

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

Grand Naniloa Hotel, 93 Banyan Drive, Hilo, Hawai'i 96720

Monday, October 21, 2019 at 9:30 a.m. to be continued, if necessary, on

Tuesday, October 22, 2019, at 9:00 a.m.

*Note: Commission Meeting Packets will be available at [dhhl.hawaii.gov](http://dhhl.hawaii.gov), by Thursday, October 17, 2019.*

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for June 2019, July 2019, August 2019
- D. Public Testimony on Agendized Items**

**II. ITEMS FOR DECISION MAKING**

**A. REGULAR AGENDA**

Land Management Division

- F-1 Approval to Issuance of License to Ke Ana La'ahana Public Charter School, Keaukaha, Hawai'i Island, TMK Nos. (3)2-1-023:157(por.) & :158(por.)
- F-2 Approval to Extend Right of Entry Permit No. 678, Department of Land and Natural Resources- Division of Forestry and Wildlife, Access to Mauka Boundary of TMK Nos. (3)3-8-001:009, :002, :007 for Fence Inspection; and Access to Makai Boundary Road of TMK No. (3)2-6-018:002 for Fence Inspection and Access to Remote Areas of Hilo and Mauna Kea Forest Reserves, Hawai'i Island, for Natural Resource Management
- F-3 Annual Renewal of Right of Entry Permits, East, Central, & South Hawai'i Island
- F-4 Approval to Issuance of Right of Entry Permit, Connect Point Church, Hilo, Hawai'i Island, TMK No. (3) 2-2-060:049

Planning Office

- G-1 Declare a Finding of No Significant Impact for the DHHL Honomū Subsistence Agriculture Homestead Community Master Plan Final Environmental Assessment, TMK Nos. (3)-2-8-011:009, :011, :019, and :999
- G-2 Amend Hawai'i Island Plan to Apply Subsistence Agriculture, Supplemental Agriculture, Community Use, Commercial Use, Special District and Conservation Land Use Designations to Honomū, Hawai'i Island; TMK Nos. (3)2-8-011:009, :011, :019, and :999
- G-3 Acceptance of Beneficiary Consultation Report on Ka'ū Revocable Permit Conversions to Water Leases from the Board of Land and Natural Resources and Related DHHL Water Reservations, and Reauthorize the Chairman to Formally Request a Related Water Reservation from the Commission on Water Resource Management for Hawaiian Home Lands in the District of Ka'ū, Hawai'i Island
- G-4 Adoption of the Kealakehe-La'i'Ōpua Regional Plan Update (2019) North Kona, Hawai'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 Commission Obligations under Chapter 92, HRS

### IV. ITEMS FOR INFORMATION/DISCUSSION

#### A. GENERAL AGENDA

##### Requests to Address the Commission

- J-1 Pat Kahawaiolaa – Keaukaha Community Association
- J-2 Maluhia O'Donnell – Aha Punana Leo O Waimea
- J-3 Kelii W. Ioane Jr. – Kings Landing Village
- J-4 Hans Mortensen – Community Pavilion Puhi Bay, Keaukaha Beach Park
- J-5 Bo Kahui – Villages of La'i Opuia
- J-6 Vanessa Iopa – Successorship to M. Iopa Lease
- J-7 William Brown – Panaewa Community Alliance
- J-8 Leimana DaMate – Water Meter and Community Center
- J-9 Paula Kekahuna – Status of the Maku'u Farmers Association
- J-10 Naomi Peck – Long Term Conditional Leasehold
- J-11 Nakoolani Warrington – Opposition to Spaceport in East Hawai'i
- J-12 Germaine Meyers – Lessee Homestead Community Concerns
- J-13 Allyson Duncan – Lease Cancellation
- J-14 Pauline Lee Loy - Mauna Kea Access Road

#### B. WORKSHOPS

##### Office of the Chairman

- C-1 For Information Only - Completion of Department of Housing and Urban Development Environmental Review Record, Keaukaha Residential Lots Rehabilitation and Infill New Construction, Keaukaha, Hawai'i Island, TMK Nos. (3)2-1-20, -21, -22-, -23, and -24, various parcels
- C-3 Appointment of Investigative Committee Pursuant to HRS section 92-2. 5 and HAR section 10-2-16 (b)(1), to Review the Selection Criteria, Potential Candidates, and Other Issues Related to the Retention of Private Counsel for Matters Related to Act 14 (1995)
- C-4 Appointment of Investigative Committee Pursuant to HRS section 92-2.5 and HAR section 10-2-16(b)(1), to Observe and Report to the Commission on the Natural Resource Management Projects in Kahikinui

##### Planning Office

- G-5 For Information Only - East Hawai'i Regional Update
- G-6 For Information Only - East Hawai'i Water Issues and Projects

##### Land Development Division

- E-1 For Information Only – East Hawai Project Updates

**V. ITEMS FOR DECISION MAKING (continued)**

Office of the Chairman

C-2 Approval of Lease Awards (see exhibit)

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**  
Grand Naniloa Hotel, 93 Banyan Drive, Hilo, Hawai'i 96720  
Tuesday, October 22, 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. CONSENT AGENDA**

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Homestead Application / Cancellations (see exhibit)
- D-4 Commission Designation of Successors to Application Rights – Public Notice 2018 (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 Commission Designation of Successor – **ALLEN K. KAAIHUE**, Residential Lease No. 2204, Lot No. 189, Kewalo, Oahu
- D-10 Approval of Transfer of a Portion of Lease No. 280, Lot No. 48, Nanakuli, Oahu – **THEODORE A. AUWAE**
- D-12 Commission Designation of Successor – **ARCHIE K. AHUNA**, Residential Lease No. 11987, Lot No. 16919, Kaupea, Oahu
- D-13 Request to Approve Third Party Agreement – **PAMELA A. SAKUMA**, Pastoral Lot Lease No. 08134, Lot No. 7, Puukapu, Hawaii
- D-14 Commission Designation of Successor – **SAMUEL K. KAMOKU**, Lease No. 5376, Lot No. 13B, Panaewa, Hawai'i

**III. ITEMS FOR INFORMATION/DISCUSSION**

**B. REGULAR AGENDA**

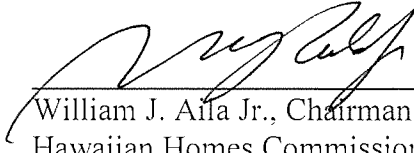
Homestead Services Division

- D-1 HSD Status Reports
  - A. Homestead Lease and Application Totals and Monthly Activity Reports
  - B. Delinquency Report
  - C. DHHL Guarantees for FHA Construction Loans
- D-11 For Information Only – Extension of Keaukaha Homestead Leases

#### IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Meeting – November 18 & 19, 2019, Waiohuli, Maui, Hawai'i
- B. Adjournment

*Note: Contested Case Hearings begin at 1:00 p.m.*

  
\_\_\_\_\_  
William J. Aila Jr., Chairman  
Hawaiian Homes Commission

#### COMMISSION MEMBERS

Randy K. Awo, Maui  
Patricia L. Teruya, O'ahu  
Pauline N. Namu'o, O'ahu  
Vacant, East Hawai'i

Zachary Z. Helm, Moloka'i  
David B. Ka'apu, West Hawai'i  
Dennis L. Neves, Kaua'i  
Vacant, O'ahu

Next community meeting is scheduled on Monday, November 18, 2019, 6:30 p.m. – 8:30 p.m.,  
Kula Community Center

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 Bryan Cheplic, at the **Information & Community Relations Office**, on Oahu, (808) 620-9590.

**ITEM C-2 EXHIBIT**

**LANA'I RESIDENTIAL VACANT LOTS, LANA'I, HAWAII**

<b>NAME</b>	<b>LEASE</b>
Laikealohaohaliilehu Hanog	12874
Delvin K. Moku Jr.	12875
Kaulana P. Kahooalahala	12876
Karen J.K. Biho	12877
Amelia M. Stalker	12878
Eleanor R. Benanua	12879
Pauline K. Benanua	12880
Larry P. Plunkett	12881

**ITEM D-2 EXHIBIT**

**APPROVAL OF CONSENT TO MORTGAGE**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AIPOALANI, Kevin K. K.	4724	Waianae, Oahu
AMARAL, Beverly	12866	Kauluokahai, Oahu
AMARAL, Henry, Jr.	12866	Kauluokahai, Oahu
BROOKS, Shawn K.	6832	Waiakea, Hawaii
CLARKE, Israel K. M.	12792	Hoolimalima, Oahu
COELHO, Elizabeth A. H.	4732	Waianae, Oahu
EDWARDS, Clarilyn T.	1775	Nanakuli, Oahu
GUZMAN, Francine K.	3131	Nanakuli, Oahu
HOOPII, Michele K.	10059	Waiehu 3, Maui
HOSEA, Jay K.	12550	Kanehili, Oahu
IAEA, Ruth A.	8789	Waimanalo, Oahu
II, Clifford I., Sr.	11536	Leialii, Lanai
KAHANU, Paul K.	9245	Kaniohale, Hawaii
KALAMAU, Lee L.	5313	Waianae, Oahu
KAMALU, Darren K.	12315	Waianae, Oahu
KAONOHU, Corinne	8202	Waimanalo, Oahu
KAONOHU, Marques J. M.	8220	Waimanalo, Oahu
KAONOHU, Samson K.	8202	Waimanalo, Oahu
KAPELIELA, Michael K.	4451	Waianae, Oahu
KAUAI, Casey K. K.	7573	Waiohuli, Maui
KEALOHA, Lizelle K.	11965	Kaupea, Oahu
KEIKI, James, III	3204	Kewalo, Oahu
LAVIN, Ahina K.	5988	Waimanalo, Oahu
LEGSAY, Dornali L.	10079	Waiehu 3, Maui
LELEO, Shannon L. L.	9804	Maluohai, Oahu
LENCHANKO, Robert L. M.	4622	Waianae, Oahu
MANUIA, Jaysen K.	6272B	Panaewa, Hawaii
MEDEIROS, Justin M. K.	12099	Kaupea, Oahu
MEYERS, Jason K. Q.	12135	Kaupea, Oahu
RASPOTNIK, Ikaika J.	4645	Waianae, Oahu

SALIS, Kevin K.	9962	Waianae, Oahu
SHEEN, Daniel J.	4643	Nanakuli, Oahu
SOO, Allen E. K. K.	12017	Kaupea, Oahu
TORRES, Monica A. K.	5545	Lualualei, Oahu
VALEZUELA, April P.	5683	Nanakuli, Oahu
VICTOR, Nikki K. I.	4247	Keaukaha, Hawaii
YAMASHITA, Irmgard K.	8216	Paukukalo, Maui

### ITEM D-3 EXHIBIT

#### HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AH TOU, Mervyn M.	Hawaii IW Agr
AH TOU, Mervyn M.	Hawaii IW Res
AJIFU, Elizabeth K.K.Y.	Oahu IW Agr to Hawaii IW Agr
ARCE, Gwendolyn L.	Molokai IW Res
BARG, Sandra Ann L.	Maui IW Res to Molokai IW Res
BORGE, Claudio, Jr.	Oahu IW Agr
CHIP, Pamela-Jean K.A.	Hawaii IW Agr
CORDES, Marjorie K.	Hawaii IW Agr
CORDES, Marjorie K.	Hawaii IW Res
CORPUZ, Karen M.B.	Kauai IW Agr to Oahu IW Agr
CORPUZ, Karen M.B.	Kauai IW Res to Oahu IW Res
CRIVELLO, Chaydeen M.K.	Hawaii IW Res
DUDOIT, John M., Jr.	Hawaii IW Pas
DUDOIT, John M., Jr.	Hawaii IW Res
ENRIQUEZ, Simeon, Jr.	Hawaii IW Agr
GANDIA, Dellvyne L.	Kauai IW Agr
GLOVER, Rosalie L.	Oahu IW Agr
HAU, Lowaena P.	Hawaii IW Res
HIRASHIMA, Sheira-Lilia	Molokai IW Res
JAENTSCH, Phillip L.	Kauai IW Agr
JOAQUIN, Maynon L.	Hawaii IW Agr
KADOWAKI, Iwalani V.	Maui IW Agr to Molokai IW Agr
KAEO, George K.K., Jr.	Maui IW Agr
KAEO, George K.K., Jr.	Maui IW Res
KAHAAWI-MANU, Lia M.	Hawaii IW Agr
KAHAAWI-MANU, Lia M.	Hawaii IW Res
KAHALEWAI, Mary Jane N.	Hawaii IW Res to Molokai IW Res
KAHAUOLOPUA, Natasha A.M.C.	Hawaii IW Res
KAHAWAII, Gabriel S.	Oahu IW Res
KAIawe, Thomas G.	Oahu IW Res
KAILIAWA, Andrew K.	Hawaii IW Agr
KAILIAWA, Andrew K.	Hawaii IW Res
KAKALIA, Adam M.	Hawaii IW Agr
KAKALIA, Adam M.	Hawaii IW Res

KALAMA, Shirleyann K.	Oahu IW Res
KALAUOKA, Samuel I.	Oahu IW Res
KAM, Annabelle P.	Kauai IW Agr
KANAHELE, Charity K.	Kauai IW Agr
KAPELIELA, Michael K.	Hawaii IW Res
KAPUNI, Gregory P.	Molokai IW Agr
KAUHI, Jodi K.	Maui IW Res
KAWIKA, Ezra	Kauai IW Agr
KEKAHUNA, Richard I.K.	Hawaii IW Agr
KEKAHUNA, Richard I.K.	Hawaii IW Res
KIESLING, Agnes E.M.M.	Maui IW Pas to Maui IW Agr
KONANUI, Jerry	Hawaii IW Pas
KONANUI, Jerry	Hawaii IW Res
KONG KEE, Florence L.	Hawaii IW Agr
KUKAHIKO, Elbert K.	Maui IW Res
LAFAELE, Marina L.L.	Oahu IW Res to Molokai IW Res
LEE, Adele P.	Molokai IW Agr
TANGONAN, Kuuleipuanani B.	Oahu IW Res to Molokai IW Res
TECTOR, Mapuana S.	Oahu IW Agr

\* IW = Islandwide

#### **ITEM D- 4 EXHIBIT**

##### COMMISSION DESIGNATION OF SUCCESSORS - PUBLIC NOTICE 2018

APPLICANT	AREA
NIHAU, Napua I.	Hawaii IW Agr
SOUZA, Lynnette K.	Maui IW Agr

\* IW = Islandwide

#### **ITEM D-5 EXHIBIT**

##### APPROVAL OF DESIGNATION OF SUCCESSORS TO LEASEHOLD INTEREST AND DESIGNATION OF PERSONS TO RECEIVE THE NET PROCEEDS

LESSEE	LEASE NO.	AREA
KON, Clarence, Sr.	3933	Waimanalo, Oahu
RODRIGUES, John, Sr.	7214	Kawaihae, Hawaii
TROCHE, Charlotte A.	11582	Kanehili, Oahu
WONG, Abenel M.	2999	Waimanalo, Oahu

#### **ITEM D-6 EXHIBIT**

##### APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
ALBRECHTSON, Albert S., III	9936	Waiehu Kou III, Maui
SILVA, Valerie P.	9936	Waiehu Kou III, Maui
CHU-HING, Henry K.	9861	Maluohai, Oahu
DANNER, Robin J.P.	8220	Waimanalo, Oahu
FRANCISCO, Velma J.K.	3908	Panaewa, Hawaii

KAPANUI, Kolomona A.K.	7541	Waiohuli, Maui
KUKAUA, Barbara J.	3489	Paukukalo, Maui
VIELA, Jay K.	3489	Paukukalo, Maui
LONG, Henry D.K., IV	7621	Waiohuli, Maui
PAGLINAWAN, Colette L.	6898	Panaewa, Hawaii
PARAAN, Franklyn K.	3930	Waimanalo, Oahu
SAKUMA, Pamela A.	8134	Puukapu, Hawaii
KAHAI, Emily K.	11597	Kapolei, Oahu
MANNER-HOWERTON, Josephine k.	12364	Kapolei, Oahu
OUDEKIRK, Rosalyn K.	12351	Kapolei, Oahu
ANAMIZU, Carol H.	3018Z	Hoolehua, Molokai
NIIHAU, Laura L.	3018Z	Hoolehua, Molokai
HIGA, Nobuo, Jr.	5851	Kalamaula, Molokai
KAKAIO, Charlotte N.	6069	Kalamaula, Molokai
MARIANO, Erma K.	6069	Kalamaula, Molokai

#### **ITEM D-7 EXHIBIT**

##### APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AH SAU, Joseph Punohu	4167	Paukukalo, Maui
BARBER, Paige K.	6037	Hoolehua, Molokai
EDWARDS, Clarilyn T.	1775	Nanakuli, Oahu
ENGLISH, Parker, Sr.	218	Hoolehua, Molokai
FRANCISCO, Velma J.K.	3908	Panaewa, Hawaii
GALLINGER, Clara K.	6089	Kalamaula, Molokai
GASPAR, Keefe	2361	Kapaakea, Molokai
GASPAR, Kenneth E., Jr.	2361	Kapaakea, Molokai
KAAIHUE, Ruby H.	2204	Kewalo, Oahu
KAAIHUE, Allen K.	2204	Kewalo, Oahu
KAKAIO, Charlotte N.	6069	Kalamaula, Molokai
KON, Clarence, Sr.	3933	Waimanalo, Oahu
KUKAUA, Barbara J.	3489	Paukukalo, Maui
LESLIE, Yvonne L.	2943	Keaukaha, Hawaii
MARTIN, Vernetta P.	9	Kalamaula, Molokai
NAKI, Lauren Destiny K.	122	Hoolehua, Molokai
PALEKA, Rose Allen W.K.	2	Kalamaula, Molokai
WONG, Abenel M.	2999	Waimanalo, Oahu

#### **ITEM D-8 EXHIBIT**

##### APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
KELIHKUPAKAKO-KAUHOLA, Christine P.	6721	Waiohuli, Maui
RECOLAN-SYLVA, Laverne L.	9227	Kaniohale, Hawaii
SHELDON, Douglas K., Sr.	12748	Hoolimalima, Oahu

SILVA, Latin R.N.  
TAKAHASHI, Marlene L.

9936  
7357

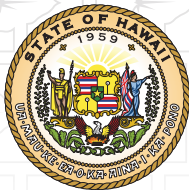
Waiehu Kou 3, Maui  
Nanakuli, Oahu

**ITEM F-3 EXHIBIT**

**RIGHT OF ENTRY PERMITS EAST, CENTRAL, & SOUTH HAWAII ISLAND**

<b><u>ACRE</u></b>	<b><u>NO.</u></b>	<b><u>USE</u></b>	<b><u>PERMITTEE</u></b>	<b><u>LOCATION</u></b>	<b><u>Date Started</u></b>
280.0	465	Pastoral	Gilbert Medeiros, Jr. *	Kamaoa-Puueo	2/9/1998
450.0	469	Pastoral	Daryl Kalua'u *	Kamaoa-Puueo	9/7/2000
750.0	471	Pastoral	Daleico Ranch	Kamaoa-Puueo	4/19/2001
1.500	473	Pastoral	Dean Kaniho *	Kamaoa-Puueo	7/15/2004
301.0	476	Pastoral	Charles & Jelena Clay	Honomu	7/7/2005
2.0	477	Agriculture	Guy Kaniho *	Humuula	2/26/2007
300.0	478	Pastoral	April Awana-Mattos *	Honomu	2/1/2010
2.21	481	Landscape	Ginger Patch	Waiakea	8/2/2010
1.0	482	Community	Keaukaha/Panaewa Farmers Assn. *	Panaewa	2/1/2011
5,000.0	610	Pastoral	Native Hawaiian General Seviles *	Kamaoa-Puueo	6/1/2004

\* Denotes Beneficiary



DEPARTMENT OF HAWAIIAN HOME LANDS

# MEETING ANNOUNCEMENT



[WWW.DHHL.HAWAII.GOV](http://WWW.DHHL.HAWAII.GOV)

# **Hawaiian Homes Commission Meeting – East Hawai‘i**

**Monday, Oct. 21 at 9:30 a.m.  
Tuesday, Oct. 22 at 9:00 a.m.**

**Grand Naniloa Hotel, Crown Room  
93 Banyan Drive  
Hilo, HI 96720**

# **Hawaiian Home Lands Community Meeting – East Hawai‘i**

**Monday, Oct. 21 at 6:30 p.m.**

**Keaukaha Elementary  
School Cafeteria  
240 Desha Avenue  
Hilo, HI 96720**



DEPARTMENT OF  
HAWAIIAN HOME LANDS

P.O. Box 1879 Honolulu, Hawai‘i 96805

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U.S. POSTAGE  
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HONOLULU, HI  
PERMIT NO. 574

To request accommodations for a sign language  
interpreter or accessible parking or  
for more information, please contact DHHL  
at **808-620-9590** or **[dhhl.icro@hawaii.gov](mailto:dhhl.icro@hawaii.gov)**

*Must be requested 5 days prior to the meeting date.*


**HAWAIIAN HOMES COMMISSION  
OCTOBER 21 & 22, 2019  
HILO, HAWAI`I**

**C – ITEMS  
OFFICE OF THE CHAIRMAN**

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Niniau K. Simmons, NAHASDA Manager 

Subject: Completion of Department of Housing and Urban Development (HUD) Environmental Review Record (ERR), Keaukaha Residential Lots Rehabilitation and Infill New Construction, Keaukaha, Hawai'i, TMK (3)2-1-20, -21, -22-, -23, and -24, various parcels

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION

***Background***

The Keaukaha Residential Lots Rehabilitation and Infill New Construction is a multi-prong program to enable NAHASDA funds to be used in a variety of means to provide affordable housing opportunities within this prime area that is conveniently located and serviced by community facilities and infrastructure. The housing projects to be undertaken as separate applications or projects over the next five years include:

- Vacant awarded lots-- to encourage existing lessees to build where the lot has sat vacant all these years through package home loans or self-help housing (or other programs);
- Vacant available lots in DHHL inventory-- to improve as necessary (e.g., install water meter, turnkey home) and award any available lots, and to increase density where possible through subdivision of larger parcels, to enable leasing to additional beneficiaries on the wait list; additional density created by subdivision would be limited to lots within DHHL's inventory with minimum resulting lot size of 10,000 square feet;
- Older existing homes-- to rehabilitate older homes for qualified lessees (i.e., household income less than 80% of

median); rehabilitation would include interior and exterior modifications (e.g., reroofing, repainting), as necessary. For those older homes that do not meet HUD's requirements for safe/decent housing, the project would involve demolition and replacement with new construction approximately within the same footprint.

There are approximately 418 existing residential lots within the Site totaling approximately 285 acres (excluding road lots and community facility lots), with lots ranging in size from 0.3692 (16,000± square feet) to 1.214 acres (52,880± square feet). The potential vacant lots for new construction total 49 lots. Other existing homes in poor condition where the household income is less than 80% of the median household income could be eligible for rehabilitation grants.

**Chapter 343, Hawai'i Revised Statutes (HRS) Environmental Assessment**

A Chapter 343, Hawai'i Revised Statutes (HRS) final environmental assessment (FEA) was completed for the Keaukaha Residential Lots Rehabilitation and Infill New Construction and published by the Office of Environmental Quality Control (OEQC) in December 2018. Based on the FEA analysis, agency and public comments, and mitigation measures in response to comments which have been incorporated into the FEA, the DHHL staff concluded that the development of Keaukaha Residential Lots Rehabilitation and Infill New Construction would not have a significant impact on the project area or surrounding vicinity. The HCC concurred with the determination and approved the following mitigation measures.

*Mitigation Measures Agreed to by DHHL in the Final EA*

*Threatened or endangered species.* DHHL to provide notice to lessees:

- To protect night-flying seabirds, outdoor illumination be shielded so that the bulb is not visible at or above bulb-height.
- To protect the low-flying, foraging Hawaiian hoary bat, barbed wire not be used for fencing.

Construction scheduling and documents will incorporate the following recommendations of the USFWS, as applicable:

- Hawaiian hawk. If construction occurs during the hawk's breeding season (March through September), the contractor will retain a qualified ornithologist to conduct a nest search of the area of the proposed construction site and surrounding area prior to the advent of construction activities. Surveys should ensure that construction

activity will not occur within 1,600 feet of any Hawaiian hawk nest.

- Hawaiian hoary bat. It is recommended that woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15).
- Seabirds. If night work must be conducted, it should take place outside the sea bird fledging season (September 15 through December 15) and should utilize shielded lighting.
- Nēnē. If a nēnē appears within 100 feet of ongoing work, all activity shall be temporarily suspended until the animal leaves the area of its own accord. If any number of nēnē are observed loafing or foraging within the project area during the nēnē breeding season (October through March), a biologist familiar with the nesting behavior will survey in and around the project area prior to the resumption of any work, or after any subsequent delay of work of three or more days. If a nest is discovered within a radius of 150 feet of proposed work, or a previously undiscovered nest is found within said radius after work begins, all work will cease immediately and USFWS will be contracted for further guidance.

*Air quality, noise, water quality.* Construction documents will include:

- Standard dust control measures
- Standard noise control measures
- Best management practices for erosion and sedimentation control in accordance with approved Grading and NPDES permits

*Wastewater.* Connect to sewer system where available; where not available, anticipate future sewer extension with appropriate location of individual septic system to enable cost-effective sewer connection.

*Toxics and Hazardous Waste.* Conduct risk assessment for lead-based paint and asbestos for older homes to be rehabilitated.

*Historic preservation.* Construction documents will include a condition that should burials or other traditional deposits be identified during intrusive activities, all work in the area will cease and the appropriate agencies will be contacted.

***The Department of Housing and Urban Development, Environmental Review Record (Summary)***

The U.S. Department of Housing and Urban Development (HUD) Environmental Review Record (ERR) has been developed in accordance with 24 CFR Part 58 for Entities Assuming HUD Environmental Responsibilities. The ERR required an analysis of the project under a number of federal Statutes, Executive Orders and Regulations listed at 24 CFR 50.4, 50.8, and 58.6. Federal statutes of note for the Keaukaha ERR include the Airport Clear Zones and Accident Potential Zones (24 CFR Part 51 Subpart D); Explosive and Flammable Hazards / Above-Ground Storage Tanks (24 CFR Part 51 Subpart C); and Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978 (24 CFR Part 51 Subpart B);

Analysis for additional environmental assessment factors including land conformance, water, wastewater, utilities, natural features, drainage, potential hazards, potential social impacts and demographic changes, public health and safety, and infrastructure capacity, were incorporated into the ERR from the Chapter 343 HRS FEA and further evaluated for potential impacts in accordance with 24 CFR 58.40, Ref. 40 CFR 1508.8 & 1508.27. Consultation with the State of Hawai'i, Department of Land and Natural Resources, State Historic Preservation Division (SHPD) and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act was required and completed in 2016 and 2015 respectively during the Chapter 343 HRS environmental assessment process. A summary of the agreed upon mitigation measures are detailed in the aforementioned section. A brief description of the agency determination and correspondence record is detailed below.

State Historic Preservation Division: Concurred with the DHHL determination of 'No Historic Properties Affected' under Section 106 of the National Historic Preservation Act (Log number 2016.00249, 1602JLP22). The DHHL has acknowledged the concurrence and will write the applicable mitigation measures into construction contracts.

The U.S. Fish and Wildlife Service, Section 7 Endangered Species Act: With the incorporation of agreed upon avoidance and minimization measures the USFWS concurred with the DHHL determination of *May Affect but Unlikely to Adversely Affect* threatened and endangered species. (Correspondence reference numbers EPIF00-2015-I-0258; DPIF00-2015-I-0261 and EPIF00-2015-I-0262). The endangered Hawaiian hoary bat, Hawaiian hawk, Nēnē, Hawaiian petrel, Blackburn's sphinx moth and the Newell's shearwater were identified as potentially being within the

general vicinity of the project area. Mitigation measures outlined by the U.S. Fish and Wildlife Service will be adhered to during the implementation of the project.

#### *Summary of Findings and Mitigation Measures*

The Keaukaha neighborhood is an established residential community in which all of the lots have been previously graded or have existing homes. The project does not involve the loss to any known threatened or endangered species habitat, wetland, historic or archaeological resources or other natural or cultural resources. The project was found to not conflict with any of the long-term environmental policies or goals of the U.S. Department of Housing and Urban Development. Issues of particular concern were the proximity of the project to the Hilo International Airport and proximity to above-ground storage tanks located on parcels within Hilo Harbor.

Airport Runway Protection Zone / Clear Zone (24 CFR Part 51 Subpart D): A portion of the Keaukaha Residential Lots are within the old Runway Protection Zone / Clear Zone (RPZ / CZ) for Crosswind Runway 3-21 that is used for general aviation operations. Consultation with the State of Hawai'i, Department of Transportation, Airports Division (HDOT Airports) resulted in an agreement to recalibrate the landing instrumentation for the runway which will shift the projected Runway Protection Zone. Lots slated for new construction or homes identified for rehabilitation were not in the RPZ and will not be impacted by the RPZ.

Noise Abatement and Control (24 CFR Part 51 Subpart B): The subdivision is within the threshold distances of the Hilo International Airport. Analysis of the HDOT Airports noise contour map shows that the project site is within 70 decibels to 55 decibels noise range. Consultation with the HDOT Airports Division, letter reference number AIR-EP 15.0053, states that residences located in the 60 DNL noise contour or higher based on the noise exposure map should have Noise Level Reduction (NLR) measures incorporated into the building design for improvements and/or new construction. The noise attenuation mitigation is outlined in the DOT / FAA program and will be executed by the State of Hawai'i, Department of Transportation, Airports Division.

Explosive and Flammable Hazards / Above-Ground Storage Tanks (24 CFR Part 51 Subpart C): The project area is adjacent to Hilo Harbor where five (5) parcels were found to contain large above ground storage tanks within 1 mile of the project area. The parcel owners (Aloha Gas, PAR Hawai'i, and IES

Downstream LLC) were consulted regarding the size, location, and contents of the tanks currently operational on site. Site plans and other documentation were also provided by the land owner to determine whether the tanks were enclosed within a diked area. The distance from which a HUD assisted project can be safely sited from stationary above ground tanks, known as the Acceptable Separation Distance, was calculated in accordance with the parameters outlined by the Housing and Urban Development's Environmental Planning Division's (HUD EPD) Acceptable Separation Distance Electronic Assessment Tool. It was found, based on the HUD EPD tool, that none of the above-ground storage tanks identified within 1 mile of the project area have a blast radius large enough to impact the Keaukaha Residential Lots.

#### *Cumulative Impact Analysis and Conclusion*

The proposed project has been evaluated for any primary, secondary, and cumulative environmental impacts, both short-term and long-term, that could result during the implementation of the infill lot development and existing single family home rehabilitation activities detailed within the Environmental Review Record. Existing environmental conditions resulting from the close proximity to the Hilo International Airport and industrial activities at Hilo Harbor have been analyzed. Mitigation measures pertaining to the lots that are impacted by the proximity to noise generators and the resulting hazards have been established and agreed upon by the State of Hawai'i Department of Transportation, Airports Division. Short-term impacts associated with the implementation of the proposed project, such as fugitive dust nuisances, have also been addressed. There are likely no historical or archaeological sites within the project area as no significant archaeological or cultural resources were identified during the field investigation, consultation with the SHPO and NHOs, and archival and publicly available data research. The construction of the infill lot developments is not expected to require substantially more energy or water resources than other projects of similar size and scale. Structures will be designed to incorporate energy-saving technologies.

#### RECOMMENDED MOTION/ACTION

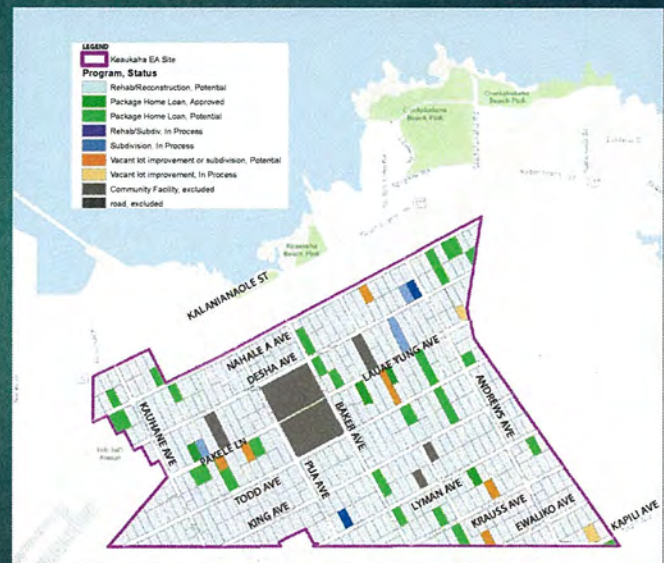
None. For information only.

# Keaukaha Residential Lots Rehabilitation and Infill New Construction – HUD Environmental Review Record

PRESENTATION TO THE HAWAIIAN HOMES COMMISSION  
OCTOBER 21, 2019

## Project Description

- ▶ Satisfy a variety of affordable housing needs in Keaukaha by:
- ▶ Development of vacant lots:
  - ▶ Turn-key or rent-to-own
  - ▶ 2-lot subdivision of larger lots resulting in 10,000 sf minimum lot size
  - ▶ Package home loans or self-help
- ▶ Rehabilitation of existing homes
- ▶ Excluded:
  - ▶ Lots in flood zone
  - ▶ Community Use
  - ▶ Historic register



## Background

HRS  
Chapter  
343 EA

COMPLETED  
2018

Hawai'i Revised Statutes (HRS)  
Chapter 343

- (1) Use of State or County lands
- (2) Use of State or County funds

NEPA  
HUD ERR

ANTICIPATED  
FONSI 2019

24 CFR Part 58:

- (1) Use of Federal lands
- (2) Use of Federal funds
- (3) Project that requires a Federal Permit

## Background

- ▶ Complete HUD Environmental Assessment compliant with 24 CFR Part 58 for HUD-assisted projects to enable use of federal NAHASDA funds
- ▶ Use of funds to satisfy a variety of affordable housing needs in Keaukaha
- ▶ Incorporate analysis from Chapter 343 FEA
- ▶ Address compliance with HUD applicable laws and authorities

## Related Laws and Authorities – Compliance Topics to Note

- ▶ Noise Hazards
  - ▶ Noise Abatement and Control (24 CFR Part 51 Subpart B)
- ▶ Airport Hazards
  - ▶ Runway Protection Zone (24 CFR Part 51 Subpart D)
- ▶ Explosive and Flammable Hazards
  - ▶ Above-ground Storage Tanks (24 CFR Part 51 Subpart C)

## Statutes & Compliance Determination UPDATE

### ▶ Noise Abatement and Control (24 CFR Part 51 Subpart B)

Noise analysis considered proximity to the Hilo International Airport & Kalaniana'ole (HDOT major connector roadway).

- ▶ Parcels in orange buffer are within 1,000 feet of Kalaniana'ole. Lots evaluated for noise impacts.
- ▶ Parcels in red impacted by airport generated noise greater than 65 dB
- ▶ Parcels impacted by 65 + dB noise are required to incorporate Noise Level Reduction (NLR) measures into building designs.



# Statutes & Compliance Determination UPDATE

## ► *Runway Protection Zone*

- Agreement with HDOT, Airport Division to recalibrate the landing instrumentation for the runway resulting in the entirety of the RPZ falling into DOT land.



# Statutes & Compliance Determination

## ► *Above-Ground Storage Tanks (24 CFR Part 51 Subpart C)*



- Five (5) parcels with aboveground storage tanks within 1 mile of the project area.
- Acceptable Separation Distance (ASD) :  
*the distance between a hazard(s) of an explosive or fire prone nature to where a HUD assisted project can be sited.*

## Mitigation Measures in Environmental Review Record

- ▶ **Noise Hazards:** Roadway noise generated from Kalaniana'ole appears to be below 65 dB based on HUD calculation tool. Airport noise hazard mitigation will be executed by DOT-Airports.
- ▶ **Airport RPZ:** DOT-Airports to recalculate RPZ.
- ▶ **Explosive Hazards:** No mitigation required at this time for proximity to ASTs

## Conclusion

- ▶ Existing environmental conditions resulting from the close proximity to the Hilo International Airport and industrial activities at Hilo Harbor have been analyzed.
- ▶ Mitigation measures for the lots impacted by the proximity to the airport or within the runway protection zone have been established and agreed upon by the State of Hawai'i, Department of Transportation, Airports Division.


## Recommended Action

- ▶ Declaration of No Significant Impact under 24 CFR 58 Subpart E; 40 CFR 1508.13 based on the information provided in the Environmental Assessment and Compliance Findings for HUD-assisted projects.

Mahalo

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21, 2019

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Paula Aila, Finance and Development Specialist   
FROM: Jo-Anne Aiwohi/Moana Freitas, Awards Case Management Specialists  
SUBJECT: Approval of Lease Awards

RECOMMENDED MOTION/ACTION

Approve the award of Department of Hawaiian Home Lands Residence Lot Leases to the applicants listed below for ninety-nine (99) years

DISCUSSION: NONE

Lana'i Residential Vacant Lots, Lana'i, Hawaii

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Laikealohaohaliilehu Hanog	06/09/2000	10	2-4-9-024:047	12874
Delvin K. Moku Jr.	04/26/2000	1190	2-4-9-024:020	12875
Kaulana P. Kahoohalahala	02/21/2002	1194	2-4-9-024:024	12876
Karen J.K. Biho	03/30/2001	1201	2-4-9-024:031	12877
Amelia M. Stalker	07/25/2000	9	2-4-9-024:046	12878
Eleanor R. Benanua	04/26/2000	1199	2-4-9-024:029	12879
Pauline K. Benanua	04/26/2000	1200	2-4-9-024:030	12880
Larry P. Plunkett	02/01/2002	1195	2-4-9-024:025	12881

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Members, Hawaiian Homes Commission

From: William J. Aila, Jr., Chairman

Subject: Appointment of investigative committee pursuant to HRS section 92-2.5 and HAR section 10-2-16(b)(1), to review the selection criteria, potential candidates, and other issues related to the retention of private counsel for matters related to Act 14 (1995).

RECOMMENDED ACTION:

For information Only. No action required.

DISCUSSION

An investigative committee of the Hawaiian Homes Commission is appointed effective October 23, 2019. The purpose of this committee is to review the selection criteria, potential candidates and other issues related to the request for HRS section 28-8.3 waiver to retain private counsel by contract to advise the Hawaiian Homes Commission (HHC) on the valuation of compensation through funds and land owed to the Department of Hawaiian Home Lands as outstanding claims of Act 14 (1995) or other items related to Act 14 (1995) to solely represent the interests of beneficiaries or native Hawaiians defined under section 201 of the Hawaiian Homes Commission Act. Attached as Exhibit A is the formal request submitted to Governor Ige through Attorney General Clare Connors.

The members of the Committee include David Kaapu, Pauline Namuo, Dennis Neves, and the Chair. The Committee's work is expected to be completed within 3 months. Any findings and recommendations will be placed on the agenda for the HHC meeting as the items are completed.

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

JOSH GREEN  
LT. GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

September 6, 2019

To: The Honorable David Y. Ige, Governor  
State of Hawaii

Through: Clare E. Connors  
Attorney General

From: William J. Aila, Jr., Chairman  
Hawaiian Homes Commission

Subject: Request for Haw. Rev. Stat. §28-8.3 Waiver to Retain  
Private Counsel by Contract to Advise the Hawaiian Homes  
Commission (HHC) on the Valuation of Compensation  
through Funds and Land Owed to the Department of Hawaiian  
Home Lands (DHHL) as Outstanding Claims of Act 14 (1995)  
or Other Items Related to Act 14 (1995) to Solely  
Represent the Interests of Beneficiaries or Native  
Hawaiians Defined under Section 201 of the Hawaiian Homes  
Commission Act (HHCA)

This memorandum is to secure the Attorney General's concurrence and the Governor's waiver pursuant to Haw. Rev. Stat. §28-8.3, for DHHL to hire private counsel by contract to advise the HHC on the valuation of compensation through funds and land owed to DHHL as outstanding claims of Act 14 (1995) or other items related to Act 14 (1995) to solely represent the interests of beneficiaries or native Hawaiians defined under section 201 of the HHCA.

The HHC was briefed by staff in January 2019 on the background of Act 14 (1995) and the status of outstanding claims. A copy of the submittal to the HHC is attached. Outstanding claims totaling over 1,328 acres remain. Resolving these outstanding claims are in the best interest of beneficiaries and independent counsel to solely represent the interest of beneficiaries would be valuable to the HHC.

The Honorable Clare E. Connors  
September 6, 2019  
Page 2

Since the outstanding claims have recently received greater attention given the use of Hawaiian Home Lands for state highways, time is of the essence. We respectfully request your expeditious review and approval of this waiver.

Attachment

CONCURRENCE:

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Clare E. Connors  
Attorney General

Date: \_\_\_\_\_

APPROVAL OF WAIVER:

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David Y. Ige  
Governor

Date: \_\_\_\_\_

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

January 28-29, 2019

To: Chairman and Members, Hawaiian Homes Commission  
Thru: M. Kaleo Manuel, Acting Planning Program Manager  
From: Andrew H. Choy, Planner *AC*  
Subject: Act 14 Land Claim Settlement Update

**Recommended Action**

For information only.

**Discussion**

**Purpose**

During an address at a CNHA Conference, Governor Ige committed to seeking resolution to all outstanding claims related to Act 14. This submittal provides a brief background of Act 14 and highlights the status of outstanding claims.

**Background**

In 1991, the Task Force on the Department of Hawaiian Home Lands' Land Title and Related Claims ("Task Force") was convened by Governor John Waihe'e, as one of the first action steps in the Governor's Action Plan to Address Controversies under the Hawaiian Home Lands Trust and the Public Land Trust. The Task Force comprised of the heads of the Office of State Planning ("OSP"), the Department of Hawaiian Home Lands ("DHHL"), the Department of Land and Natural Resources ("DLNR"), and the Department of the Attorney General ("AG"). The Task Force's objective was to investigate and resolve DHHL's land use claims against the State. In the years following, the Task Force issued a slew of recommendations for settlement of DHHL's claims, which resulted in settlement packages enacted by the

Legislature in 1992 and 1993<sup>1</sup>. Additionally, by a separate administrative initiative, the State initiated the transfer of 16,518 acres of useable lands to DHHL.

On December 1, 1994, the Task Force produced a Memorandum of Understanding ("MOU"), executed by all parties, setting forth its final recommendations to repair the Hawaiian home lands trust and resolve DHHL's claims against the State that arose between August 21, 1959 and July 1, 1988. The MOU, however, did not bind the State to its terms. Consequently, on June 29, 1995, the Legislature passed Act 14, SpSLH 1995 ("Act 14"), to fully effectuate the settlement of DHHL's aforementioned claims against the State.

#### Act 14's Settlement Items

Section 6 of Act 14 sets forth the State's agreed upon terms to resolve and satisfy the controversies and claims encompassed by the Act. Act 14's settlement items can be grouped into two forms of compensation: funds and land.

#### Funds

The funding component of the Act 14 settlement provided a total \$606,277,558 in monetary compensation to DHHL. Specifically Act 14 provides for the following:

- Establishment of the Hawaiian home lands trust fund;
- Required the State make twenty annual deposits of \$30,000,000 or their discounted value equivalent if the State opted to make prepayments into the trust fund;
- Payment of \$2,348,558 as an advance toward all rent due to DHHL for the continued use of trust lands under Nanaikapono elementary school between April 4, 1996 and October 27, 2002;
- Payment of \$2,390,000 for the State's uncompensated use of Hawaiian home lands between 1959 and 1995; and
- Payment of \$1,539,000 for moneys owed to DHHL as its thirty percent entitlement for the use of Hanapepe, Kauai, public lands formerly under lease for sugarcane

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<sup>1</sup> Act 316, Sess. Laws of Hawaii 1992 and Act 352, Sess. Laws of Hawaii 1993.

cultivation, pursuant to section 1 of article XII of the Hawai'i State Constitution.

By the end of fiscal year ending June 30, 2015, the State satisfied the funding component of Act 14. The land component of Act 14, however, remains unresolved; the status of each outstanding item is provided below.

#### Land

The land component of the Act 14 settlement is found in Section 6, subsection 2 of the act, and provides as follows:

- Transfer of lands and resolution of claims for the uncompensated use of Hawaiian home lands in Waimanalo, Oahu.
- Transfer of lands and resolution of claims in the Anahola, Kamalomalo'o, and Moloa'a areas of Kauai.
- The initiation of a land exchange to remedy uncompensated use of Hawaiian home lands for state roads claims and highways; and
- First selection of up to 200 acres of land by DHHL upon the return to the State of any ceded lands comprising of all or a portion of Bellows Air Force Station ("Bellows") on Oahu.

Section 17 of Act 14 specifically allows "actions to enforce the provisions of th[e] Act."

#### **Outstanding Act 14 Settlement Items**

##### State Initiated Transfer of 16,518 acres

In October 2010, the Board of Land and Natural Resources (BLNR) staff submittal item D-12 sought to convey 817.072 acres of Government Lands Statewide to DHHL to complete the total transfer of 16,518 acres. The BLNR made amendments to the recommendation motion before unanimously approving the item.

*Status: Partially complete. Some parcels in the table in Exhibit A of Item D-12 have been conveyed to DHHL while others are at various stages of transfer. Approximately 696.898 acres are yet to be transferred.*

### Waimanalo Regional Settlement

This claim involves Hawaiian home lands taken by the Territory of Hawai'i and later sold to private parties, areas of Waimanalo set aside as "beach park" land, and trust lands alienated by the right-of-way for Kalaniana'ole Highway.

Act 14 contemplates a transfer of land to satisfy this claim. A portion of the remedy under this regional settlement includes the first selection of up to 200 acres of land by DHHL upon the return of all or a portion of Bellows to the State. At present, the US military does not intend to return Bellows.

*Status: The transfer of land contemplated under this settlement item has not occurred. Approximately 200 acres are outstanding.*

### Anahola Regional Settlement

DHHL's claims remaining regarding Anahola, Kamalomalo'o, and Moloa'a areas of Kauai involves Hawaiian home lands taken by the Territory of Hawai'i and later sold to private parties, totaling 85.644 acres.

Act 14 contemplates a transfer of land to DHHL from the State to satisfy this claim.

*Status: The transfer of land contemplated under this settlement item has not occurred. Approximately 85.644 acres are outstanding.*

### Roads and Highways Settlement

Use of Hawaiian Home Lands as State Highways  
This claim involves the uncompensated use of Hawaiian home lands as state highways on various islands. Act 14 calls for the initiation of a land exchange to remedy this claim.

*Status: To date, no lands have been conveyed to DHHL to satisfy the State's commitment to compensate the trust for its use of Hawaiian home lands as state highways on various islands totaling a claimed amount of 346.203 acres.*

### **Conclusion**

The table below summarizes the total amount of acreage that is owed to DHHL, should DHHL and Governor Ige move towards settling all outstanding claims related to Act 14.

<b>Outstanding Claim</b>	<b>Approximate Acreage</b>
State Initiated Transfer of 16,518 acres	696.898
Waimanalo Regional Settlement	200.000
Anahola Regional Settlement	85.644
Roads and Highways Settlement	346.203
<b>Total</b>	<b>1,328.745</b>

### **Recommended Action**

None. For information only.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Members, Hawaiian Homes Commission

From: William J. Aila, Jr., Chairman

Subject: Appointment of investigative committee pursuant to HRS section 92-2.5 and HAR section 10-2-16(b)(1) to observe and report to the Commission on the natural resource management projects in Kahikinui, Maui, Hawaii.

RECOMMENDED ACTION:

For information only. No action required.

DISCUSSION:

An investigative committee of the Hawaiian Homes Commission is appointed effective October 23, 2019. The purpose of this committee is to observe the projects currently ongoing at Kahikinui, Maui and neighboring locations that are intended to restore and rejuvenate the health of the natural resources in and around Kahikinui. The committee shall prepare a report summarizing their findings and any pertinent recommendations.

The members of the committee include Randy Awo, Dennis Neves, Zachary Helm, and William Aila, Jr., Chair. The committee's work is expected to be completed within three months of the committee's establishment, and will be presented to the Commission at a regularly scheduled Commission meeting following the completion of the committee's report.

**HAWAIIAN HOMES COMMISSION  
OCTOBER 21 & 22, 2019  
HILO, HAWAI'I**

**D – ITEMS  
HOMESTEAD SERVICES DIVISION**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 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 FHA Construction  
Loans

October 22, 2019

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through September 30, 2019

	As of 8/31/19	Add	Cancel	As of 9/30/19
Residential	8,403	4	1	8,406
Agricultural	1,096	0	0	1,096
Pastoral	410	0	0	410
<b>Total</b>	<b>9,909</b>	<b>4</b>	<b>1</b>	<b>9,912</b>

The number of Converted Undivided Interest Lessees represents an increase of 503 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 8/31/19	Converted	Rescinded/ Surrendered/ Cancelled	As of 9/30/19
Undivided	823	5	0	818

Balance as of 9/30/2019

Awarded	1,434
Relocated to UNDV	7
Rescinded	111
Surrendered	5
Cancelled	4
Converted	<u>503</u>
Balance to Convert	818

Lease Report For the Month Ending September 30, 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
<b>OAHU</b>																
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	90	0	0	90	0	0	0	0	0	0	0	0	90	0	0	90
Kanehili	359	0	0	359	0	0	0	0	0	0	0	0	359	0	0	359
Kapolei	201	0	0	201	0	0	0	0	0	0	0	0	201	0	0	201
Kaulaokahai	86	4	0	90	0	0	0	0	0	0	0	0	86	4	0	90
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
Waialae	0	0	0	0	16	0	0	16	0	0	0	0	16	0	0	16
Waianae	418	0	0	418	11	0	0	11	0	0	0	0	429	0	0	429
Waimanalo	724	0	0	724	2	0	0	2	0	0	0	0	726	0	0	726
<b>TOTAL</b>	<b>4,301</b>	<b>4</b>	<b>0</b>	<b>4,305</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,361</b>	<b>4</b>	<b>0</b>	<b>4,365</b>
<b>MAUI</b>																
Hikina	31	0	0	31	0	0	0	0	0	0	0	0	31	0	0	31
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
Leali	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
<b>TOTAL</b>	<b>1,267</b>	<b>0</b>	<b>0</b>	<b>1,267</b>	<b>65</b>	<b>0</b>	<b>0</b>	<b>65</b>	<b>75</b>	<b>0</b>	<b>0</b>	<b>75</b>	<b>1,407</b>	<b>0</b>	<b>0</b>	<b>1,407</b>
<b>EAST HAWAII</b>																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamaea	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunana	42	0	0	42	0	0	0	0	0	0	0	0	42	0	0	42
Keaukaha	472	0	0	472	0	0	0	0	0	0	0	0	472	0	0	472
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
Pihonua	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
Waialea	298	0	0	298	0	0	0	0	0	0	0	0	298	0	0	298
<b>TOTAL</b>	<b>838</b>	<b>0</b>	<b>0</b>	<b>838</b>	<b>395</b>	<b>0</b>	<b>0</b>	<b>395</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>1,258</b>	<b>0</b>	<b>0</b>	<b>1,258</b>
<b>WEST HAWAII</b>																
Honokala	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
Kanilohe	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	190	0	0	190	0	0	0	0	1	0	0	1	191	0	0	191
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
Nihoa	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vil	116	0	0	116	110	0	0	110	215	0	0	215	441	0	0	441
Puugulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
<b>TOTAL</b>	<b>877</b>	<b>0</b>	<b>0</b>	<b>877</b>	<b>110</b>	<b>0</b>	<b>0</b>	<b>110</b>	<b>282</b>	<b>0</b>	<b>0</b>	<b>282</b>	<b>1,269</b>	<b>0</b>	<b>0</b>	<b>1,269</b>
<b>KAUAI</b>																
Anahola	533	0	0	533	46	0	0	46	0	0	0	0	579	0	0	579
Hanalei	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 Opa	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
<b>TOTAL</b>	<b>697</b>	<b>0</b>	<b>0</b>	<b>697</b>	<b>46</b>	<b>0</b>	<b>0</b>	<b>46</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>744</b>	<b>0</b>	<b>0</b>	<b>744</b>
<b>MOLOKAI</b>																
Hooluhua	156	0	1	155	346	0	0	346	21	0	0	21	523	0	1	522
Kalamala	164	0	0	164	71	0	0	71	3	0	0	3	238	0	0	238
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
<b>TOTAL</b>	<b>395</b>	<b>0</b>	<b>1</b>	<b>394</b>	<b>420</b>	<b>0</b>	<b>0</b>	<b>420</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>842</b>	<b>0</b>	<b>1</b>	<b>841</b>
<b>LANAI</b>																
Lanai	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
<b>TOTAL</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>28</b>
<b>STATEWIDE TOTAL</b>	<b>8,403</b>	<b>4</b>	<b>1</b>	<b>8,406</b>	<b>1,096</b>	<b>0</b>	<b>0</b>	<b>1,096</b>	<b>410</b>	<b>0</b>	<b>0</b>	<b>410</b>	<b>9,909</b>	<b>4</b>	<b>1</b>	<b>9,912</b>

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING**  
**September 30, 2019**

**AREA WAITING LIST**

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
DISTRICT AREA													
Oahu District	955	0	0	955	0	0	0	0	0	0	0	0	955
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
<b>TOTAL</b>	<b>1,206</b>	<b>0</b>	<b>0</b>	<b>1,206</b>	<b>53</b>	<b>0</b>	<b>0</b>	<b>53</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>80</b>	<b>1,339</b>

**ISLANDWIDE WAITING LIST**

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
ISLAND													
Oahu	9,783	19	9	9,793	3,753	11	1	3,763	0	0	0	0	13,556
Maui	3,789	4	9	3,784	4,661	0	7	4,654	609	2	2	609	9,047
Hawaii	5,744	6	11	5,739	7,207	9	2	7,214	1,872	3	3	1,872	14,825
Kauai	1,626	3	0	1,629	2,222	4	1	2,225	297	0	1	296	4,150
Molokai	802	2	1	803	1060	2	2	1060	202	0	0	202	2,065
Lanai	89	0	0	89	0	0	0	0	0	0	0	0	89
<b>TOTAL</b>	<b>21,833</b>	<b>34</b>	<b>30</b>	<b>21,837</b>	<b>18,903</b>	<b>26</b>	<b>13</b>	<b>18,916</b>	<b>2,980</b>	<b>5</b>	<b>6</b>	<b>2,979</b>	<b>43,732</b>

**AREA AND ISLANDWIDE LISTS**

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	RES	AG	PAS	TOTAL	RES	AG	PAS	TOTAL	RES	AG	PAS	TOTAL	
OAHU	10,748	3,763	0	14,511	3,753	11	1	3,763	0	0	0	0	13,556
MAUI	3,834	4,658	614	9,106	4,661	0	7	4,654	609	2	2	609	9,047
HAWAII	5,869	7,242	1,918	15,029	7,207	9	2	7,214	1,872	3	3	1,872	14,825
KAUAI	1,680	2,228	324	4,232	2,222	4	1	2,225	297	0	1	296	4,150
MOLOKAI	823	1,078	203	2,104	1060	2	2	1060	202	0	0	202	2,065
LANAI	89	0	0	89	0	0	0	0	0	0	0	0	89
<b>TOTAL</b>	<b>23,043</b>	<b>18,969</b>	<b>3,059</b>	<b>45,071</b>	<b>18,903</b>	<b>26</b>	<b>13</b>	<b>18,916</b>	<b>2,980</b>	<b>5</b>	<b>6</b>	<b>2,979</b>	<b>43,732</b>

ADDITIONS		CANCELLATIONS	
New Applications	60	New Lease Awards	19
Application Transfers	5	Application Transfers	5
Lease Rescissions	0	Succ'd and Cancel Own	1
App Reinstatements	0	Public Notice Cancel	0
HHC Adjustments	0	Voluntary Cancellations	0
<b>TOTAL</b>	<b>65</b>	Lease Successorships	0
		HHC Adjustments	0
		Dec'd No Successor	24
		Additional Acreage	0
		NHQ Unqualified	0
		<b>TOTAL</b>	<b>49</b>

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

**September 30, 2019**

	RESIDENCE				AGRICULTURE				PASTURE				
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	TOTAL
<b>OAHU DISTRICT</b>													
Nanakuli	169	0	0	169	0	0	0	0	0	0	0	0	169
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	573	0	0	573	0	0	0	0	0	0	0	0	573
Subtotal Area	955	0	0	955	0	0	0	0	0	0	0	0	955
Islandwide	9,783	19	9	9,793	3,753	11	1	3,763	0	0	0	0	13,556
<b>TOTAL OAHU APPS</b>	<b>10,738</b>	<b>19</b>	<b>9</b>	<b>10,748</b>	<b>3,753</b>	<b>11</b>	<b>1</b>	<b>3,763</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,511</b>
<b>MAUI DISTRICT</b>													
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	3,789	4	9	3,784	4,661	0	7	4,654	609	2	2	609	9,047
<b>TOTAL MAUI APPS</b>	<b>3,839</b>	<b>4</b>	<b>9</b>	<b>3,834</b>	<b>4,665</b>	<b>0</b>	<b>7</b>	<b>4,658</b>	<b>614</b>	<b>2</b>	<b>2</b>	<b>614</b>	<b>9,106</b>
<b>HAWAII DISTRICT</b>													
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	5,744	6	11	5,739	7,207	9	2	7,214	1,872	3	3	1,872	14,825
<b>TOTAL HAWAII APPS</b>	<b>5,874</b>	<b>6</b>	<b>11</b>	<b>5,869</b>	<b>7,235</b>	<b>9</b>	<b>2</b>	<b>7,242</b>	<b>1,918</b>	<b>3</b>	<b>3</b>	<b>1,918</b>	<b>15,029</b>
<b>KAUAI DISTRICT</b>													
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	1,626	3	0	1,629	2,222	4	1	2,225	297	0	1	296	4,150
<b>TOTAL KAUAI APPS</b>	<b>1,677</b>	<b>3</b>	<b>0</b>	<b>1,680</b>	<b>2,225</b>	<b>4</b>	<b>1</b>	<b>2,228</b>	<b>325</b>	<b>0</b>	<b>1</b>	<b>324</b>	<b>4,232</b>
<b>MOLOKAI DISTRICT</b>													
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	2	1	803	1,060	2	2	1,060	202	0	0	202	2,065
<b>TOTAL MOLOKAI APPS</b>	<b>822</b>	<b>2</b>	<b>1</b>	<b>823</b>	<b>1,078</b>	<b>2</b>	<b>2</b>	<b>1,078</b>	<b>203</b>	<b>0</b>	<b>0</b>	<b>203</b>	<b>2,104</b>
<b>LANAI DISTRICT</b>													
Islandwide	89	0	0	89	0	0	0	0	0	0	0	0	89
<b>TOTAL LANAI APPS</b>	<b>89</b>	<b>0</b>	<b>0</b>	<b>89</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>89</b>
<b>TOTAL AREA ONLY</b>	<b>1,206</b>	<b>0</b>	<b>0</b>	<b>1,206</b>	<b>53</b>	<b>0</b>	<b>0</b>	<b>53</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>80</b>	<b>1,339</b>
<b>TOTAL ISLANDWIDE</b>	<b>21,833</b>	<b>34</b>	<b>30</b>	<b>21,837</b>	<b>18,903</b>	<b>26</b>	<b>13</b>	<b>18,916</b>	<b>2,980</b>	<b>5</b>	<b>6</b>	<b>2,979</b>	<b>43,732</b>
<b>TOTAL STATEWIDE</b>	<b>23,039</b>	<b>34</b>	<b>30</b>	<b>23,043</b>	<b>18,956</b>	<b>26</b>	<b>13</b>	<b>18,969</b>	<b>3,060</b>	<b>5</b>	<b>6</b>	<b>3,059</b>	<b>45,071</b>

# DELINQUENCY REPORT - STATEWIDE

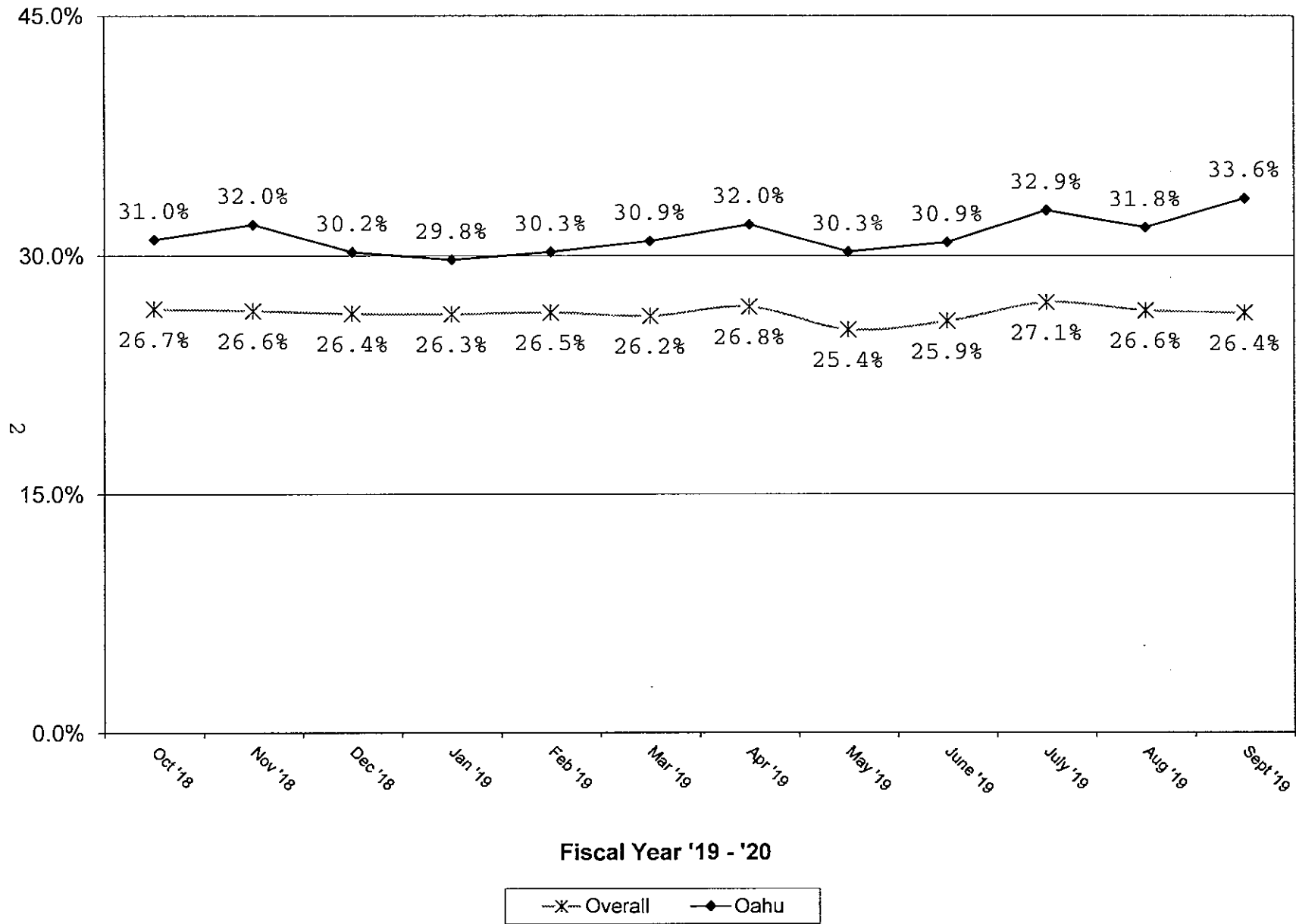
October 22, 2019

(\$Thousands)

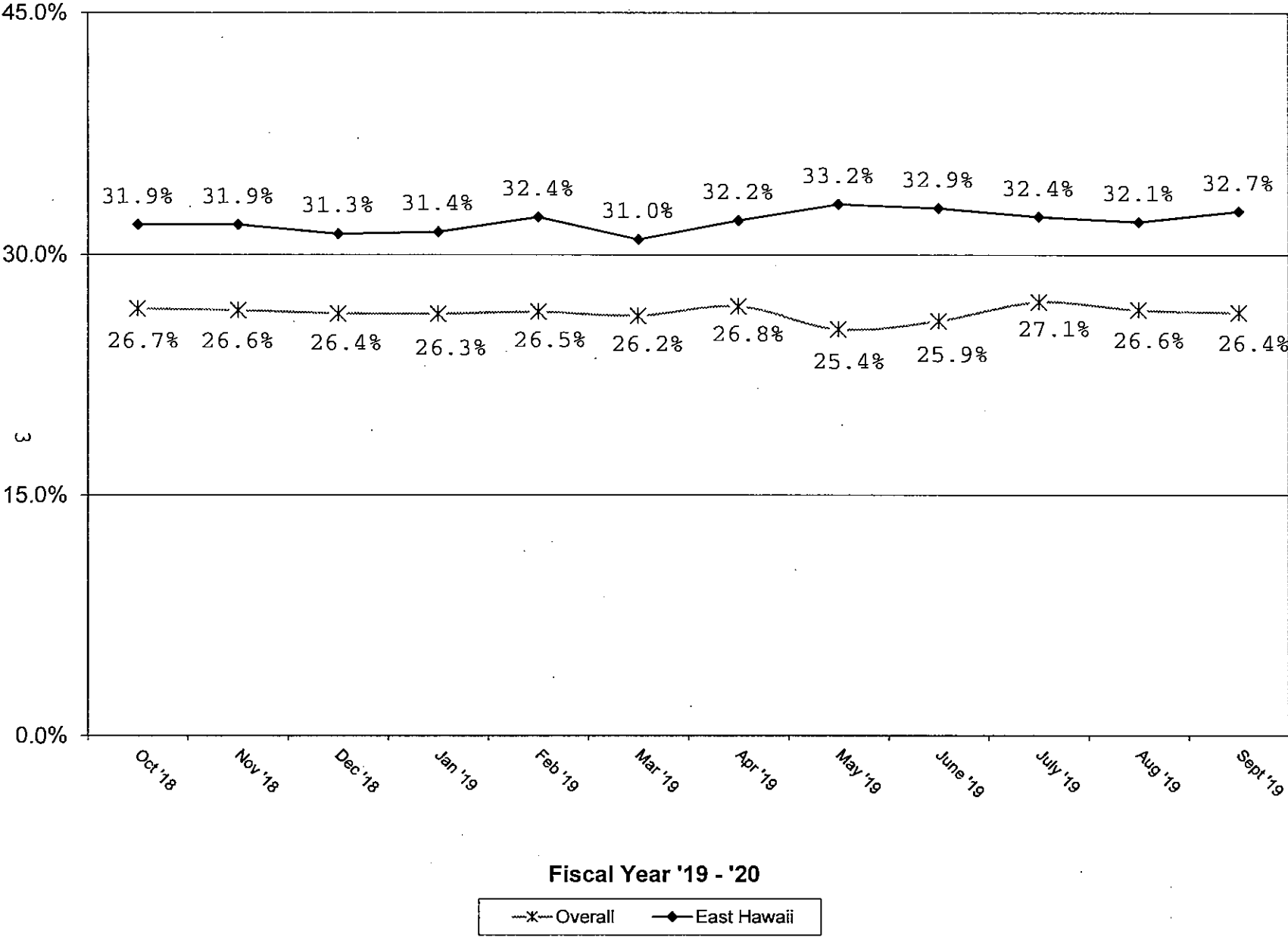
	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 9/30/2019	
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	\$
<b>DIRECT LOANS</b>														
OAHU	398	36,726	122	12,346	22	1,827	8	559	26	2,096	66	7,864	30.7%	33.6%
EAST HAWAII	211	13,058	63	4,273	10	402	5	371	8	225	40	3,274	29.9%	32.7%
WEST HAWAII	84	8,720	11	1,040	3	335	1	243	3	213	4	249	13.1%	11.9%
MOLOKAI	85	6,658	20	638	2	91	1	2	3	73	14	472	23.5%	9.6%
KAUAI	98	7,538	16	1,130	4	396	3	293	2	69	7	371	16.3%	15.0%
MAUI	91	11,961	23	2,937	6	751	1	117	5	829	11	1,240	25.3%	24.6%
<b>TOTAL DIRECT</b>	<b>967</b>	<b>84,661</b>	<b>255</b>	<b>22,363</b>	<b>47</b>	<b>3,804</b>	<b>19</b>	<b>1,584</b>	<b>47</b>	<b>3,506</b>	<b>142</b>	<b>13,469</b>	<b>26.4%</b>	<b>26.4%</b>
	100.0%	100.0%	26.4%	26.4%	4.9%	4.5%	2.0%	1.9%	4.9%	4.1%	14.7%	15.9%		
<b>Advances (including RPT)</b>	<b>240</b>	<b>8,548</b>	<b>240</b>	<b>8,548</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>240</b>	<b>8,548</b>			<b>100%</b>	<b>100%</b>
<b>DHHL LOANS &amp; Advances</b>	<b>1,207</b>	<b>93,208</b>	<b>495</b>	<b>30,911</b>	<b>47</b>	<b>3,804</b>	<b>19</b>	<b>1,584</b>	<b>287</b>	<b>12,054</b>	<b>142</b>	<b>13,469</b>	<b>41.0%</b>	<b>33.2%</b>
<b>LOAN GUARANTEES as of June 30, 2019</b>														
SBA	1	88	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	297	35,079	53	6,039	0	0	0	0	53	6,039			17.8%	17.2%
Habitat for Humanity	56	2,142	22	896	0	0	0	0	22	896			39.3%	41.8%
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	14	274	12	258	0	0	0	0	12	258			85.7%	94.2%
FHA Interim	11	1,445	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	21	87	1	6	0	0	0	0	1	6			4.8%	6.9%
<b>TOTAL GUARANTEE</b>	<b>406</b>	<b>39,196</b>	<b>89</b>	<b>7,206</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>89</b>	<b>7,206</b>			<b>21.9%</b>	<b>18.4%</b>
PMI Loans	176	27,875	3	612	2	446	0	0	1	166			1.7%	2.2%
<b>HUD REASSIGNED for Recovery</b>	<b>156</b>	<b>19,405</b>	<b>133</b>	<b>17,943</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>573</b>	<b>125</b>	<b>17,359</b>	<b>85.3%</b>	<b>92.5%</b>
FHA Insured Loans	2,802	445,268	199	24,848	0	0	0	0	199	24,848			7.1%	5.6%
<b>TOTAL INS. LOANS</b>	<b>3,134</b>	<b>492,548</b>	<b>335</b>	<b>43,403</b>	<b>3</b>	<b>457</b>	<b>0</b>	<b>0</b>	<b>207</b>	<b>25,587</b>	<b>125</b>	<b>17,359</b>	<b>10.7%</b>	<b>8.8%</b>
<b>OVERALL TOTALS(EXC Adv/RPT's)</b>	<b>4,507</b>	<b>616,405</b>	<b>679</b>	<b>72,972</b>	<b>50</b>	<b>4,261</b>	<b>19</b>	<b>1,584</b>	<b>343</b>	<b>36,300</b>	<b>267</b>	<b>30,828</b>	<b>15.1%</b>	<b>11.8%</b>
<b>ADJUSTED TOTALS</b>	<b>4,747</b>	<b>624,952</b>	<b>919</b>	<b>81,520</b>	<b>50</b>	<b>4,261</b>	<b>19</b>	<b>1,584</b>	<b>583</b>	<b>44,848</b>	<b>267</b>	<b>30,828</b>		<b>13.0%</b>

Note: HUD 184A loan program has 499 loans, with a total outstanding principal balance of \$111,905,370.46 as of June 30, 2019. 23 loans, totalling \$5,381,378.94 are delinquent.

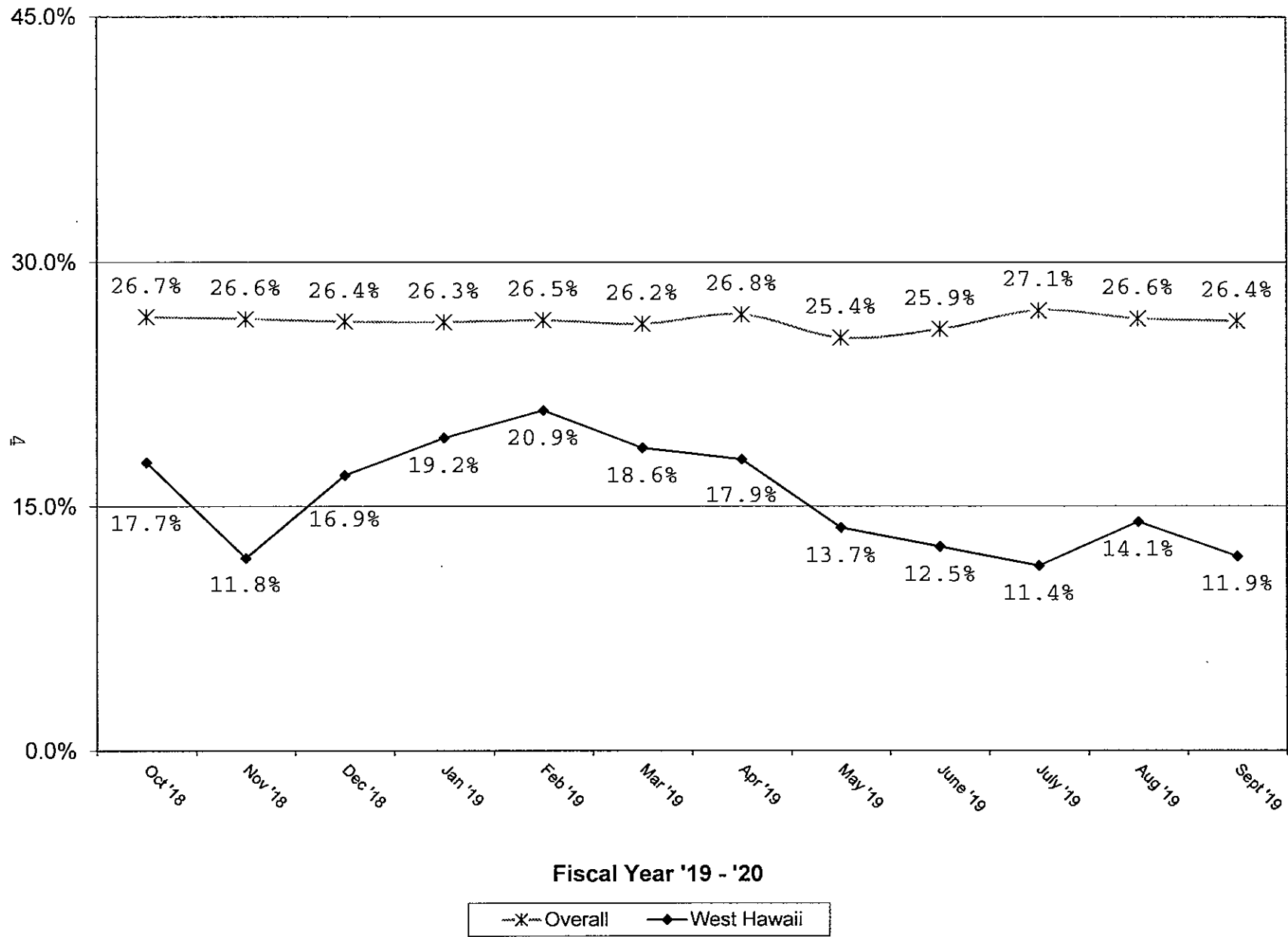
# OAHU Direct Loans Delinquency Ratio Report



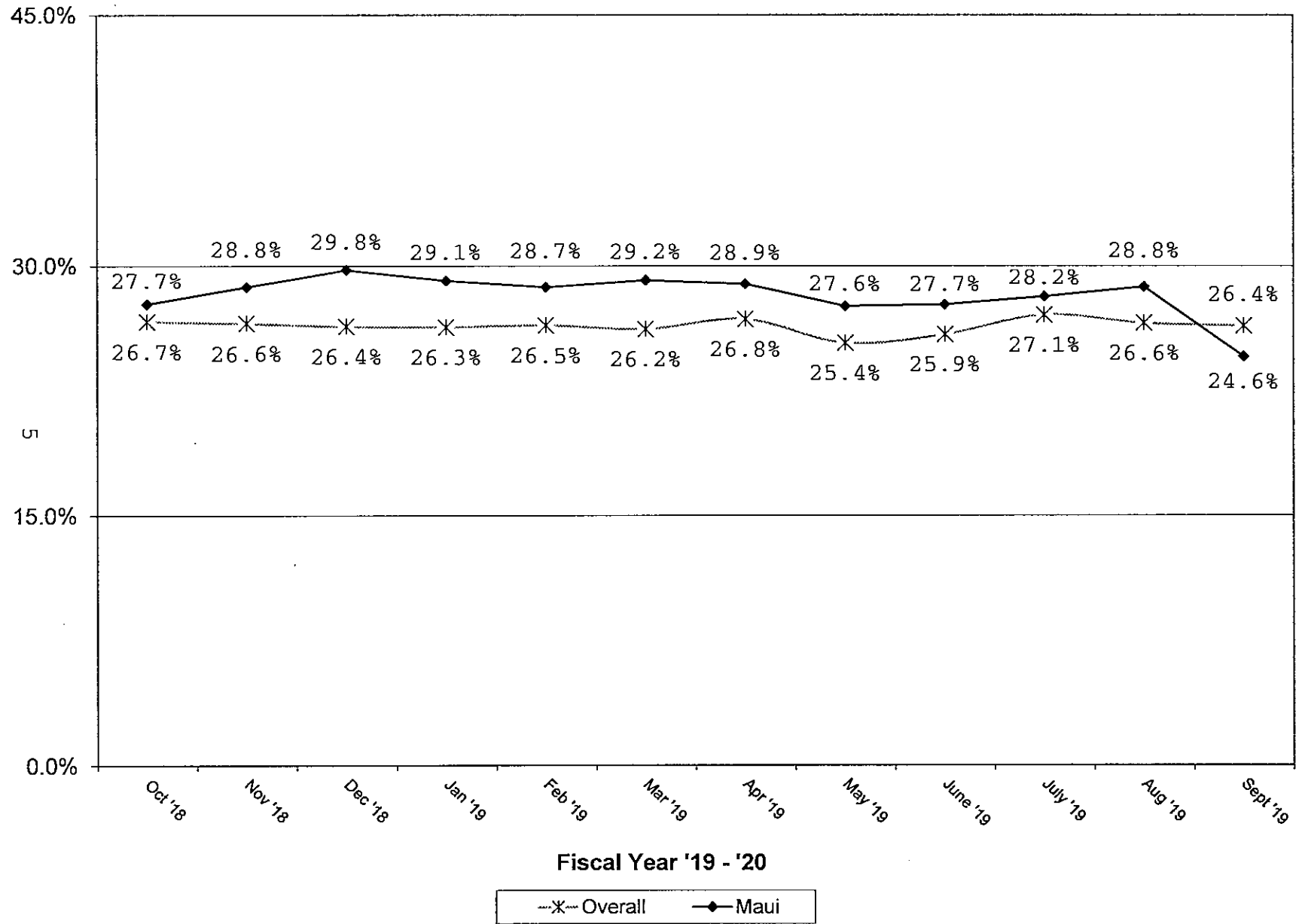
**EAST HAWAII  
Direct Loans  
Delinquency Ratio Report**



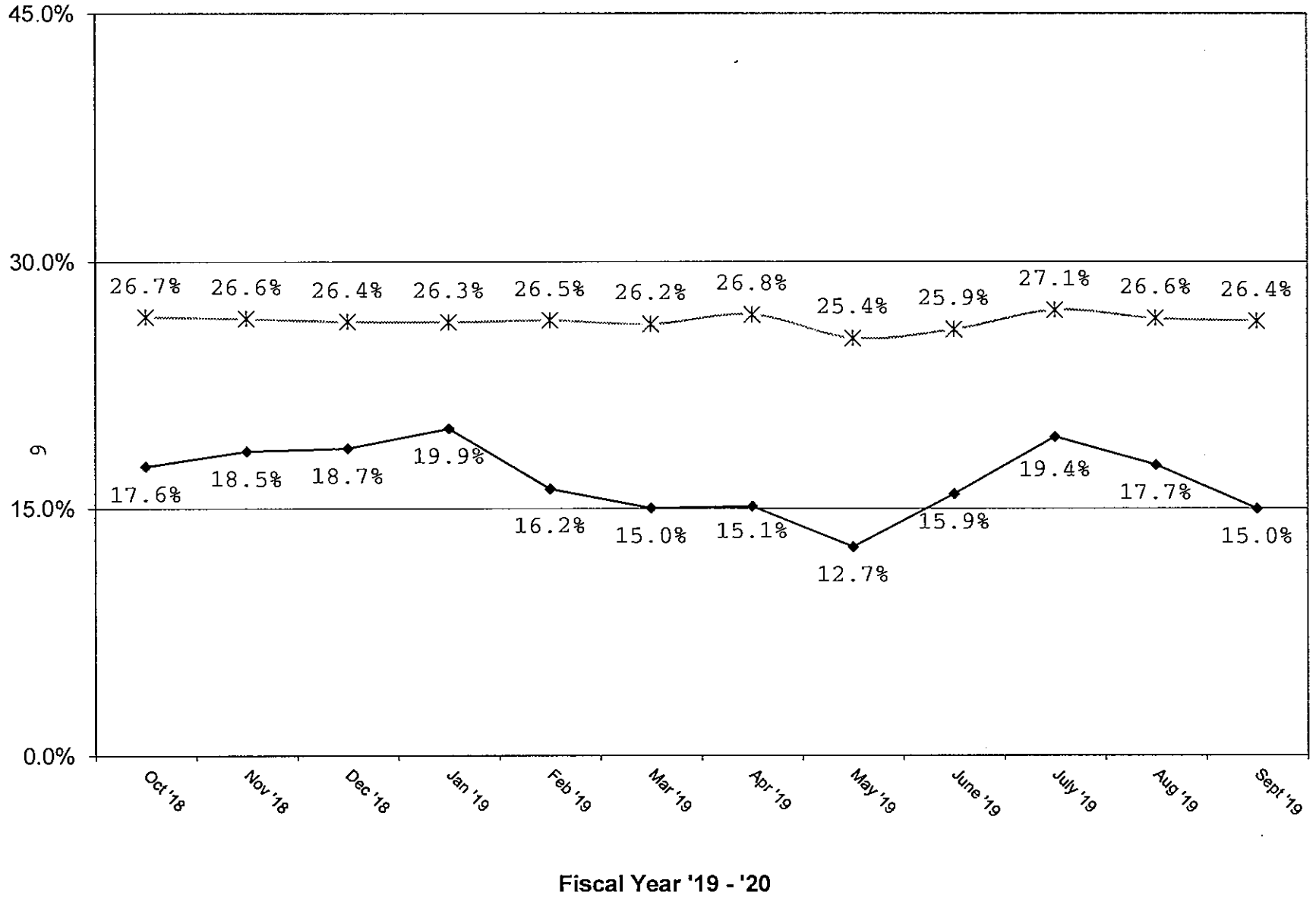
**WEST HAWAII  
Direct Loans  
Delinquency Ratio Report**



**MAUI**  
**Direct Loans**  
**Delinquency Ratio Report**

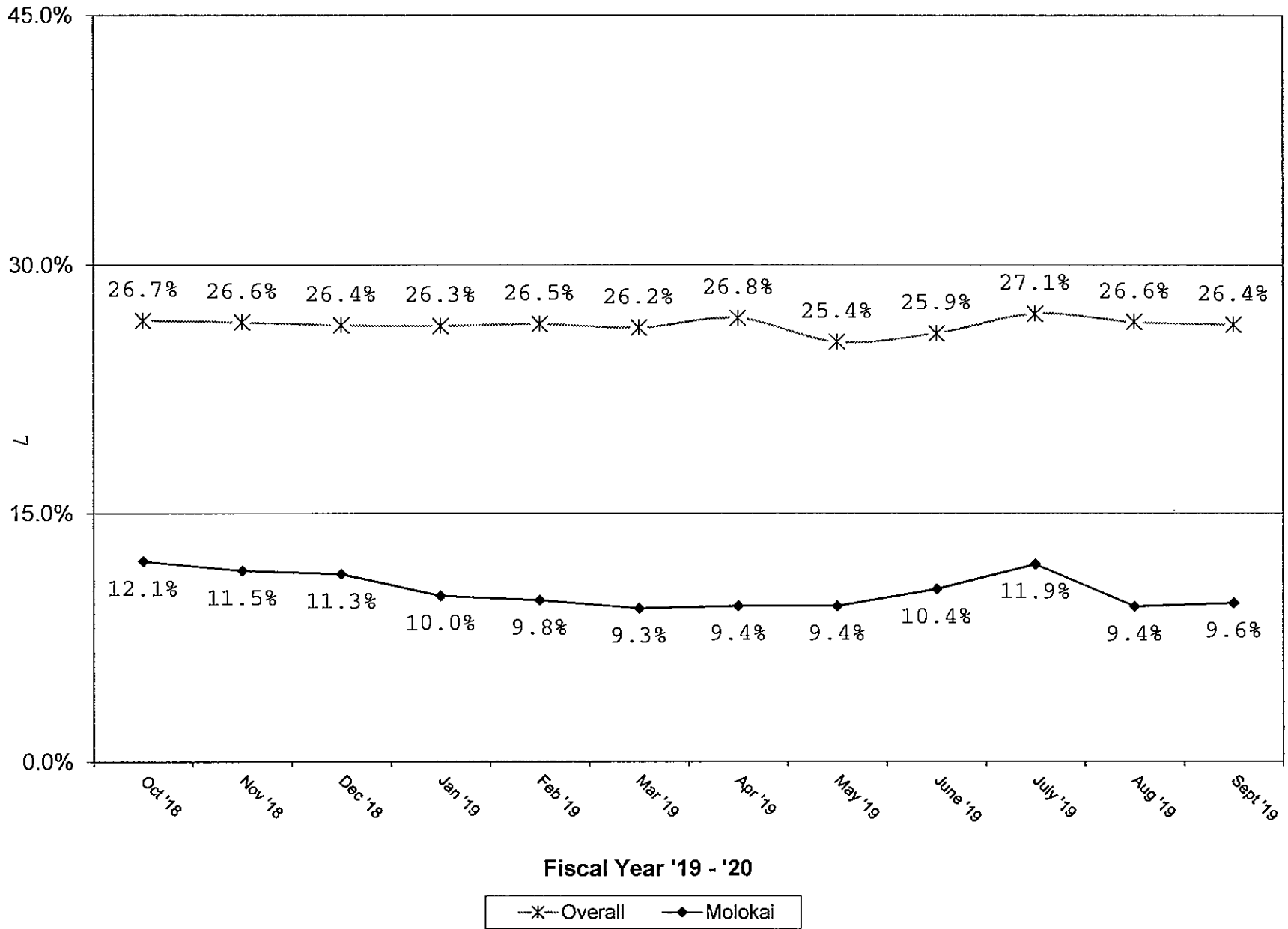


# KAUAI Direct Loans Delinquency Ratio Report



—x— Overall    —◆— Kauai

**MOLOKAI**  
**Direct Loans**  
**Delinquency Ratio Report**



October 22, 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>
10431	Waiohuli	Moniz, Crystal Ann H.	\$339,250	9/5/19

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/19	16	\$ 4,472,865
Previous Months	4	\$ 996,286
This Month	<u>1</u>	<u>339,250</u>
FY '19-'20 to date	5	\$ 1,335,536

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 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>			
Waianae Lease No. 12315 TMK: 1-8-5-030:006	KAMALU, Darren K. (Home Improvement) VA	Department of Veterans Affairs	\$ 150,000
Waianae Lease No. 4622 TMK: 1-8-5-030:074	LENCHANKO, Robert L. M. (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 302,000
Nanakuli Lease No. 4643 TMK: 1-8-9-011:001	SHEEN, Daniel J. (Cash Out Refi) FHA	Cardinal Financial	\$ 389,250
Nanakuli Lease No. 5683 TMK: 1-8-9-005:108	VALEZUELA, April P. (Cash Out Refi) FHA	Aries Loans Inc.	\$ 230,000

OAHU

Maluohai Lease No. 9804 TMK: 1-9-1-120:027	LELEO, Shannon L. L. (Cash Out Refi) FHA	Aries Loans Inc.	\$ 178,000
Waianae Lease No. 5313 TMK: 1-8-5-033:024	KALAMAU, Lee L. (Construction)VA	Department of Veterans Affairs	\$ 300,000
Waimanalo Lease No. 5988 TMK: 1-4-1-036:032	LAVIN, Ahina K. (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 158,000
Waianae Lease No. 4732 TMK: 1-8-5-030:073	COELHO, Elizabeth A. H. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 391,000
Kanehili Lease No. 12550 TMK: 1-9-1-153:065	HOSEA, Jay K. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 391,325
Waianae Lease No. 9962 TMK: 1-8-5-036:013	SALIS, Kevin K. (Cash Out Refi) FHA	Bank of Hawaii	\$ 179,422
Waianae Lease No. 4451 TMK: 1-8-5-030:064	KAPELIELA, Michael K. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 274,000
Kaupea Lease No. 12099 TMK: 1-9-1-140:125	MEDEIROS, Justin M. K. (Purchase)FHA	Guild Mortgage Co.	\$ 567,000
Lualualei Lease No. 5545 TMK: 1-8-6-023:136	TORRES, Monica A. K. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 220,000

ITEM NO. D-2

OAHU

Hoolimalima Lease No. 12792 TMK: 1-9-1-120:069	CLARKE, Israel K. M. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 272,700
Waimanalo Lease No. 8789 TMK: 1-4-1-038:025	IAEA, Ruth A. (Cash Out Refi) FHA	HomeStreet Bank	\$ 170,211
Nanakuli Lease No. 1775 TMK: 1-8-9-002:020	EDWARDS, Clarilyn T. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 252,500
Waimanalo Lease No. 8220 TMK: 1-4-1-037:055	KAONOHI, Marques J. M. (Purchase)HUD 184A	HomeStreet Bank	\$ 348,450
Nanakuli Lease No. 3131 TMK: 1-8-9-004:123	GUZMAN, Francine K. (Cash Out Refi) HUD 184A	Homebridge Financial Services, Inc.	\$ 323,200
Waimanalo Lease No. 8202 TMK: 1-4-1-037:041	KAONOHI, Corinne, & KAONOHI, Samson K. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 282,800
Kaupea Lease No. 11965 TMK: 1-9-1-140:140	KEALOHA, Lizelle K. (Purchase)FHA	Guild Mortgage Co.	\$ 592,000
Kewalo Lease No. 3204 TMK: 1-2-4-040:031	KEIKI, James, III (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 400,000
Waianae Lease No. 4645 TMK: 1-8-5-030:113	RASPOTNIK, Ikaika J. (Purchase)FHA	Guild Mortgage Co.	\$ 236,000

ITEM NO. D-2

OAHU

Kaupea Lease No. 12135 TMK: 1-9-1-140:052	MEYERS, Jason K. Q. (Purchase)VA	Department of Veterans Affairs	\$ 550,000
Waianae Lease No. 4724 TMK: 1-8-5-030:078	AIPOALANI, Kevin K. K. (203k Rehab) FHA	Homebridge Financial Services, Inc.	\$ 120,000
Kaupea Lease No. 12017 TMK: 1-9-1-140:005	SOO, Allen E. K. K. (Purchase)FHA	Guild Mortgage Co.	\$ 521,000
Kauuluokahai Lease No. 12866 TMK: 1-9-1-017:161	AMARAL, Henry, Jr., & AMARAL, Beverly K. (Purchase)VA	Department of Veterans Affairs	\$ 363,000

MAUI

Paukukalo Lease No. 8216 TMK: 2-3-3-006:096	YAMASHITA, Irmgard K. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 262,000
Waiohuli Lease No. 7573 TMK: 2-2-2-0818:110	KAUAI, Casey K. K. (Purchase)FHA	Castle & Cooke Mortgage LLC	\$ 680,000
Waiehu 3 Lease No. 10059 TMK: 2-3-2-024:030	HOOPII, Michele K. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 251,187
Waiehu 3 Lease No. 10079 TMK: 2-3-2-024:050	LEGSAY, Dornali L. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 326,937

ITEM NO. D-2

LANAI

Leialii	II, Clifford I.,	Cardinal	\$ 175,162
Lease No. 11536	SR. (Cash Out Refi)	Financial	
TMK: 2-4-5-036:084	FHA		

HAWAII

Panaewa	MANUIA,	Aries Loans	\$ 152,000
Lease No. 6272B	Jaysen K. (Cash Out	Inc.	
TMK: 3-2-1-061:075	Refi) FHA		

Kaniohale	KAHANU,	Department	\$ 235,000
Lease No. 9245	Paul K. (Home	of Veterans	
TMK: 3-7-4-022:032	Improvement) VA	Affairs	

Waiakea	BROOKS,	Wells Fargo	\$ 88,000
Lease No. 6832	Shawn K.	Bank, N.A.	
TMK: 3-2-2-063:017	(Assumption) FHA		

Keaukaha	VICTOR,	Mid America	\$ 220,000
Lease No. 4247	Nikki K. I.	Mortgage	
TMK: 3-2-1-022:077	(Permanent Take-	Inc.	
	Out) FHA		

<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 6/30/19	295	\$ 85,765,099	15	\$5,863,695	17	\$6,019,088
Prior Months	54	\$ 16,528,432	2	\$ 943,000	1	\$ 320,000
This Month	22	<u>6,505,045</u>	5	<u>1,598,000</u>	0	<u>0</u>
Total FY '19-'20	76	\$ 23,033,477	7	\$2,541,000	1	\$ 320,000
HUD 184A						
FY Ending 6/30/19	81	\$25,107,592				
Prior Months	8	\$ 2,194,875				
This Month	8	<u>2,449,099</u>				
Total FY '19-'20	16	\$ 4,643,974				

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 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 AGRICULTURAL LEASE LIST

AJIFU, Elizabeth K.K.Y.	12/30/2011	HAWAII	AGR	05/21/2019
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

LAFAELE, Marina L.L.	08/23/2010	MOLOKAI	RES	06/05/2019
TANGONAN, Kuuleipuanani B.	07/06/2011	MOLOKAI	RES	08/26/2019

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KADOWAKI, Iwalani V.	05/20/2013	MOLOKAI	AGR	07/17/2019
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MAUI ISLANDWIDE PASTORAL LEASE LIST

KIESLING, Agnes E.M.M.	03/28/2006	MAUI	AGR	05/14/2019
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

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BARG, Sandra Ann L. 07/28/2017 MOLOKAI RES 07/08/2019

---

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

---

KAHALEWAI, Mary Jane N. 07/25/2006 MOLOKAI RES 07/05/2019

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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

---

CORPUZ, Karen M.B. 09/10/2012 OAHU AGR 08/01/2019

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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

---

CORPUZ, Karen M.B. 09/10/2012 OAHU RES 08/01/2019

2. Deceased Applicants

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OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

---

BORGE, Claudio, Jr. PN 11/2018 06/10/1996

GLOVER, Rosalie L. PN 11/2018 10/18/1996

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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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KAHAWAII, Gabriel S. PN 11/2018 04/19/1996

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MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

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KAEO, George K.K., Jr. PN 11/2018 02/01/1991

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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

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KAEO, George K.K., Jr. PN 11/2018 02/01/1991

KUKAHIKO, Elbert K. PN 11/2018 06/02/2008

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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

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AH TOU, Mervyn M. PN 11/2018 12/27/2007

CORDES, Marjorie K.	PN 11/2018	09/20/1990
JOAQUIN, Maynon L.	PN 11/2018	09/22/1989
KAILIAWA, Andrew K.	PN 11/2018	07/05/1985
KAKALIA, Adam M.	PN 11/2018	05/28/1999
KEKAHUNA, Richard I.K.	PN 11/2018	06/03/1993
KONG KEE, Florence L.	PN 11/2018	04/24/1986

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HAWAII ISLANDWIDE PASTORAL LEASE LIST

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DUDOIT, John M., Jr.	PN 11/2018	10/03/1986
KONANUI, Jerry	PN 11/2018	04/20/1988

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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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AH TOU, Mervyn M.	PN 11/2018	06/01/2015
CORDES, Majorie K.	PN 11/2018	09/20/1990
DUDOIT, John M., Jr.	PN 11/2018	09/25/1987
HAU, Lowaena P.	PN 11/2018	02/19/1985
KAILIAWA, Andrew K.	PN 11/2018	07/05/1985
KAKALIA, Adam M.	PN 11/2018	05/28/1999
KEKAHUNA, Richard I.K.	PN 11/2018	02/19/1993
KONANUI, Jerry	PN 11/2018	04/20/1988

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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

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GANDIA, Dellvyne L.	PN 11/2018	08/27/1986
KAM, Annabelle P.	PN 11/2018	04/02/1996
KAWIKA, Ezra	PN 11/2018	08/12/1992

#### MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

KAPUNI, Gregory P.	PN 11/2018	10/09/1998
LEE, Adele P.	PN 11/2018	10/26/1998

### 3. Awards of Leases

#### OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAIAWE, Thomas G.	Assigned Residential Lease #9716, Lot 13652 in Maluohai, Oahu dated 09/10/2019. Remove application dated 12/03/2014.
KALAMA, Shirleyann K.	Assigned Residential Lease #5707, Lot 1 in Nanakuli, Oahu dated 05/16/2019. Remove application dated 10/14/1986.

#### MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KAUHI, Jodi K.	Assigned Residential Lease #2732, Lot 226-A in Keaukaha, Hawaii dated 06/05/2019. Remove application dated 01/28/2002.
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#### HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

CRIVELLO, Chaydeen M.K.	Assigned Residential Lease #6352, Lot 395 in Keaukaha, Hawaii dated 08/26/2019. Remove application dated 06/23/2017.
KAHAUOLOPUA, Natasha A.M.C.	Assigned Residential Lease #10008, Lot 33 in Waiakea, Hawaii dated 12/04/2017. Remove application dated 07/31/1998.
KAPELIELA, Michael K.	Assigned Residential Lease #4451, Lot 69 in Waianae, Oahu dated 06/21/2019. Remove application dated 04/18/2006.

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

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ARCE, Gwendolyn L.	Assigned Residential Lease #2079, Lot 37D 1&2 in Hoolehua, Molokai dated 08/27/2019. Remove application dated 05/06/1985.
HIRASHIMA, Sheira-Lilia	Assigned Residential Lease #6105, Lot 89 in Kalamaula, Molokai dated 06/01/2019. Remove application dated 01/27/2005.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

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TECTOR, Mapuana S.	Succeeded to Hawaii Islandwide Pastoral application of sibling, James W. Kelii, dated 04/07/1987. Remove application dated 05/23/2006.
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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KALAUKOA, Samuel I.	Succeeded to Oahu Islandwide Residential application of mother, Bernadette Kalaukoa, dated 02/01/1978. Remove application dated 05/04/2018.
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#### HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

CHIP, Pamela-Jean K.A.	Succeeded to Hawaii Islandwide Agricultural application of mother, Jennie L.K. Anderson dated 07/03/1986. Remove application dated 02/24/1995.
ENRIQUEZ, Simeon, Jr.	Succeeded to Panaewa Area / Hawaii Islandwide Agricultural application of father, Simeon Enriquez, dated 10/07/1970. Remove application dated 03/06/1992.
KAHAAWI-MANU, Lia M.	Succeeded to Panaewa Area / Hawaii Islandwide Agricultural application of father, Solomon K. Kahaawi, dated 05/31/1950. Remove application dated 03/06/1992.

#### HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KAHAAWI-MANU, Lia M.	Succeeded to Hawaii Islandwide Residential application of father, Solomon K. Kahaawi, dated 12/03/1991. Remove application dated 11/03/2009.
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#### KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

JAENTSCH, Phillip L.	Succeeded to Hawaii Islandwide Agricultural application of mother, Mabel K. Jaentsch dated 05/10/1984. Remove application dated 12/24/1985.
KANAHELE, Charity K.	Succeeded to Kauai Islandwide Agricultural application of father, Keoki K.K. Keamoai dated 10/01/1990. Remove application dated 11/27/2018.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

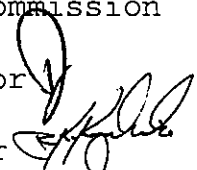
Last Month's Transaction Total	49
Last Month's Cumulative FY 2019-2020 Transaction Total	156
Transfers from Island to Island	9
Deceased	28
Cancellations:	
Awards of Leases	8
NHQ	0
Voluntary Cancellations	0
Successorship	8
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	53
This Month's Cumulative FY 2019-2020 Transaction Total	209

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator 

FROM: Ross K. Kapeliela, Applications Officer  
Homestead Services Division

SUBJECT: **Commission Designation of Successors to Application Rights - Public Notice 2018**

RECOMMENDED MOTION/ACTION

To designate the following individuals as successors to the application rights of deceased applicants who have no qualified successors of record.

DISCUSSION

The following qualified applicants passed away on or after October 26, 1998, without naming qualified successors. Pursuant to 10-3-8(c) of the *Hawaii Administrative Rules*, a public notice listing the names of deceased applicants and calling for possible successors to their application rights was published in the Honolulu Star-Advertiser, The Maui News, Hawaii Tribune Herald, West Hawaii Today, and The Garden Island on the last two consecutive Sundays of November for the year the department received notification. Requests to succeed to the decedents' application rights were submitted within the required 180 days following the last date of publication. Prospective successors were the sole respondents and are deemed by the department to have met the requirements of successorship. HSD recommends approval of the following designees:

1. Deceased Applicant:	Laura K. Cummings
Date of death:	November 6, 2010
Successor to application rights	Lynnette K. Souza
Relationship to decedent:	Child
Island:	Maui
Type:	Islandwide Agricultural
Date of Application:	May 24, 1993
Date of Public Notice:	November, 2018

2.Deceased Applicant:	James Kaili
Date of death:	February 10, 2018
Successor to application rights	Napua I. Nihau
Relationship to decedent:	Child
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	August 4, 1997
Date of Public Notice:	November, 2018

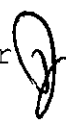
Previous Cumulative Total for Current FY	8
Current Month's Total	2
<b>Fiscal Year Total: July 2019-June 2020</b>	<b>10</b>


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 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 October 2019	4
Previous FY 2019 - 2020	<u>17</u>
FY 2019- 2020 Total to Date	21

Approved for FY '18 - '19	92
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Net Proceeds

Approved for October 2019	0
Previous FY 2019- 2020	<u>0</u>
FY 2019 - 2020 Total to Date	0

Approved for FY '18 - '19	1
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LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR  
LEASEHOLD INTEREST AND DESIGNEE TO RECEIVE NET PROCEEDS  
FOR MONTH OF OCTOBER 2019

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Clarence Kon, Sr. Lot No.: 70 Area: Waimanalo, Oahu Lease No. 3933	<u>PRIMARY: Joint Tenants</u> Joyce L. Kon, Daughter Sonya M. Wise, Niece  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
2. John Rodrigues, Sr. Lot No.: 121 Area: Kawaihae, Hawaii Lease No. 7214	<u>PRIMARY:</u> Lynette L. Rodrigues, Wife  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
3. Charlotte A. Troche Lot No.: 18573 Area: Kanehili, Oahu Lease No. 11582	<u>PRIMARY:</u> Paula M. Troche, Daughter  <u>ALTERNATE: Tenants in Common</u> Noreen K. Troche, Daughter* Sharmain D. Brantley, Granddaughter* *Omit due to lack of genealogy documents to determine eligibility to successorship.  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A

4. Abenel M. Wong  
Lot No.: 51  
Area: Waimanalo, Oahu  
Lease No. 2999

PRIMARY: Joint Tenants  
Margaret M. Wong, Daughter  
Nanette L. Deguair,  
Granddaughter

ALTERNATE:  
N/A


DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 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

Nineteen (19) assignments of lease.

1. Lessee Name: Albert S. Albrechtson, III  
Res. Lease No. 9936, Lot No. 82  
Lease Date: 3/1/2005  
Area: Waiehu Kou III, Maui  
Property Sold & Amount: Yes, \$600,000.00  
Improvements: 4 bedroom, 4 bath dwelling

Transferee Name: Valerie P. Silva  
Relationship: None  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 7/28/2017

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

2. Lessee Name: Valerie P. Silva  
Res. Lease No. 9936, Lot No. 82  
Lease Date: 3/1/2005  
Area: Waiehu Kou III, Maui  
Property Sold & Amount: Yes, \$600,000.00  
Improvements: 4 bedroom, 4 bath dwelling
- Transferee Name: Latin R. N. Silva  
Relationship: Son  
Loan Assumption: No  
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.
3. Lessee Name: Henry K. Chu-Hing  
Res. Lease No. 9861, Lot No. 13870  
Lease Date: 1/15/2003  
Area: Maluohai, Oahu  
Property Sold & Amount: Yes, \$177,000.00  
Improvements: 3 bedroom, 2 bath dwelling
- Transferee Name: Jacob M. Chu-Hing  
Relationship: Son  
Loan Assumption: No  
Applicant: No
- Reason for Transfer: "Giving lease to relative. Special Condition: Transferee to obtain funds to pay purchase price.
4. Lessee Name: Robin J. P. Danner  
Res. Lease No. 8220, Lot No. 55  
Lease Date: 2/15/1993  
Area: Waimanalo, Oahu  
Property Sold & Amount: Yes, \$450,000.00  
Improvements: 3 bedroom, 1-1/2 bath dwelling
- Transferee Name: Marques J. M. Kaonohi  
Relationship: None  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 4/13/2005
- Reason for Transfer: "Medical reasons." Special Condition: Transferee to obtain funds to pay purchase price.

5. Lessee Name: Velma J. K. Francisco  
Agr. Lease No. 3908, Lot No. 151  
Lease Date: 11/10/1972  
Area: Panaewa, Hawaii  
Property Sold & Amount: Yes, \$400,000.00  
Improvements: 5 bedroom, 3-1/2 bath dwelling  
  
Transferee Name: Chelsey D. K. Dawson  
Relationship: None  
Loan Assumption: No  
Applicant: Yes, Kauai IW Agr., 6/5/2017  
  
Reason for Transfer: "Moving off Island." Special  
Condition: Transferee to obtain funds to pay purchase  
price.
6. Lessee Name: Kolomona A. K. Kapanui  
Res. Lease No. 7541, Lot No. 127  
Lease Date: 2/7/2002  
Area: Waiohuli, Maui  
Property Sold & Amount: Yes, \$450,000.00  
Improvements: 3 bedroom, 2 bath dwelling  
  
Transferee Name: Donna Rae K. Hanohano  
Relationship: Cousin  
Loan Assumption: No  
Applicant: Yes, Maui IW Res., 3/17/2011  
  
Reason for Transfer: "Moving off island and financial  
reasons." Special Condition: Transferee to obtain funds to  
pay purchase price.
7. Lessee Name: Barbara J. Kukaua  
Res. Lease No. 3489, Lot No. 39  
Lease Date: 6/3/1963  
Area: Paukukalo, Maui  
Property Sold & Amount: Yes, \$325,000.00  
Improvements: 3 bedroom, 1 bath dwelling  
  
Transferee Name: Jay K. Viela  
Relationship: None  
Loan Assumption: No  
Applicant: No  
  
Reason for Transfer: "Moving off island." Special  
Condition: Transferee to obtain funds to pay purchase  
price. See simultaneous transfer below.

8. Lessee Name: Jay K. Viela  
Res. Lease No. 3489, Lot No. 39  
Lease Date: 6/3/1963  
Area: Paukukalo, Maui  
Property Sold & Amount: Yes, \$325,000.00  
Improvements: 3 bedroom, 1 bath dwelling
- Transferee Name: Jaymie-Ann K. S. Viela  
Relationship: Daughter  
Loan Assumption: No  
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special  
Condition: Transferee to obtain funds to pay purchase  
price.
9. Lessee Name: Henry D. K. Long, IV  
Res. Lease No. 7621, Lot No. 153  
Lease Date: 2/7/2002  
Area: Waiohuli, Maui  
Property Sold & Amount: Yes, \$550,000.00  
Improvements: 5 bedroom, 4 bath dwelling
- Transferee Name: Christine P. Keliikupakako-Kauhola  
Relationship: Niece  
Loan Assumption: No  
Applicant: Yes, Maui IW Res., 7/5/2007
- Reason for Transfer: "Moving off island." Special  
Condition: Transferee to obtain funds to pay purchase  
price.
10. Lessee Name: Colette L. Paglinawan  
Agr. Lease No. 6898, Lot No. 49-B  
Lease Date: 10/1/1986  
Area: Panaewa, Hawaii  
Property Sold & Amount: No, N/A  
Improvements: 2 Storage Structures
- Transferee Name: Sloane T. Paglinawan  
Relationship: Son  
Loan Assumption: No  
Applicant: No
- Reason for Transfer: "Giving lease to relative."

11. Lessee Name: Franklyn K. Paraan  
Res. Lease No. 3930, Lot No. 39  
Lease Date: 2/15/1972  
Area: Waimanalo, Oahu  
Property Sold & Amount: No, N/A  
Improvements: 3 bedroom, 1-1/2 bath dwelling

Transferee Name: Kenneth A. Paraan  
Relationship: Brother  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

12. Lessee Name: Pamela A. Sakuma  
Pas. Lease No. 8134, Lot No. 7  
Lease Date: 6/1/1992  
Area: Puukapu, Hawaii  
Property Sold & Amount: No, N/A  
Improvements: Fencing

Transferee Name: Pamela A. Sakuma & Keith S. Aweau  
Relationship: Lessee & Brother  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Adding relative to lease."

13. Lessee Name: Emily K. Kahai  
Res. Lease No. 11597, Lot No. UNDV054  
Lease Date: 12/2/2006  
Area: Kapolei, Oahu  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Edwina L. Pennington  
Relationship: Daughter  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 10/3/2017

Reason for Transfer: "Giving lease to relative."

14. Lessee Name: Josephine K. Manner-Howerton  
Res. Lease No. 12364, Lot No. UNDV045  
Lease Date: 12/6/2008  
Area: Kapolei, Oahu  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Kaimionalani S. Manner  
Relationship: Granddaughter  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

15. Lessee Name: Rosalyn K. Ouderkirk  
Res. Lease No. 12351, Lot No. UNDV032  
Lease Date: 12/6/2008  
Area: Kapolei, Oahu  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Tammy K. Kekahuna Castro  
Relationship: Sister  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

16. Lessee Name: Carol H. Anamizu & Laura L. Niihau  
Agr. Lease No. 3018Z, Lot No. 2  
Lease Date: 5/28/1965  
Area: Hoolehua, Molokai  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Cynthia K. Gutierres  
Relationship: Sister  
Loan Assumption: No  
Applicant: Yes, Molokai IW Agr., 2/2/1989

Reason for Transfer: "Giving lease to relative."

17. Lessee Name: Nobuo Higa, Jr.  
Res. Lease No. 5851, Lot No. 52  
Lease Date: 8/1/1985  
Area: Kalamaula, Molokai  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Lori Nobuo  
Relationship: Brother  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

18. Lessee Name: Charlotte N. Kakaio  
Res. Lease No. 6069, Lot No. 39  
Lease Date: 10/1/1985  
Area: Kalamaula, Molokai  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Erma K. Mariano  
Relationship: None  
Loan Assumption: No  
Applicant: Yes, Hawaii IW Res., 10/1/1999

Reason for Transfer: "Moving off island." See simultaneous transfer below.

19. Lessee Name: Erma K. Mariano  
Res. Lease No. 6069, Lot No. 39  
Lease Date: 10/1/1985  
Area: Kalamaula, Molokai  
Property Sold & Amount: No, N/A  
Improvements: None


Transferee Name: Richard K. Mariano  
Relationship: Grandson  
Loan Assumption: No  
Applicant: No  
Reason for Transfer: "Giving lease to relative."


Assignments for the Month of October '19	19
Previous FY '19 - '20 balance	<u>43</u>
FY '19 - '20 total to date	62
Assignments for FY '18 - '19	259

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 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

Sixteen (16) amendments of lease.

1. Lessee: Joseph Punohu Ah Sau  
Res. Lease No.: 4167  
Lot No., Area, Island: 28, Paukukalo, Maui  
Amendment: To amend lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to update the property description.
  
2. Lessee: Paige K. Barber  
Agr. Lease No.: 6037  
Lot No., Area, Island: 15B, Hoolehua, Molokai  
Amendment: To amend the commencement date and update property description due to final subdivision.

3. Lessee: Clarilyn T. Edwards  
Res. Lease No.: 1775  
Lot No., Area, Island: 21, Nanakuli, Oahu  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years, and to release a life interest due to death.
4. Lessee: Parker English, Sr.  
Agr. Lease No.: 218  
Lot No., Area, Island: 119, Hoolehua, Molokai  
Amendment: To amend the lease title and Lessor's name, to update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
5. Lessee: Velma J. K. Francisco  
Agr. Lease No.: 3908  
Lot No., Area, Island: 151, Panaewa, Hawaii  
Amendment: To incorporate the currently used terms, conditions, and covenants to the lease.
6. Lessee: Clara K. Gallinger  
Res. Lease No.: 6089  
Lot No., Area, Island: 61, Kalamaula, Molokai  
Amendment: To amend the commencement date and update property description due to final subdivision.

7. Lessee: Keefe Gaspar & Kenneth E. Gaspar, Jr.  
Res. Lease No.: 2361  
Lot No., Area, Island: 5, Kapaakea, Molokai  
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
8. Lessee: Ruby H. Kaaihue & Allen K. Kaaihue  
Res. Lease No.: 2204  
Lot No., Area, Island: 189, Kewalo, Oahu  
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
9. Lessee: Charlotte N. Kakaio  
Res. Lease No.: 6069  
Lot No., Area, Island: 39, Kalamaula, Molokai  
Amendment: To amend the commencement date and update property description due to final subdivision.
10. Lessee: Clarence Kon, Sr.  
Res. Lease No.: 3933  
Lot No., Area, Island: 70, Waimanalo, Oahu  
Amendment: To amend the lease title and Lessor's name, to update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.

11. Lessee: Barbara J. Kukaua  
Res. Lease No.: 3489  
Lot No., Area, Island: 39, Paukukalo, Maui  
Amendment: To amend the property description.
12. Lessee: Yvonne L. Leslie  
Res. Lease No.: 2943  
Lot No., Area, Island: 206-B, Keaukaha, Hawaii  
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to amend the tenancy to tenant by severalty due to death of co-lessee.
13. Lessee: Vernetta P. Martin  
Res. Lease No.: 9  
Lot No., Area, Island: 28, Kalamaula, Molokai  
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
14. Lessee: Lauren Destiny K. Naki, Emma N. Aina, Huberta N. Mollena & Barney P. Naki, Jr.  
Agr. Lease No.: 122  
Lot No., Area, Island: 63-B, Hoolehua, Molokai  
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.

15. Lessee: Rose Allen W. K. Paleka  
Agr. Lease No.: 2  
Lot No., Area, Island: 30, Kalamaula, Molokai  
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
16. Lessee: Abenel M. Wong  
Res. Lease No.: 2999  
Lot No., Area, Island: 51, Waimanalo, Oahu  
Amendment: To amend the lease title and Lessor's name, to update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.

Amendments for the Month of October '19	16
Previous FY '19 - '20 balance	<u>16</u>
FY '19 - '20 total to date	32
Amendments for FY '18 - '19	155

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 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

Five (5) non-exclusive licenses.

1. Lessee: Christine P. Keliikupakako-Kauhola  
Res. Lease No.: 6721  
Lot No., Area, Island: 153, Waiohuli, Maui  
Permittee: Sunrun Installation Services, Inc.
2. Lessee: Laverne L. Recolan-Sylva  
Res. Lease No.: 9227  
Lot No., Area, Island: 14, Kaniohale, Hawaii  
Permittee: Sunrun Installation Services, Inc.
3. Lessee: Douglas K. Sheldon, Sr.  
Res. Lease No.: 12748  
Lot No., Area, Island: 13804, Hoolimalima, Oahu  
Permittee: Sunnova Energy Corporation


- |  |           |
|--|-----------|
| Non-Exclusive License for August '19       | 5         |
| Previous FY '19 - '20 balance              | <u>10</u> |
| FY '19 - '20 total to date                 | 15        |
| <br>Non-Exclusive License for FY '18 - '19 | <br>83    |


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator 

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

SUBJECT: **Commission Designation of Successor- ALLEN K. KAAIHUE,**  
**Residential Lease No. 2204, Lot No. 189, Kewalo, Oahu**

RECOMMENDED MOTION/ACTION

To approve the designation of Lynette N. K. Kaaihue (Lynette) as successor to Residential Lease No. 2204, Lot No. 189, Kewalo, Oahu, for the remaining term of the Lease.

DISCUSSION

By way of the Department of Hawaiian Home Lands Assignment of Lease and Consent and Amendment to Lease No. 2204 (Lease), dated November 4, 2003, Ruby H. Kaaihue (Ruby) and Allen K. Kaaihue (Decedent) were assigned as joint tenants to the lease.

On July 26, 2006, Ruby passed away, leaving the Decedent as the sole lessee to the Lease.

On September 8, 2018, the Decedent passed away without naming a successor to the Lease.

In compliance with the Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on June 2, 12, 16, and 26, 2019, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's wife, Lynette. Her Native Hawaiian Quantum has been

determined to be at least 37.5%, making her eligible as a successor to the Lease. The Department also received a claim from the Decedent's sister, Vivian Kaaihue.

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.

Based on the Act, Lynette has the priority over Vivian to succeed to the leasehold interest.

Improvements to the homestead lot consist of a 3 bedroom and 1-1/2 bath, single family dwelling.

There is no outstanding mortgage to the lease and the real property tax is current. The lease rent is in arrears in the amount of \$14.

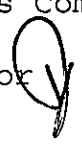
The Department requests approval of its recommendation.

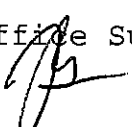
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator  
Homestead Services Division 

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

SUBJECT: **Approval of Transfer of a Portion of Lease No. 280,  
Lot No. 48, Nanakuli, Oahu  
Theodore A. Auwae**

RECOMMENDED MOTION/ACTION

To approve the transfer of Lot No. 48-A-2, under Lease No. 280-A, from Theodore A. Auwae to his niece, Bryann K. Pontes (Bryann).

DISCUSSION

Department of Hawaiian Home Lands Residential Lease No. 280, Lot No. 48, located in Nanakuli, Oahu (Lease), was transferred to Theodore by way of the Assignment of Lease and Consent instrument dated August 10, 2017.

On July 16, 2018, Commission approved the subdivision of Lot No. 48 and a transfer of a portion of the lot. (See attached "Exhibit 1")

Final subdivision of Lot No. 48 was granted by the City and County of Honolulu on May 15, 2019 and recorded at the State of Hawaii, Bureau of Conveyances on May 20, 2019.

On August 12, 2019, Theodore cancelled his request to transfer a portion of his lease to his daughter, Sophie A. Alvarico.

On September 13, 2019, Theodore submitted a second

request to transfer Lot No. 48-A-2 to his niece, Bryann, who is deemed to be at least 50% Hawaiian and is therefore qualified to receive the lot.

Attached is "Exhibit A" illustrating the two lots of similar size. The existing home is located on Lot No. 48-A-1, which is to be retained by Theodore.

There is no outstanding loan attached to the lease and the lease rent is current. The real property tax is paid current.

The Department recommends the approval of its recommendations.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

July 16, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Dean Oshiro, Acting HSD Administrator  
Homestead Services Division  
FROM: Juan Garcia, Oahu District Office Supervisor  
Homestead Services Division  
SUBJECT: Approval of Subdivision, Transfer of a Portion of  
Lease No. 280, Lot No. 48, Nanakuli, Oahu  
Theodore A. Auwae

RECOMMENDED MOTION/ACTION

1. To approve the request of Theodore A. Auwae (Theodore) to subdivide Department of Hawaiian Home Lands Residential Lease No. 280, Lot No. 48, Nanakuli, Oahu, consisting of 22,000 square feet, and further identified as TMK (1) 8-9-006:057 into Lots 48-A-1 and 48-A-2, provided that the Lessee is responsible for all cost incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the City and County of Honolulu (County), fees for utility (electric, water, etc.) and other fees associated with the subdivision of Lot No. 48.
2. To approve the amendment of Lease No. 280, to reflect the subdivision of Lot No. 48; update the property description.
3. To approve the transfer of Lot No. 48-A-1, under Lease No. 280, from Theodore to his daughter, Sophie A. Alvarico (Sophie).
4. To approve the creation of newly designated Residential Lease No. 280-A, demising Lot No. 48-A-2.
5. The above are subject to the completion of the survey work done by a licensed surveyor, including but not

ITEM NO. D-11

**EXHIBIT 1**

ITEM NO. D-10  
EXHIBIT 1

5. The above are 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, 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 Honolulu.

#### DISCUSSION

Department Residence Lot Lease No. 280, Lot No. 48, located in Nanakuli, Oahu (Lease), was transferred to Theodore by way of the Assignment of Lease and Consent instrument dated August 10, 2017.

Theodore is requesting the approval to subdivide his lot into two lots and to give Sophie the portion of the lot where the existing home is located. Sophie has been deemed to be at least 59% Hawaiian and is therefore qualified to receive a portion of the lot. Once the lot is subdivided, Sophie will receive Lot No. 48-A-1, under newly created Lease No. 280-A, and Theodore will retain Lot No. 48-A-2, under Lease No. 280.

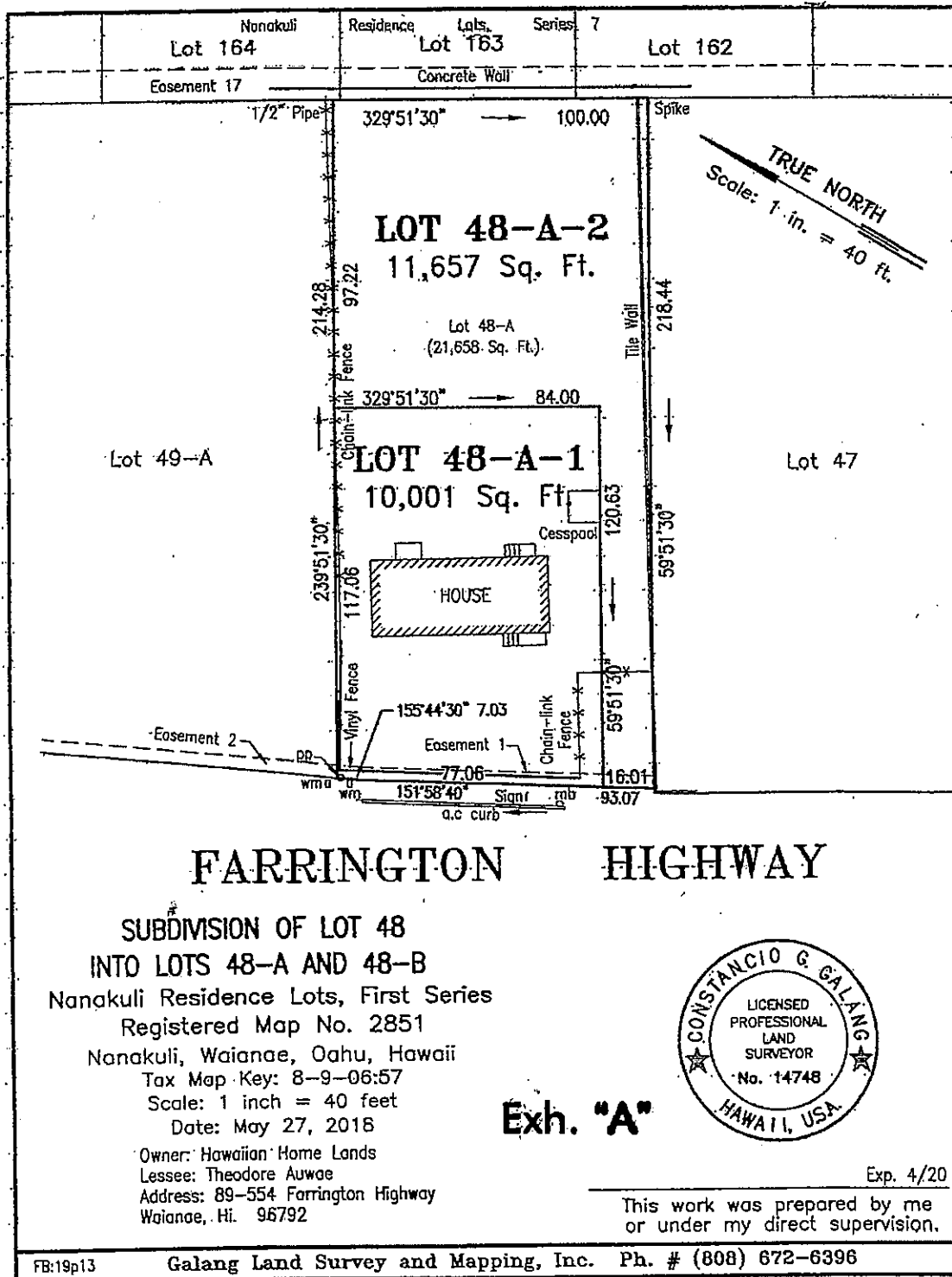
Theodore has submitted a financial statement from a credit union in the amount of \$65,000, which will be used primarily for the cost of the building material. Theodore is a building contractor and will construct the home himself.

Section 10-3-38 of the Administrative Rules (Rules) states 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" illustrating the two lots of similar size. The existing home is located on the front portion of the existing, which is to be held by Sophie.

There is no outstanding loan attached to the lease and the lease rent is current. The real property tax is paid current.

The Department recommends the approval of its recommendations.



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 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: Extension of Keaukaha/Panaewa Homestead Leases

RECOMMENDED MOTION/ACTION

For information only.

DISCUSSION

On July 3, 1990, then Governor John Waihee signed S. B. 269 into law, Act 305. This law amended section 208 of the Hawaiian Homes Commission Act whereby the Department is authorized to extend the original lease term from 99 years to an aggregate term of not more than 199 years.

On October 30, 1990, the Hawaiian Homes Commission (Commission) authorized the Department to extend all homestead leases from 99 years to an aggregate term of not more than 199 years. At the time, the Department recommended, with the concurrence of the Commission, to prioritize the granting of lease extensions for such lessees securing loan financing. In addition, priority was also granted to lessees with less than 31 years remaining on their initial 99-year lease.

The Department continues the current practice of extending the terms of leases for an additional 100 years where lessees are in the process of securing loan financing and lenders require a lease extension as a condition of the loan approval. Similarly, the Department processes 100-year extensions of leases, with approximately 31 years remaining, in conjunction with the assignments of leasehold interest and for lease successorships.

The Department recognizes there are existing situations where lessees have had no need for loan financing, hence, there have been no corresponding requirements for an extension of their respective lease terms. There are also situations where a lease transaction was not processed, therefore, such lease had no lease extension initiated.

The first homestead community was established in Kalamaula, Molokai, and followed shortly thereafter in Hoolehua, Molokai. The Department is currently processing lease term extension requests received from the Kalamaula and Hoolehua lessees, whose lease term commenced prior to 1930.

There are 37 Keaukaha and Panaewa leases combined, with commencement dates ranging from 1924 to 1929. Of the 37 leases, approximately 13 leases have already been amended to extend the term of the lease. In addition, there are approximately 5 lease transactions in process that will include an amendment to extend the lease term.

In summary, there are approximately 19 Keaukaha and Panaewa leases combined that are scheduled to expire in approximately 4 to 10 years.

Lease term extension is subject to Hawaiian Homes Commission approval. Following Commission approval, the appropriate amendment to lease document is drafted for the lessee's signature.

The Department encourages those Keaukaha and Panaewa lessees who have not had their lease terms extended, to contact the East Hawaii District Office and to submit a written request to have their respective lease terms extended. For the purpose of simplifying this process, the Department has created a form for affected lessees to quickly and easily make this extension request (See attached Exhibit A). The form is available on the Department's website and at the district office for ease of distribution. The Department will publish a notice in local newspapers and on the DHHL website as a means of reaching out to Keaukaha and Panaewa lessees regarding the extension process.

STATE OF HAWAII  
Department of Hawaiian Homes Lands

**REQUEST FOR EXTENSION OF LEASE TERM**

LESSEE NAME(S): \_\_\_\_\_

\_\_\_\_\_

LEASE NO. \_\_\_\_\_

AREA: \_\_\_\_\_

ISLAND: \_\_\_\_\_

Commencement Date: \_\_\_\_\_

I, \_\_\_\_\_, hereby request that the Department of Hawaiian Home Lands extend my lease term to aggregate term of 199 years. By way of Act 305 of the 1990 session of the Hawaii State Legislature, the Hawaiian Homes Commission Act, 1920, as amended, was amended to allow the Department to extend the term of any homestead lease, provided that any extension not be for more than 199 years, commencing from the beginning of the initial 99 years term.

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Signature

-----  
*For DHHL Staff*

Received by: \_\_\_\_\_


Date: \_\_\_\_\_

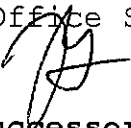
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator 

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

SUBJECT: Commission Designation of Successor - ARCHIE K. AHUNA,  
Residential Lease No. 11987, Lot No. 16919, Kaupea,  
Oahu

RECOMMENDED MOTION/ACTION

To approve the designation of Fern N. Ahuna (Fern), as successor to Residential Lease No. 11987, Lot No. 16919, Kaupea, Oahu (Lease), for the remaining term of the Lease.

DISCUSSION

Archie K. Ahuna (Decedent) was awarded the Lease commencing on December 28, 2007.

On May 23, 2018, the Decedent passed away without naming a successor to his lease.

In compliance with the Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on June 2, 12, 16, and 26, 2019, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's wife, Fern, who have been determined to be at least 43.75% Hawaiian ancestry and 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.

Based on the Act, Fern has priority above all other relatives to succeed.

Improvements to the homestead lot consist of a 4 bedroom and 3 bath, single family dwelling, which was constructed in 2006.

There is an outstanding mortgage with PennyMac Mortgage Loans dated May 16, 2012, with an original loan amount of \$301,227. Fern is aware of the outstanding loan and have agreed to accept the loan obligation should she be designated as successor.

The lease rent account reports a credit balance of \$86.00 and the real property tax is current.

The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator  
Homestead Services Division

FROM: James W. Du Pont, West Hawaii District Supervisor  
Homestead Services Division

SUBJECT: Request to Approve Third Party Agreement - **PAMELA A. SAKUMA**, Pastoral Lot Lease No. 08134, Lot No. 7, Pu'ukapu, Hawaii

RECOMMENDED MOTION/ACTION

To approve a request for a Third Party Agreement for Pastoral Lot Lease No. 08134, Lot No. 7, situated at Pu'ukapu, Hawaii for Pamela A. Sakuma.

DISCUSSION

Ms. Sakuma submitted a Third Party Agreement (TPA) for grazing purposes dated September 13, 2019, and received by the department on September 30, 2019.

Ms. Sakuma is requesting approval of the TPA to her friend, April A. Wana. Ms. Wana is a pastoral lessee in Pu'ukapu and Honokaia. She has been determined to be native Hawaiian. Ms. Wana will be grazing cattle.

**RECOMMENDATION**

The department's Administrative Rule 10-3-35 Contracts covering lease lands. No lessee may, without written approval from the commission, enter into any contract, joint venture, agreement or other arrangement of any sort with a third party person on lands covered by lessee's lease for the cultivation of crops or raising of livestock.

HSD recommends approval of the motion stated.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 22, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator  
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor - Samuel K. Kamoku  
Lease No. 5376, Lot No. 13B, Panaewa, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the designation of Sidney G. Kamoku (Sidney) and Gayleen Roldan (Gayleen), as tenants in common successors to Agricultural Lease No. 5376, Panaewa, Hawaii, for the remaining term of the lease.

DISCUSSION

On February 24, 1998, Samuel K. Kamoku (Decedent), by way of Exchange of Lease and Consent, received Department of Hawaiian Home Lands Agricultural Lot Lease No. 5376, Lot No. 13B, Panaewa, Hawaii (Lease).

On July 21, 2017, the decedent passed away naming a successor who was deemed ineligible as a successor to the lease.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, The West Hawaii Today, The Maui News, and The Garden Island newspapers on December 3, 13, 17, 27, 2017 to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

The Department received a successorship claim from the Decedent's son, Sidney, and daughter, Gayleen. The claimants are at least 75% Hawaiian and have been determined to be eligible for succession.

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 in priority order:

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 lot consists of a 3 bedroom and 3.5 bath single family dwelling that was constructed in 1983.

There is no loan. Real property taxes are current and lease rent owing is \$12.00 which needs to be cleared prior to the completion of this successorship.

The Department requests approval of its recommendation.

**HAWAIIAN HOMES COMMISSION  
OCTOBER 21 & 22, 2019  
HILO, HAWAI'I**

**E – ITEMS  
LAND DEVELOPMENT DIVISION**

# Land Development Division



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION  
DEPARTMENT OF HAWAIIAN HOME LANDS

# **EAST HAWAII**

## **Project Updates**

**LAND DEVELOPMENT DIVISION**

**Item E-1 Workshop**

**October 21, 2019**

# ISLAND OF HAWAII

## EAST HAWAII PROJECTS

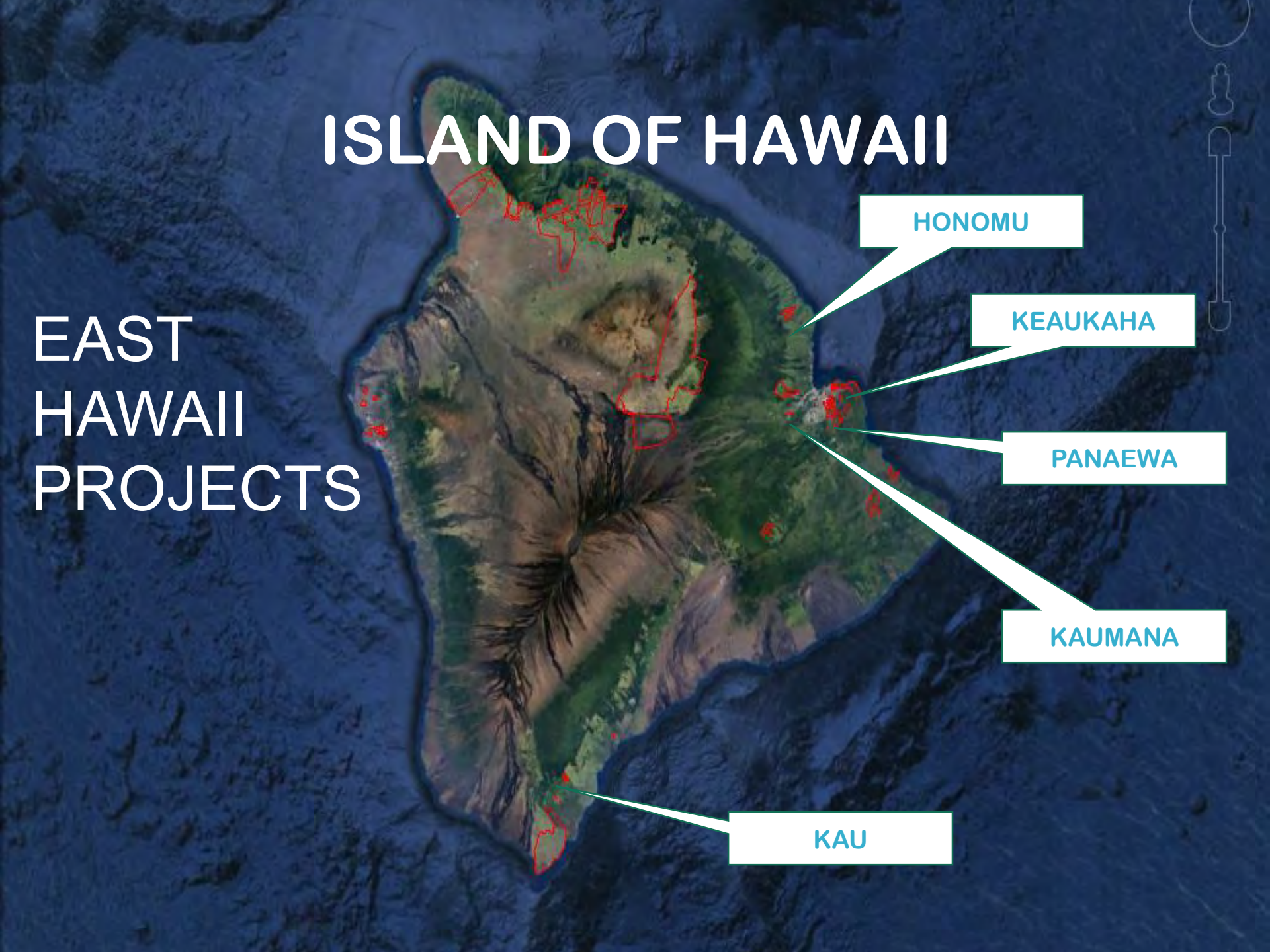
HONOMU

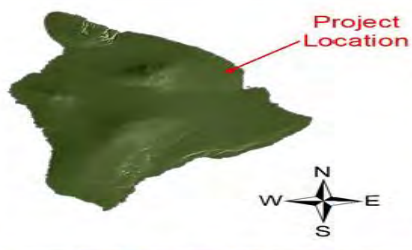
KEAUKAHA

PANAEWA

KAUMANA

KAU





## HONOMU SUBSISTENCE AGRICULTURE PROJECT AREA

**Final Environmental Assessment  
Finding of No Significant Impact  
Tentative: October 2019**

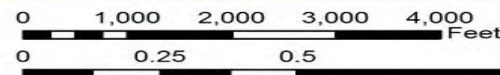
**Phase 1**

**Phase 1: Up to 16  
One-acre lots**

Subdivision Application  
to County of Hawaii  
after December 9, 2019

Construction bid in  
Spring 2020.

Estimated Construction:  
\$2,000,000



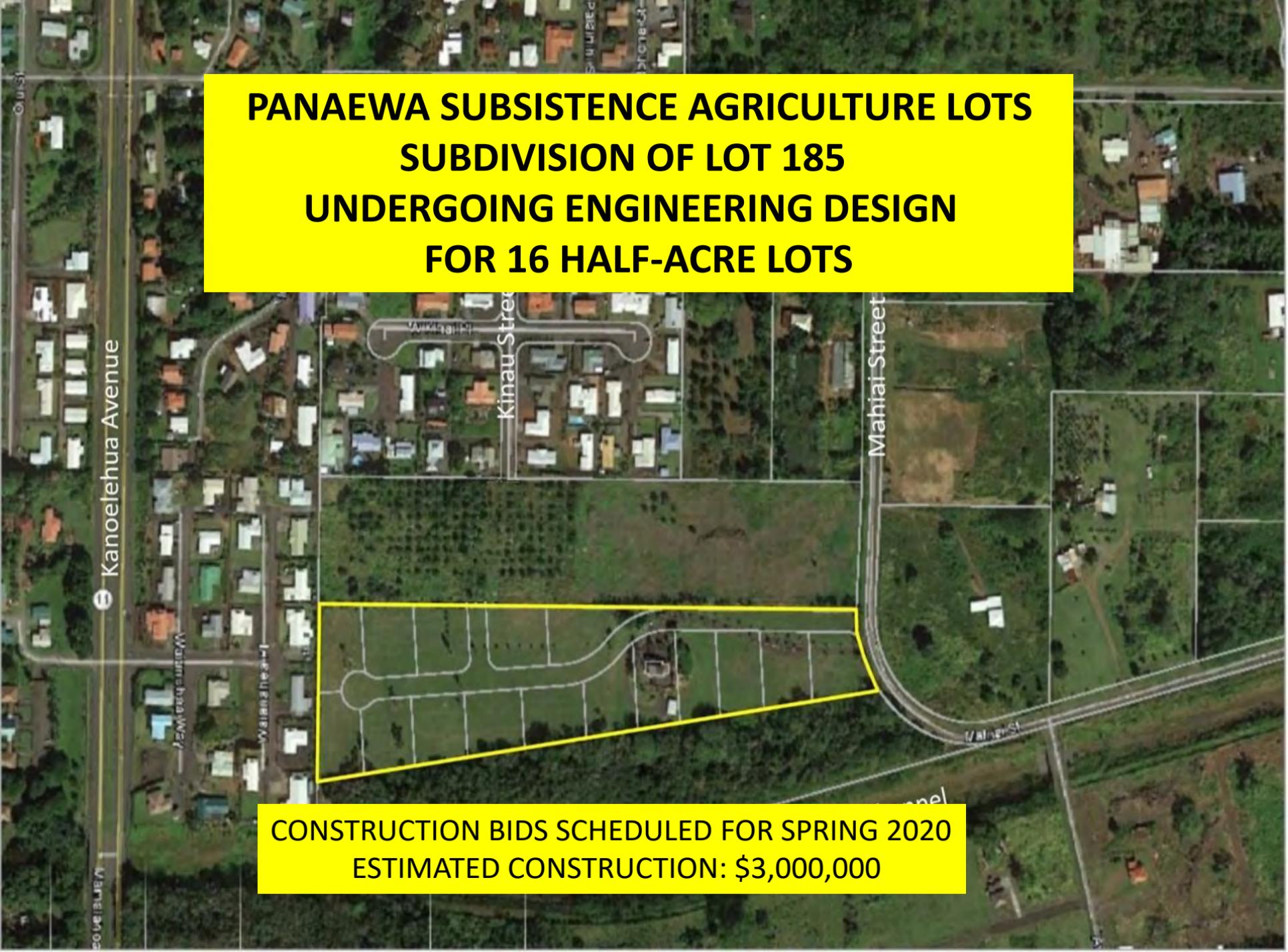
# Hawaii Community College Model Homes Project



LAUAE YUNG AVE

ANDREWS AVE

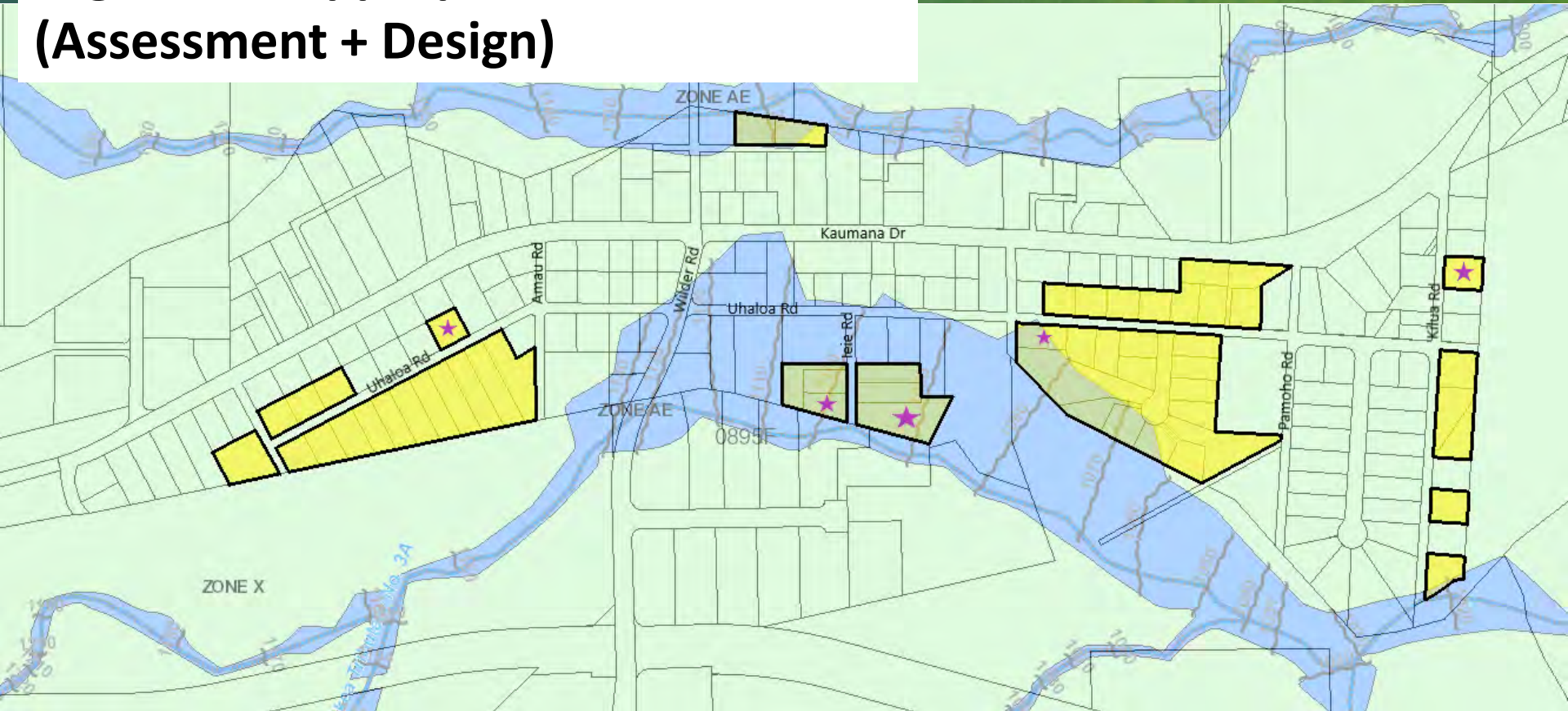
KING



**PANAEWA SUBSISTENCE AGRICULTURE LOTS  
SUBDIVISION OF LOT 185  
UNDERGOING ENGINEERING DESIGN  
FOR 16 HALF-ACRE LOTS**

**CONSTRUCTION BIDS SCHEDULED FOR SPRING 2020  
ESTIMATED CONSTRUCTION: \$3,000,000**

**Legislative Appropriation: \$500,000  
(Assessment + Design)**



**LEGEND**



Planning Area

Land Use Designation

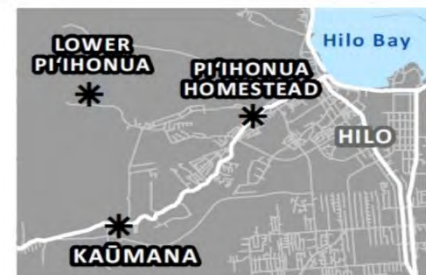


Residential



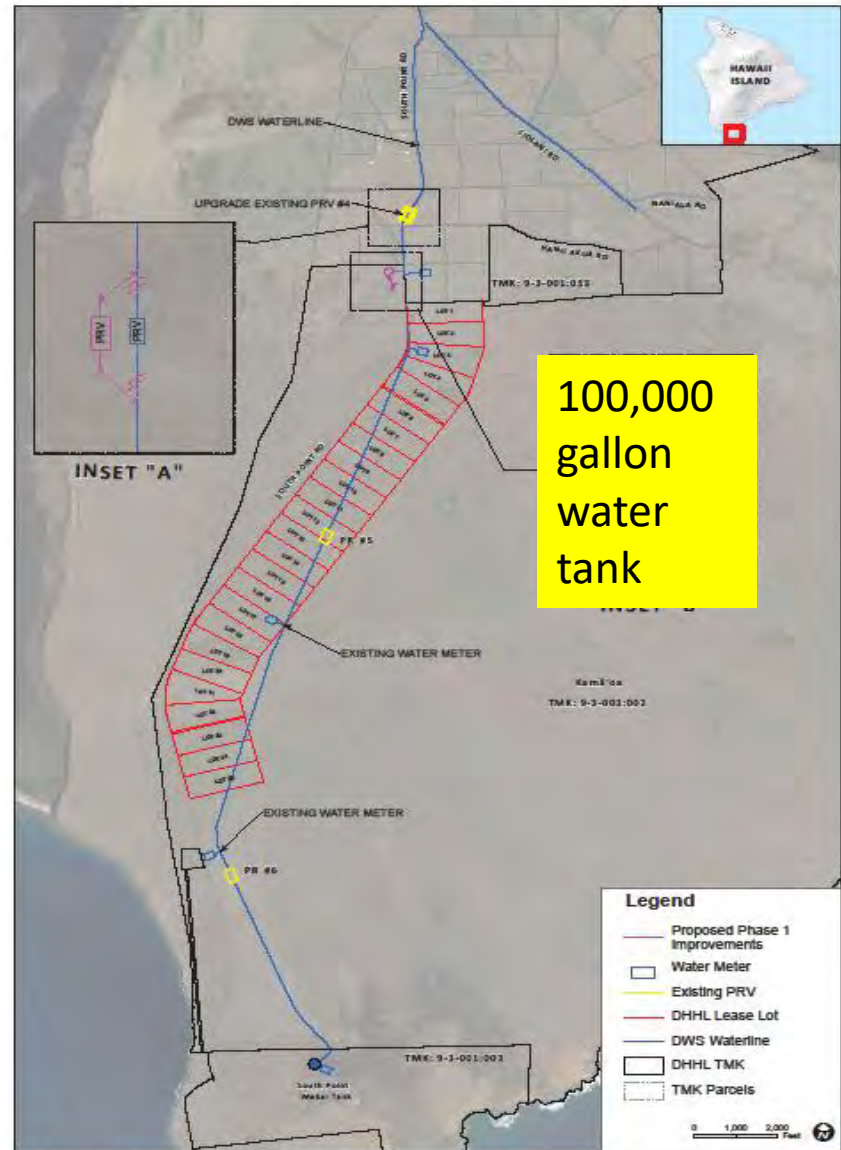
Flood Hazard Area

# KAUMANA SUBDIVISION LOT REHABILITATION



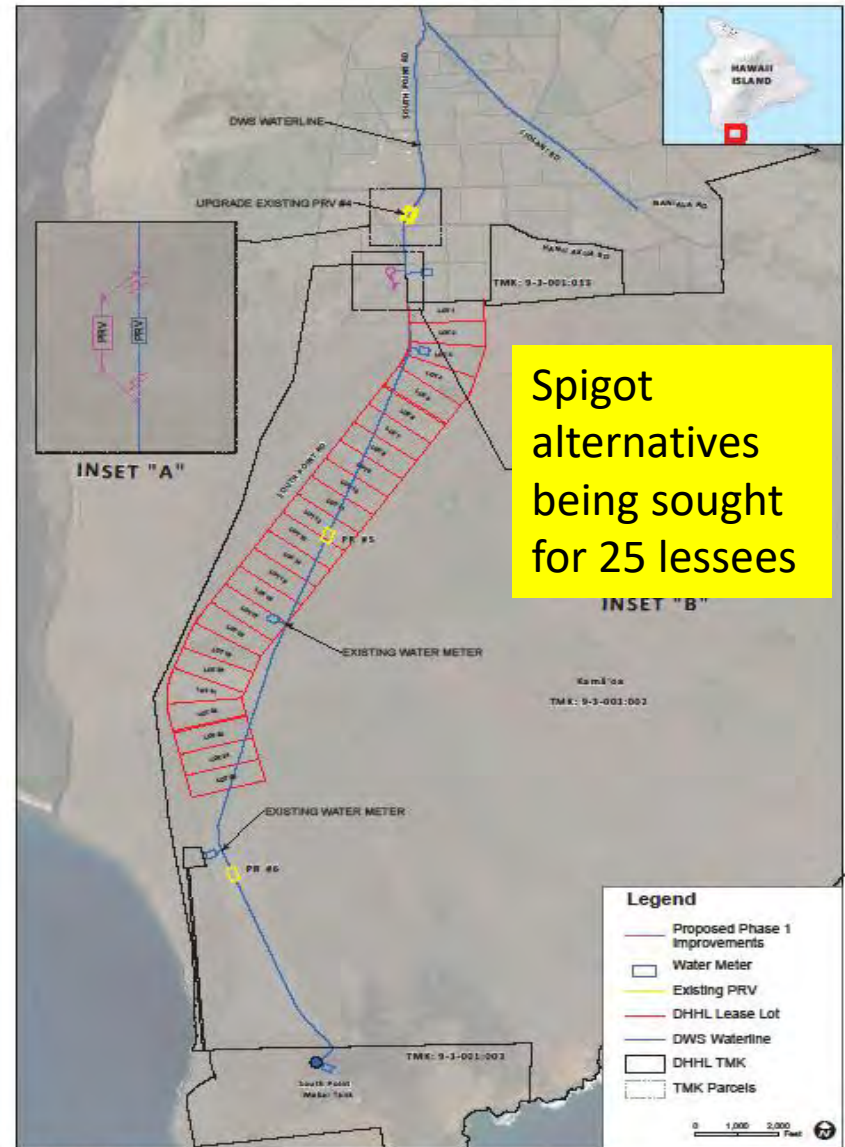
# Kau Water System – PHASE 1

- Phase 1 to provide for design and construction of a 100,000 gallon water storage tank on Hawaiian home lands.
- Governor released \$1.5M CIP funds for design and construction.
- Hawaiian Homes Commission approved \$500,000 for construction.
- Estimated Advertisement for Bids in early 2020.
- Estimated cost of construction is \$1,500,000.
- DHHL to invite 25 pastoral lessees to discuss water needs.



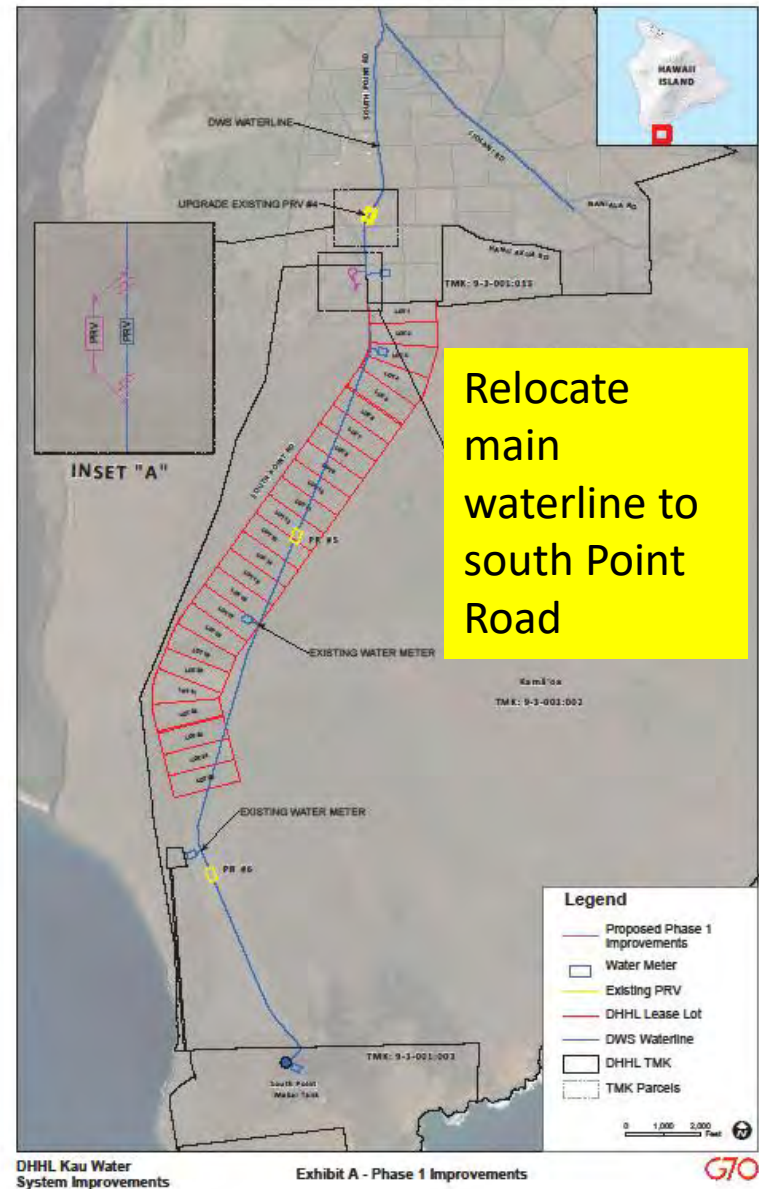
# Kau Water System – PHASE 2

- Phase 2 to include repair/replacement of pressure reducing valve stations
- Provide supplemental spigot for pastoral lessees, location to be determined.
- DHHL submitted CIP budget request to Legislature for \$2,500,000 for Fiscal Year 2021.



# Kau Water System – PHASE 3

- Relocate existing waterline from within lots, to the South Point Road right-of-way.
- Install 25 new water meters
- Provide fire protection.
- Subdivide 25 pastoral lots.
- Estimated cost of subdivision and construction \$15,000,000.
- Proposed request to Legislature in Fiscal Biennium Budget 2021-2023.





**Department of Hawaiian Home Lands**

# **East Hawaii Unencumbered Homestead Lot Inventory**

**Hawaiian Homes Commission  
Land Development Division  
Item E-2**

**October 21, 2019**

# Lease & Lot Summary

East Hawaii Homestead Lot Inventory			
Subdivision	Type	Leases	Unencumbered
<a href="#">Makuu Agricultural Lots Unit 1</a>	A	18	32
<a href="#">Makuu Farm Lots Unit 1</a>	A	103	24
<a href="#">Panaewa</a>	A	278	6
<a href="#">Puueo</a>	A	12	39
<a href="#">Kamaoa</a>	P	24	4
<a href="#">Discovery Harbour</a>	R	2	38
<a href="#">Kaumana</a>	R	42	7
<a href="#">Keaukaha</a>	R	474	28
<a href="#">Kurtistown</a>	R	3	0
<a href="#">Piihonua</a>	R	17	0
<a href="#">University Heights</a>	R	4	0
<a href="#">Waiakea</a>	R	299	1
HAWAII TOTAL		1276	179

audit of DHHL & County records still in progress

# Unencumbered Summary

Area	category				Dwelling / Structure
	lot assessment	cancellation being finalized	prepare for award	offered	
Makuu ag unit 1	32	0	0	0	0
Makuu farm unit 1	21	0	3	0	3
Panaewa ag	3	0	3	0	2
Puueo Ag	39	0	0	0	0
Kamaoa Pas	4	0	0	0	0
Discovery Harbour	0	0	38	0	0
Kaumana	6	0	1	0	1
Keaukaha	18	0	8	1	5
Waiakea	0	0	1	0	1
<b>TOTAL</b>	<b>123</b>	<b>0</b>	<b>54</b>	<b>1</b>	



***Mahalo!***

[www.dhhl.hawaii.gov](http://www.dhhl.hawaii.gov)

**HAWAIIAN HOMES COMMISSION  
OCTOBER 21 & 22, 2019  
HILO, HAWAI`I**

**F – ITEMS  
LAND MANAGEMENT DIVISION**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division ~~KA~~

Subject: Approval to Issuance of License to, Ke Ana La'ahana Public Charter School, Keaukaha, Island of Hawaii, TMK No.: (3)2-1-023:157(por.) & :158(por.)

APPLICANT:

KE ANA LA'AHANA PUBLIC CHARTER SCHOOL "KALPCS"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) approves the issuance of a license agreement to KE ANA LA'AHANA PUBLIC CHARTER SCHOOL "KALPCS", a domestic non-profit corporation, hereinafter referred to as "KALPCS" for the right and privilege to enter and use a building space consisting of approximately 3,168 square feet, more or less, on that certain Hawaiian home lands parcel identified as a portion of TMK Nos. (3)2-1-023:157(por.) & :158(por.) to continue its operation as a Hawaii State Board of Education certified charter school.

Approval and issuance of this license shall be subject to the following:

1. The term of the license shall be for five (5) years, retroactively commencing as of April 1, 2018.
2. The term of the license can be extended for two (2) additional five-year periods at the option of the Chairman of the Hawaiian Homes Commission.
3. LICENSEE must apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the Chairman's review and evaluation of its financial and operation status.
4. Monthly rent shall be set at \$100.00 per month for the term of the license. Rent for the extended period shall be adjusted based on the fair market rent for similar facility, discounted fifty percent (50%).
5. LICENSEE is responsible for its portion of building-related expenses, such as electricity, water, telecommunication services, and ground maintenance. Payments for building related expenses shall be due from the first month of the license term.
6. The premises shall be used as classrooms for the 7<sup>th</sup> – 12<sup>th</sup> grade classes to provide a seamless transition from elementary to upper school.
7. The premise is licensed in an "as is" condition. LICENSEE shall be responsible for any interior renovation, repair, and maintenance for the use of the building space.

8. NO RESIDENTIAL USE SHALL BE PERMITTED, including temporary, overnight occupancy of the premises.
9. The total building area to be encumbered under this license shall be approximately 3,168 square feet, which consist of three (3) classrooms.
10. LICENSEE shall procure an insurance policy in an amount of not less than \$2 million in liability, including fire coverage on the premises, and naming the Department of Hawaiian Home Lands (DHHL) as additional insured, or provide evidence from the State Insurance Program that the charter school is covered under the state program.
11. The processing fee of \$200.00 and the documentation fee of \$75.00 shall be waived.
12. LICENSEE shall be responsible for all costs to secure the licensed premises and to keep the licensed space in a neat, clean, and sanitary condition.
13. The license agreement document shall contain Department of Hawaiian Home Lands standard terms and conditions and shall be subject to the review and approval of the Department of the Attorney General.
14. All other terms and conditions deemed prudent and necessary by the Chairman of Hawaiian Homes Commission.

**LOCATION:**

Hawaiian Home Lands situated at Keauakaha, Island of Hawaii, identified as TMK Nos.: (3)2-1-023:157(por.) & :158(por.) (See Exhibit "A")

**AREA:**

Approximately 3,168 square feet of building space

**DISCUSSION:**

The site was licensed under License Agreement No. 704 to KALPCS since April 2008. The initial 5-year license term expired in March 2013, then amended for an additional 5-year period pursuant to the terms and conditions of the license, which expired effectively as of March 2018.

KALPCS has been responsible for all obligations under the license agreement, including paying the monthly license fee and prorata share of the utilities since the inception of this license.

Through a letter dated July 19, 2017 and most recently October 7, 2019 (See Exhibit "B"), KALPCS requests an extended use of the premises under a new license for their public charter school purposes as follows;

**Mission:** To recognize, nurture, and foster cultural identity and cultural awareness in an environment that has historical connections and lineal linkage to student. Students engage in critical thinking and demonstrate complete mastery of the academia for the future as a result of this educational program that is driven by family, community, and culture; and

**Vision:**

“Ku I Ka Mana” Like the one from whom he received what he learned. Said of a child who behaves like those who reared him. (Pukui, 1983)

KALPCS will continue to work closely with the Keaukaha Community Association, Keaukaha Elementary School, Ka ‘Umeke Ka’eo Charter School and the County of Hawaii Department of Parks and Recreation.

**PLANNING AREA:**

Keaukaha, Island of Hawaii

**LAND USE DESIGNATION:**

Community Use, Hawaii Island Plan (2002), Figure 4 – East Hawaii – Hawaii Land Inventory Designations.

**CURRENT STATUS:**

Office/Building-Classroom Facilities

**CHARACTER OF USE:**

Community Use

**CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:**

**Triggers:**

Use of State Lands

None since there is no plans for new construction

**CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS**

**DHHL General Plan (2002)**

The recommended disposition is consistent with the following General Plan goals and objectives:

**Land Use Planning**

**Goals:**

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.
- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

**Objectives:**

- Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.

**Keaukaha Regional Plan (2010)**

The recommended disposition is consistent with the following elements of the Keaukaha Regional Plan:

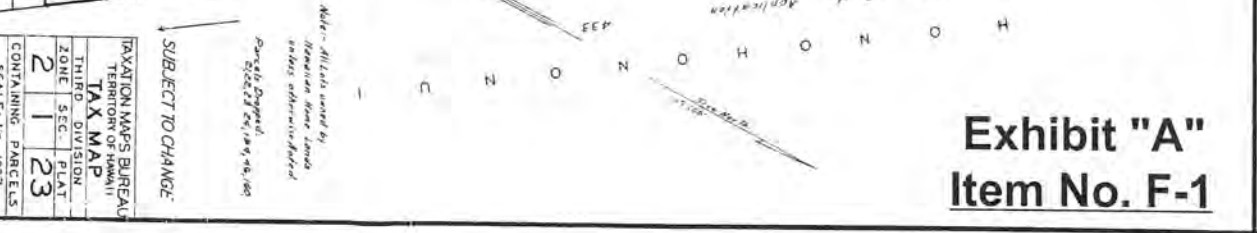
The site is designated for Community Use consistent with the Hualani Park Complex – Keaukaha’s “Piko”, Keaukaha Regional Plan (2010)

**AUTHORIZATION:**

Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Sections 10-4-21 and 10-4-22 of the Department of Hawaiian Home lands Administrative Rules, as amended

**RECOMMENDATION:**

Land Management Division respectfully requests approval of the motion as stated



**Exhibit "A"**  
**Item No. F-1**



STATE OF HAWAII  
**Ke Ana La'ahana**  
Public Charter School

Department of Hawaiian Homelands

Attn: P. Kahana Albinio, Jr.

P.O. Box 1879

Honolulu, Hawai'i 96805

October 7, 2019

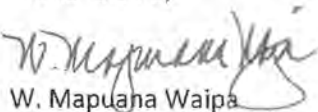
Aloha e Kahana,

Mahalo for your push in moving our lease to renewal. The mission at Ke Ana La'ahana Public Charter School is "to recognize, nurture, and foster cultural identity and cultural awareness in an environment that has historical connections and lineal linkage to students. Students engage in critical thinking and demonstrate complete mastery of the academia for the future as a result of this educational program that is driven by family, community, and culture." This mission was developed by and with many of our founders and those who continue to support increasing educational efforts for our Hawaiian children.

At present we serve 41 students. 98% are Hawaiian. 76% live or have genealogical ties to Keaukaha Hawaiian Homestead. Since our beginning, 95% of our graduates were Hawaiian and at least 70% of these graduates have lived or had genealogical ties to Keaukaha Hawaiian Homestead. Currently, 6 of our 10 staff and faculty members are Hawaiian and 100% of our contracted cultural experts are Hawaiian. 38% currently reside on Hawaiian Homelands.

If there is additional information you may need, please feel free to call me at 808-91-6228 or email me directly at [mwaipa@kalpc.com](mailto:mwaipa@kalpc.com). I look forward in continuing our work together.

Me ka 'oia'l'o,



W. Mapuana Waipa

Po'okula – Ke Ana La'ahana Public Charter School

Cc: P. Kahawaiola'a; GB/KCAI, L. Kawelu: MMF, A. Okinaka; UH Hilo

**Exhibit "B"**  
**Item No. F-1**



STATE OF HAWAII  
**Ke Ana La'ahana**  
Public Charter School

July 19, 2017

Aloha mai e Kahana,

The requests enclosed are for the extension of the use of Location 3176 and for a new use request for the old OHA office – located at EH DHHL office site – Hilo. Also enclosed is a copy of our yearbook 2016-2017.

These are the students that we serve and some of the activities we do throughout the year. As much as I wanted to give you all more of what we do, I thought the yearbook could say it in pictures. If there are questions, please feel free to call me at 961-6228. I look forward to hearing from you soon.

Me ka 'oia'i'o,

W. Mapuana Waipa – Director

Cc: LSB

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

**REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES**

**PART I: APPLICANT INFORMATION**

Name: Ke Ana La'ahana Public Charter School Loc.#1344 (for 10 year extention)

Address: PO Box 4997

Phone No.: 808-961-6228 Cell: 808-640-5209 email: mwaipa@kalpcs.com

If Corporation/Organization/Company/LLC/Non-Profit:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Cell: \_\_\_\_\_ email: \_\_\_\_\_

☐ Requesting Organization is a Non-Profit

Type of Non-Profit:

- ☐ Private Nonprofit – governed by self appointed board  
☐ Member Nonprofit – governed by voting members  
☐ Homestead Organization – governed by HHCA beneficiary members

☐ Requesting Organization is For Profit - Individual or Business

- ☐ Individual ☐ Sole Proprietorship ☐ Partnership  
☐ Corporation ☐ Limited Liability Corporation ☐ Other

Is an Individual HHCA Beneficiary or is Owned by an HHCA Beneficiary ☐ Yes ☐ No

☒ Requesting Organization is a Government Agency

☐ Federal ☒ State ☐ County

Officers and/or Principal Representatives:

D. Ka'ohu Martins - Local School Board Chair W. Mapuana Waipa - Director

Mission of Organization: "to recognize, nurture, and foster cultural identity & cultural awareness, in an environment that has historical connections & lineal linkages to students. Students engage in critical thinking & demonstrate complete mastery of the academia for the future as a result of this educational program that is driven by family, community, and culture.

Date Incorporated: 2001 State of Incorporation: Hawai'i

Federal Tax ID#: 470927311 State Tax ID#: W2 3050 564-01

**PART 2: NON-HOMESTEADING LAND USE REQUEST**

Describe proposed non-homesteading land use envisioned under this request as submitted \_\_\_\_\_

Use of property is for educational purposes - a school for intermediate & high school, Servicing the Keaukaha Community and beyond,

Please see attached

*\*Please attach additional information if necessary*

Land Request Form No. \_\_\_\_\_

Land Area requested: Acreage/Sq.Ft. \_\_\_\_\_

Term: 10 years

Island: Hawai'i

Tax Map Key No.: \_\_\_\_\_

Indicate Character of Use:

☐ Agricultural

☐ Commercial

☐ Church

☒ Other (Public Charter School)

☐ Pastoral

☐ Industrial

☐ Community Facility

Does applicant have any existing land disposition issued by Hawaiian home lands for non-homesteading use purposes? ☐ Yes ☒ No

If yes, under what type of use and disposition: \_\_\_\_\_

Describe how proposed land use request will have direct or significant indirect benefit to the Trust and/or its Beneficiaries (Applicants & Lessees): \_\_\_\_\_

Our mission at Ke Ana La'ahana Public Charter School is to provide an educational that is driven by 'ohana, community, and culture. We are a Hawaiian focused charter school. Our school population for students in year 2016-17 was 98% Hawaiian and 83% of the student population live or have genealogical ties to Keaukaha. 73% of our staff are Hawaiian and 36% are beneficiaries to the trust. 75% of our governing board are Hawaiian and 67% live on Hawaiian Homelands or have direct ties to 'ohana in Keaukaha.

The following authorized representative submits this request for use of Hawaiian home lands under non-homesteading purposes and acknowledges that:

1. This is an application process that will be subject to further review, evaluation and consideration by DHHL and may require additional information to be submitted;
2. This request does not constitute any form of DHHL approval to this non-homesteading land use request as submitted;
3. In the best interest of the trust, DHHL reserves the right to exercise its prudent authority pursuant to and in accordance with the Hawaiian Homes Commission Act (Section III, Section 204(a)(2), Section 220.5, Section 207(c), Hawaii Revised Statutes, Chapter 171, as amended and the Hawaii Administrative Rules, Title 10;
4. Once the application is deemed complete, the non-homesteading land use request will be posted for a 30 day review period on the DHHL website for beneficiary and public comment;
5. Additional Island or Regional Specific Beneficiary Consultation will be required per the DHHL Beneficiary Consultation Policy;
6. All input/comments received will be provided to the Hawaiian Homes Commission if/when approval for disposition is considered by the HHC;
7. Associated non-refundable processing and documentation fees shall be assessed for each respective disposition request as follows:

Revocable Permit - \$100.00 License - \$200.00

General Lease - Cost

Documentation (all)...\$75.00

W. Mapuana Waipua - Ke Ana La'ahana  
PCB

Print Individual or Organization Name

July 19, 2017

Date

Authorized Representative Name & Title

Signature

## Albinio Jr, Peter K

---

**From:** luana@  
**Sent:** Monday, October 14, 2019 2:00 PM  
**To:** Albinio Jr, Peter K  
**Cc:** Yim, Mark K  
**Subject:** renewal of lease for KAL

Aloha Kahana,

My name is Luana Kawelu. I am a Board member of Ke Ana La'ahana Public Charter School; worked for Queen Liliuokalani Children's Center for forty-five years and retired in 2016. I worked with families in the Keaukaha homestead community.

I have been asked to write you concerning our DHHL lease for Ke Ana L'ahana Public Charter School.

We look to the longevity of our school being situated in the Keaukaha area with the renewal of our lease with DHHL. We are deeply grateful to the Department for allowing us to lease the building/rooms for classes. It is through this partnership that we have the opportunity to continue our mission of educating and nurturing our children most of who come from or have family ties to the community of Keaukaha.

Our school is centered on the essential quality of relationships to our aina, to the relationship between the students and their environment, people in the community and their heritage. In order for education to be successful, the students require, to a considerable extent, the ability to access resources in their community.

Ke Ana La'ahana is a culturally based charter school. I truly believe that culture is probably the most influential determinant of meaning in people's lives and a culturally based education is significant to that end.


I humbly ask as a Board member of Ke Ana La'ahana Public Charter School that you favorably renew our lease.


O wau no me ka ha'aha'a  
Luana Kawelu

**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**

**October 21-22, 2019    Item F-2**

**To:** Chairman and Members, Hawaiian Homes Commission

**From:** Joseph "Kualii" Camara, Property Development Assistant  
Land Management Division 

**Through:** Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division 

**Subject:** Approval to Extend Right of Entry Permit (ROE) 678 to State Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW), Hawaii Island for access to mauka boundary of TMK(s): 3-8-001 :009, :002, :007, and access to the makai boundary road of TMK: 3-26-018 :002, for fence inspection and maintenance and access to remote parts of Hilo and Mauna Kea Forest Reserves for natural resource management.

**APPLICANT:**

Hawaii Island DOFAW "PERMITEE"

**RECOMMENDED MOTION/ACTION:**

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, covering the subject area as identified and described below for Hawaii Island DOFAW personnel to do regular fence inspection and maintenance and access through existing pasture roads to do resource management in Hilo and Mauna Kea Forest Reserves.

Approval and issuance of this Right of Entry Permit (ROE) shall be subject to the following conditions:

1. Authorize the issuance of a Right-of-Entry permit to Hawaii Island DOFAW covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. Access to DHHL lands shall be limited to the access/road way immediately adjacent to the DOFAW/DHHL property boundaries, or immediately adjacent to the Palila Critical Habitat Fence (PCHF)
  - C. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have

Item No. F-2

minimal or no significant effect on the environment. Actions equivalent to the project proposed were considered and addressed in the 2012 Environmental Assessment for the Aina Mauna Legacy Program which was approved by the Hawaiian Homestead Commission and accepted by the Office of Environmental Quality Control with a finding of no significant impact.

### **LOCATION:**

Access to Hawaiian Home Lands situated in Humuula and Upper Piihonua, Island of Hawaii, identified as mauka boundary of Tax Map Keys: (3)3-8-001:009; :002; :007 and makai boundary of Tax Map Key: (3)3-26-018:002 (See Exhibit "A"). Note this ROE is for access only and does not convey lease or property rights for this parcel or any portion thereof.

### **DISCUSSION:**

Dept. of Land and Natural Resources (DLNR) Hawaii Island Division of Forestry and Wildlife (DOFAW) as a Mauna Kea Watershed Alliance (MKWA) partner requests permission access from the Dept. of Hawaiian Home Lands (DHHL) primarily for the inspection and maintenance of fence infrastructure on DHHL/DOFAW boundaries. DHHL lands have had significantly more agricultural activity than DLNR lands and thus have better developed access roads along property boundaries. Most areas of DLNR's Hilo and Mauna Kea Forest Reserves do not have road access.

DOFAW also requests access through DHHL lands to remote areas of the Hilo and Mauna Kea Forest Reserves to do accomplish general resource management objectives efficiently.

DHHL and DOFAW will partner to manage property boundaries to control the spread of invasive plant species such as gorse, pathogens and diseases such as Rapid Ohia Death (ROD) and feral ungulates. In return DOFAW has agreed to allow DHHL access through TMK (3)3-26-018:013 for access to the lower sections of TMK (3)3-26-018:002 which will greatly assist DHHL in managing these areas

- DOFAW has spent significant time, effort and resources to construct high quality fences along DLNR/DHHL boundaries. This infrastructure must be routinely inspected, maintained and periodically repaired to function properly. DLNR will inspect, maintain and repair boundary fences with no cost to DHHL. Access to DHHL lands will greatly improve efficiency in this effort.
- Access through DHHL lands will enable DLNR to manage remote areas of Hilo Forest Reserve effectively and efficiently. Efforts on DLNR lands to monitor and control invasive species, monitor for the spread of Rapid Ohia Death, and to control feral ungulates benefits DHHL by having these threats removed from neighboring lands. As Mauna Kea Watershed Alliance partners, we should work cooperatively to address common challenges
- DOFAW currently has a ROE for access to the subject area which expires December 31, 2019. Under this ROE DOFAW has maintained boundary fence lines and assisted DHHL with gorse control and road maintenance at no cost to DHHL.
- As Mauna Kea Watershed Alliance partners, Hawaii Island DOFAW and DHHL should work cooperatively whenever feasible to address common challenges and support regional resource management and protection.

### **Benefits to Hawaiian Homes Land Trust**

Access by DOFAW to DHHL lands benefits DHHL by:

- Having experienced resource managers periodically on site in remote areas who can alert DHHL staff to concerns or issues that may have gone un-noticed. There is currently 1 DHHL staff member for an area over 56,000 acres
- Without normal use and maintenance remote pasture roads become undrivable and can easily become lost in overgrown grass. DOFAW has the heavy equipment necessary to maintain and repair roads as necessary, feasible and allowed by DHHL. Currently all road maintenance done by DHHL is by contract and at considerable cost.
- DOFAW has invested over 2 million dollars into constructing high quality fence along Aina Mauna boundaries at no cost to DHHL. This ROE will allow for necessary inspection, maintenance and repairs at no cost to DHHL.
- Partnering to control invasive plants, pathogens and ungulates along property boundaries will provide DHHL with the manpower necessary to manage and control the spread of these invasive species.
- As Mauna Kea Watershed Alliance partners, DHHL and DOFAW both benefit from the improvement of neighboring lands. Greater cooperation and understanding between partners will allow for informed planning and coordination of resource management efforts.

In return for access to DHHL lands, DOFAW will grant DHHL access through TMK (3)3-26-0018:013 to the Southeast Corner of TMK (3)3-26-018:002. Without DOFAW access this area is only accessible by all-terrain vehicle (atv) and helicopter. Access to this remote area will make it feasible for DHHL to accomplish many things including:

- Transport live cattle from lower portions of TMK (3)3-26-018:002
- Have access to install fencing to exclude cattle and stop the spread of Gorse and ROD to sensitive areas
- Have access for koa reforestation efforts.
- Have access for potential koa salvage operations
- Accomplish resource management objectives efficiently as they arise.

### **PLANNING AREA:**

Humuula, Piihonua Mauka, Aina Mauna Lands

### **LAND USE DESIGNATION:**

DHHL TMKs (3)3-8-001:002, :009 (Humuula) and (3)3-26-018:002 (Upper Piihonua) are zoned agricultural. DHHL TMK (3)3-8-001:007 (Humuula) is zoned agricultural and conservation.

Under the Aina Mauna Legacy Program The planned land use for the mauka boundary access area is native mamane forest restoration. The planned land use for the makai boundary access area is native koa and ohia forest restoration.

### **CURRENT STATUS:**

DHHL, former pasture lease TMKs (3)3-8-001:002,:007,:009, (3)3-26-018:002

### **CHARACTER OF USE:**

Former cattle lease. Planned future use under the Aina Mauna Legacy Program is native Hawaiian forest restoration.

### **CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:**

#### **Triggers:**

Use of State Lands

#### **2012 Aina Mauna Legacy Plan Environmental Assessment:**

On January 23, 2012, the Final Environmental Assessment for the Aina Mauna Legacy Program was unanimously approved by the Hawaiian Homestead Commission and filed on February 8, 2012 with the State of Hawaii Office of Environmental Quality Control with a Finding of no Significant Impact. Actions equivalent to the proposed action and their impacts have been considered in the EA on pages 49 – 50.

#### **“Use and Maintenance of Existing Facilities and Fences**

For all alternatives, efforts will be made to use existing infrastructure wherever and whenever possible (fencing, ranch roads, stock ponds, etc.) Periodic maintenance and upgrading of buildings, fences and facilities will be necessary regardless of the alternative selected for safety and accessibility and to support management and visitor needs. Periodic maintenance and upgrading of fences is necessary to manage and/or exclude ungulates from management units. The use of a helicopter may be required in remote areas to deliver fencing and other materials.”

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. The action as proposed has been determined to have minimal or no significant impact on the environment. The Planning Office has reviewed the proposed action and determines it is in accordance with the 2012 Aina Mauna Legacy Program Final Environmental Assessment.

### **CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS**

Aina Mauna Legacy Program (2009)

The recommended disposition is consistent with the following Aina Mauna Legacy Plan goals and objectives:

#### ***Land and Resource Management***

##### **Goals:**

- Restoration and enhancement of DHHL trust resources
  - Secure access to Upper Piihonua to do resource management including
    - Ungulate fencing

- Cattle removal
  - Koa restoration
- Address reforestation and restoration of the ecosystem
  - Secure free maintenance of fence infrastructure to protect native forest cover and native species habitat
  - Secure access to Upper Piihonua to begin native forest restoration efforts
- Conserve natural and cultural resources and endangered species
  - Prevent movement of feral ungulates into sensitive native ecosystems including Palila Critical Habitat and summit areas where Mauna Kea silver swords once grew.
  - Prevent movement of feral cattle between Hilo Forest Reserve and Aina Mauna Lands
  - Allow access for watershed partners to improve neighboring native forest habitat by:
    - Removing invasive species
    - Removing feral ungulates
    - Monitoring for diseases and other threats
    - Supporting research and outreach
- Identify and secure partners to sustain activities
  - Utilize partnerships for repair and maintenance of fencing infrastructure to manage animal and forest resources of the Aina Mauna lands as well as the larger landscape of Mauna Kea.
  - Secure access through Watershed Partner lands to facilitate Aina Mauna Legacy Program objectives

Actions:

- Initiate un-managed ungulate control over entire property
  - The fences maintained are a valuable tool in managing and controlling feral ungulate movement
  - Access to lower portions of TMK (3)3-26-018:002 will allow cattle to be removed live and for manageable units to be built to protect valuable forest from ungulate damage.
- Initiate a set aside for portions of the property for restoration and enhancement purposes.
  - Access to Upper Piihonua will allow DHHL to protect and manage the remaining ohia forests of the Aina Mauna Lands.

**RECOMMENDATION:**

Land Management Division respectfully requests approval of the motion as stated.

The figure consists of two maps of Mauna Kea, Hawaii, illustrating access points and land parcels. The top map shows the Mauna Kea Summit (13,796 ft) and the Mauna Kea State Park. It highlights three access points: Mauka Access (marked with a red star), Makai Access (marked with a red star), and DHHL Access (DLNR Land) (marked with a blue star). The map also shows the Saddle Rd and the Mauna Kea Summit. The bottom map shows the Mauna Kea Summit (13,796 ft) and the Mauna Kea State Park. It highlights the same three access points: Mauka Access (marked with a red star), Makai Access (marked with a red star), and DHHL Access (DLNR Land) (marked with a blue star). The map also shows the Saddle Rd and the Mauna Kea Summit. The bottom map includes additional labels for various land parcels, such as KAHOE MAUKA AHUPUA'A, HANAIPOE, KAPAKOLU, HOPUWAI, PUA AKALA, PIIHONUA AHUPUA'A, MAULUA-NUI AHUPUA'A, UMAUMA AHUPUA'A, HAKALAU AHUPUA'A, PAPAIOU AHUPUA'A, KAIWI HONUE ONE-TW, HOMUUA PIIHONUA, WAIKAE AHUPUA'A, and WAIKAE AHUPUA'A. It also shows the Pahakuloa Training Area and the Mauna Kea Summit.

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

SIHAN S. TSUTSUI  
LT. GOVERNOR  
STATE OF HAWAII



JOEIE 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 23, 2018

Division of Forestry and Wildlife  
Department of Land and Natural Resources  
ATTN: Steven T. Bergfeld,  
Hawaii Island Manager  
19 E Kawili Street  
Hilo, Hawaii 96720

Dear Mr. Bergfeld:

Subject: Execution of Right of Entry Permit No. 678, Tax Map Keys:(3) 3-8-001:002, :007,  
:009 and (3) 2-6-018:002; Humuula, Hawaii

Enclosed and being transmitted herewith is one (1) original copy documenting Right of Entry Permit No. 678 (ROE No. 678) for record and filing.

If you have any questions or need further clarification, you may contact J. Kualii Camara, LMD Property Development Agent, at (808)933-3480 or email [joseph.k.camara@hawaii.gov](mailto:joseph.k.camara@hawaii.gov).

Aloha,

A handwritten signature in black ink, appearing to read "Kahana Albinio".

Peter "Kahana" Albinio, Jr.  
Acting Administrator  
Land Management Division

Enc.

C: Kualii Camara, DHHL (w/encl. via email)

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

RIGHT-OF-ENTRY NO. 678

This Right of Entry is dated this 21 day of January, 2018, by and between the State of Hawaii, DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii, 96805 hereinafter as "PERMITTOR," and DEPARTMENT OF LAND AND NATURAL RESOURCES, HAWAII ISLAND DIVISION OF FORESTRY AND WILDLIFE (DOFAW), hereinafter the "PERMITEE."

PERMITTOR hereby grants to PERMITEE a Right-of-Entry (ROE) upon certain parcels of Hawaiian home lands in Humuula and Upper Eihonua, island of Hawaii, identified as portions of Tax Map Keys (TMKs) (3) 3-8-001:007, :002, :009 and (3) 2-6-018:002 (hereinafter, "the Property"), primarily to inspect, maintain and repair Boundary fencing delineating DHHL Lands from Hilo and Mauna Kea Forest Reserves, or from DHHL properties designated as Palila Critical Habitat (TMKs (3) 3-8-001:003, :004). Access to these areas will be restricted to the access ways immediately adjacent to the Hilo Forest Reserve Fence (DHHL mauka boundary), and the Palila Critical Habitat Fence (DHHL mauka boundary) (hereinafter, "the Project"). The PERMITEE under this ROE is allowed to access remote areas in Hilo and Mauna Kea Forest Reserves that are most efficiently accessed through the project area to conduct natural resource management activities. The Project is subject to the following general and special conditions:

1. TERM. The term for the ROE shall be from December 1, 2017 to November 30, 2018. This ROE may be cancelled by PERMITTOR upon 30 days advance notice in writing to PERMITEE at its sole discretion and for any reason whatsoever.

2. Permitted Use. This Right-of-Entry is primarily for the purpose of allowing the PERMITEE access to and through the Property as specified in the special conditions primarily to inspect, maintain and repair boundary fencing delineating DHHL Lands from Hilo and Mauna Kea Forest Reserves or from DHHL properties designated as Palila Critical Habitat (TMKs (3) 3-8-001:003, :004). Access to these areas will be restricted to the access ways immediately adjacent to the Hilo Forest Reserve Fence (DHHL mauka boundary), and the Palila Critical Habitat Fence (DHHL mauka



boundary) (hereinafter, "the Project"). The PERMITEE under this ROE is allowed to access remote areas in Hilo and Mauna Kea Forest Reserves that are most efficiently accessed through DHHL lands to conduct natural resource management activities. No other uses shall be permitted without the express written approval of PERMITTOR. PERMITEE'S use shall comply with all applicable governmental laws, regulations, rules, and permitting requirements, pertaining to such use.

3. FEE. The fee for the term of this ROE shall be gratis. In return for Access under this ROE, PERMITEE has agreed in good faith to provide PERMITTOR access to remote areas of DHHL lands through PERMITEE'S improved roads on TMK (3) 2-6-018:013.

4. CONSTRUCTION AND MAINTENANCE. PERMITEE shall not undertake the construction of any buildings or structures of any kind, other than the Project as described above, on the above-described premises. During the period of the Right-of-Entry, PERMITEE shall keep the premises and all improvements thereon in a strictly clean and sanitary and orderly condition, and shall not make, permit nor suffer any waste, strip, spoil, nuisance, nor any unlawful, improper or offensive use of the premises. PERMITEE shall comply with all rules, regulations, ordinances and/or laws of the State of Hawaii and any other municipal and/or Federal Government authority applicable to the premises and improvements.

5. RIGHT TO ENTER. PERMITEE shall allow PERMITTOR, State of Hawaii, Department of Hawaiian Home Lands, the agents and representatives thereof, at all reasonable times, free access to the premises for the purpose of examining the same and/or determining whether the covenants herein are being fully observed and performed, or for the performance of any public or official duties. In the exercise of such rights, PERMITTOR and government officials shall not interfere unreasonably with PERMITEE and PERMITEE'S use of the Right-of-Entry premises.

6. BREACH. It is expressly agreed that this Right-of-Entry is upon the continuing condition that if PERMITEE shall, 30 days after demand, fail to observe or substantially perform any of the covenants and the agreement herein contained and on its part to be observed or performed, and such failure of substantial compliance shall continue for 30 days after mailing of notice of such failure by Certified Mail to the last known address of PERMITEE, or if PERMITEE shall file



any debt or proceedings, or take or have taken against it for good cause any proceeding of any kind or character whatsoever under any provisions of the Federal Bankruptcy Act seeking any readjustment, arrangement, postponement, composition or reduction of PERMITTOR'S debts, liabilities or obligations, or shall abandon said premises, then and in any such event PERMITTOR may at its option cancel this Right-of-Entry and thereupon take immediate possession of said premises wherefrom without prejudice to any remedy or right of action which PERMITTOR may have.

7. NO TRANSFER, MORTGAGE, AND SUBLEASE. This Right-of-Entry shall be non-transferable, and PERMITTEE may not in any manner transfer to, mortgage, pledge, sublease, sublet, or otherwise hold or agree so to do, for the benefit of any other person or persons or organization of any kind, its interest in this Right-of-Entry, the premises and the improvements now or hereafter erected thereon.

8. EXPIRATION. Upon the completion of the Project, or upon the expiration of the Right-of-Entry, or upon termination of this Right-of-Entry as herein provided, PERMITTEE shall peaceably and quietly leave and surrender and deliver up to PERMITTOR possession of the premises. This includes the clean-up and removal of all property belonging to PERMITTEE.

9. TERMINATION/ABANDONMENT. Upon termination or abandonment of the specified purposes for which this Right-of-Entry is granted, all interests granted by this Right-of-Entry and the improvement constructed by PERMITTEE on the premises shall revert to, and become the property of PERMITTOR. In the event operations cease for reasons beyond PERMITTEE'S control, such as fire or other casualty that renders the facilities unusable, PERMITTEE shall have a reasonable period of time in which to resume operations.

10. PREMISES. The term "premises", when it appears herein, includes and shall be deemed to include the lands described above and all improvements whenever and wherever erected or placed thereon.

11. SPECIAL CONDITIONS.

A. PERMITTEE shall be permitted to access the Project via existing roads on DHHL lands as needed. Access to areas of the DHHL makai boundary of TMK (3) 2-6-018:002 shall be made by the 4x4 road that parallels the Hilo Forest



Reserve fence line along PERMITTOR'S Property boundary and can be reached via a road that begins on the PERMITTEE'S lands at Saddle Road. Access to areas of the DHHL mauka boundary of TMKs (3) 3-8-001:007, :002, :003 shall be made by 4x4 road and by foot path that parallels the Palila Critical Habitat Fence line along PERMITTOR'S Property boundary and can be accessed from Mauna Kea Access Road as well as 4x4 roads in Mauna Kea Forest Reserve. Access to Project may be allowed from Keanakolu Road through coordination with DHHL staff. PERMITTEE shall coordinate with PERMITTOR to gain entrance at locked access points along PERMITTOR'S roads as necessary.

B. PERMITTEE shall inform PERMITTOR of road access needs on at least a bi-monthly basis.

C. If PERMITTEE and its agents, servants, employees, or contractors acting within the scope of their employment, requires access through areas containing the noxious weed gorse, due care will be taken to avoid direct contact with said gorse at a minimum distance of 20 feet to avoid the potential spread of gorse seed. If said distance cannot be avoided, then vehicles and equipment must be inspected daily to ensure that gorse seed is not present and being removed from its current locations. All vehicles and equipment entering and leaving the Right of Entry area will be inspected and thoroughly cleaned of all dirt, mud, debris, and vegetative matter to avoid introduction and distribution of noxious weeds.

D. The Project shall be maintained to State standards and capable of limiting movement across fence line boundaries by any existing feral ungulates currently found on the Property.

E. The road crossing at Walaama Gulch shall be improved by the PERMITTEE to allow 4x4 truck traffic to cross from the PERMITTEE'S lands to the PERMITTOR'S lands under normal conditions.

F. PERMITTEE and staff of not more than twelve (12) participants (researcher(s), consultant(s), contractor(s) included) shall be permitted to go on Hawaiian home lands as identified above;

G. PERMITTEE shall remove all equipment and litter brought onto the premises in conjunction with the Project within



Five (5) days from the completion of the Project, or the expiration of this Right-of-Entry, or if PERMITTOR decides to cancel this Right-of-Entry, Five (5) days from the cancellation date.

H. PERMITTEE shall be responsible for the security of the premises and all of PERMITTEE'S personal property stored thereon.

I. PERMITTOR shall have the right to cancel this Right-of-Entry at its discretion. PERMITTEE shall immediately stop all activities upon receiving written notification from PERMITTOR that PERMITTOR intends to cancel this Right-of-Entry.

J. PERMITTEE shall not cause or permit the escape, disposal, or release of any hazardous materials. PERMITTEE shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the premises any such materials except to use in the ordinary course of PERMITTEE'S business, and then only after written notice is given to the PERMITTOR of the identity of such materials and upon PERMITTOR'S consent, which consent may be withheld at the PERMITTOR'S sole and absolute discretion. If any lender or government agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by PERMITTEE, then PERMITTEE shall be responsible for the costs thereof. In addition, PERMITTEE shall execute affidavits, representations and the like from time to time at PERMITTOR'S request concerning PERMITTEE'S best knowledge and belief regarding the presence of hazardous materials on the premises placed or released by the PERMITTEE.

PERMITTEE agrees to be responsible for its officers, employees, and agents who bring any hazardous materials onto the property, and for any claim arising out of or resulting from any use or release of hazardous materials on the premises occurring while PERMITTEE is in possession, or elsewhere if caused by PERMITTEE or persons acting under PERMITTEE. These covenants shall survive the expiration or earlier termination of this Right-of-Entry.

For the purpose of this Right-of-Entry, the term "hazardous material" as used herein shall include any

substance, waste or material designated as hazardous or toxic or radioactive or other similar term by any present or future federal, state or local statutes, regulation, or ordinance, such as the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, as amended from time to time, and also including but not limited to petroleum, petroleum based substances, asbestos, polychlorinated-biphenyls ("PCB"), formaldehyde, and also including any substance designated by federal, state or local regulations, now or in the future, as presenting a risk to human health or the environment.

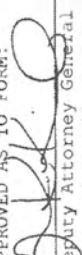
Prior to termination of the this Right-of-Entry, PERMITTEE may be required to conduct a Level One (1) Hazardous Waste Evaluation and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Hawaii State Department of Health and PERMITTOR.

K. The Right-of Entry shall be subject to the review and approval of the Department of the Attorney General.

L. Other terms and conditions deemed prudent by the Chairman of the Hawaiian Homes Commission.

IN WITNESS WHEREOF, PERMITTOR and PERMITTEE have caused this  
Right-of-Entry permit to be executed by their duly authorized  
officers/individuals as of the day and year first above written.

APPROVED BY THE HHC  
AT ITS MEETING HELD ON  
October 16-17, 2017

APPROVED AS TO FORM:  
  
Deputy Attorney General  
State of Hawaii

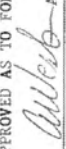
State of Hawaii  
DEPARTMENT OF HAWAIIAN HOME LANDS

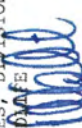
By   
Bobie M.K. Masagayan, Chairman,  
Hawaiian Homes Commission

PERMITTOR

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL  
RESOURCES, DIVISION OF FORESTRY  
AND WILDLIFE

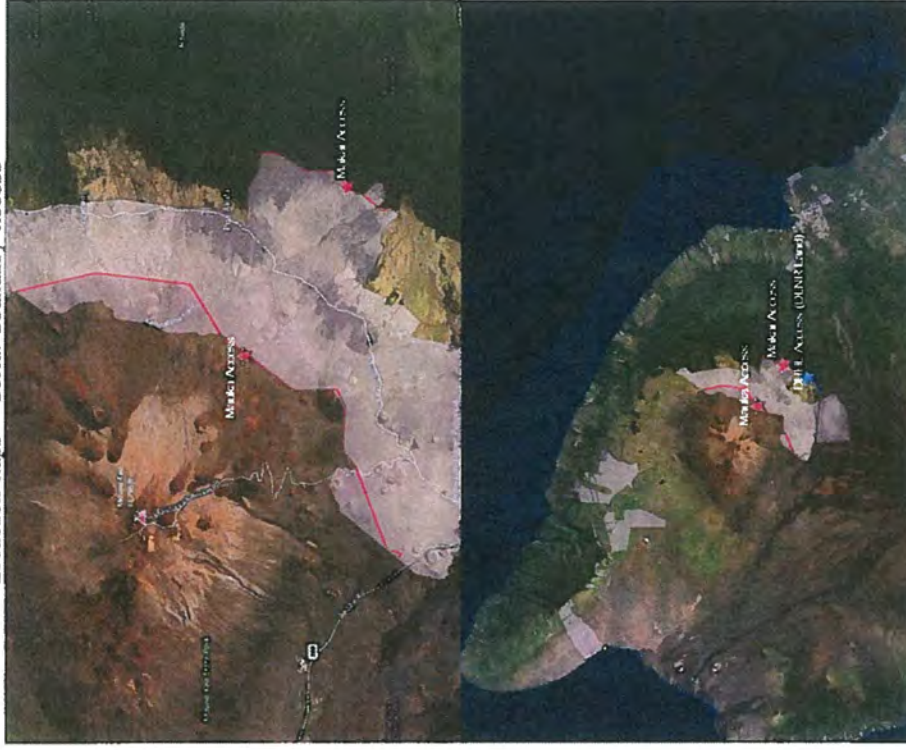
APPROVED AS TO FORM:

  
Amanda J. Weston  
Deputy Attorney General  
State of Hawaii

By   
Administrator, Division of  
Forestry and Wildlife

PERMITTEE

Location Maps - DOFAW Boundary Access



STATE OF HAWAII )  
 ) SS  
CITY & COUNTY OF HONOLULU )

On this 2<sup>nd</sup> day of January, 2018, before me appeared David G Smith, to me personally known, who, being by me duly sworn, did say that he is the ADMINISTRATOR and the person who executed the foregoing instrument and acknowledged to me that he executed the same freely and voluntarily for the use and purposes therein set forth.

Leah Laramée  
Notary Public, State of Hawaii  
Print Name: Leah Laramée  
My commission expires: 8-5-2020

Document Date:	<u>Unfiled</u>	# of Pages:	<u>8</u>
Notary Name:	<u>Leah Laramée</u>		
Doc. Description:	<u>State of Hawaii Department of Hawaiian Home Lands Right of Entry No. 657</u>		
<u>Leah Laramée</u> Notary Signature			
NOTARY CERTIFICATION			



Print Name: Abigail L. Tubera  
Notary Public, State of Hawaii  
My commission expires: November 21, 2020

STATE OF HAWAII )  
 ) SS  
CITY & COUNTY OF HONOLULU )

On January 22, 2018, in the First Circuit, State of Hawaii, before me appeared WILLIAM J. AILA, JR., to me personally known, who, being by me duly sworn or affirmed, did say that he is the deputy to Chairman JOEIE M. K. MASAGATANI, and the person executed the foregoing instrument identified or described as RIGHT-OF-ENTRY NO. 678, as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated January 2, 2018, and contained ten (10) pages at the time of this acknowledgment/certification.

Abigail L. Tubera

Print Name: Abigail L. Tubera  
Notary Public, State of Hawaii  
My commission expires: November 21, 2020



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 22, 2019

Division of Forestry and Wildlife  
Department of Land and Natural Resources  
ATTN: Mr. David Smith, Administrator  
1151 Punchbowl Street, Room 325  
Honolulu, Hawaii 96813

Dear Mr. Smith:

Subject: Fully Executed First Amendment Right of Entry Permit No. 678, Tax Map Keys:(3)  
3-8-001:002, :007, :009 and (3) 2-6-018:002; Humuula, Hawaii

Enclosed and being transmitted herewith is one (1) original fully executed copy documenting the First Amendment to Right of Entry Permit No. 678 (ROE No. 678) for record and filing.

If you have any questions or need further clarification, you may contact J. Kualii Camara, LMD Property Development Agent, at (808)933-3480 or email [joseph.k.camara@hawaii.gov](mailto:joseph.k.camara@hawaii.gov).

Aloha,

A handwritten signature in black ink, appearing to read "Kahana Albinio".

Peter "Kahana" Albinio, Jr.  
Acting Administrator  
Land Management Division

Enc.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

FIRST AMENDMENT TO RIGHT OF ENTRY NO. 678

THIS AMENDMENT, executed this 14<sup>th</sup> day of January, 2019, by the State of Hawaii, DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), whose place of business is 91-5420, Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter referred to as "PERMITOR," and the State of Hawaii, DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR), HAWAII ISLAND DIVISION OF FORESTRY AND WILDLIFE (DOFAW), whose place of business is 19 E. Kawili St. Hilo, Hawaii 96720, hereinafter referred to as "PERMITEE."

WITNESSETH THAT

WHEREAS, Right of Entry No. 678 was issued and made effective as of January 2, 2018, authorizing PERMITEE to access certain portions of Hawaiian Home Lands parcels identified as Tax Map Key Nos.: (3) 3-8-001:007, :002, :009 and (3) 2-6-018:002 for access purposes primarily to inspect, maintain and repair boundary fencing delineating DHHL Lands from Hilo and Mauna Kea Forest Reserves and to access remote areas of Hilo and Mauna Kea Forest Reserves for natural resource management.

WHEREAS, PERMITOR obtained Hawaiian Homes Commission approval at its November 19-20, 2018 Hawaiian Homes Commission Meeting in Kapolei, Oahu for a one (1)-year extension to the initial one (1) year term of Right of Entry No. 678, effective as of January 1, 2019 and expiring on December 31, 2019. The aggregate of the original one (1)-year term and the extended term shall span a total of two (2)-years;

NOW THEREFORE, PERMITOR AND PERMITEE, for and on behalf of themselves, do hereby agree to amend Right of Entry No. 678 as follows:

1. The term of this Right of Entry shall be extended for an additional one (1) year period, commencing as of January 1, 2019 and expiring on December 31, 2019, unless this Right of Entry is sooner terminated as hereinafter.

Except as amended herein, all of the terms, conditions, covenants, and provisions of Right of Entry No. 678 shall continue and remain in full force and effect.

After Recordation Return By: Mail ( ) Pickup ( ) To:

Affect Tax Map Key No.: (3) 3-8-001:007, :002, :009 and (3) 2-6-18:002

FIRST AMENDMENT TO RIGHT OF ENTRY NO. 678

between

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
as Permitor

and

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
HAWAII ISLAND DIVISION OF FORESTRY AND WILDLIFE  
as Permittee

DTM-LMD

Right of Entry No. 679

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter “Kahana” Albinio, Jr., Acting Administrator  
Land Management Division ~~K~~A

Subject: Annual Renewal of Right of Entry Permits, East, Central and South Hawaii 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 East, Central and South Hawaii Island Right of Entry Permits as listed on Exhibit “A” and identified by approximate location on the Hawaii Island Map Exhibit “A-1” that are in compliance and issued temporary approvals, as of November 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 October 31, 2020 or at the next scheduled HHC meeting on East Hawaii 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 East, Central and South Hawaii Island ROE permit(s) only, which shall effectively expire on October 31, 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 in East, Central and South Hawaii 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 plan. DHHL’s total Hawaii Island land inventory covers approximately 127,000 acres<sup>1</sup> or 63% of DHHL’s statewide

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<sup>1</sup> DHHL Hawaii Island Plan – Final Report, PBR Hawaii, May 2002

inventory. The short-term disposition(s) within the Eastern, Central, and Southern portions cover approximately 8,586.0 acres or 7.0% 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. Permittee's 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 permits on Hawaii Island, which is almost 2.0% (\$50,051) of the ROE total revenues (\$2,967,511) that DHHL received statewide. The Eastern, Central, and Southern portions of Hawaii Island holds 10 of the 142 ROE permits Statewide. These permittees fall under a variety of land use purposes with the most being pastoral.

<b>FY 2019</b>		Total
Agriculture	\$264	1
Caretaker/Landscape	\$1,508	1
Commercial	\$0	-
Community	\$240	1
Industrial	\$0	-
Office	\$0	-
Pastoral	\$22,560	7
Preservation	\$0	-
Recreation	\$25,479	1
Research	\$0	-
Stabling	\$0	-
	\$50,051	11

<b>FY 2020</b>		Total
Agriculture	\$264	1
Caretaker/Landscape	\$1,508	1
Commercial	\$0	-
Community	\$240	1
Industrial	\$0	-
Office	\$0	-
Pastoral	\$22,560	7
Preservation	\$0	-
Recreation	-	-
Research	\$0	-
Stabling	\$0	-
	\$24,572	10

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 2020, renewals for the 10 Right of Entry Permits located in East, Central, and South Hawaii Island will total an annual rent revenue of \$24,572 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 NORTH & WEST HAWAII ISLAND**

TYPE	ISLAND	ACRE	NO.	USE	PERMITTEE	LOCATION	TMK	Date Started	Current Fees, All Right of Entry Permits
ROE	HAWAII	280.000	465	Pastoral	Gilbert Medeiros, Jr.	Kamaoa-Puueo	(3) 9-3-001:002(P)	2/9/1998	\$504
ROE	HAWAII	450.000	469	Pastoral	Daryl K. Kalua'u	Kau	(3) 9-3-001:002(P)	9/7/2000	\$840
ROE	HAWAII	750.000	471	Pastoral	Daleico Ranch	Kau	(3) 9-3-001:002(P)	4/19/2001	\$1,536
ROE	HAWAII	1500.000	473	Pastoral	Dean Kaniho	Kamaoa-Puueo	(3) 9-3-001:002(P)	7/15/2004	\$2,100
ROE	HAWAII	301.000	476	Pastoral	Charles & Jelena Clay	Honomu	(3) 2-8-011:009	7/7/2005	\$5,796
ROE	HAWAII	2.000	477	Agricultural	Guy Kaniho	Humu'ula	(3) 3-8-001:007(P)	2/26/2007	\$264
ROE	HAWAII	300.000	478	Pastoral	April Awana-Mattos	Honomu	(3) 2-8-011:011 (p)	2/1/2010	\$5,220
ROE	HAWAII	2.210	481	Landscape	Ginger Patch Center	Waiakea	(3) 2-2-060:001	8/2/2010	\$1,508
ROE	HAWAII	1.000	482	Community	Keaukaha Panaewa Farmers Association	Panaewa	(3) 2-1-025:091 (p)	2/1/2011	\$240
ROE	HAWAII	5000.000	610	Pastoral	Native Hawaiian General Services	Kamaoa-Puueo	(3) 9-3-001:002(P)	6/1/2004	\$6,300

Denotes Beneficiary

## Exhibit "A"

Item No. F-3

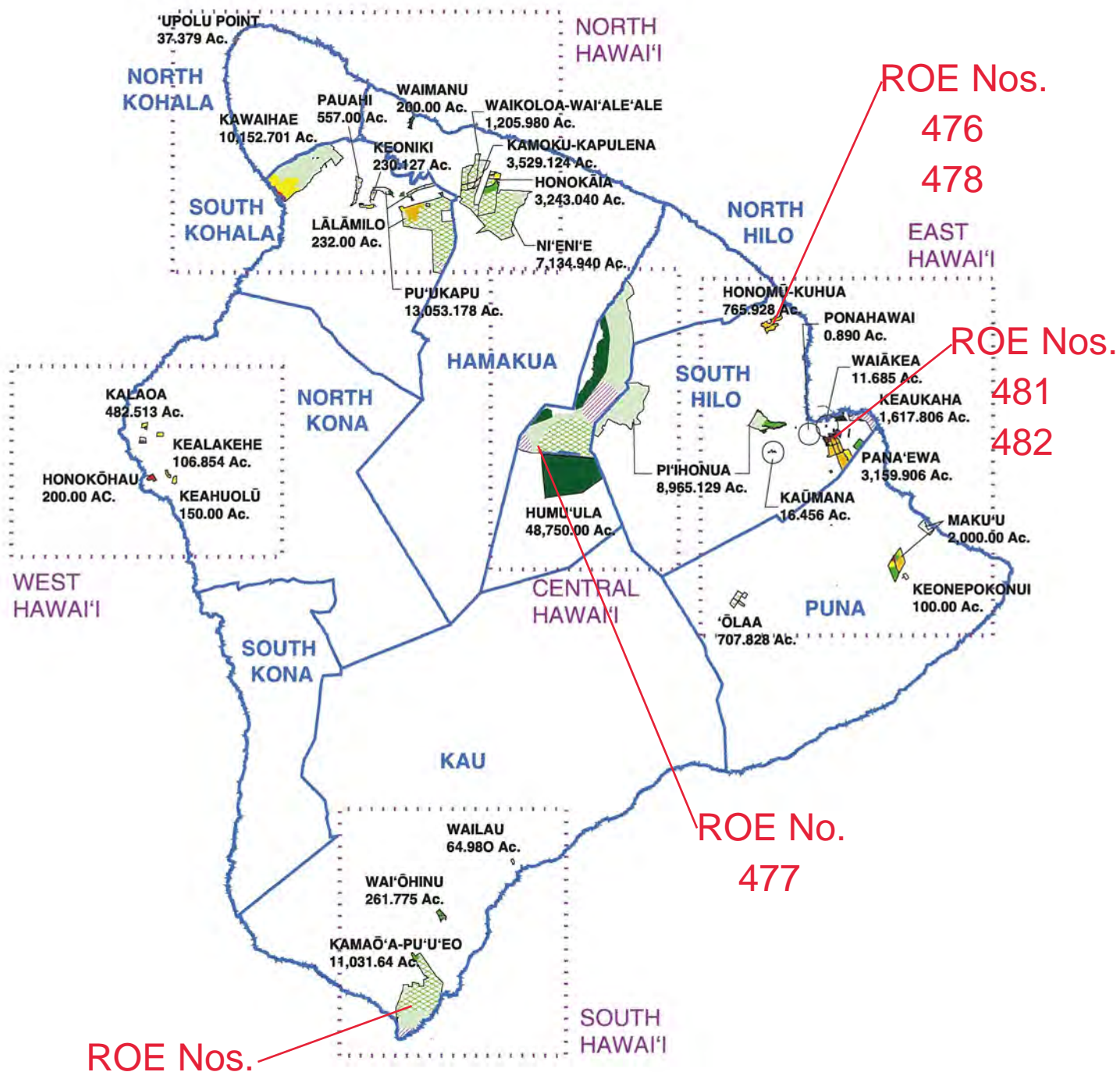


Figure 1  
Locational Map  
**HAWAII LAND INVENTORY**  
DEPARTMENT OF HAWAIIAN HOME LANDS ISLAND OF HAWAII  
NORTH  
NFAI SCALE (FEET)  
40,000 0 80,000  
PBR  
HAWAII  
MAY 2002

EXHIBIT "A-1"  
ITEM NO. F-3



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter “Kahana” Albinio, Jr., Acting Administrator  
Land Management Division *KA*

From: Mark K. Yim, Land Agent,  
Land Management Division

Subject: Approval to Issue Right of Entry Permit to Connect Point Church, Hawai’i, TMK No.  
(3)22060049

APPLICANT:

Connect Point Church, a Hawaii non-profit organization “PERMITEE”

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, covering the subject area as identified and described below for purposes of operating and maintaining a church.

Approval and issuance of this Right of Entry Permit “ROE” shall be subject to the following conditions:

1. The term for this ROE shall be on a month-to-month basis, for a period not to exceed one (1) year, effectively commencing as of the date that the ROE is signed and fully executed by the respective parties. PERMITEE understands that this is a month-to-month permit to use Hawaiian home lands and may be cancelled by PERMITOR, at PERMITOR’S sole discretion and for any reason whatsoever, at any time during the month-to-month term, upon thirty 30 days advance notice in writing to PERMITEE;
2. PERMITEE shall use the subject premises strictly for purposes of operating and maintaining a church only. No other use shall be allowed without DHHL’s prior written approval;
3. PERMITEE shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;
4. The monthly fee for this ROE shall be established at TWO THOUSAND FIVE HUNDRED TWENTY AND NO/100 DOLLARS (\$2,520.00) where PERMITEE shall pay without notice or demand, at the Fiscal Office of the DEPARTMENT OF HAWAIIAN HOME LANDS, 91-5420 Kapolei Parkway, Kapolei, Hawaii and whose mailing address is P. O. Box 1721, Honolulu, Hawaii 96806-1721 due and payable on the 1st day of every month;
5. PERMITEE shall be required to pay a non-refundable processing and documentation fee of \$175.00 and place a security deposit equal to two months rent (\$5,040.00);

6. PERMITEE shall provide proof of a comprehensive public liability insurance policy of no less than \$2,000,000.00 for each occurrence, naming the Department of Hawaiian Home Lands (DHHL) as an additional insured prior to commencement of work and throughout the term of this ROE;
7. PERMITEE shall comply with all applicable governmental laws, rules, regulations, and procedures relating to the operation and activities under this permit. Upon termination of this Permit, PERMITEE shall be responsible for environmental testing and subsequent clean-up of any contamination or hazardous materials found on the site that may have been caused by PERMITEE'S use;
8. PERMITEE shall keep and maintain the Premises and any and all equipment and personal properties of PERMITEE upon the Premises in a strictly clean, neat, orderly and sanitary condition, free of waste, rubbish and debris and shall provide for the safe and sanitary handling and disposal of all trash, garbage and other refuse resulting from its activities on the Premises;
9. PERMITEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon expiration of this ROE, PERMITEE shall be responsible for environmental clean-up of any contamination or hazardous materials brought on the site or caused by PERMITEE'S activities on the site;
10. PERMITEE agrees to rent the Premises in "as is" condition and shall maintain the Premises in a neat and clean condition, including trimming overgrown vegetation and disposing of trash on a regular basis. No new construction shall be allowed without prior approval of PERMITOR. No major alteration or addition of any kind shall be made to the Premises unless plans are first submitted and approved by PERMITOR;
11. All hazardous and/or toxic materials, including trucks and equipment containing hazardous and/toxic materials, that could cause contamination of the soil or ground water must be stored on impermeable surface, such as concrete or asphalt pavement. Such surface must be maintained in good repair and approved by PERMITOR prior to PERMITEE occupying the Premises. Major equipment repair or servicing shall not be allowed;
12. Any construction or alteration of the easement area shall require DHHL approval;
13. PERMITEE shall exercise due care and diligence to prevent injury to persons and damages to or destruction of property belonging to DHHL;
14. Entry under the ROE is limited to PERMITEE'S employees, agents, and subcontractors solely for the purposes stated herein;
15. PERMITEE shall be responsible for the security of the Premises and all of PERMITEE'S personal property thereon;
16. The ROE document shall be subject to other standard terms and conditions of similar documents issued by DHHL and will be subject to the review and approval by the Office of the Attorney General, State of Hawaii; and
17. The ROE shall be subject to other terms and conditions deemed prudent and necessary by the Hawaiian Homes Commission.

LOCATION:

Portion of Hawaiian Home Lands situated in Waiakea Industrial, 168 Holomua Street, Island of Hawai'i, identified as, Tax Map Key: (3)-2-2-060:049 (See Exhibit "A")

AREA:

0.6198 acres or 27,000 square feet (See Exhibit "A")

DISCUSSION:

On September 20, 2019, Connect Point Church Pastor, The Reverend Dion Maeda addressed the Hawaiian Homes Commission to seek a long-term disposition for their Church currently occupying the subject parcel in the Kaei Hana I Industrial Subdivision. They were unfortunately involved in an illegal sublease by the former General Lessee or the property. This Lease was cancelled by the Commission in May 2019. Following cancellation of the General Lease, LMD staff worked directly with the Church to develop a short-term disposition while simultaneously seeking a long-term resolution that would ultimately benefit all parties involved.

Given the industrial land use designation per DHHL's 2002 Hawaii Island Plan, DHHL could only opt to consider a short-term month-to-month disposition. The industrial land use designation provides opportunity for the department to generate revenue. Therefore, the department would seek a public auction process for a long-term 55-year general lease for revenue generating purposes.

The subject parcel is classified as Industrial and the square footage per annum, based on the County of Hawaii Real Property Tax assessment (See Exhibit "B"), is approximately \$14.00. At 8% rate of return, the annual fair market rent per square foot is \$1.12 (rounded). This fee payment will be a direct benefit to the Trust and its beneficiaries.

TMK: (3)2-2-060:049			
Assessment Information			
Year	Property Class	Assessed Land Value	Land Area
2019	Industrial	\$368,600	0.6198 ac / 27,000 sf
<b>Fee Calculation</b>		\$368,600 / 27,000 sf =	
Per sf Value/Annum		\$14.00 (rounded)	
Market Return Rate		x .08 (8.0%)	
Fee Value Per sf/Annum		\$1.12/Annum	

PLANNING AREA:

Kaei Hana I, Industrial Area

LAND USE DESIGNATION:

Industrial, Hawai'i Island Plan (2002), Figure 4 – East Hawaii, Hawaii Land Inventory

CURRENT STATUS:

Industrial Use

CHARACTER OF USE:

Church Purposes

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

None

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

The recommended disposition is consistent with the following General Plan goals and objectives:

***Land Use Planning***

Goals:

Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.

***Land and Resource Management***

Goals:

- Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

***Economic Development***

Goals:

- Generate significant revenue to provide greater financial support towards fulfilling the Trust's mission.

Objectives:

- Generate \$30 million in land revenues annually (adjusted for inflation) by 2014.

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated



Parents Dropped: 65, 66, 76, 77  
39, 79, 80, 81, 82, 88,  
72, 73, 81, 83, 15,  
81, 82, 14, 40, 43

DEPARTMENT OF TAXATION PROPERTY ASSESSMENT DIVISION TAX MAPS BRANCH STATE OF HAWAII		
TAX MAP		
THIRD	TAXATION	DIVISION
ZONE	SEC	PLAT
2	2	60

SCALE: 1 IN. = 100 FT.

## Parcel Information

**Parcel Number** 220600490000  
**Location Address** 168 HOLOMUA STREET  
**Project Name** Kaei Hama-i Subdivision  
**Property Class** INDUSTRIAL  
**Neighborhood Code** 2216-4  
**Legal Information**  
**Land Area (acres)** 0.6198  
**Land Area (approximate sq ft)** 27,000

[View Map](#)

[Plat \(TMK\) Maps](#)

**Owner Names**  
 HAWAIIAN HOME LANDS Fee Owner

**Mailing Address**  
 HAWAIIAN HOME LANDS

### Show Historical Assessments

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2019	INDUSTRIAL	\$368,600	\$0	\$368,600	\$447,700	\$447,700	\$816,300	\$816,300	\$816,300	\$0

Property Class	Square Footage	Acreage	Agricultural Use Indicator
INDUSTRIAL	27,000	0.6198	

From:

10/16/2016

To:

10/16/2019

Sales by Neighborhood

Sales by Distance

1500

Feet ▼

**No data available for the following modules:** Condominium/Apartment Unit Information, Agricultural Assessment Information, Residential Improvement Information, Other Building and Yard Improvements.

The County of Hawaii Real Property Tax Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

[User Privacy Policy](#)  
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Developed by



Last Data Upload: 10/16/2019, 1:31:57 AM

Version 2.3.13

**Exhibit "B"**  
**Item No. F-4**

**HAWAIIAN HOMES COMMISSION  
OCTOBER 21 & 22, 2019  
HILO, HAWAI`I**

**G – ITEMS  
PLANNING OFFICE**

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission

Thru: Andrew H. Choy Acting Planning Program Manager *AC*

From: Malia M. Cox, Planner *MMC*

Subject: Declare a Finding of No Significant Impact (FONSI) for the DHHL Honomū Subsistence Agriculture Homestead Community Master Plan Final Environmental Assessment, TMK (3)-2-8-011:009, 011, 019, and 999

**RECOMMENDED ACTIONS**

That the Hawaiian Homes Commission (HHC) issue a Finding of No Significant Impact (FONSI) declaration based on the Final Environmental Assessment (EA) for the DHHL Honomū Subsistence Agricultural Homestead Community, Honomū, District of South Hilo, Hawai'i Island and TMKs (3)2-8-011:009, 011, 019, and 999.

**DISCUSSION**

The focus of this briefing is to review the Honomū Subsistence Agricultural Homestead Community Final EA (See Exhibit A), the criteria for a Finding of No Significant Impact (FONSI) and project schedule.

Informational briefings about this project have been presented to the HHC twice previously:

- October 2017, East Hawaii Regional Update (For HHC information);
- September 2018, a Draft Environmental Assessment (For HHC information);

In October 2017, as part of the East Hawai'i Regional Update, the Planning Office discussed the intent of the Department to move forward in beneficiary consultation and an evaluation of its Honomū lands holdings for homesteading purposes. The informational material presented concluded that the existing land use designations would likely need to be amended should Honomū lands be developed for homesteading.

Subsequently, DHHL engaged in a robust master planning process and HRS Chapter 343 environmental assessment for DHHL's 766 acres in Honomū. DHHL beneficiaries as well as the public, and agency stakeholders had multiple opportunities for input during the development of the Environmental Assessment and master plan. In September 2018, DHHL staff presented information regarding the evaluation and consultation conducted of the

Honomū landholdings and the public review Draft EA for the Honomū Subsistence Agricultural Homestead Community. The Draft EA found the Honomū Subsistence Agricultural Homestead Community would have minimal impact to the surrounding environment and an Anticipated Finding of No Significant Impact (AFNSI) analysis was included in the Draft EA.

Per Hawaii Administrative Rules (HAR) 11-200-11, the DEA and AFNSI were published in the State Office of Environmental Quality Control's, *The Environmental Notice* bulletin in October 2018. The public was provided an opportunity to review and comment on the Draft EA for 30-days. The draft EA was revised based upon the comments received from agencies, stakeholders, and the public. The new information obtained during the comment period was evaluated and the Honomū Subsistence Agricultural Homestead Community was found to have impacts to the surrounding environment that are mitigatable to a level of non-significance. Based on this evaluation, a Finding of No Significant Impact (FONSI) analysis was included in the Final EA.

#### REVIEW OF BENEFICIARY CONSULTATION AND COMMUNITY ENGAGEMENT

In addition to the HHC informational workshops on October 2017, and September 2018, the following beneficiary, stakeholder and public outreach efforts were conducted:

- October 24, 2018: Joint Beneficiary/Community Meeting #3
- Oct 8 - Nov 7, 2018: 30-day Draft EA Public Review and Comment Period
- October 8, 2018: Publication of the Draft EA in *The Environmental Notice*
- March 28, 2018: Community Meeting #2
- March 28, 2018: DHHL Beneficiary Meeting #2
- October 24, 2017: DHHL Beneficiary Meeting #1
- October 23, 2017: Community Meeting #1

#### PROJECT PURPOSE

The purpose of the Honomū Subsistence Agricultural Homestead Community is to award agricultural lots to beneficiaries on the Hawai'i Island agricultural homestead waitlist. There is a high demand for agriculture homestead opportunities with nearly half (48%) of Hawai'i Island applicants awaiting an agricultural homestead award. As of July 31, 2019, there were 7,243 applicants on the agricultural waiting lists for Hawai'i Island (includes both area and island-wide waiting lists). The first 500 applicants on the Hawai'i Island agricultural waitlist have been on the waitlist since for at least 35 years, with some waiting since 1952, or 67 years. It has been 20 years since the last award of agricultural leases on Hawai'i Island. This project will provide homesteading opportunities for native Hawaiians in Honomū, a region with excellent resources for agriculture production.

#### DESCRIPTION OF PROJECT

The development of Honomū will provide agricultural lots to DHHL beneficiaries, while protecting natural resources, creating a community for lessees, and providing opportunities for commercial growth. The primary land

use will be subsistence agriculture. The subsistence agricultural lots will be one to three acres in size and allow for a residence. Several alternatives were evaluated. The actual mix of lot sizes will depend on the existing topography of the site and DHHL beneficiary preference, but the maximum number of lots proposed is 375. A conceptual plan of Honomu land uses is shown in Figure G1.1 below.

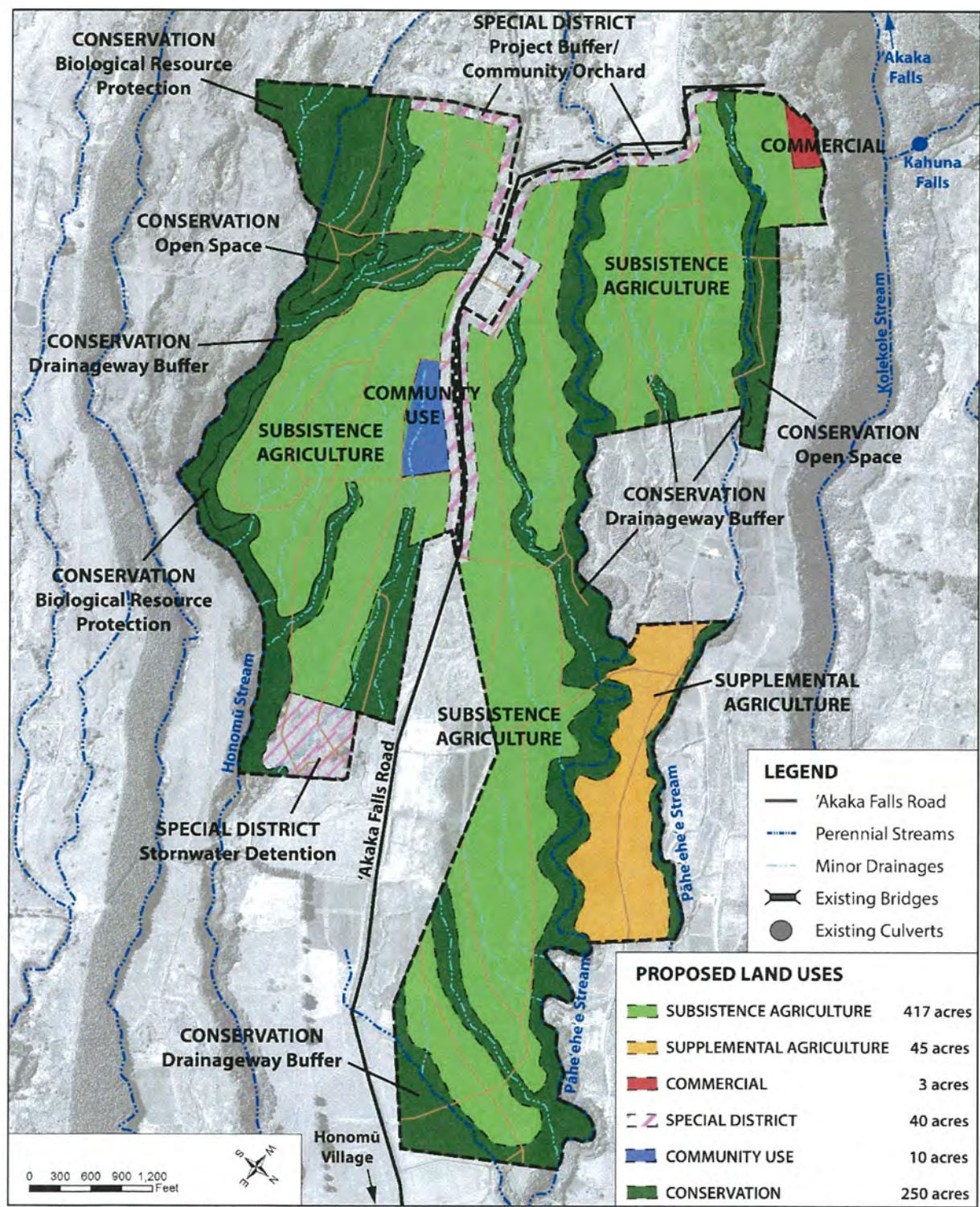


Figure G1.1 Proposed DHHL Hawai'i Island Plan Amendment

A list of proposed infrastructure improvements, and the entity

anticipated to provide it if not DHHL (Lessee or County) is described in Table G1-1.

Table G1-1: Infrastructure for Honomū Subsistence Agricultural Homestead Community

Proposed Infrastructure	
Roads and Access	<b>Internal roads</b> <ul style="list-style-type: none"> <li>-Designed to rural standard: 10-foot travel lanes with 4- foot wide grassed swales and shoulder or other controls for rural character.</li> <li>-Designed in tandem with the lot layout</li> <li>-Maintained by DHHL or Contractor</li> <li>-No County dedication currently proposed.</li> <li>-Road right-of-way of 50-feet will be established to allow for future upgrades, and future county dedication.</li> <li>-All pre-existing and new roads will be constructed to allow for standard vehicular access as well as access by emergency service vehicles.</li> </ul>
	<b>External Road Coordination</b> <ul style="list-style-type: none"> <li>-no parking is allowed within the HDOT right-of-way along 'Akaka Falls Road</li> </ul>
Drainage & Erosion Control	<ul style="list-style-type: none"> <li>-Adhere to County drainage requirements.</li> <li>- Coordinate with the Soil and Water Conservation District in the development of master drainage plan.</li> <li>-Designate Streams and gulches as conservation areas.</li> <li>-Create grassed swales and shoulder or other controls on each side of the road to manage runoff.</li> </ul>
Water System	<b>Potable Water</b> <ul style="list-style-type: none"> <li>-Domestic water supplied by water catchment tanks will be the responsibility of each lessee.</li> <li>-No domestic water will be supplied by County or DHHL.</li> </ul>
	<b>Non-Potable Water</b> <ul style="list-style-type: none"> <li>-Irrigation water supplied by natural rainfall (mean annual rainfall of 205 inches per year)</li> <li>-Stream Diversion not recommended but can be pursued individually by lessee and must meet</li> </ul>

	<p>all permitting and regulatory requirements.</p> <ul style="list-style-type: none"> <li>-Lessees selling produce grown within the homestead must comply with Food Safety Modernization Act (FSMA)</li> </ul>
<b>Water System (con't)</b>	<ul style="list-style-type: none"> <li>-Community potable water system, and/or other agricultural support facilities may be developed should lessees determine future need to meet FSMA.</li> </ul>
<b>Wastewater</b>	<ul style="list-style-type: none"> <li>-Individual wastewater systems will be the responsibility of each lessee should they choose to construct a residence.</li> <li>-No connection to a County or DHHL waste water treatment system will be provided.</li> <li>-Lessees selling produce grown within the homestead must comply with FSMA regarding restroom facilities.</li> <li>-Community restroom facilities, and/or other agricultural support facilities may be developed should lessees determine future need to meet FSMA.</li> </ul>
<b>Solid Waste</b>	<ul style="list-style-type: none"> <li>-Solid waste disposal to be the responsibility of each lessee.</li> <li>-Green waste recycling is encouraged.</li> </ul>
<b>Electrical</b>	<ul style="list-style-type: none"> <li>-Electrical power will be provided by DHHL via overhead electrical lines along internal roads.</li> </ul>
<b>Communications</b>	<ul style="list-style-type: none"> <li>-Communications, such as telephone and internet service, will be the responsibility of each lessee.</li> </ul>

#### SUMMARY FINAL ENVIRONMENTAL ASSESSMENT

Various government agencies at the federal, state, and county level as well local community groups and associations were asked to comment on the Draft EA. Revisions to the Draft EA were made based on the comments received during the public consultation period. A summary of the substantive issues raised during the public comment period and how those comments were addressed in the Final EA are shown in Table G1-2.

Table G1-2 Issues Raised during Public Comment

Issue	How Issue was Addressed in Final EA
	<i>Permitting and Compliance</i>
<p>Why doesn't DHHL need to follow the same rules, County Codes and structure permit requirements as other developments?</p>	<ul style="list-style-type: none"> <li>• Department asserts its authority under the Hawaiian Homes Commission Act (HHCA, 1920), adopted into the Hawai'i Revised Statutes, to further the policy of the HHCA "to enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians in the administration of this Act, and the preservation of the values, traditions, and culture of native Hawaiians." DHHL maintains that this authority, granted through Federal and State law, allows for the superseding of County policies.</li> <li>• HHC has the authority to designate the zoning that will be applied to its lands. DHHL and its lessees will follow County zoning standards once the designation has been communicated to the County of Hawai'i.</li> <li>• Buildings or improvements will need written approval from the Department.</li> <li>• Residences must meet County Code or be certified as meeting industry standards.</li> <li>• Per the 2002 Memorandum of Agreement between DHHL and the County of Hawai'i, land use codes and regulations will be enforced by County, with cooperation from DHHL.</li> </ul>
<p>The current residents of Honomū would like to welcome the DHHL homestead and work with the Department and lessees to ensure compliance with regulations and standards</p>	<ul style="list-style-type: none"> <li>• DHHL appreciates the Honomū community's efforts to protect the environmental conditions of the area and is committed to implementing reasonable and appropriate measures to address project-related impacts.</li> </ul>

Issue	How Issue was Addressed in Final EA
	<ul style="list-style-type: none"> <li>• DHHL is not allowed to release the contact information of its beneficiaries, but if the Honomū Village Association would like to contact applicants to the Honomū Subsistence Agricultural Homestead Community, the Department may relay that request.</li> </ul>
<i>Impacts and Mitigation</i>	
<p>The Project will double the population, affect services as well as compete with and change the character of the Village. Development should be clustered to concentrate resources.</p>	<ul style="list-style-type: none"> <li>• The project will be implemented incrementally over 15 years, with the first phase being small, about 15 lots.</li> <li>• An open space buffer has been designated around the perimeter of most of the project to mitigate visual impacts.</li> <li>• One third of the parcel has been designated for conservation</li> <li>• The minimum lot size for this project is one-acre, larger than required under State Land Use guidelines for Ag (0.5 acre). Based upon a 2002 Memorandum of Understanding between DHHL and the County of Hawaii, DHHL can determine the appropriate zoning for Trust Lands. DHHL intends for</li> <li>• Existing community perceives the current level of service in the area are poor. DHHL is working with the County and State to secure improvements and services that will positively impact Honomū. Commercial space was reduced from 10 acres to 3 acres in response to concerns during planning. Commercial uses will be tied to the activities and functions of the State Park. DLNR is expected to lease a portion of the commercial area to address existing parking issues. The availability of this commercial space is expected to have a positive impact on the region by moving overflow parking to a central location instead of along the roadway.</li> <li>• To keep with the rural character, the project will not allow for the creation of high-rise buildings and will includes 290 acres as open space under the land use designations Conservation and Special District.</li> </ul>

Issue	How Issue was Addressed in Final EA
<p>There is concern that farming will not actually be done on this land based on the level of activity in other DHHL farming communities. What kind of farming will be done? Will lessees have the required knowledge to be successful?</p>	<ul style="list-style-type: none"> <li>• The original farm lots created under the Hawaiian Homestead Act were 40 acres. Many very successful commercially viable farms in Hawaii today operate on farms 1/4<sup>th</sup> the size. Successful family farms designed to provide agricultural products for their personal consumption operate on lots 0.25 acres or less than 1% of the original homesteads. Previous DHHL agricultural homestead lessees found it difficult to farm due for numerous reasons, with acreages too large to manage (when farming is not the families' primary income source) being the primary issue.</li> <li>• In February 2017, the Hawaiian Homes Commission approved amendments to the Hawaii Administrative Rules, Title 10, to allow small-lot (up to three acres) agricultural homestead leases that better matches current Hawaii farming trends and practices.</li> <li>• Newer lease management support from DHHL is now being provided for agriculture lessees.</li> <li>• Lessees will be allowed to choose what kind of farming they would like to do, but could include traditional crops, orchard, vegetables, herbs, flowers, and small livestock, among other possibilities.</li> <li>• DHHL is providing an on-island agricultural extension agent to work with lessees on agricultural methods, resource conservation practices, crop selection to improve farmer success.</li> <li>• DHHL is currently developing an Agriculture Program Plan to help ensure more agriculture lessees successfully utilize their lot.</li> </ul>
<p>Albizia on the property needs to be removed and controlled.</p>	<ul style="list-style-type: none"> <li>• Current conditions do not include an invasive species control plan. The project will result in albizia clearing incrementally as each phase is developed.</li> <li>• DHHL will welcome and suggestions from community and other agencies and organizations to optimize albizia removal and control.</li> </ul>

Issue	How Issue was Addressed in Final EA
<p>Road improvements are needed and there are concerns about increases in traffic. The Highway 19 - Honomū Road intersection is not safe. The only emergency route out of Honomū (Old Mamālahoa Highway) is insufficient to handle a large increase in traffic.</p>	<ul style="list-style-type: none"> <li>• Poor conditions at the intersection of Highway 19 and Honomū Road currently exist and are not a result of the project. These conditions are primarily caused by traffic going to 'Akaka Falls State Park. Conditions will continue to worsen if DHHL does not pursue this project. The State and County has not designated any funding now or in the future to improve the existing conditions</li> <li>• DHHL is coordinating with HDOT and DLNR-State Parks, and other relevant agencies regarding the installation and legislative funding to develop appropriate improvements to this intersection having a positive impact on the region.</li> <li>• Based on the Traffic Impact Assessment, project impacts will not require additional traffic improvements, per County Code.</li> </ul>
<p>The project will increase runoff and soil erosion and impact downgradient properties and surface water quality. Will grading and grubbing regulations be enforced? There is an allowance that 1,000 cubic yards of cut and fill do not need a permit for ag land, but will that be applied to each lot or across the entire project?</p>	<ul style="list-style-type: none"> <li>• DHHL is working with the local Soil and Water Conservation District to develop a Master Drainage Plan for the entire site to ensure no net increase in runoff offsite.</li> <li>• DHHL will designate streams, gulches, and drainages as Conservation restricting development and protecting these waterways.</li> <li>• Approximately 13 acres of the makai portion of the southern parcel has been designated as a DHHL Special District specifically for stormwater management.</li> <li>• DHHL is designing for a minimum 25-year storm, exceeding the County's requirement that projects design for the 10-year storm.</li> <li>• Each project phase will get a grading and grubbing permit from the County.</li> <li>• Individual lessees will need to obtain a permit for any additional grading or grubbing.</li> <li>• Agricultural operations may be exempted from grading and grubbing permits if certain conditions are met.</li> </ul>

Issue	How Issue was Addressed in Final EA
There may be contaminants in the soil	<ul style="list-style-type: none"> <li>• A Phase I Environmental Assessment (ESA) was conducted. The Phase I ESA concluded that there was no evidence of recognized environmental conditions.</li> <li>• Due to former use of the parcel for sugarcane production, DHHL is conducting surface and near surface soil testing for contaminants. If contamination is found DHHL will meet Department of Health requirements for future residential use.</li> </ul>
Water and wastewater systems are needed. The Food Safety Modernization Act requires safe drinking water for processing of produce for sale. Sanitary toilet facilities are needed even for those only engaging in agricultural activities	<ul style="list-style-type: none"> <li>• Water systems and wastewater disposal are the responsibility of the lessee. Lessees are expected to build water catchment tanks and septic systems.</li> <li>• Not all lessees are expected to sell their produce and thus require a higher standard of water than catchment tanks can provide. Those that do will have to comply with all food safety requirements. CTAHR agents may assist with requirements and connecting lessees with appropriate facilities and services, such as processing facilities.</li> <li>• Not all lessees will build a residence. These farmers have wastewater alternatives available, including mobile trailers, camping toilets, etc.</li> <li>• If community-accessible water and wastewater facilities are desired, then Homestead Association may pursue them and will comply with all State and County regulations.</li> </ul>
BENEFICIARY CONCERNS	
It's taking too long to award leases.	<ul style="list-style-type: none"> <li>• DHHL follows regulatory and procedural requirements to prepare land for award. This is necessary to protect the health and safety of beneficiaries, surrounding communities, and natural and cultural environment, and DHHL is committed to ensuring these protections.</li> </ul>

Issue	How Issue was Addressed in Final EA
<p>It's taking too long to award leases. (continued)</p>	<ul style="list-style-type: none"> <li>• DHHL must conduct engineering design and request funding from the Legislature in order to prepare the site for settlement, including laying out and registering lots and constructing roadways.</li> <li>• Implementing rural infrastructure standards reduces some requirements which allows for the project to be implemented faster. By speeding up development through the implementation of rural standards, some of the burden (water catchment/septic) will fall onto the lessee. However, not all lessee will need water or wastewater systems.</li> </ul>
<p>Convert all land uses to homestead lots, provide as many lots as possible, and provide a variety of lot sizes.</p>	<ul style="list-style-type: none"> <li>• The Conservation, Community Use, Commercial, Special District, and Supplemental Agriculture land use designations were created to: <ul style="list-style-type: none"> <li>- Protect the environment;</li> <li>- Mitigate project impacts;</li> <li>- Provide for community spaces, which existing DHHL homesteads have requested to support community needs and cohesion;</li> <li>- Provide revenue for the Trust; and</li> <li>- Provide flexibility for agricultural lessees that need/want to expand their farming operations.</li> </ul> </li> <li>• A variety of lot sizes between, one and three acres, is anticipated. Per the Department's Administrative Rules, lots must be less than three acres. In order to mitigate impacts to the environment, the project has established a minimum lot size of one acre.</li> </ul>

Issue	How Issue was Addressed in Final EA
This project is setting applicants up for failure: we are responsible for paying for the house, water catchment, and wastewater. Banks will not lend to 70 to 80 year old applicants.	<ul style="list-style-type: none"> <li>• Applicants are encouraged to identify a successor and include them in planning for and settling the agricultural lots. This may provide for the continuity that financial institutions seek when evaluating loan applications.</li> <li>• Lessee can choose to farm first and develop a residence as finances permit. Implementing rural infrastructure standards in Honomū, the time between planning, design, permitting, construction and lot selection is reduced, allowing an opportunity for beneficiaries to get onto the land faster.</li> </ul>

### Environmental Impacts and Mitigation Measures

During the development of the Final EA, the *Honomū Subsistence Agricultural Homestead Community* project was evaluated and found to have impacts to the surrounding environment. These impacts are mitigatable to a level of non-significance. A summary of the proposed mitigation measures included in the Final EA are shown in Table G1-3.

Table G1-3 Impact Mitigation Measures

Impact	Proposed Mitigation Measures to Avoid, Rectify, or Reduce Impact
Geology & Topography	<ul style="list-style-type: none"> <li>• Project design will respect existing topography and minimize extensive cut and fill.</li> <li>• Steep gulches and ravines will be designated and protected as conservation lands.</li> <li>• Comply with Hawai'i County Code, Chapter 10 on Erosion and Sedimentary Control.</li> <li>• Project will follow Best Management Practices (BMPs) to minimize erosion and sedimentation during site preparation.</li> <li>• Continue to consult with Soil and Water Conservation District.</li> <li>• Prepare and implement a master drainage plan.</li> </ul>
Hydrology & Drainage	<ul style="list-style-type: none"> <li>• Continue to consult with Soil and Water Conservation District.</li> <li>• The master drainage plan will exceed 10- storm requirement and accommodate at least the 25-year storm.</li> <li>• Install and maintain grassed swales or other controls to manage and convey runoff generated from the internal roads.</li> </ul>

Impact	Proposed Mitigation Measures to Avoid, Rectify, or Reduce Impact
Hydrology & Drainage (continued)	<ul style="list-style-type: none"> <li>• Incorporate temporary and permanent BMPs for erosion control in grading plans</li> <li>• Divide site into multiple small drainage areas</li> <li>• Create retention/detention basins, cutoff ditches, and culverts to accommodate runoff generated by the project.</li> <li>• Develop watershed management system that incorporate managing water flow on lands adjacent to the stream.</li> </ul>
Air Quality & Noise	<ul style="list-style-type: none"> <li>• Coordinate with the Clean Air Branch</li> <li>• Coordinate with Indoor and Radiological Health Branch regarding noise permits, and establish best practices to minimize excessive noise</li> <li>• Comply with fugitive dust emissions regulations including HAR §11-60.1-33 and Chapter 10 of the Hawaii County Code (Erosion and Sedimentation Control)</li> </ul>
Biological Resources	<ul style="list-style-type: none"> <li>• Remove invasive species including albizia and strawberry guava as land is prepared for each project phase and offered for lease.</li> <li>• Create, widened, and/or maintain buffers along gulch edges, streams, and major tributaries to increase protection for waterway biota.</li> <li>• Developed master drainage plan to further identify and implement BMPs for erosion and runoff reduction</li> <li>• DHHL will provide an on-island agricultural extension agent to work with lessees on appropriate BMPs to minimize erosion and runoff.</li> <li>• DHHL will coordinate with DOH on the appropriate measures to comply Title 11, HAR, Chapter 11-26, "Vector Control"</li> <li>• DHHL will provide guidance to lessees and require contractors and DHHL staff to do the following: <ul style="list-style-type: none"> <li>- Avoid clearing vegetation that is taller than fifteen feet during Hawaiian hoary bat pupping season.</li> <li>- Use non-barbed fencing material Hawaiian hoary bats protection.</li> <li>- Restrict earthmoving or tree cutting during Hawaiian hawk breeding season. If earthmoving cannot be avoided, then a hawk nest search should be conducted by a qualified biologist prior to the start of these restricted activities. If this nest search discovers any in or near the project site, then all land clearing activity will cease until the end of the breeding season.</li> </ul> </li> </ul>

Impact	Proposed Mitigation Measures to Avoid, Rectify, or Reduce Impact
Biological Resources (continued)	<ul style="list-style-type: none"> <li>- Restrict nighttime construction lighting or unshielded equipment maintenance lighting use between the months of April and October to prevent potential impacts on nocturnal flying seabirds,</li> <li>- All permanent lighting will be shielded in compliance with the Hawai'i County Outdoor Lighting Ordinance.</li> </ul>
Seismic activity	<ul style="list-style-type: none"> <li>• All structures built on the site will meet County Building Code or be certified by a licensed structural engineer or architect as meeting industry standards for health and safety.</li> </ul>
Archaeological & Historic Resources	<ul style="list-style-type: none"> <li>• Continue consultation with SHPD.</li> <li>• Follow recommended strategies to mitigate impacts.</li> <li>• Designate gulches as conservation areas that are not to be developed.</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>• Should cultural or burial sites be identified during ground disturbance, all work will immediately cease, and the appropriate agencies notified pursuant to applicable law. Kūpuna and/or lineal descendants from the Project area will also be consulted to ensure proper cultural protocol are addressed.</li> <li>• Continue consultation with SHPD.</li> <li>• Conduct historic preservation work required prior to the development of the proposed Project.</li> <li>• DHHL will work with area residents to allow for access to traditional and customary practices. Streams and gulches will not be developed, and access may be negotiated.</li> <li>• Hunting will not be allowed within the project boundaries.</li> <li>• Access to the public hunting area mauka of the project will not be impeded.</li> <li>• DHHL will provide agriculture lessees opportunities to actively cultivate.</li> <li>• DHHL will provide an on-island agricultural extension agent to work with lessees agricultural methods, resource conservation practices, crop selection.</li> <li>• Assistance may also be sought from non-DHHL agricultural extension agents the local Soil and Water Conservation District, and non-profit entities, such as the Kohala Center.</li> <li>• Community members and organizations will continue to be briefed and consulted as the project design progresses.</li> </ul>

Impact	Proposed Mitigation Measures to Avoid, Rectify, or Reduce Impact
Visual Resources & Rural Character	<ul style="list-style-type: none"> <li>• A 100-foot wide open-space will be maintained along 'Akaka Falls Road</li> <li>• Conservation-designated lands will provide open space along the perimeter of most of the project site.</li> <li>• One third of land will be kept in conservation.</li> <li>• No high-rise buildings will be allowed.</li> <li>• Commercial uses will be tied to the activities and functions of the State Park.</li> <li>• Subsistence agriculture lots will be at least one acre in Honomū meeting State Agriculture Land Use District and exceeding the Rural State Land Use District guidelines.</li> </ul>
Traffic, Roadways	<ul style="list-style-type: none"> <li>• DHHL will develop internal road way system that meets health and safety standards will service all lots.</li> <li>• Existing roads, bridges, and culverts will be evaluated and prepared for re-use where possible.</li> <li>• Internal roads will be designed to rural standards and maintained by DHHL.</li> <li>• Site from 'Akaka Falls Road will be designed as four-way intersections, where practicable.</li> <li>• DHHL will design project to discourage parking within the HDOT right-of-ways.</li> <li>• Continue to coordinate with HDOT, DLNR-State Parks, and other relevant agencies regarding the installation of a left-turn lane in the northbound direction of Hawai'i Belt Road at Honomū Road.</li> <li>• Continue to coordinate State agencies on joint funding requests.</li> </ul>
Wastewater	<ul style="list-style-type: none"> <li>• Cesspools will not be allowed. Lessees residing on-property will be required to install DOH approved wastewater systems.</li> <li>• DHHL will coordinate with DOH on appropriate wastewater planning.</li> <li>• Should lessees in the Honomū Subsistence Agricultural Homestead Community determine that a community-accessible wastewater disposal facility is needed, construction of County and DOH compliant system(s) will be allowed.</li> <li>• Lessees that do not construct a residence will be allowed to construct of County and DOH compliant restroom facilities to service their agricultural lots.</li> </ul>
Solid Waste	<ul style="list-style-type: none"> <li>• CTAHR agricultural extension agents may be used to educate lessees on the benefits of composting and green waste management.</li> </ul>

Impact	Proposed Mitigation Measures to Avoid, Rectify, or Reduce Impact
Water Services	<ul style="list-style-type: none"> <li>• Lessees constructing homes on property will develop water catchment systems for and/or for supplemental irrigation needs and will not require connection to County water supply.</li> <li>• DHHL will coordinate with both the State Department of Land and Natural Resources and the County of Hawai'i update to the State Water Projects Plan and the County's Water Use and Development Plan, respectively.</li> </ul>
Power & Communications	<ul style="list-style-type: none"> <li>• Utility alignments within the Project transmission methods will be determined during the phased infrastructure improvements design.</li> <li>• Utility easements be granted to the respective utility companies for lawful use and maintenance rights.</li> </ul>
Public Service	<p><u>Police</u></p> <ul style="list-style-type: none"> <li>• Beneficiaries will be educated on agricultural theft risks and can work with the County of Hawai'i Police Department on deterrence.</li> </ul> <p><u>Fire</u></p> <ul style="list-style-type: none"> <li>• DHHL will work with County of Hawai'i Fire Department to ensure that Federal, State and County standards are incorporated to provide for access, level of service, and special circumstances, including requirements for areas utilizing water catchment systems.</li> </ul>
Socio-Economic	<ul style="list-style-type: none"> <li>• DHHL, under its Administrative Rules, is authorized to provide agricultural lots to beneficiaries.</li> <li>• DHHL strives to aid their beneficiaries in becoming an accepted part of the existing neighborhood and community.</li> <li>• DHHL plans on a very small Phase I consisting of only 15 lots to learn what features are appropriate for this area and incorporate into later phases.</li> <li>• Development of project will increase number of local residents positively impacting the size of the customer base of retail establishments in Honomū Village.</li> <li>• DHHL will provide much-needed opportunities for native Hawaiians on the Hawaii Island agriculture waitlist to obtain land for agriculture or agriculture and housing</li> </ul>

Impact	Proposed Mitigation Measures to Avoid, Rectify, or Reduce Impact
Socio-Economic (continued)	<ul style="list-style-type: none"> <li>• Population increases could impact the socio-economic conditions of the community. Socio-Economic Mitigation measures are also described in the impact sections titled               <ul style="list-style-type: none"> <li>- Archaeological and Historic Resources</li> <li>- Cultural Resources</li> <li>- Traffic, Roadways</li> <li>- Water Service</li> <li>- Wastewater</li> <li>- Public Service</li> <li>- Visual Resources &amp; Rural Character</li> </ul> </li> </ul>
Hazardous Materials	<ul style="list-style-type: none"> <li>• No evidence of recognized environmental conditions were found during the Phase I Environmental Site Assessment (ESA).</li> <li>• A Phase II ESA will be conducted to assess if surface and near surface soil has been impacted with arsenic containing pesticides, lead, and contaminants associated with the former historical dump sites and sugar cane production. If contamination is found DHHL will meet Department of Health requirements for future residential use.</li> </ul>

#### **SIGNIFICANCE CRITERIA EVALUATION**

Hawaii Administrative Rules (HAR) Section 11-200-12.2 establishes procedures for determining if an Environmental Impact Statement (EIS) should be prepared for a project, or if a Finding of No Significant Impact (FONSI) is warranted. HAR Section 11-200-12 lists 13 criteria to be used in making the determination. These 13 criteria were evaluated and are discussed below. None of the criteria were found to meet the threshold for significance. As such, a Finding of No Significant Impact determination is recommended for this project.

#### **1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;**

**Discussion:** A biological survey found no threatened or endangered plants or animals and few native species. However, streams and gulches are designated as conservation areas within the project, protecting native habitat. Additionally, DHHL lessees will be informed of the potential for native plants and animals, primarily birds, to inhabit and pass through the property. Proper protocol for managing such species will be developed with lessees.

The property was previously under intensive sugar cultivation and has since been used for farming and pasture, limiting the expectation of finding pre-Contact archaeological or cultural features, or significant

native habitats. An archaeological reconnaissance study found no pre-Contact features but did recognize historic features relating to sugar plantation infrastructure: plantation roads, culverts, and berms. While few archaeological features are still visible on-site, DHHL will work with the State Historic Preservation Division to develop an acceptable path forward for those plantation-era features that are determined to be historic in nature. Any additional features found during construction will similarly be referred to SHPD for proper compliance with regulatory requirements.

Interviews with kūpuna mentioned few native Hawaiian residents historically living in Honomū and the only cultural practices mentioned were pig hunting and gathering of 'ōpae in the streams. Hunting on the DHHL property will not be allowed but DHHL will not restrict access to the State public hunting area (Hilo Forest Reserve, Kaiwiki Section), located mauka of the site. The streams will be designated as conservation areas, protecting their biological integrity. Access to streams for cultural practices may be negotiated with the DHHL, lessees, and community association, if one is created.

## **2. Curtails the range of beneficial uses of the environment;**

**Discussion:** The Project seeks to provide a more beneficial use of the site by placing native Hawaiians on the land and by designating streams, gulches, and areas with the potential for native habitat restoration as conservation.

## **3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;**

**Discussion:** The purpose of the policy established by HRS Chapter 344 is to "encourage productive and enjoyable harmony between people and their environment, promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity, and enrich the understanding of the ecological systems and natural resources important to the people of Hawaii." This proposed project does not conflict with the state's long-term environmental policies or goals and guidelines.

Potential adverse impacts are associated with short-term construction activities that will be mitigated through compliance with regulatory guidelines and use of best management practices. In the long term, the Project conserves natural resources by protecting potentially sensitive environments on the property and provides an opportunity for native Hawaiians to improve their quality of life through agricultural subsistence.

**4. Substantially affects the economic or social welfare of the community or State;**

**Discussion:** The proposed project will be beneficial to the economy and social welfare of the state by providing opportunities for native Hawaiian beneficiaries to obtain low-cost leases for lots to engage in subsistence agriculture and to possibly reside. The lessees are expected to provide an additional customer base for the existing commercial businesses within Honomū Village and other nearby towns.

**5. Substantially affects public health;**

**Discussion:** The proposed project will have short-term construction-related impacts on noise and air quality, but they will be mitigated by compliance with Department of Health regulations. Wastewater disposal will be accommodated by individual wastewater disposal systems that are approved by the DOH.

Surface water runoff will comply with the County floodplain management regulations. Additionally, DHHL will work with the Soil and Water Conservation District to develop a master drainage plan to address runoff and erosion issues. DHHL is also providing an agricultural extension agent to work with its Hawai'i Island agricultural lessees on crop selection and agricultural practices on a long-term basis.

In response to comments from the State DOH, a Phase I Environmental Site Assessment

(ESA) was conducted to identify whether recognized environmental conditions exist in the project area. The Phase I ESA found no evidence of recognized environmental conditions in connection with the Property but concluded that future environmental work at the project site is warranted to assess if surface and near surface soil has been impacted with arsenic containing pesticides, lead, and contaminants associated with the former historical dump sites. DHHL is in the process of contracting for a next level environmental site assessment as recommended by the Phase I ESA and will coordinate with the State DOH as necessary to ensure the health and safety of its beneficiaries and the environment.

**6. Involves substantial secondary impacts, such as population changes or effects on public facilities;**

**Discussion:** The Project will increase the population of Honomū, and while DHHL asserts its authority under the Hawaiian Homes Commission Act to "enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians in the administration of this Act, and the preservation of the values, traditions, and culture of native Hawaiians," DHHL has mitigated impacts, as discussed below.

The Project anticipates a minimum parcel size of one acre, which is denser than the 20-acre minimum parcel size for the lands immediately surrounding the project site. However, DHHL has only designated 55% of the total project site to subsistence agriculture, with 33% of the land designated as conservation and open space, including a 100-foot wide open space buffer along most of 'Akaka Falls Road, to minimize impacts to Honomū's character. Additionally, the original concept of a 20-acre commercial area near 'Akaka Falls State Park was reduced to three acres in response to community feedback on the size of the previously designated area. Most of the commercial area is expected to be leased to the Division of State Parks which has requested additional land to expand the existing parking lot for 'Akaka Falls State Park, which regularly overflows. DHHL makes a commitment to seek commercial uses in that area that will be tied to the activities and functions of the State Park.

DHHL has the authority to create smaller agricultural lots, or even create a residential subdivision, providing more leases to beneficiaries on the agricultural or residential wait lists. However, DHHL has decided to create an agricultural subdivision with a minimum lot size of one acre, which is in agreement with the State Agriculture Land Use District [HRS §205-5 (b) (5)] designation assigned to these lands. This also exceeds guidelines for the Rural State Land Use District, which calls for "land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per half-acre and a minimum lot size of not less than one-half acre" [§HRS 205-2(a) (2)]. Lessees are not required to build a house on their lot. Based on other DHHL agricultural homesteads that have been in place for several decades, approximately 50 percent of agriculture lessees chose to build a residence on their lot. After seven years, all of the lessees, regardless of whether or not they ultimately reside in Honomū, will be required to pay property taxes on their lot, which will contribute toward public facilities and services.

Traffic improvements will be necessary and DHHL will work with the State DOT and County Department of Public Works to determine the appropriate mitigation necessary. Wastewater will be managed through DOH-approved individual wastewater systems so there will be no impact on public wastewater treatment facilities. Similarly, water will be supplied by individual catchment systems, so that the current County water system will not be impacted.

#### **7. Involves a substantial degradation of environmental quality;**

**Discussion:** Construction activities will cause some impacts to air quality, noise, and traffic in the area of the project, but these are temporary in nature and will be mitigated by best management practices in accordance with the State Department of Health, State Department of Transportation, and County of Hawai'i guidance.

Potential impacts to surface water and drainage will be mitigated by a master drainage plan that is being developed to minimize erosion and

manage runoff. DHHL will design its drainage features to accommodate, at a minimum, the 25-year storm, which is a higher standard than required by the County Code, which only requires developments to provide for the 10-year storm. Preliminary calculations estimate that an additional 1.67 cubic feet per second of runoff will need to be accommodated for every acre of the site.

DHHL is also providing an agricultural extension agent to work with its Hawai'i Island agricultural lessees on crop selection and agricultural practices on a long-term basis. Furthermore, roughly 30 percent of the project site will be dedicated to conservation to protect streams and drainageways and to provide areas for surface water detention/retention during high rainfall events.

**8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;**

**Discussion:** The project will reestablish farming on the property, which was previously an intensive large-scale sugar plantation. DHHL does not have any other projects in the vicinity and this project does not commit DHHL or others to additional actions.

**9. Substantially affects a rare, threatened, or endangered species, or its habitat;**

**Discussion:** Other than a pair of endangered Hawaiian hawks that were observed circling overhead, there are no known threatened or endangered species or associated habitats on or near the property. Even then, the stream gulches and southwestern corner of the property, which has the potential for native plant habitat restoration, is proposed for conservation. Additionally, best practices will be carried out to protect against potential impacts to the Hawaiian hoary bat, Hawaiian hawk, and seabirds that may fly over the property.

**10. Detrimentially affects air or water quality or ambient noise levels;**

**Discussion:** Construction activities will cause some impacts to air quality, noise, and surface water in the area of the project, but these are temporary in nature, will follow appropriate regulations, and will be mitigated by best management practices in accordance with State Department of Health and County of Hawai'i guidance. Potential impacts to surface water quality will be mitigated by a master drainage plan that is being developed to minimize erosion and manage runoff.

After construction, the Project is not expected to have a detrimental impact on air quality or noise levels. Noise levels are not expected to exceed Department of Health noise standards, but to minimize impacts, DHHL has designated conservation land and project buffers to provide open space between agricultural lots and most neighboring properties.

There may be a slight increase in impervious surface areas due to the construction of roads, houses, and community facilities. However, any additional runoff will be contained on-site through drainage features identified during the development of a master drainage plan. This master drainage plan will identify features and practices to minimize erosion. DHHL has an agricultural extension agent under contract to work with its Hawai'i Island agricultural lessees on agricultural practices on a long-term basis. The designation of Conservation lands around streams and major drainages, as well as Special District-designated lands, will also provide an additional buffer from runoff.

- 11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;**

**Discussion:** The Project is not located in an environmentally sensitive area. It is located outside of the flood plain, tsunami zone, beach area, geologically hazardous land, estuary and coastal water. While there are perennial streams that run through and near the property and there is the potential for some erosion on-site and in the gulches, a master drainage plan is being developed to manage both runoff and erosion. Conservation areas have also been designated around the gulches.

- 12. Substantially affects scenic vistas and view planes identified in county or state plans or studies; or,**

**Discussion:** The site is not located in an area that has been identified as a scenic view plane or area of natural beauty by the County or State and it contains no significant geographical points, such as pu'u. The area was previously under intensive sugar cultivation and is proposed for subsistence agriculture. Lessees may choose to build a house on their lots, but they will be restricted to single family homes. An open space buffer is proposed to shield views from most of 'Akaka Falls Road to the subsistence agricultural lots.

- 13. Requires substantial energy consumption.**

**Discussion:** The new agricultural activities and homes will increase energy consumption but is not anticipated to require substantial energy requirements when compared with other similar projects.

#### NEXT STEPS

Should the HHC approve the Final EA and declares a FONSI for the project in accordance with Hawaii Revised Statutes Chapter 343 and HAR 11-200, the following actions will need to be implemented to continue to move this project to the award process.

#### *Conceptual Plan and Environmental Review*

1. Request the HHC approve amending the Hawai'i Island Plan to revise Land Use designations in Honomū, Hawai'i. (Item G-2)

2. Submit Approved Final EA/FONSI to Office of Environmental Quality for publication in the November 8, 2019 issue of *The Environmental Notice*. The EA legal challenge period ends on Dec 9, 2019.
3. Continued coordination with various State and County agencies:
  - o State Department of Transportation - traffic mitigation and access points to the Project site.
  - o State Historic Preservation Division - ensure compliance with historic preservation laws.
  - o State Department of Health - wastewater disposal, and Environmental Health compliance.
  - o State Department and Land and Natural Resources- Actions relating to Akaka Falls.
  - o U.S. Department of Agriculture - rural development loans.
4. Prepare Lot Layout for Phase I.
5. Obtain required County permits & approvals, including subdivision approval, grading, and grubbing permits.
6. Continue to inform and communicate with the existing Honomū community regarding project implementation.
7. Implementation of Phase I is expected to begin in 2019. It will include about 15 subsistence agriculture lots on the northwestern portion of Parcel 11 (north tract, near 'Akaka Falls State Park). The number, timing, and size of each subsequent phase will depend upon engineering master planning, permits and approvals, construction financing, and infrastructure development. DHHL anticipates awarding all leases over the next decade, assuming the availability of sufficient funding for design and construction.

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission

Thru: Andrew H. Choy Acting Planning Program Manager *AC*

From: Malia M. Cox, Planner *M. Cox*

Subject: Amend Hawai'i Island Plan to apply Subsistence Agriculture, Supplemental Agriculture Community Use, Commercial Use, Special District and Conservation Land Use Designations to Honomū, Hawai'i; TMKs (3)2-8-011:009, 011, 019, and 999

**RECOMMENDED ACTIONS**

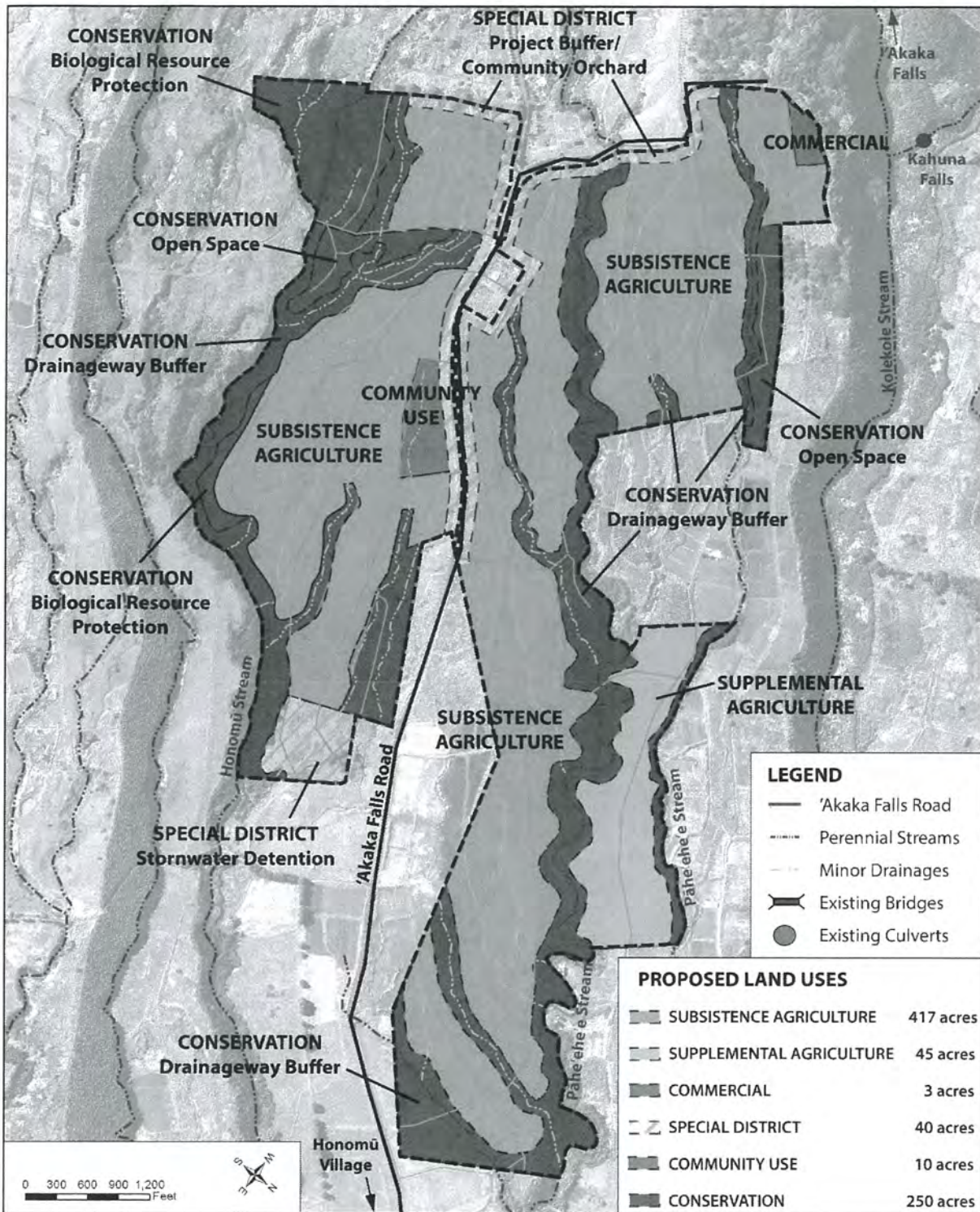
That the Hawaiian Homes Commission (HHC) approve an amendment to the Hawai'i Island plan (HIP) (2002) to apply Subsistence Agriculture, Supplemental Agriculture Community Use, Commercial Use, Special District and Conservation Land Use Designations to Honomū, Hawai'i; TMKs (3)2-8-011:009, 011, 019, and 999.

**DISCUSSION**

The land use designations for Honomū, approximately 766 acres in the HIP requires revision. This approval would amend land use designations from the existing Supplemental Agriculture and Special District designations to Subsistence Agriculture, Supplemental Agriculture Community Use, Commercial Use, Special District and Conservation Land Use to support the master planning efforts and DHHL's General Plan Goals. See *Figure G2.1 Proposed DHHL Hawai'i Island Plan Amendment*.

The HHC has been briefed on various components of the planning efforts in Honomū, Hawai'i twice times previously:

- October 2017, East Hawaii Regional Update (For HHC information);
- September 2018, a Draft Environmental Assessment (For HHC information);



### DHHL Planning Process

DHHL developed a three-tiered planning system to guide planning of its land holdings and policies for resource management, and for the benefit of current and future beneficiaries. The planning system includes an over-arching General Plan, followed by Strategic Program Plans and Island Plans, in the second tier and Regional and Development Plans in the third tier.

### DHHL General Plan, (adopted 2002)

The General Plan (Tier 1 of the Planning System) is a Statewide plan developed with a long-term perspective (20 years) that established seven categories of goals and objectives to meet DHHL's mission. These categories are Land Use Planning, Residential Uses, Agricultural and Pastoral Uses, Water Resource, Land Resource Management, Economic Development, and Building Healthy Communities.

On February 26, 2002, the Hawaiian Homes Commission approved a DHHL General Plan to provide comprehensive direction and guidance in implementation of the Hawaiian Homes Commission Act.

### Hawai'i Island Plan, (adopted 2002)

The island plans (Tier 2 of the Planning System) were developed to have a long-term perspective (around 20 years with an update every 10 years) and accomplish the following:

- Implement comprehensive General Plan goals and objectives
- Establish land use designations to encourage orderly social, physical, and economic development.
- Identify priority areas for homestead development.

The Hawaiian Homes Commission approved the Hawai'i Island Plan in May 2002. DHHL lands holdings on Hawai'i Island were divided into five regions, North, Central, East, South, and West as shown in *Figure G2.2- DHHL Hawai'i Island Regions*. The area of proposed revision to the land use designation is located within the East Hawai'i region and is identified as Honomū-Kuhua. The Hawai'i Island Plan further divides the East Hawai'i region into 11 smaller tracts of land. described in *Table G2-1, East Hawai'i Land Uses, 2002*, and shown in *Figure G2.3- DHHL Lands within East Hawai'i Region* below.

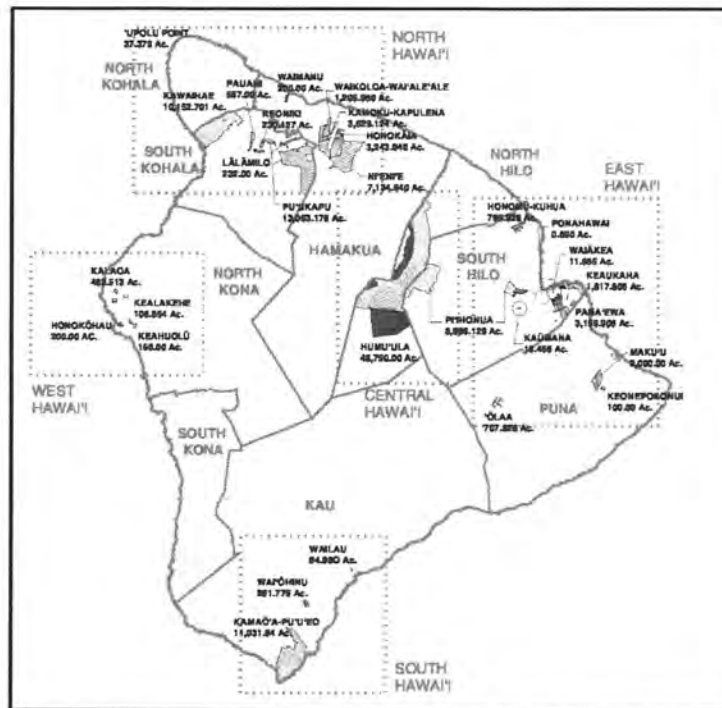


Figure G2. 2- DHHL Hawai'i Island Regions (Honomū is in East Hawai'i Region)

Table G2-1 East Hawai'i Land Uses, 2002

Area	Land Use
Keaukaha	Residential Homestead
	Community Use
	Special District
Kaūmana	Residential Homestead
Ponahawai	Residential Homestead
Pana'ewa	Residential Homestead
	Subsistence Agriculture Homestead
	Supplemental Agriculture Homestead
	Community Use
	General Agriculture
	Commercial
Waiākea	Industrial
	Commercial
Makai Maku'u	General Agriculture
Mauka Maku'u	Residential Homestead
	Subsistence Agriculture Homestead
	Supplemental Agriculture Homestead
	Community Use
	Commercial

Area	Land Use
Keonepoko Nui	General Agriculture
'Ōla'a	Pastoral Homestead
Lower Pi'ihonua	Residential Homestead
	Subsistence Agriculture Homestead
	General Agriculture
	Conservation
*Honomū-Kuhua*	Supplemental Agriculture
	Special District

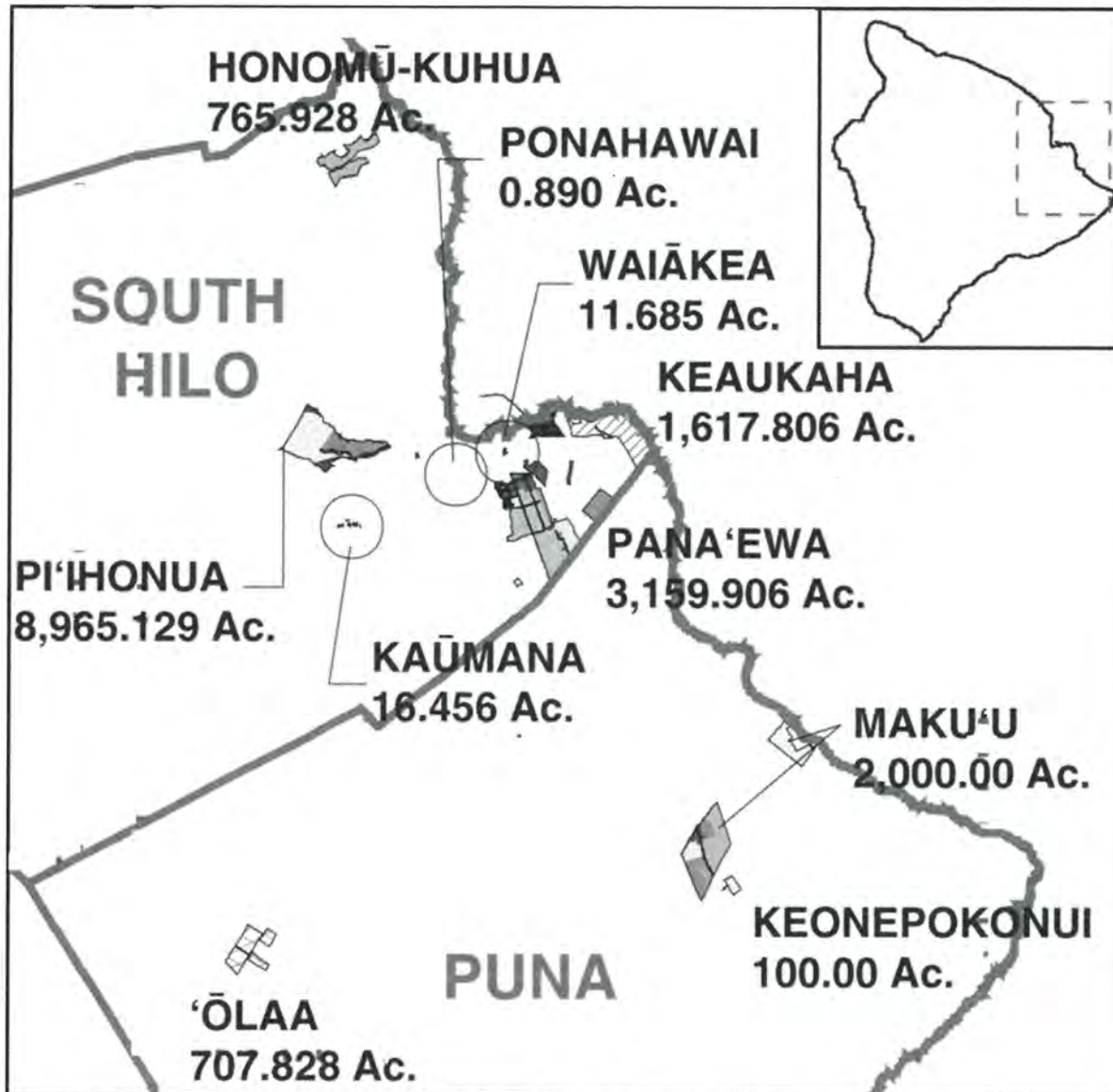


Figure G2.3 DHHL Lands within East Hawai'i Region

As described in the Hawai'i Island Plan, Honomū was identified as a low priority project. Detailed analysis of DHHL's land holdings on Hawai'i island was only conducted for areas identified as development priorities. As such, a majority of Honomū lands (approximately 756 acres) were designated as supplemental Agriculture with the remaining set aside for commercial.

#### Hawai'i Island Regional Plans

Regional Plans are part the third tier of DHHL's planning system. Regional plans have a short-term focus at the community/regional level. These plans apply the goals, policies and land use designations to specific geographic regions that have been at least partially developed. It is a mechanism for DHHL to affect development rather than reacting to actions by other organizations. On Hawai'i Island, DHHL has worked with local beneficiaries to develop eight regional plans, Kawaihae (2010), Waimea Nui, (2012), Kaūmana-Pi'ihonua (2017), Keaukaha (2010), Pana'ewa (2017), Maku'u (2010), Ka'ū Region (2012), and Kealakehe-La'i 'Ōpua (2009). No regional plan has been developed for DHHL's Honomū land-holdings.

#### Development Plan for Honomū Lands

Development Plans are also part the third tier of DHHL's planning system. The development plan is utilized as a planning tool for undeveloped areas and has a 10-year time frame. DHHL owns three parcels (TMKS (3)2-8-011:009, 011, 019, and 999) of undeveloped land in Honomū along both the north and south sides of Akaka Falls Road totaling approximately 766 acres. Currently these lands are designated for Special Use and General Agriculture uses.

Pursuant to DHHL's mission, land uses in Honomū were refined through the beneficiary consultation process. This ensures conformance with DHHL's Hawaii Island Plan. DHHL has engaged in beneficiary consultation activities regarding the planning efforts for the region since October 2017. Based on consultation efforts, DHHL beneficiaries indirectly/directly profit from consultation activities through land improvement, homesteading opportunities, and opportunities to pursue revenue generating through various lease/license instruments in Honomū.

DHHL engaged in a robust environmental, cultural, anthropogenic, and socio-economic review of the proposed Subsistence Agriculture Homestead Community plan for DHHL's 766 acres in Honomū as part of the State of Hawai'i's environmental review process. The HHC, DHHL beneficiaries as well as public,

and agency stakeholders had multiple opportunities for input during the development of the Environmental Assessment and associated documents.

Beneficiary, stakeholder and public outreach efforts undertaken include:

- October 24, 2018: Beneficiary and Community Meeting #3
- October 8, 2018: Publication of the Draft EA
- September 24-25, 2018: HHC Meeting/Workshop
- March 28, 2018: Community Meeting #2
- March 28, 2018: DHHL Beneficiary Meeting #2
- October 24, 2017: DHHL Beneficiary Meeting
- October 23, 2017: Community Meeting
- October 17, 2017: HHC Meeting/Workshop

Land use changes were identified during the planning process for Honomū. As such, a revision of the existing land uses identified in the Hawaii Island Plan is required.

#### Recommended Land Use Revisions to Amend Hawai'i Island Plan

DHHL is recommending amending the Hawai'i Island Plan land use designation for approximately 763 of 766 acres of land in Honomū, East Region, to align with proposed lands uses developed during the planning process. The land use designation revision will allow for DHHL to pursue the development of agricultural homesteads along with other community uses while creating visual buffers to maintain the look of the existing community. Currently the Hawai'i Island Plan has approximately 756 acres of land available for supplemental Agriculture in the Honomū. While supplemental agriculture is a homesteading land use, it is designed to provide additional acreage to existing lessees and is generally not available to applicants on the homestead waiting list.

The land use designation changes would convert 417 acres from the supplemental agriculture land use designation to the subsistence agriculture homesteads designation providing future homesteading opportunities for applicants on the agriculture waitlist. See *Table G2-3, Proposed land use designations for Honomū* below and *Figure G2.4 Comparison of Existing and Proposed Land Uses* for a comparison between the current land uses and the proposed land use revisions.

Table G2-3: Proposed land use designations for Honomū

Land Use Designation	Available for Homestead Use	Hawai'i Island Plan (2002) Acres	Proposed Hawai'i Island Plan Amendment Acres
Subsistence Agriculture	Yes	0	417
Supplemental Agriculture	Yes	756	45
Community Use	No*	0	10
Commercial Use	No	10	3
Special District	No	0	40
Conservation	No	0	250

\* While community use does not allow for direct homesteading by beneficiaries, it is available to support the proposed homesteading land uses in the region.

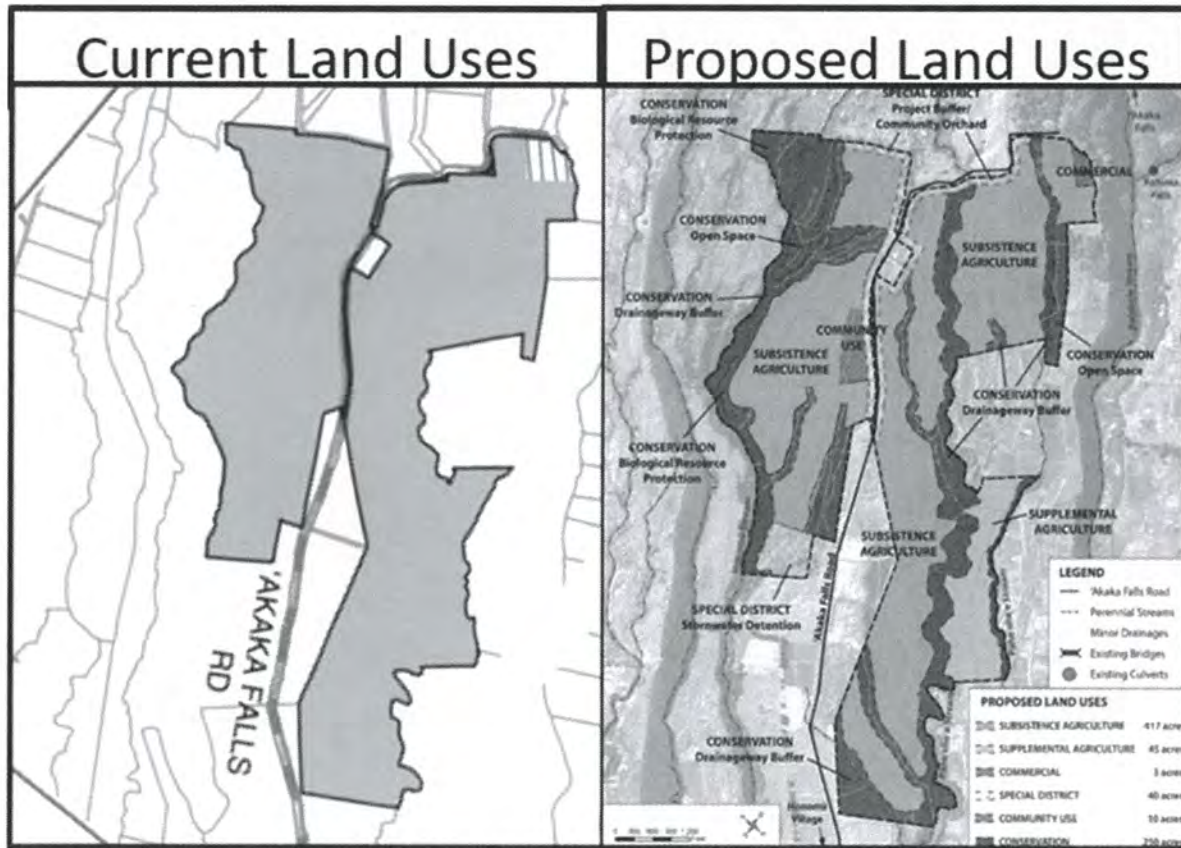


Figure G2. 4 Comparison of Existing and Proposed Land Uses

## Project Schedule

Since the Honomū project (information regarding draft EA) was last presented to the HHC in September 2018, several milestones have been met.

- October 24, 2018: Beneficiary and Community Meeting #3
- October 8, 2018: The Draft EA was published in *The Environmental Notice*

DHHL anticipates the conceptual planning and HRS Chapter 343 environmental review phase of this project will be completed in December 2019 with the approval of the Final EA by the HHC (October), transmittal of the FEA from DHHL to the Office of Environmental Quality Control in early November, and conclusion of the FEA 30-day challenge period in early December. Assuming no legal challenges during the 30-day period, the project will proceed to finalize the engineering and design for Phase I.

This is the first agriculture subdivision DHHL has developed in several decades. To ensure smooth development, phase 1 of development was purposely designed to be small to work through the process of designing for this site. Any lessons learned from this Phase I will inform the design and implementation of subsequent phases. Implementation of Phase I is expected to begin in 2020. It will include about 15 subsistence agriculture lots on the northwestern portion of Parcel 11 (north tract, near 'Akaka Falls State Park). The number, timing, and size of each phase will depend upon engineering master planning, permits and approvals, construction financing, and infrastructure development.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: E Halealoha Ayau, Water Resource Management Specialist

Through: Andrew Choy, Acting Planning Program Manager

Subject: Acceptance of Beneficiary Consultation Report on a Water Reservation Related to Kapāpala Ranch, Wood Valley Water & Farm Cooperative, Olson Trust, and Kuahiwi Contractors Request for Water Lease from DLNR, and Reauthorize the Chairman to Formally Request a Related Water Reservation from the Commission on Water Resource Management for Hawaiian Home Lands in the district of Ka'ū

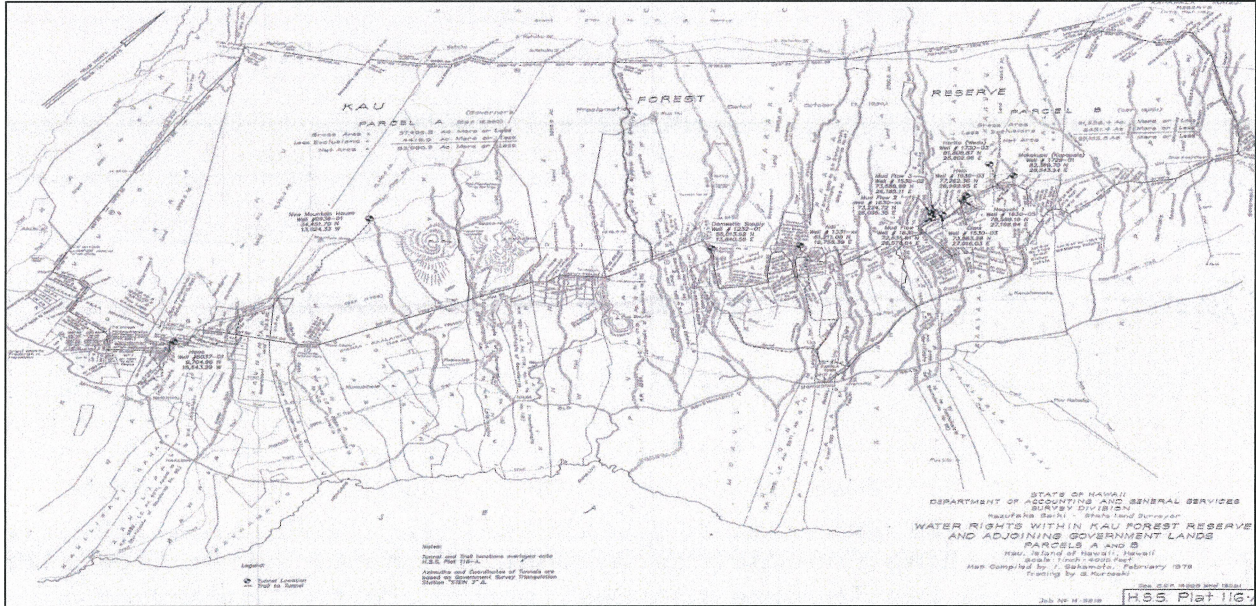
RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC):

1. Accept this Beneficiary Consultation Report as the official record of beneficiary questions, concerns and comments regarding the Kapāpala Ranch, Wood Valley Water & Farm Cooperative, Olson Trust, and Kuahiwi Contractors request for a long-term lease of water from the Mountain House and Hā'ao water systems and DHHL's proposed water reservation;
2. Authorize Chairman to formally request a water reservation from the Commission on Water Resource Management for Hawaiian Home Lands in the Ka'ū district of Hawai'i; and
3. Take other actions as necessary to effectuate these requests.

DISCUSSION

Revocable permit holders including Kapāpala Ranch, Wood Valley Water & Farm Cooperative, Olson Trust, and Kuahiwi Contractors are requesting conversion of their month-to-month revocable permits into long-term leases of water from various old plantations systems in Ka'ū that collect water from lands owned by the State. The following are brief descriptions of each revocable permit holder, as well as information on their systems, if available and provided to staff.



## Kapāpala Ranch

In 1848, yielding to pressure of Western ways, the lands of Hawai'i were divided in the Mahele. The ahupua'a of Kapāpala officially become the property of Kamehameha III and after his death in 1854 was passed to his heir, Kamehameha IV. In 1860 it was leased to W. H. Reed and C. Richardson for 17 years. Cattle had arrived in 1793 with Captain Vancouver and left to multiply. When Reed and Richardson acquired Kapāpala there were a reported 20,000 cattle on the island with only 8,000 considered domestic. A market for butter, cream, meat and hides was thriving in Hilo and Honolulu.

In 1883, Julian Monsarrat became manager of the ranch for the Hawaiian Agricultural Company who held Kapāpala for the next 99 years. Parker Ranch held the lease for a short time. In 1975, it was leased to Gordon Cran and is currently run by his daughter, Lani Cran Petrie. Petrie has contacted DHHL to inquire as to the Department's interest in its water lease.

## Wood Valley Water & Farm Cooperative

The basic Wood Valley water distribution pipe system was installed approximately 70 years ago. By the year 2000, after much encouragement from the EPA and the Hawaii Department of Health, a non-profit cooperative was formed, the Wood Valley Water and Farm Coop (WVWFC). A long, comprehensive and tedious process was begun to become a public water system (PWS).

Also, in 2000, additional lines were run to customers that needed water, and everyone that wanted water was provided a meter, a pressure regulator, and a backflow preventer was installed. A master meter was installed up at the tunnel source, a new dam/spillway was installed further back into the tunnel (with approval of the Department of Land and Natural Resources [DLNR]) to ensure water quality, and two heavy duty lockable security gates were installed to control access to the water source. Three years later, after monthly water tests and other efforts, WVVFC was awarded a public water system permit (PWS 166). At that time, the system had approximately 35 service connections (75 permanent residences). They are currently up to 40 connections and have mandated a service area of 2.2 square miles, approximately 1409.28 acres, and a ceiling of 50 hookups.

This waster system is fed by the Noguchi Tunnel, currently held under Revocable Permit (RP) S-7267. The tunnel was built by C. Brewer Company with the help of the United States Geological Survey (USGS) in the early 1900's. It has been, and remains, the only source of potable water in the Wood Valley area. The tunnel is filled by watershed rainwater seeping through thousands of feet of lava rock coming down the Eastern slopes of Mauna Loa above Wood Valley. They draw on a gravity fed perched aquifer with no pumps, no electric service and no chemicals used in the transfer of water from the tunnel to the homes in Wood Valley.

The WVVFC maintains aggressive upgrade, maintenance and conservation programs. In the last 4 years they have upgraded 80% of our system/s old pipes (70-year-old galvanized steel). All the pipe from the tunnel source to the valley floor has been upgraded and should not require additional work for the foreseeable future. The WVVFC has also instituted a tiered billing system to encourage water conservation and has contingency plans already in place for dealing with water shortages if the need arises. A "Strategic Plan" for PWS 166 was created in 2015 and a 188-page "Watershed Management Plan" for the Noguchi Tunnel was accepted by the WVVFC board in July 2017.

The WVVFC has three certified distribution water system operators (DSO) to maintain and operate the public water system through the Hawai'i Department of Health. They are from 3 of our 40 member households. Our membership contains many experienced persons who have been working on this water system for over 20 years. Our membership consists of retired engineers,

plumbers, draftsmen, accountants and farmers as well as good laborers who all volunteer to keep the WVVFC water flowing.

The WVVFC has no plans for making improvements or modifications to the existing tunnel. Their use has little impact on the land and no additional improvements are needed at this time. They intend to maintain the wellhead gate, pipe, meter and valves currently located there. This also ensures their compliance with the Safe Drinking Water Branch of the Department of Health for a public water system. There is no vehicle access to the tunnel so all repair parts and equipment must be carried to the site.

All of the designated service area is zoned agriculture. System customers have a wide range of agricultural practices including forestry (koa trees), coffee, cattle, sheep, flowers, greenhouse crops, tea and macadamia nuts. The vast majority of hookups also have homes.

Over the last few years, the system has averaged us of a bit more than 10,000 gallons per day with some days running closer to 20,000 gpd. This depends on changing farming practices and weather conditions. At this time, water usage is approximately 35% household and 65% agriculture. Due to the fact that the Coop has allowed for some future growth within our limited area and that weather and farming practices vary with time and conditions we don't expect to ever exceed 45-50,000 gpd of usage. The Noguchi Tunnel averages 850,000 to 1.2 million gpd outflow.

## Edmund C. Olson Trust



Edmund C. Olson Trust No. 2 System Overview - **Keaiwa Water System**

Revocable Permit 7432 states: "Development, diversion and use of water from Noguchi and other ancillary tunnels within the Ka'ū Forest Reserve that feeds the system that terminates at the Keaiwa Reservoir..." The waters are then transported by pipe systems to the agricultural fields below.

This System consists of Tunnels bored in the 1920's. Tunnels are several thousand feet long into the ash bed formations unique to Ka'ū. The ground water flows by gravity from the tunnels into a pipeline to the fields below. It is ground water, not surface water. None of the tunnel waters feed or support any streams. Water that is not used percolates back into the ground from which it came.

Former flumes and trestles installed by the Plantation have been replaced by the Trust with PVC pipes and new trestles. Extensive improvements have been made at the Trust's expense. Historically, the tunnel waters supported large scale plantation agriculture in Ka'ū. Today, agriculture and water uses are on a smaller scale, but both are expected to grow over time. Olson Trust applied for long term lease on August 9, 2016. The Trust is actively working to convert the Revocable Permit to a long-term lease.

The closest DHHL lands to the Keaiwa System are TMK 9-5-019:016, 64 acres, 6.5 miles from Keaiwa. There are no existing pipe systems that extend beyond the general region of Keaiwa. Future growth of coffee and macadamia orchards will increase future draw on water. Olson Trust is currently estimating that potential draw and/or range, as uses are dependent on the rainfall and irrigation demands of expansion crop acres grown.

### **Kuahiwi Contractors**

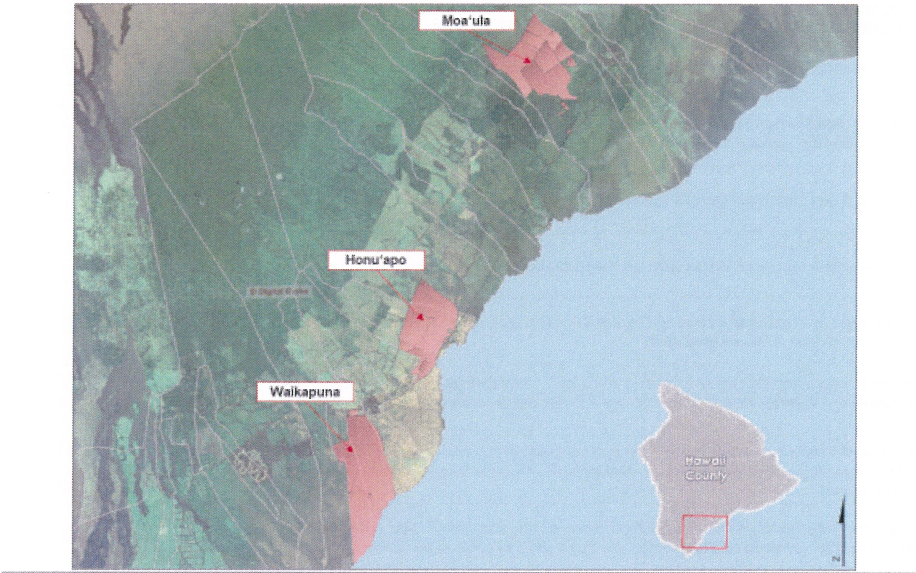
The Mountain House Overflow Water System is a non-potable, agricultural water from overflow of the County of Hawai'i DWS waterline that provides county water to Na'alehu, Wai'ōhinu, Discovery Harbor and South Point. Supply is variable (0-3 million gallons per month depending on source flow/drought conditions). The overflow valves are regulated by the County DWS.

The Mountain House Overflow Water System is located at Makino, Waiubata, Ka'alaiki, Hilea areas between Na'alehu and Pāhala and has been in place in its roughly current form since at least the 1970's. Ranchers inherited management of the system from the plantation in the 1990's and have held the Revocable Permit since the early 2000's. The system is run by a Cooperative of ranchers including Kuahiwi Ranch, MJ Andrade Ranch, Johansen Ranch, and Na'alehu Ranch; it also provides water to 'Aikane Coffee Farm and Ranch. This system previously provided water to the Honu'apo Park area. Each user is largely responsible for its own waterlines and storage and or backup systems (reservoirs, tanks or water hauling in times of drought). The RP is currently held by Kuahiwi and they applying for a water license under the name Mountain House Agricultural Water Cooperative.

### **Ka'ū Mahi**

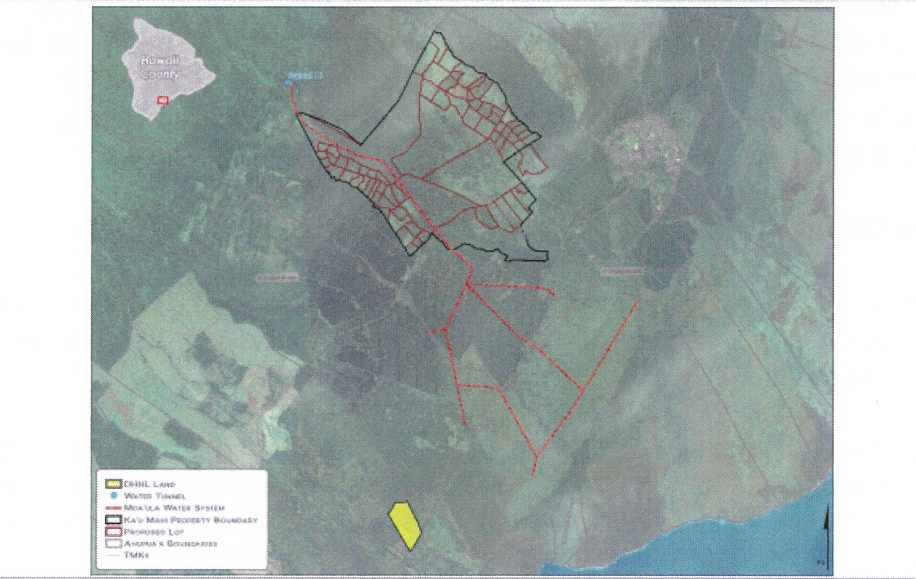
Ka'ū Mahi is a foreign limited liability company (LLC) incorporated on July 31, 2015 and is a branch of Ka'ū Mahi, LLC (registered in Colorado). This entity uses water from two tunnels in Ka'ū without a current disposition.

**Ka'ū Mahi | Aerial Map of Ka'ū Mahi Lands**



3

**Ka'ū Mahi | Moa'ula Water System Overview Map**



4

## Moa'ula Water System | History of Water Use

### History of Water Use from Moa'ula Tunnel (Tunnel 16)

Early 1900's	Several springs on slopes of Pu'u Kaunaka'ohu are tapped for fluming and domestic water use for Pahala Village.
1914	Territory of Hawai'i License #857 is granted for the construction of flumes and water transportation systems. A succession of licenses and State of Hawai'i revocable permits ("R.P.") continue from this point through 2005.
1922	W.O. Clark, a geologist with USGS, begins the boring of horizontal ash bed tunnels in the Ka'u District.
1926	Moa'ula tunnel is bored at the site of the spring and a 2,574-foot water tunnel is established.
1972	BLNR approves a water license to take and transport all water as referenced in R.P.S-4736 and License #3350 for public auction. C. Brewer & Company is the only qualified bidder for the revocable permit.
1974	DLNR administrator James Delour sends a letter to C. Brewer & Company stating that "the water lease has not been prepared yet, however, you are able to extract water and operate the system as per terms of R.P. 4736 and the conditions that were approved by BLNR on July 14, 1972."
1996 - 2005	Revocable permit 4736 remains in effect annually until C. Brewer & Company closes its plantation in 1996. From 1998 through 2005 portions of the water licenses are bifurcated from R.P. 4736 as new revocable permits to various users, i.e. Olson Trust, Wood Valley Water & Farming Co-op, Kapāpala Ranch.
2005 - 2019	Water use from Moa'ula Tunnel 16 never ceases despite the closure of the C. Brewer & Company plantation. Water system remains in place and services orchards, coffee farms, and pasture use to this current day. August 2016, Ka'u Mahi applies for a water lease.

5

### Current and Future Uses of Water by Ka'u Mahi

Current line includes a 200,000 gallons per day maximum draw. No changes to the system size or draw are anticipated, other than required elements as direct by BLNR lease. System will continue to service macadamia orchards, coffee farms, lower Moa'ula homesteads and Pasturage. Landowners on the system are Ka'u Mahi, Kamehameha Schools, Hawaiian Macadamia Orchard Services, State of Hawai'i, Private homesteads at Lower Moa'ula.

### State Water Leases Being Pursued by Applicants in Ka'u

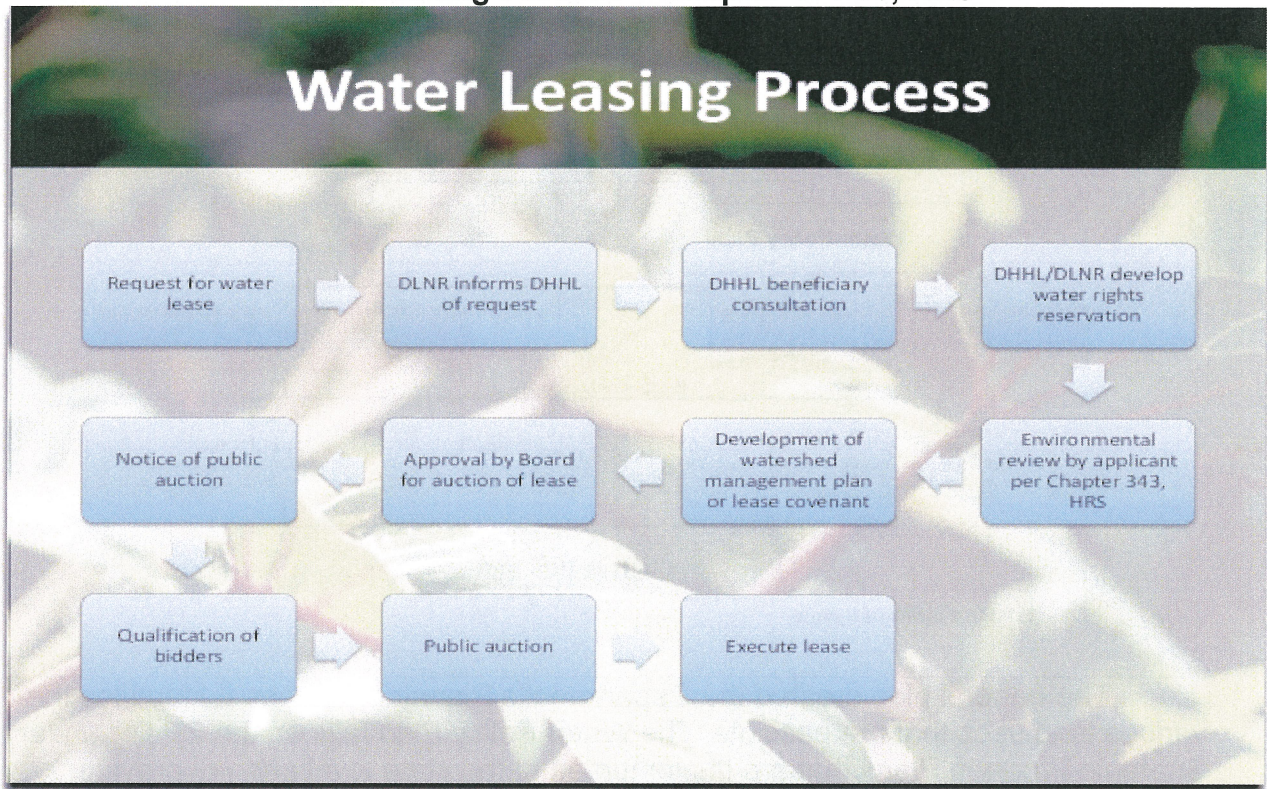
Kapāpala Ranch, Wood Valley Water & Farm Cooperative, Olson Trust, and Kuahiwi Contractors are pursuing State water leases as required by Chapter 171-58, Hawai'i Revised Statutes.

Along with DLNR, these parties have consulted with DHHL on how to best to consult with beneficiaries in order to meet the requirements of 171-58(g), which requires consultation with DHHL beneficiaries prior to DLNR issuing a lease. The first consultation took place in 2017 and a subsequent consultation occurred earlier this year.

These good faith efforts for consultation were intended to have the parties understand each other's respective needs within the context of Chapter 171-58, HRS which is still being clarified by the parties and which included an overview of the process, the need for consultation by the parties with the

beneficiaries of the Hawaiian Home Lands trust whom would be affected by the applications for water lease and for the DHHL to explain its water demands and needs in Ka'ū for purposes of its application for a water reservation for its lands.

### Water Leasing Process – Chapter 171-58, HRS



Source: *Beneficiary Consultation DLNR Presentation*

### DHHL's Future Water Needs and Interests

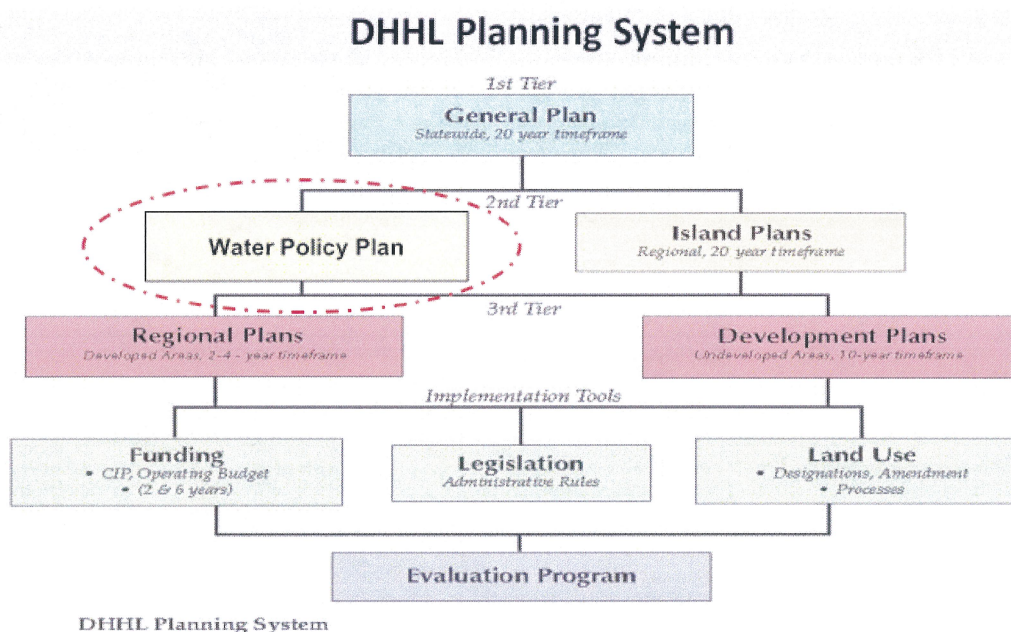
DHHL's future water needs for a proposed water reservation are calculated by considering the following sources: (1) DHHL General Plan & Planning System; (2) HHC Water Policy Plan & Hawai'i Island Plan; (3) Regional Plan; (4) State Water Projects Plan; and (5) Recent Water Commission Reservations.

In addition, DHHL Water Revocable Permit/Lease interests include reservations of water, revenue from water leases and traditional and customary practices related to water.

#### DHHL General Plan and Planning System

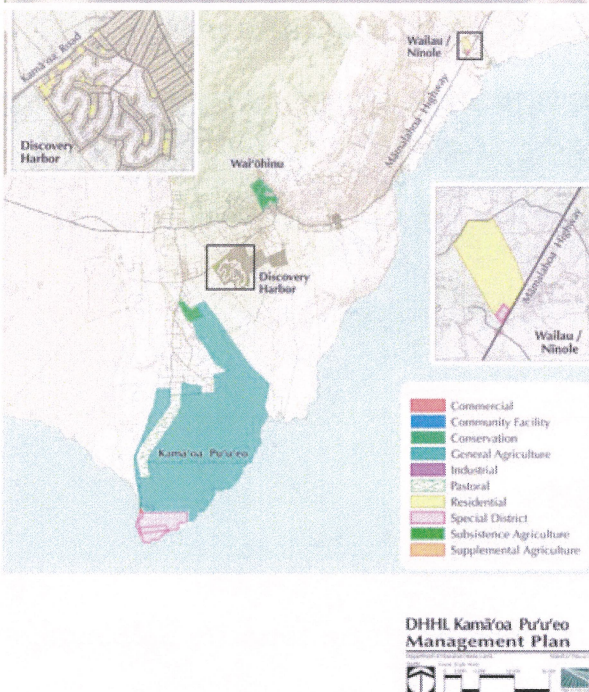
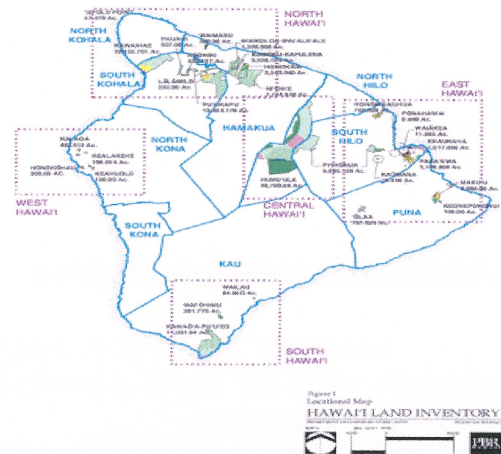
The general plan created the Department's Planning System. It identifies the various land uses that are possible. The Water

Policy Plan falls on the 2<sup>nd</sup> tier under Strategic Program Plans that are implemented at the state level and will provide guidance to plans and actions related to water. Policies ensure more than compliance with the law; they seek to reach the goals of law in a structured and consistent way.



The general plan created the Department's Planning System. It identifies the various land uses that are possible. The Water Policy Plan falls on the 2<sup>nd</sup> tier under Strategic Program Plans that are implemented at the state level and will provide guidance to plans and actions related to water. Policies ensure more than compliance with the law, they seek to reach the goals of law in a structured and consistent way.

The Hawai'i Island Plan (2002) involves land use designations for 116,963 acres on Hawai'i island. Different land uses have different water demands. The plan represents a 20-year projection.



## Ka`ū Tracts

- Wailau (Res)
- Discovery Harbor (Res)
- Wai`ōhinu (Ag)
- Kamā`oa Pu`u`eo

The Ka`ū Regional Plan was approved in 2012 and identifies as a Priority Project: Obtaining Additional Water for Homestead Lots in Pu`u`eo, Kamā`oa and Wai`ōhinu.

The State Water Projects Plan was approved by the Commission on Water Resource Management in May 2017 and represents a collaborative effort between CWRM and DHHL. It identifies DHHL water needs over the next 20 years. This Plan calculates water demands based upon the aforementioned DHHL Plans. It also notes where future number will be refined.

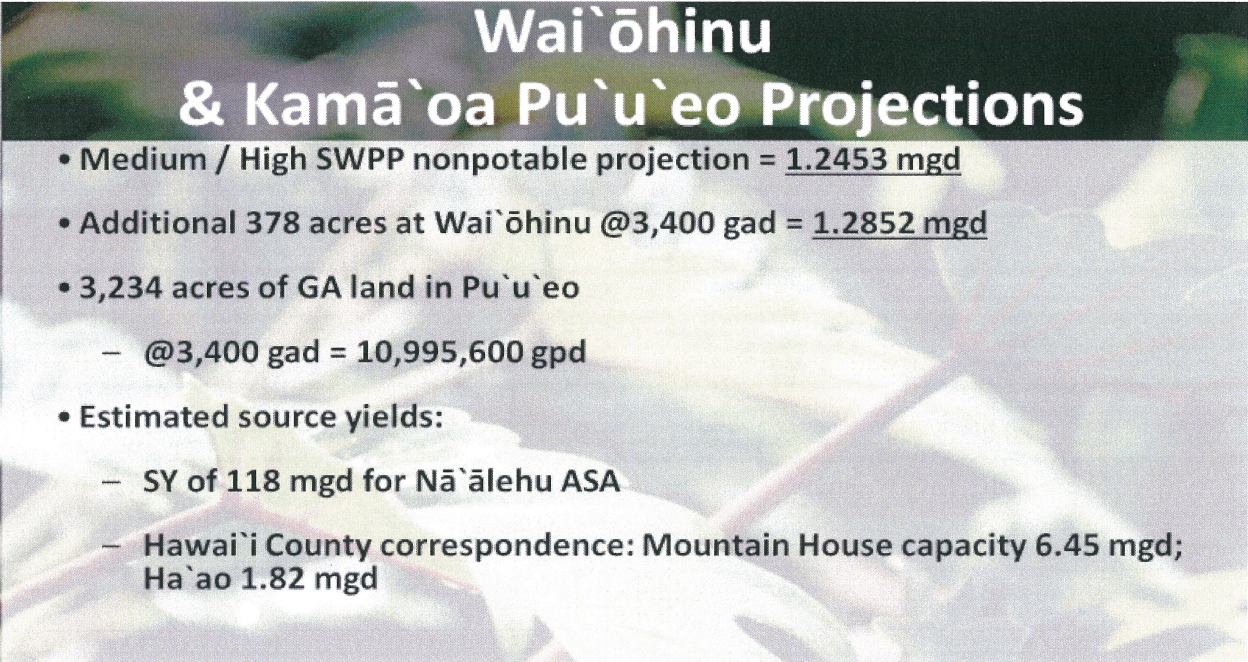
## Existing CWRM Reservations

In September 2018, CWRM reserved potable groundwater across Hawaii for the DHHL based on the State Water Projects Plan including a reservation of groundwater for future **potable** uses in the amount of 0.185 mgd from the Na'alehu Aquifer System Area.

## Additional Lands in Wai'ōhinu

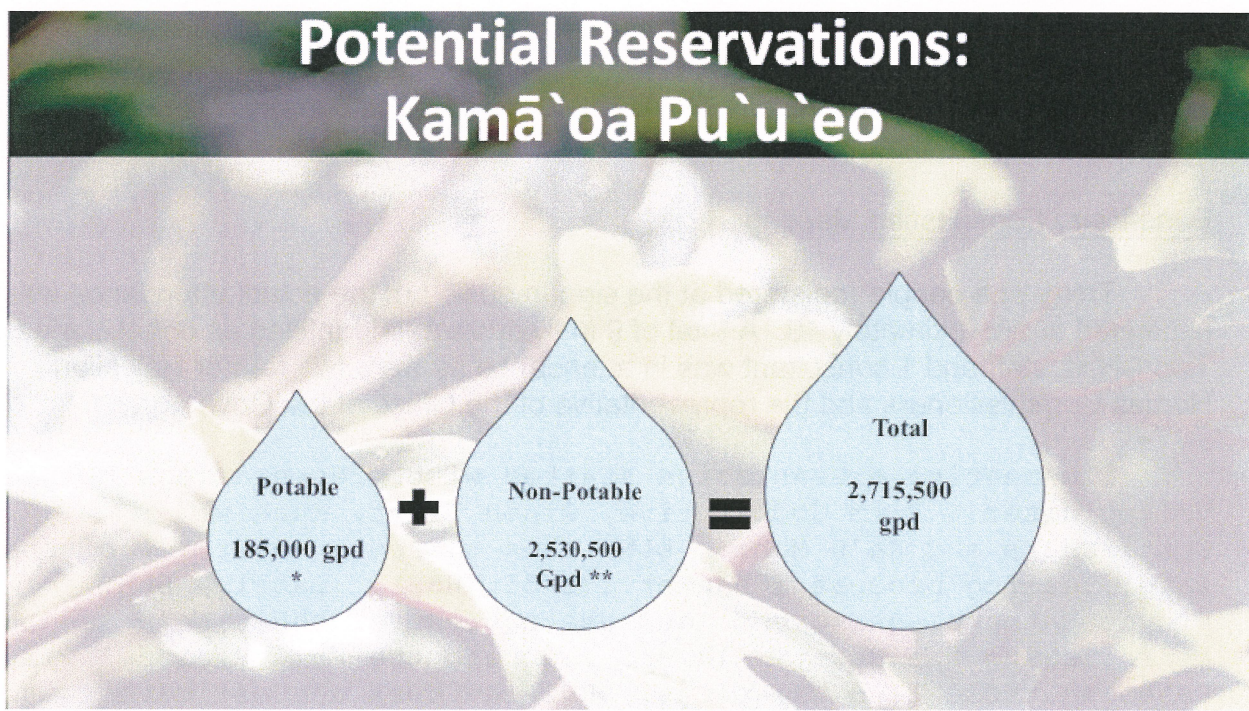
Another Priority Project which involved February 9, 2018 action of the BLNR involving 378 acres of land whose transfer to DHHL is pending.

## DHHL Water Demand Projections for Wai'ōhinu and Kamā'oa Pu'u'eo



**Wai'ōhinu  
& Kamā'oa Pu'u'eo Projections**

- Medium / High SWPP nonpotable projection = 1.2453 mgd
- Additional 378 acres at Wai'ōhinu @3,400 gad = 1.2852 mgd
- 3,234 acres of GA land in Pu'u'eo
  - @3,400 gad = 10,995,600 gpd
- Estimated source yields:
  - SY of 118 mgd for Nā'ālehu ASA
  - Hawai'i County correspondence: Mountain House capacity 6.45 mgd; Ha'ao 1.82 mgd



So the potential reservations for DHHL for Kamā`oa Pu`u`eo is 185,000 gpd of potable water which the Department already holds a reservation for and 2,530,500 gpd of non-potable water (based on new area plan) for a total potential reservation of 2,715,500 gpd.

## **BENEFICIARY CONSULTATION**

In order to meet the mandate of Chapter 171-58(g), HRS it was determined that a joint beneficiary consultation meeting with presentations by Kapāpala Ranch, Wood Valley Water & Farm Cooperative, Olson Trust, Kuahiwi Contractors, Ka`ū Mahi, DLNR, and DHHL would be required in order to submit a report of findings to the Hawaiian Homes Commission to ensure that beneficiary concerns are properly documented, compiled and reported.

### Notification

On July 31, 2019 DHHL mailed an invitation letter and map to 24 Ka`ū lessees, including 2 all residential and agricultural lessees, and 111 Hawai`i Island Wait List applicants who currently reside Ocean View, Pāhala and Na`alehu areas for a total of 135 invitation letters.

Beneficiaries were invited to attend a consultation meeting on Thursday August 22, 2019, from 6:00 pm to 8:00 pm at the Pāhala Community Center (96-1149 Kamani Street, Pāhala, HI 96777). This meeting was held in Ka`ū to share information on the

water needs of Kapāpala Ranch, Wood Valley Water & Farm Cooperative, Olson Trust, Kuahiwi Contractors and Ka'ū Mahi, and to get mana'o related to DHHL's water needs for lands at Ka'ū in order to make a water reservation as part of the process identified above.

### Beneficiary Consultation Meeting

Thirty-one people registered at the sign-in desk, but the actual attendance was estimated at approximately 40. A total of 9 individuals self-identified as beneficiaries. Two DHHL staff and 1 consultant was in attendance as were two former Hawaiian Homes Commissioners and the representative of the Office of the Governor.

The meeting presentation started with presentations by Wood Valley Water & Farm Cooperative, Olson Trust, Kuahiwi Contractors and Ka'ū Mahi. DLNR then shared an overview of the water leasing process (Chapter 171-58, HRS). Lastly, DHHL provided the planning and land use context of their Ka'ū lands by reviewing the Hawai'i Island Plan and the Ka'ū Regional Plan. Based on those land use plans, DHHL reviewed the estimated water demands for this area and a potential water reservation amount that is proposed to be requested from the CWRM

At the close of the presentation, the following questions were used to facilitate discussion and solicit feedback from beneficiaries:

- (1) Is the additional Reservation Request adequate?;
- (2) Are there any water needs that DHHL did not account for? What are they; and
- (3) Where should this water come from?

Meeting Notes, including questions and comments raised during the meeting, agenda, handouts, and a copy of the presentation are presented in Exhibit A.

The deadline to submit comments was September 23, 2019.

### Consultation Findings

The following summarizes information DHHL received from all sources, including questions and comments made during the Consultation meeting.

Q: Is the reservation request by DHHL adequate?

A: Yes, DHHL has no water now, this 2.5 MGD is adequate.

Q: Where/when did this number of 2.5 MGD reservation come from?

A: It came from the 2002 Island Plan and 2012 Regional Plan that identifies the demand (needs) for water in this area.

Commissioner Kalua (Retired): I want to help, my kids, grandkids, great grand kids and wait list. No more talk, let's move. Partnerships are needed, everybody coming together, better than nothing.

Q: If it turns out that 2.5 MGD is not adequate, how hard it is to get more water?

A: If later DHHL finds out the 2.5 MGD is not adequate, it's in the law, it says we can get water, even if it means taking it from others. This authority has yet to be exercised. It is in the interests of DHHL to ask for reasonable reservation of water based upon facts.

Q: Are these residential lots only for existing lessees?

A: We believe it is adequate water for existing and future lessees. This reservation is only intended to set aside the water, it does not involve or include distribution pipes, pumps, roads, etc.

Q: Is the 2.5 MGD reservation from all the sources?

A: No, only tied to Mountain House/Hā'ao Springs to Wai'ōhinu and Kamā'oa.

Q: Is source adequate in times of drought?

A: We believe our request is reasonable with improvements to storage (100,000 gal tank proposed for Phase I).

Q: Is there ways to get water during times of drought?

A: Yes, we believe so.

#### Unaccounted for Water Needs

Q: What water needs at Green Sands? Can generate a lot of \$\$ in that area. Ka'ū Association partnership with County - bathrooms, septic tanks.

Q: Does the residential requirements include fire protection?

A: We did not think of it. Infrastructure concerns: distribution mains need to be at least 6"- 8" in order for fire hydrants to be installed.

#### Staff Analysis

DHHL's potable and non-potable water demands for its lands at Wai'ōhinu and Kamā'oa, Ka'ū can be met by water from Mountain House/Hā'ao Springs. These sources should account for redundancy and potential climate change (i.e. utilize both rainfall and surface water for non-potable demands, not just one or the other).

Based on the approved plans and land uses by the Hawaiian Homes Commission, the water demands of 185,000 gpd of potable (already reserved based on SWPP, and not the regional plan) and 2,530,500 mgd of non-potable water is an adequate and foreseeable amount of water for future needs in DHHL's Ka'ū lands. There currently is no mechanism to base water demands and reservations on the number of applicants on the waitlist.

The lower Pi'ihonua reservation request was a "test site" for exercising DHHL rights to water. The State has never implemented Chapter 171-58(g) since its promulgation, so DHHL is working closely with both DLNR and Kapāpala Ranch, Wood Valley Water & Farm Cooperative, Olson Trust, Kuahiwi Contractors and Ka'ū Mahi in this water lease process to ensure that DHHL's rights to water are protected and that revenues generated from the water lease are meeting constitutional mandates. Similar processes with other permit to lease conversions will be forthcoming in the years to come, so aggressively asserting DHHL's rights to water is essential and a requirement per the HHC's Water Policy Plan 2014.

#### RECOMMENDED ACTION

DHHL staff respectfully requests approval as recommended.

#### LIST OF EXHIBITS

EXHIBIT A: Meeting Notes and Handouts

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

JOSH GREEN  
L.T. GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

July 31, 2019

Aloha Hawaiian Home Lands Beneficiaries,

The Department of Hawaiian Home Lands (DHHL) intends to request a water reservation from the Department of Land and Natural Resources and the Commission on Water Resource Management as part of a proposed water leasing process being pursued by Kuahiwi Contractors, Ka'ū Mahi, Wood Valley Water and Farm Co-Op, Ed Olson Trust and Kapāpala Ranch. The reserved water would serve potable uses for development on DHHL-owned lands at Kamā'oa-Pu'u'eo, Wailau, Wai'ōhinu, and Discovery Harbor on the island of Hawai'i. Specifically, DHHL intends to seek reservations from the Mountain House / Hā'ao Springs system for our 'āina at Kamā'oa-Pu'u'eo and Wai'ōhinu.


DHHL will be sharing information and accepting comments regarding the proposed water reservation requests at a Beneficiary Consultation Meeting on:

Thursday, August 22, 2019  
Pāhala Community Center  
96-1149 Kamani Street  
Pāhala, Hawai'i 96777  
**6:00 p.m. to 8:00 p.m.**

The Beneficiary Consultation Meeting will provide you with an opportunity to share your mana'o regarding the proposed water reservation request. Your comments will be presented to the Hawaiian Homes Commission to assist in their decision-making process. As a beneficiary on the island of Hawai'i, your input is important, and we encourage you to attend.

If you have any questions, please contact E. Halealoha Ayau, Water Resource Management Specialist at (808) 933-3272 or via email at [e.halealoha.ayau@hawaii.gov](mailto:e.halealoha.ayau@hawaii.gov).

Mahalo,

  
William J Ailā, Jr, Chairman  
Hawaiian Homes Commission



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Andrew H. Choy, Acting Planning Program Manager *AC*

Subject: Adoption of the Kealakehe- La'i 'Ōpua Regional Plan Update (2019), Kealakehe, North Kona, Hawaii

Recommended Action

That the Hawaiian Homes Commission:

1. Adopt the Kealakehe- La'i 'Ōpua Regional Plan Update (2019) (Exhibit A); and
2. Authorize dissemination of the Kealakehe- La'i 'Ōpua Regional Plan Update (2019).

Discussion

BACKGROUND

Regional plans build a sense of community and capacity, stimulate partnerships for development and improvements, facilitate beneficiary participation in issues and areas of concern, and identify priority projects within existing and planned homestead areas. The plan may focus on a particular homestead community or several homestead communities in the region. At a minimum, the regional plans document current conditions and trends and identify a prioritized list of projects important to the community and DHHL.

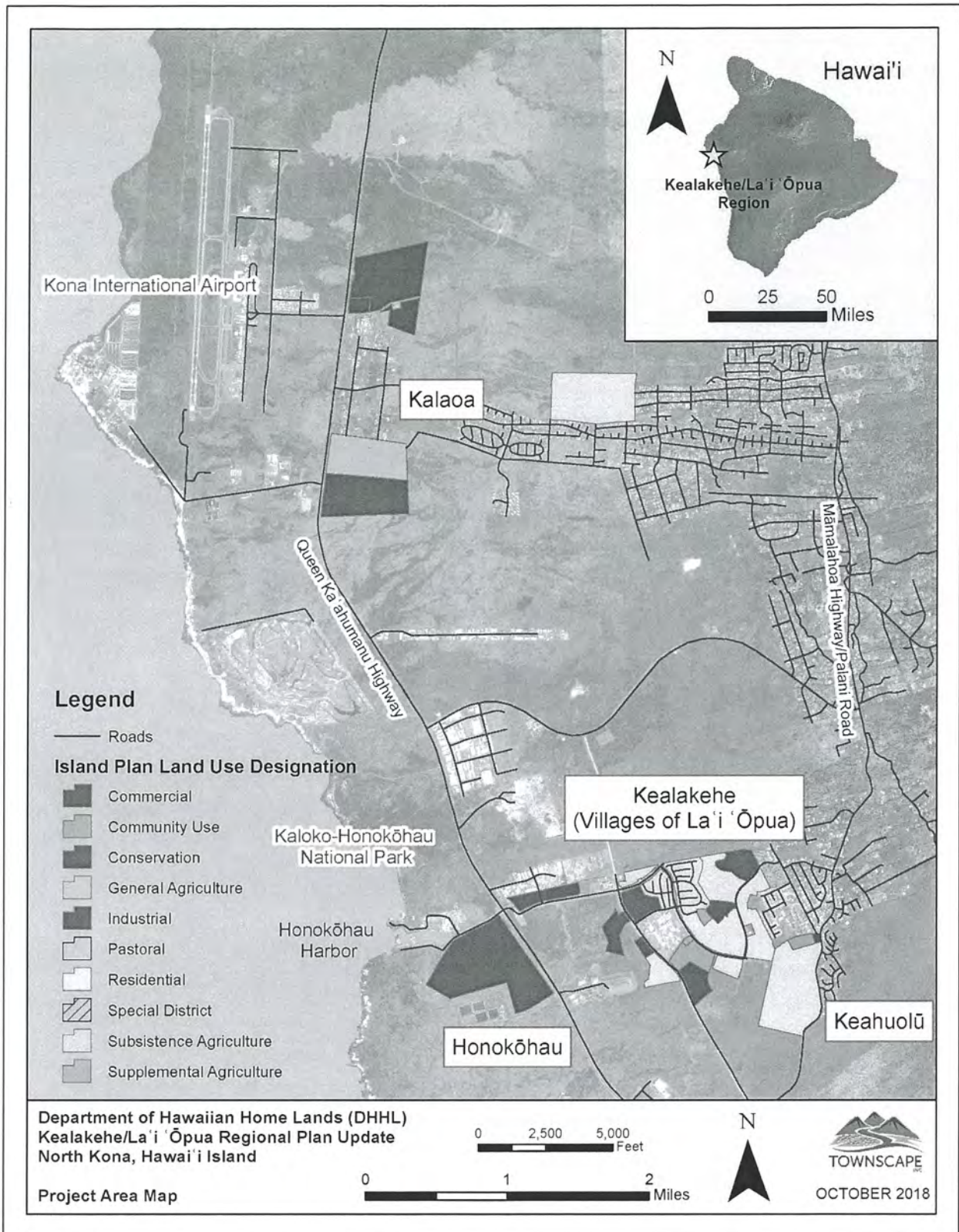
The Kealakehe/La'i 'Ōpua Planning Area is located in the North Kona District, island and County of Hawai'i. This region encompasses over 1,400 acres of lands owned by DHHL including the following tracts: Kealakehe (the Villages of La'i 'Ōpua), Kalaoa, Honokōhau and Keahuolū. The DHHL Island Plan land use designations include a mix of uses including residential homestead, community use, commercial use, conservation, industrial, and general agriculture. Table 1 summarizes the acreage amounts in each tract and acres corresponding DHHL land use designation. Figure 1 provides a

map illustrating the location of each tract and corresponding land use designations.

The first residential homestead awards were given out in 2000 in Kaniohale (Village 3). Subsequent awards for Village 5 have been given out since 2011 and are on-going. DHHL hopes to settle Village 4 in two phases over the next 3-5 years. Phase I Akau will be a rent-to-own project and Phase II Hema will be residential homestead awards. To date, there are approximately 500 residential homestead lessees in the region.

**Table 1**

<b>Land Use Designation</b>	<b>Kalaoa</b>	<b>Honokōhau</b>	<b>Kealakehe</b>	<b>Keahuolū</b>	<b>Total:</b>
Residential	129.613 acres	0.000 acres	261.135 acres	139.918 acres	<b>530.666 acres</b>
Community	0.000 acres	0.000 acres	33.396 acres	8.861 acres	<b>42.257 acres</b>
Commercial	151.252 acres	198.721 acres	51.536 acres	1.885 acres	<b>403.394 acres</b>
Conservation	0.000 acres	0.000 acres	95.650 acres	0.500 acres	<b>96.15 acres</b>
Industrial	104.184 acres	0.000 acres	0.000 acres	0.000 acres	<b>104.184 acres</b>
General Agriculture	95.236 acres	0.000 acres	0.000 acres	0.000 acres	<b>95.236 acres</b>
<b>Total:</b>	<b>480.285 acres</b>	<b>198.721 acres</b>	<b>441.717 acres</b>	<b>151.164 acres</b>	<b>1,271.887 acres</b>



**Figure 1**

Additional information and characteristics of the region including infrastructure, existing uses, and regional history can be found in Exhibit A.

The DHHL Kealakehe-La'i 'Ōpua Regional Plan was originally adopted by the HHC in 2009. The outlook of a regional plan is typically 3-5 years. Because it has been more than five years since the adoption of the plan and because several priority projects have been implemented or are in-progress, there was a need to re-evaluate and update the regional plan for Kealakehe- La'i 'Ōpua.

#### OUTREACH PROCESS & METHODOLOGY

To date, beneficiary consultation for this planning process began in January 2019. Two additional beneficiary consultation meetings were held in February 2019 and August 2019. In addition to conducting these meetings, DHHL staff and consultants met with the board of the Villages of La'i 'Ōpua Association prior to the first beneficiary consultation meeting to learn more about the associations' current initiatives and receive feedback from the associations on designing an outreach process and schedule.

A draft plan was completed in July 2019 based on those meetings and a summary presentation was made to the HHC for initial review and comment in July 2019 (See informational submittal Exhibit B). A beneficiary consultation meeting was conducted on the draft plan in August 2019. The draft plan was revised per beneficiary comment from the August 2019 meeting. Notes from each of these meetings can be found in the appendices of Exhibit A.

Table 2, on the following page, summarizes the planning process that has been completed to date:

Table 2: Planning Process Activities and Outcomes

Dates	Activity	Intended Outcome
October 2018	Met with VOLA Board.	Notify community association leaders about the upcoming regional plan process and get input and feedback on planning process and schedule.
January 2019	Beneficiary Consultation Meeting #1 January 10, 2019	Introduce the planning process and planning team to the community. Identify characteristics of a healthy and thriving native Hawaiian community and common vision.
February 2019	Beneficiary Consultation Meeting #2 February 27, 2019.	Identify potential projects to achieve vision and identify priorities from those potential projects.
August 2019	Beneficiary Consultation Meeting #3 August 7, 2019.	Receive beneficiary comment on draft plan and priority project implementation action-steps.

#### RESULTS OF THE OUTREACH & PLANNING PROCESS

Through the beneficiary consultation planning process, participants identified the following as characteristics of a healthy and thriving Kealakehe-La'i 'Ōpua region:

**Sense of Aloha.** A sense of aloha within this community means that the feeling is very inclusive, people show aloha through hospitality to each other, they welcome everyone, and demonstrate kindness to others. They have a lot of resources to share with the surrounding areas and visitors. And, the homesteaders recognize the blessing that it is to have homelands, and have great pride in their community.

**Strength of its people.** The people of the Kealakehe-La'i 'Ōpua community are one of its strongest resources. They dedicate themselves to working hard to achieve their goals. The leadership of the homestead is committed to the

advancement of the people of the community. Many of the success of the community are directly due to the hard work and dedication of the people.

**Self-sufficiency.** Economic, energy, and food self-sufficiency are key to providing for the future of the homestead. Establishing sources of revenue, spaces to grow and raise food, renewable energy initiatives, and water resources are pivotal in the continued success of the community.

**Pride in the place.** This community values the natural resources of the place. The natural beauty, open spaces, clean air and water, and access to the ocean and coastal resources are a part of what makes Kealakehe-La'i 'Ōpua special. Increasing the resources of this place to provide more social services and assistance, better education, and more job opportunities for the people will help to instill a long-lasting pride in this unique place.

**More homes for native Hawaiian families.** The Kealakehe-La'i 'Ōpua community sees a future with enough lands for all Hawaiian families, a lower blood quantum for beneficiaries, and more native Hawaiian families with homes on the homestead. Timeframes for people to get on the land are short. And, every lot is full to capacity.

#### *Draft Regional Plan Update*

As mentioned previously, a draft regional plan update was presented to the HHC in July 2019. Four priority projects were identified at that time and are as follows:

1. **North Kona Water Source Development** - A carry-over priority project from the 2009 regional plan, this project looks at potential partnerships with neighboring land owners to develop wells on their respective properties. New sources of water are needed for DHHL to proceed with new homestead development in the region and also for community-based economic development initiatives to move forward as well.
2. **Initiate Commercial Development of DHHL Lands Near Honokohau Harbor** - There is a 200 acre parcel of Hawaiian Home Lands located adjacent to the Honokohau small boat harbor that is currently designated by the DHHL Island Plan for commercial use. DHHL, L2020, and VOLA would like to see these lands developed for

commercial uses. However, based on community input during the planning process, there are differing perspectives as to who should develop the property. L2020 has strongly indicated that it would like to take the lead in developing the property.

3. **Establish a DHHL Kona District Office** - Beneficiaries would like to see a DHHL district office established in Kona for easier access to services. The nearest district office is in Waimea and is an hour-drive away from Kealahou.
4. **Develop a Photovoltaic Farm in Ooma.** This project would be located on DHHL Kalaoa lands. Like the Honokohau project, L2020 would like to take the lead in developing this solar farm with the intent to sell the power to HELCO.
5. **Provide Homesteading Opportunities for "Gap Group" Beneficiaries.** Based on feedback during the beneficiary consultation meetings, participants would like DHHL to provide homestead opportunities to beneficiaries who fall in the "gap group" i.e. beneficiary families have too much income to qualify for HUD financed homes or low income tax credit financed housing but not enough income to own a home in the private sector off of DHHL land.

#### *Final Regional Plan Update*

As previously mentioned, DHHL conducted beneficiary consultation meetings in August 2019 to get feedback and input on the draft regional plan update. Based on beneficiary comments at this meeting, the following substantive revisions were made to the final updated regional plan:

- **Amended Section 8.2 "Address 'Gap Group' Beneficiaries not Served by Village 4 Rent-to-Own Project".** The Village 4 Rent-to-Own Project is projected to serve beneficiaries who earn 60% or less of the area median income. Comments were made at the meeting that DHHL should clarify what the area median income is in the plan so that beneficiaries have a better understanding of who could qualify for the rent-to-own project. Additional data related to area median income was incorporated per this comment.

Beneficiaries commented that the timeline for Village 4 Phase I and Phase II project implementation should be included in this plan. The plan was revised to note that home construction is anticipated to commence in 2020 and that engineering design work is in progress for approximately 125 lots.

Beneficiaries also wanted clarification on the source of funding for Village 4 Phase I and II. Information on sources of funding for Phase I and II were added to this section of the plan. For Phase I Rent-to-Own project, possible funding include Low Income Housing Tax Credits, and the state Rental Housing trust Fund. For Phase II Hema, USDA loan and grant funding will be used for \$2.759 M for infrastructure. But additional funding for project implementation will also be sought from the Legislature in 2020.

- **Amended Section 6.2 "County Wastewater System" and 6.4 "Proposed County Future Infrastructure".** A beneficiary commented that more information related to the existing wastewater system should be added including existing capacity of the county system. Additional information related to the wastewater system was added.

#### RECOMMENDED ACTION

That the Hawaiian Homes Commission approve these recommended action as stated.

ITEM G-4  
OCTOBER 21-22, 2019  
HHC MEETING

EXHIBIT A

KEALAKEHE-LAIOPUA REGIONAL PLAN UPDATE  
2019

GO TO:

<https://dhhhl.hawaii.gov/kealakehe-laiopua-regional-plan-update-2019/>

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

July 15-16, 2019

To: Chairman and Members, Hawaiian Homes Commission  
From: Andrew H. Choy, Acting Planning Program Manager *AC*  
Subject: For Information Only - Kealakehe-La'i'Ōpua  
Regional Plan Update

Recommended Action

None. For information only.

Discussion

PURPOSE

The purpose of this informational briefing is to update the Hawaiian Homes Commission (HHC) on the status of the Department of Hawaiian Home Lands (DHHL) update of the Kealakehe-La'i'Ōpua Regional Plan on the island of Hawai'i.

BACKGROUND

Regional plans build a sense of community and capacity, stimulate partnerships for development and improvements, facilitate beneficiary participation in issues and areas of concern, and identify priority projects within existing and planned homestead areas. The plan may focus on a particular homestead community or several homestead communities in the region. At a minimum, the regional plans document current conditions and trends and identify a prioritized list of projects important to the community and the DHHL.

The DHHL Kealakehe-La'i'Ōpua Regional Plan was adopted by the HHC in 2009. The outlook of a regional plan is typically 3-5 years. Because it has been more than five years since the adoption of the plan and because several priority projects have been implemented or are in-progress,

there is a need to re-evaluate and update the regional plan for the Kealahou region in North Kona. DHHL initiated the process to update the regional plan in \_\_\_\_ of 2018. Subsequent consultation meetings with beneficiaries in the North Kona region were conducted. A draft plan will be completed by August 2019 based on those meetings (See Exhibit A).

#### OUTREACH PROCESS & METHODOLOGY

To date, this planning process began in October of 2018. DHHL staff met with the board of the Villages of La'i'Ōpua Association (VOLA) to get their input on a planning process and schedule that would work for their community. Subsequent to that meeting and based on their input, two beneficiary consultation meetings were held in January 2019 and February 2019.

Table 1 highlights the following plan activities that were completed to date:

Table 1: Beneficiary Consultation Activities and Outcomes

Dates	Activity	Intended Outcome
October 2018	Met with VOLA Board.	Notify community association leaders about the upcoming regional plan process and get input and feedback on planning process and schedule.
January 2019	Beneficiary Consultation Meeting #1 January __, 2019	Introduce the planning process and planning team to the community. Identify characteristics of a healthy and thriving native Hawaiian community and common vision.
February 2019	Beneficiary Consultation Meeting #2 February __, 2019.	Identify potential projects to achieve vision and identify priorities from those potential projects.
August 2019	Beneficiary Consultation Meeting #3 to be held August 7, 2019.	Get feedback on draft plan and priority project implementation action-steps

## *Results of Beneficiary Consultation to Date*

Through the beneficiary consultation planning process, participants identified the following as characteristics of a healthy and thriving Kealakehe-La'i'Ōpua homestead community:

### **Hawaiian community**

A Hawaiian community is a community with a prevalent native culture. Cultural practices such as fishing, working lo'i, crafts, 'ōlelo are of great value. The future of the region should include having a large cultural umbrella that extends over the homestead and into surrounding areas. Cultural needs should be incorporated into the spaces throughout the homestead, from the houses to the community spaces and beyond.

### **Sense of Aloha**

A sense of aloha within this community means that the feeling is very inclusive, people show aloha through hospitality to each other, they welcome everyone, and demonstrate kindness to others. They have a lot of resources to share with the surrounding areas and visitors. And, the homesteaders recognize the blessing that they have to have home lands, and have great pride in their community.

### **Strength of its people**

The people of the Kealakehe-La'i'Ōpua community are one of its strongest resources. They dedicate themselves to working hard to achieve their goals. The leadership of the homestead is committed to the advancement of the people of the community. Many of the success of the community are directly due to the hard work and dedication of the people.

### **Self-sufficiency**

Economic, energy, and food self-sufficiency are key to providing for the future of the homestead. Establishing sources of revenue, spaces to grow and raise food, renewable energy initiatives, and water resources are pivotal in the continued success of the community.

### **Pride in the place**

This community values the natural resources of the place. The natural beauty, open spaces, clean air and water, and access to the ocean and coastal resources are a part of

what makes Kealakehe-La'i 'Ōpua special. Increasing the resources of this place to provide more social services and assistance, better education, and more job opportunities for the people will help to instill a long-lasting pride in this unique place.

#### **More homes for native Hawaiian families**

The Kealakehe-La'i 'Ōpua community sees a future with enough lands for all Hawaiian families, a lower blood quantum for beneficiaries, and more native Hawaiian families with homes on the homestead. Timeframes for people to get on the land are short. And, every lot is full to capacity.

#### PRIORITY PROJECT RECOMMENDATIONS

Based on the above characteristics and subsequent discussions with beneficiaries, priority projects were identified based on the community's vision and guiding principles. The priority projects identified are as follows:

1. **North Kona Water Source Development** - A carry-over priority project from the 2009 regional plan, this project looks at potential partnerships with neighboring land owners to develop wells on their respective properties. New sources of water are needed for DHHL to proceed with new homestead development in the region and also for community-based economic development initiatives to move forward as well.
2. **Initiate Commercial Development of DHHL Lands Near Honokohau Harbor** - There is a 200 acre parcel of Hawaiian Home Lands located adjacent to the Honokohau small boat harbor that is currently designated by the DHHL Island Plan for commercial use. DHHL, L2020, and VOLA would like to see these lands developed for commercial uses. However, based on community input during the planning process, there are differing perspectives as to who should develop the property. L2020 has strongly indicated that it would like to take the lead in developing the property.
3. **Establish a DHHL Kona District Office** - Beneficiaries would like to see a DHHL district office established

in Kona for easier access to services. The nearest district office is in Waimea and is an hour-drive away from Kealahou.

4. **Develop a Photovoltaic Farm in Ooma.** This project would be located on DHHL Kalaoa lands. Like the Honokohau project, L2020 would like to take the lead in developing this solar farm with the intent to sell the power to HELCO.
5. **Provide Homesteading Opportunities for "Gap Group" Beneficiaries.** Based on feedback during the beneficiary consultation meetings, participants would like DHHL to provide homestead opportunities to beneficiaries who fall in the "gap group" i.e. beneficiary families have too much income to qualify for HUD financed homes or low income tax credit financed housing but not enough income to own a home in the private sector off of DHHL land.

A more thorough description of these priority projects will be found in the forthcoming draft plan that will be available on the DHHL website:

<https://dhhl.hawaii.gov/kealahou-laiopua-regional-plan-update-2019/>

#### NEXT STEPS FOR PANA'EWA REGIONAL PLAN UPDATE COMPLETION

- Finalize a draft regional plan for review;
- Conduct third beneficiary consultation meeting scheduled for August 7, 2019 to get beneficiary input and comments on draft regional plan;
- Revise draft plan per comments received at third beneficiary consultation meeting and finalize plan;
- Seek HHC approval of plan at the October 2019 HHC meeting in Hilo, Hawai'i.

#### RECOMMENDED ACTION

None; For information only.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 21-22, 2019

To: Chairman and Members, Hawaiian Homes Commission  
From: Andrew H. Choy, Acting Planning Program Manager *AC*  
Subject: For Information Only -- East Hawaii Regional Update  
to the Hawaiian Homes Commission

Recommended Action

For information only. No action required.

Background

Per the directive of the Chairman, 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 prior policies and/or plans specific to that previously adopted by the HHC specific to that particular geographic region.

A status report of DHHL's progress in implementing these policies/plans is also included for the HHC's consideration.

For October 2019, Planning Office will be providing an update to the HHC for East Hawaii.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

Hawaii Island Plan Policies Related to East Hawaii.

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 Hawaii Island Plan was

adopted by the HHC in 2002. The 2002 Hawaii Island Plan delineated five planning regions on Hawaii Island, North, East, South, West, and Central. (see maps, Exhibit A). For the purposes of this informational submittal, Planning Office will be focusing on the lands in the East and South regions.

Land Use Designation	Acres	Percent of Total
Residential	1,001	4.5%
Subsistence Agriculture	1,968	9.1%
Supplemental Agriculture	3,019	13.8%
Pastoral	7,832	35.7%
Community Use	90	0.4%
General Agriculture	4,970	22.7%
Commercial	346	1.5%
Industrial	364	1.6%
Conservation	240	1.2%
Special District	2,058	9.5%
TOTAL	21,888	100%

#### Hawaii Island Plan Implementation Status

The Hawaii Island Plan identified seven priority tracts for homestead development across the entire island. The priority tracts were further broken down into two development phases, a Phase I (priority) and Phase II. In the East and South Region, only the Lower Piihonua tract was identified as a Phase I priority for new homestead development. The Panaewa tract in the East Region and the Wailau tract in the South region were identified as Phase II priorities for new homestead development.

DHHL has initiated the planning and development process for new agriculture homesteads in its Honomu Tract in 2017. A Honomu Master Plan & EA is expected to be completed in 2019. Staff is requesting HHC approval of the Honomu EA and a Finding of No Significant Impact at this October 2019 HHC meeting (Item G-1). The Island Plan designated Honomu for supplemental agriculture. However, the master plan is also looking at the feasibility of subsistence agriculture lots as well as community, commercial, conversation and special district type uses. At this October 2019 Hawaiian Homes Commission meeting, staff is also requesting HHC approval to amend the Hawaii Island Plan land use designation for the DHHL

Honomu tract (Item G-2). The original designation in the 2002 Hawaii Island Plan for the Honomu tract was Supplemental Agriculture (756 acres). Staff is requesting the HHC to amend the land use designation for the Honomu tract from Supplemental Agriculture to a mix of land use designations including Subsistence Agriculture (417 acres), Community Use (10 acres), Conservation (250 acres), Commercial (3 acres) and Special District use (40 acres).

Completion of engineering, design, and actual award of lots to waitlist applicants was originally anticipated in 2019. However, that timeframe for completion is now second quarter of 2020 as staff had to adequately address concerns of comments received during the EA process (described in more detail in Item G-1.)

#### DHHL Regional Plans Implementation Status

There are five DHHL regional plans in the East Hawaii region. The implementation status of each of these plans is described below.

##### *Keaukaha Regional Plan*

The Keaukaha Regional Plan was adopted by the HHC in December, 2010. Outreach with beneficiaries in the region through the planning process identified one priority project, the Keaukaha Hawaiian Community Pavilion.

##### *Makuu Regional Plan*

The Makuu Regional Plan was adopted by the HHC in December, 2010. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Makuu Farmers' Association Community Center
- (2) Makuu Offsite Water System Phase 2
- (3) Sustainability & Renewable Energy Initiatives
- (4) Farm Plans, Capacity Building & Promotion of Agriculture
- (5) Lease Enforcement Provisions

### *Panaewa Regional Plan*

The Panaewa Regional Plan Update was adopted by the HHC in January, 2017. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Project Kamoleao (12-acre community parcel)
- (2) Panaewa Park & Family Center Management
- (3) Agricultural Capacity Building - Marketing & Training Center
- (4) Traffic Calming & Safety Improvements on Railroad Avenue and Auwae Avenue
- (5) Hawaii Island Plan Update for East Hawaii

### *Kau Regional Plan*

The Kau Regional Plan was adopted by the HHC in May 2012. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Create a Kau Homestead Community Association
- (2) Obtain Additional Water for Homestead Lots in Kamaoa, Puueo, and Waiohinu
- (3) Protect and Preserve Cultural Sites & Natural Resources in Kamaoa
- (4) Agriculture Homestead Leases at Waiohinu and Pursue Partnership with DLNR for Hawaiian Homesteading

### *Kaumana-Piihonua Regional Plan*

The Kaumana-Piihonua Regional Plan was adopted by the HHC in May, 2017. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Kaumana-Piihonua Community Center

- (2) Agriculture Sustainability - Community Pasture
- (3) Community Tool Shed and Work Days
- (4) Pest-Control Mitigation and Removal (Kaumana Only)

*East Hawaii Regional Plan Implementation Statuses*

Tables 2-6 below identify the "project champion" as well as summarizes the status of each regional plan priority project.

Table 2: KEAUKAHA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Keaukaha Hawaiian Community Pavilion	KCA	In-Progress. Conceptual design and drawings have been completed. NAHASDA assisted with NEPA EA. KCA would like to proceed with pavilion by Puhi Bay as a first-step. DHHL to provide technical assistance as needed for pavilion.

Table 3: MAKUU REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Makuu Farmers' Association Community Center - Site Preparation	MFA	In-Progress. Completed HRS 343 EA in 2011. MFA is fundraising for community center construction.
Makuu Offsite Water System Phase 2	DHHL	Project no longer being pursued because of 2015 lava flow.
Sustainability and Renewable Energy Initiatives	MFA	<b>Not started.</b>
Farm Plans, Capacity Building, and Promotion of Agriculture	MFA	CTAHR technical assistance is available to Makuu lessees via a CTAHR Extension Agent.
Lease Enforcement Provisions	DHHL	<b>Not Started.</b> Makuu community leaders have made repeated requests to DHHL to begin enforcement of non-compliant lessees. The unoccupied lots are becoming a huge safety concern for existing residents.

Table 4: PANAWEA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Project Kamoleao	PHHLCA	In-Progress. HHC approved project FEA FONSI September 2018.
Panaewa Park & Family Center	PHHLCA /DHHL / County Parks	In-Progress. HHC approved issuance of license with County Parks and Recreation in 2016 subject to the County working out a park use agreement with PHHLCA. County, DHHL, and PHHLCA held initial meeting in March 2017 to discuss agreement.
Agricultural Capacity Building Marketing and Training Center	KPFA / DHHL	In-Progress. KPFA completed its strategic plan in 2017. UH-CTAHR CES agent has provided technical assistance and training to Panaewa agriculture homestead lessees.
Traffic Calming & Safety Improvements on Railroad Avenue and Auwae Avenue	DHHL / County / KPFA	KPFA conducted a meeting with County DPW-Traffic Division to assess options in addressing issue.
Hawaii Island Plan Update for East Hawaii	DHHL	<b>Not Started.</b>


Table 5: KAU REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Create a Kau Homestead Community Association	Kau Beneficiaries	Completed. The Kau Hawaiian Homestead Association was created in 2013 and received IRS 501c3 status.
Obtain Additional Water for Homestead Lots in Kamaoa, Puueo, and Waiohinu	DHHL	In-Progress. DHHL completed Kau Water Assessment. DHHL received \$1.5 million in CIP funds from legislature in FY 19 for plan, design, and construction. DHHL has proposed phase 1 improvements including 100,000-gallon storage tank, new pressure reducing valves, and water spigot. DHHL is process of finalizing engineering design plans and conduct community informational meeting by end of 2019. DHHL hopes to solicit construction bids in early 2020.
Protect and Preserve Cultural Sites and Natural Resources in Kamaoa	DHHL/Kau	In-Progress. South Point Resources Management Plan was adopted October 2016. HHC approved FONSI for plan May 2018. HHC approved \$100k for South Point management in FY 20 budget. DHHL is looking to utilize those funds to increase DHHL presence and security in the area. DHHL in process of procuring security services at South Point in November 2019.
Agriculture Homestead Leases at Waiohinu	DHHL	In-Progress. The BLNR approved transfer of 380-acre Waiohinu parcel to DHHL via executive order in February 2018. DHHL has been following up with DLNR staff to complete transfer paperwork. Final transfer is contingent upon DLNR completing a survey of access easement through the property to the mauka forest reserve.

Table 6: KAUMANA-PIIHONUA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Kaumana-Piihonua Community Center	Kaumana & Piihonua Associations and DHHL	In-progress. Kaumana and Piihonua communities looking at pursuing funding opportunities.
Agriculture Sustainability - Community Pasture	Kaumana & Piihonua Associations and DHHL	In-progress. Piihonua association has been consulting with the Molokai community pasture group. Kaumana and Piihonua may submit land use request from DHHL for community pasture area identified in the regional plan in the next year.
Community Tool-Shed and Work Days	DHHL	Not Started.
Pest-Control Mitigation and Removal (Kauamana Only)	Kaumana Association	Not Started.

#### Recommendation

For information only. No action required.

STATE OF HAWAI`I  
DEPARTMENT OF HAWAIIAN HOME LANDS  
October 21 - 22, 2019

To: Chairperson and Members, Hawaiian Homes Commission  
Thru: Andrew Choy, Acting Planning Program Manager   
From: E. Halealoha Ayau, Water Resource Management  
Specialist  
Subject: For Information Only - Update on East Hawai`i Water  
Issues and Projects

RECOMMENDED MOTION/ ACTION

None; for information only.

DISCUSSION

This submittal to the Hawaiian Homes Commission (HHC) provides an overview and update on water issues and projects significant to beneficiaries and the Department of Hawaiian Home Lands (DHHL) in the East Region of the island of Hawai`i. It is submitted in furtherance of the HHC Water Policy Plan (WPP) Goal 1, to "Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.

The DHHL planning regions and tracts discussed are: (1) Honomū - Kuhua; (2) Pana`ewa - Keaukaha; (3) Lower Pi`ihonua; (4) Maku`u - Keonepoko; (5) `Ōla`a; and (6) Ka`ū. Water development, management, and policy issues are addressed.

Priority tracts in East Hawai`i are located in Pana`ewa and Lower Pi`ihonua. In South Hawai`i, Wailau (part of the Ka`ū planning region) is the priority tract. See, DHHL, Hawai`i Island Plan (2009) (HIP).

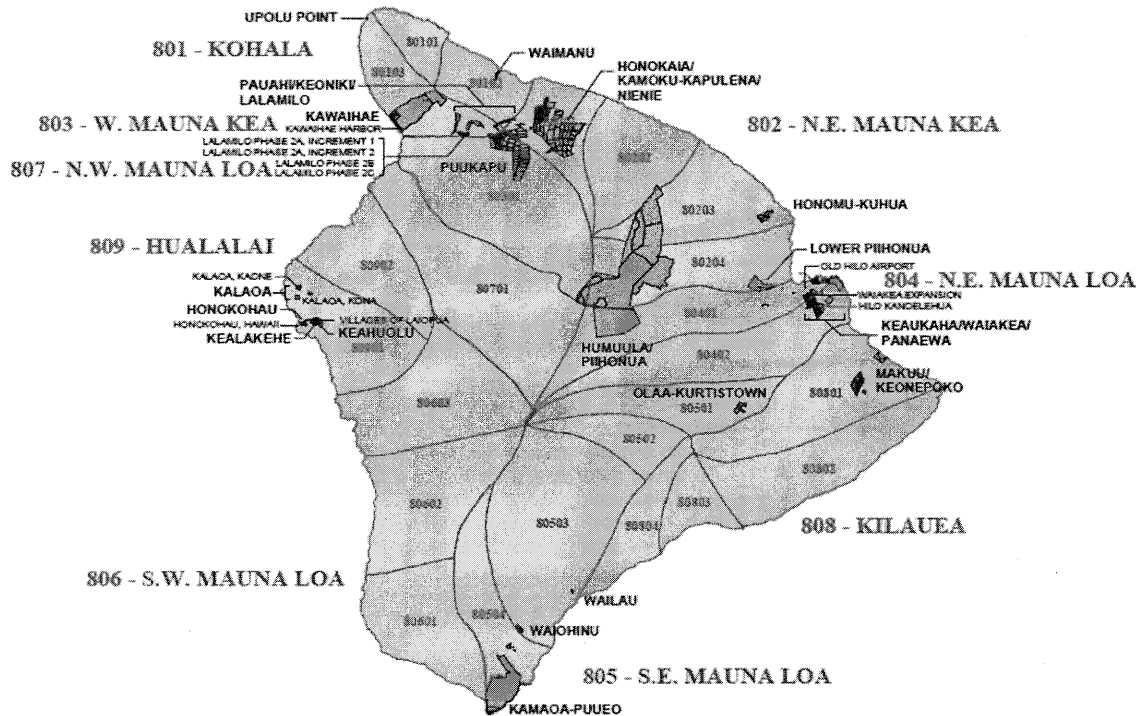


Fig. 1. Existing DHHL Tracts on Hawai'i island in relation to groundwater aquifers

#### 1) Honomū - Kuhua tract water needs

The Honomū - Kuhua tract is the northernmost DHHL tract in East Hawai'i. It consists of 766 acres adjacent to Akaka Falls State Park in South Hilo. HIP at 18. The tract has recently been the focus of a beneficiary planning process for the development of a Honomū Subsistence Agricultural Homestead and Community. Acceptance of a final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for that effort will be considered by the HHC at this same October 2019 HHC meeting.

As contemplated in that EA, "Water will be provided via catchment system to be constructed by lessees. The high rainfall in Honomū is expected to provide most, if not all, of the irrigation needs for subsistence agriculture cultivation. Catchment tanks will be necessary for those lessees who choose to build a house on their lot or want to provide for back-up or supplemental irrigation water for their crops." See, Draft Environmental Assessment for the

Honomū Subsistence Agricultural Homestead Community, Honomū, District of South Hilo, Island of Hawai'i, at 8).

2) Pana`ewa and Keaukaha planning regions and water systems

DHHL holds approximately 3,717 acres in the Pana`ewa planning region, located in the Waiākea ahupua`a, South Hilo District, Island and County of Hawai'i. It is in close proximity to urban services. Land use designations are as follows: Residential Homestead (425 acres), Supplemental Agriculture Homestead (1,500 acres), Subsistence Agriculture Homestead (446 acres), Community Use (40 acres), Commercial (235 acres), and industrial (365 acres).



Fig.2. Pana`ewa tracts map & potable water infrastructure, DHHL  
Pana`ewa Regional Plan at 18.

In addition, DHHL holds 1,670 acres in the Keaukaha area, which are divided into the Keaukaha Tract-1 and the King's Landing Tract-2. HIP at 19.



Fig. 3. Keaukaha & King's Landing tracts and potable water infrastructure, Keaukaha Regional Plan at 18.

Both the Pana`ewa and Keaukaha tracts are serviced by the Hawai`i Department of Water Supply (HDWS) Hilo system (DHHL Keaukaha Regional Plan at 17). The long-term potable water demand for the Pana`ewa-Keaukaha area is 1.688 million gallons per day (mgd). The long-term non-potable water demand is 1.3838 mgd. Ambient annual rainfall in Pana`ewa is approximately 160 inches, which is sufficient to satisfy non-potable irrigation requirements for this subsistence agricultural homestead area. SWPP at 4-31.

3) Lower Pi`ihonua tract water issues and developments, including proposed state water leases

DHHL's Lower Pi`ihonua tract is comprised of 1,882 acres located in South Hilo on the lower slopes of Mauna Kea. The long-term potable water demand is 0.14 mgd and long-term non-potable demand is 1.5946 mgd. Land use designations consist of Residential and Subsistence Agriculture, the potable needs of which will be supplied by the HDWS Hilo Water System; the non-potable needs may be met through ambient annual rainfall. The Lower Pi`ihonua tract is adjacent to Ho`okele gulch, the Waiau gulch, and the Wailuku River. HIP at 18. The Wailuku River is a potential source of water as well, as explained more fully below.

The Hawai'i Electric Light Company (HELCO) owns and operates the Waiau hydroelectric plant on the Wailuku River. Two registered diversions convey surface waters to an offsite ditch system which has a total declared use of 9.6 mgd. SWPP at 4-32.

Lower Pi'ihonua is a test site for exercising DHHL rights in water. HELCO currently holds an easement over DHHL lands for access purposes to its hydroelectric plant. In January 2016, representatives of HELCO contacted DHHL because it planned to propose to the Board of Land and Natural Resources ("BLNR") conversion of its revocable permit for water resource use to a sixty-five-year general lease per HRS § 171-58.

The DHHL and its beneficiaries have three distinct interests when proposed water leases under HRS § 171-58 are sought by private parties and considered by the BLNR.

First, HRS section 171-58 (g) requires that "The department of land and natural resources shall notify the department of Hawaiian home lands of its intent to execute any new lease, or to renew any existing lease of water rights. After consultation with affected beneficiaries, these departments shall jointly develop a reservation of water rights sufficient to support current and future homestead needs. Any lease of water rights or renewal shall be subject to the rights of the department of Hawaiian home lands as provided by section 221 of the Hawaiian Homes Commission Act."

This part of Hawai'i law has not been fully implemented since its passage by the Legislature in 1991, as the state has yet to issue a water lease under HRS section 171-58. However, DHHL staff and consultants have been working closely for at least the last two years with our beneficiaries, staff from the Department of Land and Natural Resources (DLNR), and other potential lessors in order to efficiently implement this requirement. Together, DLNR and DHHL staff have determined that reservation requests for surface and/or groundwater associated with a proposed lease will be made by the Commission on Water Resource Management (CWRM). These requests are based on the water demands associated with DHHL lands, if any, that could foreseeably use some portion

of the demised water. DHHL first holds a formal consultation process with its beneficiaries prior to requesting the reservation from CWRM and the inclusion of any related lease provisions from the Board of Land and Natural Resources (BLNR).

On August 15, 2017, a Beneficiary Consultation Meeting was held in Hilo to discuss HELCO's desire to continue to use the water to operate the two hydroelectric plants at lower Pi'ihonua. Pursuant to HRS § 171-58(g), the DLNR and DHHL are required to jointly develop a "reservation" of water as part of the leasing process. A water reservation set aside is a set aside of water for current and foreseeable development and use, in this case by DHHL. The Water Leasing Process is as follows:

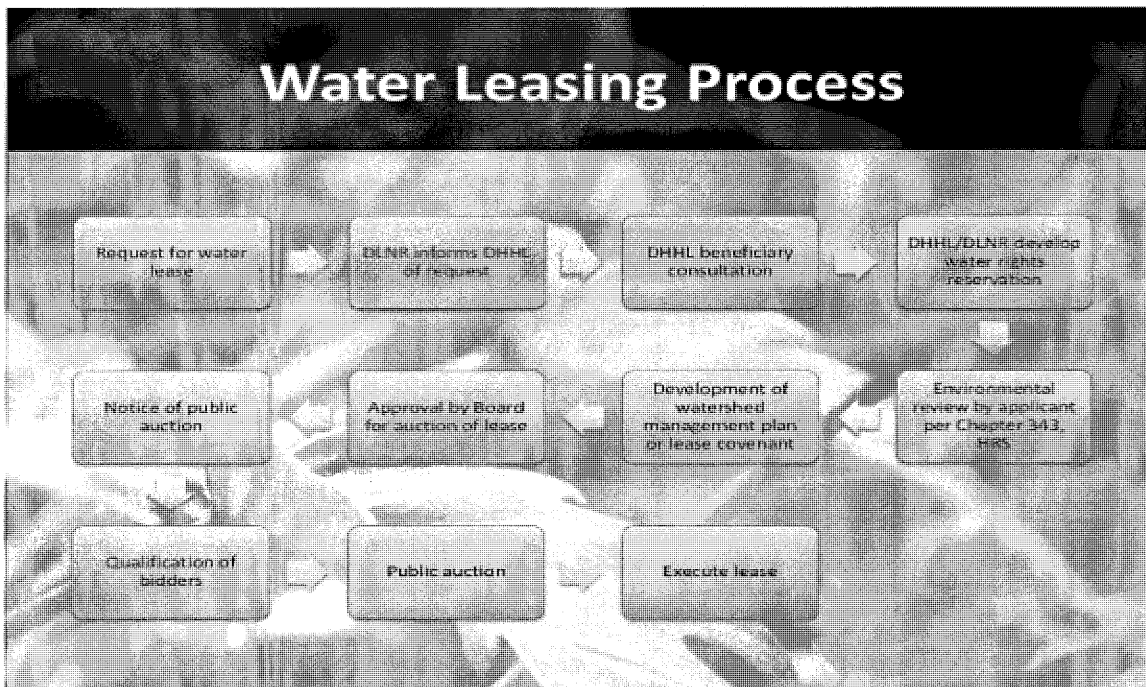


Fig. 4. Water Leasing Process; image from DLNR staff.

Consultation with DHHL beneficiaries focused on DHHL's water needs for lands at lower Pi'ihonua for purposes of establishing a water reservation. Information provided included the Hawai'i Island Plan, Kaūmana - Pi'ihonua Regional Plan and the SWPP regarding water demands. The potential DHHL water reservation for lower Pi'ihonua potable and non-potable water needs are as follows: Potable (140,000 gpd) + Non-Potable (1,600,000 gpd) = DHHL Lower

Pi`ihonua combined water needs of 1,740,000 gpd. Questions discussed with beneficiaries included:

- (1) Should DHHL's water reservation include both potable and non-potable water needs for Lower Pi`ihonua? Why?
- (2) Where should this water come from to meet those water needs? Wailuku River? Aquifer? Rainfall?; and
- (3) Are there any water needs that DHHL did not account for? If so, what are they?

The Beneficiary Consultation Report & Recommendations for DHHL's water reservation was approved by the HHC at its October 2017 meeting. The reservation has been submitted to CWRM and is awaiting action.

DHHL has also discussed with HELCO how DHHL is entitled by Constitutional provision to 30% of the revenue generated by state water leases (Hawai'i Constitution Article XII Section I). Funds from this source are devoted exclusively to the Native Hawaiian Rehabilitation Fund (NHRF), which supports projects on DHHL lands and for beneficiaries. Awarded as both grants in support of regional priority projects, they fund agricultural training and other related projects (such as training on farm lot preparation, commercial farm development, and related matters) across Hawai'i. DHHL has advocated for a costs-avoided method whereby charge for the license would be a function of the amount HELCO saves by using hydroelectric sources rather than another source.

Finally, we note that in addition to the rights to seek reservations to state water leases, DHHL beneficiaries may conduct traditional and customary practices associated with the waters that entities may seek to lease from the state. In the particular case of the water lease sought, DHHL is currently unaware of any such practices, or rights associated with these practices, that could be affected in relationship to the significant abundance of water in this River, and does not anticipate any particular actions in this instance on that issue.

4) Maku`u - Keonepoko Planning Region water needs and issues.

The Maku`u planning region consists of 2,000 acres split into a 1,500-acre mauka section and a 500-acre makai

section. The makai parcel is recommended for non-priority general agricultural use and the mauka tract has been developed into agricultural homestead lots. Due to lava flow threats, the following description reflects both the status of water demands and planned development prior to the emergence of these threats and actions taken since then.

Current potable needs of 0.056 mgd for the mauka tract were expected to increase to 0.660 mgd by 2031. Similarly, the Non-potable water demand was expected to grow to 3.383 mgd in that same time. SWPP at 4-33. Ambient annual rainfall within this region is approximately 120 inches and sufficient to satisfy the non-potable irrigation requirements of Subsistence and Supplemental Agricultural lands uses.

The Maku`u Farm and Agricultural lots (Maku`u Subdivision) would require additional water if developed as previously planned. Existing reservoir facilities can provide adequate water through the HDWS Pāhoa system at or below the 523-foot elevation. For higher elevation lots, new water system improvements were proposed. Maku`u Regional Plan at 18. The proposed water system was to include an exploratory and production well, and a 1.0-million-gallon reservoir.

Delays in water improvements construction occurred partly attributed to land ownership issues. Pursuant to Executive Order 4143, DLNR had set aside over 3.7 acres of lands for Maku`u water system improvements to the Water Board of the County of Hawai`i (WBCOH).<sup>1</sup> In 2006, the HDWS agreed to cancel E.O. 4143 so that DHHL could continue with its infrastructural improvements for the proposed Maku`u development. In 2009, BLNR approved the E.O. cancellation with support from DHHL.<sup>2</sup> The United States Department of Agriculture (USDA) and DHHL attempted a joint venture

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<sup>1</sup> Dep't of Water Supply, Hawai`i Island, Water Board Meeting Item 5.A "Cancellation Of Governor's Executive Order No. 4143 (Setting Aside Lands; Situated At Halona, Puna, Island Of Hawai`i, Hawai`i) Tax Map Key 1-5-008: Portion 001" (Dec. 16, 2008).

<sup>2</sup> Board of Land and Natural Resources, State of Hawai`i, Meeting Item No. D-1 "Cancellation of Governor's Executive Order No. 4143 and Reset-Aside to Department of Hawaiian Home Lands for Maku`u Well and Reservoir Site and Access and Utility Easement Purposes, Ka`ohe, Puna, Hawai`i, TMK: (3) 1-5-008:001 por." (April 24, 2009).

agreement to develop a new Maku`u well and waterline to connect to the existing HDWS Pāhoa system, which would be dedicated to HDWS. However, funding for the project has been de-obligated. SWPP at 4-33. Lava threat in Puna came within feet of the exploratory well, so any future use now not planned for; the well has been capped, the location noted, and any further use is subject to many additional future steps to be determined.

5) `Ōla`a tract water needs

DHHL's `Ōla`a tract is a 708-acre parcel located in the district of Puna that is recommended for homestead pastoral use. HIP at 21. Potable water demand for domestic use is 0.0252 mgd. The non-potable demand is 0.0125 mgd, which will provide for stock pastoral land uses. No public or private water systems exist in the vicinity and extending the nearest HDWS `Ōla`a-Mountain View system would not be feasible. SWPP at 4-33. Area residents meet their potable water needs with catchment and ambient rainfall which is adequate. Proposed new DHHL development in `Ōla`a will likewise rely on supplies from individual rainwater catchment systems. SWPP at 4-33.

6) Ka`ū Planning Region water issues and needs

The Ka`ū planning region includes the Kamā`oa Pu`u`eo, Wailau, Wai`ōhinu, and Discovery Harbor tracts located in South Hawai`i. DHHL Ka`ū Regional Plan (May 2012).

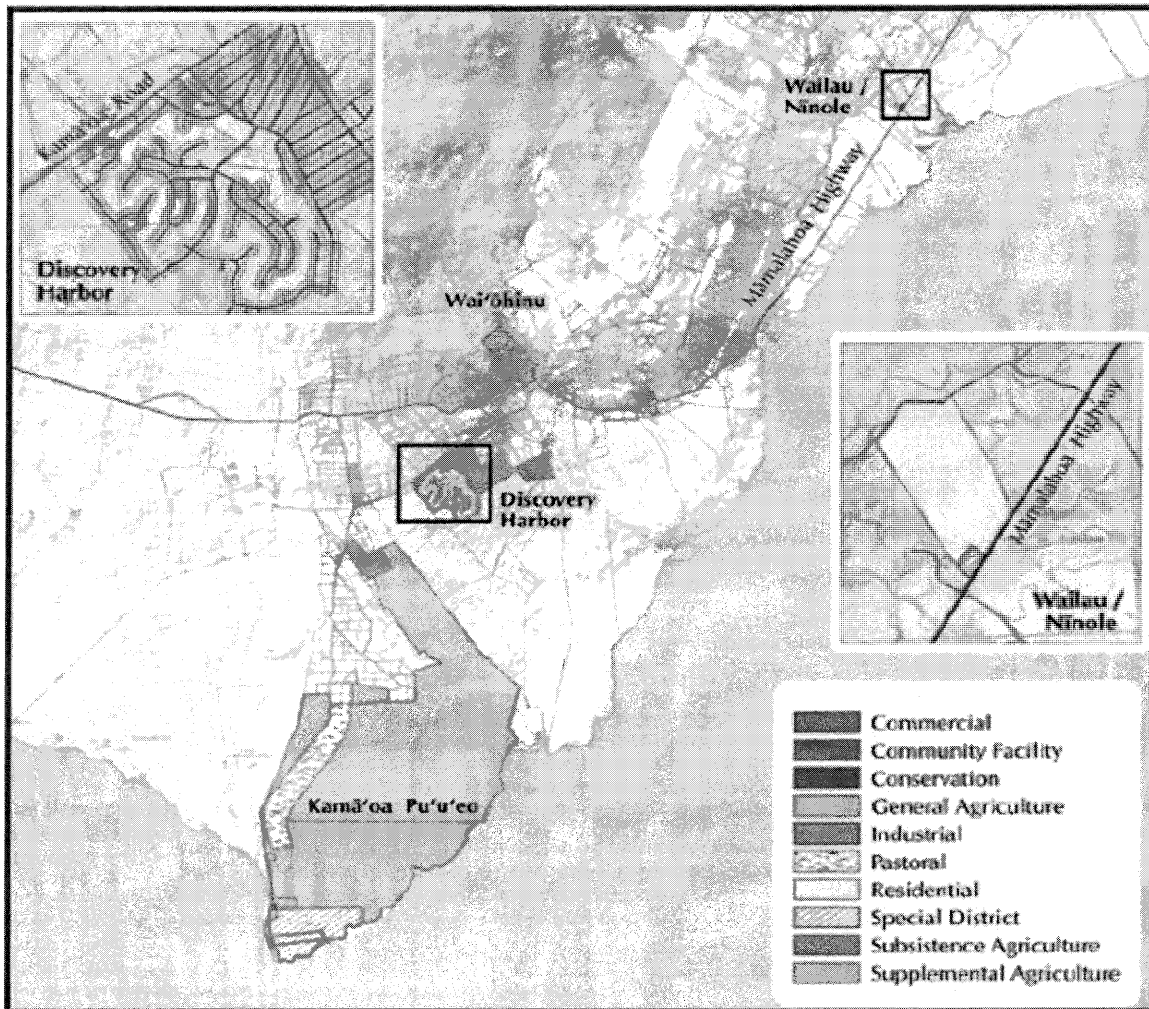


Fig. 5. Ka'ū planning region land use designations. DHHL Ka'ū Regional Plan at 12.

#### a. Wailau water needs

Wailau is a 65-acre Residential and Special District use priority tract located above Māmalahoa Highway in Ka'ū. Future long term potable water demand is 0.005 mgd. No HDWS systems are located in the area. Sea Mountain Resort operates a private, Punalu'u water system nearby, and likely has sufficient capacity for future potable needs. At greater cost, development of a new DHHL system is also possible to ensure DHHL's full control over the water supply. SWPP at 4-34. A state-owned non potable water system developed during the plantation era (the Moaula system), currently being pursued for a long-term water lease by Ka'ū Mahi, extends to within one half mile of the area. If the proposed uses of this tract were agricultural

and water needs non-potable, seeking of a water reservation may be appropriate. This issue should be noted if the HHC changes future land use designations for this tract.

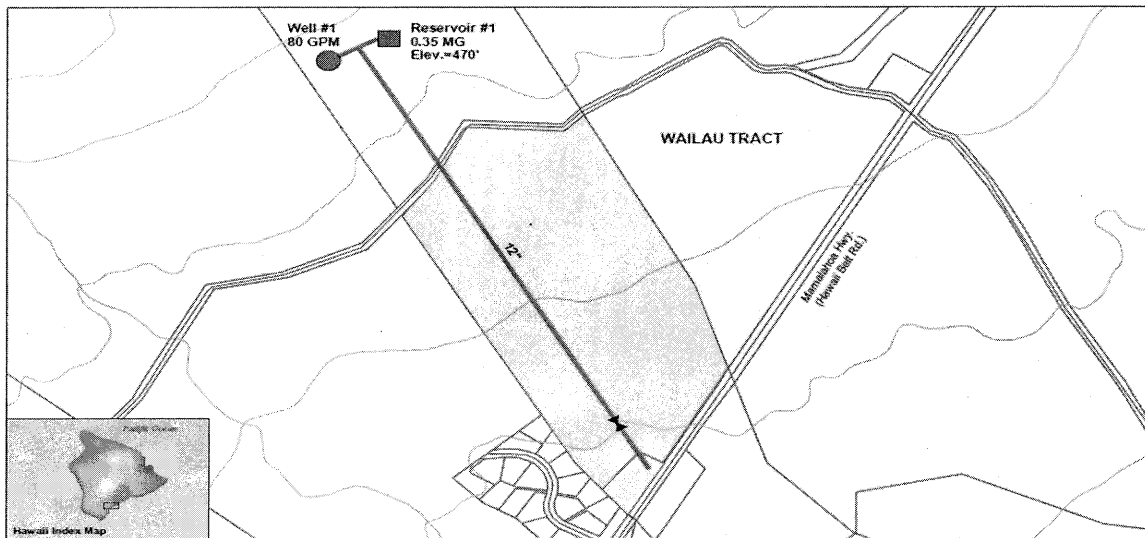


Fig. 6. Proposed DHHL Wailau water system. SWPP at 4-34 (Appendix G, Figure G.5).

#### b. Wai`ōhinu and Discovery Harbor water systems

Wai`ōhinu is a 262-acre tract recommended for Homestead Subsistence Agricultural use. Discovery Harbor consists of 40 scattered lots (approximately 13 acres) within a planned residential community. Ka`ū Regional Plan at 12. The long-term potable water needs for Wai`ōhinu are 0.0304 mgd and the long term non-potable water needs are 0.7752 mgd. SWPP at 4-35. Potable water needs for Wai`ōhinu and Discovery Harbor tracts are supplied by HDWS Wai`ōhinu - Nā`ālehu system, however households outside these areas either use water catchment or haul water to their residences. Ka`ū Regional Plan at 22. The HDWS acquired the Wai`ōhinu - Nā`ālehu system via dedication from a former sugar plantation. Hawai`i Water Use & Development Plan Update, 805-16 (Aug. 2010) (Hawai`i WUDP). This water system primarily depends on the Mountain House Tunnel Spring and Hā`ao Spring for its supply. The Nā`ālehu Well supplements the tunnel and spring sources during dry weather. Hawai`i WUDP at 805-16. Further water needs and issues related to this system are discussed more below.

c. Kamā`oa Pu`u`eo water needs and issues

Kamā`oa Pu`u`eo is an 11,031-acre tract recommended for Homestead Pastoral, General Agricultural and Special District Use. HIP at 24. The long-term potable water needs for Kamā`oa Pu`u`eo is 0.1046 mgd and long term non-potable need is 0.4701 mgd. SWPP at 4-35. Although a water main connects Kamā`oa Pu`u`eo to the HDWS Wai`ōhinu - Nā`ālehu system, HDWS believes it is too small to accommodate additional connections without affecting service to existing water users. The southerly portion of the HDWS Water System passes through lands owned by DHHL. None of the 12 agricultural homestead lots at Kamā`oa Pu`u`eo have water service and only four meters service a portion of the 25 existing pastoral lots.

DHHL is working with its contractor G70 and the HDWS on ways to resolve this pressing, critical issue. Currently there is a conceptual agreement that certain steps will be taken to improve storage on the system, move the water line, which could result in the issuance of meters to lessees by the HDWS.

G70 developed the following figure showing the DWS water lines extending southward away from South Point Road, passing through DHHL lands and towards an Army-built water tank at the tip of Ka Lae. The HDWS 20-Year Water Master Plan recommends a new well to service the South Point area, but did not specify location or capacity. SWPP at 4-34.

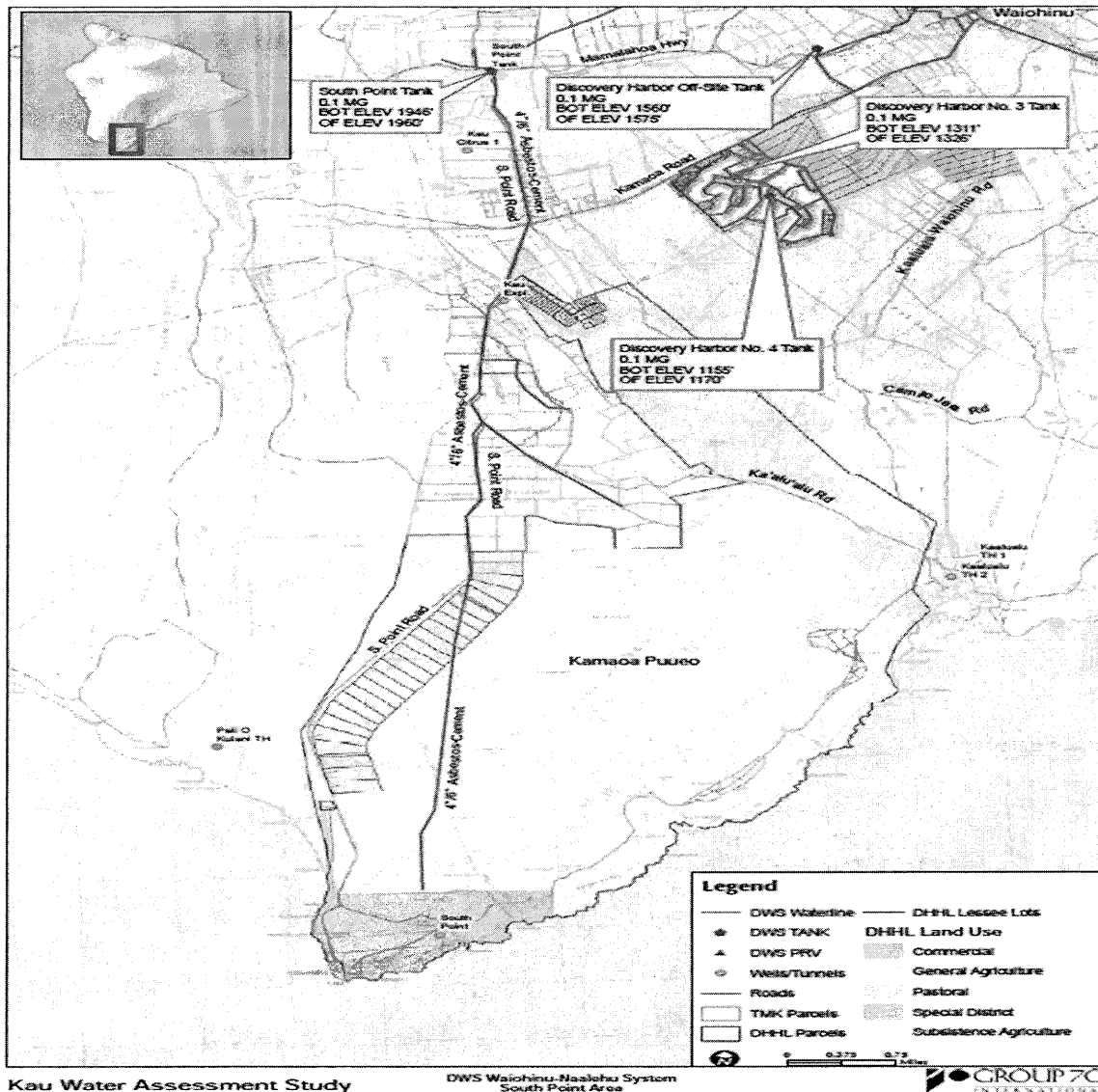


Fig. 7. G70 Ka`ū Water Assessment Study diagram (2013)

d. Proposed issuance of Ka'ū irrigation systems water licenses, and transfer of portions of the Mountain House / Hā'ao Springs system to the HDWS

Ka'ū landowners, farmers and residents have been working to address the management of and legal access to plantation water systems since the closure of sugar operations by C. Brewer decades ago. Beginning over a decade ago, efforts were begun to transfer these systems to the state Agribusiness Development Corporation (ADC). By letter dated June 1, 2016, DHHL wrote to DLNR and objected to its proposed grant of a perpetual non-exclusive easement

to ADC for an irrigation water system and a transfer of various revocable permits.<sup>3</sup> DHHL stated it may be required to call for a contested case against the proposed transfer to ADC and identified six objections:

1. The proposed conveyances were not being executed by BLNR, in violation of HRS §171-58;
2. Non-compliance with processes required by HRS §171-58 meant obviating procedural protections provided to DHHL and its beneficiaries;
3. DHHL has unmet water needs in the South Point area;
4. Water resources at issue constituted "state owned" water within the meaning of section 221 of the Hawaiian Homes Commission Act (HHCA) and subject to DHHL's rights;
5. "[s]elling the state-owned irrigation improvements to ADC, who would then presumably convey them or some rights to them to a private water cooperative, would render DHHL's rights to these waters meaningless. DHHL would have no state-owned infrastructure in place to convey these waters to its lands[;];" and
6. The proposed conveyance to ADC at no cost impermissibly delegates the state's fiduciary duties to ADC.

The plans to transfer these lands to ADC have been suspended, and instead the state is seeking to issue long term water leases under 171-58 is being pursued, directly in accordance with previous DHHL and HHC advocacy. A plan for addressing DHHL reservations in this process is discussed elsewhere in this HHC October 2019 agenda in the acceptance of a beneficiary consultation report.

A remaining, unaddressed issue will exist if the DLNR and BLNR seek to transfer portions of the Mountain House Tunnel Spring and Hā'ao Springs system to the HDWS. DHHL and beneficiary entitlements to water reservations and NHRF revenue from state systems dedicated to the counties have not been established by legal decision or practice. However, consistent with the HHC WPP, continuous,

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<sup>3</sup> See Letter from Jobie M. K. Masagatani, Chairman, HHC to Kevin E. Moore, State Lands Ass't Administrator, Land Division, Dep't Land and Natural Resources (Jun. 1, 2016).

aggressive advocacy on this issue is required and will be implemented.

### III. CONCLUSION

East and South Hawai'i continue to face significant water issues that must be addressed in order for the goals of the Hawai'i Island Plan to be fulfilled. The Lower Pi'ihonua tract in East Hawai'i merits particular attention both because it is an HHC priority tract and because it is the site of current precedent-setting negotiations over the nature of DHHL rights in water licenses and methods for enforcing those rights (HELCO Wailuku River water reservation).

In addition, the Ka'ū planning region is also an important site due to the continued negotiation with DLNR over water rights and the ongoing efforts to improve the existing HDWS Wai'ōhinu - Nā'ālehu water system in order to deliver water to meet the potable and non-potable needs of the 25 pastoral lots at Kamā'oa Pu'u'eo with the potential to provide additional water for the needs for the general ag lots in the area.

### V. RECOMMENDED MOTION/ACTION

None; for informational only.

**HAWAIIAN HOMES COMMISSION  
OCTOBER 21 & 22, 2019  
HILO, HAWAI'I**

**J – ITEMS  
REQUESTS TO ADDRESS THE  
COMMISSION**

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: Address the Commission

**From:** Pat Kahawaiolaa <[REDACTED]>  
**Sent:** Friday, September 27, 2019 2:22 PM  
**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>  
**Subject:** Address the Commission

Aloha Leatrice,  
This is Unco Pat Kahawaiolaa and I hope I could be placed on the Commission agenda to speak at its next meeting in Hilo. I can be contacted at [REDACTED]  
Aloha 'Owau

—  
Sent from Gmail Mobile Keaukaha Smiles 'Owau me ka ha'a ha'a (I humbly remain) Patrick L. Kahawaiolaa

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: Oct. Hawaiian Homes Commission Meeting request

**From:** Maluhia O'Donnell <[maluhia@ahamunaleo.org](mailto:maluhia@ahamunaleo.org)>  
**Sent:** Friday, September 13, 2019 2:23 PM  
**To:** Yee Hoy, Louise K <[louise.lyeehov@hawaii.gov](mailto:louise.lyeehov@hawaii.gov)>  
**Cc:** Albinio Jr, Peter K <[peter.k.albinio.jr@hawaii.gov](mailto:peter.k.albinio.jr@hawaii.gov)>  
**Subject:** Oct. Hawaiian Homes Commission Meeting request

Aloha,

I would like to request a spot on the J Agenda for the Oct. 21/22 Commissioners mtg. This is in regards to Pūnana Leo o Waimea and our letter to Peter Albinio, dated Nov. 16, 2018, which I have not received any response to yet, even after multiple call and follow up e-mails. We have not received so much as a confirmation that he has received this letter or that he will respond by a certain date. This is unacceptable, therefore I'd also like to know how do I file a letter and/or to whom do I file a letter to to show the lack of response on Peter Albinio's part.

*Mahalo,*

*na Maluhia O'Donnell*

*Pūnana Leo o Waimea*

*Kahu*

*Site Coordinator  
808.255.1100 kelo@pua  
1000 1000 kelo@pua  
[www.ahamunaleo.org](http://www.ahamunaleo.org)*

To Whom It May Concern

Could I please be placed  
on the "J" agenda for the  
big island commission meeting  
for 10-21 and 10-22. The topics  
remains the same, Kingdocking Village  
Muchas Mahalo

Kelii W. Goove Jr.

Kelii W. Ioane Jr.

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: Request to address the Commission / Community Pavilion at Puhi Bay

**From:** Hans Mortensen <[REDACTED]>

**Sent:** Thursday, September 26, 2019 2:59 PM

**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

**Subject:** Request to address the Commission / Community Pavilion at Puhi Bay

Dear Chairman Aila & Commissioners,

Could I be placed on the "J" Agenda for the Hawaii Island Commission meeting to be held in Hilo on Oct. 21 and Oct.22. I will be following up and re-introducing our plan for a Community Pavilion at the Puhi Bay, Keaukaha Beach Park.

Thank you for your consideration.

Hans K. Mortensen  
[REDACTED]

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: Request to be on J Agenda

**From:** Craig Bo Kahui <[REDACTED]>  
**Sent:** Tuesday, September 03, 2019 12:34 PM  
**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>  
**Subject:** Request to be on J Agenda

Aloha Lea,  
Please be advised that I would like to be placed on the J agenda. for Oct. 21st and 22nd in Hilo.  
I would also want to make a presentation to the Commission regarding our CDC proposals.  
I hope to further discuss our development initiative with Andrew and LMD.  
Please advise.  
Mahalo

September 19, 2019

Department of Hawaiian Home Lands  
Chairman William Aila &  
Hawaiian Homes Commissioners  
Hale Kalanianaʻole  
91-5420 Kapolei Parkway  
Kapolei, HI 96707

*SUBJECT: Lease of Milton Iopa (Deceased)*

*Dear Chairman, Aila & Commissioners:*

*My name is Vanessa Iopa, daughter of Mrs. Ida Iopa, (deceased) of Panaʻewa, sister of Milton Iopa (deceased).*

*On May 20, 2019, I attended the Hawaiian Home Land Commission meeting in Waimea. I requested to be put on the agenda so that I may state my case before the Chairman and Commissioners to address my claim of my brother Milton Iopa's lease. Chairman Aila interrupted me while I was speaking and cut me off by saying the department (DHHL) is having legal counsel (Attorney General) investigate the matter.*

*It has now been nearly 4 months passed and still no answer or up-dated status on this matter. I am now requesting again to go before the Chairman and Commissioners in next month Hawaiian Home Commission Meeting in Hilo October 21 & 22, 2019 to find out what is the status of my request and/or the hold up.*

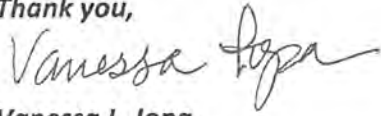
*I provided all the necessary documents to show proof that myself and Milton Iopa is brother and sister legally because we were both adopted by our grandmother who legally is our mother.*

*The Department of Hawaiian Home Lands placed a "Public Notice to Successors" in the newspaper, which I responded too. In the newspaper it stated that 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, or at any neighbor island district offices, within four (4) months from the first day publication, ending on April 2, 2019, or be forever barred from succeeding to the lease.*

*I would like to request for a meeting in executive session with the Commission, Chairman, and Attorney Generals to address my claim to this lease.*

*I would appreciate a reply to confirm that I will be able to address the Chairman and Commissioners at the October Hawaiian Home Commission (HHC) Meeting. My contact number is (808) 825-0437.*

*Thank you,*

A handwritten signature in black ink, appearing to read "Vanessa Iopa". The signature is fluid and cursive, with the first name "Vanessa" written in a larger, more prominent script than the last name "Iopa".

**Vanessa L. Iopa**

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: COMMISSION MTG WAIMEA ON THE 20th

**From:** PHLCA <phlca@aol.com>  
**Sent:** Friday, August 30, 2019 9:32 AM  
**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>  
**Cc:** Paraewaoodmalitander@outlook.com; mkconstruction77@aol.com  
**Subject:** Re: COMMISSION MTG WAIMEA ON THE 20th

Aloha Leah .... there's word that DHHL has posted the October meeting set for Hilo, that being said, i want to be on the J agenda along with PCA President Kealii Kahaape'a and VP Milton Kalai to speak before the commission at the Grand Nani Loa Hotel - a Double Tree by Hilton in Hilo.

William "Bill" Brown  
President, PHLCA

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: Request to be on the agenda

**From:** Maku'u Farmers Association <makuufarmersassociation@gmail.com>

**Sent:** Friday, October 11, 2019 9:32:33 AM

**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

**Subject:** Request to be on the agenda

Aloha Leah,

Paula Kekahuna request to be on the Bigisland agenda this October to share the current status of the Maku'u Farmers Association and all unresolved issues we still have today.

Mahalo nui,

--

Laua'e Kekahuna  
Treasurer/Secretary  
Maku'u Farmers Association



(Maku'u Farmers Association)  
[www.makuufarmers.org](http://www.makuufarmers.org)

(Maku'u Farmers Market)  
[www.makuumarket.org](http://www.makuumarket.org)

(Māla Ho'oulu 'ike sustainable garden)  
[www.malahoouluike.org](http://www.malahoouluike.org)

('O Maku'u ke Kahua Community Center)  
[www.makuufarmers.wixsite.com/website-2](http://www.makuufarmers.wixsite.com/website-2)

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: Hawaiian Homes Commission Meeting J-Agenda Confirmation - May 23, 2016, Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4

**From:** Naomi Peck <[REDACTED]>  
**Sent:** Wednesday, October 02, 2019 12:15 PM  
**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>  
**Cc:** [REDACTED]  
**Subject:** Re: Hawaiian Homes Commission Meeting J-Agenda Confirmation - May 23, 2016, Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4

Aloha Leah,

My name is Naomi Peck - Permittee of ROE Permit No. 461. After discussions with Mark Yim, I would like to request to be added to the agenda for the upcoming meeting to be held in Hilo in approximately 3 weeks. We would like to address the council in regards to securing a Long Term Conditional Leasehold.

Please advise if there is any further information you may need.

Mahalo,  
Naomi

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: HHC Contact: A Request to be on the "J" Agenda

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

From: Nakoolani Warrington <

Sent: Tuesday, October 01, 2019 11:54 AM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: HHC Contact: A Request to be on the "J" Agenda

First Name: Nakoolani

Last Name: Warrington

Subject:

A Request to be on the "J" Agenda

Message:

SUBJECT: STRONG OPPOSITION TO SPACEPORT IN EAST HAWAI'I

Aloha,

I am submitting this request on behalf of KUPUNA FOR THE MO'OPUNA to be included on the agenda for the upcoming October 2019 Hawaiian Homes Commission meeting in Hilo, Hawai'i.

KUPUNA FOR THE MO'OPUNA is in STRONG OPPOSITION to the spaceport planned for East Hawai'i, Kea'au on W.H. Shipman land which abuts our Hawaiian Homestead farming community of Pana'ewa. The spaceport is also dangerously close to our Hawaiian Homestead residential communities of Pana'ewa and Keaukaha.

We, the Kūpuna for the Mo'opuna, demand that DHHL take an aggressive position on behalf of us Hawaiian Homestead beneficiaries and STRONGLY OPPOSE the planned spaceport.

Chair Aila was asked about DHHL's position on this spaceport back on May 20, 2019, at the Big Island Commission meeting in Waimea, Hawai'i. Aila said he would be checking with his staff on this matter. It is almost 5 months and STILL NO WORD FROM DHHL ON THE SPACEPORT. WHY? We expect that Aila will be able to provide us beneficiaries with DHHL's official position regarding the spaceport either before or at the 10/21/19 meeting in Hilo.

Mahalo,

Mrs. Warrington

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: Agenda for October

**From:** Allyson Duncan <[REDACTED]>  
**Sent:** Sunday, September 15, 2019 8:40 PM  
**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>  
**Subject:** Agenda for October

Aloha,

My name is Allyson Duncan and I would like to be on the agenda for October 2019. Can you please confirm the time and location, that I can present my case.

Mahalo  
Allyson A Duncan

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: DHHL East-Hawai'i Commission Mtg: Oct. 21, 9:30 am,Naniloa Crown Room

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

From: Ke'ala Lee Loy <

Sent: Wednesday, October 9, 2019 9:29 AM

To: Yee Hoy, Louise K <

Subject: DHHL East-Hawai'i Commission Mtg: Oct. 21, 9:30 am,Naniloa Crown Room

Aloha e Louise,

I am requesting to be placed on the J-agenda for the East Hawai'i Commission Meeting on Monday,Oct. 21, at the Naniloa Crown Room.

My purpose or intention is to address the Mauna Kea Access Road and its potential impact for its beneficiaries.

Mahalo for allowing me this privilege.

'O wau me ka ha'aha'a,

Pauline Ke'ala Lee Loy

E ola mau nō!