrator
FROM: Mona Kapaku, Maui District Office Supervisor
Homestead Services Division
SUBJECT: Cancellation of Lease - Imogene K. Maio
Lease No. 3485, Lot No. 32, Paukukalo, Maui

RECOMMENDED MOTION/ACTION

1. To approve the cancellation of Lease No. 3485, Lot No. 32, Paukukalo, Maui, pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there is no qualified successor to the Lease interest; and

2. To approve the payment, in the amount of the appraised value of the improvements less any outstanding debts attached to the Lease, to the estate of the late Imogene K. Maio.

DISCUSSION

The interest in the Lease was transferred to Imogene K. Maio (Decedent) by way of the Transfer Through Successorship, Rescission and Amendment to Lease No. 3485 made on July 24, 1992.

The Decedent designated her sister, Leilani Munar as successor, however, this individual passed away on November 28, 1995.

The Decedent passed away on June 8, 2010 without having designated a qualified successor to the Lease.

In compliance with the Administrative Rule 10-3-63, the department published legal ads in the Honolulu Star Advertiser, The Garden Isle, the Hawaii Tribune Herald, the West Hawaii Today, and The Maui News on January 29, February 2, 12, and 16, 2014, to

ITEM NO. D-15

ITEM NO. D-10
EXHIBIT I

notify all interested, eligible and qualified heirs of Imogene K. Maio, to submit their lease successorship claims.

The Department received one successorship claim from the Decedent's cousin, Terry Miller, who does not meet the familial qualification to succeed to the lease.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920 (Act), as amended, when a lessee fails to designate a successor, the commission is authorized to terminate the lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Improvements to the homestead lot consist of a 3 bedroom, and 1 bath, single family home, which was constructed in 1963.

There is no existing mortgage. The Lease rent has a credit of \$46.00 dollars, and the real property tax is past due approximately \$2,991.51 as of July 24, 2015.

The Department requests approval of its recommendation.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE 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 96805

September 7, 2015

Occupants
631 Kalakaua St
Wailuku, HI 96732

USPS Certified Mail: 7012 3460 0001 6659 4859 Return Receipt Requested

Subject: **LEASE CANCELLATION AND NOTICE TO VACATE**
Department of Hawaiian Home Lands (DHHL)
Residential Lease No. 3485, Lot No. 32,
631 Kalakaua St., TMK: 2-3-3-005:032,
Paukukalo Subdivision, Maui District, Hawaii

Aloha,

The Hawaiian Homes Commission has approved the Cancellation of the subject Lease at its monthly meeting on August 17, 2015. A copy of the submittal is enclosed.

Therefore, the DHHL requires that you, your family, and all other unknown persons residing at this property, vacate the premises no later than 12:00 noon, **Tuesday, November 10, 2015**. Be advised that anyone on the premises after this time and date may be considered trespassing and subject to eviction and arrest.

Please remove all belongings, possessions, furniture, animals, and vehicles from the property, and leave it in a clean and orderly manner. Any and all items left on the property after **November 10, 2015**, will be subject to removal and disposal at your expense.

Please contact Ms. Mona Kapaku, Maui District Supervisor, to drop off keys and to have the premises inspected and secured before you leave. You must inform the District Office and DHHL if you are vacating the property before this date to inspect and secure the residence.

ITEM NO. D-10
EXHIBIT J

Maio 9/7/2015- Page Two

Also, you must notify **ALL UTILITY SERVICES** to terminate all services, and send you a final bill on your last day, or November 10, 2015, whichever is first. **DHHL will confirm and have ALL services terminated, if not done so, on your final day of residence, or November 10, 2015.**

Any other questions, please contact Mr. Mark Yim, Homestead Lease coordinator at 808-620-9216.

Mahalo for your cooperation.

Sincerely,



Dean T. Oshiro
Acting Administrator
Homestead Services Division

Cc: F. Apoliona, Enforcement Division Supervisor
M. Kapaku, Maui District Supervisor
M. Yim, Homestead Lease Coordinator
File
Enc.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT GOVERNOR
STATE OF HAWAII



JOBIE 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 96805

January 17, 2019

Occupants
631 Kalakaua Avenue
Wailuku, HI 96732

USPS Certified Mail: 7015 0640 0002 5918 0245 Return Receipt Requested

Subject: **LEASE CANCELLATION AND NOTICE TO VACATE**
Department of Hawaiian Home Lands (DHHL)
Residential Lease No. 3485, Lot No. 32,
631 Kalakaua St., TMK: 2-3-3-005:032,
Paukukalo Subdivision, Maui District, Hawaii

Aloha,

The Hawaiian Homes Commission has approved the Cancellation of the subject Lease at its monthly meeting on August 17, 2015. A copy of the submittal is enclosed.

You have also been served via certified mail and hand delivered from DHHL personnel on September 7, 2015.

Therefore, DHHL requires that you, your family, and all other unknown persons residing at this property, vacate the premises no later 12:00 noon, Monday, March 4, 2019. Be advised that anyone on the premises after this time and date may be considered trespassing and subject to eviction and arrest.

Please remove all belongings, possessions, furniture, animals, and vehicles from the property, and leave it in a clean and orderly manner. Any and all items left on the property after March 4, 2019, will be subject to removal and disposal t your expense.

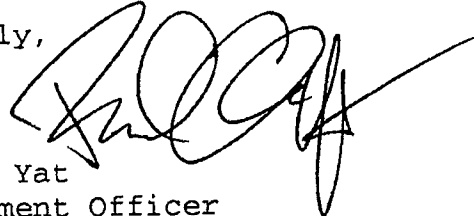
Please contact Toni Eaton, Maui District Supervisor to drop off keys and to have the premises inspected and secured before you leave. You must inform the District Office and DHHL if you are vacating the property before this date to inspect and secure the residence.

ITEM NO. D-10
EXHIBIT K

Occupants
January 18, 2019
Page #2

Should you have any questions, you may call Kip Akana, Acting Enforcement Supervisor, at (808) 620-9522.

Sincerely,



Paul Ah Yat
Enforcement Officer
Department of Hawaiian Home Lands

Enc.


C: Enforcement Team
A/Homestead Services Division Administrator/Dean Oshiro
East Hawaii District Manager/Olinda Fisher
Fiscal Office/Wayne Takahashi
Homestead Lease Coordinator/Darlene Fernandez

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

FROM: Gene Ross Davis, Acting Molokai District Office
Supervisor Homestead Services Division

SUBJECT: **Request to Schedule a Contested Case Hearing,
GREGORY CHAD K. PUAOI (Deceased), Agricultural
Lease No. 2970, Lot 99-A & 99-B, Hoolehua, Molokai**

RECOMMENDED MOTION/ACTION

To deny Mrs. Lillian Puaoi's (Lillian) request for a contested case hearing regarding the successorship of her late son's, Gregory Chad Puaoi, Department of Hawaiian Home Lands Agriculture Lot Lease No. 2970, Lot Nos. 99A&B, Hoolehua, Molokai (Lease).

DISCUSSION

The lease was originally held by Ernest Puaoi Sr., who then transferred the Lease on May 20, 2002, to his son, Herman E Puaoi. On December 25, 2012, Herman E. K. Puaoi passed away without naming a successor. The Department published a notice to notify all interested, eligible and qualified heirs to submit their successorship claim. Gregory Chad Puaoi, brother to the decedent, and Lillian, mother to the decedent, submitted their respective claim to succeed to the lease. Pursuant to section 209, Gregory Chad was awarded the Lease because he had priority over Lillian.

June 02, 2015, Gregory Chad Puaoi passed away without naming a successor to his interest in the lease.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Garden Island Newspaper, Hawaii Tribune Herald, West Hawaii Today, and The Maui News on June 3, 13, 17, and 27, 2018 to

notify all interested, eligible, and qualified heirs of the Decedent, to submit their successorship claim to Lease No. 2970.

Yolanda Puaoli (Yolanda), wife of Gregory Chad, and Lillian both submitted their claims to the Lease. Yolanda has been determined to be at least 50% Hawaiian and is eligible for successorship to the Lease. Although Lillian submitted a successorship claim to her son's Lease, Yolanda has priority over her.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Lillian feels she has been overlooked as a successor. She believes she should be the successor to the Lease, because she is the wife of the original lessee. This homestead is where she raised her children, grandchildren and great grandchild. She and her family have been occupying this homestead since 1955. Before she passes away, she would like this homestead to go back to her family where they will always have a place that they can call home and feels like home without shutting the door on anyone.


The Department recommends approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Dean Oshiro, Acting HSD Administrator
Homestead Services Division 

FROM: Gene Ross Davis, Acting Molokai District Office
Supervisor Homestead Services Division

SUBJECT: **Commission Designation of Successor - GREGORY CHAD K. PUAOI (Deceased), Agricultural Lease No. 2970, Lot No. 99A & 99-B, Hoolehua, Molokai**

RECOMMENDED MOTION/ACTION

To approve the designation of Yolanda Kehaulani Puaoi (Yolanda), successor to Department of Hawaiian Home Lands Agriculture Lot Lease No. 2970, Lot Nos. 99-A & 99-B, Hoolehua, Molokai (Lease), for the remaining term of the Lease.

DISCUSSION

On December 25, 2012, the Lease was transferred through successorship, from Herman E. K. Puaoi Sr to his brother, Gregory Chad Kalawaiakaulanaokuuaina Puaoi (Decedent).

June 02, 2015, the Decedent passed away without naming a successor to his interest in the lease.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Garden Island Newspaper, Hawaii Tribune Herald, West Hawaii Today, and The Maui News on June 3, 13, 17, and 27, 2018 to notify all interested, eligible, and qualified heirs of the Decedent, to submit their successorship claim to Lease No. 2970.

The Decedent's wife Yolanda submitted her claim to the lease. Yolanda, who has been determined to be at least 56.25% Hawaiian, is eligible for successorship to the lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

As of March 31, 2019, there are no outstanding loans. Real Property tax and lease rent is current.


The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

FROM: Olinda L. Fisher, East Hawaii District Office
Supervisor

SUBJECT: **Request to Schedule Contested Case Hearing -
DENISE ROSEHILL-MAHI, Residential Lease No. 01891,
Lot No. 63, Waiakea, Hawaii**

RECOMMENDED MOTION/ACTION

To deny the request by Ms. Paula Anuheia Victorino (Paula) to schedule a Contested Case Hearing regarding Lease No. 01891, Lot No. 63, Waiakea, Hawaii.

DISCUSSION

This issue was previously addressed by the Hawaiian Homes Commission ("HHC") originally in November of 2013 and acted upon in May of 2014.

The minutes of the HHC meetings dated November 18 and 19, 2013 (Exhibit A) reflect that the action item was presented to HHC, however action was deferred December 2013. It was not until May 19, 2014 that a submittal for action was once again submitted to the HHC (see Exhibit B). The action item was denied by the HHC. (see Exhibit C).

Paula has once again submitted a request to schedule a Contested Case Hearing.

The Department is again recommending denial of the request as the rightful lessee, Denise Rosehill-Mahi, on September 25, 2012 requested that she surrender her lease back to the Department. The HHC ratified her request on June 16, 2014.

ITEM NO: D-11

SUBJECT: Approval of Assignment of Leasehold Interest (see exhibit)

MOTION/ACTION

Moved by Commissioner Hopkins, and seconded by Commissioner Kahikina. Motion carried unanimously.

ITEM NO: D-12

SUBJECT: Approval of Amendment of Leasehold Interest (see exhibit)

MOTION/ACTION

Moved by Commissioner Kahikina, and seconded by Commissioner Hopkins. Motion carried unanimously.

ITEM NO: D-13

SUBJECT: Commission Designation of Successor – Amy K. Waipa, Lease No. 3978, Waimanalo, Oahu

MOTION/ACTION

Moved by Commissioner Hopkins, and seconded by Commissioner Kahikina. Motion carried unanimously.

ITEM NO: D-14

SUBJECT: Request to Approve Third Party Agreement – Benjamin K. Lindsey, Lease No. 4762, Puukapu, Hawaii

MOTION/ACTION

Moved by Commissioner Hopkins, and seconded by Commissioner Kahikina. Motion carried unanimously.

ITEM NO: D-15

SUBJECT: Request to Schedule Contested Case Hearing – Denise Rosehill-Mahi, Lease No. 1891, Waiakea, Hawaii

RECOMMENDATION

Acting Administrator Dean Oshiro, Homestead Services Division, recommended denying a request for a contested case hearing by Robin Anuhea Victorino for the above-stated lease.

MOTION

Moved by Commissioner Hopkins, and seconded by Commissioner Kahikina.

DISCUSSION

East Hawaii Acting District Manager Louis Hao provided information on the events leading up to today's submittal. He conveyed that Robin (Anuhea) Victorino does not qualify as a 50% blood quantum, native Hawaiian. However, he spoke with Robin's mother, Anuhea Nahalea, explaining that the only way Robin would receive the lease would be for her (Nahalea) to surrender her lease, obtain the lease from Denise Mahi, then transfer to daughter Robin Victorino, who would then qualify as a 25% qualified successor. Since Anuhea Nahalea was not assured that her lease in Keaukaha would be returned to her, she decided against it. According to L. Hao, this is a long-standing issue which has not been rectified since 1984. At one point, Denise Mahi considered transferring the lease to Anuhea Victorino, however, it was never filed in court. Today, Denise Mahi is seeking to return the lease to the department with an opportunity to be compensated from the sale of the home.

Commissioner Hopkins noted that the decedent Damien Kuamoo filled out a request to transfer the lease to his sister Miriam, although it was never finalized. Robin Victorino maintained that there was a sale; however, the department cannot validate it. These types of money exchanges do not fall under the purview of the commission and should be designated a civil matter. He agreed with the department to deny the request. Commissioner Kahikina said he sees the inconsistencies as it relates to another similar situation on Oahu.

MOTION/ACTION

Moved by Commissioner Hopkins, seconded by Commissioner Kahikina, to adjourn to executive session to consult further with counsel on this matter. Motion carried unanimously.

ACTION

Motion carried unanimously.

RECESS 1:23 p.m.

EXECUTIVE SESSION

The Commission convened in executive meeting pursuant to Section 92-5 (a)(4) HRS, to consult with its legal counsel on questions and issues pertaining to the commission's powers, duties, privileges, immunities, and liabilities on the above-mentioned item.

RECONVENE 1:51 p.m.

AMENDED MOTION/ACTION

Moved by Commissioner Hopkins, seconded by Commissioner Kahikina, to continue the regular meeting and to defer Item No. D-15 until December 2013. Motion carried unanimously.

F – LAND MANAGEMENT DIVISION

ITEM NO: F-1

SUBJECT: Approval to Issue License to Panaewa Hawaiian Home Lands Community Association, Panaewa, Hawaii

RECOMMENDATION

Income Property Branch Manager Kahana Albinio recommended approval to issuance of a 30-year license to Panaewa Hawaiian Home Lands Community Association (PHHLCA), in Panaewa, Hawaii. K. Albinio noted that License No. 365 was cancelled in September due to it being a co-licensee where one of the parties, Hoala, Inc., fell to the wayside and was no longer in operation. In establishing the Kamoleau Laulima Resource Community Center (Kamoleau) project, PHHLCA expressed a desire to re-acquire the license. The NAHASDA (Native American Housing Assistance and Self-Determination Act) team was able to assist in acquiring funds for this resource center and Kamoleau expressed a desire to continue the project and its partnership with the University of Hawaii Hilo.

MOTION

Moved by Commissioner Ishibashi and seconded by Commissioner Kahikina.

DISCUSSION

PHHLCA President, Bill Brown, expressed his thoughts and he is hopeful that this will prove to be a good relationship between PHHLCA and the department. He is pleased that the project will continue on the same, designated 12-acre parcel.

ACTION

Motion carried unanimously.

ITEM NO: F-2

SUBJECT: Status Update – Anahola Solar Project, Anahola, Kauai

MOTION/ACTION

STATE OF HAWAI'I

DEPARTMENT OF HAWAIIAN HOME LANDS

May 19, 2014

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator
Homestead Services Division

FROM: Louis Hao, Acting District Officer Supervisor
Department of Hawaiian Home Lands

SUBJECT: Request to Schedule Contested Case Hearing -
DENISE ROSEHILL-MAHI, Department of Hawaiian Home
Lands Residential Lot Lease No. 1891, Waiakea, Hawaii

RECOMMENDED MOTION/ACTION

Deny petitioner Robin Victorino's (Robin) request for a hearing to contest the successorship to State of Hawaii, Department of Hawaiian Home Lands Residential Lot Lease No. 1891 (Lease).

DISCUSSION

Brief Background:

Decedent Damien Kuamoo (Damien) acquired the leasehold interest under the Lease in July 1983.

Damien submitted a request to transfer his leasehold interest to his sister, and Robin's mother, Miriam Kuamoo (Miriam), in July 1984. There is no indication on the transfer request form that the transfer involved a sale. Department of Hawaiian Home Lands (DHHL) staff prepared the leasehold transfer document, but received no response from Damien to DHHL staff's May 1988 and February 1989 written requests to execute the transfer document. Damien passed away in August 1993 without signing the transfer document.

Damien's leasehold interest was transferred to Elizabeth Kuamoo (Elizabeth), his surviving spouse, pursuant to his October 1982 designation of successor. Elizabeth transferred her leasehold interest to her sister, and current lessee, Denise Rosehill-Mahi (Denise), in April 2000.

The DHHL held contested case hearing proceedings against Denise in September 2007 because she was not occupying the homestead. Denise admitted she was not occupying the homestead and agreed to initiate court proceedings to remove the occupants from the home.

Robin's sister submitted an affidavit to the DHHL in 1998 and a request to address the HHC regarding the alleged purchase in 2008. The DHHL responded that the family must request a contested case hearing. There is no record of a request for contested case hearing in response to this correspondence.

Denise filed an ejectment complaint with the circuit court in April 2008. The DHHL was not a party to the action. Denise, Robin and the DHHL signed a mediation agreement in December 2009 in which Robin would pay Denise \$39,000 in monthly installments and execute a mortgage and note. In return, Denise would add Robin as a cotenant to the Lease. It does not appear that the agreement was filed with the court. The court action was dismissed in July 2013. As of the date of this submittal, Denise is the sole lessee under the Lease.

The Chairman, HHC, approved Denise's Notice of Surrender of Lease in September 2012, but the approval has not yet been ratified by the HHC. Denise cited her inability to occupy the homestead as the reason she was surrendering the Lease. The DHHL staff has not been able to move forward with the surrender as the home is currently occupied. To the best of the DHHL's information and belief, Robin is occupying the homestead.

Robin believes that the leasehold interest should have been transferred to Miriam in 1984. A copy of the request for a hearing is attached hereto as Exhibit A.

Department's Investigation and Findings:

A copy of the Department's report of investigation is attached hereto as Exhibit B.

Relevant Administrative Rules

Section 10-2-16(c)(3), Hawaii Administrative Rules (HAR), states, in pertinent part:

Subject to the provisions of section 10-2-17, the chairman may...(3) Accept surrenders of homestead leases; and

Section 10-2-17, HAR, states:

The chairman shall report to the commission for ratification of any actions taken as permitted under section 10-2-16(c).

Section 10-5-31, HAR, states, in pertinent part:

(a) Any person...may request a contested case hearing and shall have the right and full opportunity to assert a claim provided that the claim is based on a law or rule over which the commission has jurisdiction...(d) It is the policy of the commission not to initiate proceedings where the matters complained of involve a private controversy redressable in the courts and where the public interest is not involved, or where it is clear on the face of the complaint that there has been no violation of the law or any rule of the commission. (ellipses added)

Section 10-5-32(a), HAR, states:

(a) The commission shall hold a contested case hearing whenever it finds that: (1) Such a hearing is required by Chapter 91, HRS; (2) There is a reason to believe that a law or rule of the commission has been violated; (3) Such a hearing would be in the best interest of one or more of the beneficiaries of the act; and (4) A proceeding by the commission would be in the interest of the department. (emphasis added)

This item was originally submitted the Hawaiian Homes Commission at its' November 2013 meeting but was deferred for further documentation. At issue was whether Damien and Elizabeth were legally married at the time of Damien's death in August of 1993. The Department obtained a copy of Damien and Elizabeth's marriage certificate reflecting a date of marriage as May 9, 1988.

Department's Recommendation:

The Department once again respectfully recommends that this request be denied for a hearing because:

1. The allegations involve a private controversy redressable in the courts;
2. There has been no violation of a law or rule of the commission; and
3. It has been verified that Elizabeth Kuamoo was indeed wedded to Damien Kuamoo at the time of his death. As such, she was legally qualified to succeed to his lease as his spouse.

ITEM D-14 Request to Schedule Contested Case Hearing – Denise Rosehill-Mahi, Lease No. 1891, Waiakea, Hawai‘i

RECOMMENDED MOTION/ACTION

Acting HSD Administrator Dean Oshiro recommended the following:

Motion to deny petitioner Robin Victorino's (Robin) request for a hearing to contest the successorship to State of Hawaii, Department of Hawaiian Home Lands Residential Lot Lease No. 1891 (Lease).

MOTION

Moved by Commissioner Hopkins, seconded by Commissioner Canto.

DISCUSSION

The Department once again respectfully recommends that this request be denied for a hearing because:

1. The allegations involve a private controversy redressable in the courts;
2. There has been no violation of a law or rule of the Commission; and
3. It has been verified that Elizabeth Kuamoo was indeed wedded to Damien Kuamoo at the time of his death. As such, she was legally qualified to succeed to his lease as his spouse.

MOTION/ACTION

Moved by Commissioner Hopkins, seconded by Commissioner Davis, to convene in executive session pursuant to HRS 92-5 (a) (4). Motion carried unanimously.

EXECUTIVE SESSION IN 1:25 p.m.

EXECUTIVE SESSION OUT 1:45 p.m.

After consulting with counsel, the Chairman called for a vote to deny petitioner Robin Victorino's request for a hearing to contest the Successorship to Residential Lot Lease No. 1891.

ACTION


Motion carried unanimously to deny petitioner Robin Victorino a request for a hearing on Residential Lot Lease No. 1891.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
April 15 & 16, 2019
Kalamaula Molokai

E-ITEMS
LAND DEVELOPMENT DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

To: Chairman and Members, Hawaiian Homes Commission
From: Stewart Matsunaga, Acting LDD Administrator 
Subject: Molokai Island Capital Improvement Project Updates

RECOMMENDED MOTION/ACTION:

For information only

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
April 15 & 16, 2019
Kalamaula Molokai

F-ITEMS
LAND MANAGEMENT DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15-16, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division *VA*

Subject: Annual Renewal of Right of Entry Permit(s), Moloka'i Island

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approves the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all Moloka'i Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the Moloka'i Island Map Exhibit "A-1" that are in compliance and issued temporary approvals, as of May 1, 2019.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than April 30, 2019 or at the next scheduled HHC meeting on Moloka'i island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Moloka'i Island ROE permit(s) only, which shall effectively expire on April 30, 2019. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits on Moloka'i Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total Moloka'i Island land inventory covers approximately 25,900.0 acres¹ or 13% of DHHL's statewide inventory. The short-term disposition(s) cover approximately 9,980.0 acres or 39% of its inventory.

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant.

¹ DHHL Moloka'i Island Plan, June 2005

Permittees are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions.

The table below reflects the revenue generated from ROE permit(s) on Moloka'i Island, which is approximately 1.0% (\$16,335) of the ROE total revenues (\$2,803,945) that DHHL receives statewide. Moloka'i Island holds 8 of the 145 ROE permits Statewide which are used for various purposes outside of industrial/commercial use. Land Management Division (LMD) proposes an average increased rent of 4% to permittees whose land use is designated for commercial/industrial purposes.

FY 2018		Total	FY 2019		Total
Agriculture	\$2,353	2	Agriculture	\$0	2
Caretaker/Landscape	\$0	-	Caretaker/Landscape	\$0	-
Commercial	\$2,520	1	Commercial	\$0	1
Community	\$1,440	2	Community	\$0	2
Industrial	\$0	-	Industrial	\$0	-
Office	\$7,478	1	Office	\$0	1
Pastoral	\$2,640	2	Pastoral	\$0	2
Preservation	\$0	-	Preservation	\$0	-
Recreation	\$0	-	Recreation	\$3	-
Research	\$0	-	Research	\$0	-
Stabling	\$0	-	Stabling	\$0	-
	\$16,431	8		\$16,431	8

According to research done by Colliers International, (See Exhibit "B") "the Oahu Industrial vacancy rate will likely remain near 2.0%... during the past year, the Oahu direct weighted average asking base rent declined from \$1.30 per square foot per month ("psf/mo") to \$1.21 psf/mo. The 6.9% drop in asking base rents have been affectionately labeled "Bottom of the Barrel Syndrome" and reflects the prevalence of below-market, poor quality spaces that drive the average asking rent down." In light of this research, LMD respectfully recommends maintaining its current rental rates without any increase.

For FY 2018, renewals for the 8 Right of Entry Permits located on Moloka'i Island total annual rent revenue of \$16,431 as referenced in the table above. Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.

AUTHORITY / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a "permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one year periods."

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated.

RIGHT OF ENTRY PERMITS

TYPE	ISLAND	ACRE	NO.	USE	PERMITTEE/ADDRESS	LOCATION	TMK	Date Started	Current Fees, All Right of Entry Permits
ROE	MOLOKAI	30.000	499	Agricultural	Monsanto Hawaii, P. O. Box 40, Kaunakakai, Hawaii 96748	Palaau	(2) 5-2-011:033	8/1/1984	\$2,352
ROE	MOLOKAI	35.000	501	Agricultural	Harry K. Purdy, III and Marlene K. Purdy, P. O. Box 84, Hoolehua, Hawaii 96729	Hoolehua	(2) 5-2-007:079 and 080	4/1/2000	\$1
ROE	MOLOKAI	0.860	498	Commercial	Patricio Jr. & Cora Sanchez dba Kalamaula Motors, P. O. Box 694, Kaunakakai, Hawaii 96748	Kalamaula	(2) 5-2-008:107	8/1/1977	\$2,424
ROE	MOLOKAI	0.975	504	Community	Molokai Humane Society, P. O. Box 1258, Kaunakakai, Hawaii 96748	Ho'olehua-Pala'au	(2) 5-25-004:052	7/1/2007	\$1,200
ROE	MOLOKAI	0.490	507	Community	Ahupua'a o Molokai, P. O. Box 159, Hoolehua, Hawaii 96729	Hoolehua	(2) 5-2-030:007	9/1/2003	\$240
ROE	MOLOKAI	0.036	502	Office	Partners In Development Foundation, 2020 Bachelot Street, Honolulu, Hawaii 96817	Hoolehua	(2) 5-2-015:053(P)	4/1/2005	\$7,478
ROE	MOLOKAI	9370.000	500	Pastoral	Molokai Homestead Livestock Association, P. O. Box 1616, Kaunakakai, Hawaii 96748	Kalamaula	(2) 5-2-010:001(P) & (2) 5-4-003	5/1/1995	\$240
ROE	MOLOKAI	542.500	503	Pastoral	Desmond & Christy Manaba, HC-1 Box 479, Kaunakakai, Molokai 96748	Hoolehua-Palaau	(2) 5-2-001:004 & (2) 5-2-001:030(P)	4/1/2007	\$2,400
TOTALS		8	9980						\$16,335

Denotes Beneficiary

Exhibit "A"

Item No. F-1



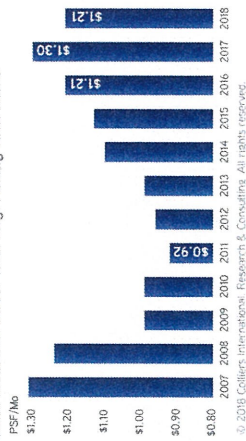
Market Summary

Mike Hamasu Director of Research | Hawaii

- > At the end of 2018, the industrial market posted its second consecutive year of occupancy losses. Despite the disconcerting 225,000 square feet of occupancy lost during this 2-year period, the dynamics of Oahu's industrial market remain virtually unchanged.
- > Oahu remained one of the lightest industrial markets in the country, even as vacancy rates rose above 2.0% for the first time in four years.
- > During the past year, the number of small listings (under 4,000 square feet) declined from 124 to 99, a sizeable 20% drop. Although some industrial tenants have found homes, the meager supply of available space posed a challenge for businesses on the prowl.
- > The economists at the state Department of Business Economic Development and Tourism forecast that the construction sector should remain healthy. Additional large scale projects planned for 2019 (i.e. Hooipali and Koa Ridge) will hopefully replenish the construction pipeline.

- > During the past year, the Oahu direct weighted average asking base rent declined from \$1.30 per square foot per month ("psf/mo") to \$1.21 psf/mo. The 6.9% drop in asking base rents have been affectionately labeled "Bottom of the Barrel Syndrome" and reflects the prevalence of below-market, poor quality spaces that drive the average asking rent down.
- > Fortunately, speculative development has begun, but the challenging leasing environment will continue to exist until development can satiate this demand. For 2019, Colliers forecasts that vacancy rates will likely remain near 2.0%.

Oahu Industrial Direct Wtd. Avg. Asking NNN Rents



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Market Indicators

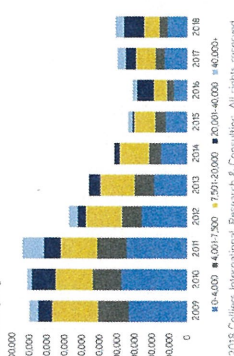
Relative to prior quarter

- 3Q2018 vs. 4Q2017
- ASSETION
- VACANCY RATE
- RENTAL RATES
- CONSTRUCTION

Summary Statistics

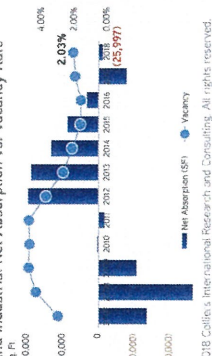
- 4Q YTD 2018 Net Absorption
- Vacancy Rate
- Direct Weighted Average Asking Rent
- Average Operating Expense

Total Square Footage of Available Listings by Size Category



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Oahu Industrial Net Absorption vs. Vacancy Rate



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4th QUARTER 2018 Oahu Industrial Market Statistics

INDUSTRIAL MARKET - BY SUBMARKET AREA

	NO. OF BUILDINGS	BUILDING AREA (SF)	TENURE	AVAILABLE SPACE (SF)	4Q2018 NET ABSORPTION (SF)	YTD NET ABSORPTION (SF)	VACANCY RATE	DIRECT WTD AVG. ASKING RENT (PSF/MO)	AVG. NET OP. EXP. (PSF/MO)
HONOLULU									
Twins	97	2,355,935	Fee Simple	58,205	1,268	13,756	2.71%	\$1.29	\$0.54
Kalihi	707	9,612,549	Fee Simple	261,965	(48,811)	(507,944)	2.73%	\$1.05	\$0.42
Sand Island	74	663,005	Leasehold	0	1,125	5,097	0.00%	\$1.40	\$0.33
Muananua	107	4,214,301	Leasehold	28,429	(72,290)	(99,923)	0.57%	\$1.20	\$0.20
Aiea	125	4,641,933	Fee Simple	29,520	(12,250)	(21,520)	0.64%	\$1.08	\$0.28
Total Honolulu	1,110	21,487,723		378,119	(59,327)	(467,384)	1.6%	\$1.10	\$0.41
CENTRAL OAHU									
Soanawale	20	801,460	Leasehold	0	0	0	0.00%	\$1.25	\$0.38
Haleakala	84	2,119,361	Leasehold	13,172	16,833	21,758	0.56%	\$1.15	\$0.53
Pearl City/Ala	32	1,053,562	Fee Simple	4,322	(7,443)	(18,631)	2.60%	\$1.33	\$0.51
Pearl City Industrial Park**	47	1,778,759	Fee Simple	16,770	17,345	2,380	2.00%	\$1.18	\$0.36
Century Business Park	37	443,120	Fee Simple	6,570	8,594	35,616	0.00%	\$1.19	\$0.47
Wahiawa	128	2,722,540	Fee Simple	21,281	11,900	3,075	0.78%	\$1.24	\$0.40
Total Central Oahu	281	10,893,114		103,005	52,479	38,009	0.95%	\$1.25	\$0.46
WEST OAHU									
Campbell Industrial Park	121	4,960,296	Fee Simple	122,948	(23,447)	(51,809)	2.45%	\$1.26	\$0.24
Capitol Business Park	53	1,561,058	Fee Simple	163,559	(79,758)	(102,263)	16.46%	\$1.24	\$0.49
Mauiwai Industrial Park	3	177,000	Fee Simple	0	0	0	0.00%	\$1.26	\$0.24
Kona Industrial Park	12	70,680	Fee Simple	0	0	0	0.00%	\$1.26	\$0.24
Kalaheo Industrial	5	47,137	Fee Simple	0	0	0	0.00%	\$1.26	\$0.24
Total Kapiolani	214	6,856,171		286,507	(53,465)	(62,072)	4.15%	\$1.25	\$0.30
KAHOLA									
Kapala Industrial ***	61	377,381	Fee Simple	39,902	(9,223)	(74,771)	6.91%	\$1.87	\$0.31
Kahala	42	611,076	Fee Simple	14,221	(6,000)	(7,407)	2.33%	\$0.95	\$0.78
Total Kahala	103	1,188,457		54,123	(15,223)	(82,178)	4.95%	\$1.63	\$0.43
OAHU TOTALS	1,788	40,455,465		821,764	(25,729)	(67,370)	2.05%	\$1.21	\$0.40

** Weighted average rents are calculated on a 12-month basis, or more if more than one year is provided. ** Weighted average rents are calculated on a 12-month basis, or more if more than one year is provided. ** Weighted average rents are calculated on a 12-month basis, or more if more than one year is provided.

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TERMS AND DEFINITIONS

- > INVENTORY - Industrial buildings greater than 2500 square feet located on the island of Oahu, exclusive of owner-occupied and single-tenant buildings.
- > TOTAL SQUARE FEET - All available industrial space exclusive of common areas, yard space and fire escapes.
- > VACANT SPACE - Industrial space that is not occupied by a tenant. This includes subleased space that is unoccupied.
- > VACANCY RATE - The ratio of vacant space divided by the total industrial inventory square footage.
- > NET ABSORPTION - The net change in occupied space over a period of time. Year-to-date net absorption is the difference between gross absorption and gross vacancy.
- > DIRECT WEIGHTED AVERAGE ASKING RENT (NNN) - The ratio of aggregate landlord asking rents divided by the total available space within a specific geography.
- > AVERAGE OPERATING NET EXPENSE - The average rate of tenant expenses such as building utilities, management fees, janitorial, security, insurance, and property taxes and insurance within a specific geography.
- > NNN RENTS - Rents exclusive of building operating expenses.

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EXHIBIT "B" Item No. F-1

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
April 15 & 16, 2019
Kalamaula Molokai

G-ITEMS
PLANNING PROGRAM DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15-16, 2019

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew Choy, Acting Planning Program Manager
From: Julie-Ann Cachola, Planner 
Subject: G-1 Acceptance of the Beneficiary Consultation Report
for the Kahikinui Moa'e Kū Wind Energy Project Proposed
by Sempra Renewables USA LLC, at Kahikinui, Maui, TMK
(2) 1-9-001:003 (portion)

RECOMMENDED ACTION

That the Hawaiian Homes Commission (HHC) accept this report as the official record of the information disseminated to beneficiaries on the Kahikinui Wind Energy Project and beneficiary questions, comments, and concerns raised in response.

DISCUSSION

Introduction

In December 2018, DHHL issued a solicitation for renewable energy projects at Kahikinui, Maui. In January 2019, two competitive proposals were submitted for Kahikinui. The proposals were evaluated and scored. The top ranked project was a wind energy project proposed by Sempra Renewables, USA LLC (Sempra).

Following the selection of a renewable energy developer, the Planning Office conducted a Beneficiary Consultation meeting at the Kula Community Center where DHHL and Sempra presented background information and details about Sempra's proposed project at Kahikinui. Beneficiaries shared their concerns and raised questions which were answered by Sempra or DHHL. This submittal provides a record of that beneficiary consultation meeting.

Notification

On March 4, 2019 DHHL mailed invitation letters (**Exhibit A**) to 381 Lessees and Applicants that reside in the Kula zipcode (96790) area, which is the area where the proposed project is located. The letter invited beneficiaries to attend a beneficiary consultation meeting at the Kula Community Center on

Tuesday, March 19, 2019 from 6:00 p.m. to 8:00 p.m. to get information and provide comments on Semptra's Proposed Wind Energy Project at Kahikinui.

Beneficiary Consultation Meeting

Nineteen (19) beneficiaries participated in the consultation meeting and one (1) beneficiary emailed written comments (**Exhibit B**). Two (2) Semptra Representatives and four (4) DHHL staff from the Maui District Office, the Land Management Division, and the Planning Office were also present. All attendees received an informational handout (**Exhibit C**) and a blank sheet for comments.

*Purpose of
the Meeting*

The Department's presenter, Julie-Ann Cachola, from DHHL's Planning Office made introductions and explained that purpose of the beneficiary consultation meeting, was to provide beneficiaries with information on the proposed project, to answer their questions and to record their concerns. More specifically, the meeting was to:

1. Provide background information about Kahikinui and renewable energy:
 - Why was a wind energy project being proposed at Kahikinui?
 - Why was DHHL getting involved in renewable energy at this time?
2. Provide Semptra the opportunity to present their proposed Kahikinui wind project to beneficiaries who reside in the area.
3. Provide beneficiaries the opportunity to ask questions and articulate their concerns directly to Semptra.
4. Explain upcoming activities and next steps related to the project.

*About
Kahikinui*

Relevant background information on Kahikinui was presented:

1. Kahikinui is the only moku in DHHL's land inventory, comprised of 8 ahupua'a, from Auwahi to Manawainui.
2. DHHL lands comprise 7 of the 8 ahupua'a, totaling 23,000 acres, which constitute 75% of all DHHL lands on Maui.
3. In 1999, 75 Pastoral Kuleana Leases were awarded, the first of its kind. A handful of lessees have settled on the land, built their own homes and remain completely off-grid.
4. Separate maps depicting Wind Speed and Wind Power Density confirm that there is a tremendous wind energy resource on DHHL lands at Kahikinui.

*The Wind
Resource*

Relevant background information on renewable energy was also presented:

*The Demand
for
Renewable
Energy*

1. The State Legislature establishes Renewable Portfolio Standards (RPS) which requires a specified percentage of the electricity that utilities sell that must come from renewable energy resources. By the year 2020, the utility needs to produce at least 30% of its electricity from renewable energy resources.
2. In its 2017-2018 Sustainability Report, the Hawaiian Electric Company reported that they were on-track to meet the 2020 RPS as they are already producing 26.8% of its electricity with renewable energy resources.
3. In 2015, the State Legislature established the Renewable Portfolio Standard of 100% by the year 2045. This means that by the year 2045, 100% of the electricity the utilities sell must be produced using renewable energy resources. This was a game-changing, landmark decision that created a huge demand for renewable energy projects across the State.

*DHHL's
interest in
Renewable
Energy at
Kahikinui*

There is a confluence of factors that have led to DHHL's interest in developing renewable energy at Kahikinui:

1. Wind energy is a renewable resource that produces clean energy. Energy generation from wind produces no toxic emissions; no heat-trapping emissions that contribute to global climate change.
2. With the goal of 100% renewable energy by 2045, there is a need and demand for renewable energy development.
3. Kahikinui has tremendous wind resources.
4. There are ample vacant lands at Kahikinui.
5. Wind turbines can coexist with other land uses.
6. The development of wind turbines at Kahikinui could provide secured roads that facilitate makai access for Kahikinui lessees.
7. The Homestead community has many community projects that could benefit from additional financial support.
8. The Homestead Association, Ka 'Ohana o Kahikinui, supports the project.

*Complex
Processes*

In spite of these compelling reasons to support renewable energy at Kahikinui, the presenter cautioned that in reality, engaging in renewable energy development involves complex and independent processes, including:

1. HECO's Request for Proposals (RFP) requirements
2. DHHL's requirements to lease land for renewable energy
3. DHHL's long-term land disposition requirements
4. Developer financing
5. Government tax credits

<i>Major Players</i>	To further illustrate the complexity involved in developing renewable energy, the presenter identified three (3) entities and their respective interests.
<i>The Utility</i>	1. The utility (HECO) controls the market because they are the only entity that will buy power from the renewable energy producers. Their goal is to purchase renewable energy at a low, fixed price.
<i>Energy Producers</i>	2. Renewable energy producers have the technology to produce renewable energy, but they need the energy resource and they need the utility to buy the energy they produce. They need exclusive access to an abundant renewable energy resource, which means that they need developable land in the right location. In order to utilize their technology, they need to secure a PPA from HECO.
<i>Landowners</i>	3. Large landowners can give energy producers the site control they require. Landowners are looking for a viable energy producer that will give them a high lease rent while still remaining competitively priced to ensure that it is selected by HECO for a PPA.
<i>Private Lands</i>	Private landowners can be flexible. They can render decisions and respond quickly to accommodate the needs of the renewable energy producer.
<i>Public Lands</i>	For Public landowners, like DHHL, land decisions are made by a Board or Commission, governed by statutes and rules that mandate a competitive, transparent, and public process that requires more time to complete.
	In consideration of all the requirements that must be completed before DHHL issues a long-term General Lease, we decided to start our process earlier. It is DHHL's goal to complete the requirements to award a land disposition before HECO releases its Phase 2 RFP sometime in May or June 2019.
<i>Sempra's Next Steps</i>	The presenter outlined the work that still needs to be completed to develop the project. Sempra needs time on the land to do their due diligence studies. They need at least 1-year of wind data; they need to understand the terrain, historic sites, etc. They need accurate site data to develop accurate cost estimates so they can offer a more competitive bid to HECO. Sempra needs to secure a PPA from HECO and before the long-term General Lease is executed, Sempra needs to complete the Chapter 343, environmental review process.

DHHL's Next
Step

DHHL and the HHC must negotiate final terms of the land disposition. When completed, DHHL can conduct the required Public Hearings (2 required) and the HHC can convene in Maui to consider approval of the land disposition. The long-term General Lease can only be executed upon the completion of an Environmental Assessment and Finding of No Significant Impact (FONSI).

Sempra's
Presentation

At this point in the meeting, DHHL invited Sean Wazlaw, Project Development Manager for Sempra Renewables, to present their proposed Wind Energy Project at Kahikinui.

Conceptual
Alignment
Alternatives

SEMPRA'S KAHIKINUI WIND ENERGY PROJECT: CONCEPTUAL SITE LAYOUT



- | | |
|--------------------|---------------------------------|
| ● Kahikinui Layout | — Overhead Collector --Option A |
| ● Existing Auwahi | — Overhead Collector --Option B |
| ● Auwahi 2 Layout | — Kahikinui Property Lines |
| — Pi'ilani Highway | |

Sempra's representative referred to the Conceptual Site Map as he discussed the location of the project. He explained that the project is proposed in area makai of Pi'ilani Highway, toward the eastern side of the parcel. He said that there needs to be some distance between the new

turbines and the existing turbines so that the new turbines do not block the wind. He added that the terrain on the Eastern part of the parcel looks easier to develop. In order to get the power to MECO, Sempra would tie-in to the existing line at Auwahi which is a distance of 4-miles. He shared that some people want the project to go mauka of Pi'ilani Highway because it could provide a fire break buffer. Sean emphasized that nothing is finalized and he welcomed continued discussion on the siting and alignment of the turbines.

*Immediate
Need for Due
Diligence
Studies*

Sean explained that his immediate need is to get on the land to start the due diligence studies, which requires the ROE agreement. He needs at least one-year of wind data which will require construction of 2 meteorological evaluation towers (MET), under 200-feet that would measure attributes of climate and weather, including wind speed. He also needs an archaeology study and geotechnical studies which will help to determine if the project is feasible.

Sean explained that if the studies are not completed in time for HECO's Phase 2 RFP, or if the project is not chosen for a PPA by HECO, he would continue to pursue the project. He noted that MECO's energy plans call for 60MW of renewable energy. The Auwahi Project already produces 30MW; the Kahikinui project would add another 30MW allowing MECO to meet all of its renewable energy needs.

Summary of Beneficiary Comments and Questions

Consultation meetings with beneficiaries provide valuable insight and information on the issues that the developer and the Department should address. With conventional development projects, this kind of insight often comes too late in the planning and

development process when plans have been drawn and there is no room for adjustments. By consulting with our beneficiaries early in the process, issues can be identified and addressed in due diligence studies. This section of the report provides a summary of beneficiary concerns raised during the meeting. **Exhibit D** is a complete record of beneficiary comments, questions, and DHHL and Sempra responses to the questions. For ease of use, the comments in Exhibit D are grouped by subject/topic area.

1. The Community Benefits financial offer needs to be increased.

The people who live in Kahikinui are giving up their land for the general public. We need to see a higher rate of return. A one-time payment of \$500,000 is not going to help us with everything we need. We would rather have a percentage of revenue over time.

2. Financial benefits for the community should start at the same time the Department starts to receive funds.

The Department starts generating revenue from the signing of the ROE, but the community benefit comes years later—if all of the requirements and approvals are met—if they get a PPA and only when they actually start producing energy. Community benefits should start at the same time the Department starts to receive leaseunds.

3. Identification and mitigation of health effects created by artificial magnetic fields, infrasound, subsonic rays, and microwave transmitters that come from the wind turbines

Beneficiaries engaged in a lengthy discussion about the effect of artificial magnetic fields, infrasound, subsonic rays, and microwave transmitters on individual and family health. The beneficiary that raised this issue, stated that, while most people believe that wind turbines are non-polluting, in some communities, wind turbines are making people sick. He stated that Auwahi is putting out an artificial electromagnetic field and sub-sonic rays which affects health.

When Sempra was asked if they had conducted any studies on the effect of artificial magnetic fields, infrasound, subsonic rays and microwave transmitters on individual and community health, Sempra stated that they have not. Sean noted that these studies should be conducted by a neutral third-party. He stated that there is a lot of information on the internet. Another beneficiary confirmed that there's a lot out there, but none of it is scientifically sound, it is just people talking about it.

4. The location of the wind turbines needs to be carefully considered, because it affects the alignment of the electric transmission lines which impact other issues, including:

- a. Wildfire Suppression Efforts: The power lines should be sited in a way that does not hinder wildfire suppression efforts. The overhead power lines would be right in the path where helicopters fly back and forth to bring seawater to the fire. The power lines should be sited away from the road so the big trucks can pass through. The fuel trucks come in and use Hale Pili as a staging area for the helicopters to re-fuel. The option further away from the road is preferred. We don't want the lines to be a hindrance to fire suppression, fire trucks, helicopters, or tankers.

Sean noted that some people have recommended that the wind turbines should be located mauka of Pi'ilani Highway because the road that connects the wind turbines could also serve as a fire break buffer.

- b. Flights of Bats/Seabirds: We have been losing bats because of these windmills. DLNR has actually increased the amount they are permitted to take (kill). I wanted to state for the record that there should be alternatives to avoid killing more bats. They have a sonic device that can keep the bats away from dangerous areas. It's not the bat's fault--the wind turbines are in their traveling space.
- c. Underground Electric Transmission Lines: Beneficiaries want Semptra to consider running the transmission lines underground wherever possible. Underground cables could mitigate against potential health impacts of tower emissions. It would decrease the taking of bats and seabirds, and would mitigate against the visual impacts of the project. Underground transmission lines would make the project more resilient -able to withstand high winds, fire and rain.

5. The 'Ohana lessees want to be able to use Semptra's road to access the makai lands and resources.

When the roads are completed and the towers are up, beneficiaries want assurances that the 'Ohana will still be able to use the roads. Sean confirmed that the area around the turbines will be for exclusive use. The roads are closed to the public, but could be used by the Kahikinui residents.

RECOMMENDATION:

Staff respectfully requests the Commission's approval of the Recommended Action.

EXHIBIT A

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
L.T. GOVERNOR
STATE OF HAWAII



JOBIE 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 96805

March 4, 2019

Aloha!

The Department of Hawaiian Home Lands (DHHL) is considering issuing a long-term General Lease to Semptra Renewables LLC to develop a 30-megawatt wind energy project at Kahikinui, makai of Pi'ilani Highway. We want to inform beneficiaries and get input on the proposed project. We are inviting all lessees and applicants who reside in the Kula (96790) zip code area to attend the scheduled Beneficiary Consultation meeting:

**BENEFICIARY CONSULTATION MEETING
ON SEMPRA'S PROPOSED KAHIKINUI WIND ENERGY PROJECT
KULA COMMUNITY CENTER
TUESDAY, MARCH 19, 2019
6:00 p.m. to 8:00 p.m.**

The Consultation meeting will clarify DHHL requirements for renewable energy development, including the process and timeframe involved in awarding a General Lease. Semptra representatives will explain their proposed wind energy project at Kahikinui. Most of the meeting will focus on responding to beneficiary questions and ensuring an accurate record of beneficiary comments. Written comments may also be submitted after the meeting, no later than Friday, April 5, 2019 via email to: dhhl.planning@hawaii.gov.

Staff will prepare a Beneficiary Consultation Report that will compile the input received and will submit the Report to the Hawaiian Homes Commission at its regular meeting in April 2019. In June 2019, two Public Hearings will be held to hear concerns from the General Public, including beneficiaries. The Commission can take action on Semptra's long-term General Lease upon completion of the Public Hearings. The steps leading up to the General Lease and requirements of the General Lease will be explained at the Beneficiary Consultation meeting.

For these reasons, I look forward to your participation at the Beneficiary Consultation meeting.

Aloha,

Jobie M.K. Masagatani
Chairman, Hawaiian Homes Commission

ITEM G-1, EXHIBIT A

EXHIBIT B

Beneficiary Consultation on Semptra's Wind Energy Project at Kahikinui

List of Beneficiary Participants

1	Barbara	Baisa
2	Kaleo	Cullen
3	Kawika	Davidson
4	Charmaine	Day
5	Patrick	Day
6	Lance	De Silva
7	Kauai Awai	Dickson
8	Kekoa	Enomoto
9	Blossom	Feiteira
10	C. Mikahala	Kermabon
11	Chad	Newman
12	Lisa	Pahukoa
13	Kaia	Pali
14	Allen Nainoa	Purdy, Sr.
15	Edword M.	Ramos
16	Ben	Rodrigues
17	J. Alohalani	Smith
18	Donna	Sterling
19/20	Cory and Kapeka	Vares

BENEFICIARY CONSULTATION ON SEMPRA'S PROPOSED KAHIKINUI MOA'E KŪ WIND PROJECT



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Beneficiary Consultation Meeting on Sempra's Proposed Kahikinui Moa'e Kū Wind Project

Kula Community Center
Tuesday, March 19, 2019
6:00 pm-8:00 pm

AGENDA

1. Welcome, Introductions, Purpose
2. Background Information
 - Kahikinui
 - Renewable Energy
 - Current Solicitation Process
3. Sempra's Kahikinui Moa'e Kū Wind Energy Project
4. Next Steps
5. Questions and Answers, Comments, Concerns

PURPOSE OF TONIGHT'S MEETING

1. Information on Kahikinui and Renewable Energy
 - Why/How is DHHL involved in Renewable Energy?
 - Why Kahikinui?
 - Why Now?
2. Information on Sempra's Kahikinui Moa'e Kū Wind Project Proposal
3. Beneficiary Comments, Concerns, Answer Questions
4. Next Steps:
 - How to Submit Comments
 - Deadline for Comments
 - Public Hearings in June

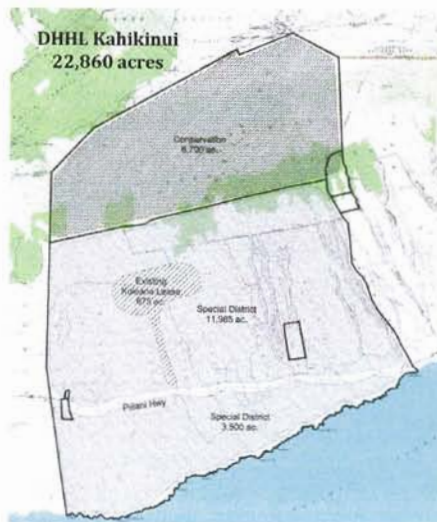
How to Submit Comments

1. You can present your comments tonight.
2. You can write your concerns down on the half-sheet blank and turn it into the staff at the registration table.
3. You can think about it and submit written comments later.
The deadline for comments is Friday April 5, 2019 (2+ weeks)

Written comments can be:

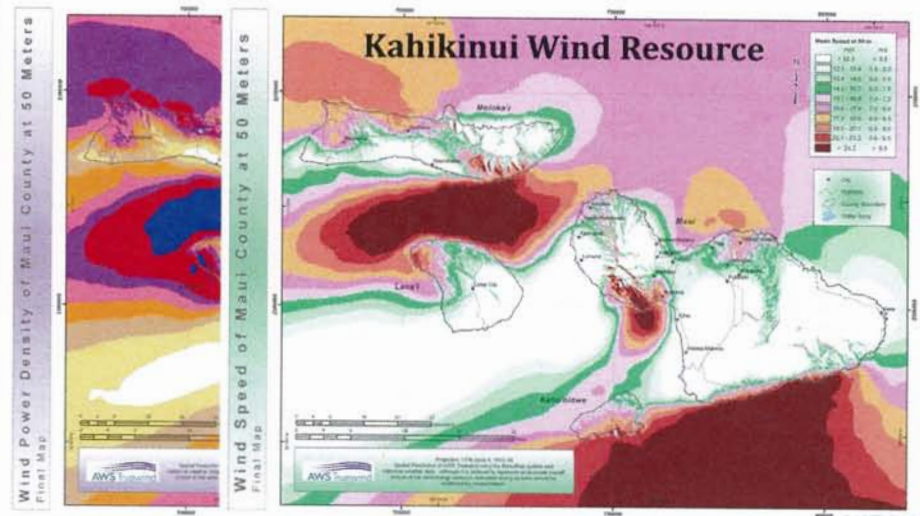
- Emailed to the Planning Office at: DHHL.Planning@hawaii.gov
- Mailed to: DHHL Planning Office
P.O. Box 1879
Honolulu, HI 96805

Info. on the 2019 solicitation: <http://dhhl.hawaii.gov/procurement/>



Kahikinui Moku

- Kahikinui, translated as "Great Tahiti" is thought to be where original Polynesians first came ashore in Hawai'i
- The Moku of Kahikinui is comprised of 8 ahupua'a (Auwahi to Manawainui)
- DHHL: 7 of 8 ahupua'a; 23,000 acres, 75% of DHHL lands on Maui; forest reserve
- 75 Pastoral Kuleana Leases were awarded in 1999; first of its kind; off-grid
- 'Āina Malo'o dryland cultivation; untouched by plantation agriculture and urbanization, archaeological sites are largely intact.
- Majority of land in the Special District.



How Do We Get On-Board?

- Complex and Independent Processes:
 - HECO's RFP for Renewable Energy
 - DHHL's Process to Lease Land for Renewable Energy Development
 - DHHL's Normal Land Disposition
 - Developer's financing, tax credits
- Long-Term
 - Institutional memory—accountability
- Build Supportive Relationships

MAJOR PLAYERS	ROLE/FUNCTION
1. The Utility -HECO, MECO, HELCO • Secure renewable energy resource • Fixed price	• Goal: secure Power Purchase Agreements (PPAs)— the producer agrees to produce the energy and the utility agrees to buy it at a certain rate. • Process: [11-months] <ol style="list-style-type: none"> 1. HECO releases RFP 2. Renewable Energy producers submit proposals. 3. HECO selects short list of companies 4. Companies make Best and Final Offer 5. HECO negotiates PPA 6. PPA to PUC for approval • HECO Phase 2 RFPs: May/June 2019
2. Renewable Energy Producers • Long-term PPA • Land/Resource	• Plan, design, finance, construct, own, operate and maintain a renewable energy facility that generates and dispatches energy to HECO. • They need land for their facility • They need renewable energy resource
3. Large Landowners (private and public) • High Lease Rent • Without pricing out of the market	• Private landowner—can sell, lease or give land to any renewable energy producer • Public Landowner (State DHHL): General Lease lands for renewable energy development pursuant to Chapter 171-95.3, HRS. <ul style="list-style-type: none"> • Required to notify other renewable energy producers so they can submit a proposal. • Required to conduct 2 Public Hearings on Island • Action taken on the project must be on Island • Use of state lands require Chapter 343, HRS compliance (Environmental Assessment) **Our process requires more time—so we're trying to get in front of it.

WHAT HAVE WE DONE SO FAR?

- **HHC Approval for the 2018-2019 Solicitation Process**
- **Published a Solicitation for Renewable Energy Development Proposals for Kahikinui, Maui and Kalaeloa, O'ahu.**
- **Received Two (2) Applications to Develop Wind Energy at Kahikinui.**
- **A Committee Reviewed and Scored the Proposals.**
- ****Sempra Renewables LLC was selected****
- **Beneficiary Consultation Meeting.**

WHAT DO WE STILL HAVE TO DO?

- I. For Sempra to Develop the Project
 1. They need time on the land to do their studies.
 2. Accurate site information will provide more accurate cost estimates.
 3. The use of State lands require an EA/EIS which has to be completed before entering into a long-term land agreement.
 4. They need to get a PPA from HECO
- II. For DHHL to Lease the Land to Sempra
 1. Conduct 2 Public Hearings on Island - June
 2. Negotiate Final Terms of the Agreement
 3. Commission Approval on Island
- III. Approve Land Disposition
 1. Right-of-Entry (ROE): 2 years, option to extend (3) 1-year periods
 2. Date of Operation--General Lease for 25-years, option for 25-years

The Proposed Project

WHO:

- Semptra Renewables LLC
- Wholly-owned by Semptra Energy based in San Diego, California and ranked 280 on 2018 Fortune's top 500
- Same developer that owns the Auwahi wind farm on Ulupalakua Ranch land next to Kahikinui's west boundary

The Proposed Project

WHAT?

- Construction of the proposed 30MW Kahikinui Moa'e Ku Wind Project
- 8 to 15 wind turbine generators
- Each turbine generating between 2MW - 5MW of energy

WHY?

- MECO still requires 40MW in renewable energy and storage to meet its 2022 power needs

WHERE?

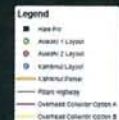
- Southeastern portion of DHHL land in Kahikinui region.

Kahikinui

Existing Auwahi
wind project

Approximate Project
Area Location

Preliminary Conceptual Site Layout



The Proposed Project

- **Exact location to be determined in due diligence and investigation period during ROE:**

- ✓ Wind analysis, including installing on-site monitoring equipment
- ✓ Environmental studies
- ✓ Engineering assessment, including drilling to evaluate soil and bedrock
- ✓ Cultural field studies to identify sensitive areas and sites to avoid

The Proposed Project

HOW MUCH LAND IS NEEDED?

- An estimated 100 acres to be used during construction and as buffer area
- Only 50 acres will ultimately be needed under the General Lease

WHEN?

- Due diligence and investigation period begins upon execution of ROE for two years
- Option to extend ROE for three one-year periods
- Project completion and operation by December 31, 2022
- Sempra requesting a 25-year lease term from date wind project can deliver energy to power grid
- Option to extend General Lease for another 25 years

The Proposed Project

-

The Proposed Project

-

NEXT STEPS

- Before April HHC Meeting Negotiate final ROE and General Lease terms
- April 15-16 HHC Meeting – Beneficiary Consultation Report Comments from tonight's meeting and written comments will be presented to the HHC
- June Conduct (2) Public Hearings on Maui (notices will be in the newspaper)
- June? Decision-making by HHC



EXHIBIT D
Beneficiary Consultation on Sempra's Kahikinui Wind Energy Project
Beneficiary Comments, Questions and Responses by Subject

The table below presents beneficiary questions and the responses provided by Sean Wazlaw, Project Development Manager representing Sempra, and Julie-Ann Cachola, Planner, representing DHHL. Beneficiary comments are also included. They are statements with no corresponding response. The table also includes written comments submitted after the consultation meeting. Comments are grouped by subject/topic area.

SUBJECT	QUESTION OR COMMENT	RESPONSE
Roads and Access	When the roads are completed and the towers are up, will the Ohana be able to use the roads?	Sempra: The area around the turbines will be for exclusive use; they will not be open for anyone to access. The roads could be used by the Kahikinui residents.
Roads and Access	Will the roads be open to the public?	Sempra: No the roads will not be open to the public.
Turbine Impact on Health	Have you done any studies on the effect of wind turbines on health--adverse health effects—for children and those over 50 years old? People are usually supportive of wind projects, but communities are getting sick. Auwahi is putting out an artificial electromagnetic field and sub-sonic rays which affects health.	Sempra: There are lots of information out there. Some studies show there are health effects and others show there are no health effects. We rely on 3 rd party reports, we don't have our own studies. There's no studies on the effect on animals.
Turbine Impact on Health	It's all about the adverse effects of sub-sonic energy. There are other areas in Hawaii that could be an example. It's the constant exposure that would affect the community. Eventually it will affect you.	
Turbine Impact on Health	The windfarms in Ka'u have had no adverse health effects and that project has been going on for 30 years.	
Turbine Impact on Health	Considering the health issues that are being raised, would underground wires lessen those effects?	
Turbine Impact on Health	Yes, it would lessen the impact of artificial magnetic fields. The magnetic fields alter our DNA. It would affect all biology.	
Turbine Impact on Health	I did some research too, but none of it is scientifically sound, it's just people talking about it.	Sempra: I have some articles I could send to DHHL.
Turbine Impact on Health)	Look up artificial magnetic fields and infrasound.	
Turbine Impact on Health	Are the turbines microwave transmitters? If you're downloading data, less than 200-feet, it must be microwave.	Sempra: I don't know, but the measuring device is on the tower.

SUBJECT	QUESTION OR COMMENT	RESPONSE
Need to Understand Impacts	One of the things that has been happening in the US, is that projects that were supposed to benefit indigenous people sometimes harm indigenous people. So it's good to hear that perspective. It's our kuleana to do this research so we don't hurt our keiki and mo'opuna. I support Sempra, but we still need to do our research. We need to keep our minds open and get the information that we need.	
Need to Understand Impacts	One of the things I do on the land I lease from Ulupalakua Ranch is health and wellness activities. I am concerned because I am downwind of the turbines.	
Need to Understand Impacts	People come up with their own conclusions of effect, it is not scientific. I have lived in Kahikinui and have experienced no ill effect from the existing windmills.	
Community Benefits	Can the Community benefits be a percentage of gross revenue. The people who live in Kahikinui are giving up land for the general public. We need to see a higher rate of return—a one time payment of \$500,000 is not going to help us on everything we need. We would rather have a percentage of revenue over time. In addition, the Dept starts generating revenue from the signing of the ROE, but the community benefit comes years later—if all of the requirements and approvals are met—if they get a PPA and only when they actually start producing energy. Community benefits should start at the same time the Department starts receiving funds.	It's really up to DHHL how they want to distribute revenues between DHHL and community benefits package.
Community Benefits	Panaewa, gets money from Kuhio Mall. Why would the money go to DHHL?	DHHL: The money Pana'ewa gets is a portion of their community benefits agreement. DHHL still gets lease rent. This is how we generate revenue.
Alignment Alternatives	The power lines should be sited in a way that doesn't hinder wildfire suppression efforts. The fires start mauka of the highway and go mauka. Keep in mind that the overhead power lines is right in the path where helicopters fly back and forth to bring seawater to the fire. The power lines should be sited away from the road so that big trucks can pass through. The fuel trucks come in and use Hale Pili as a staging area for the	Sempra does not want to create additional fire hazards. Mahalo for the comment.

SUBJECT	QUESTION OR COMMENT	RESPONSE
	helicopters to re-fuel. The option further away from the road is preferred. We don't want the lines to be a hindrance to fire suppression, fire trucks, helicopters, and tankers.	
Alignment Alternatives	The conceptual map may not be the final project? It may change?	Sempra: Yes it is conceptual and may change based on what we learn from the studies.
Alignment Alternatives	What is the yellow line on page 4? Are the purple line and yellow line options for overhead lines?	Sempra: The purple line and yellow show conceptual routes for power lines. The purple line stays makai of Pi'ilani and the yellow line goes mauka of Pi'ilani. Options also consider completely undergrounding the line or only portions of the line.
Alignment Alternatives	I didn't know we had telephone lines going to the Hale Pili. Sempra should get a mark-out of existing lines.	
Alignment Alternatives	When you tie in to Auwahi and if you're talking about providing a fire break, is an underground line an option?	Sempra: Yes we can look into it and identify costs. Or maybe there could be a portion that is underground. Underground is more expensive.
Impacts on Bats	I am in full support of Sempra's Project in Kahikinui but I have concerns about the Bats. It seems we have been losing bats for the sake of these windmills and DLNR has only increased the amount they are permitted to take (kill). I wanted to state this for the record that there should be alternatives to avoid killing more bats with even more windmills added. Have a sonic device that keeps the bats away from the area to avoid being killed as a preventative measure. You know the windmills are in their traveling space? It's not their fault for living. This is wrong yet DLNR continues to fail miserably in protecting and preserving our native species for the mighty dollar.	
Other Questions	How much land are you requesting?	Sempra: 100 acres during construction. The lease would only cover the roads and the turbine platforms, so in total, it would be 50-acres or less.
Other Questions	Have you ever had a bleed off of energy, where you produce too much electricity?.	Sempra: The turbines would break first. I invite you to come visit the site and do your own study.
Other Questions	What is the dollar amount for the most recent PPA?	Sempra: I do not know the most recent PPA for wind. MECO's PPA for a solar project with battery storage ranges from 78 cents to \$1.18.

SUBJECT	QUESTION OR COMMENT	RESPONSE
Other Questions	Are you just collecting data during the ROE? No emissions?	Sempra: Yes, we are collecting data on wind speed. There's no energy generation during the ROE. We put up 2 towers that have measurement devices toward the top of the tower.
Other Questions	How tall is the tower?	Sempra: The tower is supposed to be less than 200 feet. Any higher it would trigger FAA requirements.
Sempra	What do you do for Sempra Sean?	Sempra: I do everything up to the point of construction, which includes getting leasing agreements, and the PPA
Sempra	Where is Auwahi 2?	Sempra: It is immediately west of Auwahi 1
Sempra	What is the Auwahi 2 Project?	Sempra: Auwahi 2 is a solar project with battery storage
AEP's Purchase of Sempra	In the transition to the new owner, how can we ensure that they are going to do what Sempra agrees to do?	Sempra: All the agreements made between DHHL and Sempra will be transferred to AEP. All of the terms will be in the lease and ROE.
AEP's Purchase of Sempra	It is important for AEP employees to have the training to take over for Sempra.	Sempra: AEP has offered everyone in Sempra's San Diego office to stay in their current positions.
Project Need	I would look at something that is less impacting like photovoltaic cells. Do we even need electricity? I like the pristine atmosphere. Now we are putting windmills out there.	
Overall Project	What is your baseload? How many windmills would we need to put up to replace coal?	Sempra: These are the questions we need to ask and answer.
Overall Project	When Import/exports stop, we will be energy sufficient but let's not overkill Maui with Windmills all over the 'Āina.	
Solicitation Process	Who was the other competitor in the solicitation?	DHHL: Elemental Energy is from Canada and have experience working with indigenous communities.
Solicitation Process	Isn't the public hearing an opportunity for the larger public to provide input?	DHHL: The public hearing is an informational meeting. We are required to let the public know the decision that was made and why
Solicitation Process	Is the PUC a factor in the approval or denial of the project?	DHHL: Yes, they ultimately approve the PPA that HECO submits to them after it has been negotiated, which is much later in the process.
Solicitation Process	When will the project be in operation? Are we pushing the timeline a little bit?	Sempra: HECO requires the project to be operational by 2022 because tax credits expire in the same year. The tax credits make the project viable. If Sempra does not win the HECO PPA bid, we will use the ROE period for due diligence to refine our bid for the next RFP.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15 & 16, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Andrew Choy, Acting Planning Program Manager

SUBJECT:

ITEM G-1 Acceptance of the Beneficiary Consultation Report for the Kahikinui Moae Ku Wind Energy Project Proposed by Sempra Renewables, LLC, Kahikinui, Maui, TMK (2) 1-9-001:003 (portion)

RELEVANT MATERIAL WILL BE DISTRIBUTED AT THE TABLE.

ITEM NO. G-2

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15 - 16, 2019

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager *AC*
From: Gigi O. Cairel, Grants Specialist *GC*
Nancy M. McPherson, Planner *NMcPherson*
Subject: Moloka'i Planning Projects Status

Recommended Action

For information only - No action required.

Background

Planning Office will be providing the Hawaiian Homes Commission (HHC) with updates of the respective DHHL geographic region in which the HHC conducts its monthly community meeting. The purpose of the monthly update is to provide the HHC with information related to DHHL plans, programs, and projects previously adopted by the HHC that are specific to that particular geographic region. A status report of DHHL's progress in implementing these initiatives is also included for the HHC's consideration.

For April 2019, Planning Office will be providing an update to the HHC for the island/region of Moloka'i.

Discussion

EXISTING PLANS AND IMPLEMENTATION STATUS

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island; (2) establish land use goals and objectives of the General Plan specific to each island; and (3) identify island-wide needs, opportunities, and priorities. The Moloka'i Island Plan was adopted by the HHC in June 2005. DHHL lands on Moloka'i are situated in five major areas that include 'Ualapu'e, Kapa'akea, Makakupa'ia, Kamiloloa, Kalama'ula, Pālā'au, and Ho'olehua.

Since the 2005 Moloka'i Island Plan, the following updates were made:

- Mo'omomi-Anahaki land use designation was amended from "General Agriculture" and "Community Use" to "Special District." This amendment was approved by the HHC in December 2010.
- Completed in 2010 was a land exchange for 34 acres of land on Moloka'i for 89 acres of State land in Mā'ili on O'ahu for DHHL to develop residential homesteads. The 34 acres of land that was exchanged consisted of 22 acres in Community Use and 12 acres in Subsistence Agriculture. This 34 acres is adjacent to the Ho'olehua Fire Station and the Lanikeha Community Center, including the Moloka'i High School and Middle School site and the athletic field across from the school site.
- In June 2011, the Department of Land and Natural Resources transferred to DHHL four parcels totaling 4.6 acres at Malama Park, near Kaunakakai Wharf. In January 2018, the HHC approved the recommended land use designation as "Special District."

These amendments to the 2005 Moloka'i Island Plan and changes to the DHHL land inventory have resulted in the following land use designations and acreage amounts in Table 1 below.

Table 1
Moloka'i Land Use Designations (2018)

Moloka'i Land Use Designations	Acres	Percent
Residential Homestead	742	2.87
Subsistence Agriculture	2,338	9.04
Supplemental Agriculture	5,862	22.66
Pastoral	1,927	7.45
General Agriculture	6,415	24.80
Special District	7,758	29.99
Community Use	93	0.36
Conservation	655	2.53
Commercial	58	0.22
Industrial	16	0.06
TOTALS	25,864	100.0

Moloka'i Island Plan Implementation Status

As stated in the 2005 Moloka'i Island Plan, the following are the plan priorities and current status.

Priority for completion: Nā'iwa Agricultural homestead

- 58 agricultural lots awarded in the 1986 Acceleration Program.
- Located on 298 acres south-east of the Moloka'i Airport.
- Implementation challenge: no water meters for these lots until DHHL's water allocation is increased and/or additional water source identified and developed.

Status:

- DHHL is currently conducting due diligence to pursue subdividing these lots.
- \$1.5 million in State CIP funds was authorized by Act 49, SLH 2017.

First priority for new residential areas: 'Ualapu'e

- Develop 74 residential homestead lots on 25 acres in Mana'e (East End), mauka of Kamehameha V Highway.
- Project on hold until the County of Maui water allocation is increased and/or additional water source identified and developed.

Second priority for new residential areas: Kapa'akea, Kamiloloa, Makakupa'ia

- Develop 286 residential homestead lots on 201 acres two miles east of Kaunakakai, mauka of Kamehameha V Highway.
- An onsite wastewater treatment facility will be required.
- Project on hold until the County of Maui water allocation is increased and/or additional water source identified and developed

Moloka'i Regional Plan

The Moloka'i Regional Plan was updated in April 2010. Moloka'i beneficiaries, responding to outreach and engagement efforts throughout the planning process, identified the following priority projects:

- (1) Alternative Energy Initiative
- (2) Conduct Beneficiary Consultation on Large Scale Renewable Energy Development
- (3) Water Pressure Testing in Kalama'ula
- (4) Modify Septic Tank Kiowea Park
- (5) Support Moloka'i Sustainment Farming Project

Moloka'i Regional Plan Implementation Status

Table 2 below identifies the "project champion" and summarizes the status of each Regional Plan priority project.

Table 2
2018 Moloka'i Regional Plan Priority Projects Status

2010 PRIORITY PROJECTS	PROJECT CHAMPION	STATUS
Alternative Energy Initiative	Moloka'i Homestead Farmers Alliance	Construction for a photovoltaic system for the Lanikeha Center expected to be completed in 2019.
	DHHL	Photovoltaic system for the Kūlana 'Ōiwi office complex is currently in planning phase to determine size of system.
	DHHL	Photovoltaic system for the DHHL water system currently in planning phase.
Conduct Beneficiary Consultation on Large Scale Renewable Energy Development	DHHL	Completed. Results of the BC was the HHC approval to designate the Mo'omomi-Anahaki lands as "Special District." Next step is to prepare a Special Area Plan.
Water Pressure Testing in Kalama'ula	DHHL	Completed. Next step is to address the test results in the major improvements planned for the DHHL water system that services Kalama'ula and Ho'olehua homesteads.
Modify Septic Tank at Kiowea Park	DHHL Kalama'ula Homesteaders Association	Completed. FYI - a new pavilion is under construction.
Support Moloka'i Sustainment Farming Project	Ho'olehua Homestead Association (HHA)	Project on hold. HHA continues to propagate and distribute kukui trees to interested agriculture homesteaders.

The update and process of the Moloka'i Regional Plan started in November 2018. Three Beneficiary Consultation meetings have been conducted so far, with the fourth meeting scheduled for April 11, 2019. From the first 3 meetings, twenty-seven

potential projects and ideas have been gathered from the community (see Exhibit A). The purpose of the April 11 meeting is to come to consensus on beneficiary priorities and identify the most important projects from the list of twenty-seven potential projects.

Mālama Park Special Area Plan

Beneficiary Consultation for the land use designation for Mālama Park was completed in 2017. The HHC accepted the BC report and approved the land use designation as "Special District" in January 2018. The next step is to prepare a Special Area Plan. DHHL has procured a consultant and is currently negotiating the scope of work. The plan will include discussions on access, cultural and natural resources management, and traditional and customary practices of native Hawaiians and will coordinate with adjacent land users and landowners such as the County of Maui Parks and Recreation and the Moloka'i Yacht Club.

Mo'omomi-Anahaki Special Area Plan

In July 2010, Beneficiary Consultation on large-scale renewable energy development proposed in the Mo'omomi-Anahaki was completed. The result was that the HHC amended the DHHL Moloka'i Island Plan to designate lands from "Community Use" and "General Agriculture" at Mo'omomi-Anahaki to "Special District." The next step is to prepare a Special Area Plan. DHHL has procured a consultant and is currently negotiating the scope of work. The plan will include discussions on access, cultural and natural resources management, and traditional and customary practices of native Hawaiians and will coordinate with adjacent land users and landowners.

South Moloka'i Shoreline Erosion Management Plan Phase 1 - Kapa'akea and Kamiloloa-One Ali'i, Kona, Moloka'i

BACKGROUND

Context

Within the last fifteen years, the effects of accelerated shoreline erosion have become increasingly pronounced along Moloka'i's kona (leeward) shoreline. The Planning Office became aware of this issue while assisting the Moloka'i District Office in responding to beneficiaries' requests for assistance regarding shoreline erosion and other climate change-related impacts and concerns. DHHL initially responded by sponsoring a UH-DURP practicum project, "Coastal Resilience for DHHL Communities," which provided DHHL with data and tools to analyze DHHL lands in terms of coastal hazard vulnerability and conduct community resilience workshops tailored to beneficiaries.

In August of 2015, with the assistance of three UH-DURP graduate students, a one-day Moloka'i Coastal Homestead Resilience & Disaster Planning Workshop was held at Kūlana Ō'iwi with all the Moloka'i coastal homestead (Kalama'ula, Kapa'akea & One Ali'i) leaders. During that workshop, the severity of the shoreline erosion situation in Kapa'akea was discussed, and the need for further study and action became apparent.

In an effort to respond specifically to the Kapa'akea and Kamiloloa-One Ali'i erosion situations, the DHHL Planning Office formulated a project initially titled the Kapa'akea-Kamiloloa Shoreline Erosion Assessment, which was subsequently renamed the South Moloka'i Shoreline Erosion Management Plan, or SM-SEMP. Funding for the project was approved by the Hawaiian Homes Commission (HHC) in 2016. A consulting firm, Planning Consultants Hawai'i LLC, was procured, and the contract initiated in July 2018. The project is designed to assess the causes and impacts of shoreline erosion in the Kapa'akea and Kamiloloa-One Ali'i homestead areas, and make recommendations for mitigation measures. See Exhibit 'B', SM-SEMP Fact Sheet.

Official Climate Change and Sea Level Rise (SLR) Projections

DHHL has been participating continuously in State-level discussions on climate change and SLR adaptation since the formation of the Interagency Climate Adaptation Committee (ICAC) in 2015 and its transition into the State of Hawaii Climate Change Mitigation & Adaption Commission in October 2017¹. After release of the ICAC's report, "Hawaii Sea Level Rise Vulnerability and Adaptation Report" (SLR Report) in December 2017, work began on formulating legislative initiatives based on the recommendations in the SLR Report.

The HHC was last updated on climate change and SLR at its June 2018 meeting (Item G-4, "Update on DHHL Efforts in the Areas of Climate Change and Sea Level Rise Adaption, Community Resilience and Hazard Mitigation on Hawaiian Home Lands, Statewide") (Exhibit 'C'), and may refer to that submittal for more detailed background information on those subjects. The State also maintains a Climate Change Portal, including a Sea Level Rise Viewer, at climate.hawaii.gov. A more detailed informational update on these topics will be provided to the HHC in June of this year.

Current projections for SLR and global temperature increase are not encouraging. The City and County of Honolulu has created an Office of Climate Change, Sustainability, and Resilience

¹ Authorized by Act 83 in 2014 (Hawaii Climate Change Adaptation Initiative) and expanded by Act 32 in 2017 (Hawai'i Climate Change Mitigation and Adaptation Initiative).

(www.resilientoahu.org) and formed a Climate Change Commission that released two white papers in 2018, "Climate Change Brief" (See Exhibit 'D') and "Sea Level Rise Guidance" (See Exhibit 'E') based on the latest and best scientific information available.

In October 2018, the Intergovernmental Panel on Climate Change (IPCC), the United Nations body tasked with assessing the science related to climate change, released a special report on the impacts of global warming of 1.5°C (2.7°F) above pre-industrial levels, stating that global warming is likely to reach 1.5°C between 2030 and 2052 if temperatures continue to increase at the current rate. Furthermore, "Sea level rise will continue beyond 2100 even if global warming is limited to 1.5°C in the 21st century (high confidence). Marine ice sheet instability in Antarctica and/or irreversible loss of the Greenland ice sheet could result in multi-metre rise in sea level over hundreds to thousands of years. These instabilities could be triggered at around 1.5°C to 2°C of global warming (medium confidence)".²

In November 2018, Volume II of the Fourth National Climate Assessment report, titled "Impacts, Risks, and Adaptation in the United States" was released by the U.S. Global Change Research Program (USGCRP). Dr. Victoria Keener of the University of Hawai'i was the Principal Researcher for the chapter on Hawai'i and the U.S.-Affiliated Pacific Islands. The Assessment states that "The impacts of sea level rise in the Pacific include coastal erosion, episodic flooding, permanent inundation, heightened exposure to marine hazards, and saltwater intrusion to surface water and groundwater systems. Sea level rise will disproportionately affect the tropical Pacific and potentially exceed the global average."³

Even if drastic reductions in carbon dioxide and other greenhouse gases are achieved in the very near future (the next 10 years or less), there's a high probability that we are locked into a minimum SLR of between three (3) and six (6) feet by the end of the century, possibly earlier. The State of Hawai'i and City and County of Honolulu are now planning for a minimum of six (6) feet of SLR for critical infrastructure with project lifetimes of 75-100 years, and three (3) feet of SLR for all other development.

DISCUSSION

Need for the Project

Over the years, lessees in Kapa'akea have asked the Moloka'i District Office and DHHL for assistance with efforts to preserve the makai sides of their lots that are eroding into the ocean due

²https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_standalone_LR.pdf

³<https://nca2018.globalchange.gov/chapter/27/>

to SLR impacts. After making several site visits to individual lessees' lots and walking the Kapa'akea shoreline at low and medium tides, the Planning Office had enough information to determine that a more comprehensive coastal zone management assessment would be required to effectively and adequately address the moderate to severe shoreline erosion issues affecting a number of lessees in Kapa'akea. Shoreline hardening measures on some lots have had a "domino effect," increasing erosion rates for adjacent lots down-current, which in turn has triggered more shoreline hardening.

Piecemeal, lot-by-lot interventions would most likely be an expensive, time consuming burden on individual lessees, a complex regulatory exercise for the lessees and DHHL, and probably be only effective in the short term. Little was in DHHL records regarding what the shoreline was like originally, there was only anecdotal data on the impacts currently being experienced, and a lack of scientific data on erosion rates or the coastal hydrodynamics of the area. A thorough, coordinated and comprehensive approach to study the issues was clearly needed.

Project Scope and Purpose

Due to the nature of alongshore sediment transport, coastal hydrodynamics, and erosion rates, it was decided that the best way to determine erosion and accretion patterns, erosion hot spots, and effective intervention measures would be to study the entire length of shoreline from the eastern boundary of Hawaiian Home lands at Makakupa'ia to the eastern side of Kaunakakai Wharf, with the majority of time to be spent analyzing the sections of coastline in Hawaiian Home lands, including several fishponds. Areas to the west of the Wharf were to be assessed in a subsequent study. See Exhibit 'F', Map of Study Area.

The purpose of the SM-SEMP project is to prepare a shoreline erosion management plan for the project area that will:

- Enable DHHL to proactively plan for and manage shoreline erosion;
- Investigate underlying causes of shoreline erosion, and likely future progression;
- Identify effective and sustainable shoreline erosion management strategies that maintain natural processes and consider community needs; and
- Educate the community as to the causes of shoreline erosion and appropriate management responses.

The SM-SEMP project is not a plan for managed retreat from the shoreline. The management plan will make recommendations for strategic interventions to mitigate shoreline erosion, and some order-of-magnitude cost estimates, but will not provide detailed

cost estimates for those measures. Further study and engineering will have to be done in order to provide enough level of detail for a through cost-benefit analysis. However, it is anticipated that the SM-SEMP will identify some lower-cost measures that could potentially be done by lessees, with technical assistance provided by DHHL and others.

Project Methodology

The project will include a scoping phase and a plan preparation phase. The scoping phase will be characterized by a literature search and desktop analysis, aerial and field surveys of the project area and consultation with relevant agency and community stakeholders. Specific outcomes of the scoping phase will include:

1. Identification of key factors affecting physical coastal processes and existing responses; and
2. Evaluation of shoreline erosion management options and prudent mitigation strategies.

The Plan Preparation Phase will be characterized by the preparation of a draft, pre-final and final shoreline erosion management plan for the project area. The plan preparation phase will include additional agency and community outreach focused around potential management responses and mitigation measures. Specific outcomes of the plan preparation phase will include:

1. Summary of public outreach highlights;
2. Draft Shoreline Erosion Management Plan;
3. Pre-final Shoreline Erosion Management Plan; and
4. Final Shoreline Erosion Management Plan.

See Exhibit 'G', Planning Process.

The Community Engagement Program is designed to

- develop data about historical and existing shoreline conditions in the project area;
- identify and document beneficiary experiences, concerns, preferences, and Traditional Ecological Knowledge; and
- identify shoreline management techniques to help avoid or mitigate future shoreline erosion within the project area.

Key stakeholders that have been interviewed include homestead lessees living along the shoreline, cultural practitioners with Traditional Ecological Knowledge (TEK), appropriate State and County personnel, and adjacent land managers. The outreach program is comprised of the following key elements:

- Key Stakeholder Interviews (*conducted Jan. 30-Feb. 1, 2019*)
- Project Orientation Meeting (*held January 31, 2019*)

- Community Open House (scheduled for late September/early October 2019)
- Hawaiian Homes Commission Meeting briefings (April 2019 and April 2020, others as needed)

A survey form for beneficiaries to fill out was provided at the Project Orientation Meeting, and a set of interview questions was used when interviewing stakeholders. (See Exhibit 'H' User Survey and Exhibit 'I' Interview Questions)

Budget and timeline

The total amount allocated to the project is \$100,000, and the projected is scheduled to be completed within a two-year period. See Exhibit 'G', Work Flow Schedule.

Other Outreach Activities

In response to Kapa'akea and Kamiloloa-One Ali'i lessees' concerns expressed during the Moloka'i Regional Plan update process, a special community meeting was held by staff on November 14, 2018 to give lessees an update on South Shore Moloka'i shoreline erosion & flooding projects. A mapping exercise was conducted, and lessees provided valuable information by placing color coded dots on large aerial maps of the homestead areas, marking specific problem areas such as places where water ponds, cesspools overflow, or the shoreline is eroding. This important data will be used and added to during the SM-SEMP project's analysis phase.

Relationship to Existing Plans

The Planning Office intends to begin incorporating best practices in integrated coastal zone management, community resilience and hazard mitigation planning into the Planning System, beginning with the General Plan. Future Island and Regional Plans will reflect SLR and coastal hazard area projections when designating land uses and locating infrastructure, community uses, and commercial activity.

DHHL General Plan

The General Plan contains broad goals and objectives intended to implement the purpose and intent of the Hawaiian Homes Commission Act at a policy level. The following goals and objectives support the SM-SEMP Project:

Land Use Planning

Goal: Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Residential Uses

Goal: Ensure existing homestead neighborhoods are maintained as healthy and attractive communities for future generations.

Land and Resource Management

Goal: Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

Objectives:

- Preserve and protect significant natural, historic and community resources on Trust lands.
- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disasters on Hawaiian home lands.

Building Healthy Communities

Goal: Establish self-sufficient and healthy communities on Trust lands.

Objective:

- Build partnerships with public and private agencies to ensure reliable and adequate delivery of services to homesteaders.

Moloka'i Island Plan

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities.

The Moloka'i Island Plan (2005) took into account some, but not all, environmental conditions when conducting land suitability analysis and determining land use designations. Because Moloka'i homelands have been settled for multiple generations prior to the formulation of the Moloka'i Island Plan, coastal and flood hazard vulnerabilities were not thoroughly or specifically analyzed for existing uses.

Although the State of Hawaii had issued a climate action plan as far back as 1998 intended to begin the discussion, there was no real statutory mandate to start analyzing land use in terms of SLR, because knowledge of the potential long-term effects and timing of SLR at that time were extremely limited. Flooding and drainage issues were identified as major concerns for the Kapa'akea and Kamiloloa-One Ali'i homestead communities, but shoreline erosion was not mentioned.

Luckily, alternatives for additional homestead development are all located mauka of the coastal highway, and proposed land uses for future consideration include the transformation of some makai areas for community use with a proposed coastal park and restoration of an inland fishpond. A major limitation for development of the mauka areas is that potable water service can only be provided to the 150' elevation level. Any proposed development further mauka would require the provision of booster pump stations and storage tanks which would be cost prohibitive. The development alternatives for the Kapa'akea, Kamiloloa and Makakupa'ia mauka lands were identified as the Island Plan's second residential homestead priority after 'Ualapu'e.

Moloka'i Regional Plan

The Moloka'i Regional Plan (2010) identifies a broad spectrum of issues and opportunities, potential projects, and priority projects, with a mixture of DHHL- and community-led initiatives. The Regional Plan is currently being updated. Coastal erosion, flooding and inundation are known problems for all the low-lying coastal homestead communities on Moloka'i.

DHHL Water Policy Plan

There is no language in the Water Policy Plan that specifically discusses adapting to sea level rise, although climate change is to be taken into account when planning for future water needs and resources.

DHHL Energy Policy - Ho'omalūō

There is no language in the Energy Policy specific to adapting to sea level rise, although full implementation of all Ho'omalūō policies will serve to lower carbon emissions and therefore indirectly mitigate sea level rise.

State Plans

Hawai'i State Planning Act - Hawai'i Climate Adaptation Priority Guidelines

Act 286, passed in 2012, created a climate change adaptation policy for the State of Hawaii by amending the Hawaii State Planning Act to include climate change adaptation priority guidelines. The following guidelines apply:

4. Consider Native Hawaiian traditional knowledge and practices in planning for the impacts of climate change;
5. Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change;
6. Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments

State-Level Initiatives

The State of Hawai'i, while being the only coastal state yet to formulate a Climate Change Adaptation Plan, has a number of initiatives underway and plans in place that address various aspects of sea level rise adaptation. DLNR-OCCL and OP-CZM have several plans and initiatives that are being implemented programmatically. DHHL participates in these initiatives at various levels. The following initiatives may be helpful in implementing the recommendations of the SM-SEMP. For further discussion, see Exhibit 'C', DHHL Climate Change Update.

- *Hawai'i Coastal Erosion Management Plan (COEMAP)*
- *Ocean Resources Management Plan (ORMP) (Updating now)*

Hawai'i Climate Change Mitigation and Adaptation Commission (State Climate Commission)

The enabling legislation for this Commission is the Hawai'i Climate Adaptation Initiative Act of 2014 (Act 83) and Act 32, Session Laws of Hawai'i, which formally established the Commission in 2017. The State Climate Commission, which meets quarterly, has been tasked with implementing the recommendations of the *Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report)*, which it adopted in January 2018. In 2018, the Commission passed the following five recommendations focused on State agencies and county governments:

1. Support legislation for disclosure for private property and public offerings located in areas with potential exposure to sea level rise;

2. Request all new development, redevelopment, and modifications be directed away from beach areas;
3. Urge counties to incorporate the 3.2 ft. sea level rise exposure area (SLR-XA) into their general and development plan;
4. Encourage agencies and non-governmental utility providers to identify and prioritize assets within the 3.2 ft SLR-XA, or more, as described in the State's Sea Level Rise report, identify adaptation measures, and to provide a status update on this activity annually to the Climate Commission; and
5. Support legislation that funds State programs to meet mitigation goals, and to bring resources to assist in planning and implementation for sea level rise and other climate related impacts.

Maui County Initiatives

- Post-Disaster Reconstruction Guidelines and Protocols (PDRGP)
- The current status of Maui County's implementation of these guidelines and protocols will be provided at the June HHC Meeting. For further discussion of the PDRGP, see Exhibit 'C', DHHL Climate Change Update

Preliminary results from meetings and interviews held to date

A wealth of useful information has been gathered from the Kapa'akea and Kamiloloa-One Ali'i beneficiaries so far, and the planning team is still in the process of analyzing it, but a few preliminary observations and conclusions can be drawn:

- Homesteaders have been experiencing and living with the impacts of shoreline erosion for many years, if not decades, particularly in Kapa'akea
- Homesteaders' observations over time are that ocean behavior, such as current patterns, is changing, and that sea level is rising
- The lifestyle in these communities is tied to the ocean, and outdoor living along the shoreline is very important to beneficiaries' health and well-being
- Homesteaders are aware of the need to protect and, if possible, restore the health of the nearshore environment due to the importance of subsistence fishing and gathering -- "taking care of our icebox" - and cultural values
- There is a need for more information and education about what is occurring, and how fast the changes are predicted to happen
- There is a need for information on "best practices" in shoreline erosion mitigation

- There is concern that DHHL is "making plans" for relocation of lessees along the shoreline without consulting with the lessees first
- There is a willingness to partner with the DHHL to work toward solutions that will have the best outcome for lessees, their families, and the coastal environment.

Summary and Next Steps

Preliminary Activities, Kalama'ula SEMP

In response to requests from the Kalama'ula Homesteaders Association (KHA) for help with the shoreline erosion impacts their community is experiencing, the Planning Office is initiating the following:

- DHHL will be submitting a budget request for the next fiscal year for a SEMP project for Kalama'ula
- DHHL will be sending out a letter to the KHA to announce plans to do a SEMP project for Kalama'ula, and that the Planning Office will be contacting shoreline lessees to do interviews the third week of April 2019

Next Steps, Kapa'akea and Kamiloloa-One Ali'i SM-SEMP Project

- The planning team is processing the SM-SEMP data from the interviews and fieldwork now, and will provide a newsletter update to the community in June 2019
- The next SM-SEMP Community Meeting, which will be an Open House format designed to present a Draft Plan and get feedback from beneficiaries, will be held in September/October 2019

Recommendation

For information only. No action required.

**2019 Moloka'i Regional Plan
POTENTIAL MOLOKA'I REGIONAL PLAN PROJECTS**

March 27, 2019

ALOHA!

We have had 3 Regional Plan meetings since November 2018 to prepare the new 2019 Moloka'i Regional Plan and are at the critical point in the process where homesteaders will identify their top priorities. **Please come to the next meeting on April 11, 2019 at the Kūlana 'Ōiwi Hālau from 5:00 p.m. to 8:00 p.m.** to ensure that the priorities truly represent the needs, opportunities and interests of the homestead lessees. Everyone who attends the meeting will vote on the projects listed below, to identify the 2019 Regional Plan Priority Projects.

Where did the list of potential projects come from?

The potential projects came from three (3) sources:

1. The 2010 Moloka'i Regional Plan which listed potential projects that were discussed at that time;
2. Projects identified by Moloka'i homesteader leaders who attended a statewide Puwalu Conference of homestead leaders held in August 2018; and
3. Discussions and ideas generated in the three (3) Moloka'i Regional Plan meetings which were held on November 1, December 5 and January 30.

Why do some of the Project Titles look different from previous listings?

At one point in the process, we had a list of over 80 potential projects! It included projects that were completed and projects that were funded that were already in progress. Coming from different sources, there were projects that were similar to each other or that represented different parts of the same project. To make it easier, DHHL staff took out all the completed projects and the projects that were already occurring –they are included in a separate list in this mailout. For the remaining projects, staff edited the titles so they would all be at the same level. Necessary details were preserved in the project descriptions. If there are glaring problems with the project titles, please see Gigi or Julie before the meeting starts so we can note your concerns.

How should I prepare for the April 11 meeting?

Read through the projects and circle the top 5 projects that you support. You will have the opportunity to cast 5 votes at the April 11 meeting and we will have a final list of the priorities.

What is a PRIORITY project? What happens to projects not selected as priority?

All projects on this Potential Projects List are important and will be included in the final 2019 Moloka'i Regional Plan. Any project can be championed by any member of the community at any time. A "PRIORITY PROJECT" is selected by the community during the planning process to be made a priority by both the community and DHHL. Time and resources will be focused on the completion of the priority projects. The priority projects are recognized as clearly striving towards achieving the Visions within the Moloka'i region.

**2019 Moloka'i Regional Plan
POTENTIAL MOLOKA'I REGIONAL PLAN PROJECTS**

March 27, 2019

Please review this list for the April 11 meeting.

Project Title	Project Lead	Description
1. Ualapu'e Kuleana Homestead Development and Cultural Resource Management Plan		Develop a Cultural Resource Management Plan and a Kuleana Settlement Plan for the Ualapu'e lands. Use the Kuleana Homestead Program to expedite award of 175 homestead leases and promote settlement on the 376-acre parcel at Ualapu'e. Work with the Mana'e community and the Ma'ana nonprofit organization to identify cultural resources and develop a cultural resource management plan.
2. Tiny Homes	Ahupua'a o Moloka'i	Develop a pilot demonstration project that features "tiny homes" as an alternate housing option.
3. Community Hālau		The cost for lodging on Moloka'i can be expensive. The development of community hālau(s) can provide lodging.
4. Recreational Facilities at Lanikeha Center		There is a need for recreational facilities at Lanikeha to service the existing community and the 80+ families that will reside in the new residential lots.
5. Kalama'ula Mauka Passive Park	Kalama'ula Mauka Homestead Association	The long-term vision for the park includes a wide range of amenities designed to encourage people to be active, engage in community gatherings and learn ways to incorporate healthy choices and fitness into everyday life.
6. Emergency Shelter for Kapa'akea	Kapa'akea Homestead Association	Kapa'akea is an area that is prone to flooding. An Emergency Shelter should be developed for families at Kapa'akea.
7. Ho'olehua Hale Improvements	Ahupua'a o Moloka'i	Renovate the Hale currently being used by the Ahupua'a o Moloka'i.
8. Self-Governance Task Force		Establish a community-based self-governance task force that promotes the intent of the original HHCA.
9. Kanakaloloa Cemetery Improvements		Kanakaloloa Cemetery needs repairs and improvements.
10. Moloka'i Irrigation System (MIS) Assessment		The MIS is an aging system that many people depend on. Instead of dealing with problems as they arise, an assessment of all deficiencies should be developed so that repairs can be made before they become larger problems. The assessment should also identify the number of lessees that can be moved to the MIS to reduce pressure on ground water resources.
11. Non-potable Water Sources for Agriculture and Other Uses		Explore potential use of non-potable water sources, such as: water from the regular flushing of fire hydrants, reclaimed water and recycled wastewater.

2019 Moloka'i Regional Plan
POTENTIAL MOLOKA'I REGIONAL PLAN PROJECTS
 March 27, 2019

Project Title	Project Lead	Description
12. Supplies and Materials for Cross-Fencing and Deer Fencing	Moloka'i Homestead Livestock Association	Design and construct fencing for the area under license by the Moloka'i Homestead Livestock Association
13. Deer Management Plan	Ahupua'a o Moloka'i and Moloka'i Homestead Livestock Association	Develop a Deer Management Plan to control the deer population on Hawaiian Home Lands. The Plan should identify data on the deer population that are on Hawaiian Home Lands and assess the feasibility of different management alternatives. Management strategies should identify what homesteaders can do to help control the deer population.
14. Protection of our Natural Environment from Invasive Species		DHHL should advocate to protect beneficiaries and DHHL lands from invasive species. For example, we are concerned about Big Island bees keepers moving to Moloka'i.
15. Green Trades Training Program		Green Trades support sustainability, renewable energy, and environmental industries. The development of an on-island training program in green-trades would address one facet of sustainability.
16. Land for Homesteaders to Pursue Light Industrial Activities		Unencumbered lands suitable for industrial uses in Ho'olehua should be identified and the Island Plan amended to accommodate proposed industrial uses by homesteaders. An alternative would be to pursue a land transfer with DLNR for lands near the airport where industrial uses would be more appropriate.
17. Road Improvement		Installation of fiber optic cables by Sandwich Isle Communications (SIC) has left the road bumpy. The community would like the road to be repaired to previous conditions at SIC's expense.
18. Water Rate Assessment and Legal Analysis of Beneficiary Rights Regarding Water Rate Disparities.		Homestead lots that are connected to the County water system pay higher water rates than the homestead lots connected to DHHL's water system. A Water Rate Assessment of all Moloka'i lessees would document differences in water rates. The Assessment would include a legal analysis of beneficiary rights regarding water rate disparities.
19. Action Plan to Convert Cesspools to Septic Tanks.		State Department of Health Administrative Rules require all cesspools in Hawai'i to be converted to septic tanks by the year 2050. DHHL and beneficiaries should work together to develop a plan and raise funds for this undertaking

2019 Moloka'i Regional Plan
POTENTIAL MOLOKA'I REGIONAL PLAN PROJECTS

March 27, 2019

Project Title	Project Lead	Description
20. Resources to Renovate Kūpuna Homes in the Flood Zone	Kapa'akea Homestead Association	Identify and secure resources to renovate kupuna homes that are located in the flood zone.
21. Community Garden Plots		Develop community garden plots in residential homesteads in order encourage lessees to grow food for their families.
22. Soil Testing for Contaminants		Assist homesteaders to obtain free assistance from UH CTAHR or DOA for soil testing on former pineapple production lands
23. Shared Farm Equipment for Agricultural Lessees		Explore options for the shared use of farm equipment among agricultural lessees.
24. Kalama'ula Shoreline Erosion Management Plan	Kalama'ula Homesteaders Association	Prepare a Shoreline Erosion Management Plan for the Kalama'ula area, similar to the plan being developed for Kapa'akea and Kamiloloa-One Ali'i.
25. Coordinated and Comprehensive Hawaiian Trust Services		Bring all the Hawaiian trust agencies back to Moloka'i to work together to improve services to Native Hawaiians. Encourage Ali'i trusts to become partners.
26. Moloka'i as its Own County		Conduct a feasibility study to explore the pros and cons, and legal means for Moloka'i to be its own county.
27. Climate Change		Assemble a committee or hold 'talk-story' sessions to determine what Moloka'i should do to prepare for and address climate change.


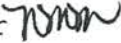
South Moloka'i Shoreline Erosion Management Plan



BACKGROUND	<p>The Hawaiian homestead communities of Kapa'akea and Kamiloloa-One Ali'i are located along the coastal plains of Molokai's south shore starting one mile east of Kaunakakai Town. This two and one-half mile stretch of coastline has experienced substantial shoreline erosion due to various factors, resulting in the loss of homestead property, challenges to shoreline access, and harm to cultural and environmental resources. In the future the effects of climate change, sea level rise, and more frequent extreme weather scenarios could increase coastal erosion and lessees' exposure to coastal hazards such as flooding, storm surge, and beach loss.</p> <p>To proactively manage erosion and strengthen community resilience, DHHL has contracted Planning Consultants Hawaii, LLC, to assist with the preparation of a coastal erosion assessment and management plan for the coastal homestead communities of Kapa'akea and Kamiloloa-One Ali'i.</p>	
PROJECT PURPOSE	<p>Preparation of a shoreline erosion management plan for the project area that will:</p> <ol style="list-style-type: none"> 1. Enable DHHL to proactively plan for and manage shoreline erosion; 2. Investigate underlying causes of shoreline erosion, and likely future progression; 3. Identify effective and sustainable shoreline erosion management strategies that maintain natural processes and consider community needs; and 4. Educate the community as to the causes of shoreline erosion and appropriate management responses. 	
APPROACH	<p>The project will employ a community-based planning process founded on the input, knowledge, and values of those key stakeholders that have an intimate understanding of the lands and coastal waters that comprise the project area.</p> <p>Community meetings to gather information from Kapa'akea and Kamiloloa-One Ali'i homesteaders will be held Spring 2019 to Spring 2020. Additional opportunities for beneficiary input will be offered during the Draft and Final Plan preparation phases. The Hawaiian Homes Commission will also be briefed at key project milestones.</p>	
KEY TASKS	Literature research and desktop analysis	Aug. 2018 – Feb. 2019
	Field surveys of the project area Unmanned aerial systems (UAV) technology will be used to survey the coastline the week of November 1	Nov. 2018 – Feb. 2019
	Community engagement ◆ Stakeholder/beneficiary interviews ◆ Orientation meeting ◆ Community open house ◆ Hawaiian Homes Commission meeting briefings	Nov. 2018 – April 2020
	Data assessment	May – Sept. 2019
	Shoreline Erosion Management Plan preparation	Oct. 2019 – Apr. 2020
OTHER PROJECTS	<p><i>Coastal Resilience for Hawaiian Homestead Communities:</i> The two-day Community Resilience Planning workshops scheduled for Kalama'ula and Kapa'akea/Kamiloloa-One Ali'i in Summer/Fall 2018 have been rescheduled to Summer/Fall 2020.</p>	
CONTACT	Nancy McPherson Planner, DHHL Planning Office	808-620-9519

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

June 18-19, 2018

To: Chairman and Members, Hawaiian Homes Commission
Thru: M. Kaleo Manuel, Acting Planning Program Manager 
From: Nancy M. McPherson, Planner 
Subject: Update on DHHL Efforts in the Areas of Climate
Change and Sea Level Rise Adaption, Community
Resilience and Hazard Mitigation on Hawaiian Home
Lands, Statewide

RECOMMENDED ACTION

None; for information only.

BACKGROUND

Context

This informational submittal was prepared in response to a request by the Hawaiian Homes Commission (HHC) at the April 16-17, 2018 HHC meeting on Molokai for an update on DHHL initiatives and activities in the areas of climate change and sea level rise adaptation. The Planning Office previously provided the HHC with an informational submittal outlining development of a coastal zone management (CZM) approach that proposes the integration of CZM, community resilience and hazard mitigation planning at the September 19-20, 2016 HHC Meeting on Maui (Item G-6). The submittal included a discussion of climate change and sea level rise adaptation efforts to that point. See Exhibit 'A'.

Since that update, initiatives at the county, state and federal levels to plan for climate change and sea level rise impacts and improve and integrate disaster preparedness, hazard mitigation and community resilience planning have been ongoing, and the Department of Hawaiian Home Lands (DHHL) has continued to participate in these efforts. The Chairman and Planning Office staff have been meeting internally to discuss these issues and have been attending regular meetings of the Interagency Climate Adaptation Committee (ICAC), its successor, the Hawai'i Climate Change Mitigation and Adaptation Commission (HCCMAC), and the Honolulu City and County's Climate Change Commission (CCC),

as well as special events and activities such as climate change workshops and federal grant solicitations.

Activity	Dates	Topics discussed
ICAC Meetings	9/27/16, 5/17/17	Reviewed Draft Report; finalized
HCCMAC Meetings	10/11/17, 12/21/17, 2/27/18, 5/22/18	Orientation, Briefing on Report; Mission & Priority setting
Hawai'i Sea Level Rise Vulnerability & Adaptation Workshop II	1/31/17	Reviewed Report Methods & Preliminary O'ahu Results; Identified refinements & additions to report recommendations
PICCC Resilient Hawaiian Communities Initiative	EOI submitted 11/14/17	Agency & community coordination for Resiliency Planning on Molokai
Honolulu Climate Change Commission Meetings	4/19/18, 5/8/18, 5/21/18, 6/5/18	Orientation, discussions w/C&C departments; 2017 SLR Vulnerability & Adaptation Report; HART; draft Climate Change Brief & SLR Guidance documents

Table 1 - Summary of Major CCA/SLR Activities since Sept. 2016

DISCUSSION

Federal-level Planning Activities

A "Solicitation for Expressions of Interest" for the Pacific Islands Climate Change Cooperative (PICCC) Resilient Hawaiian Communities (RHC) Initiative, a multi-agency sponsored, two-year project designed to support community resilience planning in two Native Hawaiian communities, was responded to in November 2017 by Planning Office staff in collaboration with Molokai groups working on climate change adaptation. The Initiative provides technical assistance and funding through a collaborative process informed by an expert group of organizations and individuals who are leaders in natural and cultural resource management, climate change science, and planning in Hawai'i.

The proposal, "Molokai Community Resilience Strategy for Hawaiian Home Lands Communities," sought to increase the Molokai community's coordination with DHHL and other

agencies that may have control over access to land and resources, as well as to increase capacity of the community to network and coordinate their efforts to obtain the necessary resources to carry out their projects. The intent was for DHHL to collaborate with the community to do strategic community resilience planning, ultimately to be incorporated into the DHHL Planning System and implemented on Hawaiian Home Lands, starting with homestead areas on Molokai.

While the Molokai proposal was not selected, two other homestead communities, Kailapa on Hawai'i Island and Waiehu Kou III on Maui, did have successful proposals, and DHHL is administering the grant monies for those projects. The process of developing the Molokai proposal was educational and stimulated an in-depth conversation that will lead to further community resilience planning efforts on Molokai as well as for Homestead communities statewide. Previously, Ka Honua Momona Intn'l, which is currently restoring two fishponds on Molokai, received a grant from PICCC to explore adaptive management strategies for responding to climate change impacts to the fishponds. Unfortunately, PICCC, established in 2009, has recently been disbanded due to changes in federal program priorities. See Exhibit 'B' "Incorporating Science and Traditional Knowledge in Moloka'i..."

State-Level Initiatives

There has been significant activity at the state level since the September 2016 HHC update regarding climate change adaptation, sea level rise mitigation and community resiliency planning, and greenhouse gas emission reduction, led by the State Legislature and the Governor.

Interagency Climate Adaptation Committee (ICAC), now the Hawai'i Climate Change Mitigation and Adaptation Commission (State Climate Commission)

In 2016, Governor David Ige signed Act 32 Session Laws of Hawai'i, 2017, making Hawai'i the first state to enact legislation implementing parts of the Paris Agreement. The Paris Agreement was signed by 195 nations on November 4, 2016, and is the largest concerted global effort to combat climate change to date. Act 32 amended Hawai'i Revised Statutes (HRS) Chapter 225P by renaming the Interagency Climate Adaptation Committee (ICAC) the "Hawai'i Climate Change Mitigation and Adaptation Commission" (HCCMAC, or State Climate Commission) as well as assigning various tasks to the HCCMAC related to climate change mitigation and adaptation. The State Climate Commission had its first

meeting on October 11, 2017. The Chairman of the HHC has a seat on the Commission and is supported by Planning Office staff.

A two-plus-year long research and community engagement effort produced the Hawai'i Sea Level Rise Vulnerability and Adaptation Report (Report), which was completed and adopted by the State Climate Commission in December 2017. The Report contains sea level rise hazard and inundation maps produced via a Geographic Information Systems (GIS) analysis, and recommendations for implementation of the report's findings. The Report can be downloaded here:

https://climateadaptation.hawaii.gov/wp-content/uploads/2018/01/SLR-Report_-January-2018.pdf

See pp. 4-8 of the Report for a detailed discussion of the history of Hawai'i climate change policy development.

The State Climate Commission is tasked with implementing HRS Chapter 225P, as amended, by providing direction, facilitation, coordination and planning among state and county agencies, federal agencies, and other partners about climate change mitigation (reduction of greenhouse gases) and climate change resiliency strategies, including, but not limited to, sea level rise adaptation, water and agricultural security, and natural resource conservation.

The draft Mission Statement of the Climate Commission states, "Hawaii's Climate Commission recognizes the urgency of climate threats and the need to act quickly. It promotes ambitious, carbon-neutral, culturally-relevant strategies for climate change adaptation and mitigation in a manner that is Clean, Equitable & Resilient." DHHL will continue to participate fully in the State Climate Commission's activities and analyze all recommendations in terms of the Hawaiian Homes Commission Act and its beneficiaries.

Carbon Neutrality, Sequestration and Offsets

On June 4, 2018, two bills related to carbon neutrality and carbon offsets were signed into law by Governor Ige:

- HB2182 - Makes Hawai'i carbon neutral by 2045 and establishes the Greenhouse Gas Sequestration Task Force. HB 2182 becomes Act 15 and takes effect on July 1, 2018.
- HB1986 - Creates a framework for a carbon offset program that allows for carbon credits through global

carbon sequestration protocols. HB 1986 becomes Act 16 and takes effect on July 1, 2018.

At the bill signing ceremony, Gov. Ige said, "We see tremendous potential for restoration, protection and management of forest areas in Hawai'i to offer cost-efficient climate change mitigation. That's why this framework for capturing carbon through reforestation and carbon farming is an important step forward." There is potential for DHHL and the beneficiaries to participate in this effort and fund restoration of forests on Hawaiian Home lands via the carbon offset program, so the Planning Office will be investigating this opportunity further.

Ocean Resources Management Plan (ORMP)

The Office of Planning is currently working with various stakeholders, primarily through the Ocean Resources Management Plan (ORMP) program, to implement HRS §226-109, the Climate Change Adaptation Priority Guidelines. The ORMP includes county, state, and federal stakeholders who implement public projects and programs and incorporates input from the community, businesses, and non-profits who contribute to and support these efforts. DHHL's Planning Office has been attending meetings since 2013. It's foreseen that the ORMP Implementation Working Group will start focusing significant attention on climate change and sea level rise adaptation efforts, and the Planning Office will continue to participate in this process.

County-level Planning Activities

The Planning Office has been tracking and/or participating in County-led climate change adaptation and community resilience planning efforts, both separately and via the comprehensive planning process, whenever possible.

Honolulu City & County

The City and County of Honolulu now has an Office of Climate Change, Sustainability and Resiliency (CCSR), established by City Charter in 2016, which supports the recently formed Climate Change Commission (CCC) and is tasked with integrating sustainable and environmental values into City plans, programs, and policies. The role of the CCC is to gather the latest science and information on climate change impacts to Hawai'i and provide advice and recommendations to the mayor, City Council, and executive departments as they look to draft policy and engage in planning for future climate scenarios. Planning Office staff attend the monthly meetings of the CCC whenever possible.

See <https://www.resilientoahu.org/> and <https://www.resilientoahu.org/about-the-commission/> for more information.

In addition, in May 2016, Honolulu was selected as a member of the 100 Resilient Cities network, pioneered by the Rockefeller Foundation (100RC). Cities in the 100RC network are provided with the resources necessary to develop a roadmap to resilience, including the creation of a Chief Resiliency Officer position. For more information, see <https://www.resilientoahu.org/100-resilient-cities/>

The Department of Planning and Permitting (DPP) has been conducting an update to the O'ahu General Plan for the last several years, and the Planning Office has participated in that process. The Proposed Revised General Plan was transmitted from the Planning Commission to the City Council on April 20, 2018 for adoption. The updated plan includes climate change and sea level rise objectives and policies.

Kaua'i County

The update to the Kaua'i County General Plan, "Kaua'i Kakou," was adopted in March 2018, and the Planning Office participated in that process. The Plan contains multiple goals, policies and implementing actions that discuss or pertain directly to adapting to impacts from climate change, including sea level rise, managing shorelines and increasing community resiliency, and includes an appendix of climate change and coastal hazard assessment maps, data for which was derived from a Climate Change and Coastal Hazards Assessment technical background report. Policy #14, "Prepare for Climate Change," advises planning for a minimum of three feet of sea level rise, and directs the County to "Prepare for impacts to the island economy, food systems, and infrastructure that will be caused by climate change."

Maui County

The DHHL Planning Office has been participating in Maui County's Molokai Community Plan update process since 2015. Planning for climate change and sea level rise impacts, including managed retreat scenarios, were discussed, and goals, policies and implementing actions included in the draft Community Plan, which was transmitted to the Maui County Council's Planning Committee in May 2016. A revised draft was submitted May 1, 2018, which is still under review. An entire chapter of the Plan is devoted to hazards mitigation and planning. The Maui County Council's Planning Committee is also considering how best to utilize the data

and recommendations in the Hawai'i Sea Level Rise Vulnerability and Adaptation Report.

Relationship to Existing DHHL Plans

Policy statements contained in various DHHL plans previously approved by the HHC generally support the precepts of coastal zone management, community resilience and hazard mitigation, but there is still no overall policy framework, system or programmatic approach to operationalizing current data and projections and implementing recommendations Department-wide. The Planning System is the logical place to institute a comprehensive planning effort to respond to this increasingly serious situation. The Hawai'i State Planning Act was amended in 2012 with the addition of the *Climate Change Adaptation Priority Guidelines* (Act 286). DHHL has a responsibility to ensure consistency of its plans and programs with the State Plan as long as those plans don't unduly impede the administration of the Hawaiian Homes Commission Act of 1920, as amended. See Exhibit 'C', CCA Priority Guidelines and Aloha+ Challenge Sustainable Development Goals.

DHHL General Plan

The Planning Office has been given preliminary approval to schedule an update to the General Plan. It is recommended that there be significant focus on climate change and sea level rise adaptation and hazard mitigation using a combination of data and recommendations from the Sea Level Rise Report, the Climate Adaptation Priority Guidelines, and best practices in climate change adaptation planning for indigenous communities that incorporates mo'olelo/traditional ecological knowledge (TEK).

Island Plans

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities. The 2005 Island Plan for Molokai used an ahupua'a-based approach for designating land uses, incorporating mauka-makai access for traditional and customary purposes, and designating multiple areas as Special District with provisions for subsistence and cultural resources protection. Implementation of lands in Special District require preparation of Special Area Plans that will guide access to and management of these areas. See Exhibits 'D,' 'E' & 'F', Land Use Designation Maps

The Planning Office would like to begin incorporating best practices in integrated coastal zone management, community resilience and hazard mitigation planning in all future Island Plan updates. The SLR-XA maps in the Sea Level Rise Vulnerability and Adaptation Report provide an overlay which could be used by DHHL to analyze risks to existing Hawaiian Home Lands, homesteads and infrastructure and develop policies and strategic responses to plan for the threat. See Exhibit 'G,' "SLR-XA 3 ft. for Kaunakakai"

Regional Plans

The Wai'anae and Nānākuli Regional Plan updates have continued to highlight the need for a coordinated, multi-agency response to community concerns about evacuation routes, drainage and flooding, and overall disaster preparedness and response strategies. While still in the planning process, beneficiary outreach has gathered concerns about disaster preparedness, evacuation routes, flooding, climate change and sea level rise. Draft Priority Projects reflect beneficiary awareness of the importance of timely, coordinated and effective responses to the changes that are coming, and in some ways, are already here. See Exhibit 'H'

DHHL Water Policy Plan

The Water Policy Plan adopted by the Hawaiian Homes Commission (HHC) in 2014 articulates a vision, mission and values as well as goals and policies as guidance for implementing the language in the Hawaiian Homes Commission Act (HHCA) regarding the rights and responsibilities of the Hawaiian Homes Commission (HHC) and DHHL to ensure the availability of adequate, quality water for the purposes of the HHCA. It is hoped that with the formation of a Water Utility Branch, more staff and resources will foster better coordination with other DHHL divisions and implement watershed, water resource and infrastructure protections per Water Policy Plan recommendations.

Coastal Zone Management (CZM) -- Projects Near the Shoreline

The Planning Office provides ongoing environmental review and planning technical assistance to other DHHL divisions regarding development along the shoreline, shoreline erosion, springs, drainage, flooding and inundation. As shoreline erosion impacts increase due to accelerating sea level rise, monitoring the situation and proposing mitigation measures will become increasingly important.

Current Planning Office CZM activities:

- South Shore Molokai Shoreline Erosion Assessment - a consultant has been contracted for this project, designed to assess the shoreline erosion at Kapa'akea, Kamiloloa and One Ali'i homestead areas along the south shore of the island of Moloka'i and make recommendations for mitigation measures. There will be a robust beneficiary participation component, and project initiation is expected in July of this year.
- Continue to participate in CZM and Climate Change Adaptation planning processes.
- Pursue pilot projects in culturally-based adaptive management approaches for natural and cultural resources management on Hawaiian Home Lands.
- Continue to pursue analysis and legal review of HHC authorities in relation to CZM, particularly jurisdictional issues regarding the Special Management Area (SMA).
- Continue to pursue Memoranda of Understanding with all the Counties re: zoning and development standards, infrastructure, building permits etc., to include agreement on procedures related to coastal zone and SMA regulation, climate change adaptation, sea level rise and other coastal hazard impact mitigations.

Planning with Complexity

Coastal zone management, hazard mitigation and community resilience planning, climate change and sea level rise adaptation, and sustainability are all interrelated on multiple levels and scales. This presents a challenge due to the complexity of the issues, as well as an opportunity to leverage resources and identify synergies that will minimize gaps and redundancies and make DHHL's efforts more efficient, cost-effective and successful.

What happens mauka affects makai, so a systems-based, holistic, adaptive and collaborative approach is indicated. Ahupua'a-based planning practices, partnerships with beneficiaries and non-governmental organizations (NGO's), and the wisdom embedded in mo'olelo and Traditional Ecological Knowledge (TEK) will inform programs and strategies that can overcome administrative silos, schisms between beneficiaries and DHHL staff, and divisions within homestead communities on what the best ways to move forward might be.



The Planning Office will continue to work on framing the issues and developing a programmatic approach for integrating DHHL efforts in these areas. As climate change, global ice melt, and sea level rise continue at potentially accelerating rates, a coherent response and proactive measures on the part of DHHL will become more and more critical to the future health and well-being of our beneficiaries.

RECOMMENDATION

None; for information only.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Sept. 19-20, 2016

To: Chairman and Members, Hawaiian Homes Commission
Thru: M. Kaleo Manuel, Acting Planning Program Manager 
From: Nancy M. McPherson, Planner 
Subject: For Information Only - Planning for our Makai
Communities - Integrating Coastal Zone Management,
Community Resilience and Hazard Mitigation on
Hawaiian Home Lands Along the Shoreline, Statewide

RECOMMENDED ACTION

None; for information only.

BACKGROUND

Context

Within the last five years, several instances of jurisdictional conflict due to questions of the applicability of County Special Management Area (SMA) Rules on Hawaiian Home Lands on the island of Molokai have occurred. This has affected beneficiary-serving organizations and individual homestead lessees in various ways, throwing the building permit approval process into confusing territory and in effect impeding administration of one or more of the expressed purposes of the Hawaiian Homes Commission Act.

In addition, significant initiatives at the county, state and federal levels to improve and integrate disaster preparedness, hazard mitigation and community resilience planning are underway, and the Department of Hawaiian Home Lands (DHHL) has an important role to play in those efforts. In response to the pressing need for government to address climate change adaptation and plan for the effects of sea level rise, President Obama released his Climate Action Plan in June of 2013. On June 9, 2014, Governor Abercrombie signed Act 83, "Related to Climate Change," which initiated a research project on impacts of climate change and vulnerability to sea level rise statewide, and authorized the formation of the Interagency Climate Adaptation

Committee (ICAC), which was first convened jointly by the State Office of Planning (State OP) and the Department of Land and Natural Resources (DLNR) on June 3, 2015. The Committee is comprised of legislative committee chairs, representatives of eleven State agencies, including DHHL, and all the Counties. The research will result in a report that will inform legislative proposals and planning efforts, leading to development of a State of Hawaii climate adaptation plan.

DISCUSSION

Need for a more comprehensive, integrated and formalized approach to Coastal Zone Management, Community Resilience and Hazard Mitigation

Historically, long-serving County staff understood that zoning and other land use regulations, including SMA Rules, could not be implemented on Hawaiian Home Lands due to lack of jurisdiction. More recently, as the Counties have enhanced and expanded their Coastal Zone Management (CZM) programs, and as old staff retire and newer staff unfamiliar with the history of the Hawaiian Homes Commission Act and Hawaiian Home Lands' relationship with the Counties come on board, the mostly informal understanding of the special status of Hawaiian Home Lands is now being challenged in some cases.

In addition, County of Maui has at times tried to exercise enforcement powers over projects on Hawaiian Home Lands, notably on Molokai's southern shoreline. In the past, unpermitted grading activities at Kiowea Park in Kalama'ula were investigated due to complaints submitted to County of Maui, and more recently, complaints received regarding structures in the shoreline setback area at Malama Park as well as on a homesteader's lot in Kamiloloa were responded to by the County's Molokai Planner and Zoning and Enforcement Officer. Subsequently, County of Maui consulted with the State Department of Land and Natural Resources, Office of Conservation and Coastal Lands (DLNR-OCCL), confirming that neither DLNR-OCCL nor the County have jurisdiction over development on Hawaiian Home Lands. See Exhibit 'A'.

The Hawaiian Homes Commission Act clearly states, in Section 206, that the powers of the Board of Land and Natural Resources (BLNR) do not extend to Hawaiian Home Lands:

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EXHIBIT 'C'

§206. Other officers not to control Hawaiian home lands; exception. The powers and duties of the governor and the board of land and natural resources, in respect to lands of the State, shall not extend to lands having the status of Hawaiian home lands, except as specifically provided in this title. [Am L 1963, c 207, §5(a), (b); ree L 1997, c 197, §4]

As the Counties are subdivisions of the State, it is normally accepted that the State can exercise "sovereign immunity" and that County regulations do not apply unless specified in State law. In the case of the administration of Hawaii Revised Statutes, Chapter 205A, the counties have authority to promulgate rules and enforce them in the Special Management Area (SMA) under their jurisdiction. DHHL is assumed to be defined as an "agency" but is not expressly identified as such in the chapter. Agencies such as Hawaii Community Development Authority (HCDA) have promulgated their own SMA Rules and the State OP issues SMA permits for projects in the SMA in the community development districts they control, per HRS §206E-8.5. Research done to date indicates that neither DHHL nor the Hawaiian Homes Commission was expressly involved in the formulation of the Special Management Area boundary in the 1970's, and more research needs to be done on the jurisdictional issues and the HHC's and DHHL's fiduciary duty regarding implementation of HRS Ch. 205A. See Exhibit 'B'.

Relationship To Existing Plans

Policy statements contained in various DHHL plans already approved by the HHC generally support the precepts of coastal zone management, community resilience and hazard mitigation, but there is a lack specificity or an overall framework to integrate these types of policies, coordinate implementation efforts and promote internally consistent application of these principles throughout the Planning System and operationalize them throughout DHHL as a whole.

DHHL General Plan

The General Plan contains broad goals and objectives intended to implement the purpose and intent of the Hawaiian Homes Commission Act at a policy level. The following goals and objectives support the development of DHHL policies and programs for coastal zone management, community resilience and hazard mitigation.

Land Use Planning

Goal: Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences and job opportunities.
- Develop improved relationships with the Counties to ensure reliable and adequate delivery of services to homesteaders.

Residential Uses

Goal: Ensure existing homestead neighborhoods are maintained as healthy and attractive communities for future generations.

Land and Resource Management

Goal: Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

Objectives:

- Preserve and protect significant natural, historic and community resources on Trust lands.
- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disasters on Hawaiian home lands.

Building Healthy Communities

Goal: Establish self-sufficient and healthy communities on Trust lands.

Objective:

- Build partnerships with public and private agencies to ensure reliable and adequate delivery of services to homesteaders.

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Island Plans

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities.

To date, the Island Plans have taken into account some, but not all, environmental conditions when conducting land suitability analysis. Coastal hazard vulnerabilities, with the exception of flood zone and tsunami inundation, have not been thoroughly or specifically analyzed in terms of environmental constraints and suitability of proposed land uses. The Planning Office intends to begin incorporating best practices in integrated coastal zone management, community resilience and hazard mitigation planning in all future Island Plan updates.

Regional Plans

There are 21 Regional Plans for existing homestead areas throughout the state. The Regional Plans identify a broad spectrum of issues and opportunities, potential projects, and priority projects, with a mixture of DHHL- and community-led initiatives. Table 1, "Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR" summarizes those issues, ideas and priority projects that are related to coastal zone management, community resilience and hazard mitigation. See Exhibit C (Table 1).

Several main themes emerge when reviewing what was elicited during the Regional Plan process. Common to many communities was the desire for better ways to evacuate people from coastal areas in case of a hurricane or tsunami, improved access for emergency vehicles, and new or enhanced emergency shelters.

The next most popular request was for drainage improvements and maintenance of drainage ways to reduce flooding in homestead areas. Flooding and drainage problems were issues on Hawai'i Island, Kaua'i, Lāna'i, Maui and O'ahu. In addition, flooding and inundation are known problems for all the low-lying coastal homestead communities on Molokai.

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EXHIBIT 'C'

DHHL Water Policy Plan

The Water Policy Plan adopted by the Hawaiian Homes Commission (HHC) in 2014 articulates a vision, mission and values as well as goals and policies as guidance for implementing the language in the Hawaiian Homes Commission Act (HHCA) regarding the rights and responsibilities of the Hawaiian Homes Commission (HHC) and DHHL to ensure the availability of adequate, quality water for the purposes of the HHCA.

Priority Policy

1. Expressly determine and plan for future water needs and actively participate in broader water management, use and protection efforts in Hawai'i in order to secure water.

Additional Goals

Part II. Plan for our water needs

4. Determine current and foreseeable future needs based upon periodic reviews of water availability projections that incorporate climate change, projected beneficiary demand, alternative sources and efficiency measures.

DHHL Energy Policy - Ho'omaluō

This policy in particular contains multiple objectives that when implemented will increase community resilience for our homestead communities by promoting energy self-sufficiency and increased use of renewable energy alternatives.

- Objective 1: Mālama 'āina: Respect and protect our native home lands.
- Objective 2: Ko'o: Facilitate the use of diverse renewable energy resources.
- Objective 3: Kūkulu pono: Design and build homes and communities that are energy efficient, self-sufficient and sustainable.
- Objective 4: Kōkua nō i nā kahu: Provide energy efficiency, self-sufficiency, and sustainability opportunities to existing homesteaders and their communities.

- Objective 5: Ho'ona'auao: Prepare and equip beneficiaries to promote a green, energy efficient lifestyle in and around communities.

Coastal Zone Management (CZM) Review of Projects Near the Shoreline

The Planning Office provides ongoing environmental review and planning technical assistance to the District Offices and, when needed, coordinates DHHL efforts among the line agencies (LMD, LDD, HSD), the District Offices and beneficiaries regarding important environmental, cultural and natural resource issues in homestead communities.

When questions about best practices in shoreline development, CZM and jurisdiction in the SMA arise, the project previously was not reviewed by the Planning Office. In the past, DHHL projects (but not homestead lessee projects) and non-homesteading projects (e.g. commercial developments) in the County SMA were submitted to the Counties for SMA permits, if applicable.

This practice began to change with the Ka Honua Momona International office and restroom project on Community Use land adjacent to Ali'i Fishpond in Makakupa'ia, Molokai. In July of 2011, The Land Management Division issued an "Exemption" from SMA permitting for the project, on advice from the County of Maui, which had determined that it did not have jurisdiction. The new structures were located as far mauka from the shoreline as feasible, were elevated and a state of the art composting toilet system was installed, therefore no leach field was needed. An informational presentation of the project was voluntarily brought before the Molokai Planning Commission in June of 2011 as a courtesy and was well received. See Exhibit 'B' and Exhibit 'D'.

Subsequently, the County of Maui Planning Director challenged DHHL's ability to grant "exemptions" from SMA permitting requirements based on his reading of Chapter 205A HRS. See Exhibit 'A'.

Recent projects in the SMA receiving CZM technical assistance from the Planning Office include:

(1) Kiowea Park Pavilion

- Evaluated shoreline erosion and determined an appropriate shoreline setback for a new pavilion at Kiowea Park in Kalama'ula. Addressed Ch. 205A

HRS Coastal Zone Management goals and policies in the Environmental Assessment for the project.

- (2) Kapa'akea Flood Mitigation (MoDO/LDD/PLO)
 - Provided CZM technical assistance to Land Development Division for a three (3) foot high concrete masonry unit (CMU) wall and footing that will extend makai from the south side of Kamehameha V Highway to within 60 feet of the shoreline. The project is currently in the Environmental Review (Ch. 343 HRS) phase.
- (3) Kapuāiwa Coconut Grove Cleanup and Fencing (MoDO/LMD/PLO)
 - Assisted the Molokai District Office in determining the best location and makai extent of fencing around Kapuāiwa Coconut Grove given accelerating shoreline erosion due in part to sea level rise.
- (4) Kumu Camp, Anahola, Kaua'i (LMD/PLO)
 - Determined adequate shoreline setback for makai structures based on established erosion rates for Anahola Bay. Did coastal hazard assessment for project.

State-Level Initiatives

The State of Hawai'i, while being the only coastal state to not yet have a Climate Change Adaptation Plan, has a number of initiatives underway and plans in place that address various aspects of coastal zone management, disaster preparedness and community resilience.

DLNR-OCCL and OP-CZM have several plans and initiatives underway that are being implemented programmatically. The following initiatives are intended to involve all State and County agencies in coastal zone management, climate change adaptation, hazard mitigation and disaster preparedness. DHHL participates in these initiatives at various levels.

Hawai'i Coastal Erosion Management Plan (COEMAP)

A recent study by the U.S. Geological Survey and University of Hawai'i researchers, *National Assessment of Shoreline Change: Historical Shoreline Change in the Hawaiian Islands*, finds that the majority of beaches (70%) in Hawai'i are experiencing coastal erosion and many miles

of beach have been severely narrowed or lost over the past century. DLNR-OCCL promotes more sustainable alternatives for coastal erosion management, beach restoration and "soft" approaches to shoreline protection through the COEMAP. This information will be useful to DHHL as efforts are made to deal with shoreline erosion and armoring on Hawaiian Homes land, and DHHL will participate in future updates to the COEMAP.

Ocean Resources Management Plan (ORMP)

The ORMP is a requirement under Hawaii Revised Statutes §205A-62(1) and is a major component of the State's Coastal Zone Management (CZM) Program. The ORMP supports effective management, beneficial use, protection, and development of the state's coastal zone, and is implemented via a partnership of State and county agencies. DHHL's Planning Office has been informally participating since 2013.

Interagency Climate Adaptation Committee (ICAC)

The Hawai'i Climate Adaptation Initiative Act of 2014 (Act 83) is designed to address the effects of climate change through 2050 to protect the State's economy, health, environment, and way of life. The initial focus of the Initiative is on the effects of sea level rise on the islands. Specific actions authorized by the Act include:

- Establishing an interagency climate adaptation committee, attached administratively to the Department of Land and Natural Resources, to develop a sea level rise vulnerability and adaptation report for Hawai'i, projecting through the year 2050;
- Authorizing the Office of Planning to coordinate the development of a statewide climate adaptation plan and to use the sea level rise vulnerability and adaptation report as a framework for addressing other climate threats and climate change adaptation priorities identified in Act 286, Session Laws of Hawai'i 2012; and
- Allocating funds and creating positions to carry out these purposes.

Multi-Hazard Mitigation Planning

The State of Hawaii Department of Defense, Civil Defense Division has a Multi-Hazard Mitigation Plan, last

updated in 2013. The Plan addressed hazards such as high wind and wave events, tsunami etc. and also analyzes the potential effects of climate change, including sea level rise and the potential for more severe storms. The plan describes the hazard, the probability of occurrence, does a risk assessment and presents mitigation strategies, by County. DHHL does not have direct participation or representation in this planning process, but comments on draft updates.

County-level Initiatives

Post-Disaster Reconstruction Guidelines and Protocols

County of Maui Planning Department's Coastal Zone Management Team, with technical assistance from their Sea Grant Extension agent, undertook a project in 2014-2015 to develop post-disaster recovery guidelines and protocols intended to facilitate rebuilding in sensitive coastal areas post-disaster. Planning Office staff contributed to outreach and workshop design and participated in workshops as well as encouraging participation by the beneficiary community on Molokai in the planning process. The guidelines will be used internally by County of Maui personnel in reviewing various types of permits.
See Exhibit 'E'.

University of Hawai'i - National Disaster Preparedness Training Center (NDPTC)

The federally-funded NDPTC offers courses that cover coastal community resilience, natural disaster awareness for community leaders, hurricane, tsunami and volcanic crisis awareness, and use of social media for disaster preparedness and response, among other topics. Several Molokai homestead leaders have taken courses when offered on island, and upon request, NDPTC is willing to take their courses out the community to train interested beneficiaries, as well as to conduct trainings here in Kapolei for DHHL staff, free of charge.

University of Hawaii - Department of Urban and Regional Planning (UH-DURP)

Over the past several years, graduate students at UH-DURP, under the guidance of Professor Luciano Minerbi, have selected DHHL's homestead communities for Practicum projects, analyzing community vulnerability to coastal hazards and the role of social capital in community resilience. Students drafted culturally appropriate guidance

for planning with homestead communities for disaster preparedness and resilience, and produced a guidebook with an outline for a two-day community workshop with sample worksheets.

Using the guidebook, a condensed one day training on disaster preparedness planning and coastal hazard mitigation strategies for homestead leaders from Kalama'ula, Kapa'akea and Kamiloloa-One Ali'i homesteads was conducted by Planning Office staff and two graduate students on Molokai in August 2015. The workshop, titled "Molokai Coastal Homestead Resilience & Disaster Planning Workshop" was well received and homestead leaders expressed interest in the Planning Office following up with full two-day workshops involving entire homestead communities. HHC members received copies of the Practicum report, titled "Coastal Resilience for DHHL Communities" at a previous meeting. Also analyzed were some of the jurisdictional issues that DHHL has in regards to Ch. 205A HRS. See Exhibit 'F'.

Activities by Individual Homestead Associations

The Waimānalo homestead community has been actively engaging for several years with Honolulu City and County and State Civil Defense disaster preparedness activities. Waimanalo was honored as a Hawaii Hazards Awareness and Resilience Program (HHARP) disaster resilient community by local, state, and federal officials during the Waimanalo Emergency Preparedness Fair in June 2015. A Hawai'i Emergency Management Agency-sponsored HHARP (Hawaii Hazards Awareness and Resilience Program) meeting held in Waimānalo in July 2015 was well attended. Both the Wai'anae and Waimānalo homesteads are in communities considered to be active HHARP communities.

Potential Funding Sources

There are several options that DHHL could pursue in formulating and implementing an integrated Coastal Zone Management, Hazard Mitigation and Community Resilience (CZM-HM-CR) program. One avenue would be to work with State OP and the National Oceanic and Atmospheric Administration (NOAA) to implement a DHHL-specific CZM program and receive CZM funding from the federal program through State OP-CZM.

In addition, the State of Hawaii, Office of Planning and DLNR-OCCL have jointly been applying for grants from NOAA to do coastal hazard mitigation and community resilience. DHHL needs to engage with these agencies on an ongoing basis to ensure that homestead communities and DHHL

lands are included in projects being funded by federal grant sources. Other funding sources include the Federal Emergency Management Administration (FEMA) and the United States Department of Agriculture, Rural Community Development Initiative (USDA-RCDI).

Summary and Next Steps

There are various activities at multiple levels of government that need to be tied together in order for DHHL to implement its efforts in the overlapping areas of Coastal Zone Management, Hazard Mitigation and Community Resilience (CZM-HM-CR). Developing an integrated policy framework that permeates the entire Planning System is recommended. A more coordinated approach to DHHL representation and involvement in various disaster preparedness and community resilience plans, policies, and implementation activities is also needed. Current Planning Office activities in this area include:

- Kapa'akea Shoreline Erosion Assessment - funding for the project was approved this year by the HHC. The Planning Office will be initiating this project.
- Continued participation by Planning Office staff in CZM and Climate Change Adaptation planning processes.
- Further analysis and legal review of HHC authorities in relation to CZM, particularly the SMA.
- Identification and initial discussions with other partners willing to assist DHHL in its efforts.

The Planning Office will continue to work on framing the issues and developing a programmatic framework for integrating DHHL efforts in these areas.

RECOMMENDATION

None; for information only.

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



2015 NOV 27 AM 8:55

COUNTY OF MAUI

DEPARTMENT OF PLANNING

November 25, 2015

Certified Receipt No. (7015 0640 0000 9507 3425)

Mr. Mervin Dudoit
P.O. Box 1034
Kaunakakai, Hawaii 96748

Certified Receipt No. (7015 0640 0000 9507 3432)

Hawaiian Home Lands
P.O. Box 1874
Honolulu, Hawaii 96805

Dear Mr. Dudoit:

**RE: NOTICE OF WARNING AND FIRST (1ST) REQUEST TO CORRECT
APPARENT VIOLATION(S) WITHIN THE SPECIAL MANAGEMENT AREA
(SMA)**

TMK: (2) 5-4-006:012-0000 and possibly (2) 5-4-006:029-0000
RFS No.: 15-0001486
Description: Failure to obtain SMA assessment/determination for
structures located near the shoreline at 1480 Kamehameha
V Highway Kaunakakai, Hawaii, on the island of Molokai

Based on information obtained, we have reason to believe that on your property, on or before November 9, 2015, there were one or more violations. The foundation and roofed structure along the shoreline, are in violation of including but not limited to Section 12-202-12, SMA Rules for the Maui Planning Commission, which states that all actions within the SMA shall be subject to an assessment/determination made by the Planning Director.

The information obtained includes: photographs and witness statements.

You must correct any violation(s) by **December 28, 2015**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be up to 1) \$100,000.00; and 2) a daily fine of up to \$10,000.00 for each day the violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County,


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EXHIBIT 'C'

Mr. Mervin Dudoit
November 25, 2015
Page 2

State, or Federal agencies. If you have questions about this request, please contact me at Tammy.Osurman@mauicounty.gov or (808)270-7194; and please refer to **RFS 15-0001486**.

Sincerely,



Tammy Osurman
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (via e-mail)
Tammy Osurman, Zoning Inspector (PDF)
RFS No. 15-0001486 (KIVA; RFS Project File)
JSR:JAA:TLO:smb
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ITEM G-3

EXHIBIT 'C'

ITEM G-6

EXHIBIT 'A'

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI

DEPARTMENT OF PLANNING

October 30, 2012

2012 NOV -1 AM 10:40

Ms. Jobie Masagatani, Chair-Designate
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805

Dear Chair-Designate Masagatani:

**SUBJECT: KA HONUA MOMONA PROJECT AND APPLICABILITY OF
CHAPTER 205A, HAWAII REVISED STATUTES**

A question has recently been posed to the County of Maui Department of Planning (Department) relating to uses on Department of Hawaiian Home Lands (DHHL) property. We are hoping that you would offer comments on this issue so that we may respond appropriately.

This relates to Ka Honua Momoa's Kauhale Project on Molokai. You wrote to us on March 27, 2012 and July 8, 2011, stating that "DHHL is exempting this project from the SMA permit requirements" pursuant to the Molokai Planning Commission's Special Management Area rules, which were promulgated pursuant to Chapter 205A, Hawaii Revised Statutes.

It is not clear to us that DHHL has the authority to declare exemptions from state or county SMA requirements for projects that, while on DHHL lands, are not DHHL projects and are not projects for homesteading purposes.

Can you please provide us with specific citations from the Hawaiian Homes Commission Act, relevant case law and/or Attorney General opinions to substantiate this authority?

Your review and response to this issue would be greatly appreciated. If you have any questions or require additional information, please feel free to contact Deputy Planning Director Michele McLean by email at michele.mclean@co.maui.hi.us or by phone at 808-270-7735.

Thank you, in advance, for your time and attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Spence", is written over a horizontal line.

WILLIAM SPENCE
Planning Director

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ITEM G-6

EXHIBIT 'B'

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xc: Council Chair Danny Mateo
Michele McLean, Deputy Director
Clayton Yoshida, Planning Program Administrator
Aaron Shinmoto, Planning Program Administrator
Michael J. Hopper, Deputy Corporation Counsel

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EXHIBIT 'B'

Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

Island	Region	Date HHC Adopted	In Coastal Area	Category	Issue	Opportunity	Priority Project	CZM-related	Disaster Prep & Prevent	Comm. Resili-ence
Hawai'i	Kawaihae	Sept. 2010	X	Residential Homestead Needs	No Natural Disaster Evacuation Plan	Develop emergency evacuation plan: do risk analysis, ID evac routes & shelter locations, coordinate w/stakeholders, agencies			X	X
Hawai'i	Kawaihae	Sept. 2010	X	Infrastructure Development	Flood Mitigation	Assess flooding risks of drainage ways; coordinate debris removal		X	X	X
Hawai'i	Kawaihae	Sept. 2010	X	Natural Resource Management	Pelekane Bay Restoration	Work w/Federal & State gov't agencies to mitigate impacts from Kawaihae Harbor		X	X	X
Hawai'i	Kawaihae	Sept. 2010	X	Natural Resource Management	Jet Ski Restriction	Restrict Jet Ski use abutting HHL		X		
Hawai'i	Ka'ū	May 2012	X	Alternative Building Code	County code not flexible; increases housing costs	Evaluate use of non-standard building code for HHL		X	X	X
Hawai'i	Ka'ū	May 2012	X	Transportation & Circulation	Lack of maintained roads & paths causing erosion, damaging coastal resources	Develop vehicular roadways & pedestrian pathways in coastal Kalae to better manage coastal access, mitigate impacts. Designate sensitive areas as "Off Limits" to vehicles		X		
Hawai'i	Ka'ū	May 2012	X	Natural & Cultural Resource Management	Within the coastal areas of Kamā'oa Pu'u'eo near Kalae is an area of great cultural importance requiring protection.	Protect and Preserve Cultural Sites & Natural Resources in Kamā'oa	X	X		

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Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

Island	Region	Date HHC Adopted	In Coastal Area	Category	Issue	Opportunity	Priority Project	CZM-related	Disaster Prep & Prevent	Comm. Resili-ence
Hawai'i	Ka'ū	May 2012	X	Natural Resource Management	Need a more coordinated approach to wildfire risk reduction	Develop a Regional Fire Control Plan			X	X
Hawai'i	Keaukaha	Dec 2012	X	Emergency Access & Evacuation Planning	Need to improve disaster preparedness	Improve Current Emergency Evacuation Plan w/KS, County, DOT			X	X
Hawai'i	Maku'u	Dec 2012	X	Infrastructure Development / Roads / Emergency Access	Need alternate access route for emergency vehicles	Develop lower roadway connection between Maku'u Farm Lots and Hawaiian Paradise Park for emergency access only			X	X
Hawai'i	Waimea Nui	Jan. 2012		Infrastructure Development / Roads / Emergency Access	Single access point for Lālāmilo is a problem in an emergency	Open both Lālāmilo Access Roads (east and west)			X	X
Hawai'i	Waimea Nui	Jan. 2012		Alternative Building Code	County code not flexible; increases housing costs	Evaluate use of non-standard building code for HHL	X	X	X	X
Kaua'i	Anahola	June 2010		Infrastructure Development / Roads / Emergency Access	Improve Road and Traffic Circulation to Kūhiō Highway	Improve road connectivity in Anahola by increasing direct access to Kūhiō Highway.	X		X	X
Kaua'i	Anahola	June 2010	X	Natural Resource Management	Need more comprehensive planning approach for makai areas	Develop plan that identifies shoreline resources & access points to better manage coastal land between Anahola Beach Park and N edge of DHHL lands.		X		X

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Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

Island	Region	Date HHC Adopted	In Coastal Area	Category	Issue	Opportunity	Priority Project	CZM-related	Disaster Prep & Prevent	Comm. Resilience
Kaua'i	West Kaua'i	Feb. 2011	X	Emergency Shelter, Access, & Evacuation	Community needs an emergency shelter	Develop a Multi-purpose Evacuation / Cultural / Education Center / Shelter	X		X	X
Kaua'i	Wailua	Dec. 2009	X	Flood Mitigation	Flooding occurs during rainy season makai of the highway & near the jail	Design and implement drainage improvements			X	
Lāna'i	Lāna'i	June 2010		Community Safety	Vegetation overgrowth on undeveloped lands & vacant lots poses fire & safety hazards, loss of sidewalk access & reduces visibility at intersections.	Provide work by hiring on-island contractor to conduct maintenance, control vegetation on vacant lots & planting strips. Clear lands / develop fire break.			X	X
Lāna'i	Lāna'i	June 2010		Infrastructure Development - Drainage	Inadequate drainage - not adequately protecting land from soil erosion.	Install off-site retaining wall to mitigate drainage issues, control soil erosion			X	
Lāna'i	Lāna'i	June 2010		Natural Resource Management, Community Use of Interim lands	Interim Community Use & Management of Vacant & Undeveloped Lands	Develop program for interim land use, community agriculture / farming.	X			X
Molokai	Molokai	April 2010		Infrastructure Development - Roads	Many roads in Ag Homestead areas not paved – become 4 WD only / impassable in wet conditions	Pave dirt roads (feedback from NHDPP outreach)			X	X

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Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

Island	Region	Date HHC Adopted	In Coastal Area	Category	Issue	Opportunity	Priority Project	CZM-related	Disaster Prep & Prevent	Comm. Resili-ence
Maui	Waiehu Kou/ Paukukalo	June 2010	X	Infrastructure Development - Drainage	Address Drainage Issue at Paukukalo - problem w/ sinking houses at Kalākaua and Kūhiō Streets. 1950's homes built on sand, floods when it rains.	Need drainage improvements for homes along a section of Kalākaua Street that intersects with Kūhiō Place and Keali'i Drive.	X		X	X
Maui	Kahikinui	July 2011		Infrastructure Development / Roads	Condition of spine road affects daily lives of all residents. Health & safety issue - emergency vehicles are either unable to reach the scene or take a very long time to come up to site of emergency.	Repair and maint. of mauka-makai road critical. Create new secondary road at lower elevation, below loop road, to provide access to lower lots, firebreak & emergency vehicle access. Need better access to upland forests areas.	X		X	X
Maui	Keokea-Waiohuli	June 2010		Community Safety / Emergency Access & Evacuation Planning	Civil Defense Sirens, kupuna safety	Ensure that civil defense siren system provides coverage for Homestead area. Ensure safety of kupuna in event of an emergency.			X	X
O'ahu	Waimānalo	Nov. 2011	X	Infrastructure Development / Roads	Congestion along highway at rush hour is a real problem. Alternate route during emergency events is needed.	Investigate Potential Routes for Alternative Access or Bypass Road			X	X

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ITEM G-6, EXHIBIT 'C'

Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

Island	Region	Date HHC Adopted	In Coastal Area	Category	Issue	Opportunity	Priority Project	CZM-related	Disaster Prep & Prevent	Comm. Resilience
O'ahu	Waimānalo	Nov. 2011	X	Emergency Access & Evacuation Planning	Information gap currently exists for community & visitors on recommended evacuation routes from the coastal areas.	DEM preparing a plan w/ travel routes in Waimānalo; identifies refuge areas & shelter facilities; coordination / collaboration requirements; GIS evacuation route/ tsunami boundary signage plan	X		X	X
O'ahu	Waimānalo	Nov. 2011	X	Infrastructure Development / Roads	Waikupanaha Improvements / Ilauhole Street Extension was proposed in 2006, funding lapsed.	This road will provide emergency access (e.g. in case of tsunami), and better access to jobs (i.e., CTAHR) from subdivisions.	X		X	X
O'ahu	Wai'anae / Lualualei	July 2010	X	Emergency Access	No alternate route if only highway is blocked	Implement emergency access road through Kolekole Pass				
O'ahu	Wai'anae / Lualualei	July 2010	X	Infrastructure Development / Roads	Constant traffic backups on Farrington Highway	Wai'anae Trans. Corridor Coordination & Improvements - need coordination among stakeholders	X	X	X	X
O'ahu	Nanakuli	Dec. 2009	X	Community-based economic development	Need more economic opportunities in region	Promote community-based management & use of ocean resources		X		X

Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

Island	Region	Date HHC Adopted	In Coastal Area	Category	Issue	Opportunity	Priority Project	CZM-related	Disaster Prep & Prevent	Comm. Resilience
O'ahu	Nanakuli	Dec. 2009	X	Infrastructure Maintenance & Improvements - Drainage	Streams and canals accumulate debris, Homesteaders along the canal/ditch are responsible for keeping them clean.	Identify ways to encourage homesteaders; ID need for assistance. Organize community workdays; collaborate with non-profit organizations for community drainage improvement projects		X	X	X

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN

M. WAIALEALE SARSONA
EXECUTIVE ASSISTANT

July 8, 2011

bc: LMD Reading
LMD File: LA 744
LMD Staff: TG
Maui DO
Commissioner Artates

Mr. William Spence
Director of Planning
Department of Planning
County of Maui
250 S. High Street
Kalana Pakui Building, Suite 200
Wailuku, Hawaii 96793

Aloha Mr. Spence:

Subject: Declaration of Exemption, Ka Honua Momona
Kauhale Project, Building Permit
Application Nos. T2011/0815 and T2011/0817
Tax Map Key: (2) 5-4-006:019

Under provisions of the Hawaiian Homes Commission Act (HHCA) of 1920, as amended, the Department of Hawaiian Home Lands (DHHL) is exempting itself from the Shoreline Management Area (SMA) Permit requirements pursuant to the County of Maui, Department of Planning related to the development of the above-mentioned project.

Exemption from the following County of Maui, Department of Planning, SMA Rules is being declared:

1. Title MC-12, Subtitle 03, Chapter 302
§12-302-14 Special management area minor permit procedures

DHHL is exempting this project from the SMA permit requirements to facilitate the construction of a small office (no greater than 775 square feet), a restroom facility including

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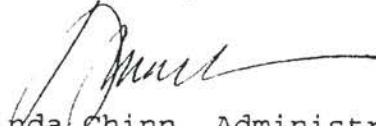
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composting toilets and measuring approximately 10' x 14', a traditional hale made of natural and local materials measuring 20' x 40', a gray water system which incorporates subsurface irrigation, and an outdoor performance platform made of mounded earth.

Should you have any questions, please call Todd Gray, Land Agent, Land Management Division, at (808) 620-9460.

Me ke aloha,



Linda Chinn, Administrator
Land Management Division

c: Ka Honua Momona International

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EXHIBIT 'D'

POST-DISASTER RECONSTRUCTION GUIDELINES AND PROTOCOLS

for the Conservation of Coastal Resources
and Protection of Coastal Communities,
Maui County, Hawaii



Building Back Safer, Stronger, Smarter!

JANUARY 2015



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EXHIBIT 'E'

Coastal Resilience for DHHL Communities



A resource for the Department of Hawaiian Home Lands and its beneficiaries

Information to help officials and residents assess coastal hazards, enhance beneficiaries' disaster-readiness, improve management of the resource, and clarify jurisdictional issues. Prepared by the Department of Urban and Regional Planning's Spring 2015 Practicum Team, University of Hawai'i at Mānoa

May 2015
Honolulu, Hawai'i



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EXHIBIT 'F'

Pacific Islands Climate Change Cooperative



Incorporating science and traditional knowledge in Moloka'i to prepare fishponds for climate change

How will local communities prepare infrastructure for climate change? To answer this question, this project brings together climate change scientists, Moloka'i's traditional fishpond managers, and other natural resource managers to share scientific and cultural knowledge and work together as a team to identify adaptive management strategies for two of Moloka'i's ancient fishponds.

Moloka'i is a small, rural, culturally rich Hawaiian island with much of its human infrastructure (including culturally critical ancient fishponds) located on the coast. It also protects some of the best native coastal plant communities in Hawai'i. Yet, predicted ecosystem response to climate change has not yet been a major topic of discussion.

In order to explore and discuss the impact of climate change upon the local fishponds, this project pursued a short series of workshops that include field trips, presentations, brainstorming sessions, shared meals, and cultural protocol. This formed new and strengthened existing partnerships between and among workshop participants so resources can be pooled and the island can respond as one in the face of climate change. The workshop results will be incorporated into the strategic plan for the ponds and upland

areas. In addition, the K-6 educational curriculum will be revised, a climate change video featuring Moloka'i kūpuna will be created, a community meeting will be held, a "community engagement protocol" will be created to help scientists work with other small communities throughout Hawai'i Nei (and the Pacific), and experiences will be shared with others in the scientific and cultural management communities.

This project has several goals. The first is to bring Hawaii's climate change scientists, Molokai's traditional fishpond managers, and other coastal natural resource managers together to share scientific and cultural knowledge about predicted ecosystem response due to climate change, and work together as a team to identify adaptive management strategies to protect two of Molokai's ancient fishponds. The aim is to create new, and strengthen existing, partnerships between scientists and cultural resource managers, so we can better respond to predicted ecosystem changes and protect cultural and ecological resources.

Additionally, the project has the goal of starting the community of Moloka'i thinking about how to respond to climate change, as individuals and as an island, by sharing what we have learned.

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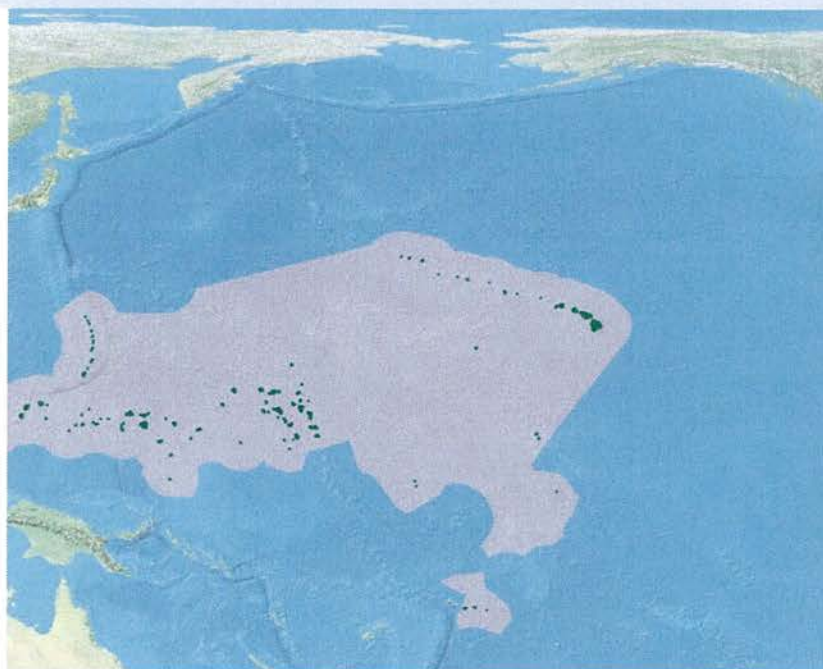
EXHIBIT 'C'

The project aims to improve the ability of scientists to engage traditionally based communities to address climate change. Through climate change workshops and the development of community engagement protocol, this project helps to enable scientists to engage traditionally based communities in order to more effectively address on-the-ground impacts of climate change.

For more details about this project, visit the PICCC projects page: piccc.net/our-projects.



The map below depicts the PICCC geography, which includes Hawai'i, American Sāmoa, Guam, the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau and 4 Marine National Monuments.



Principal Investigators

Kauwila Hanchett

Project Partners

US National Park Service
University of Hawai'i, Mānoa
USGS

The Pacific Islands Climate Change Cooperative (PICCC)

(PICCC) was established in 2009 to assist those who manage native species, island ecosystems, and key cultural resources in adapting their management to climate change for the continuing benefit of the people of the Pacific Islands. The PICCC provides a range of services and tools to help managers in Hawai'i, the Mariana Islands, American Sāmoa, and other Pacific Island groups make informed decisions for conservation of natural and cultural resources including climate models at the scale of islands and archipelagos, ecological response models, and implementation and monitoring strategies for island species, resources, and communities. Our goal is to help managers reach explicit biological and cultural conservation objectives in the face of climate change and ongoing threats such as fire, land conversion, and invasive species.

Contact:

Jeff Burgett
PICCC Science Coordinator
jeff.burgett@piccc.net
677 Ala Moana Blvd., Suite 320
Honolulu, HI 96813
Phone: 808-687-6175
Fax: 808-664-8510

Banner photo by Matthew Wingate, NOAA
Photo Library; SLR diagram by Kane &
Fletcher

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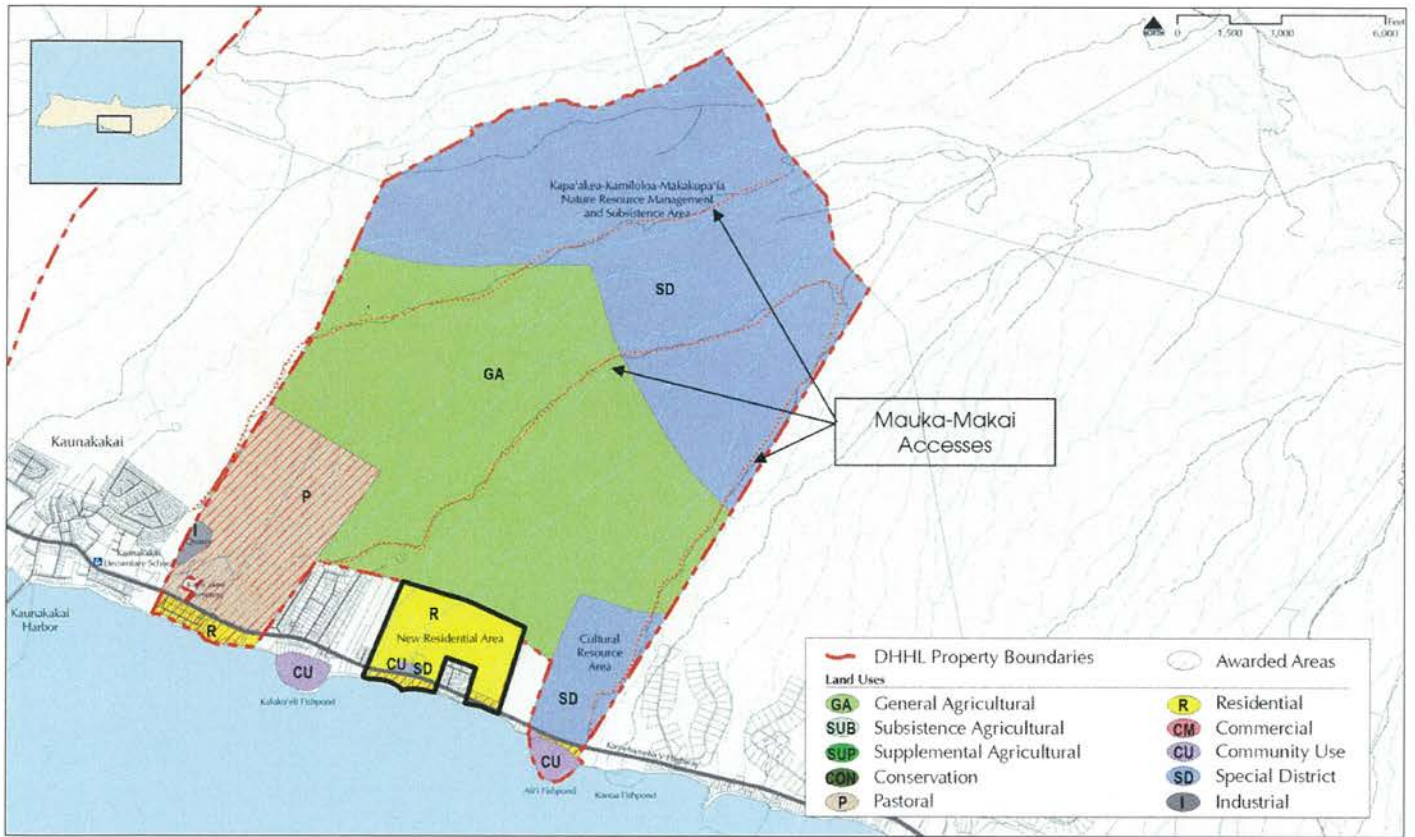
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Box 1. Hawai'i Climate Adaptation Priority Guidelines (Hawai'i State Planning Act)

1. Ensure that Hawai'i's people are educated, informed, and aware of the impacts climate change may have on their communities;
2. Encourage community stewardship groups and local stakeholders to participate in planning and implementation of climate change policies;
3. Invest in continued monitoring and research of Hawai'i's climate and the impacts of climate change on the State;
4. Consider Native Hawaiian traditional knowledge and practices in planning for the impacts of climate change;
5. Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change;
6. Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments;
7. Promote sector resilience in areas such as water, roads, airports, and public health, by encouraging the identification of climate change threats, assessment of potential consequences, and evaluation of adaptation options;
8. Foster cross-jurisdictional collaboration between county, state, and federal agencies and partnerships between government and private entities and other nongovernmental entities, including nonprofit entities;
9. Use management and implementation approaches that encourage the continual collection, evaluation, and integration of new information and strategies into new and existing practices, policies, and plans; and
10. Encourage planning and management of the natural and built environments that effectively integrate climate change policy.

Box 2. Aloha+ Challenge Sustainable Development Goals

- **Clean Energy:** 70% clean energy, including 40% from renewables and 30% from efficiency
- **Local Food:** At least double local food production with a goal of 20 to 30% of food consumed grown locally
- **Natural Resource Management:** Reverse the trend of natural resource loss mauka to makai by increasing freshwater security, watershed protection, community- based marine management, invasive species prevention, and native species restoration
- **Waste Reduction:** Reduce the solid waste stream prior to disposal by 70% through rough source reduction, recycling, bioconversion, and landfill diversion methods
- **Smart Sustainable Communities:** Increase livability and resilience in the built environment through planning and implementation at the state and county levels
- **Green Workforce and Education:** Increase local green jobs and education to implement these targets



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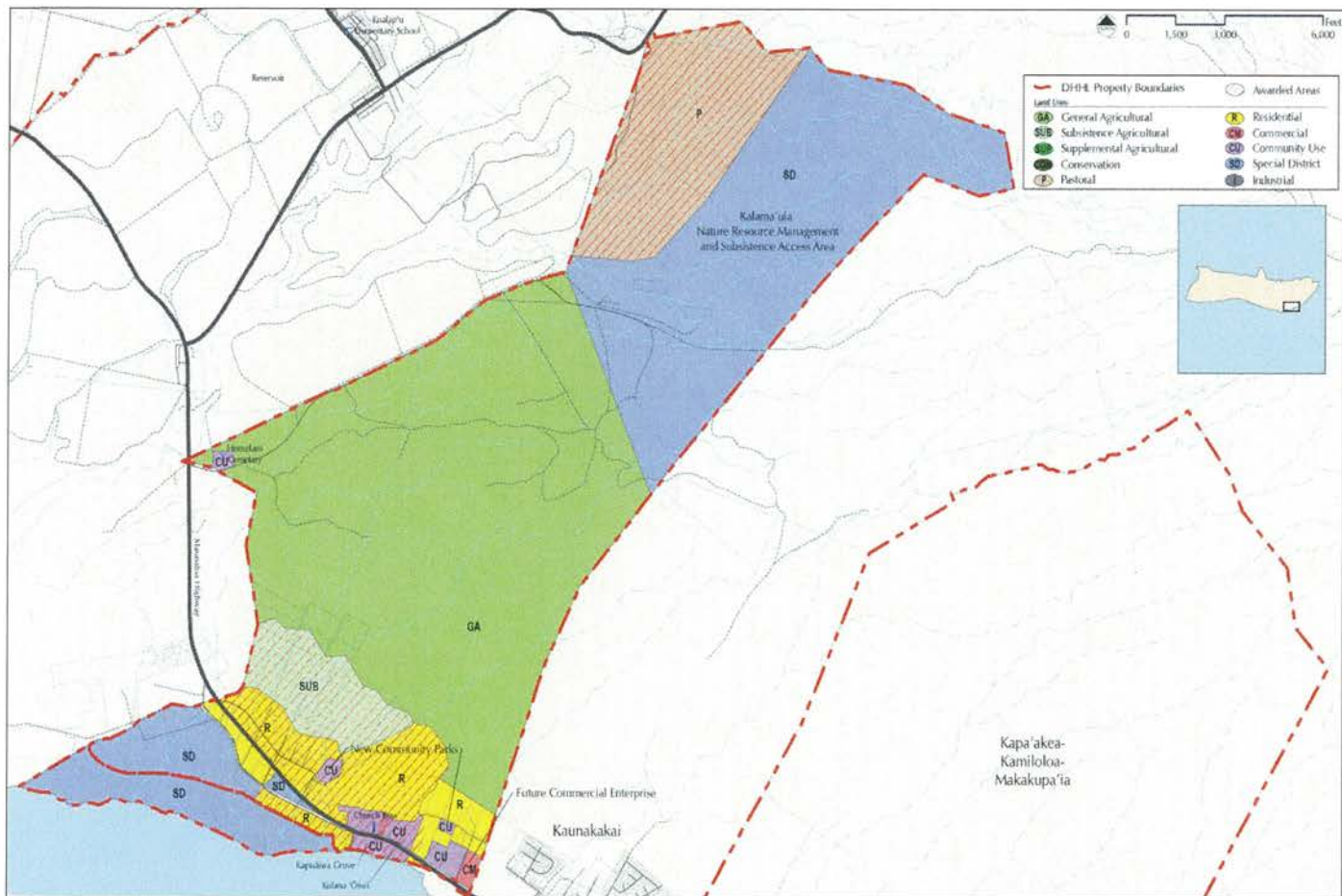


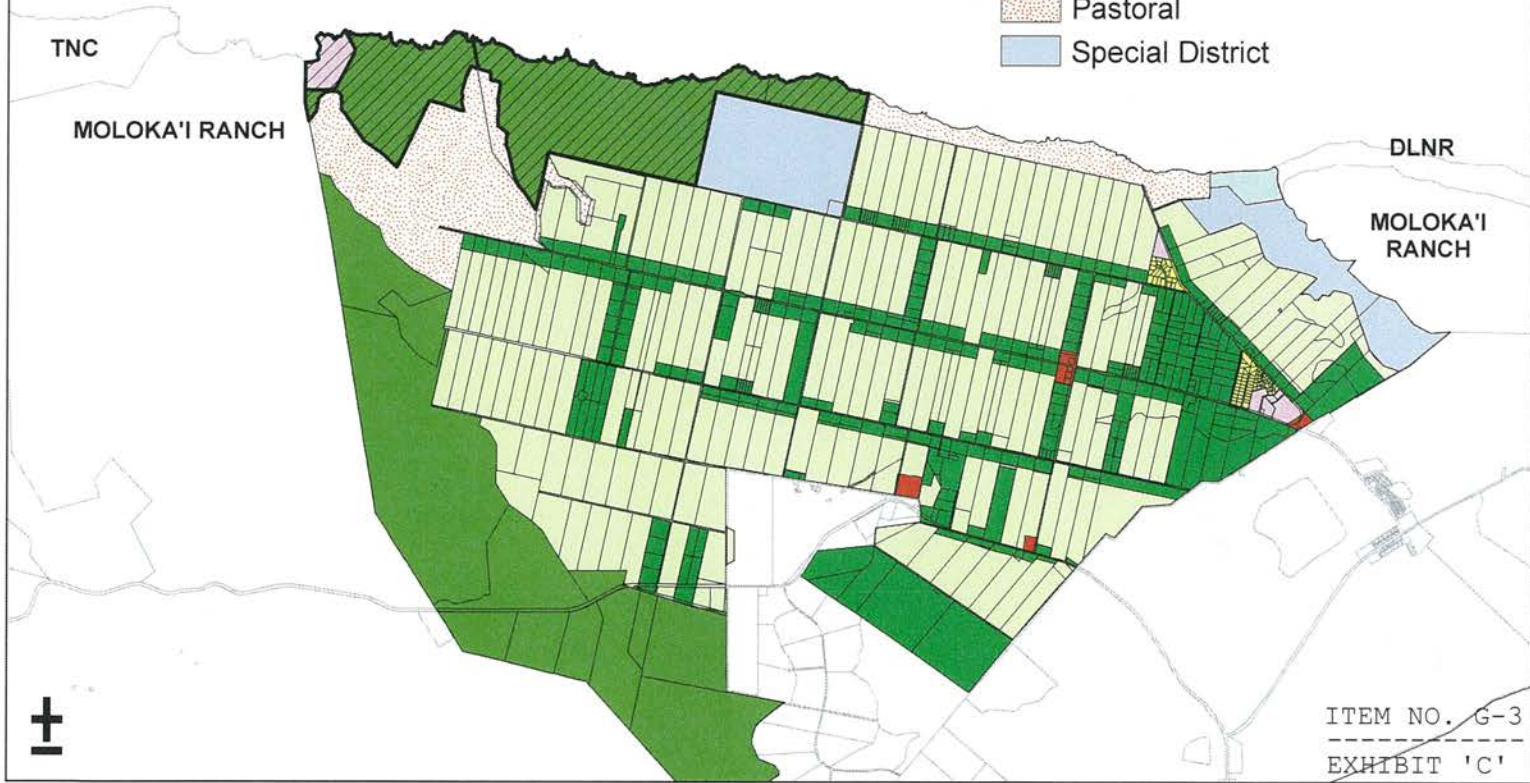
Figure 5.2 - Kalama'ula Preferred Land Use Plan

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EXISTING LAND USE DESIGNATIONS AREA FOR PROPOSED CHANGES

The HHC amended the Moloka'i Island Plan in 2010, changing the entire hashed area to Special District.

- Area for Proposed Special District
- Commercial
- Residential
- Supplemental Agriculture
- Subsistence Agriculture
- Conservation
- General Ag
- Community
- Pastoral
- Special District





Climate Change, Disaster Preparedness, & the Wai'anae Coast Parallel Route



- "The impacts of climate change on O'ahu could be significant, most especially the **increased storm severity**, including **flooding, tidal surges, high winds**, and [...] predicted rise in **both sea level and groundwater table**." (O'ahu Regional Transportation Plan 2040)
- Future community development, especially **transportation corridors**, should be planned considering the effects of **climate change** and **sea level rise**.
- Notably, a **Wai'anae Coast Parallel Route** has been proposed for the Wai'anae Coast. This may:
 - (1) provide relief for traffic into and out of Wai'anae Moku during peak hours, and
 - (2) provide a viable evacuation alternative to Farrington Highway in the event of an extreme tsunami.



DISASTER PREPAREDNESS & COORDINATION

Objectives

- A safe community with comprehensive emergency procedures, routes, and facilities, prioritizing the safety of our kūpuna and keiki.
- Disaster preparedness and climate change mitigation via community self-sustainability.
- Coordinated and efficient disaster-minded roadway improvements, including the Wai'anae Coast Emergency Access Road (WCEAR) and the Wai'anae Coast Parallel Route.

Implementation Actions (in no particular order)	Kūleana Who will help to implement?
Hold Community Resilience Workshops and prepare a disaster mitigation plan.	DHHL coordinate and hold workshops for the Wai'anae & Lualualei homestead communities.
Clarify a process for determining the community's desired route for the Wai'anae Coast Emergency Access Road (WCEAR).	[to be edited by DHHL]
Continue to explore the construction of a Wai'anae Coast Parallel Route mauka of Kawao Avenue ("6th Road").	[to be edited by DHHL]
Increase cross-department coordination and regular progress reports on roadway maintenance, improvements, and other construction affecting emergency procedures.	DHHL and homestead communities push for cross-department coordination beginning with the Community Resilience Workshops (see above).
Explore creation of homestead Community Resilience Plan that integrates short-term disaster response and long-term community resilience.	DHHL explore what work has been done in this area, existing information, and identify potential partners who might collaborate with DHHL to create a Community Resilience Plan. Could potentially result from Community Resilience Workshops (see above).
Explore community-led projects to increase home and neighborhood self-sufficiency (food, water, energy, and other forms).	Homestead communities participate and contribute their mana'o to the planning process.
	Homestead communities assess existing resources and opportunities, coordinating with DHHL and other community partners to plan and initiate small-scale community projects.

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PURPOSE

Pursuant to the Revised Charter of Honolulu ("RCH") Section 6-107(h), the City and County of Honolulu ("City") Climate Change Commission is charged with gathering the latest science and information on climate change impacts to Hawai'i and providing advice and recommendations to the mayor, City Council, and executive departments as they look to draft policy and engage in planning for future climate scenarios and reducing Honolulu's contribution to global greenhouse gas emissions.

To establish the factual basis and broad impact of climate change, the City Climate Change Commission adopts this CLIMATE CHANGE BRIEF - JUNE 5, 2018. This document describes the local, regional, and global impacts of climate change as documented by the peer-reviewed scientific literature and credible empirical data sources. It provides a benchmark for the commission, attesting to our concern, underpinning our decisions and recommendations, and serving to inform those we serve.

The information in this report reinforces the need for an urgent and sweeping transformation in our energy sources, food systems, and land-use practices to achieve a decarbonized world economy. Mitigation of future climate change must be achieved to avoid the very worst aspects of global warming. In the words of Dr. Jim Hansen, former chief scientist at the NASA Goddard Institute of Space Science, "There is a possibility, a real danger, that we will hand young people and future generations a climate system that is practically out of their control... we have a global emergency. Fossil fuel CO₂ emissions should be reduced as rapidly as practical."¹

Because many changes in global biogeochemical systems have been irreversibly set into motion, and these threaten the health and welfare of human populations, it is important that the City and County of Honolulu take bold steps to reduce greenhouse gas emissions and build sustainability and resilience in the face of a rapidly changing climate.

INTRODUCTION

Excess heat, trapped by the anthropogenic greenhouse gases carbon dioxide, methane, nitrous oxide, and others in the atmosphere, is causing dramatic changes in ecosystems, the ocean, weather patterns, and other climate-dependent aspects of Earth's surface. Hawai'i, and other Pacific islands are impacted, and these impacts are growing.²

The negative impacts of climate change fall disproportionately on disadvantaged groups in a type of "vicious cycle".³ Initial inequity or vulnerabilities can be exacerbated by climate change; for example, low-income people are less likely to have air conditioning and can be much more susceptible to the effects of a heat wave. This in turn lowers the ability of already disadvantaged groups to cope and recover. It is important to recognize and resolve the impacts of climate change on vulnerable populations as the City pivots to meet the challenges of climate change.

Unrelenting impacts to Earth's ecosystems⁴ and natural resources have led researchers to conclude that our planet is perched on the edge of a tipping point⁵, a planetary-scale critical transition resulting from human impacts.⁶ These changes include the following.

CARBON DIOXIDE

- Carbon dioxide levels in the air have passed 410 ppm compared to a natural level of 280 ppm⁷ – an increase of over 45%. This is the highest level in millions of years.⁸
- Today, release of planet-warming carbon dioxide is ten times faster than the most rapid event in the past 66 million years, when an asteroid impact killed the dinosaurs.⁹

will be less than 3.6°F (2°C), and a 1% chance that it will be less than 2.7°F (1.5°C).¹¹

- The last time it was this warm, 125,000 years ago, global sea level was 20 ft (6.6 m) higher.^{12 13 14}
- Atmospheric humidity is rising.¹⁵
- The global water cycle has accelerated.¹⁶
- Air temperature over the oceans is rising.¹⁷

HAWAII – LOCAL AND REGIONAL IMPACTS

Air Temperature

TEMPERATURE

- Global temperature has risen approximately 1.8°F (1°C) from the late 19th Century.¹⁰
- The likely global temperature increase this century is a median 5.76°F (3.2°C). There is only a 5% chance that it

- In Hawai'i, the rate of warming air temperature has increased in recent decades. Currently, the air is warming at 0.3°F (0.17°C) per decade, four times faster than half a century ago.¹⁸

- Statewide, average air temperature has risen by 0.76°F (0.42°C) over the past 100 years, and 2015 and 2016 were the warmest years on record.¹⁹
- Warming air temperatures lead to heat waves, expanded pathogen ranges and invasive species, thermal stress for native flora and fauna, increased electricity demand, increased wildfire, potential threats to human health, and increased evaporation which both reduces water supply and increases demand. Rapid warming at highest elevations impedes precipitation, the source of Hawai'i's freshwater.²⁰
- During the strong El Niño of 2015, Honolulu set or tied 11 days of record heat.²¹ This compelled the local energy utility to issue emergency public service announcements to curtail escalating air conditioning use that stressed the electrical grid.²²
- Some model projections for the late 21st century indicate that surface air temperature over land will increase 1.8° to 7.2°F (2° to 4°C) with the greatest warming at the highest elevations and on leeward sides of the major islands.²³
- Under continued strong greenhouse gas emissions, high elevations above 9,800 ft (3000 m) reach up to 7.2° to 9°F (4 to 5°C) warmer temperatures by the late 21st Century.²⁴
- Generally, windward sides of the major islands will become cloudier and wetter. The dry leeward sides will generally have fewer clouds and less rainfall.³⁵
- Stream flow in Hawai'i has declined over approximately the past century, consistent with observed decreases in rainfall.³⁶ This indicates declining groundwater levels.
- More frequent tropical cyclones are projected for the waters near Hawai'i. This is not necessarily because there will be more storms forming in the east Pacific; rather, it is projected that storms will follow new tracks that bring them into the region of Hawai'i more often.³⁷

El Niño-Southern Oscillation

- Frequency of intense El Niño events is projected to double in the 21st century, with the likelihood of extreme events occurring roughly once every decade.³⁸
- Models project a near doubling in the frequency of future extreme La Niña events, from one in every 23 years to one in every 13 years. Approximately 75% of the increase occurs in years following extreme El Niño events, thus projecting more frequent swings between opposite extremes from one year to the next.³⁹
- Strong El Niño years in Hawai'i bring more hot days, intense rains, windless days, active hurricane seasons, and spikes in sea surface temperature.⁴⁰

Forest Ecosystems

- Hawai'i is home to 31% of the nation's plants and animals listed as threatened or endangered, and less than half of the landscape on the islands is still dominated by native plants. Studies indicate that endemic and endangered birds and plants are highly vulnerable to climate change and are already showing shifting habitats.⁴¹
- Even under moderate warming, 10 of 21 existing native forest bird species are projected to lose over 50% of their range by 2100. Of those, three may lose their entire ranges and three others are projected to lose more than 90% of their ranges making them of high concern for extinction.⁴²
- Warming air temperatures are bringing mosquito-borne diseases to previously safe upland forests, driving several native bird species toward extinction.⁴³

Ocean Warming, Acidification, and Reefs

- Globally averaged sea surface temperature (SST) increased by 1.8°F (1.0°C) over the past 100 years. Half of this rise has occurred since the 1990s. North Central Pacific averaged SST trends follow the globally averaged trend. Over the last 5 years almost the entire tropical Pacific, in particular areas along the equator, have seen temperatures warmer than the 30-year average.⁴⁴

Wind and Precipitation

- The frequency of gale-force winds is increasing in the western and south Pacific but decreasing in the central Pacific.²⁵
- Average daily wind speeds are slowly declining in Honolulu and Hilo, while remaining steady across western and south Pacific sites.²⁶
- Studies indicate there will be future changes to winds and waves due to climate change, which affects ecosystems, infrastructure, freshwater availability, and commerce.²⁷
- Hawai'i has seen an overall decline in rainfall over the past 30 years, with widely varying precipitation patterns on each island. The period since 2008 has been particularly dry.²⁸
- Declining rainfall has occurred in both the wet and dry seasons and has affected all the major islands. On O'ahu, the largest declines have occurred in the northern Ko'olau mountains.²⁹
- Heavy rainfall events and droughts have become more common, increasing runoff, erosion, flooding, and water shortages.³⁰
- Consecutive wet days and consecutive dry days are both increasing in Hawai'i.³¹
- There is disagreement regarding precipitation at the end of the century.³² Model projections range from small increases to increases of up to 30% in wet areas, and from small decreases to decreases of up to 60% in dry areas.^{33 34}

- Nearly 30 years of oceanic pH measurements, based on data collected from Station ALOHA, Hawai'i, show a roughly 8.7% increase in ocean acidity over this time.⁴⁵
- Increasing ocean acidification reduces the ability of marine organisms to build shells and other hard structures. This adversely impacts coral reefs and threatens marine ecosystems more broadly.⁴⁶
- In Hawai'i, extended periods of coral bleaching did not first occur until 2014 and 2015 as part of the 2014–17 global scale bleaching event that was the longest ever recorded.⁴⁷
- Ocean warming and acidification are projected to cause annual coral bleaching in some areas, like the central equatorial Pacific Ocean, as early as 2030 and almost all reefs by 2050.⁴⁸ This will not only devastate local coral reef ecosystems but will also have profound impacts on ocean ecosystems in general. Ultimately it will threaten the human communities and economies that depend on a healthy ocean.⁴⁹

Sea Level Change

- The mean sea level trend at the Honolulu tide station is 0.055 in (1.41 mm) per year with a 95% confidence interval of ± 0.008 in (0.21 mm) per year based on monthly mean sea level data, 1905 to 2015. This is equivalent to a change of 0.46 ft (14.0 cm) over the past century.⁵⁰
- The frequency of high tide flooding in Honolulu since the 1960's, has increased from 6 days per year to 11 per year.⁵¹
- With 3.2 ft (0.98 m) of sea level rise, 25,800 acres experience chronic flooding, erosion, and/or high wave impacts. One third of this land is designated for urban use. Impacts include 38 mi (61 km) of major roads, and more than \$19 billion in assets.⁵²
- Due to global gravitational effects, estimates of future sea level rise in Hawai'i and other Pacific islands are about 20%–30% higher than the global mean.⁵³
- Over 70% of beaches in Hawai'i are in a state of chronic erosion.⁵⁴ This is likely related to long-term sea level rise as well as coastal hardening.^{55 56}
- Coastal hardening of chronically eroding beaches caused the combined loss of 9% (13.4 mi, 21.5 km) of the length of sandy beaches on Kaua'i, O'ahu, and Maui.⁵⁷

Indigenous Communities

- Indigenous populations will be disproportionately impacted by climate change due to their strong ties to place and greater reliance on natural resources for sustenance.⁵⁸
- About 550 Hawaiian cultural sites are exposed to chronic flooding with a sea level rise of 3.2 ft (0.98 m).⁵⁹
- Sea level rise impacts on traditional and customary practices (including fishpond maintenance, cultivation of

salt, and gathering from the nearshore fisheries) have been observed.⁶⁰

- Because of flooding and sea level rise, indigenous practitioners have had limited access to the land where salt is traditionally cultivated and harvested since 2014. Detachment from traditional lands has a negative effect on the spiritual and mental health of the people.⁶¹
- Ocean warming and acidification, sea level rise and coastal erosion, drought, flooding, pollution, increased storminess, and over-development are negatively affecting tourism, fisheries, and forested ecosystems. This directly impacts the livelihood and security of Pacific communities. For example, across all Pacific Island countries and territories, industrial tuna fisheries account for half of all exports, 25,000 jobs, and 11% of economic production.⁶² In Hawai'i, between 2011 and 2015, an annual average of 37,386 Native Hawaiians worked in tourism-intensive industries; based on the 2013 U.S. census, this number represents 12.5% of the Native Hawaiian population residing in Hawai'i.⁶³
- In Hawai'i, climate change impacts, such as reduced streamflow, sea level rise, saltwater intrusion, episodes of intense rainfall, and long periods of drought, threaten the ongoing cultivation of taro and other traditional crops.⁶⁴

GLOBAL ECOSYSTEMS

- Climate change impacts have been documented across every ecosystem on Earth, including shifts in species ranges, shrinking body size, changes in predator-prey relationships, new spawning and seasonal patterns, and modifications in the population and age structure of marine and terrestrial species.⁶⁵
- In 2017 over 15,000 scientists published a "Warning to Humanity".⁶⁶ They said humans have pushed Earth's ecosystems to their breaking point and are well on the way to ruining the planet.
- Human activities have increased the acidity of oceans; increased the acidity of freshwater bodies and soils because of acid rain; increased acidity of freshwater streams and groundwater due to drainage from mines; and increased acidity of soils due to added nitrogen to crop lands.⁶⁷
- Researchers have labeled ecosystem impacts "biological annihilation," and identify that a "sixth major mass extinction" is underway as a result of dwindling population sizes and range shrinkages among vertebrates.⁶⁸
- Humans are causing the climate to change 170 times faster than natural forces.⁶⁹
- Tree lines are shifting poleward and to higher elevations.⁷⁰
- One-third of burnt forests experience no tree regeneration at all.⁷¹

- Species are migrating poleward and to higher elevations.⁷²
- Spring is coming sooner to some plant species in the Arctic while other species are delaying their emergence amid warm winters. The changes are associated with diminishing sea ice.⁷³
- Spring is coming earlier.⁷⁴
- The tropics have expanded.⁷⁵
- Warmer winters with less snow have resulted in a longer lag time between spring events and a more protracted vernal window (the transition from winter to spring).⁷⁶
- Plants are leafing out and blooming earlier each year.⁷⁷
- Climate-related local extinctions have already occurred in hundreds of species, including 47% of 976 species surveyed.⁷⁸
- Plant and animal extinctions, already widespread, are projected to increase from twofold to fivefold in the coming decades.⁷⁹

FOOD AND HUMAN HEALTH

- Harvests of staple cereal crops, such as rice and maize, could decline by 20 to 40% as a function of increased surface temperatures in tropical and subtropical regions by 2100.⁸⁰
- One billion people are classified as food insecure.⁸¹
- Rising CO₂ decreases the nutrient and protein content of wheat, leading to a 15% decline in yield by mid-century.⁸²
- Higher levels of CO₂ are lowering amounts of protein, iron, zinc, and B vitamins in rice with potential consequences for a global population of approximately 600 million.⁸³
- By 2050, climate change will lead to per-person reductions of 3% in global food availability, 4% in fruit and vegetable consumption, and 0.7% in red meat consumption. These changes will be associated with 529,000 climate-related deaths worldwide.⁸⁴
- Without changes to policy and improvements to technology, food productivity in 2050 could look like it did in 1980 because, at present rates of innovation, new technologies won't be able to keep up with the damage caused by the climate change in major growing regions.⁸⁵
- Certain groups of Americans—including children, elders, the sick and the poor—are most likely to be harmed by climate change.⁸⁶
- Climate change is harming human health now. These harms include heat-related illness, worsening chronic illnesses, injuries and deaths from dangerous weather events, infectious diseases spread by mosquitoes and ticks, illnesses from contaminated food and water, and mental health problems.⁸⁷
- Warming of Earth's surface is changing life on a global scale.⁸⁸

EXTREME WEATHER

- The global percentage of land area in drought has increased about 10%.⁸⁹
- The global occurrence of extreme rainfall has increased 12%.⁹⁰
- Heavy downpours are more intense and frequent.⁹¹
- Extreme weather events are more frequent.⁹²
- Half a degree Celsius of global warming has been enough to increase heat waves and heavy rains in many regions of the planet.⁹³
- Storm tracks are shifting poleward.⁹⁴
- The number of weather disasters is up 14% since 1995-2004, and has doubled since 1985-1994.⁹⁵
- There has been a global increase in the frequency and intensity of extremely hot three-day periods.⁹⁶
- The number of unusually cold days and nights has decreased, and the number of unusually warm days and nights has increased.⁹⁷
- Extreme heat waves are projected to cover double the amount of global land by 2020 and quadruple by 2040, regardless of future emissions trends.⁹⁸
- New records continue to be set for warm temperature extremes. For instance, in the U.S. during February, 2017 there were 3,146 record highs set compared to only 27 record lows, a ratio of 116 to 1.⁹⁹
- Nine of the ten deadliest heat waves have occurred since 2000 causing 128,885 deaths around the world.¹⁰⁰
- Nearly one third of the world's population is now exposed to climatic conditions that produce deadly heat waves.¹⁰¹
- Extreme weather is increasing.¹⁰²
- If global temperatures rise 3.6°F (2°C), the combined effect of heat and humidity will turn summer into one long heat wave. Temperature will exceed 104°F (40°C) every year in many parts of Asia, Australia, Northern Africa, South and North America.¹⁰³
- If global temperatures rise 7.2°F (4°C), a new "super-heatwave" will appear with temperatures peaking at above 131°F making large parts of the planet unlivable including densely populated areas such as the US east coast, coastal China, large parts of India and South America.¹⁰⁴

GLACIERS, SEA ICE, PERMAFROST

- The world's major ice systems including Antarctica and Greenland,¹⁰⁵ and the mountain glaciers¹⁰⁶ of the world are all in a state of decline.^{107, 108, 109}
- Over the past three million years, when global temperatures increased 1.8 to 5.4°F (1 to 3°C), melting polar ice sheets caused global sea levels to rise at least 20 ft (6 m) above present levels.¹¹⁰
- Under high emission pathways, a sea level rise exceeding 8 ft (2.4 m) by 2100 is physically possible.¹¹¹

- The West Antarctic ice sheet is in “unstoppable” retreat.¹¹²
- Atmospheric warming that exceeds 2.7 to 3.6°F (1.5 to 2°C) above present (ca. 2015) will trigger a centennial-to millennial-scale response of the Antarctic ice sheet that produces an unstoppable contribution to sea-level rise.¹¹³ Substantial Antarctic ice loss can be prevented only by limiting greenhouse gas emissions to RCP2.6 levels. Higher-emissions scenarios lead to ice loss from Antarctica that will raise sea level by 1.9 to 9.8 ft (0.6 to 3 m) by the year 2300.¹¹⁴
- If emissions continue unabated, Antarctica has the potential to contribute more than 3.28 ft (1 m) of sea-level rise by 2100 and more than 49.2 ft (15 m) by 2500. In this case, atmospheric warming will soon become the dominant driver of ice loss, but prolonged ocean warming will delay its recovery for thousands of years.¹¹⁵
- The Greenland ice sheet is more sensitive to long-term climate change than previously thought. Studies¹¹⁶ estimate that the warming threshold leading to an essentially ice-free state is in the range of 1.4 to 5.8°F (0.8 to 3.2°C), with a best estimate of 2.9°F (1.6°C) above preindustrial levels. The Arctic is on track to double this amount of warming before mid-century.¹¹⁷
- Cloud cover over Greenland is decreasing at 0.9 +/-3% per year. Each 1% of decrease drives an additional 27 +/-13 billion tons of ice melt each year.¹¹⁸
- Further melting of mountain glaciers cannot be prevented in the current century - even if all emissions were stopped now.¹¹⁹ Around 36% of the ice still stored in mountain glaciers today will melt even without further emissions of greenhouse gases. That means: more than one-third of the glacier ice that still exists today in mountain glaciers can no longer be saved even with the most ambitious measures.
- Alpine glaciers have shrunk to their lowest levels in 120 years and are wasting two times faster than they did in the period 1901-1950, three times faster than they did in 1851-1900, and four times faster than they did 1800-1850.¹²⁰
- Arctic sea ice is shrinking (13% per decade) as a result of global warming.¹²¹
- Winter Arctic sea ice was the lowest on record in 2017.¹²²
- In the Arctic, average surface air temperature for the year ending September 2016 was the highest since 1900, and new monthly record highs were recorded for January, February, October, and November 2016.¹²³
- Rapid warming in the Arctic is causing the jet stream to slow down and become unstable.¹²⁴
- Regions of Earth where water is frozen for at least one month each year are shrinking with impacts on related ecosystems.¹²⁵
- Extreme warm events in winter are much more prevalent than cold events.¹²⁶

- Global snow cover is shrinking.¹²⁷
- The southern boundary of Northern Hemisphere permafrost is retreating poleward.¹²⁸
- Large parts of permafrost in northwest Canada are slumping and disintegrating into running water. Similar large-scale landscape changes are evident across the Arctic including in Alaska, Siberia, and Scandinavia.¹²⁹
- In North America, spring snow cover extent in the Arctic is the lowest in the satellite record, which started in 1967.¹³⁰

OCEANS

- The Atlantic Meridional Overturning Circulation has decreased 20%. The North Atlantic has the coldest water in 100 yrs of observations.¹³¹
- Global sea surface temperature is rising.¹³²
- The oceans are warming rapidly.¹³³
- Sea level is rising and the rate of rise has accelerated.¹³⁴
- Today global mean sea level is rising three times faster than it was in the 20th Century.¹³⁵
- Between 1993 and 2014, the rate of global mean sea level rise increased 50% with the contribution from melting of the Greenland Ice Sheet rising from 5% in 1993 to 25% in 2014.¹³⁶
- With existing greenhouse gas emissions, we are committed to future sea level of at least 4.3 to 6.2 ft (1.3 to 1.9 m) higher than today and are adding about 0.32 m/decade to the total: ten times the rate of observed contemporary sea-level rise.¹³⁷
- Over 90% of the heat trapped by greenhouse gases since the 1970's has been absorbed by the oceans and today the oceans absorb heat at twice the rate they did in the 1990's.¹³⁸
- Excess heat in the oceans has reached deeper waters,¹³⁹ and deep ocean temperature is rising.¹⁴⁰
- Sea surface temperatures have increased in areas of tropical cyclone genesis suggesting a connection with strengthened storminess.¹⁴¹
- Oxygen levels in the ocean have declined by 2% over the past five decades because of global warming, probably causing habitat loss for many fish and invertebrate species.¹⁴²
- Marine ecosystems can take thousands, rather than hundreds, of years to recover from climate-related upheavals.¹⁴³
- Marine ecosystems are under extreme stress.¹⁴⁴
- The world's richest areas for marine biodiversity are also those areas mostly affected by both climate change and industrial fishing.¹⁴⁵
- The number of coral reefs impacted by bleaching has tripled over the period 1985-2012.¹⁴⁶
- By 2050 over 98% of coral reefs will be afflicted by bleaching-level thermal stress each year.¹⁴⁷
- Scientists have concluded that when seas are hot enough for long enough nothing can protect coral reefs.

The only hope for securing a future for coral reefs is urgent and rapid action to reduce global warming.¹⁴⁸

- Average pH of ocean water fell from 8.21 to 8.10, a 30% increase in acidity. Ocean water is more acidic from dissolved CO₂, which is negatively affecting marine organisms.¹⁴⁹
- Dissolved oxygen in the oceans is declining because of warmer water.¹⁵⁰
- Production of oxygen by photosynthetic marine algae is threatened at higher temperatures.¹⁵¹

The likely (66%) range of global temperature increase this century will be a median 5.8°F (3.2°C).^{152 153} If greenhouse gas concentrations were stabilized at their current level, existing concentrations would commit the world to at least an additional 1.1°F (0.6°C) of warming this century.¹⁵⁴ Beyond the next few decades, the magnitude of climate change depends on emissions of greenhouse gases and aerosols and the sensitivity of the climate system. Projected changes range from 4.7° to 8.6°F (2.6° to 4.8°C) under a higher scenario, to 0.5° to 1.3°F (0.3° to 1.7°C) under the lowest scenario.¹⁵⁵ CO₂ concentration has now passed 400 ppm, a level not seen since 3 million years ago, when global temperature and sea level were significantly higher than today. Testing revealed most climate models underestimate the effects of anthropogenic greenhouse gases.¹⁵⁶ Models that do the best job of simulating observed climate change predict some of the worst-case scenarios for the future. If countries stay on a high-emissions trajectory, there is a 93% chance the planet will warm more than 4°C by the end of the century. Previous studies placed those odds at 62%.

What will this >5.4°F (3°C) world look like?

- Heat waves drive a global scale refugee crisis, as low-latitude continental lands lose habitability¹⁵⁷;
- Drought¹⁵⁸, wildfires¹⁵⁹, water scarcity¹⁶⁰, crop failure¹⁶¹ and other threats to critical resources leading to increased human conflict¹⁶²;
- Multi-meter sea level rise continuing over many centuries¹⁶³;
- Extreme weather disasters¹⁶⁴, massive floods¹⁶⁵, great tropical cyclones¹⁶⁶, mega-drought¹⁶⁷, and torrential rainfall¹⁶⁸ will be widespread.

Ironically, with the ongoing global revolution in clean power, all this suffering and dystopia will be taking place in a world of solar panels, wind mills, electric cars, and cleaner air.

ENERGY OUTLOOK

Global

The U.S. Energy Information Administration projects the following global energy patterns to the year 2040.¹⁶⁹

- Strong, long-term economic growth drives an increasing demand for energy;
- World energy consumption grows by 28%;
- China and India alone account for over half of this increase;
- Fossil fuels maintain a market share of 77% through 2040, even though renewable energy experiences explosive growth;
- World energy-related carbon dioxide emissions rise 15% by 2040.

To hold global temperature below an increase of 3.6°F (2°C) per the 2015 Paris Agreement, it is necessary to decrease carbon emissions by 50% per decade.¹⁷⁰ Clearly, the projections by the EIA move in the opposite direction and present a massive challenge to humanity.

Hawai'i

What is Hawai'i's contribution to greenhouse gas emissions?

- In 2007, Hawai'i's total greenhouse gas emissions were 24 million metric tons of CO₂ equivalent;¹⁷¹
- Total CO₂ emissions have slightly declined in the last decade, largely due to gains in the electricity sector.¹⁷²

O'ahu had 20.8% of net sales of electricity from sources deemed renewable in 2017, the law requires 100% by 2045.¹⁷³

- Fossil fuel use for transportation continues to increase;¹⁷⁴
- Hawai'i's CO₂ emissions are 20% lower than the national average;¹⁷⁵
- However, U.S. CO₂ emissions per capita are over three times the world average and Hawai'i's are approximately 12 times larger than other Pacific Islands;¹⁷⁶
- Passed in 2018, Act 15 establishes a *Greenhouse Gas Sequestration Task Force* and sets a 2023 deadline for crafting a plan to meet a zero emissions target by 2045.
- Also passed in 2018, Act 16 directs the state Office of Planning to work with the task force to create a *carbon offset program*.

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PURPOSE

Pursuant to the Revised Charter of Honolulu ("RCH") Section 6-107(h), the City and County of Honolulu ("City") Climate Change Commission is charged with gathering the latest science and information on climate change impacts to Hawai'i and providing advice and recommendations to the mayor, City Council, and executive departments as they look to draft policy and engage in planning for future climate scenarios and reducing Honolulu's contribution to global greenhouse gas emissions. This report provides a description of findings and recommendations with regard to adapting to sea level rise.

INTRODUCTION

There has been considerable detailed research on the global and local implications of accelerating sea level rise. This report by the City Climate Change Commission builds on findings in the Hawai'i Sea Level Rise Vulnerability and Adaptation Report (2017), Sweet et al. (2017), USGCRP (2017), Sweet et al. (2018), and other scientific literature to provide specific policy and planning guidance on responding to sea level rise by the City.

SUMMARY OF KEY FINDINGS

1. The projected median global temperature increase this century is 5.8°F (3.2°C).¹
 - a. The likely range of global temperature increase is 3.6 to 8.8°F (2.0 to 4.9°C), with a 5% chance that it will be less than 3.6°F (2°C) and a 1% chance that it will be less than 2.7°F (1.5°C) by the end of this century.²
2. Relative to the year 2000, the projected rise of global mean sea level (GMSL) by the end of this century is 1.0 to 4.3 ft (0.3 to 1.3 m).³
 - a. Relative to the year 2000, GMSL is very likely (90 to 100% confidence) to rise 0.3 to 0.6 ft (0.09 to 0.18 m) by 2030, 0.5 to 1.2 ft (0.15 to 0.36 m) by 2050, and 1.0 to 4.3 ft (0.3 to 1.3 m) by 2100.⁴
3. High tide flooding will arrive decades ahead of any GMSL rise scenario.⁵
 - a. Table 1 (supplementary information) provides estimates of when minor high tide flooding will arrive in Honolulu 6, 12, and 24 days per year.
 - b. Based on the location of the Honolulu Tide Station,⁶ high tide flooding will occur by mid-century, and as early as 2028, at least two dozen times per year, at certain locations in the 3.2SLR-XA.^a
4. Modeling results, as mapped in the Hawai'i Sea Level Rise Viewer,^b reveal a critical elevation in GMSL rise between 2.0 and 3.2 ft (0.6 to 1 m) relative to mean higher high water.^c
 - a. This is a critical range of rising sea level where there is a rapid increase in the amount of land exposed to hazards on low-lying coastal plains, such as characterize the urbanized south shore of O'ahu.
 - b. This is a dangerous elevation range, where reacting after the fact to establish adaptation strategies is likely to be less successful and costlier than taking proactive measures.
5. Globally, energy-related carbon dioxide emissions are projected to grow an average 0.6% per year between 2015 and 2040, 1.3% per year below the level from 1990 to 2015.⁷
6. Future emission pathways have little effect on projected GMSL rise in the first half of the century, but significantly affect projections for the second half of the century.⁸
 - a. Table 2 (supplementary information) provides estimates of projected GMSL under NOAA scenarios.⁹
7. Regardless of emissions pathway, it is extremely likely (95 to 100% confidence) that GMSL rise will continue beyond 2100.¹⁰
8. The world's major ice systems including Antarctica and Greenland,¹¹ and the mountain glaciers¹² of the world are all in a state of decline.

^a "SLR-XA" is an acronym that stands for *sea level rise-exposure area*. The Hawai'i Sea Level Rise Vulnerability and Adaptation Report (2017) recommends (p. 217) that the SLR-XA at 3.2 ft (0.98 m) of sea level rise be recognized as a state-wide vulnerability zone and that it be employed by agencies to formulate comprehensive adaptation strategies. 3.2 ft (0.98 m) of sea level rise is modeled by Church et al. (2013) as the worst case scenario at the end of the century. However, the scenario does not take into account potential instability in marine-based sectors of the Antarctic ice sheet.

^b The online Hawai'i Sea Level Rise Viewer is served by the Pacific Islands Ocean Observing System at the School of Ocean and Earth Science and Technology, University of Hawai'i at Mānoa: <http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/>

^c Mean higher high water (MHHW) is the average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch, a 19 year period determined by the National Oceanic and Atmospheric Administration.

- a. Research indicates that on multiple occasions over the past three million years, when global temperatures increased 1.8 to 5.4°F (1 to 3°C), melting polar ice sheets caused global sea levels to rise at least 20 ft (6 m) above present levels.¹³
 - b. If atmospheric warming exceeds 2.7 to 3.6°F (1.5 to 2°C) above present (ca. 2015), collapse of the major Antarctic ice shelves triggers a centennial- to millennial-scale response of the Antarctic ice sheet that produces a long-term commitment (an unstoppable contribution) to sea-level rise.¹⁴ Substantial Antarctic ice loss can be prevented only by limiting greenhouse gas emissions to RCP2.6^d levels. Higher-emissions scenarios lead to ice loss from Antarctica that will raise sea level by 1.9 to 9.8 ft (0.6 to 3 m) by the year 2300.¹⁵
 - c. Antarctica has the potential to contribute more than 3.28 ft (1 m) of sea-level rise by 2100 and more than 49.2 ft (15 m) by 2500, if emissions continue unabated. In this case atmospheric warming will soon become the dominant driver of ice loss, but prolonged ocean warming will delay its recovery for thousands of years.¹⁶
 - d. Emerging science regarding Antarctic ice sheet stability suggests that under high emission pathways, a GMSL rise exceeding 8 ft (2.4 m) by 2100 is physically possible.¹⁷
 - e. The Greenland ice sheet is more sensitive to long-term climate change than previously thought. Studies¹⁸ estimate that the warming threshold leading to an essentially ice-free state is in the range of 1.4 to 5.8°F (0.8 to 3.2°C), with a best estimate of 2.9°F (1.6°C) above preindustrial levels. The Arctic is on track to double this amount of warming before mid-century.¹⁹
 - f. Further melting of mountain glaciers cannot be prevented in the current century - even if all emissions were stopped now.²⁰ Around 36% of the ice still stored in mountain glaciers today will melt even without further emissions of greenhouse gases. That means: more than one-third of the glacier ice that still exists today in mountain glaciers can no longer be saved even with the most ambitious measures.
9. Rising seas threaten human communities and natural ecosystems in multiple ways.
- a. Urbanized coastal areas become increasingly vulnerable to four types of flooding during high water and high wave events:
 - 1) Flooding across the shoreline due to wave run-up.
 - 2) Saltwater intrusion of engineered drainage systems.
 - 3) Groundwater inundation.²¹
 - a) Intrusion of buried infrastructure and other buried assets that are not sealed.
 - b) Formation of new wetlands, initially concurrent with high tide.
 - 4) Rainstorms, especially concurrent with high tide.
 - b. Land loss and coastal erosion.
 - 1) If the back-beach area is composed of sand-rich dunes, sandy paleo shoreline deposits, or high wave sand berms, the released sand nourishes the retreating beach.
 - 2) If the back-beach area is hardened, a beach is prevented from retreating. This leads to beach erosion, beach narrowing, and beach loss. Hardening has caused at least 5.4 mi (8.7 km) of beach loss on O'ahu.²²
 - c. Saltwater will intrude streams and coastal wetlands, increasing the salinity of the environment and threatening low-lying agriculture (e.g., kalo farming) and wildlife sanctuaries.
 - d. Wave, and eventually still water overtopping of Loko I'a kuapā (fishpond walls) will increase.
 - 1) Interior circulation will change (including at mākāhā).
 - 2) Upland discharge into the pond will change.
 - 3) Fishpond connections to the shore will become unstable.
 - e. Wave energy at the shore will increase.
 - 1) Muddy shore deposits may be released.
 - f. Damaging flooding will increase when hurricanes, tsunamis, and seasonal high waves strike.
 - g. Annual high waves, which arrive in Hawai'i seasonally, will flood further landward and cause more damage, as sea level continues to rise.

^d To provide guidance for developing mitigation and adaptation strategies, scientists have defined four different 21st century pathways of greenhouse gas emissions called "RCP's" for Representative Concentration Pathways. The RCP's include a stringent mitigation scenario (RCP2.6), two intermediate scenarios (RCP4.5 and RCP6.0), and one scenario with very high greenhouse gas emissions (RCP8.5).

RECOMMENDATIONS (underlined & ital proposed re-rewording)

Given the tools available to planners, stakeholders and policy-makers with the Hawai'i Sea Level Rise Viewer, the NOAA SLR Viewer, and the Climate Central–Surging Seas Risk Finder,⁹ the City Climate Change Commission, pursuant to RCH Section 6-107(h), recommends that:

1. The mayor, City Council, and executive departments of the City utilize the 2017 Hawai'i Sea Level Rise Vulnerability and Adaptation Report (hereafter "Report") and online Viewer, for baseline planning activity and infrastructure assessment and development with regard to sea level rise.
2. The research finds that it is reasonable to set as a planning benchmark up to 3.2 ft (~1 m; 3.2SLR-XA) of GMSL rise by the end of the century. High-tide flooding will arrive decades earlier and the 3.2SLR-XA will be an area experiencing chronic high tide flooding by mid-century.
3. Because global emissions are currently on a warming pathway of over 5.4°F (3.0°C) by the end of this century, the research finds that it is reasonable to set as a planning benchmark up to 6 ft (1.8 m; 6SLR) of GMSL rise toward the end of 2100. Critical infrastructure projects with long expected lifespans and low risk tolerance will want to plan accordingly, as the 6SLR will be an area experiencing chronic high tide flooding decades earlier.
4. The Special Management Area (SMA) boundary be revised to include parts of the 3.2SLR-XA that are not currently in the SMA.
5. Disclosure of all lands be required in the 3.2SLR-XA and 6SLR.
 - a. Disclosure on all real estate sales, City Property Information Sheets, and all other real estate transactions.
6. The 3.2SLR-XA and 6SLR be adopted as a vulnerability zone (hazard overlay) for planning by the City.
 - a. The hazard overlays should be used for planning purposes, for example in the general plan, all development plans, and sustainable community plans.
7. That all City departments and agencies be directed to use the Report, the 3.2SLR-XA, and the 6SLR in their plans, programs, policies, and capital improvement decisions, to mitigate impacts to infrastructure and critical facilities related to sea level rise.
8. All ordinances related to land development, such as policy plans and regulations should be reviewed and updated, as necessary.
9. Relevant City departments and agencies be supported with adequate resources and capacity to implement these recommendations and proactively plan for sea level rise, as it will rapidly become a major challenge to City functions.

The City Climate Change Commission adopts the precautionary principle and a scenario-based planning approach and supports these recommendations as planning targets informed by the best available science. This set of recommendations are important each and in their own right and are designed to complement each other and be implemented together. Implementing one does not eliminate the need to adopt the others. The City Climate Change Commission fully acknowledges that there is uncertainty in the timing and magnitude of sea level rise projections globally and for Hawai'i. This is a living document that will be updated as additional information becomes available.

⁹ Surging Seas Viewer: https://riskfinder.climatecentral.org/county/honolulu-county.hi.us?comparisonType=postal-code&forecastType=NOAA2017_int_p50&level=3&unit=ft

SUPPLEMENTARY INFORMATION

NOAA has published a model of high tide flooding for the Honolulu Tide Station (Sweet et al., 2018). Relative to MHHW, the threshold for minor high tide flooding is 1.7 ft (0.52 m), for moderate high tide flooding is 2.6 ft (0.8 m), and for major high tide flooding is 3.8 ft (1.17 m). High tide flooding will arrive decades ahead of global mean sea level rise.

High tide flooding, as defined by NOAA, has never occurred at the Honolulu Tide Station as none of these thresholds has ever been crossed. Table 1 provides estimates of when minor high tide flooding will arrive in Honolulu 6, 12, and 24 days per year using the NOAA model.

Table 1 - When will minor (0.52 m) high tide flooding occur in Honolulu?			
Scenario	6 x per year	12 x per year	24 x per year
Intermediate Scenario	2038	2041-2042	2044-2045
Intermediate High Scenario	2030	2033	2035-2036
High Scenario	2025-2026	2028-2029	2030-2031
Extreme Scenario	2024	2026	2028-2029

Because of the exponential nature of the NOAA sea level scenarios, the doubling time of high tide flooding is rapid in all scenarios. High tide flooding events are likely to cluster around the summer and winter solstices. High tide flooding will occur first at certain locations in the 3.2SLR-XA as defined in the Hawai'i Sea Level Rise Vulnerability and Adaptation Report (2017).

High tide flooding can take several forms. Beach erosion will be pronounced during high tide flooding events. Storm drain flooding will occur where marine water blocks drainage and spills out onto the street, or where runoff cannot drain and causes flooding around storm drain sites. Groundwater inundation will develop where the water table rises to break the ground surface and creates a wetland.

At first this flooding will be most common when high tide and precipitation occur simultaneously, but eventually will occur without precipitation at high tide. Rainfall that occurs at high tide when storm drains are blocked and the ground is saturated will lead to widespread flooding. Marine flooding will occur at high tide when seawater flows across the shoreline. Wave flooding will occur at high tide during typical seasonal swell events as waves run-up past the shoreline and into the backshore. Tsunami and storm surge occurring at high tide will cause greater flood damage than historically.

Global mean sea level will rise 3.2 ft (~1 m) relative to the year 2000. NOAA (Sweet et al., 2017) has published scenarios that provide estimates, by decade, of when GMSL will hit this benchmark (Table 2).

Table 2 - When will global mean sea level rise 3.2 feet (~1 m)?	
Intermediate Scenario	end of the century
Intermediate High Scenario	decade of the 2080's
High Scenario	decade of the 2070's
Extreme Scenario	decade of the 2060's

Gravitational forces will cause regional sea level in the North Central Pacific to rise above the global mean (Spada et al., 2015). NOAA suggests planners use higher scenarios for large projects with low risk tolerance. This recommendation is also made by the U.S. Army Corps of Engineers.

Modeling of sea level rise impacts on O'ahu (Report) reveals the following:

1. Homes and businesses on Oahu's shorelines will be severely impacted by sea level rise. Nearly 4,000 structures will be chronically flooded with 3.2 ft (~1 m) of sea level rise (**Figure 1**).
2. Of the 9,400 acres of land located within the 3.2SLR-XA, over half is designated for urban land uses, making O'ahu the most vulnerable of all the islands.

3. With 3.2 ft (~1 m) of sea level rise, almost 18 mi (30 km) of Oahu's coastal roads will become impassible, jeopardizing access to and from many communities.
4. O'ahu has lost more than 5 mi (8 km) of beaches to coastal erosion fronting seawalls and other shoreline armoring. Many more miles of beach will be lost with sea level rise if widespread armoring is allowed. In the Report, Chapter 5 (Recommendations) explores opportunities to reduce beach loss by improving beach protection policies.
5. A more detailed economic loss analysis is needed of Oahu's critical infrastructure, including harbor facilities, airport facilities, sewage treatment plants, and roads. State and County agencies should consider potential long-term cost savings from implementing sea level rise adaption measures as early as possible (e.g., relocating infrastructure sooner than later) compared to the cost of maintaining and repairing chronically threatened public infrastructure.

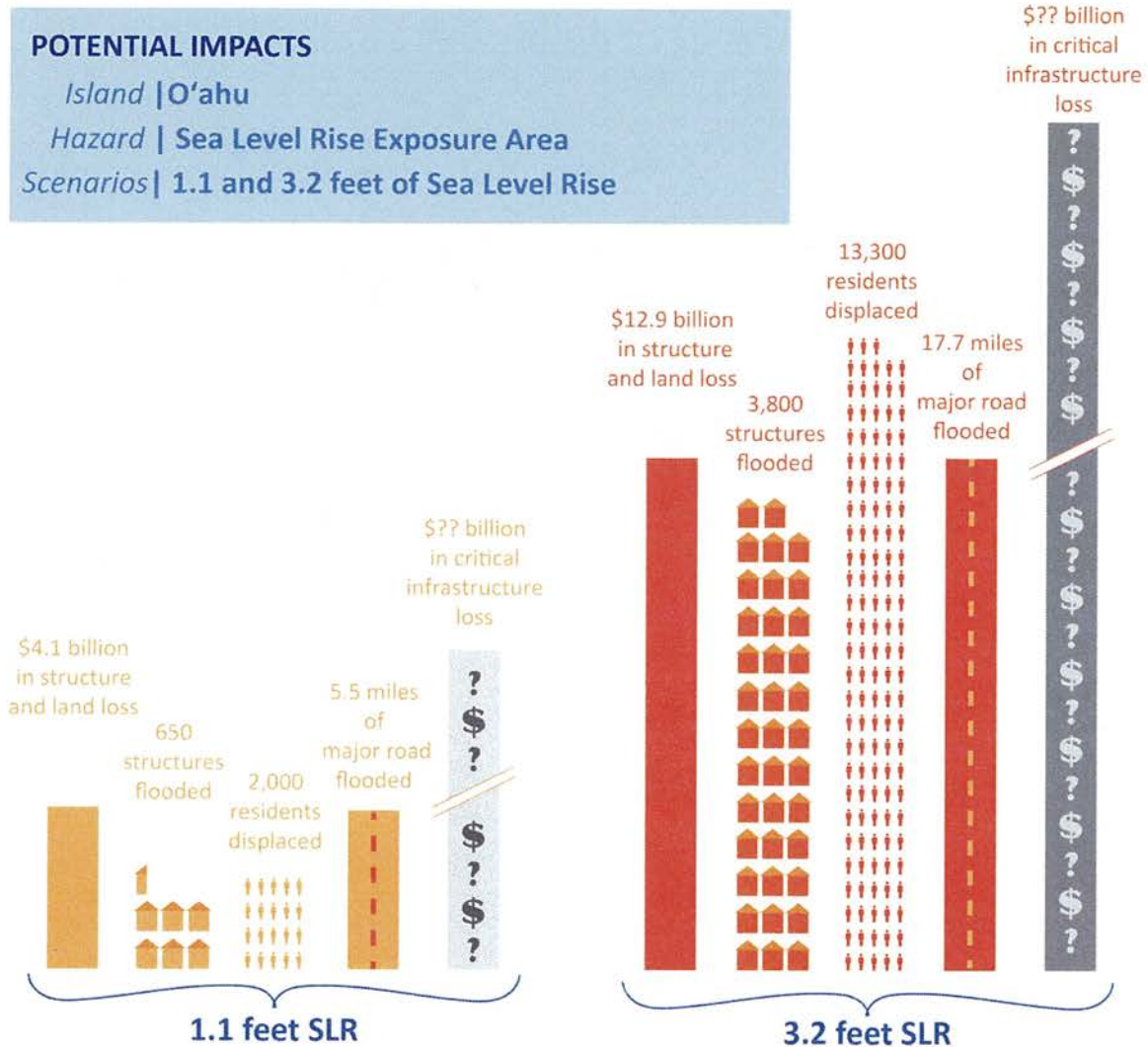


Figure 1. Sea level rise impacts on O'ahu.

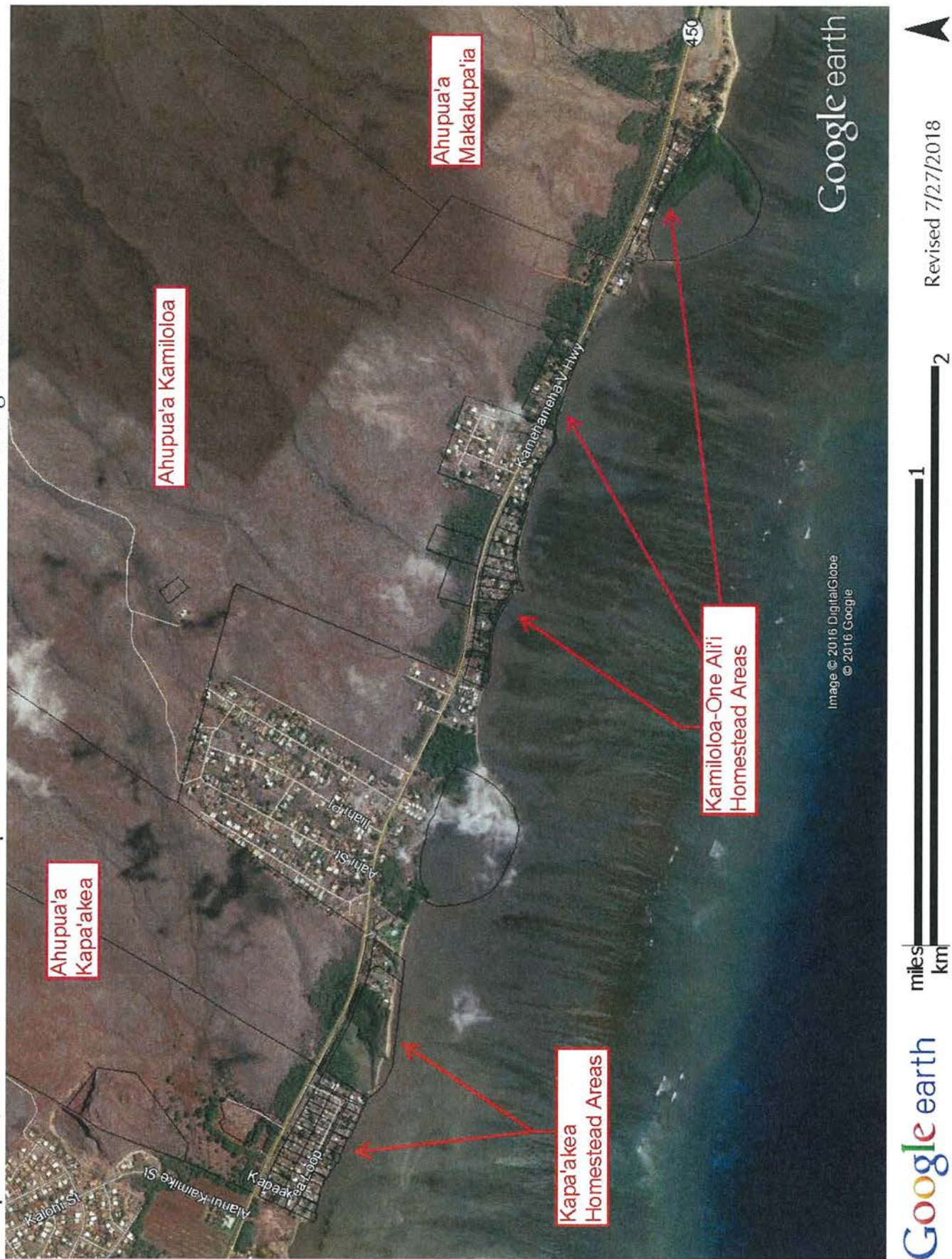
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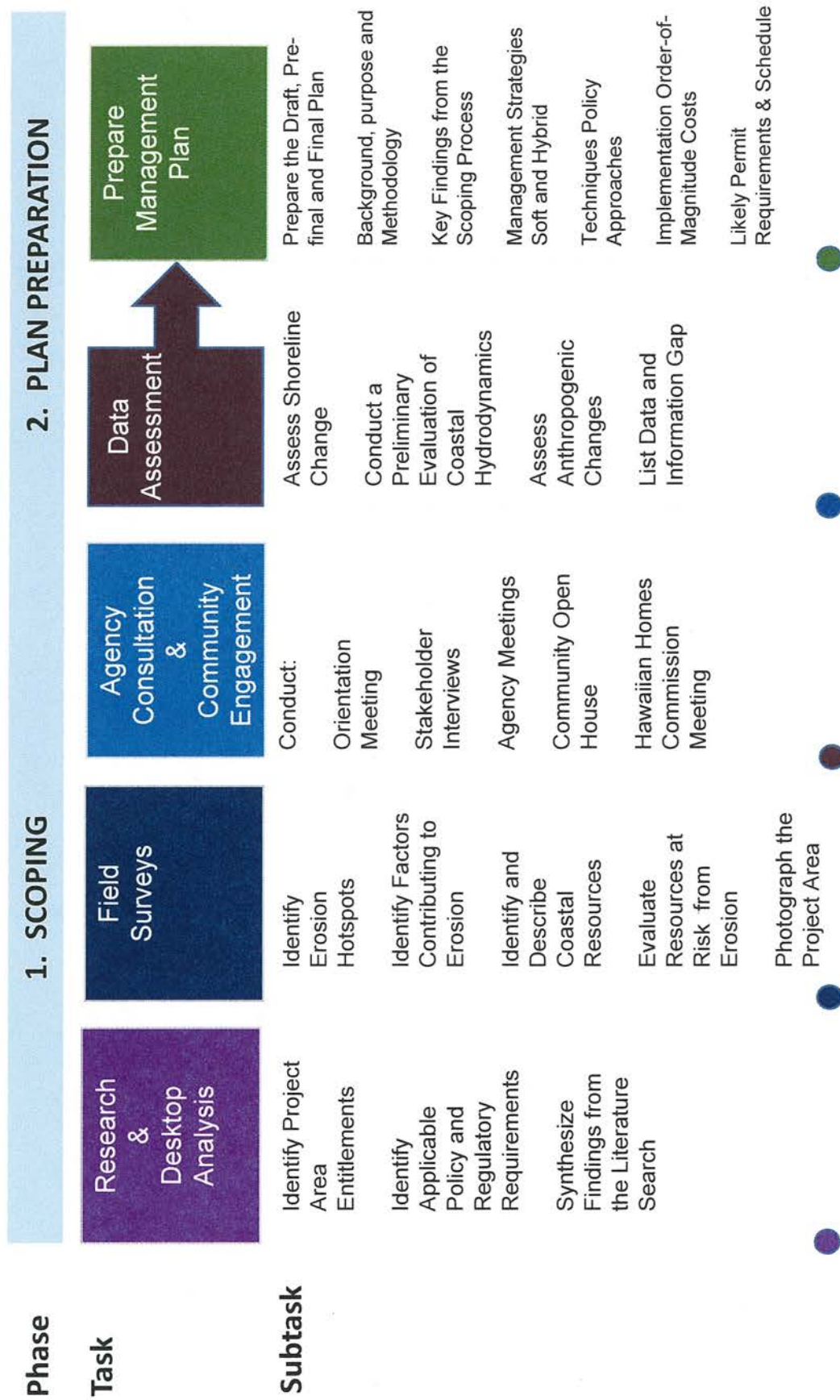
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- ¹⁰ USGCRP (2017)
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Kapa'akea, Kamilo'loa and Makakupa'ia - Residential homestead lots along the shoreline



Planning Process



Shoreline Erosion Management Plan

Hawaiian Home Lands Resident Survey

Name:	Date:
--------------	--------------

1) Which of the homesteads do you live in? (Check one box)

- | | |
|------------------------------------|---|
| <input type="checkbox"/> Kapa'akea | <input type="checkbox"/> One Ali'i |
| <input type="checkbox"/> Kamiloloa | <input type="checkbox"/> Other location |

2) How long have you lived there?

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> 0-5 years | <input type="checkbox"/> 11-20 years |
| <input type="checkbox"/> 6-10 years | <input type="checkbox"/> More than 20 years |

3) How close is your house or home to the ocean?

- | | |
|---|--|
| <input type="checkbox"/> 0 to 50 feet | <input type="checkbox"/> 150 to 300 feet |
| <input type="checkbox"/> 50 to 150 feet | <input type="checkbox"/> More than 300 feet away |

4) How close is your house or home to a drainage ditch or swale?

- | | |
|---|--|
| <input type="checkbox"/> 0 to 50 feet | <input type="checkbox"/> 150 to 300 feet |
| <input type="checkbox"/> 50 to 150 feet | <input type="checkbox"/> More than 300 feet away |

5) How often has your wastewater system backed up in the last 5 years?

- | | |
|--|--|
| <input type="checkbox"/> Never | <input type="checkbox"/> 3 to 5 times |
| <input type="checkbox"/> Once or twice | <input type="checkbox"/> Occurs frequently |

6) Was it usually a rainy day or a dry, sunny day when the backups occurred?

- | | |
|--|---|
| <input type="checkbox"/> Wet / rainy | <input type="checkbox"/> Dry / Sunny |
| <input type="checkbox"/> A bit of each | <input type="checkbox"/> Don't know or recall |

7) How often is your property flooded during the year? (Check ALL that apply)

- | | |
|--|--|
| <input type="checkbox"/> Never or rarely | <input type="checkbox"/> After big sea storms |
| <input type="checkbox"/> Regularly | <input type="checkbox"/> After heavy rains upcountry / mauka |
| <input type="checkbox"/> Seasonally (winter or summer) | <input type="checkbox"/> No consistent pattern |

8) How often do you see water standing or ponding in your yard? (Check ALL that apply)

- | | |
|--|--|
| <input type="checkbox"/> Never or rarely | <input type="checkbox"/> On or after high tide |
| <input type="checkbox"/> For a few hours after a rainstorm | <input type="checkbox"/> On or after a full moon |
| <input type="checkbox"/> For hours after a heavy rainstorm | <input type="checkbox"/> On or after a 'King' tide |
| <input type="checkbox"/> For days after a heavy rainstorm | <input type="checkbox"/> Only over the cesspool (overflow) |

8) What was the source of this excess water or flooding (Check ALL that apply)

- | | |
|---|---|
| <input type="checkbox"/> Mauka / upland rainstorm | <input type="checkbox"/> Rising ocean waters |
| <input type="checkbox"/> Over flow from ditch or grassy swale | <input type="checkbox"/> Wave inundation (water with force) |
| <input type="checkbox"/> Rising or elevated groundwater table | <input type="checkbox"/> Storm surge |
| <input type="checkbox"/> Cesspool overflow | <input type="checkbox"/> No clear source of the water |

9) When does the shoreline move the most? (Erosion = check mark, Accretion = 'X' mark)

- | | | |
|--|---|---|
| <input type="checkbox"/> January – March | <input type="checkbox"/> July-September | <input type="checkbox"/> Only after storm events |
| <input type="checkbox"/> April-June | <input type="checkbox"/> October - December | <input type="checkbox"/> Only after big wave events |

10) How often do waves bigger then 3 feet high reach the shoreline at this homestead area?
(Check ALL that apply)

- | | |
|--|---|
| <input type="checkbox"/> Never or rarely | <input type="checkbox"/> During big sea storms |
| <input type="checkbox"/> Regularly | <input type="checkbox"/> During hurricane watches or warnings |
| <input type="checkbox"/> Winter season | <input type="checkbox"/> No consistent pattern |
| <input type="checkbox"/> Summer season | |

11) How does the shoreline change?

- | | |
|---|--|
| <input type="checkbox"/> Erodes quickly (days to week) | <input type="checkbox"/> Erodes slowly (weeks to seasonally) |
| <input type="checkbox"/> Recovers quickly (days to weeks) | <input type="checkbox"/> Recovers slowly (weeks or seasonally) |
| <input type="checkbox"/> Narrows with no recovery | <input type="checkbox"/> No consistent pattern |
| <input type="checkbox"/> Widens after heavy rain storms | <input type="checkbox"/> Accretes or widens slowly |

11) Does shoreline erosion occur at any particularly place, or time of year, or event?
(write in answer)

12) How has the composition of the shore changed? Has it become:

- | | | |
|---|---|---|
| <input type="checkbox"/> Rockier | <input type="checkbox"/> More silt or clay | <input type="checkbox"/> More pebbles or cobble |
| <input type="checkbox"/> More sand /
sandier | <input type="checkbox"/> Overgrown with
plants | <input type="checkbox"/> Inaccessible or hardened |

13) Are most of the plants along the shore:

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> Native | <input type="checkbox"/> Useful / traditional |
| <input type="checkbox"/> Invasive | <input type="checkbox"/> Weeds / nuisance |

14) Have you observed a particularly good solution to respond to shoreline change?
(what, where, when, how)

15) What did you like or dislike about the solution?

16) What has been the greatest change that you have observed and its likely cause?

17) Any other comments, history, stories or mo'olelo you would like to share with us?

This concludes the survey. Mahalo for your time!

MOLOKA'I SHORELINE EROSION MANAGEMENT PLAN PROJECT
STAKEHOLDER INTERVIEWS
INTERVIEW QUESTIONS

Interviewee:_____ Date:_____

Interviewee affiliation:_____ Interview Location:_____

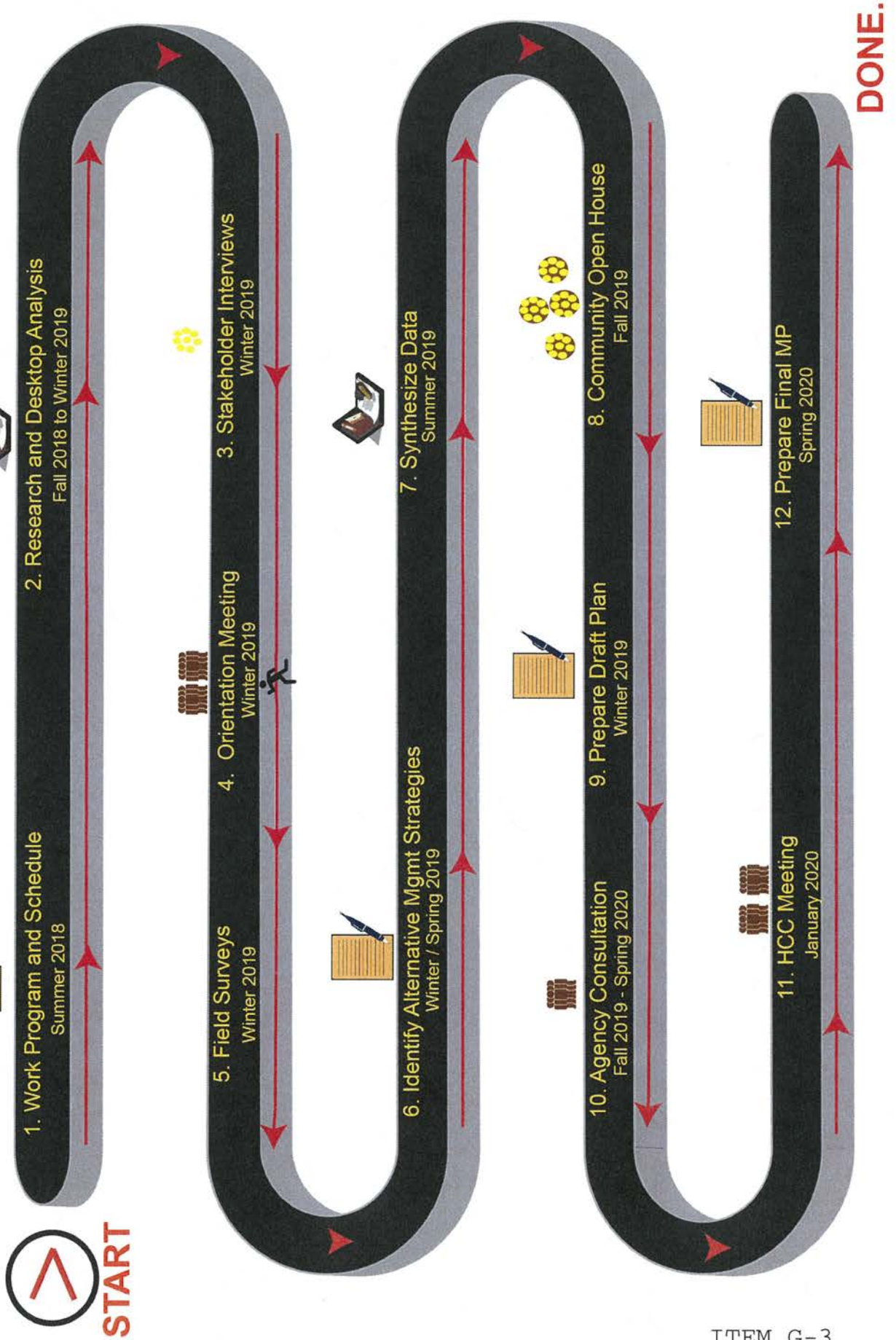
Interviewee residence address/homestead lot: _____

Type of stakeholder_____ Interviewer:_____

1. What is your history and relationship to the project area?
2. How do you use the shoreline?
3. Why is the project area, particularly the coastline, important to you?
4. Based on your knowledge, what are the primary activities occurring along the shoreline? How many people? What time of day? Where are the users from?
5. Are you aware of any existing user conflicts along the shoreline?
6. What time(s) of year are the waves destructive or erosive?
7. In what season have you observed loss of the shoreline? Do you feel that erosion is seasonal?
8. Was the erosion gradual over time, or fast such as after a destructive event?
9. Does the shoreline regularly change in width in any particular place?

10. Have you seen areas where the composition of the shore has changed? For instance, from sand to silt, or silt to pebbles, or sand to rocky.
11. How has the vegetation along the shore changed over time? For instance, trees instead of shrubs, or shrubs instead of grasses, or no vegetation at all.
12. Are most of the plants native?
13. Do you have a special use for any of the plants that grow along the shore?
14. What changes have you observed along the entire coastline fronting the homestead area you reside in?
 - a. Have the changes been slow and over time or dramatic?
 - b. What was the event or cause of the changes?
15. In your opinion, what are the three most important challenges or threats that should be addressed by the shoreline erosion management plan?
16. Are there any specific actions (improvements and/or management activities) that you would like to see to prevent or mitigate shoreline erosion?
17. What actions do you not want to see?
18. Do you have insights you'd like to share of the area's history, mo'olelo or place names?
19. Are there other people/organizations you think we should reach out to?
20. What other information could you share, based on your experience, that could help DHHL and the people living in the Kapa'akea and Kamiloloa-One Ali'i homestead areas?

Work Flow Schedule



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 15 - 16, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: E. Halealoha Ayau, Water Resource Management
Specialist *Edward H Ayau*

Subject: For Information Only - Update on Moloka'i Water
Projects and Issues

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

The following is an update of Item G-5, submitted to the Hawaiian Homes Commission (Commission) for its April 16-17, 2018 meeting, which also concerned water projects of significance to beneficiaries and the Department of Hawaiian Home Lands (Department) on Moloka'i.

Updates since April 2018 include: (I) *In re Contested Case Hearing on Water Use Permit Application by Kukui (Moloka'i), Inc.*, 116 Hawai'i 481, 174 P.3d 320 (2007) ("Kukui") and the USGS Moloka'i Groundwater Availability Study; (II) proposed Ho'olehua Water System Improvements; (III) wells on DHHL homestead property; and (IV) new water loss audit reporting requirements.

I. Kualapu'u aquifer disputes.

Oral arguments were held before the Hawai'i Supreme Court on May 31, 2018 on the most recent dispute regarding a 1993 Water Use Permit granted to Moloka'i Public Utilities (MPU), a subsidiary of the Moloka'i Ranch, by the State Commission on Water Resource Management (CWRM). The Hawai'i Supreme Court issued its decision on December 10, 2018. The events and associated issues leading to these actions are described below.

1) Water Use Permits and associated litigation.

In 1992, the entirety of Moloka'i was designated a groundwater management area (WMA) in response to a petition filed by concerned Moloka'i residents, particularly HHCA beneficiaries. Proposed water withdrawals from WMAs require discretionary permits, which "shall be subject to the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act, whether or not the condition is explicitly stated in the permit." HRS 174C-49(e). The Department is also required to obtain a water use permit (WUP) from CWRM in any WMA. In 1993, the Department initially obtained a WUP for 0.367 mgd for its withdrawals from Kualapu'u aquifer.¹

Moloka'i Ranch (MR) and its subsidiaries (including Moloka'i Public Utilities, Ltd), DWS, and the Department have wells near each other in the Kualapu'u aquifer. MR and DWS also applied for Kualapu'u aquifer WUPs in 1993. MR's application for withdrawals from Well No. 17 was contested by the Department, OHA, and Hawaiian practitioners Judy Caparida and Georgina Kuahuia, resulting in a contested case hearing before CWRM.

In 1995, the Department applied for, and CWRM approved by administrative rule, a water reservation of 2.905 mgd in addition to existing uses from the Kualapu'u Aquifer, effective as of June 10, 1995. The DHHL pumping from Kauluwai I and II for the month of June 1995 was .64 mgd²; hence the total reservation amount for DHHL from the Kualapu'u Aquifer is 3.545 mgd. Hawaii Administrative Rule (HAR) §13-171-63.

In 1997, the Department sought to revise its WUP to reflect usage and accommodating future growth. At the time, CWRM staff recommended denying the Department's request because of the potential effect on the aquifer and other wells and the then-current contested case proceeding concerning Moloka'i Ranch's WUP application. The parties entered into mediation that ultimately did not resolve the issues. DHHL has an outstanding WUPA for its current needs for its water system and is working on preparing an updated application, as discussed further below.

¹ Implications for Department interests were discussed in a submittal to HHC on November 16, 2015 (Exhibit A: Submittal for Item G-1, HHC Meeting (Nov. 16, 2015)).

² CWRM pumping records provided by Roy Hardy of CWRM.

In 2001, CWRM issued a decision to grant a WUP to MR's subsidiary Kukui Moloka'i, Inc. (KMI). The Department and others appealed. In 2002, Kaluako'i Land LLC acquired KMI's assets. Subsequently, Kaluako'i Land LLC was purchased and Well No. 17, which was owned by KMI, is now owned by Moloka'i Public Utilities (MPU), an affiliate of Moloka'i Properties Ltd. ("MPL").

The Hawai'i Supreme Court ruled on *Kukui* six years after the appeal was filed, in 2007. The Court reversed and remanded CWRM's 2001 decision, in part for failing to protect the Department's rights. Amongst other holdings, *Kukui* determined KMI could not substitute for MR and was required to apply for a new permit to "revive" expired uses. *Kukui*, 116 Hawai'i at 501, 174 O.3d at 340 (quoting HRS §174C-51). They specifically overruled CWRM's decision to grant MPU's permit because CWRM had failed to adequately consider the impact of MPU's proposed use on the DHHL or on groundwater flow to the coast that supports traditional and customary practices of Hawaiians. MPU's water use permit application (WUPA) was remanded to CWRM, but in 2008, MPU informed CWRM by letter that it "does not intend to continue this case on remand."

However, on June 27, 2014, MPU re-filed their WUPA for use of Well 17, which draws from the Kualapu'u aquifer, to redevelop an abandoned golf course and resort on the extremely dry west end of Moloka'i characterizing it as a continuation of the earlier proceeding. In March 2016, the Department and the Office of Hawaiian Affairs (OHA) took the position that CWRM's earlier 2001 *Kukui* findings and decision should be dismissed and new proceedings initiated in light of MPU's new application and changed circumstances.

Following oral argument before the CWRM, CWRM agreed to dismiss MPU's WUPA over objection from MPU that its 2008 statements had been "equivocal" and thus did not count as an abandonment of their appeal. The Department and OHA supported CWRM's dismissal. However, the ranch appealed that decision directly to the Hawai'i Supreme Court.

OHA and the Department have been parties to this litigation, along with Hawaiian cultural practitioner petitioners Judy Caparida and Georgina Kuahuia, for over twenty-five years.

Oral arguments in the case took place on May 31, 2018 and the Hawai'i Supreme Court issued its decision on December 10, 2018. The Court ruled that the CWRM finding that MPU waived its right to continue the contested case was not clearly erroneous or wrong as the MPU's 2008 letter unequivocally stated it did "not intend to continue to pursue this case on remand." The Court affirmed the order dismissing the contested case.

It was important to DHHL that the *Kukui* case be dismissed in part because elements of the original findings of fact in the contested case were inaccurate and unfavorable to DHHL's positions. If MPU's new water permit was considered on remand, the entire record of the previous part of the contested case would become part of the current case and could be relied on by CWRM to develop new Findings of Fact. It was important for DHHL to ensure these erroneous findings would no longer be a part of the record. In addition, some MPU experts are now deceased and would not be available for DHHL to cross-examine, which would pose procedural due process issues. Finally, much has changed over the last 30 years in terms of Ranch operations with a hotel and golf course no longer in use; dismissing the existing contested case and starting new made the most sense.

The effects of the Court's decision is that Moloka'i Ranch will need to file a completely new water use permit application, in-line with current law and standards. It also allows the CWRM the opportunity to consider the results of the pending USGS model (see below) when making water allocation decisions. The USGS study, while not final, has indicated what DHHL and homesteaders have contended for decades is true: pumping Well 17 over minimal levels negatively effects the Departments' wells.

The Department is working to develop its own water use permit application (WUPA) and will be seeking authorization from CWRM for our current pumping, and additional pumping that would allow us to make full use of our existing well. The current permitted amount is 0.367 mgd, and we currently pump at approximately 0.425 mgd depending on time of year.

2) USGS Moloka'i groundwater study.

Partly in response to issues raised by the *Kukui* case, in 2009, the Department, OHA, and DWS decided to fund the

USGS to develop a groundwater model of Moloka'i. The study has been fully funded. The study estimates the hydrologic effects of additional groundwater-withdrawal scenarios on (1) salinity and water levels near existing wells and (2) coastal discharge in order to "effectively manage groundwater withdrawals from central and eastern Moloka'i."³ Item 2 is related to possible impacts on constitutionally protected traditional and customary practices that may depend on coastal discharge.

Developing the model has been complex and has been delayed numerous times. On March 7, 2018, the Department and other co-funders met with USGS to (1) review major tasks, progress to date, and plans for completing study; and, (2) plan for scenario testing (i.e., well locations and withdrawal rates). Per the schedule developed with USGS, scenarios will be run by June and a published final report will be available by December 2019.

The Department requested several scenarios to be tested, including those that are inclusive of all public trust uses of ground water resources. The Department considers this the baseline scenario that all future pumping must not impact. These pumping scenarios were completed by October 2018 and additional scenarios were analyzed and presented to funding partners, including DHHL staff, on April 1, 2019.

Under various pumping scenarios, the USGS Study indicates how salinity levels will change. What we are most interested in is what the impacts will be on our wells, County wells, and traditional and cultural practices along the shoreline, which are all public trust uses of water.

The study will allow DHHL, in alignment with the Department's Water Policy Plan which seeks balance among public trust uses, to provide information on the impacts of our uses on other public trust uses. The study will also allow us to understand the impacts of private commercial uses (e.g. Moloka'i Ranch) on our DHHL's public trust uses and other public trust uses.

³ U.S. Geological Survey, Project Description, "Groundwater Recharge and Availability in Eastern Moloka'i" available at: <http://hi.water.usgs.gov/studies/molokai/>.

A meeting with USGS was held on April 1, 2019 to update progress on the study. USGS agreed that once the study was finalized, it would conduct another presentation to the community on Moloka'i. Currently the study results seem to indicate three critical points:

First, there is enough water for all public trust uses (including for DHHL and the County's existing needs, DHHL's foreseeable needs and Moloka'i Ranch pumping at public trust levels). Pumping at these levels will a) not cause a rise of chlorides in these wells to a level of concern; b) will minimize the reduction of coastal discharge to a maximum of 14% at one location.

Second, there is no scenario in which the Ranch pumps at what they have requested (1.2 MGD), where there are not impacts resulting in increased chloride levels for the DHHL and County wells to levels of concern.

Third, while the official CWRM sustainable yield of the Kualapu'u aquifer is 5 MGD, the model shows that due to the constraints of geology and hydrology, it appears one can not pump more than 4.5 MGD without impacting the chloride levels of existing wells and coastal discharge to levels of concern.

Next steps include:

DHHL will meet with Maui County to help prepare our respective WUPAs including desired USGS scenarios, discuss possible collaboration on future well site development (cost sharing, land agreements) and possible collaboration on studies of the impacts of pumping on traditional and cultural practices on the coast.

DHHL will take the lead in coordinating a community meeting on Moloka'i with USGS, County DWS, CWRM and Moloka'i Ranch. The USGS would present the results of the study. DHHL, County and the Ranch would present our respective plans for the submission of WUPAs, and CWRM would explain the process for consideration of the WUPAs.

While these efforts are only the latest in a thirty-year effort to secure and develop water responsibly on Moloka'i, staff believes DHHL is taking the appropriate level of care and diligence required.

II. Ho'olehua water system improvements

In September 2018, DHHL was approved for subsequent USDA grant and loan funds for cost overruns for the Ho'olehua water system improvements project. The USDA loan funds included funding conditions that must be met before DHHL construction contracts for bid packages 1 (Ho'olehua) and 2 (Kalama'ula) can be fully executed and construction packages 3 (PV) and 4 (Equipment) can be bid out.

Of concern is that the USDA funds have a 5-year spend down statutory requirement. DHHL is now in Year 3 (first award of USDA funds was in 2016) and has not been able to start construction. DHHL continues to work on addressing these funding conditions with USDA so work can resume.

III. Wells on Moloka'i homesteader lands

Consistent with development of the Department's Water Assets Inventory, and in conjunction with ongoing efforts of the CWRM to increase compliance with pumping reporting, in March 2018 DHHL staff and consultants worked closely with a CWRM consultant to verify the existence of and inspect existing wells on DHHL lands on Moloka'i. The Department will continue to follow up with homesteaders to determine whether to maintain the well and report monthly usage to CWRM or whether to seal the wells to protect and aquifer and for safety reasons.

IV. Water Loss Audit Report Requirement and Training

Act 169 (Session Laws 2016) authorizes the CWRM to establish a water loss audit program and to provide technical assistance to affected public water systems for submitting annual water audits. PWS's operating within a water management area are required to comply, which includes DHHL PWS 230. The audits will help quantify water losses that in turn support better management and prevention of such losses. Benefits will include saving water and energy and recovering lost revenue. The first audit report is due July 2020 and training by CWRM began in February and April of this year.

RECOMMENDATION

None; for information only.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15, 2019

To: Chairman and Members, Hawaiian Homes Commission
Through: Andrew Choy, Acting Planning Program Manager *AC*
From: Lehua Kinilau-Cano, HHL Legislative Analyst *Lehua Kinilau-Cano*
Subject: Legislative Updates 2019

RECOMMENDATION/ACTION:

None; For information only.

DISCUSSION

The State Budget

The Hawaii State Legislature passed HB2, HD1, SD1, CD1, which appropriates funds for the operating budget of the Executive Branch for the fiscal biennium. While the Governor's budget included an increase in collective bargaining totaling \$25,503,947 for fiscal year 2020 and \$25,510,167 for fiscal year 2021, the Governor's budget also included a proviso that DHHL transfer \$6,865,887 of so much as may be necessary for each fiscal year for fringe benefit costs. The Legislature chose to also include the increase for collective bargaining totaling \$18,638,060 for fiscal year 2020 and \$18,644,280 for fiscal year 2021, but the bill passed by the Legislature does not include a proviso for fringe benefit costs. Thus, fringe benefits will be paid through the State Department of Budget & Finance like other State departments. A chart highlighting the budget request for Purpose 4 - Operating & Admin expenses in HB2, HD1, SD1, CD1 is attached as Exhibit 'A'.

The Legislature is still considering the CIP budget for the fiscal biennium, which could be included in either HB1259, SD1 or SB859, SD1, HD1.

DHHL's Bill in the Governor's Package

At its regular meeting of October 15, 2018, the Hawaiian Homes Commission approved a legislative proposal to be included in the Governor's Package for the 2019 Regular Session. Following this approval, this legislative proposal was reviewed by the Department of the Attorney General, the Governor's Policy

Office, and the Governor and was accepted in the final package and introduced as SB1223. This bill has been amended since it was introduced, but essentially the bill would extend the sunset date for an additional 5 years to 2024 for affordable housing credits.

There were a few bills introduced this legislative session that referenced DHHL, but aside from DHHL's bill that was included in the Governor's Package, these bills are no longer moving this session.

RECOMMENDED MOTION/ACTION

None; For information only.

DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2020 – Operating

	FY2020 DHHL	FY2020 GOV	FY2020 HB2 CD1
A & O Budget Request (A)	(260) \$32,217,862	(200) *\$25,503,947	(200) \$18,638,060
Operating R&M for Existing Infrastructure (A)	\$3,613,000		
Rehab Projects (A)	^\$14,519,100		
Total HHC A & O Budget Request	\$50,349,962	*\$25,503,947	\$18,638,060

*Includes \$6,865,887 to reflect the fringe benefit cost

^ Includes \$1,775,000 requested by homestead leaders.



DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2021 – Operating

	FY2021 DHHL	FY2021 GOV	FY2021 HB2 CD1
A & O Budget Request (A)	(260) \$32,217,862	(200) *\$25,510,167	(200) \$18,644,280
Operating R&M for Existing Infrastructure (A)	\$3,613,000		
Rehab Projects (A)	^\$14,654,100		
Total HHC A & O Budget Request	\$50,484,962	*\$25,510,167	\$18,644,280

*Includes \$6,865,887 to reflect the fringe benefit cost

^ Includes \$1,910,000 requested by homestead leaders.



DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

April 15 & 16, 2019

Kalamaula Molokai

J – General Agenda

Subject: FW: J Agenda

Aloha Leah,

I want to request to be put on the J Agenda please. I'm doing some follow up on the Blood quantum bill to see how we can help DHHL answer those questions that DOI had posed to them.

Mahalo,
Kapua

Sent from Mail for Windows 10

Subject:

FW: April Commission Meeting

Aloha Leah,

The Molokai Homestead Farmers Alliance our President would like to request to be put on the Day agenda.

In regards to Lanikeha Certified kitchen.

Please let me know if you have any questions.

Mahalo Rosie

Subject: FW: Kalamaula Shore Line.

Welina Mai Zack ,

Kalamaula association would like to be included in DHHL's current study and retreat plan for Kapaakea and Kamililoa . People were told by Nancy Mcpherson that the plan did not include Kalamaula because it was not as high a priority as the other two areas. Kalamaula completely disagrees for the following reasons.

- numerous homes affected by erosion and sea level rise
- Money already allocated and being used for Coconut grove(Park) project ...during work on the project it was concluded that effects of rising sea levels and erosion are affected that area at an alarming rate
- makes sense to do total assessment of DHHL south shore areas for complete and accurate analysis and plan

Zack Helm (commissioner) regarding this situation. I would like to ask Leah to put us on the next agenda to discuss this matter with the commission. I would like to petition the DHHL commission to include Kalamaula in the current study and retreat plan and not be left out until later. With the uncertainty of funding and the possibility of changes in administrative direction; the beneficiaries of Kalamaula would not want to miss out on the opportunity to address this very serious matter.

Leah at DHHL please inform her of our desire to be on the agenda and the issue that we want to bring up. Can I get a definite meeting date and place so we don't miss it. Please ask her that we would prefer to be on the Molokai meeting agenda but do not want to miss out on the current retreat plan by waiting; and I would be open to other measures or ideas of how to get the matter taken up ASAP. Feel free to call me at any time .

Mekealoha Pumehana
Heli Silva-Ducaroy .

Burrows-Nuuanu, Leatrice W

Subject: FW: DHHL Commissioners Meeting on Molokai

Aloha,

My name is Cora Caparida-Schnackenberg. I am the President of Ahonui Homestead Association (Waitlisted), I would like to put on the agenda to discuss concerns and project proposal. I may be reached at [REDACTED]

Mahalo,
Cora

Subject:

FW: HHC Contact: To Commission Secretary

To:

HHC Secretary

First Name: Harry

Last Name: Purdy

Phone:

Email:

kpurdyavelino@yahoo.com

Subject:

To Commission Secretary

Message:

Aloha Leah,

I, Harry K Purdy III, Hawaiian Homesteader at Ho'olehua, Molokai, Lot #4-A due hereby request to address the Hawaiian Homes Commissioners on Molokai at your next meeting in April, 2019. Subject matter: acquire Lot# 4-B Ho'olehua, Molokai, Hawai'i.

Mahalo,

Harry K Purdy III

Burrows-Nuuanu, Leatrice W

Subject: FW: Request to be on the J Agenda

Aloha Leah;

On behalf of Wa'akapaemua Canoe Club, I am requesting that we be on the agenda. We would like to thank the Commission for the Special Use land use designation for Malama Park and look forward to working with DHHL in their next phase of planning.

I will probably not be there, but there will be representatives from the canoe club who will be speaking.

I look forward to hearing from you.

Mahalo;

Sybil K Lopez
President, Wa'akapaemua Canoe Club

Subject:

FW: Request to Appear Before the Commission.

Aloha Lea,

On behalf of Laiopua 2020 and Villages of laiopua Homestead Association, I would like to be placed on the J agenda for April 15th & 16th on Molokai to discuss concerns by our organizations.

Please advise.

Mahalo Nui

Craig "Bo" Kahui

Executive Director

Laiopua 2020

Burrows-Nuuanu, Leatrice W

Subject: FW: J Agenda

Aloha mai e Leah,

Ke `olu`olu, kindly place me on the J Agenda at the next Hawaiian Homes Commission meeting to be held 4/15/19 at Kulana `Oiwī, Kaunakakai, Molokai.

I would like to address:

1) Pa`upena Community Development Corporation's capacity to be awarded a two-year due-diligence Right Of Entry to 4,128 Waiohuli/Keokea homeland acres, in order to run 100 or more head of cattle, per Hawaiian Homes Commission Act Section 11 "Community Pastures."

2) DHHL Land Development Division "capacity," i.e., the situation where all Neighbor Island projects appear to pass through an LDD bottleneck, as manifested by (a) the Waiohuli undivided-interest subdivision taking 12 years between lease signing and the awarding of the first 45 of 320 lots, or 14 percent, and (b) no progress apparent on extension to Keokea of the nonpotable ag waterline, a project whose \$2 million legislative CIP appropriation we ag homesteaders do not want to see lapse 6/30/20.

Meanwhile, the Ke`anae and Wailua communities of East Maui respectfully request that the Hawaiian Homes Commission meet with their beneficiaries from 4 to 6 p.m. 6/16/19 at Ke`anae School or Ke`anae Congregational Church hall. The reason is that they and their respective community's profiles, aspirations and priorities are different from those of Hana beneficiaries.

Reportedly at the prior East Maui commission meeting, held at Ke`anae, no Hana beneficiaries had appeared; commission Chairwoman Jobie Masagatani had inquired why, and community leader Ed Wendt had replied, "Ke`anae is Ke`anae, and Hana is Hana."

It's like asking Hawai`i-Kai residents to attend a Wai`alae-Kahala Neighborhood Board meeting. Both Hawai`i-Kai and Wai`alae-Kahala are "East O`ahu" (like "East Maui") but different communities — and less separated than Ke`anae and Hana, which are one-hour drive time apart.

Yesterday, on behalf of the beneficiary nonprofit Maui Homestead Farmers & Ranchers Association, I met with "East Maui" beneficiaries from noon to 1:45 p.m. at Ke`anae Congregational Church hall; only one Hana (nonbeneficiary) resident attended, at the request of Councilman Shane Sinensi's office. The gathering ended with the request above: that the commission meet with Ke`anae/Wailua beneficiaries from 4 to 6 p.m. 6/16/19 at Ke`anae School or Ke`anae Congregational Church hall.

I told session attendees that I would forward their request to you, the commission secretary.

Mahalo nui for your kokua mai,

-Kekoa Enomoto

chairwoman of the board, Pa`upena Community Development Corporation
(www.paupena.org)

Maui liaison to the SCHHA (Sovereign Council of Hawaiian Homestead Associations) Executive Council
SCHHA Maui Mokupuni vice president