

HAWAIIAN HOMES COMMISSION

Minutes of January 19 and 20, 2021, via Videoconference
DHHL Main Office, Hale Pono'i, Kapolei, O'ahu, Hawai'i

Pursuant to proper call, the meeting of the Hawaiian Homes Commission was held via teleconference, moderated by Chairman William Ailā Jr., from Hale Pono'i, 91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i, beginning at 9:30 a.m.

PRESENT

William J. Ailā Jr., Chairman
Randy K. Awo, Maui Commissioner (via videoconference) (9:58 a.m.)
Zachary Z. Helm, Moloka'i Commissioner (via videoconference)
David B. Ka'apu, West Hawai'i Commissioner (via videoconference)
Michael L. Kaleikini, East Hawai'i Commissioner (via videoconference)
Russell K. Ka'upu, O'ahu Commissioner (via videoconference)
Pauline N. Namu'o, O'ahu Commissioner (via videoconference) (10:25 a.m.)
Dennis L. Neves, Kauai Commissioner (via videoconference)
Patricia A. Teruya, O'ahu Commissioner (via videoconference)

COUNSEL

Ryan Kanaka'ole, Deputy AG (via videoconference)

STAFF

Tyler I. Gomes, Deputy to the Chairman
Leah Burrows-Nuuanu, Secretary to the Commission
Andrew Choy, Acting Planning Manager
Kahana Albinio, Acting Land Management Division Administrator
Juan Garcia, Homestead Services Division Administrator
Cedric Duarte, Information & Community Relations Officer
Stewart Matsunaga, Acting Land Development Division Administrator
Paula Ailā, Acting Contact and Awards Division Administrator
Jamilia Pacheco, Information Specialist
Michael Lowe, Information Specialist

ORDER OF BUSINESS

CALL TO ORDER

Chair Ailā called the meeting to order at 9:36 a.m. Seven (7) members were present via videoconference at roll call. Commissioner Awo joined at 9:58 a.m., and Commissioner Namu'o joined at 10:25 a.m.

Pursuant to the Governor's 17th Proclamation, related to COVID-19 Emergency, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through February 15, 2021, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to provide emergency relief and engage in emergency management functions effectively and efficiently.

Chair Ailā stated Item C-1 would be taken out of order, Lehua Kinilau-Cano is the subject matter staff, and she is juggling several meetings. Item D-12 on the Agenda is Item D-11 in the packets, and it will be moved from the Consent Agenda to the Regular Agenda. Item F-1 is deferred to Tuesday.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Helm, to approve the agenda. Motion carried unanimously. Commissioner Awo and Namu'o excused.

APPROVAL OF MINUTES FOR DECEMBER 19 & 20, 2020

Commissioner Neves asked to amend his comments on page 16. Change \$5 million to \$3 billion in slot revenues from 2016 to 2017.

Commissioner Teruya submitted several edits via email.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the December 19 & 20, 2020, minutes, as amended. Motion carried unanimously. Commissioner Awo and Namu'o excused.

PUBLIC TESTIMONY ON AGENDIZED ITEMS (via weblink only)

Testimony on Agendized Items was received via the Department of Hawaiian Home Lands website at www.dhhl.hawaii.gov/hhc/hhc-contact.

Chair Ailā stated public testimonies were uploaded to the Commissioner's cloud folders.

Note: Testimonies are attached.

Commissioner Ka'apu addressed an email from Patrick Kahawaiolaa regarding the January 12th Special Meeting. The Commission returned to open session and adjourned without reporting what the outcome had been. He believes the Commission owed him a report that the Commissioners who voted for the Legislation did not want to change their position. To the other beneficiaries, he wanted to say their job as Commissioners is to hold the Department accountable for the beneficiaries, not for themselves. Having heard all the beneficiaries' comments, he apologized for not being able to convince the other Commissioners that having the opportunity to vet things appropriately was necessary in this case. Some Commissioners have talked about the need for process and the need to set policies. The only reason they set policies is for the benefit of the beneficiaries. For some reason, all the department needed to do was throw out \$30 million a year and 180 years to change the waitlist is all that was needed for a majority.

He is not done trying to hold the Department accountable. At this point, they learned that they have difficulty holding the Chair accountable to them, and he thinks that should change. He will not stop in that effort.

Chair Ailā stated he addressed Pat Kahawaiola's concern but would take another look at it and make that clarification.

Commissioner Helm referenced Item J-2 for Liko Wallace, Nā'iwa Homestead Association. He asked that staff follow up on reauthorizing the \$950,000 for Nā'iwa.

Chair Ailā asked S. Matsunaga to provide an update. S. Matsunaga stated the \$950,000 in CIP funds had been reauthorized, and Land Development Division is going through getting the funds

released and contracted. Commissioner Helm asked S. Matsunaga to email, Liko Wallace an update and to copy him.

Commissioner Teruya asked how the Department handles criminal activity on homesteads? She stated it might not be a discussion for today but something that the Commission could come back to explain the steps and the process.

Chair Ailā stated he would ask the AG to have that discussion in the executive session tomorrow.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-2 Approval of Consent to Mortgage (see exhibit)
- ITEM D-3 Approval of Streamline Refinance of Loans (see exhibit)
- ITEM D-4 Approval of Homestead Application Transfers/Cancellation (see exhibit)
- ITEM D-5 Commission Designation of Successors to Application Rights – Public Notice 2014, 2018 & 2019 (see exhibit)
- ITEM D-6 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- ITEM D-7 Approval of Assignment of Leasehold Interest (see exhibit)
- ITEM D-8 Approval of Amendment of Leasehold Interest (see exhibit)
- ITEM D-9 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- ITEM D-10 Commission Designation of Successor of a Tenant in Common Interest – MELBA CHOCK, Residential Lease No. 2764, Lot No. 118, Kewalo, O`ahu

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion to approve Items D-2 to D-10.

Commissioner Teruya asked to recuse herself from voting on Item D-3 as a homesteader she refinanced her home. She submitted her application like everyone else and thanked the staff their assistance.

MOTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve Items D-2 to D-10, except for Item D-3.

ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve Items D-2 to D-10, except for Item D-3.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya	X		X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes						

MOTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve Item D-3, noting Commissioner Teruya's recusal.

DISCUSSION

Commissioner Neves asked about the contested case note for each account. Loans Manager Dean Oshiro stated previous Commissioners wanted to know if the contested case hearing resulted in the refinance or beneficiaries who make their payments and are rewarded with a lower interest rate.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve Item D-3.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm	X		X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya					X	
Chairman Ailā			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- eight (8) Yes votes. One (1) Recusal						

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-11 Commission Designation of Successor – BETSY NABARRO, Residential Lease No. 1858, Lot No. 246, Keaukaha, Hawai'i

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:

Motion that the Hawaiian Homes Commission approve Brenda Nabarro Masuno to succeed to the interest of Betsy Nabarro.

2. To stipulate that Brenda's rights and interest in the lease do not vest until Brenda has signed the transfer through the successorship lease document, the lease addendum, and any other required documentation.
3. To authorize the Department to extend the deadline up to 30 days for good cause if she does not sign the documents before March 31, 2021.
4. To declare that if Brenda's selection as a successor is revoked, then the property will be leased as an offer to the next applicant on the waitlist.
5. To amend the lease to reflect the new lessor's name, update the property description, and incorporate the currently used conditions for the updated lease.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the submittal						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- nine (9) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-2 Approval to Extension of Right-of-Entry (ROE) No. 697, Goodfellow Bros. LLC., Mo'ili'ili, Island of O'ahu, TMK No. (1) 2-7-008: 020 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve the extension of Right-of-Entry (ROE) No. 697, Goodfellow Bros. LLC., Mo'ili'ili, Island of O'ahu, TMK No. (1) 2-7-008: 020 (por.)

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Teruya, to approve the motion as stated in the submittal						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya		X	X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- nine (9) Yes votes.						

RECESS

10:05 AM

RECONVENED

10:15 AM

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-1 Lori Buchanan – Kalaupapa Section 106 and General Management Plan

L. Buchanan stated she is involved with Kalaupapa. She does not want the Department to sign any programmatic agreement with the National Park Service. The NPS abruptly stopped the 106 consultations on the programmatic agreement for Kalaupapa with the stakeholders and beneficiaries. The PA has not been completed, and further participation will be only in writing. She requested that DHHL initiate a workgroup to include Ka 'Ohana O Kalaupapa.

Commissioner Awo stated he supports the communities' concerns to oppose the decision to end the consultation, and he supports continuing the consultation.

Chair Ailā stated the Department is considering the makeup of the working group.

Commissioner Helm requested the Department support Ka 'Ohana and Ka 'Ohana could do a presentation regarding the community's concern. Chair Ailā stated he would work with Planning to work with Lori and Ka 'Ohana for a presentation at the next meeting in February.

Commissioner Ka'apu asked L. Buchanan, if she thinks anything will change, or does she think it is a systematic problem? L. Buchanan stated she believes it is a systematic problem and believes it has to do with the federal rulemaking process and money. She showed a letter shown by then Chair Jobie Masagatani, issues that were never resolved, and it looks to L. Buchanan that the NPS never responded to DHHL regarding the concerns.

Commissioner Awo asked what kind of hammer the Department must bring the Moloka'i misery to an end.

J. Masagatani stated the Department would have to look at the obligations and conditions within the general lease with DHHL as the lessor and NPS as the lessee. Some issues relate to Kalaupapa as identifying the lands as a National Park Service involves a Congressional Act and is a complicated legal structure.

WORKSHOP

LAND MANAGEMENT DIVISION

ITEM F-3 Approval of New Revocable Permit Pilot Program

Chair Ailā stated Item F-1 would be open for decision making tomorrow.

RECOMMENDED MOTION/ACTION

Executive Assistant Jobie Masagatani presented the following for information only:

To introduce the item before formally putting it into the record as a motion because there were changes made from the prior presentation and to make sure the Commissioners were comfortable with the changes.

J. Masagatani walked through the changes with the Commissioners, which started on page 2 of the submittal. The changes were broken down into phases, the outreach, the application process, and the selection process.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval of DHHL COVID-19 Emergency Rental Assistance Program Pursuant to the Consolidated Appropriations Act. 2021.

RECOMMENDED MOTION/ACTION

Legislative Analyst Lehua Kinilau-Cano presented the following:

Motion that the Hawaiian Homes Commissioner authorizes the DHHL to utilize up to \$2.4 million as provided for in the Consolidated Appropriations Act 2021 to provide Emergency Rental Assistance and to

Authorize the Hawaiian Home Lands to utilize any remaining funds up to \$7 million of native Hawaiian Block Grant Funds made available in accordance with NAHASDA, needed beyond the \$2.4 million as provided in the Consolidated Appropriations Act 2021, and

Allow the Department to increase funding for the program in response to demand as NHHPG or other supplemental funding permits by informing the Hawaiian Homes Commission.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the submittal

DISCUSSION

L. Kinilau-Cano stated the Consolidated Appropriations Act 2021 was signed into law by President Trump in which \$2.4 million specifically for the Hawaiian Home Lands for the emergency assistance. The law also included \$2 million in NAHASDA funding, and there was separate funding for telecommunications. This law not only allows for rentals or rent arrears but utility and utility arrears. The Department has already applied for the funds and is awaiting receipt. The funds need to be expended by December 31, 2021. The assist is to native Hawaiians on the waitlist or undivided interest lessees experiencing unemployment or reduction in household income due to COVID. The main priority is to demonstrate to Congress the Department's ability to expend the \$2.4 million.

If the Commission supports this, the goal is to get a contract in place by February 1, 2021, deploy the program and get the funds out as quickly as possible.

Commissioner Neves asked about the money going to electrical or utility costs and how it is controlled. L. Kinilau-Cano stated the Treasury provided very little guidance. Staff sent a 4-page document of questions and will follow the guidance provided while it waits for clarification. This program is available to renters within the State of Hawai'i.

Commissioner Ka'upu asked what group administers the program now. L. Kinilau-Cano stated Aloha United Way (AUW). For the new program, the Department has been conversing with the Council for Native Hawaiian Advancement (CNHA), who has experience disbursing funds and they understand the beneficiaries.

Commissioner Ka'upu asked if the funding provides the Department the ability to get the people into the program. The Act provides 10% of the \$2.4 million to be used towards administration costs, but currently, the Department allows for 15% for NAHASDA funds.

Commissioner Teruya stated that HECO has the LIHEAP program that has worked to help kupuna and individuals. The Department may want to look at that program and the application process.

L. Kinilau-Cano stated that there is language that stated the Department could not duplicate any other federal services. There have been people who asked for assistance, and they were already receiving Section 8.

Commissioner Helm asked how the Department is reaching out to the beneficiaries on Moloka'i.

L. Kinilau-Cano stated ICRO did a mailout to the entire applicant list and the undivided interest lessees. ICRO also did as much media as it could, and there was a press conference in which Chair Ailā and the Head of AUW promoted the program. Deputy Gomes went on a talk show, and the Department did radio ads.

L. Kinilau-Cano stated they did reach out to Moloka'i and did not receive any requests for assistance from Moloka'i. She communicated with CNHA and felt that the \$2.4 million target is attainable.

Commissioner Ka'apu asked if NAHASDA funds are available for lessees for utilities. L. Kinilau-Cano stated the NAHASDA program has been for those renting, but that she could follow up with HUD.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the submittal						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- nine (9) Yes votes.						

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-7 Alohalani Alapai – Isenberg Relocation

A. Alapai was notified that she would go to the bottom of the waiting list if she accepted the rental lease proposal. She did not find this acceptable. Chair Ailā stated that she is not an applicant but an undivided interest lessee. Chair Ailā stated there could be more conversation offline as to what her options are.

ITEM J-5 Grace Kealoha – Ejectment Concern

Chair Ailā cautioned Commissioners that a contested case appeal is pending in this case.

G. Kealoha spoke of domestic incidents occurring in their neighborhood. Deputy AG Kanaka'ole suggested that the Commission resolve into an executive session due to pending and future litigation.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm to convene in an executive session pursuant to Section 92-5(a)(4) and 92 J-1(6), HRS, to consult with its attorney on questions and issue pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. Motion carried unanimously.

EXECUTIVE SESSION IN

11:07 AM

The Commission anticipates convening an 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.

EXECUTIVE SESSION OUT

11:40 AM

Chair Ailā addressed G. Kealoha stated that the Department could not provide legal advice except that the enforcement of temporary restraining orders is enforceable by the Honolulu Police Department on DHHL lands. Criminal activity on DHHL lands is still the responsibility of County and State law enforcement agencies.

ITEM J-4 Alike Atay – Alternative Business

A. Atay talked about growing industrial hemp on Hawaiian Home Lands and asked for a legal opinion from the Deputy AG. He asked for the Department's official position on growing hemp on its ag land. He stated that the Department should consider industrial hemp as an economic opportunity. He stated that he could grow three crops per year and ship them to states that already produce and process hemp. Legislation already exists.

Commissioner Awo stated he disapproves of the growing of hemp because it conflicts with federal law.

Commissioner Ka'apu stated the Department of Health ("DOH") had not established rules. A. Atay stated the DOH admitted that they are the ones in charge of policy and rules-making. He can plant hemp, but once harvested, there are no rules to guide processing.

ITEM J-2 Liko Wallace – Nā'iwa Homestead Association (deferred)

ITEM J-3 Gina Kaniaupio – Criminal Activity on Homestead (deferred)

ITEM J-6 Homelani Schaedel – Community Concerns (deferred)

Commissioner Awo asked about the response to Pat Kahawaiola'a's inquiry about reporting out of executive session. He supported those concerns because the beneficiaries knew before going into executive session why the Commission was having a special meeting. That resulted from information that was not made available to the Commissioners before taking a vote. Specifically, it was Governor Ige's public statement that he does not support gambling in Hawai'i.

Added to that was the Department's acknowledgment that they knew about that beforehand before deciding to take a vote from the Commissioners. Deputy Gomes said, "the deadline for the Governor's package was yesterday, so staff will have to get the bill to the Governor's office and

the Attorney General's office for review. From there, the decision will be in the hands of the Governor, whether he wants to include the Bill in his package or not. There is no sufficient information about when or how that works."

Commissioner Awo stated his concern with that statement is contrary to what the Department already knew in advance. The governor was not going to support gaming. It was not going to be included in his Legislative Packet. He thinks that as Commissioners, they remain accountable to beneficiaries. He believes it is his kuleana to beneficiaries.

Chair Ailā stated that he planned to see if the Deputy AG would review the discussion for what could be releasable. His initial read was that the entire discussion was privileged, including the question that was asked. If Deputy Kanakaole says there is something releasable, he will include it in response to Uncle Pat and in the minutes for everyone to see.

Commissioner Kaleikini stated in addition to Uncle Pat's testimony; we did get testimony in support [of reporting out of executive session] from the Maku'u Homestead. He just wanted to the point that out.

AG Kanaka'ole stated Commissioner Ka'apu provided a summary of the executive session discussions earlier this morning when the Commission reviewed the public testimony. As far as the privilege, he does not hold the right to waive discussions had in the executive session. During an executive session, the Commission can discuss how to go about the proper release of information from that Commission meeting.

Chair Ailā stated that said he would add it to tomorrow's executive session discussion.

WORKSHOPS

OFFICE OF THE CHAIRMAN

ITEM C-4 For information Only – Update on Remediation Efforts of Unexploded Ordnance (UXO) on Trust Lands in the former Waikoloa Maneuver Area

RECOMMENDED MOTION/ACTION

Special Assistant Office of the Chairman Niniau Kawaihae presented the following for information only.

Note: Slide Presentation attached.

DISCUSSION

Commissioner Kaleikini asked what other areas are involved. N. Kawaihae stated the former Popoki target area is in the Maku'u farm lots, long-term management.

Commissioner Kaleikini asked what the costs associated with remediation are. N. Kawaihae stated the military caused the contamination during WWII, and the federal government is responsible for the cleanup costs. The land will never be unrestricted use. The lessees and the Department utilize UXO construction support when doing any ground-disturbing activities.

Commissioner Ka'apu stated the Commission should explore the filing of a lawsuit against the United States and U.S. Department of Housing and Urban Development (HUD) because the same properties in the Formerly Used Defense Site (FUDS) area include Waikoloa Village. In

Waikoloa Village, anybody can get HUD funding and Federal Housing Authority (FHA) funding without the restrictions applied to DHHL land. There are no support services when they must construct their homes. The only people subject to the stupid rules, in his opinion, is the Department of Hawaiian Home Land. The Department is subjected to the rules because it has not been assertive in taking the federal government to task for this. It was heard in 2015 that in 2017 that there would be some relief so people can build, but nothing has happened. Some beneficiaries cannot repair their homes and cannot get a loan to build on their property. It affects a large portion of the Waimea and Kawaihae areas. He felt the Department should be more proactive in pushing this issue.

Commissioner Ka'upu asked Commissioner Ka'apu if he is prepared to move, to make a motion as to proceeding with legal action against the United States. Commissioner Ka'apu stated he does not know if that's agendized, but if it is properly agendized to raise the motion, he would. Commissioner Ka'upu stated he would second that motion.

AG Kanaka'ole stated that an item could be on the executive session agenda because it is related to litigation. The Commission would discuss and vote to authorize the AG's office to go ahead. It may be a case for a special counsel. He does not believe the agenda can be amended for this meeting because the nature and consequence of such a decision would have a large impact. It would have to be in a subsequent agenda.

Chair Ailā asked Commissioners Ka'apu and Ka'upu if the February agenda can be considered for an agenda item. Commissioner Ka'upu asked the Chair if it is a matter where the Commission should be communicating with beneficiaries on the proposal.

AG Kanaka'ole stated the HAR does not talk about beneficiary consultation regarding litigation. However, the Commission has the discretion to go through the beneficiary consultation process.

Commissioner Awo stated he is inclined to agree that filing a lawsuit against the federal government for failing to meet their responsibilities is something he would consider. He is open to having a beneficiary consultation on this matter.

Commissioner Ka'apu stated if it is going out for beneficiary consultation, the beneficiaries who should be consulted are the ones that are affected on the Big Island because they are the ones that are sustaining the loss. He thinks the Commission will find support among the beneficiaries in the affected areas.

N. Kawaihae stated the areas affected. Pu'ukapu, Kuhio Village, Kawaihae Makai, Lālānilo, and with the proposed expansion Honokaia and Nienie. Chair Ailā suggested beneficiary consultation be limited to those areas. Commissioner Awo agreed it is a regional issue. Those beneficiaries who have had to live with those situations will probably have a lot to say.

Commissioner Kaleikini referred to the presentation, noting that it would take seven years to complete the process and asked for clarification on long-term management. N. Kawaihae stated the Army Corp would return every five years to consult with residents about whether anything was found during that period. Long-term management keeps the military on the hook if UXOs or removal work is needed. Commissioner Kaleikini felt Maku'u should be included in the beneficiary consultation because of the potential that they may come across ordinance when they want to build.

Chair Ailā stated that Maku`u has already gone through the process and is in the long-term management phase where beneficiaries can do what they need to do. In the case of Maku`u, they should have construction support. They are in the recognize, report, and retreat mode, which is the long-term management. They report it to local authorities who call in the military disposal folks. If an item is significant enough, it may cause a re-look at that area. He is concerned that if Maku`u is included, it may lead them to believe that something else will occur in that area, which is not the case.

Commissioner Neves asked if there were any other areas statewide that have this type of problem. He stated the Commission is looking at possible litigation with the federal government. It needs to look at encompassing all affected areas. Chair Ailā stated ordinance was found in Nanakuli, but it has not been designated as an area for further investigative procedures. Some grenades were found a while back, in schools in Waimea. As evidence becomes available that training occurred in a particular area, it triggers the process. He would not rule out any lands that DHHL has.

N. Kawaihae stated she could send the Commissioners a statewide map that identifies the FUDS areas on trust lands.

Executive Assistant Jobie Masagatani asked for clarification of the directive from the Commission. There is a lease addendum added to the DHHL homestead leases. The lease addendum condition makes the lessee aware that the lands were formally used defense sites cleaned up. If there is going to be any ground-disturbing activity that occurs, construction support should be utilized.

She understands Commissioner Ka'apu's concern that borrowers utilizing FHA in a fee simple situation are not facing the challenges that the HHL beneficiaries are facing triggering the lease addendum that the Attorney Generals recommended the DHHL include in their leases. Her concern about conducting beneficiary consultation, before a decision by the Commission being made, those documents are all in public.

Suppose the Department is going to be moving into litigation. The Department wants to ensure that there is not anything disclosed in those public settings that can be used in a litigious situation with the federal government regarding the difference between fee simple and leasehold even if the land's character is the same.

There are a couple of due diligence efforts that need to be undertaken with DHHL and HUD. The first is identifying the actual trigger in the documentation that is causing a challenge for the lenders. The lenders that lend with FHA 247 on the homelands also lend FHA in the fee simple world. The second is HUD local provided some guidance regarding this matter. Still, it was extremely convoluted because our Office of Native American Programs (ONAP) in Washington DC, which administers the NAHASDA program, is different from the FHA 247, which the Commissioner for Federal Housing administers. These are two separate departments within HUD. This matter is complicated, and the Department does not have all the information. Anything to do with NAHASDA, 184 lending and block lending, is specific to the ONAP's guidance related to the FUDS cleanup.

J. Masagatani agrees with Commissioner Ka'apu's concerns about beneficiaries being directly impacted and differential treatment. She wants to make sure before the Department goes to DC in any way that the Department understands what it is talking about and that the Department does not inadvertently compromise its position vis-a-vis the opposing party, which is the federal government.

Commissioner Ka'apu is in favor of conducting the due diligence before having an action item. He hoped to get some of the due diligence in the presentation today since it was discussed and what some of the issues were. He stated the Commission does not know where it stands, and there should be an understanding of what needs to be done to fix it. The issue is how to fix it. If the Commission can get that direction by conducting additional due diligence, we certainly do not want to file that lawsuit, but since 2015 we have beneficiaries still directly impacted. They cannot fulfill the obligations of their lease because the federal government is not moving. N. Kawaihae stated when the Army Corps of Engineers wrote the contract for Parsons, it was for Pu'ukapu, Kuhio Village, and Sector 16, which is non-DHHL land. When the report was made and given to the State Department of Health (DOH), the report was rejected because it was so mixed up you could not tell which sector it was because all the data had been combined. DOH asked Army Corp to fix the report and make Sector 15, Pu'ukapu, and Kuhio Village separate. So, Army Corp is hiring a contractor to put the raw data into a report that DOH will accept.

Chair Ailā stated the DOH is trying to achieve a level of confidence on behalf of the Department that the property is safe. Commissioner Ka'apu stated beneficiaries are being treated as third-class citizens.

Chair Ailā stated the Department would endeavor to do the due diligence and return to the Commission with those findings, and then the Commission can decide whether to move forward with some sort of legal action. At this point, it would be premature to do any beneficiary consultation until the Department has something to consult on. J. Masagatani agreed that the Commission deliberate on the information before doing any extensive beneficiary consultation.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

- ITEM C-2 Approval of Delegation to the Chairman of the Hawaiian Homes Commission for Signature Authority on Right-of-Entry to the U.S. Army Corps of Engineers for Unexploded Ordinance Remediation on Trust Lands in the Former Waikoloa Maneuver Area.**

RECOMMENDED MOTION/ACTION

Special Assistant Office of the Chairman Niniau Kawaihae presented the following: Motion that the Hawaiian Homes Commission approve the Delegation to the Chairman of the Hawaiian Homes Commission for Signature Authority on Right-of-Entry to the U.S. Army Corps of Engineers for Unexploded Ordinance Remediation on Trust Lands in the Former Waikoloa Maneuver Area.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Kaleikini, to approve the motion as stated in the submittal

DISCUSSION

Commissioner Ka'apu asked if remediation would happen before next month's meeting. N. Kawaihae stated the Department received a right-of-entry request for Lālāmilo, and the scanning

work is being continued. The Army Corps is ready to go with their contractors. The request was made back in December.

Commissioner Ka'upu asked what authority the Chair needs to sign a special authorization and who normally signs for these things because he does not remember signing anything. Chair Ailā stated that the Chairman had been authorized to sign on behalf of the Commission once the Commission approves a motion. This motion asks to delegate authority to issue the Right-of-Entries to expedite the investigation and remediation of these parcels, so he does not have to come back to the Commission every month.

Commissioner Ka'upu asked if this were not done, would the Chair have the ability to sign it? Chair Ailā stated because of the extended period; he would not.

N. Kawaihae stated you usually see limited right-of-entry or right-of-entry requests coming out of LMD. This request is the same, except it is a right-of-entry for a government agency and not a commercial business.

J. Masagatani stated the Chairman has the authority to sign limited right-of-entries, usually for a 30-day window, without Commission authority. Once a year, the Commission is presented with an action to approve right-of-entries or revocable permits, which are renewable 30-days up to a year. These actions have the term, tenant, and the period the right-of-entry will be in place.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Kaleikini, to approve the motion as stated in the submittal						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya		X	X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously- nine (9) Yes votes.						

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOP

LAND DEVELOPMENT DIVISION

ITEM E-1 For Information Only – Kapolei Projects Update

RECOMMENDED MOTION/ACTION

None. For information only. Acting Land Development Division Administrator Stewart Matsunaga presented the following:

Note: Slide presentation attached.

DISCUSSION

Commissioner Ka'upu asked what the thinking was to have different kinds of awards. Chair Ailā stated the Undivided Interest (UI) Program was a product of the Kane Administration. The idea was that large parcels of land would be developed, and beneficiaries would be provided with financial counseling and lead time to get financially ready. The infrastructure was completed, and many of the homes were turn-key but some UI lessees couldn't qualify financially. A few UI lessees were given a chance to transfer to increment B. Some lessees chose not to transfer, so the only remaining options available to them are re-awards. There were UI awards for O'ahu, Kona, and Maui. Vacant lot awards are recent and came about because some people were by-passed on the waitlist because they could not qualify for a turnkey. Vacant lots were made available to them so they could build something within their financial means. Chair stated if there is development in an area where an undivided list was created, the undivided interest paper lessees are first offered to UI's before going to the waitlist. Undivided Interest leases are no longer issued.

OFFICE OF THE CHAIRMAN

ITEM C-5 For Information Only – Report of Chapter 91, Hawai'i Revised Statutes, Public Hearings for Administrative Rules Related to Management of Water Systems

RECOMMENDED MOTION/ACTION

None. For information only. Rules Officer Hokulei Lindsey and Grants Specialist Gigi Cairel presented the following for information only:

DISCUSSION

H. Lindsey stated the Department owns four water systems. The Anahola Water System on Kaua'i, the Ho'olehua Water System on Moloka'i, the water system in Kawaihae, and Pu'ukapu on Hawai'i Island. Pu'ukapu is non-potable, and the other three provide drinkable water.

The HHCA states that any water system within the Department's exclusive control must remain in the exclusive control of the Department. The Department cannot alienate any of the water systems. The challenge is managing the water systems.

In 2014 the HHC adopted the HHC Water Policy Plan to figure out new water sources and manage the water systems. One of the goals identified was to manage the systems to break even over the long-term financially. Breaking even is one issue; the other dilemma is setting water

rates. The rules are coming up on the last phases. Rules provide the Department with enforcement authority for water shut off, water meter obstruction, tampering, water theft, and delinquencies.

H. Lindsey stated Hawai'i Revised Statutes required public hearings, which were convened in November. Only three written comments were received.

Commissioner Neves asked about the interruptions of water supply. In Anahola, there have been times when the water is shut off, and when it comes back on, the backflow preventers start leaking. According to the rule, if there is a malfunction of the backflow preventer, it needs to be repaired and then certified. He asked if there is a pressure restrictor to alleviate some of those problems and costs for beneficiaries.

G. Cairel stated in the water industry; the homeowners maintain backflow preventers. In DHHL, the Department started to maintain them but going back to best practices in the industry. All the backflow preventers in Anahola will be replaced with new ones. The old ones have been there since the 1980s.

C. Cairel stated once the construction is completed for Anahola and Ho'olehua and the system is more efficiently working, the rates will be revisited. Rules state that there are timelines required to do the cost of servicing and rate studies every couple of years.

Commissioner Neves stated about 30% of users are not paying their water bill. Education on the front end and enforcement on the backend to get these people to pay their water bills is important. He asked if there is a charge for the spigot water. H. Lindsey stated the water spigots are required to be metered under the Rules. If people do not pay their water bill and go to the spigot and not pay for the spigot bill, is it a lease violation remedied through a contested case? He wants to know when enough is enough. H. Lindsey referenced 10-4.1-10 in the submittal, exhibit A, Discontinuation of Water Service.

H. Lindsey stated this would be brought back to the Commission next month for approval, and after approval, it goes back to the Attorney General for review. This set of rules would have to go through the small business regulatory review board and then the Governor.

H. Lindsey stated the overwhelming response for the beneficiary consultation was not to have public spigots because it is the owner's responsibility to pay their water bill.

RECESS

3:05 PM

HAWAIIAN HOMES COMMISSION

Minutes of January 20, 2021 via Videoconference
DHHL Main Office, Hale Pono'i, Kapolei, O'ahu, Hawai'i

Pursuant to proper call, the meeting of the Hawaiian Homes Commission was held via teleconference, moderated by Chairman William Ailā Jr., from Hale Pono'i, 91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i, beginning at 9:30 a.m.

PRESENT

William J. Ailā Jr., Chairman
Randy K. Awo, Maui Commissioner (via videoconference) (9:58 a.m.)
Zachary Z. Helm, Moloka'i Commissioner (via videoconference)
David B. Ka'apu, West Hawai'i Commissioner (via videoconference)
Michael L. Kaleikini, East Hawai'i Commissioner (via videoconference)
Russell K. Ka'upu, O'ahu Commissioner (via videoconference)
Pauline N. Namu'o, O'ahu Commissioner (via videoconference)
Dennis L. Neves, Kauai Commissioner (via videoconference)
Patricia A. Teruya, O'ahu Commissioner (via videoconference)

COUNSEL

Ryan Kanaka'ole, Deputy AG (via videoconference)

STAFF

Tyler I. Gomes, Deputy to the Chairman
Leah Burrows-Nuuanu, Secretary to the Commission
Andrew Choy, Acting Planning Manager
Kahana Albinio, Acting Land Management Division Administrator
Juan Garcia, Homestead Services Division Administrator
Cedric Duarte, Information & Community Relations Officer
Stewart Matsunaga, Acting Land Development Division Administrator
Paula Ailā, Acting Contact and Awards Division Administrator
Jamilia Epping, Information Specialist
Michael Lowe, Information Specialist

ORDER OF BUSINESS

CALL TO ORDER

Chair Ailā called the meeting to order at 9:33 a.m. eight (8) members were present via videoconference at roll call. Commissioner Awo joined the call at 9:58 a.m.

Pursuant to the Governor's seventeenth Proclamation, related to COVID-19 Emergency, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through February 15, 2021, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to effectively and efficiently provide emergency relief and engage in emergency management functions.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

Testimony on agendized items was submitted in writing via the Department of Hawaiian Home Lands website at www.dhhl.hawaii.gov/hhc/hhc-contact.

Chair Ailā stated there were seven (7) testimonies received, all of which were related to Item G-2. The testimonies were added to the Commissioner's cloud folders.

Note: Testimonies are attached.

Chair Ailā stated Item F-1 would be taken up later in the agenda.

ITEMS FOR DECISION MAKING

PLANNING OFFICE

ITEM G-1 Approval of Recommendations for COVID-19 Relief Grant Awards and Regional Plan Priority Project Grant Awards (statewide)

RECOMMENDED MOTION/ACTION

Planning Office Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission approve the \$1 million allocation from the Native Hawaiian Rehabilitation Fund (NHRF) to fund the following organizations for the COVID-19 Relief Grant Awards and Regional Plan Priority Project Grants.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Ka'upu, to approve the motion as stated in the submittal.

DISCUSSION

G. Cairel stated the COVID grant is to be rapidly deployed to beneficiaries to address basic needs, housing, food security, health, and safety. The Regional Plan Priority Grant is intended to implement priority projects identified in a Commission-approved Regional Plan.

The grant applications received were three times what is normally received in any grant cycle.

Commissioner Teruya asked about the Boys & Girls Club of Hawai'i and Helping Hands Hawai'i if they requested funds from DHHL because they are on DHHL lands. G. Cairel stated the Boys & Girls Club request was from the Nanakuli and Waianae Clubs to help operate their current programs. Boys & Girls Club applied for the COVID and the Regional Plan Grants. Most of their \$200,000 budget was going to salary. For Helping Hands, most of the \$200,000 goes directly to financial assistance for rent, mortgage, and utilities. G. Cairel asked Helping Hands if they would extend their program to HHL beneficiaries, and Helping Hands is willing to collaborate with DHHL. Helping Hands has been doing emergency assistance for ten years. They have a contract with the Office of Hawaiian Affairs (OHA). They've partnered with Catholic Charities and Hawaiian Community Assets.

Commissioner Teruya stated she understands that the Legislature is not giving out grants in aids because of the lack of funding. She is curious how DHHL is issuing out grants. G. Cairel stated that the funds are coming from the Native Hawaiian Rehabilitation Fund (NHRF). The Regional Plan Grant is offered once in a while. The COVID grant is new in response to the beneficiaries' needs. A. Choy stated that the funds come from the Trust funds, and they do not lapse if not used.

Commissioner Ka'apu noted that in the COVID box, a few were heavily weighted with \$200,000 each, and on the other project, it was split evenly among associations. Is it because they were the best proposals received, so they got more money? He wondered why it was not spread around to

cover more requests. G. Cairel stated they were the best proposals. The COVID maximum award was \$200,000, and the Regional Plan award was \$100,000. Each program gets \$500,000. Many of the programs were new and not tested.

G. Cairel stated for Kanehili Park staff recommended a Regional Plan Grant. Board President Rudy Akau confirmed that the park would be accessible to area homesteads and the public. They recently obtained their 501 3c status and were advised that their programs must be made available as a charitable organization.

Commissioner Helm asked if the people who did not get grants were notified. G. Cairel stated a written notice is sent to every applicant whether they got the grant or not.

Commissioner Kaleikini asked if the COVID Relief Grant is a one-time thing or will it go out again next year. A. Choy stated it is subject to the Commission's 2022 budget if it includes monies for grants. Commissioner Kaleikini stated the Regional is ongoing, and it's his understanding that some projects go on more than a year. G. Cairel stated the Regional plan is a grant that is offered regularly, whereas development facility projects tend to go on for 4-5 years.

Note: Commissioner Awo joined the videoconference at 9:58 a.m.

Commissioner Teruya asked if the participants were required to turn in their Hawai'i Compliance Express. G. Cairel stated it is required at the time of application, at the time of contract, and final payment.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Ka'upu, to approve the motion as stated in the submittal						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'upu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes.						

ITEM G-2 Acceptance of the Beneficiary Consultation Report Related to the Waioli Kalo Farmer Hui Request for Water Lease from the State Department of Land and Natural Resources (DLNR), Waioli, Kaua'i and Approval to Authorize the Chairman to seek programs for DHHL beneficiaries from the Waioli Kalo Farmer Hui during the DLNR Water Leasing Process.

RECOMMENDED MOTION/ACTION

Planning Office Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission accept the Beneficiary Consultation Report as the official record of beneficiary issues, questions, concerns, and comments regarding the Waioli Kalo Farmer Hui Request for Water Lease from the State Department of Land and Natural Resources (DLNR), Waioli, Kaua'i; and

That the Hawaiian Homes Commission approve to Authorize the Chairman to seek programs for DHHL beneficiaries from the Waioli Kalo Farmer Hui during the DLNR Water Leasing Process; and take other actions as necessary.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.

DISCUSSION

Dr. Jonathan Scheuer stated water leases and the lease revenues from sugar lands are the source of revenue for the Native Hawaiian Rehabilitation Fund (NHRF). The original Act 214 negotiated by Kuhio was to provide general tax funds to establish the Hawaiian Home Lands program. That funding now goes into the NHRF, declining and focusing on advocacy under the water policy plan. He stated the ask is for no revenue. J. Scheuer stated the support for their recommendation was unanimous at the beneficiary consultation.

Commissioner Neves stated there was a unanimous approval at the beneficiary consultation meeting that he attended. He is in support of the recommendation.

Commissioner Ka'apu asked Commissioner Neves if the kalo being processed is delivered to some of the kupuna in the various homesteads? J. Scheuer responded that the kalo is milled in the ahupua'a of Waipa and hand-delivered to kupuna around the island. Commissioner Ka'apu stated it would be good to put that into the presentation, and it was a good presentation. He is in support of the recommendation.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal						
Commissioner	1	2	*AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passed unanimously- nine (9) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-1 APPROVAL of New Revocable Permit Pilot Program

RECOMMENDED MOTION/ACTION

Executive Assistant to the Chairman Jobie Masagatani presented the following:

Motion that the Hawaiian Home Commission approve the New Revocable Permit Pilot Program.

J. Masagatani incorporated comments and suggestions from Commissioners into the submittal as follows:

- The permit could be canceled by DHHL upon 30 days advanced notice in writing to the tenant or permit holder.
 - Shouldn't this read Permit Holder only?
 - J. Masagatani stated to delete the word tenant
- Part 2, 3) Community RP add: Adjacent lands to Kuleana communities Agricultural and Pastoral. This will allow the Kuleana community to provide a presence on lands adjacent to their communities.
 - J. Masagatani stated making that explicit helps to identify that the types of projects that would be considered for community RP
- Part 4, 3) a. Proposed monthly rent (20 points automatically credited if minimum DHHL rent is met.) Deposit?
 - J. Masagatani stated they would include the language that is currently under the business RP
 - The 3rd bullet indicated that proof of funds through the most recent bank statements that amount for the security deposit of 2 times the proposed monthly rent is immediately available. Including evidence that the general RP applicant has the funds for the deposit as part of the documentation required to apply. That language is already included under the business RP as the 3rd bullet; it would be included in this section.

- The Department conducts an annual physical inspection of premises to ensure compliance with the RP's terms and conditions. Department shall investigate all reports of improprieties of the permit holder. All information to be provided to the Commission at the annual island commission meeting to continuance the RP.
 - J. Masagatani stated that the Department does not have the staff resources now for a physical inspection. An annual notarized statement that indicates full compliance to the RP's terms and conditions allows the Department to reevaluate as resources are available to confirm the permit holder's statement.
 - The gold standard strived for is the annual review of compliance with the RP's terms and conditions.
 - J. Masagatani stated the adjustment to the submittal would be to add a part 8, entitled "Compliance," which would be on Page 8 before the authority, and the Department would pick up the language at the bottom which indicates: The Permit Holder shall provide an annual notarized statement indicating full compliance to the terms and conditions of the Revocable Permit.

J. Masagatani stated requested that the Commission approve LMD's New Revocable Permit Pilot Program as outlined.

Commissioner Awo asked on the permit holder's annual inspection who will be conducting those inspections from staff. J. Masagatani stated the Land Management Division would do the inspections. However, the staffing is down right now, so one possibility is that the Department could seek services to assist with that inspection. Commissioner Awo appreciated the permitting process's accountability and that the gold standard is worthy of consideration as this has been a recurring problem.

J. Masagatani stated first if the certification or the notarized statement says that if you lie, it can be enforceable under law. Provisions that say if you lie, you can be held personally responsible in a criminal way. It will allow for that annual certification that the permit holder certifies that his business is up to date. The Department is trying to start with good applicants, so the application process is rigorous. The third thing is the maximum amount of time an applicant can be a permittee holder is five years.

Commissioner Awo stated even holding the permittees accountable for lying still requires resources to verify. If the issue of capacity is not resolved, the Department is back too square one.

Commissioner Ka'apu asked what starts the process for a particular property; someone coming to the Department and inquiring of a particular parcel, or is it Department initiated? J. Masagatani stated the Department initiates the process.

Commissioner Ka'apu suggested that it would make sense to pilot all three or at least two, the business and the general RP. The community ones he stated are problematic because of the large parcels associated with those. The Department should look at if those large parcels are broken down into smaller parcels that can go to the communities or look at the entire acreage.

Commissioner Ka'apu agreed with Commissioner Awo that the problem in enforcement is an ongoing one that needs to be solved. The message going out is the Department is holding beneficiaries responsible for paying their mortgages. Still, because of the staff shortage, the Department will not hold the permit holders to the same standard as it is the beneficiaries. He stated number one is the staff is in touch with the RP holders; they can call if they cannot physically. He asked if the Department is going to hire someone, is there a way to collaborate

with the associations or other groups and hire them to fulfill that role of going through a checklist? He favors the pilot and moves it forward as it will give the Department a good idea of what the issues are going to be. J. Masagatani stated that a more explicit language could be put in regarding an annual review, and identify, in the pilot, how to get to that and learn from that experience.

Commissioner Ka'apu stated the most egregious examples were the RP holders that did not pay rent for ten years. That kind of non-compliance should be very evident because the Department is not getting a check. They got to pay their bill, which should be the absolute gold standard, and someone should notice when the bill is not paid. There are ways to resolve that without having the staff go out; he thinks the Department can get around it.

Commissioner Neves stated he would like to see an annual, notarized statement. If the person built something he should not have after that notarized statement, he is gone. That is the kind of action the Department needs. To give that person 60 days to take it down is unacceptable after they said they comply 100%. They should just get a 30-day notice to get out.

Commissioner Neves stated the Department must act right away. The Department does a physical inspection because if there are improprieties, it will go against that person trying to qualify for extending the RP. The five year gets away from those who have been on the RP for 20 years. He stated that is one thing to put out: at the end of the five years, there will be a full inspection of the property before returning into the pool. If the Department finds impropriety, it works against the person on the RP.

Commissioner Neves stated the Department runs it through the AG, stating it needs a notarized statement and the notarized statement needs to comply with the contract. K. Albinio stated he would pull the Revocable Permit template that LMD has had for years and go through it with the AG to get the terms and conditions the Department is seeking in there.

Commissioner Teruya asked if the Department had a similar pilot to this in 2013. J. Masagatani stated the Department did not. Commissioner Teruya asked how the Department protects that revenue to ensure compliance to get the full amount.

Commissioner Awo stated the annual inspections are problematic. The beneficiaries expect that the Department is committed to holding others to a standard. If it is nothing more than just a gesture, it creates more frustration towards the Department when beneficiaries see watch violations occur. Like rulemaking, the Department continues to make rules that it cannot enforce. Commissioner Awo stated here is the Department, yet again, creating an expectation for the beneficiaries that it cannot commit itself to see it through. It is another problem that the Department is creating for itself.

J. Masagatani stated that both languages could be put in the notarized statement and the annual inspection. As a pilot, the Department may need to see its ability to meet the compliance obligation. There has never been a process that has been explicit about the expectations.

Commissioner Awo stated when the Department is awarding permits; the applicants have met some threshold that qualifies them to receive the permits. When things go south, and the Department cannot regulate the activity, it becomes problematic. He suggested the Department pursue the possibility of contracting some of these services out.

Commissioner Neves asked if the Department could hire a contractor. J. Masagatani stated the Department could hire professional services that do not duplicate services that are available through civil service. The Department would procure the contractor as it does any other professional service provider.

Commissioner Ka'apu stated that if this is going to be contracted, a monthly premium could be added to the contract and collected from every RP holder. The premium can be used to hire the contractor. If it is passed on to the RP holders, the beneficiaries and the Trust are not bearing the compliance burden, and it becomes a cost of doing business for the RP holder.

J. Masagatani stated the request under the Part A Compliance, LMD would pick up both paragraphs suggested by Commissioner Neves. Commissioners would get all the changes by the end of the day so that the Commission can see the updated submittal.

Commissioner Awo asked if it would be appropriate to include and/or, if necessary, a contractor or outside service. J. Masagatani stated it is not necessary as it is implied.

MOTION/ACTION

Moved by Commissioner Ka'upu, seconded by Commissioner Neves, to approve the motion as amended in F-1.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya					X	
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously- eight (8) Yes votes. One (1) Abstain						

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

OFFICE OF THE CHAIRMAN

ITEM C-3 For information Only – Status of the FCC 2.5 GHz Tribal Priority Window Licenses & Congressional Stimulus Package Allocations for Broadband Development Homestead Services Division

RECOMMENDED MOTION/ACTION

None. For information only. Deputy Tyler Gomes presented the following:

DISCUSSION

Deputy Gomes stated the FCC made broadband licenses in the spectrum range of 2.5 GHz available last spring. The rules allowed for HHL lands as tribal lands available for the licenses. However, the rules recognized only federal recognized Indian tribes could apply for the licenses. The first step the Department took was to request a waiver of the Rule which the FCC granted. It allowed the Department to submit applications for the licenses.

There were 51 eligible census tracts, and O'ahu was omitted because they were considered urban or because all the available 2.5 in those regions had been used. The FCC allowed the Department to group the applications, so five applications matched the neighboring island district structure. There were two competing applications. The rules stated that if there were competing applications, the licenses would no longer be issued for free and forced into an auctioning process. To obtain those licenses for free for its beneficiaries, the Department submitted a petition to deny those two competing requests because they lack jurisdiction over the land itself. Unlike the Department, they could not match the Department's shared fiduciary responsibilities to every single homesteader on that census tract. The FCC dismissed both and gave them until December 29, 2020, to respond. He does not believe there was a response from either.

The Department is moving into the last stages of review. Maui, Lanai, Kaua'i, and Moloka'i were all approved last fall. The Department has two years on those three applications to provide broadband service on that wireless spectrum to 50% of the population. Within five years, the Department needs to provide service to 80% of those residing in the areas. If the East and West Hawai'i applications are approved, the Department will have the same two and 5-year deadlines based on those application acceptance dates. The Department is securing a consultant who will do the planning and management of the build-out. The Department is aggressively pursuing a 2-year timeline for the full 5-year build-out. Deputy stated they would like to see this completed by the end of their administration. An MOA is being negotiated and sitting with the AGs due to a legal question.

In December, Congress announced a \$900 billion stimulus package. The Department got money for rental assistance. The Department also received a direct call out that the Department of Hawaiian Home Lands should get a minimum of \$30 million to broadband, infrastructure, and programming on Hawaiian home lands.

Deputy Gomes stated that the Department is waiting for guidance from the Department of Commerce to figure out the process. The Department is grateful to the Congressional Delegates for the specific call out to the Department of Hawaiian Home Lands. In the MOA negotiations, the Department is contemplating two additional things; meeting the Department's 2.5 deadlines and asking its consultants how best to use the \$30 million. The Department is also asking the consultants how to increase broadband access on O'ahu and how the Department can get broadband service to those on Maui that were not eligible for the 2.5. so that all the beneficiaries are being serviced.

Commissioner Kaleikini asked if there are more detailed plans on how the \$30 million will be used. Deputy Gomes stated that is something that the Department will ask the consultant to help plan out. The Department needs to do a heavy dive into all the Department's current assets and an inventory of what the community would like to see. The Department wants to make sure that the \$30 million is spent responsibly in line with Congressional intent and the furtherance of the Department's goals and how to meet the communities needs best. Commissioner Kaleikini asked if there was a timing restriction on the use of the \$30 million? Deputy Gomes stated he believes it must be encumbered by year-end.

RECESS
RECONVENED

11:05 AM
11:09 AM

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

- A. Homestead Lease and Application Totals and Monthly Activity Reports
- B. Delinquency Report
- C. DHHL Guarantees for Habitat for Humanity Loans

DISCUSSION

None.

MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Helm to convene in an executive session pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issue pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. Motion carried unanimously.

EXECUTIVE SESSION IN

12:06 PM

The Commission anticipates convening an 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.

EXECUTIVE SESSION OUT

2:43 PM

RECESS
RECONVENED

2:43 PM
2:50 PM

LAND MANAGEMENT DIVISION

- ITEM F-3 For Information Only – Status Update on Agnes Cope Center – General Lease No. 300, Trustees of the Estate of Bernice Pauahi Bishop, Kamehameha Schools, Nānākuli, O'ahu, TMK No. (1) 8-9-002:001 CPR [2]

RECOMMENDED MOTION/ACTION

None. For information only. Acting Land Management Division Administrator Kahana Albinio introduced Kamehameha Schools O'ahu Moku Director Kalei Kailihiwa presented the following:

Note: Slide presentation attached.

DISCUSSION

Commissioner Teruya thanked K. Kailihiwa for her presentation and for making the Maili Center available to the community for meetings and other gatherings. She asked if the Nānākuli Center would be available for meetings as well. K. Kailihiwa stated they hope to be open by March 2021. She thanked Kamehameha Schools for everything they have done for the West Side, they have three learning centers along the coast.

Commissioner Awo agreed with Commissioner Teruya's sentiment and thanked K. Kailihiwa and Kamehameha Schools for their work in the community.

K Kailihiwa concluded that it is a call to action to find ways to bring our people's potential by collaborating in ways that uplift the community.

PLANNING OFFICE

ITEM G-3 For Information Only – DHHL 2020 Beneficiary Study

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Office Manager Andrew Choy introduced SMS Consultant Faith Rex presented the following:

Note: Slide presentation attached.

DISCUSSION

F. Rex offered a slide presentation.

Commissioner Ka'apu stated from a policy standpoint its interesting that almost 50% of the applicants already own their own homes. The data affect how he looks at the waitlist because if half of them already own their own home, it is something Commissioners should discuss. The Characteristics slide indicates that almost half of them cannot afford to get the product that the Department is offering, but he does not understand how they got their home in the fee simple arena. F. Rex stated that when folks call her, they frequently want a house for their children.

Commissioner Ka'apu stated that maybe the Commission should focus its efforts on those who cannot afford the products we have. How does the Commission help those folks because half of those on the list seem to be doing fine? Prince Kūhiō desired to put Hawaiians on the land, and those who already own a home are already on the land. They are not on Hawaiian Home Lands, but they are on Hawaiian land.

Commissioner Kaleikini asked if the survey reveals why applicants have been on the waitlist for so long. F. Rex stated the last time they did the study, they broke it down into beneficiaries on the list for more than thirty years versus the newer ones. The ones who are more likely to need assistance are the ones who have been on the list the longest. They are the people who still want a turn-key award.

F. Rex stated people sometimes don't know when they are given an opportunity for an award, and they don't know what to do with it. The lack of a down payment and income to qualify for a mortgage. Simultaneously, the people who are likely to qualify are very picky about where they want their new house. Commissioner Kaleikini felt that understanding why folks are on the waitlist for so long could help focus the Commission's decision making.

F. Rex stated some people she talked to assumed that DHHL would just give them a home and no financial qualification requirements. That's a misconception out there.

Commissioner Neves stated he was on the waitlist for 30 years and received offers during that period. He was living on the mainland and in a better situation financially. He continued to live on the mainland until the right opportunity came along and he was able to find a job on Kaua'i.

Commissioner Kaleikini asked if there is a breakdown of how many on the waitlist are out of state. F. Rex stated it is about 15%.

Commissioner Ka'apu stated from a policy standpoint that while people live on the mainland for good reasons, the fact that they stay on the waitlist is being held against the Commission and the Department. If someone is living on the mainland, they won't qualify, or if they own their own home, it is a little different. He wondered if the survey considers the people who already have an award but are waiting for an ag or pastoral award. It is hard to understand how to attack the issue unless it is broken down into sections we can understand.

F. Rex stated that it does, and it can be broken down to show that. There are 22,000 on more than one list. We don't have the list of people who received one award, transferred it to their children.

Commissioner Helm asked if the survey has reasons for award deferrals and how many are deferred because of location. He also asked about area lists and how it relates to the island wide lists. Acting CADS Administrator Paula Ailā stated offerings first go to the Undivided Interest list, the area waitlist, and the Island wide residential waitlist.

Andrew Choy stated when the Department engages in developing its island plans, and it surveys the waitlist for that specific island to identify what their preferences are on that island. In terms of a location. Their preferences get factored into where the Department prioritizes lot development on the island in the Island Plan. Other factors are costs related to development.

ITEM G-4 For Information Only – DHHL Agriculture Program Plan Survey Results

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Office Manager Andrew Choy, Planner Julie Cachola, and UH College of Tropical Agriculture Human Resources Agent Glenn Teves presented the following:

Note: Slide presentation attached.

DISCUSSION

Andrew Choy stated that because of COVID 19, the Planning Office had to modify its outreach methods, and one of the ideas they developed was to administer a survey to reach out to applicants. Typically, applicants are not the demographic that shows up to meetings. The survey was administered last fall and included a video to help provide context to surveyors about why the survey is important.

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next meeting will be held on February 16 & 17, 2021, TBA


MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to adjourn the meeting.
Motion carried unanimously.

ADJOURNMENT

5:21 PM

Respectfully submitted:


William J. Aila Jr., Chairman
Hawaiian Homes Commission

Prepared by:


Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony on Agendized Items (21)
- 2) Slide Presentation Item C-4
- 3) Slide Presentation Item E-1
- 4) Slide Presentation Item F-3
- 5) Slide Presentation Item G-3
- 6) Slide Presentation Item G-4

From: dhhl.icro1@hawaii.gov
Sent: Thursday, January 14, 2021 5:30 PM
To:
Subject: HCC Contact:

First Name
Sari
Last Name
Sanchez
Phone
Email
<div><div></div></div>
Subject
Submit Written Testimony
Message
<p>I write in support of the Department of Hawaiian Home Lands' legislative proposal to authorize limited casino gaming on Hawaiian Home Lands as it provides the DHHL with the greatest opportunity for financial wellbeing. If approved, the initiative would not just provide DHHL with the funds it needs to better provide for its beneficiaries through adequate housing opportunities, education, and support, it will also improve the lives of the general Native Hawaiian population and state residents through increased opportunities for employment and an additional stream of tax revenue to help fund, among other state interests, public education and social services, including preventive services that would be available to everyone. Opponents argue that if approved, legal gaming will lead to a significant increase in crime, unemployment, homelessness, etc., but the data shows that Hawai'i will likely not realize a significant change in these areas, and there are preventive measures that the DHHL can take to protect beneficiaries, Native Hawaiians, and other residents similar to the those used by tribal communities on the continental US. This is a real opportunity for the DHHL and the State of Hawai'i to fulfill its responsibility to beneficiaries and Native Hawaiians, It's a win-win for all of Hawai'i.</p>

From: dhhl.icro1@hawaii.gov
Sent: Tuesday, January 12, 2021 10:32 PM
To:
Subject: HCC Contact:

First Name
Sunny
Last Name
Unga
Phone
Email
<div><div></div></div>
Subject
Submit Written Testimony
Message
I strongly oppose building the casino. How has casinos benefited our fellow Native Americans in their community? We must not repeat the same mistake!! It will bring more harm than good to the people and the community.

From: dhh1.icro1@hawaii.gov
Sent: Wednesday, January 13, 2021 6:23 AM
To:
Subject: HCC Contact:

First Name
Ryan
Last Name
Chang
Phone
Email
<div></div>
Subject
Submit Written Testimony
Message
I am opposed to the casino.

From: Raelyn Reyno <raelynreyno@gmail.com>
Sent: Tuesday, January 12, 2021 11:51 AM
To:
Subject: [EXTERNAL] Re: Casino proposal
Attachments:

To All DHHL Commissioners:

I am writing to you as a Native Hawaiian and a resident of Oahu to ask that you DO NOT support a casino in Hawai'i.

I have lived in Las Vegas and worked in retail on the Las Vegas strip. In addition, I have many family and friends that live close to Native American reservation casinos in CA. The casinos bombard the local community with free gifts, free play, and free dining to get the community in to the casino regularly. The worst in Las Vegas were the constant "free offers" to CASH PAYCHECKS and benefit checks at the casinos!!!

Make no mistake that corporate casinos are predatory and a terrible influence on children. I watched many of my friends and coworkers lose their cars, homes, and families to gambling. Our communities will prove no match to the slick advertising and insidious influence of the casino corporations.

Attached are some samples of the emails offering gifts and freebies that are sent out constantly by the Pechanga Reservation Casino in Southern California. The last email came yesterday morning. This is the pull that will hit our communities and influence our children.

Lets look at the real ideas being put forth by the bright people in our community and stop being led around by outsiders/lobbyists waving shiny objects and the promise of easy money. We have the chance to address the needs of our community and must put in the work. A casino is not the answer.

Thank you-

Raelyn Reyno Yeomans

From: dhhl.icro1@hawaii.gov
Sent: Wednesday, January 13, 2021 3:58 PM
To:
Subject: HCC Contact:

First Name
Laura
Last Name
Costa
Phone
Email
<u> </u>
Subject
To all Hawaiian Homes Commissioners
Message
Aloha, I am aware that four (4) of you voted against the Casino in Kapolei being built on Hawaiian Homes Land and five (5) of you voted for it. What concerns me is that four (4) of the majority who voted for the Casino are not even entitled to Hawaiian Home Land which would pose questionable. As they have nothing to lose by voting for the Casino. It is not about building homes for the Hawaiian Communities but bringing in funds for the State. Who will be your customers? I'm sure Las Vegas isn't flying over and visitors don't come here to gamble they can do that almost anywhere in the continental USA. Visitors come for many ,many other reasons and you know it. You are opening a can of worms and trying to catch the Hawaiian Fish....shame on you!

From: dhh1.icro1@hawaii.gov
Sent: Wednesday, January 13, 2021 5:56 PM
To:
Subject: HCC Contact:

First Name

Christopher

Last Name

Kamelamela

Phone

Email

Subject

Submit Written Testimony

Message

Please reconsider the idea of Casinos on Hawaiian Home Lands. You all (DHHL) have a fiduciary duty to fulfill. I am part Hawaiian and I have a birth right to be entitled to land. So does the 30,000 plus waiting applicants that's on the waitlist. My grandparents died on the waitlist. My father is on the waitlist. Will he suffer the same fate as my grandparents and the many thousands of Kanaka that have died waiting? I love Hawaii with all I have. I had to move to Reno, Nevada for a better life. There's no place like home. I beg you to not create another Reno, Nevada. Please do what is Right!! The waitlisters have suffered enough. Don't you agree?

From: dhhl.icro1@hawaii.gov
Sent: Friday, January 15, 2021 2:22 PM
To:
Subject: HCC Contact:

First Name
Makaala
Last Name
Kaumoana
Phone
Email
<hr/>
Subject
Submit Written Testimony
Message
<p>G2: Supporting Acceptance of the 2020 DHHL Beneficiary Consultation Report for Wai'oli Stream and the Wai'oli Valley Taro Hui</p> <p>Aloha Hawaiian Homes Commissioners!</p> <p>Mahalo for your continued support of kalo farming in Wai'oli Valley, Kaua'i. Consistent with your staff's recommendation, we urge you to accept the Beneficiary Consultation Report regarding the Wai'oli Valley Taro Hui's request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i. These farmers and their 'ohana -- many of whom are DHHL lessees and beneficiaries -- have been stewarding lo'i kalo in Wai'oli for many, many generations. The kalo that they grow feeds 'ohana across Kaua'i and throughout Hawai'i pae 'āina with ono kalo pa'a and poi.</p> <p>Consistent with the mana'o shared at the November 2020 Zoom consultation with your beneficiaries, we kako'o DHHL not requesting a reservation of water from Wai'oli Stream and support the Hui's request for gratis rent on a water lease. The idea of educational programming so that DHHL beneficiaries can learn from and partner with the Wai'oli farmers is pono and well supported by the farmers and your beneficiaries alike.</p> <p>Please take action today to accept the beneficiary consultation report.</p> <p>Mahalo for your time and consideration.</p>

From: dhhl.icro1@hawaii.gov
Sent: Friday, January 15, 2021 12:58 PM
To:
Subject: HCC Contact:

First Name
Nathaniel
Last Name
Tin-Wong
Phone
Email
[Redacted]
Subject
Submit Written Testimony
Message
<p>G2: Supporting Acceptance of the 2020 DHHL Beneficiary Consultation Report for Wai'oli Stream and the Wai'oli Valley Taro Hui</p> <p>Aloha,</p> <p>I'm grow kalo in Waioli, and want to give my mahalos for your support for the continutation of kalo farming in Wai'oli Valley, Kaua'i.</p> <p>Mahalo for your staff's recommendation, and me and my 'ohana humbly ask you to accept the Beneficiary Consultation Report for the Wai'oli Valley Taro Hui's request for the long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i.</p> <p>As a Hawaiian from Kauai, a father, and someone who grows kalo, the importance not just of eating kalo, poi, pai'ai, but the practice of growing kalo in the lo'i, with my family is a Hawaiian tradition I never want to see fade. Please support this vision in a small way and accept the beneficiary consultation report.</p> <p>me ka haahaa, nathaniel</p>

From: dhhl.icro1@hawaii.gov
Sent: Friday, January 15, 2021 11:27 AM
To:
Subject: HCC Contact:

First Name
Pelika
Last Name
Andrade
Phone
Email
<u> </u>
Subject
Submit Written Testimony
Message
G2: Supporting Acceptance of the 2020 DHHL Beneficiary Consultation Report for Wai'oli Stream and the Wai'oli Valley Taro Hui
Aloha nui to our Hawaiian Homes Commissioners!
Mahalo for your continued support of kalo farming in Wai'oli Valley, Kaua'i. In support of your staff's recommendation, we urge you to accept the Beneficiary Consultation Report regarding the Wai'oli Valley Taro Hui's request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i. These farmers and their 'ohana -- many of whom are DHHL lessees and beneficiaries -- have been stewarding lo'i kalo in Wai'oli for many, many generations. The kalo that they grow feeds 'ohana across Kaua'i and throughout Hawai'i pae 'āina with 'ono kalo pa'a and poi.
Consistent with the mana'o shared at the November 2020 Zoom consultation with your beneficiaries, we kako'o DHHL not requesting a reservation of water from Wai'oli Stream and support the Hui's request for gratis rent on a water lease. The idea of educational programming so that DHHL beneficiaries can learn from and partner with the Wai'oli farmers is pono and well supported by the farmers and your beneficiaries alike.
Please take action today to accept the beneficiary consultation report.
Mahalo for your time and consideration.

From: dhhl.icro1@hawaii.gov
Sent: Monday, January 18, 2021 3:05 PM
To:
Subject: HCC Contact:

First Name

Rachel

Last Name

James

Phone

Email

Subject

Submit Written Testimony

Message

G2: Supporting Acceptance of the 2020 DHHL Beneficiary Consultation Report for Wai'oli Stream and the Wai'oli Valley Taro Hui

Aloha Kakou Hawaiian Homes Commissioners!

Mahalo for your continued support of kalo farming in Wai'oli Valley, Kaua'i. Consistent with your staff's recommendation, I urge you to accept the Beneficiary Consultation Report regarding the Wai'oli Valley Taro Hui's request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i. These farmers and their 'ohana -- many of whom are DHHL lessees and beneficiaries -- have been stewarding lo'i kalo in Wai'oli for many, many generations. The kalo that they grow feeds 'ohana across Kaua'i and throughout Hawai'i pae 'āina with ono kalo pa'a and poi.

I have had the good fortune of witnessing their stewardship first hand as a law student in the William S. Richardson School of Law Environmental Law Clinic in 2019 as the Hui worked to recover from the 2018 floods.

Consistent with the mana'o shared at the November 2020 Zoom consultation with your beneficiaries, I kako'o DHHL not requesting a reservation of water from Wai'oli Stream and support the Hui's request for gratis rent on a water lease. The idea of educational programming so that DHHL beneficiaries can learn from and partner with the Wai'oli farmers is pono and well supported by the farmers and your beneficiaries alike.

The local, state and community collaboration that has taken place to support the Hui's efforts has been substantial. Please take action today to continue this necessary collaboration by accepting the beneficiary consultation report.

Mahalo for your time and consideration.

From: dhhl.icro1@hawaii.gov
Sent: Monday, January 18, 2021 1:50 PM
To:
Subject: HCC Contact:

First Name

Ashley

Last Name

Kaono

Phone

Email

Subject

Submit Written Testimony

Message

Aloha Hawaiian Homes Commissioners,

Mahalo for your continued support of kalo farming in Wai'oli Valley, Kaua'i. Consistent with your staff's recommendation, we urge you to accept the Beneficiary Consultation Report regarding the Wai'oli Valley Taro Hui's request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i. These farmers and their 'ohana -- many of whom are DHHL lessees and beneficiaries -- have been stewarding lo'i kalo in Wai'oli for many, many generations. The kalo that they grow feeds 'ohana across Kaua'i and throughout Hawai'i pae 'āina with ono kalo pa'a and poi.

Consistent with the mana'o shared at the November 2020 Zoom consultation with your beneficiaries, we kako'o DHHL not requesting a reservation of water from Wai'oli Stream and support the Hui's request for gratis rent on a water lease. The idea of educational programming so that DHHL beneficiaries can learn from and partner with the Wai'oli farmers is pono and well supported by the farmers and your beneficiaries alike.

Please take action today to accept the beneficiary consultation report.

Mahalo for your time and consideration.

From: dhhl.icro1@hawaii.gov
Sent: Tuesday, January 19, 2021 4:05 PM
To:
Subject: HCC Contact:

First Name

D. Kapua

Last Name

Sproat

Phone

Email

Subject

Submit Written Testimony

Message

Re: Agenda Item G2: Acceptance of the Beneficiary Consultation Report Related to the Wai'oli Valley Taro Hui's Request for a Water Lease from the Department of Land and Natural Resources in Wai'oli Valley, Kaua'i and Approval to Authorize the Chair to Seek Programs for DHHL Beneficiaries

Aloha Chair Ailā and Hawaiian Homes Commissioners!

I write today to urge your continued support of recovery efforts on Kaua'i's North Shore by approving your staff's beneficiary consultation report regarding the Wai'oli Valley Taro Hui's request for a longterm lease for Wai'oli Stream water from the Department of Land and Natural Resources. I attended the Hui's October 2020 presentation before your Commission and also participated in the November 2020 beneficiary consultation via Zoom. As detailed in your staff submittal, participants in the beneficiary consultation have tremendous aloha for the Wai'oli farmers and were overwhelmingly in support of their water lease application and your staff's recommendation on how to proceed (no reservation of water from Wai'oli Stream and supporting the farmers' request for gratis rent). It is amazing how this small hui of kalo farmers – many of whom are DHHL beneficiaries – has touched so many lives, and I am hopeful that your acceptance of this report will clear the way for continued partnership and aloha between even more DHHL beneficiaries and the Wai'oli Valley Taro Hui.

For several semesters now, the Environmental Law Clinic – a class that I teach at the University of Hawai'i's William S. Richardson School of Law – has provided direct legal assistance to the Wai'oli Valley Taro Hui. This coalition of small family farmers stewards prime kalo land in between the Hanalei and Waipā ahupua'a. Like many on Kaua'i's North Shore, they were ravaged by the 2018 floods. Wai'oli River completely changed course in some sections and the mānowai – a traditional breakaway dam that directs water to Wai'oli's lo'i kalo – was destroyed. Our Clinic students worked in close partnership with staff from the Board of Land and Natural Resources ("BLNR") and, in May 2019, the Board approved a 55-year easement and right of entry for maintenance and repairs of the Wai'oli farmers' lo'i kalo irrigation system. Interestingly enough, recovery efforts determined that this irrigation system was on conservation land, even though it has been operating since before the arrival of westerners in Hawai'i. This discovery imposed significant permitting and other requirements on the farmers, slowing their disaster recovery. In February 2020, BLNR voted to make the 55-year easement permanent and also approved a Revocable Permit for the farmers' water use.

This semester, my clinic continues to kōkua the farmers' pursuit of a longterm water lease. Before the farmers can submit an application, however, they must document completion of the beneficiary consultation process with your Commission. Accepting your staff's beneficiary consultation report is an important step in that process. We urge you to please move forward expeditiously so that the farmers can apply for a longterm lease for their ancient water use. Despite more than two years of hard work, much remains to be done. But, we are hopeful that with your Commission's support, the Hui can work with DHHL beneficiaries to bring to life Prince Kūhio's vision of our people farming 'āina ho'opulapula in our communities from Anahola to Wai'oli.

Please do not hesitate to contact me with questions via email (kapuas@hawaii.edu) or phone (808.294.0182). I would welcome the opportunity to discuss my high hopes and great expectations for this partnership in greater detail.

Me ka ha'aha'a

/s/

D. Kapua'ala Sproat

From: dhhl.icro1@hawaii.gov
Sent: Friday, January 15, 2021 9:30 PM
To:
Subject: HCC Contact:

Follow Up Flag: Follow up
Flag Status: Flagged

First Name

Kekoa

Last Name

Enomoto

Phone

Email

Subject

Submit Written Testimony

Message

Aloha mai e na Hawaiian Homes Commissioners,

I chair the board of the Maui-based beneficiary nonprofit, Pa`upena Community Development Corporation, and serve as 2019-23 president of the Maui/Lana`i Mokupuni Council. In the latter position, I am honored to advocate at this first commission meeting of the centennial year of ratification of the 1921 Hawaiian Homes Commission Act, on behalf of 10,677 Maui and Lana`i beneficiaries of the 100-year-old federal trust. I advocate today on agendized items F-1, F-2 and J-2.

But first, I would like to ho`omahalo Stewart Matsunaga, acting administrator of DHHL's Land Development Division (LDD). Stewart provided a Maui-project update for last Thursday's Mokupuni Council Zoom meeting — unprecedented action at these monthly sessions, and appreciated by all beneficiary attendees for the update's concise information.

Regarding agendized item F-1 — Approval of new Revocable Permit (RP) pilot program: Pa`upena CDC had submitted in November 2019, a land-use request for an RP to 4,770 acres of Waiohuli/Keokea ranchlands. Pa`upena principals — president Norman Abihai, secretary/director Noelani Paresa and director Tete Tahauri — met 1/8/21 with DHHL Maui operations supervisor Toni Eaton. They gathered at the 127-acre Waiohuli/Keokea parcel, for which Pa`upena seeks a long-term lease to provide ag/pastoral training.

At the meeting, Toni reportedly agreed (1) to remove nonbeneficiary Ka`onoulu Ranch from 400 Waiohuli/Keokea acres, where the ranch has run cattle since last May — allegedly without official DHHL permission, and (2) to support Pa`upena's RP bid for the 4,770-acre Waiohuli/Keokea tract, for the purpose of community grazing. Pa`upena seeks commission approval of this RP request.

Concerning agendized item F-2 — Approval to extension of Right Of Entry (ROE) No. 697, Goodfellow Bros. LLC, Mo`ili`ili: I repeat past calls for DHHL Land Management Division (LMD) to provide equitable, if not priority, treatment of beneficiary applications for ROEs and other land-use dispositions. I ask LMD to be intentional about fulfilling the HHCA mission to provide beneficiaries and beneficiary organizations with access to their own trust lands. (Pa`upena has been waiting 14 months and counting for LMD to respond to the nonprofit's RP request for the 4,770-acre Waiohuli/Keokea tract.)

With respect to agendized item J-2 — Liko Wallace, Na`iwa Homestead Association: The Maui/Lana`i Mokupuni Council supports Na`iwa requests for LDD to assign a project manager and consultant to plan, design and provide an Environmental Assessment for this 34-year-old ag subdivision. Let's be intentional and not wait any longer than necessary to break ground on

this early 1980s “accelerated awards” project.

Mahalo nui for this opportunity to advocate for an RP for community grazing in Upcountry Maui; for intentional treatment of beneficiary ROEs, and for Na`iwa planning, design and an EA.

Me ka `onipa`a in 2021,

Kekoa Enomoto

From: dhhl.icro1@hawaii.gov
Sent: Tuesday, January 19, 2021 10:46 AM
To:
Subject: HCC Contact:

First Name

Kevin

Last Name

Fernandez

Phone

Email

Subject

Submit Written Testimony

Message

G2: Supporting Acceptance of the Beneficiary Consultation Report for Wai'oli Stream and the Wai'oli Valley Taro Hui

Aloha Hawaiian Homes Commissioners!

Mahalo for your continued support of kalo farming in Wai'oli Valley, Kaua'i. Consistent with your staff's recommendation, we urge you to accept the Beneficiary Consultation Report regarding the Wai'oli Valley Taro Hui's request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i. These farmers and their 'ohana -- many of whom are DHHL lessees and beneficiaries -- have been stewarding lo'i kalo in Wai'oli for many, many generations. The kalo that they grow feeds 'ohana across Kaua'i and throughout Hawai'i pae 'āina with ono kalo pa'a and poi.

I kako'o DHHL not requesting a reservation of water from Wai'oli Stream and support the Hui's request for gratis rent on a water lease. The idea of educational programming so that DHHL beneficiaries can learn from and partner with the Wai'oli farmers is pono and well supported by the farmers and your beneficiaries alike. I have had the privilege to work alongside these farmer and can assure that this is exactly the type of opportunity that calls for gratis rent on a water lease.

Please take action today to accept the beneficiary consultation report.

Mahalo for your time and consideration.

From: dhhl.icro1@hawaii.gov
Sent: Tuesday, January 19, 2021 2:29 PM
To:
Subject: HCC Contact:

First Name

LAUREN

Last Name

NAHIWA

Phone**Email****Subject**

Submit Written Testimony

Message

19 Ianuali 2021

E nā Lālā 'Ihi'ihi o ke Komisina 'Āina Ho'opulapula ē, aloha 'oukou:

After commemorating the 128th anniversary of the overthrow of our beloved Queen and her Aupuni aloha a make'e nui 'ia 'o Hawai'i, just this past Sunday, I encourage each of you to consider your decision while keeping the values and lessons, along with the aloha palena 'ole that the Queen embodied in mind. It would be irresponsible for us to not acknowledge that the actions of more than a hundred years ago have had tremendous implications on our lāhui who have to face the effects of our past history as a people. If there has been anything that we have learned in this past year, it has been that our people are resilient and hearty--just like our 'āina kamaha'o that feeds us physically, culturally, and spiritually to this day. Like the flowing waters of Nāmolo kama, there are only a few things that can compare to the sheer force of our kahawai that change and carve its own path as it makes its way down to kai. What path will you choose to leave for our mo'opuna who will inevitably have to live with the decisions that we make today?

Me ia 'ano mana'o, mahalo for your continued support of kalo farming in Wai'oli Valley, Kaua'i. Consistent with your staff's recommendation, I urge you to accept the Beneficiary Consultation Report regarding the Wai'oli Valley Taro Hui's request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i. These mahi'ai and their 'ohana - many of whom are DHHL lessees and beneficiaries -- have been stewarding lo'i kalo in Wai'oli for many, many generations. The kalo that they grow feeds 'ohana across Kaua'i and throughout Hawai'i pae 'āina with 'ono kalo pa'a and poi.

Eia hou, consistent with the mana'o shared at the November 2020 Zoom consultation with your beneficiaries, I kāko'o piha DHHL in not requesting a reservation of water from Wai'oli Stream and support the Hui's request for gratis rent on a water lease. The idea of educational programming so that DHHL beneficiaries can learn from and partner with the Wai'oli farmers is pono and well supported by the farmers and your beneficiaries alike.

Please take action today to accept the beneficiary consultation report.

Na'u mau me ka 'oia'i'o,

L. Li'iPi'ilani Stevens Nāhiwa
DHHL Beneficiary

From: dhhl.icro1@hawaii.gov
Sent: Monday, January 18, 2021 12:25 PM
To:
Subject: HCC Contact:

Follow Up Flag: Follow up
Flag Status: Flagged

First Name

Luwella

Last Name

Leonardi

Phone

Email

Subject

To a Hawaiian Homes Commissioner

Message

Aloha Commisioner Patty Teruya, if my
Minimum know how on tec. works I hope to be there.

Of course I hope to be there on chat!

Opposing the Casino's is a given, sadly, since the onset of the Hawaiian Homestead Act 1920, was never fair to native Hawaiian women.

My second concern are the successors and their future on DHHL, 30,000 approximately are the actual targets of this Casino planning.

This successor market of product and service are ones hidden agenda's and should be placed on the table fir clarity.

A 60 plus year old are not in-part considered in this capital planning, except as an expense.

Just to say, I was part of Dr. George Kanahele Kukanaka HETADI Business Planning Group in 1983.

My business was flourishing and my trademark then, was 'Native Hawaiian'. My market was across the USA continent.

And, I had a cottage industry operation on my Hawaiian Homestead, in partnership with Na Hana Lima at Waianae Shopping Center.

This relationship failed because of some Westerners could not see our successes! We native Hawaiians, and our product and services was a global market success.

I oppose to Casinos, because from the onset, Westerners will be owners, in charge and 'sell' our aloha across the globe.

Sadly, we are just a 'dummy variable' in this DHHL proposed Casino political structure.

Backtracking to 1983, OHA treated all of us 'Kukanaka' as dummy variables for Clayton Hee's 'Ohana' business. I wished somehow it worked back then.

Again, our 30,000 successor's recorded on Lessess and Beneficiaries 'waitlist' may or may not be a considered a voice in this processes, regardless, they are the main 100 year product-service for their Casinos. Sorta like how, I was in Waimanalo elementary school in 1959.

The summation is, I oppose to Limited Gambling Casino on DHHL.

From: dhhl.icr01@hawaii.gov
Sent: Tuesday, January 19, 2021 11:46 AM
To:
Subject: HCC Contact:

First Name

Malia

Last Name

Chun

Phone

Email

Subject

To all Hawaiian Homes Commissioners

Message

G2: Supporting Acceptance of the 2020 DHHL Beneficiary Consultation Report for Wai'oli Stream and the Wai'oli Valley Taro Hui

Aloha mai e Hawaiian Homes Commissioners,

As a homesteader and beneficiary of DHHL, I understand first hand that the only way Hawaiians and our kaiāulu can thrive on 'āina is access farmable soil and WAI!! I urge you to accept the Beneficiary Consultation Report regarding the Wai'oli Valley Taro Hui's request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i. These farmers and their 'ohana, many of whom are DHHL lessees and beneficiaries, have been stewarding lo'i kalo in Wai'oli for many, many generations. I live on Homestead all the way in the moku of Kona, and the kalo that they grow in the moku of Halele'a feeds 'ohana across Kaua'i and throughout Hawai'i pae 'āina. The ono kalo pa'a and poi the the mahi'ai in Wai'oli help to sustain a healthy community.

I kako'o DHHL not requesting a reservation of water from Wai'oli Stream and support the Hui's request for gratis rent on a water lease. The idea of educational programming so that DHHL beneficiaries can learn from and partner with the Wai'oli farmers is pono and supported by farmers, DHHL beneficiaries and educational organizations across Kaua'i.

Please do the Pono thing and accept and support the beneficiary consultation report.

Mahalo nui for your time and consideration.

Ke aloha mau,
Malia Chun
Educator
DHHL Beneficiary

From: dhhl.icro1@hawaii.gov
Sent: Tuesday, January 19, 2021 11:24 AM
To:
Subject: HCC Contact:

First Name

Nicholas

Last Name

Ernst

Phone

Email

Subject

Submit Written Testimony

Message

Aloha e Hawaiian Homes Commissioners,

My name is Nick Ernst and I am an attorney at Damon Key Leong Kupchak Hastert, a graduate of the William S. Richardson School of Law, and a former teacher at Kamehameha Schools. Mahalo for the opportunity to submit testimony urging you to accept the Beneficiary Consultation Report regarding the Wai'oli Valley Taro Hui's (the "Hui") request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli Valley, Kaua'i.

Last year, I had the privilege of traveling to Hanalei with my classmates in Professor Kapua Sproat's Environmental Law Clinic and had the wonderful opportunity to meet an incredible and humble group of people. They refer to themselves as simple farmers, and I believe the rest of the world has settled on this simplistic description for them as well. But for anyone with any experience with this lifestyle, they are far from simple mahi'ai.

The Wai'oli Valley Taro Hui is comprised of people with a deep and intimate understanding of their environment – many of whom are DHHL lessees and beneficiaries. Their knowledge of the intricacies of the watershed translates into actions that have a direct effect on food production and, therefore, the health and well-being of others. They care deeply about sustainability and steward their streams with immense care. They are keenly aware of the challenges that threaten the future of their industry, and work tirelessly to help the next generation of mahi'ai secure food for Hawai'i. They epitomize the 'ōlelo no'eau, "i hāna i ka pō, i hāna i ke ao" – they are farmers alert by night and alert by day working from before the sun rises through daylight hours.

After meeting the Hui's members and hiking up the mānowai to see the devastation the 2018 floods still have first hand, I was moved to submit testimony to support these wonderful people. The vistas of kalo fields stretching out to the horizon have been replaced by plot after plot of weeds, which take advantage of the fact that kalo cannot be planted. Through their care for the mānowai and po'owai, the Hui can restore not only the viability and health of their lo'i kalo, but the health of the entire Wai'oli Valley ecosystem.

I would like to close with another 'ōlelo no'eau: "He keiki aloha na mea kanu" -- the plants are beloved by farmers like children and receive much care and attention. You can show your aloha and care for these farmers by accepting the Beneficiary Consultation Report, not requesting a reservation of water from Wai'oli stream, and supporting the Hui's request for gratis rent on a water lease. The idea of educational programming so that DHHL beneficiaries can learn from and partner with the Wai'oli farmers is pono and well supported by the farmers and your beneficiaries alike. Such support is crucial to allow the Hui to continue producing Hawai'i's culturally precious food resource – kalo.



OFFICE OF HAWAIIAN AFFAIRS
Administrative Testimony

Testimony of Sylvia M. Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer

Hawaiian Homes Commission

Submittal Item G-2

ACCEPTANCE OF A BENEFICIARY CONSULTATION REPORT RELATED TO THE WAI'OLI KALO FARMER HUI REQUEST FOR WATER LEASE FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR), WAI'OLI, KAUA'I AND AUTHORIZE THE CHAIRMAN TO SEEK PROGRAMS FOR DHHL BENEFICIARIES FROM THE WAI'OLI KALO FARMER HUI DURING THE DLNR WATER LEASING PROCESS.

January 20, 2021

9:30 a.m.

Virtual Meeting

The Administration of the Office of Hawaiian Affairs (OHA) **SUPPORTS** the Department of Hawaiian Homeland staff recommendations to adopt the Beneficiary Consultation Report related to the Wai'oli Valley Taro Hui's (Hui) request for a water lease, and to authorize the Chairperson to seek programs for DHHL beneficiaries from the Hui during the water leasing process.

Since the devastating flooding that occurred in 2018, the Hui has worked tirelessly and collaboratively to navigate various legal processes to ensure the protection of Wai'oli's centuries-old 'auwai system, and to preserve the tradition of kalo farming for future generations. OHA expresses great appreciation for the Hui's efforts, and notes that their work has garnered widespread support from a number of agencies, community organizations, and individuals, as evidenced in part by the November 10, 2020 DHHL Beneficiary Consultation meeting and in various hearings before the Board of Land and Natural Resources and the state legislature.

As described in the attached previous testimony, the subject water lease, which will enable the Hui's continued use and maintenance of the 'auwai system that has served their lo'i since time immemorial, will promote public trust purposes in Wai'oli such as the maintenance of surface waters in their natural state, as well as the range of biocultural resources and functions that rely upon and support stream flow and mauka-to-makai connectivity; agricultural subsistence and domestic uses of water; and Native Hawaiian traditional and customary practices including but not limited to lo'i kalo cultivation. In this regard, OHA notes that the Hui is uniquely situated to serve as a template for the state to protect public trust interests during the water leasing process.

Furthermore, the Hui and the water lease recommendation before the Commission today present tremendous opportunities for partnerships and educational programming so that DHHL beneficiaries, and others, can better understand and appreciate their 'āina based stewardship efforts, and the ancestral knowledge and values inherent in and intrinsic to their work. Unlike other users of water, the Hui is not a profit-driven enterprise: many of the Hui's members are generational farmers who simply wish to perpetuate kalo cultivation and hope to pass on their way of life to future generations. While the gratis or nominal lease rent being pursued by the Hui will

not result in financial gain to DHHL as would normally result from a water lease to a corporate or profit-driven entity, the proposed partnerships and educational programming contemplated to be provided by the Hui will be of invaluable benefit to the interests of DHHL beneficiaries seeking to learn and perpetuate kalo cultivation and associated traditional and customary practices, in a setting that may be unmatched in its cultural and historical context. Especially on an island that has seen so much rapid and recent development, OHA recognizes the importance of supporting those who connect us to our past practices and places of cultural and historical significance.

Therefore, based on the foregoing reasons, OHA respectfully urges the Hawaiian Homes Commission to **APPROVE** the recommendations contained in the submittal for agenda item G-2. Mahalo for the opportunity to testify on this matter.



OFFICE OF HAWAIIAN AFFAIRS
Administrative Testimony

Testimony of Sylvia M. Hussey, Ed.D.,
Ka Pouhana, Chief Executive Officer

Board of Land & Natural Resources
Submittal Item D-15

AMEND PRIOR APPROVAL AS AMENDED OF ITEM D-1, MAY 24, 2019, GRANT OF TERM,
NON-EXCLUSIVE EASEMENT TO WAI'OLI VALLEY TARO HUI, INC. FOR SURFACE WATER
DIVERSION AND IRRIGATION SYSTEM PURPOSES, WAI'OLI, HANALEI, KAUA'I, TAX MAP
KEY: (4) 5-6-002:001 (PORTION).

Pepeluali 28, 2020

9:00 a.m.

Conference Room 132

The Administration of the Office of Hawaiian Affairs (OHA) **SUPPORTS** the staff recommendations to amend and make perpetual the easement granted to the Wai'oli Valley Taro Hui (Hui), which would provide further recognition and indefinite protection of appropriate public trust purposes and reasonable beneficial uses of the waters of Wai'oli.

As described in the attached previous testimony dated May 24, 2019, the issuance of a 55-year easement to the Hui last year recognized and protected ongoing public trust purposes and reasonable beneficial uses, including their traditional cultivation of lo'i kalo as well as the various watershed services provided through their stewardship of Wai'oli Valley. OHA greatly appreciates the action taken by the Board of Land and Natural Resources (BLNR) at that time, and further appreciates the concurrent discussion regarding the potential conversion of the 55-year easement to a perpetual one.

OHA reiterates that a perpetual easement, as now proposed in the instant submittal, may be a particularly appropriate disposition, given the fact that it would only enable the continued use of traditional Hawaiian irrigation infrastructure as has occurred since time immemorial –and at least for a longer time period than the existence of the state, the Territory, and the Kingdom of Hawai'i combined. OHA also notes that the maintenance of 'auwai to convey water for the agricultural activities of the nonprofit Hui is in many ways tantamount to a utility use, for which perpetual easements are routinely granted. Accordingly, the contemplated conversion of the Hui's term easement into a perpetual one, with clarifying amendments of the easement's boundaries, would be consistent with the public trust, as well as the BLNR's own practices with regards to utility easements.

Therefore, based on the foregoing reasons, OHA respectfully urges the BLNR to **APPROVE** the recommendations contained in the submittal for agenda item D-15. Mahalo for the opportunity to comment on this matter.



OFFICE OF HAWAIIAN AFFAIRS

Administrative Testimony

Testimony of Kamanaʻopono Crabbe, Ph.D

Ka Pouhana, Chief Executive Officer

Board of Land & Natural Resources

Submittal Item D-1

GRANT OF TERM, NON-EXCLUSIVE EASEMENT TO WAIʻOLI VALLEY TARO HUI, INC. FOR
SURFACE WATER DIVERSION AND IRRIGATION SYSTEM PURPOSES, WAIʻOLI, HANAIEI,
KAUAʻI, TAX MAP KEY: (4) 5-6-002:001 (PORTION).

May 24, 2019

9:15 a.m.

Conference Room 132

The Administration of the Office of Hawaiian Affairs (OHA) **SUPPORTS** the staff recommendations for the issuance of a gratis, 55-year easement as described in agenda item D-1, which would provide meaningful recognition and protection of public trust purposes in the surface waters of Waiʻoli.

As an initial matter, OHA commends the tireless efforts of the Waiʻoli Valley Taro Hui (Hui), to perpetuate kalo farming traditions and practices that have persisted in spite of the tremendous changes to Hawaiʻi's environment, economy, and political landscape that have occurred over the last two centuries. The Hui's continued resilience and perseverance, particularly after last year's devastating floods, as well as their ability to evolve and adapt to changing governmental bureaucracies and requirements in pursuit of their ultimate goal – to continue traditional kalo cultivation in the footprint of our ancestors¹ – provides inspiration and hope that our practices, knowledge, and values will continue well into the 21st century and beyond.

OHA further expresses its deep appreciation and gratitude to the professors and students of the William S. Richardson School of Law, whose environmental law clinic has provided invaluable assistance to the Hui in navigating complex and sometimes unclear legal processes and overlapping jurisdictions as a means of protecting and perpetuating Waiʻoli's farming traditions. OHA likewise thanks the administration and staff of the Department of Land and Natural Resources (DLNR) and its divisions, for working with the Hui and the law clinic, and for now bringing the instant submittal before the Board of Land and Natural Resources (BLNR).

OHA supports and respectfully urges the BLNR to adopt the staff recommendations contained in the submittal for agenda item D-1, proposing the issuance of a gratis, 55-year easement to the Hui as a means of facilitating its maintenance and continued use of a centuries-old ʻauwai system, and allowing the continued cultivation of loʻi kalo in Waiʻoli Valley. While

¹ As illustrated in the attached report by OHA Research Analyst Natashja Tong, historical documentation demonstrates that the ʻauwai, mānowai, and poʻowai relied on by the Hui and subject to the proposed easement is part of a traditional irrigation system that existed since time immemorial, to support an agricultural complex of no less than 41 separate kuleana ʻāpana containing loʻi kalo at the time of the Māhele, of which no less than 12 referred to this particular ʻauwai as part of their metes and bounds description. See Attachment A.

the perpetuation of traditional lo'i kalo cultivation and the facilitation of watershed enhancement efforts provide ample justification for the proposed easement, OHA offers the following additional points relating to the public trust doctrine, for the BLNR's consideration.

1. The easement will recognize and protect critical public trust purposes in the surface waters of Wai'oli.

By formally recognizing the ongoing public trust purposes served by the Hui's activities, the proposed easement represents an unprecedented step towards the formal and meaningful protection of the public trust in Wai'oli's surface waters. Notably, the easement will provide a means of ensuring that any future disposition of these waters acknowledge and take into account the public trust purposes served by the Hui's traditional agricultural activities, including their domestic subsistence agricultural uses of surface water; their perpetuation of Native Hawaiian traditional and customary practices, including kalo cultivation, dependent on the same; and their stewardship of biocultural watershed resources and functions closely intertwined with stream flow and the maintenance of waters in their natural state.²

Since time immemorial, water in our islands has been recognized as a public trust resource, and our constitution, State Water Code, and case law accordingly reaffirm the importance of protecting and carefully administering our limited water supply for the public good, with the highest consideration given to specifically enumerated public trust purposes. Unfortunately, in many regions throughout Hawai'i, the public trust in water has been neglected for generations, as stream diversions and private wells allowed sugar and pineapple plantations to monopolize our water resources for their private, commercial gain; this effective privatization of our water supply has had and continues to have profound and deleterious effects on our environment as well as Native Hawaiian subsistence lifestyles and traditional and customary practices otherwise protected under the public trust. While recent developments have been encouraging, the public trust purposes of water, including Native Hawaiian traditional and customary practices and the domestic uses of the general public, continue to not be given appropriate consideration in most land use activities and decisionmaking that impact our water resources.

Accordingly, the proposed 55-year easement for the subject 'auwai system, specifically tailored to accommodate the Hui's instream, in-watershed, traditional agricultural activities, offers a unique and refreshing demonstration of land use decisionmaking that proactively upholds, rather than passively neglects, the public trust purposes in water. As suggested in the instant submittal, much of the Hui's activities clearly and directly serve three of the four recognized public trust purposes, including through their stewardship and maintenance of Wai'oli's surface waters in their natural state, as well as the range of biocultural resources and functions that rely upon and support stream flow and mauka-to-makai connectivity; their

² While not all of the Hui's activities and water uses fall clearly under current definitions of Native Hawaiian traditional and customary practices or domestic uses, the easement at issue is critical to the continuation of the substantial amount of activities and uses that do; moreover, the instream, in-watershed use of water to cultivate lo'i kalo in a traditional manner, which perpetuates cultural knowledge and values while providing a source of locally produced food, would undeniably qualify all of the Hui's activities as a reasonable beneficial use also consistent with and protected by the public trust doctrine.

agricultural subsistence and domestic uses of water;³ and their Native Hawaiian traditional and customary practices including but not limited to lo‘i kalo cultivation. Notably, both domestic and Native Hawaiian traditional and customary uses have been specifically recommended as meriting the highest priority for water allocation during water shortages by the hearings officer in the Nā Wai ‘Ehā contested case hearing, currently pending before the Commission on Water Resource Management.⁴ By providing the Hui with an express property interest to continue their activities, the proposed easement would therefore recognize and affirmatively uphold the public trust purposes they carry out or directly serve, including through the continuation of traditional, place-based agricultural practices that have endured for centuries or longer.

OHA notes that, in addition to expressly acknowledging the public trust purposes fulfilled by the Hui, the proposed land easement would also provide a layer of protection in any future decisionmaking that may have an impact on the water resources of Wai‘oli. For example, a formal easement would help to ensure that any future requests for water from Wai‘oli Valley be affirmatively justified and explicitly balanced with the Hui’s public trust purposes and reasonable beneficial uses; applicants for private uses of water in particular would be clearly placed on notice of the Hui’s activities, and the attendant need to meet their burden to “justify the proposed water use in light of the trust purposes” served by the Hui.⁵ With an easement in hand, the Hui and its members may also have additional bases upon which to intervene in land use activities and decisionmaking that would impact their ability to maintain and use the mānowai, po‘owai, and ‘auwai covered by the easement, and thereby carry out the public trust purposes they serve.⁶

Accordingly, OHA believes that the proposed issuance of a 55-year easement to the Hui would not only facilitate the perpetuation of the timeless, place-based traditional agricultural practices of Wai‘oli, but also represents a long-awaited and much-needed step towards more proactive recognition and affirmative protection of the public trust in water.

2. Nominal or gratis rents can ensure that public trust purposes are more appropriately balanced against competing private applicants for limited water resources.

³ While there may be disagreement as to whether the public trust purpose of “domestic use by the general public” applies to certain uses, such as out-of-watershed diversions for the broad range of municipal uses, the in-watershed use of stream water for subsistence agriculture and related purposes, a component of many Hui members’ activities, should clearly constitute a domestic use contemplated by and afforded the highest protections under the public trust.

⁴ See Hearings Officer’s Proposed Findings of Fact, Conclusions of Law, & Decision and Order, COL 154, 199-202, Commission on Water Resource Management CCH-MA15-01, November 1, 2017, *available at* <http://files.hawaii.gov/dlnr/cwr/cch/cchma1501/CCHMA1501-20171101-HO-D&O.pdf>.

⁵ *Kaua‘i Springs, Inc. v. Planning Commission of Kaua‘i*, 133 Hawai‘i 141 (2014) (emphasis in original) (citing *In re Water Use Permit Applications (Waiāhole I)*, 94 Hawai‘i 97 (2000)). While these presumptions and burdens would apply regardless of the issuance of an easement, on a practical level, the easement itself would provide both applicants and agencies with clear notice regarding the Hui’s activities and the public trust purposes being actively served by Wai‘oli’s surface waters.

⁶ Again, while an easement may not be necessary for standing purposes, the rights conveyed by an easement may obviate complications arising from differing and inconsistent interpretations by state agencies and others regarding Native Hawaiians’ and the general public’s rights of intervention in matters involving the public trust.

Similarly, OHA strongly appreciates and supports the gratis rent proposed for the subject easement; as a policy matter, OHA notes that the provision of such favorable consideration may be a critical component in ensuring that public trust purposes are not inappropriately undermined by the greater financial capital that may be available to competing private applicants for water.

OHA notes that numerous arguments may support the proposed provision of gratis rent to the Hui. As a 501(c)(3) organization, the Hui would clearly qualify for such consideration under HRS Chapter 171's appraisal and public auction exceptions.⁷ The Hui's watershed enhancement and infrastructure maintenance activities would further counsel the provision of favorable rental rates, as provided in other land dispositions that have come before the BLNR. The Hui's aforementioned direct support of public trust purposes, however, provides a particularly significant and compelling argument in favor of granting the proposed gratis rent.

As demonstrated by the Hui's activities, ensuring the fulfillment of public trust purposes in our limited water resources may involve or even require stewardship activities by community groups and nonprofit organizations with limited financial means, but with substantial community support or deep cultural ties. The public trust purposes themselves, such as domestic riparian uses and Native Hawaiian traditional and customary practices such as lo'i kalo cultivation, can by their very nature also require some form of land tenure by individuals and groups that may likewise have limited financial means. The imposition of cost-prohibitive rents that inhibit such entities' access to and use of public lands may therefore severely limit or preclude the fulfillment of public trust purposes in certain water resources. Meanwhile, private applicants seeking to utilize such water resources solely for their private gain – and whose desired profit-driven use of water may in turn further increase their ability to pay higher rents – would thereby face reduced challenges from community groups, Native Hawaiian practitioners, and others who lack the access and capital needed to maintain and defend such public trust purposes. Accordingly, the provision of nominal or gratis rent for the use of public lands that directly fulfills public trust purposes – as illustrated in the case at hand – may therefore be a critical means of ensuring that Native Hawaiian traditional and customary practices, domestic riparian agriculture, and other public trust purposes are adequately protected, and not inappropriately disadvantaged against competing private applicants with much greater financial means.⁸

Therefore, based on the foregoing reasons, OHA respectfully urges the BLNR to **APPROVE** the recommendations contained in the submittal for agenda item D-1. Mahalo for the opportunity to comment on this matter.

⁷ See HRS § 171-41.3.

⁸ Gratis or nominal rent facilitates and appropriately supports the Hui's substantial public trust purposes and traditional and customary Native Hawaiian practices served by this easement; meanwhile, the contemplated water lease process described in the submittal provides ample opportunity for staff to continue to work closely with the practitioners and farmers on appropriate water rates.

ATTACHMENT A

The Indigenous Origin of the Native Hawaiian Irrigation System that Feeds the Lo‘i Kalo in Wai‘oli, Kaua‘i

By Natashja Tong

Land, Culture, and History Research Analyst, Office of Hawaiian Affairs

The Wai‘oli Valley Taro Hui aims to restore its mānowai (traditional intake from the main stream channel), po‘owai (secondary diversion to traditional irrigation ditches), ‘auwai (traditional kalo irrigation ditches), and the related lo‘i kalo system (wetland kalo patches), which were damaged by the devastating and record-breaking flood that hit Kaua‘i in April of 2018. This report summarizes OHA’s draft research, which concludes that this system existed in pre-contact times; i.e., prior to the arrival of Captain Cook in about 1778. This is based, in part, on the estimated birth and death years of the ali‘i referenced in the Native Register of Kuleana Claimants during the Māhele process.

Although OHA has not yet located historical documentation that specifically dates the creation of the mānowai or po‘owai, documentation of the ‘auwai (which moves water from its point of initial diversion to the lo‘i kalo) is available in the Māhele records (between the years 1848-1860) that transitioned Hawai‘i into a hybridized system of private land ownership. Forty-one separate Kuleana ‘apana (land parcels) were found that included lo‘i kalo, and 12 Kuleana ‘apana (land parcels) were found that referred to the ‘auwai in their metes and bounds. A mānowai or po‘owai is necessary to supply water to an ‘auwai; thus, the existence of traditional intakes on Wai‘oli Stream is a given based on the existence of the lower portions of this particular ‘auwai system.

Kuleana are a type of Land Commission Award (LCA) given to native tenants during the Māhele. Native tenants who were seeking a Kuleana award would submit a Native Register (NR) – a statement that explained the extent of their land claim – to the Land Commission, the Board tasked with confirming title during this process. Typically, the Native Register included information on how many ‘apana (land parcels) the applicant was claiming and what was being cultivated at the time. The Native Register also detailed from whom the applicant derived their interest (i.e., who gave the claimant the right to cultivate those lands), which was usually a konohiki or ali‘i, and/or the year or time period that ali‘i was in power typically in the form of “I ke au iā” or “during the time of” followed by the name of the ali‘i.

For example, the [NR for LCA 8196](#) to Hakui notes, “e hoike imua o oukou no ko‘u kuleana mai ka wa mai ia Kaikioewa a hiki i keia la” (“I make known before you my interest [in this land] from the time that Kaikioewa ruled until today”). Kaikioewa died in 1839,⁹ and was a contemporary and kuhina (advisor) of Kamehameha I (1758-1819).¹⁰

⁹ Lilikalā Kame‘eleihwā, *Native Land and Foreign Desires: Pehea Lā E Pono Ai?*, (Honolulu: Bishop Museum Press, 1992), 109.

¹⁰ These years represent estimated life span, not political reign. Samuel Kamakau, *Ke Kumu Aupuni*, (Honolulu: Ke Kumu Lama, 1996) 2-3; 87; 206-216.

Kaumuali‘i, also a contemporary of Kamehameha I, is referenced many times as he is the ali‘i nui of Kaua‘i during that period. For example, the [NR for LCA 9276](#) for Kiolea states, “Penei ke kuleana ana mai a Kaumualii mai a hiki i ka makahiki 1848” (“Such is the interest in this land from Kaumuali‘i until the year 1848”). Kaumuali‘i, who died in 1824,¹¹ was the mō‘ī of Kaua‘i who negotiated a treaty with Kamehameha during his campaign to unite the islands under one rule. Similarly, the [NR for LCA 9275](#) to Koenapuu explains, “Penei ke kuleana ana mai a Kaumuali‘i mai a ia keia manawa” (“Such is my interest from Kaumuali‘i until now”). As yet another example, the [NR for LCA 11059](#) (seen below in Figure 1) to Timoteo proclaims, “I ka manawa ia Kaumualii o Kauai nei, mai ko‘u mau makua mai a hiki mai ia‘u i keia wa ka pili ana o keia wahi me au” (“During the time of Kaumualii’s rule, from my parents until me during this time, is the connection of this place with me”).

Based on my years of experience and research in this area, it is my professional opinion that if lands in Wai‘oli were given during the reign of Kaikioewa and Kaumuali‘i, both contemporaries of Kamehameha I who lived through and experienced “contact” with Captain Cook in 1778, that the mānowai, po‘owai, and ‘auwai system required to support the lo‘i kalo claimed by those native tenants was also in place prior to contact.

To provide more context for this conclusion, I received a Bachelor’s Degree in 2011 and my Master’s Degree in 2014, both in Hawaiian Studies from the University of Hawai‘i at Mānoa’s Kamakakūokalani Center for Hawaiian Studies. While pursuing my degrees, I was one of a handful of students selected to train as an Ancestral Visions of ‘Āina Konohiki. Under the mentorship of Lilikalā Kame‘eleihiwa, Ph.D., Pua Kanahale, Ph.D., and others, I reviewed, and transcribed, thousands of Māhele documents, including LCAs, native registers, and native and foreign testimonies. Some of those documents are available on the avakonohiki.org website. That is but one example of my specific training in research and translations in this field. Moreover, as one of OHA’s Land, Culture, and History Research Analysts, since 2014, my research has focused on land, water, and the Māhele process in particular. Given this and other background and training, I am confident that the Wai‘oli mānowai, po‘owai, and ‘auwai are Native Hawaiian in origin and were established before the arrival of Europeans in Hawai‘i.

¹¹ Kame‘eleihwia, *Native Land and Foreign Desires*, 109.

Figure 1. Native Register for L.C.A. 11059 to Timoteo

11.159	<p>Timoteo</p> <p>I ka Iha Hoona Kule ana aia ma ka Hale Hoani. Aloha nui oukou.</p> <p>Eia wau he kanaka Hoani e noho ana ma ka Mokupuni o Hawaii i Kanalei to hoke aku ana i koi wahi kule ana e noho nei, a e kupa nei koi wahi hale.</p> <p>I ka manawa ia Hoaniwai o Hoani nei; mai koi mau makua mai a hiki mai iai i keia wa ka pili ana o keia wahi me ai Penei ka nui.</p> <div data-bbox="625 871 998 1113"> <p>Hoanawaf</p> <p>Hoanana</p> <p>Hoanawaf</p> <p>Hoanana</p> </div> <p>Pela koi ana ana i kule ana Hale. Penei</p>
--------	--

From: dhhl.icro1@hawaii.gov
Sent: Monday, January 18, 2021 9:15 PM
To:
Subject: HCC Contact:

First Name

Reid

Last Name

Yoshida

Phone

Email

Subject

Submit Written Testimony

Message

January 18, 2021

Agenda Item G2: Supporting Acceptance of the Beneficiary Consultation Report Related to the Wai'oli Valley Taro Hui's Request for a Long-Term Water Lease from the State Department of Land and Natural Resources

Aloha mai e nā Hawaiian Homes Commissioners!

Mahalo for your continued support of kalo farming in Wai'oli Valley, Kaua'i. Consistent with your staff's recommendation, we kindly ask you to accept the Beneficiary Consultation Report regarding Wai'oli Valley Taro Hui's request for a long-term Water Lease from the Board of Land and Natural Resources in Wai'oli, Kaua'i.

As you well know, many of us here in Wai'oli Valley are Native Hawaiian and small family farmers who were born and raised on Kaua'i and continue to care for the same 'āina that our families have stewarded for more than a century. A number of our Hui members are also DHHL lessees and beneficiaries. We care deeply about this community and are committed to nurturing our natural resources and providing kalo for our Kaua'i community and the larger Hawai'i pae 'āina. We are also committed to providing educational programming for those who are interested, including DHHL lessees and beneficiaries. We believe that education is vital to creating pilina, or relationships, and kuleana to our 'āina and lāhui.

As a Hui, it is our mission to support and enhance the ma uka to ma kai biocultural resources in Wai'oli Stream and the Hanalei Valley watersheds, protect the natural and cultural resources that enable traditional and customary Native Hawaiian practices, maintain habitat for endangered Hawaiian waterbirds, and engage the greater Kaua'i community through educational outreach programs and initiatives relating to the farming of taro and community-based stewardship of water resources. Accepting this beneficiary report, along with any educational programming, would be a vital step in helping us do that in Wai'oli.

The 'ohana in our Hui are incredibly hard working and determined to continue the traditions that have maintained our quality of life in Wai'oli and supplied our community -- and indeed much of Hawai'i -- with kalo and poi for centuries. We holomua to ensure these practices and 'ai pono continue into the future. Please help us do so by approving agenda item G2 and accepting the beneficiary report.

Mahalo for your hard work and aloha. And, for the phenomenal support and assistance of your staff, especially Andrew Choy and Jonathan Scheuer.

Mahalo nui,

Reid Yoshida
President, on behalf of the Wai'oli Valley Taro Hui



HAWAIIAN HOME LANDS


HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

C-4

**FORMERLY USED DEFENSE SITES (FUDS) ON HAWAIIAN HOME
LANDS: WAIKALOA MANEUVER AREA**

JANUARY 19-20 2021




- 

Recognize
Retreat
Report


Observe what you may have encountered a munition.
Do not touch, move or disturb it, but carefully leave the area you entered.
Call 911 immediately, notify law enforcement of what you saw and where it was.

Former Waikoloa Maneuver Area


Formerly Used Defense Site



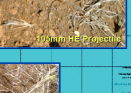
US Army Corps of Engineers
Honolulu District
(as of June 22, 2015)




Unexploded Ordnance




Unexploded Projectile



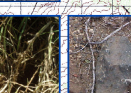
Unexploded Projectile




Unexploded Projectile



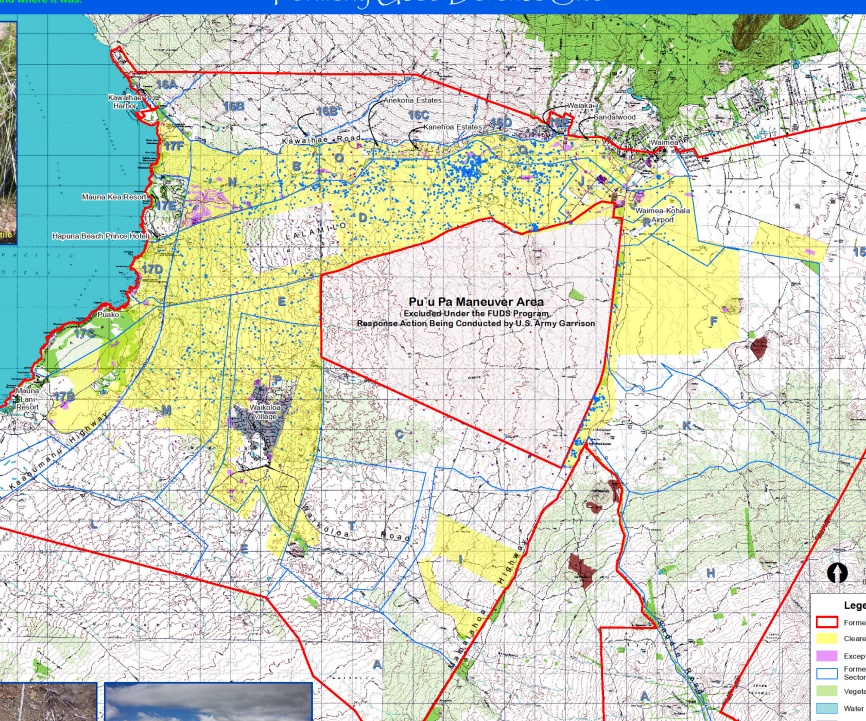
Unexploded Projectile



Unexploded Projectile



Unexploded Projectile



Pu'u Pa Maneuver Area
Excluded Under the FUDS Program
Response Action Being Conducted by U.S. Army Garrison

Legend

 - Former Waikoloa Maneuver Area Boundary
 - Cleared Area
 - Exception Area
 - Former Waikoloa Maneuver Area - Sectors and Area Boundaries
 - Vegetation
 - Water
 - Densely Built-Up Area
 - Cinder Pit
 - Topographic Contour
 - Munition and Explosive of Concern Item
 - Munition and Explosive of Concern Item Discovered During U.S. Army Garrison R&FS
 - Munition and Explosive of Concern Item Discovered During EE-CAs and R&FS



- Recognize** Observe what you may have encountered a munition.
Retreat Do not touch, move or disturb it, but carefully leave the area you entered.
Report Call 911 immediately notify law enforcement of what you saw and where it was.

Former Waikoloa Maneuver Area

Formerly Used Defense Site

US Army Corps of Engineers
Honolulu District
(as of June 22, 2015)

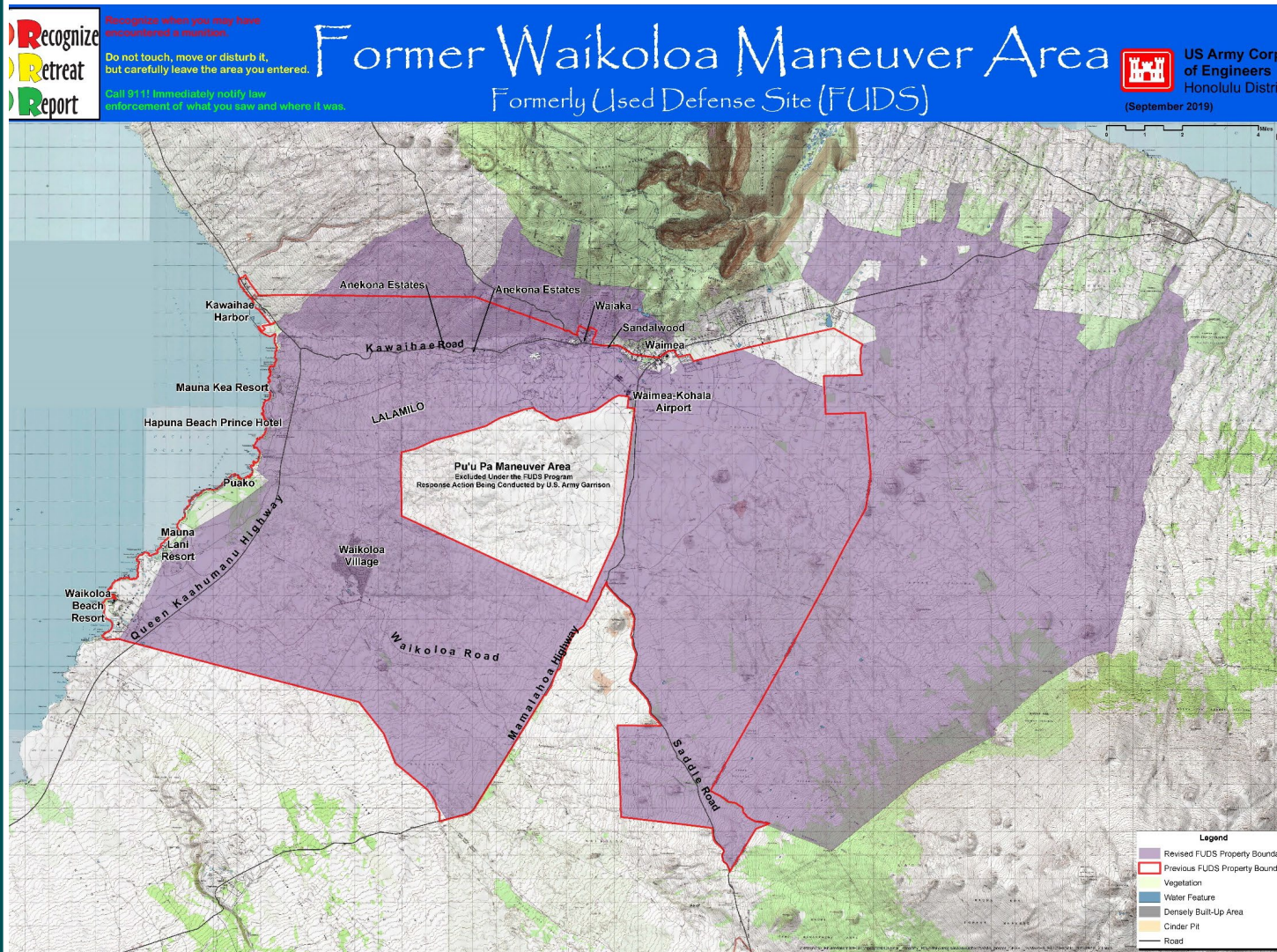
Pu'u Pa Maneuver Area
Excluded Under the FUDS Program
Response Action Being Conducted by U.S. Army Garrison

Legend

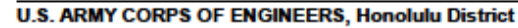
 - Former Waikoloa Maneuver Area Boundary
 - Cleared Area
 - Exception Area
 - Former Waikoloa Maneuver Area - Sectors and Areas Boundaries
 - Vegetation
 - Water
 - Densely Built-Up Area
 - Cinder Pit
 - Topographic Contour
 - Munition and Explosive of Concern Item
 - Munition and Explosive of Concern Item Discovered During U.S. Army Garrison S&FS
 - Munition and Explosive of Concern Item Discovered During EE-CAs and RFPs



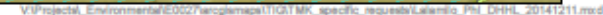
Former Waikoloa Maneuver Area



- Draft of proposed expansion based on new lease documentation showing the US military had the lease(s) for the additional acreage.
- Under the Defense Environmental Restoration Program (DERP), any time new documentation comes up for a FUDS site, the map is expanded (despite the lack of evidence of actual military use).
- This expansion includes additional Trust Lands in Nienie and Honoka'ia. The DOH is



BUILDING STRONG_®





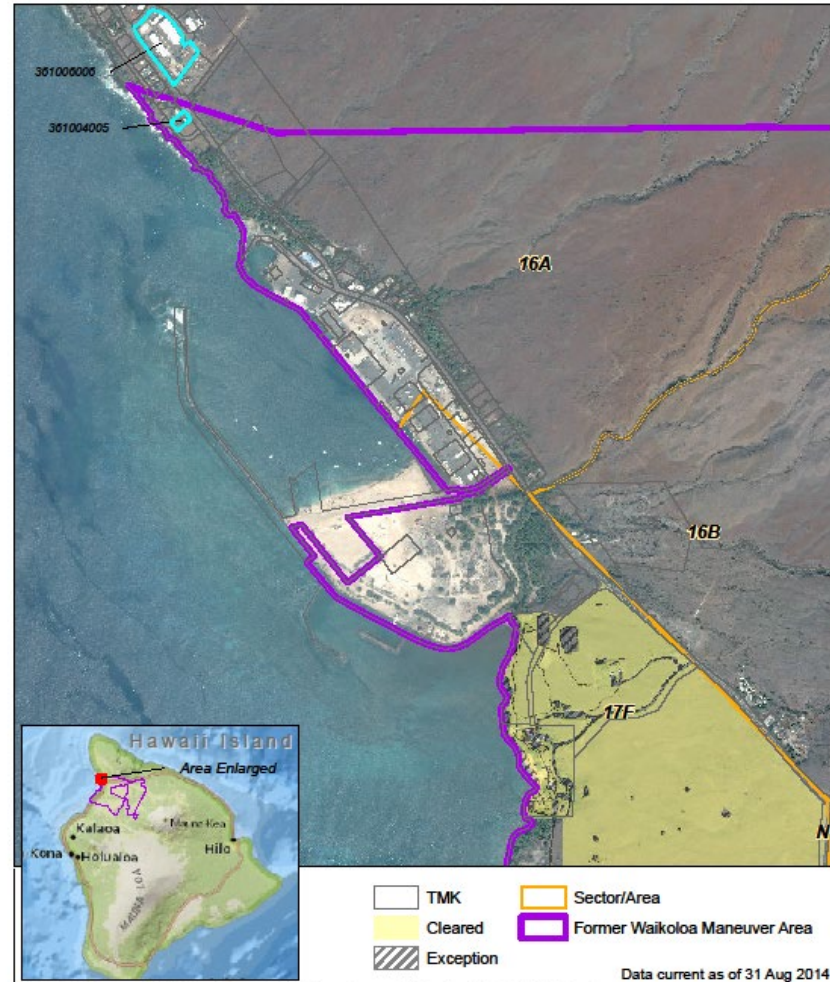
Kawaihae Harbor



Kawaihae Harbor
Former Waikoloa Maneuver Area

U.S. ARMY CORPS OF ENGINEERS, Honolulu District

BUILDING STRONG®



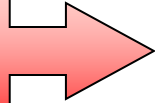
V:\Projects\Environmental\ED027\arogis\maps\TIGITMK_specific_requests\KawaihaeHarbor_20141023.mxd



Formerly Used Defense Site

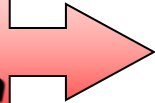
The FUDS Program uses a three-phased cleanup process:

***Phase I
Inventory***



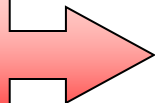
Determine if the property was formerly used by DoD and if contamination is present that resulted from DoD activity.

***Phase II
Investigation***



Conduct an investigation to determine the nature and extent of the contamination.

***Phase III
Cleanup***



Clean up the property to reduce risk to human health and the environment and to improve public safety.



CERCLA Process

- Preliminary Investigations
- Remedial Investigation
- Feasibility Study
- Decision Document
- Remedial Actions
- Long Term Management Phase



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

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Item E-1

East Kapolei Project Status

January 20, 2021



Kānehiki

Hale
Kalanianaʻōle

Kapolei Parkway

Kualaka'i Parkway


Ka'uluokaha'i


Ka Makana
Alii

June 2017

An aerial photograph of the Kānehili neighborhood in Hawaii. The image shows a dense residential area with many single-family houses, some with solar panels on their roofs. A yellow outline highlights a specific section of the neighborhood, likely the area covered by Phase 9 of the development. To the left of the residential area is a large green field, possibly a golf course. To the right is a multi-lane highway with a median. The text 'Kānehili' is written in a large, white, stylized font in the upper left corner.

Kānehili

403 single-family houses
DHHL Offices
Community facilities
Fire Station
Commercial Parcels

Phase 9: 37 Turnkey Houses by Gentry Kapolei – all
completed/occupied
Pedestrian Access – pending final inspection

November 2020



Increment II-C

Vacant Lot Awards (Phase 2)
Lot Selection 11/2/19

Elementary School

Middle School

Turnkey Awards (Phase 3)
Lot Selection 12/5/20

Turnkey Awards (Phase 1)
Completed

Increment II-B

Increment II-A

Preparing Request for Proposals (RFP) for development
of multi-family residential and retail complex; advertise
by end of 2021.



KAULUOKAHAI INCREMENT II-C

Gross Area = 95.726 Acres
Less Easements = 2.563 Acres
Net Area = 93.163 Acres

130 Single-family Lots
Advertise IFB: Fall 2021

Extend Maweke Street – open
LDA3 for development

EXISTING
KROC CENTER
LOT 18061
(Map 1410)

Existing
Easement E-1

EXISTING
SPECIAL OLYMPICS
HAWAII
LOT 3

MAUNAKAPU

Existing
Easement U-1

Existing
Easement S-1

EXISTING
MIDDLE SCHOOL
LOT 2-A

EASEMENT U-7 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

EASEMENT U-8 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

ROADWAY LOT D-1
ACCESS AND UTILITY EASEMENT II-C
8.492 ACS.

EASEMENT U-9 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

EASEMENT U-10 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

EXISTING EASEMENT U-5 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU
TO BE CANCELED

EASEMENT U-11 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

EASEMENT U-12 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

EASEMENT U-13 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

EASEMENT U-14 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

EASEMENT U-15 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
CITY AND COUNTY OF HONOLULU

ROADWAY LOT E-3
2.835 ACS.

EXISTING EASEMENT U-6 (10-ft. WIDE)
FOR UTILITY PURPOSES IN FAVOR OF
THE CITY AND COUNTY OF HONOLULU
TO BE CANCELED

EXISTING EASEMENT U-1 (66-ft. WIDE)
FOR ACCESS AND UTILITY PURPOSES
IN FAVOR OF CITY AND COUNTY
OF HONOLULU

Extend Maunakapu Street –
connection to Ho'opili

REMAINDER
LOT 131
12.861 ACS.
(11,867,406)



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

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Kalaniihookaha

Community Learning Center

Kamehameha Schools | January 2021
Update to the Department of Hawaiian Home Lands & the Hawaiian Homes Commission

By the Numbers

Budget - \$10.9 Million

**Construction
completed, April 2020**

Executed

- **General Lease with DHHL**
- **Joint Development Agreement – NHHCA**

**Facility –Single-Story
Building, Kamehameha
Schools Operated**

**Size – 6,600 squ. ft. on
2.918 acres**





Kalanihookaha

Community Learning Center





Eia nō 'o Kalanihookaha, 'o ke kai koholā ho'i

Kahi e hānai 'ia ai ka wailua, ka pili, ka na'auao

I lawa ke aho, i pa'a ke aho

I kūpa'a ka hīpu'u i ka 'ohana, ke kaiaulu, ka lāhui

I kū i ka pāmamao ma ke kai ākea o Kanaloa

Ho'oloa 'ia ke aho, ho'oikaika 'ia ke aho

He aho ho'ohui na Nānākuli, no Nānākuli

E komo mai, e lu'u mai

Behold Kalaniho'okahā, a sanctuary of rearing

Where spirit, connection, and wisdom are nurtured

Where the cordage is made and secured

Where the bond with family, community and nation
is fortified

Made ready for the journeys across the great
expanse of Kanaloa

Where the cordage is strengthened, elongated

A connective cord of Nānākuli, for Nānākuli

Venture forth



Ekomo mai.
Elu‘u mai.

Kohola Ola Peace Project

Completed by: Honolulu Museum of Art
In partnership with: Mālama Kūia and Cultural Village
Installation: 2018

Under the guidance of Honolulu Museum of Art, Kohola Ola was brought to life by the master hands of Hawaiian and Mālama Kūia people. The sculpture, Kohola Ola, is a masterpiece of Hawaiian artistry and a symbol of peace and unity. It is a testament to the power of art to bring people together and to the importance of preserving our cultural heritage.

Kohola Ola is dedicated to the Honorable Kalanithoi�i Kūia, a visionary leader and a champion of Hawaiian culture. It is a symbol of hope and a reminder of the importance of peace and unity in our world.

Kohola Ola rests in Kalanithoi�i Kūia

1818-1892
He was a great leader and a great warrior. He was a great man and a great man. He was a great man and a great man. He was a great man and a great man.

He was a great leader and a great warrior. He was a great man and a great man. He was a great man and a great man. He was a great man and a great man.

He was a great leader and a great warrior. He was a great man and a great man. He was a great man and a great man. He was a great man and a great man.









The Kalaniho‘okaha Community Learning Center (KCLC) and its partners provides lifelong learning and livelihood opportunities in the Nānākuli community that brings together health, education and ‘āina knowledge, skills and practices in every aspect of its operations.

Lifelong Learning



Health



Education



‘Āina



Skills and Practices





DHHL Beneficiary Study 2020

January 20, 2021

Objectives

- Profile beneficiaries
- Understand their needs and desires
- Identify challenges and opportunities.

Methodology

- Three surveys
 - Applicant – Mail with online option, phone
 - Lessee – Mail with online option, phone
 - Undivided – Mail with online option
- The only significant difference between methods was that phone survey respondents were a little older.

Overview

Category	Applicants	Traditional Lessees	Undivided Lessees
Total names received from DHHL	45,830	8,959	802
Total mailed	23,425	8,698	775
Returned mail	(3,155)	(409)	(153)
Total likely received	20,270	8,289	622
Completed surveys	4,982	2,469	166
By Mail	3,208	2,008	112
Online	1,457	361	54
By Phone	317	100	NA
Sample Error at 95% confidence level	+/-1.2%	+/-2.3%	+/-6.8%



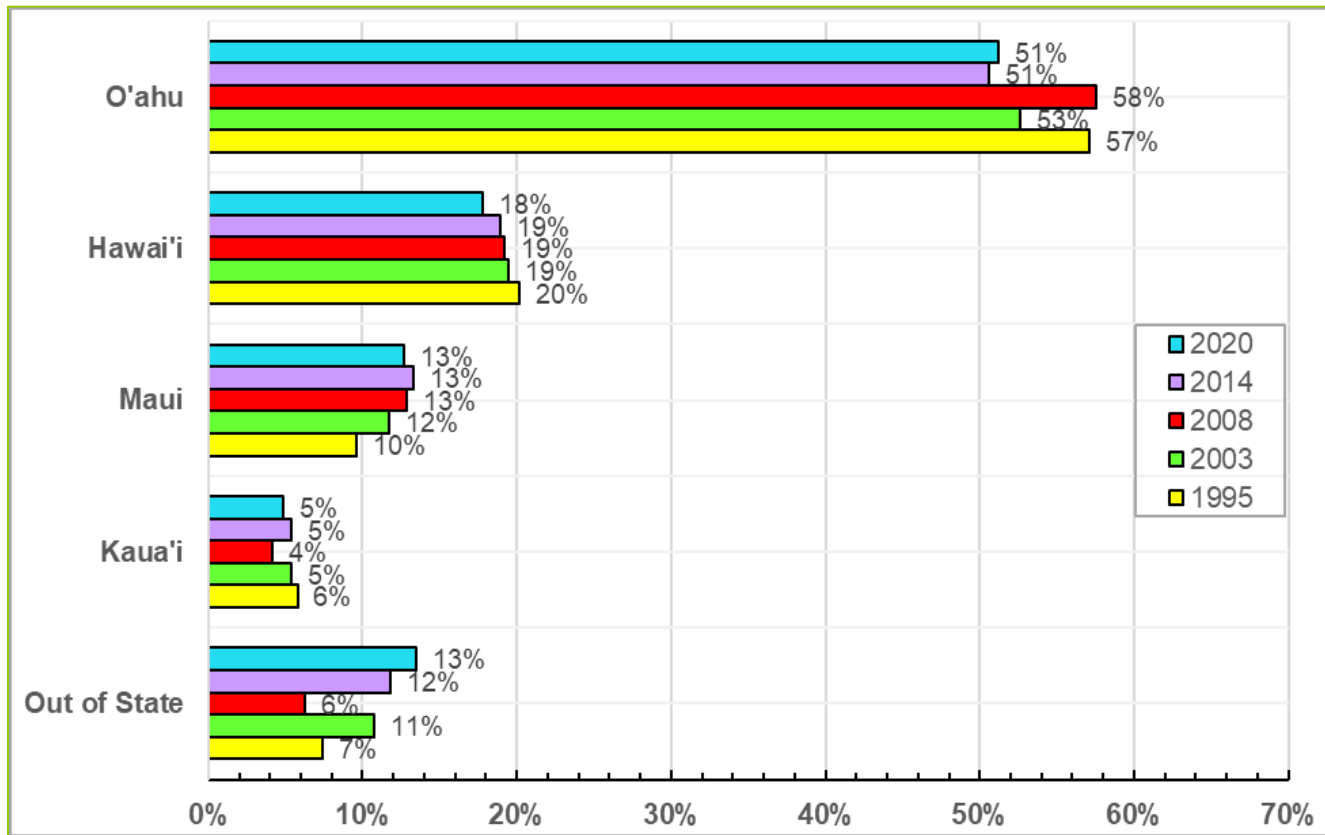
Beneficiary connection with other Native Hawaiian Orgs.

	Applicants	Lessees
Received a service in the past five years	44.6%	43.6%
Of those that received a service in last five years		
Kamehameha Schools	65%	42%
Alu Like	19%	12%
Office of Hawaiian Affairs	18%	11%
Queen Lili'uokalani Trust	16%	10%
Hawaiian Language Program	12%	10%

Applicants



Current residence - similar trends to prior years, Out-of-State increasing



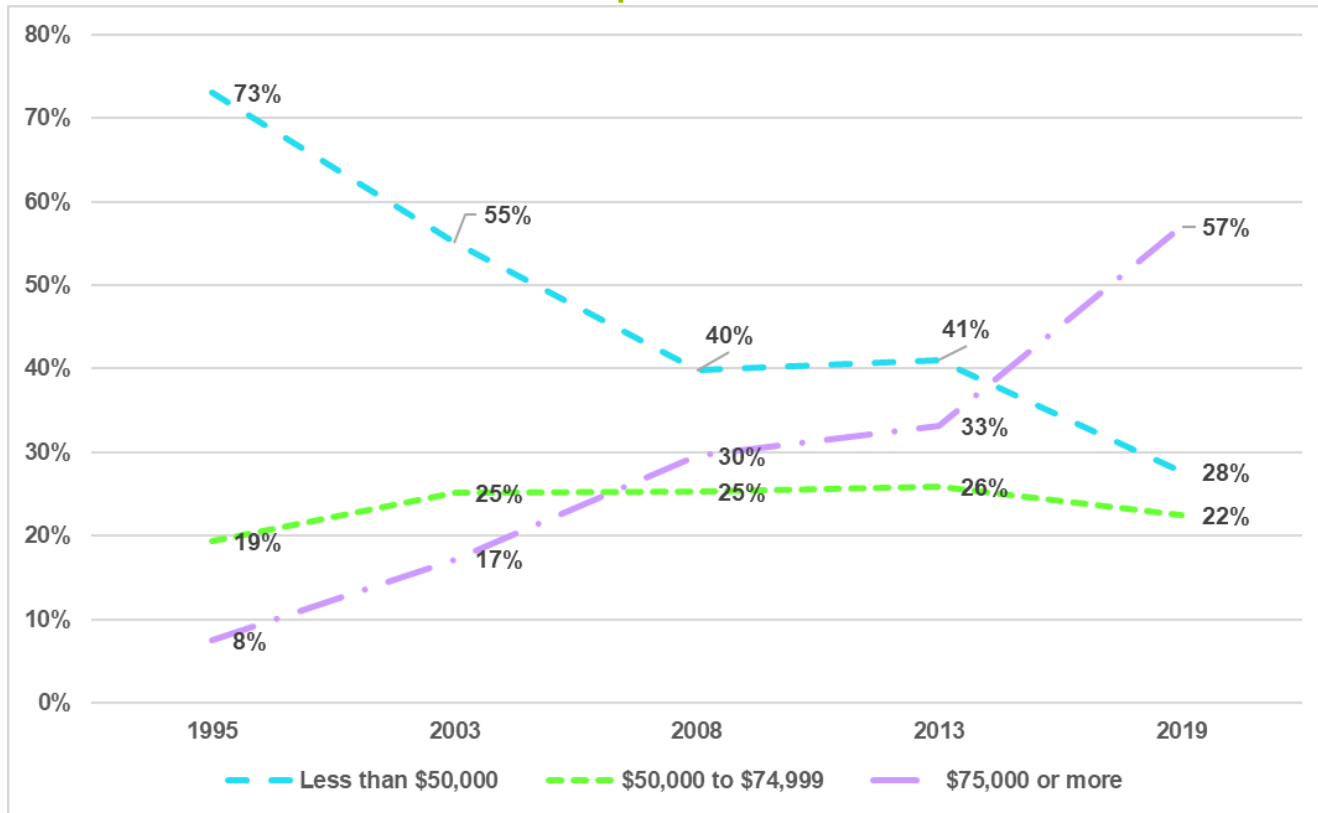
Applicant Demographics

- Median age is 59 (57 in 2014)
 - 35% age 65+
- The percent of large households (5+) continues at 33%.
 - Fewer HH with 3 to 5 members, more 1-2
- 76% of HH – at least one member working full-time, primarily services
- Homeownership level up a little to 48%

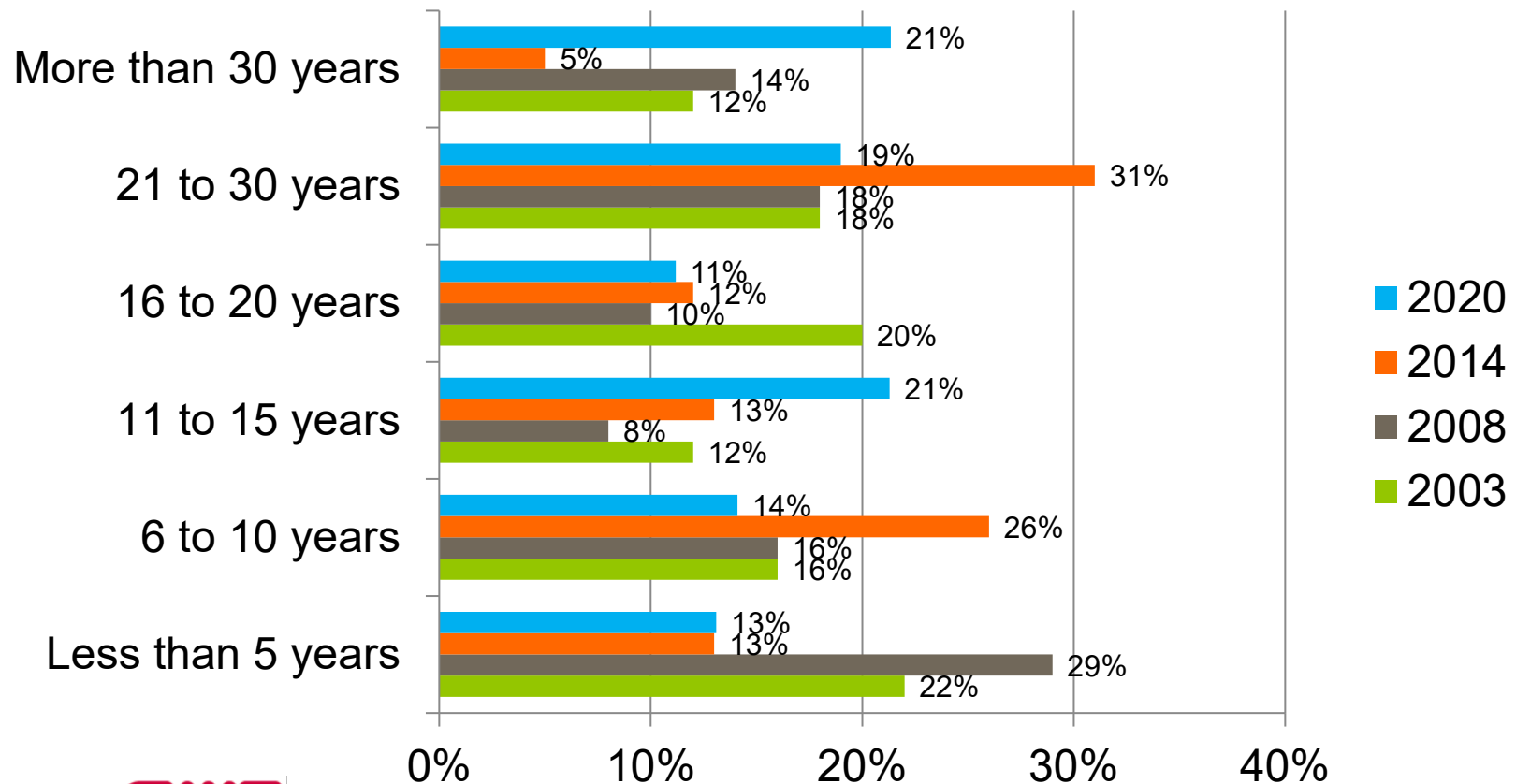


Higher income HH increasing, fewer low income HH.

Median Income: \$79,762



Length of time on a list



2003 & 2008 self-reported, 2014 & 2020 based on date of application

(#)

54% of Applicants want a Turn-Key House (68% in 2014)

	Residential Applicants	
	Count	Pct
Housing Options - 1st Choice		
Turn-Key (Lot with single-family house on it)	12,512	53.9%
Lot with water, electricity and sewer, but no house	5,156	22.2%
Single-family house to rent with option to buy	2,111	9.1%
Apartment suited for senior citizens	643	2.8%
An affordable rental unit and retain my place on the waiting list	516	2.2%
Condo or Townhouse Rental unit with option to buy	197	0.8%
Townhouse in a duplex or four-plex	139	0.6%
Condominium apartment (Multi-family building)	106	0.5%
Don't know/Refused	1,818	7.8%
<i>Total</i>	<i>23,199</i>	<i>100.0%</i>

If not Turn-Key

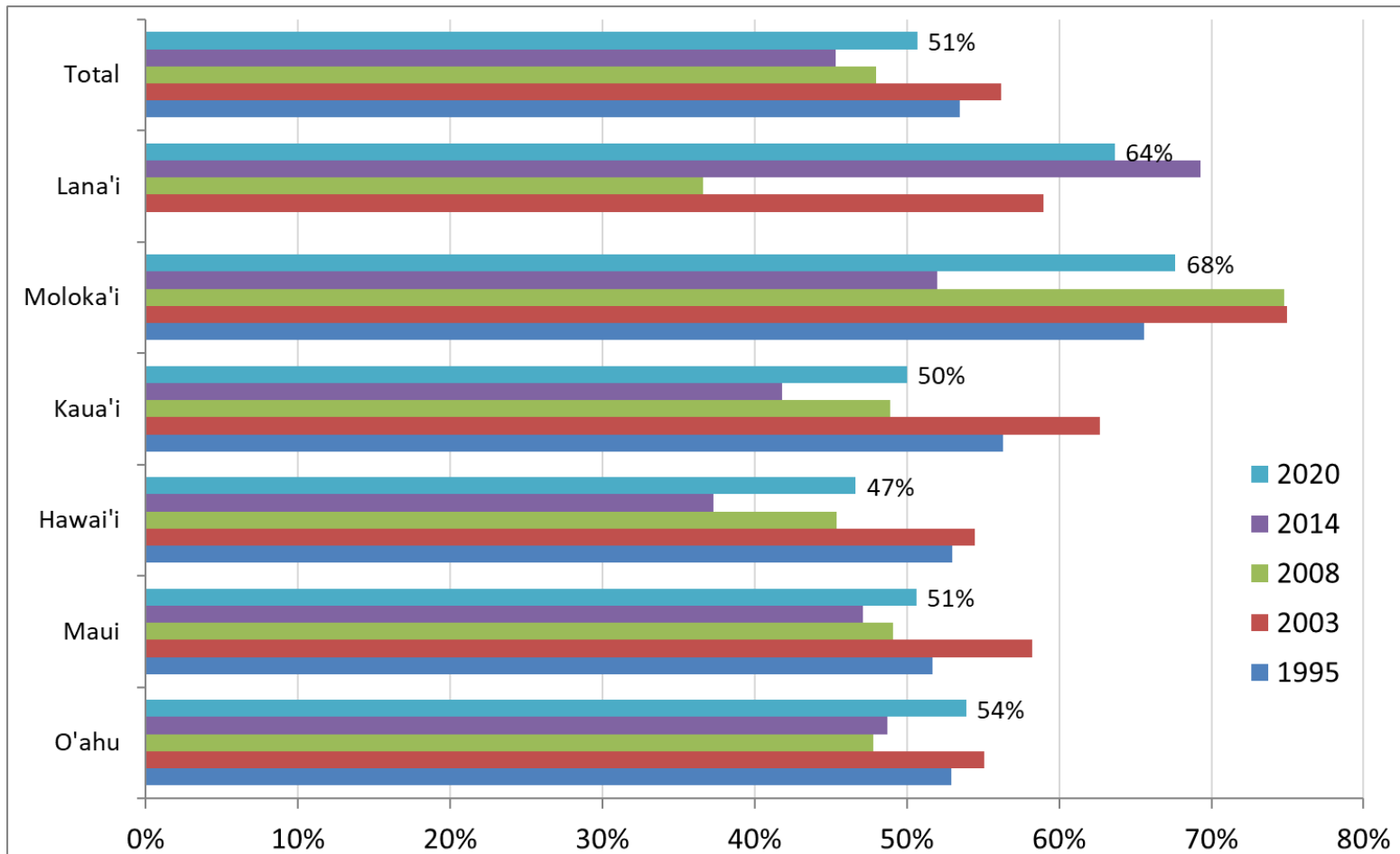
- 41% SFD to rent with option to buy
- 33% Lot with water, electricity & sewer but no house
- 6% Townhouse

Second choice of property for first choice Turn-key (Lot with a single-family house on it.)	Count	Percent
Total first choice	12496	100.0%
Single-family house to rent with option to buy	5179	41.4%
Lot with water, electricity and sewer, but no house	4166	33.3%
Townhouse in a duplex or four-plex	699	5.6%
Apartment suited for senior citizens	492	3.9%
An affordable rental unit and retain my place on the waiting list	389	3.1%
Condominium apartment (Multi-family building)	290	2.3%
Condo or Townhouse Rental unit with option to buy	235	1.9%
Turn-Key (Lot with single-family house on it)	229	1.8%
Don't know/Refused	817	6.5%

The challenge of providing
financial assistance &
fulfilling desire for awards

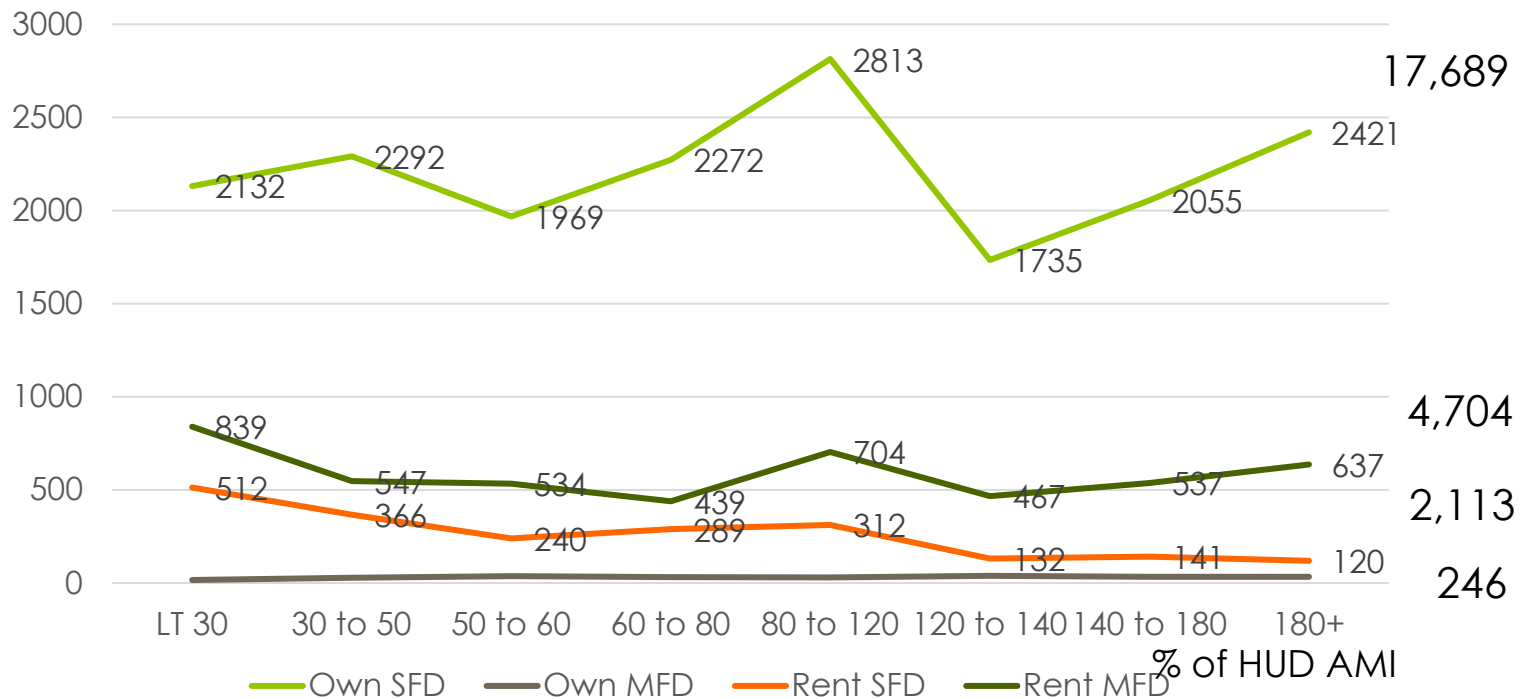


51% of Applicants below 80% HUD AMI



Desire for Owned SFD across all % of HUD AMI

Number of Units



Rent with Option to Buy included in Rent

Example: financing for lowest priced, 755 sf, turn-key house at Kapolei: \$246,000

	20% Down payment	10% down payment	No down payment
Down Payment	\$49,200	\$24,686	\$0
Mortgage amount	\$196,800	\$221,315	\$246,000
Monthly payment (including MI for <20% down)	\$1,113	\$1,308	\$1,421

Characteristics of Segments

Financial Assistance	Will need assistance	May need assistance	Unlikely to need assistance
# of Households	12,326	3,688	8,709
Homeownership	Mostly rent (64%)	Split own & rent	Mostly Own (89%)
Median Monthly housing cost	\$1,198	\$1,891	\$1,890
Median HH Income	\$50,772	\$116,276	\$106,919& own home
% receiving Gov't assistance	46%	14%	22%
Applied & Received a Mortgage	30%	51%	74%
Employment	30% no adults employed fulltime	At least one adult employed fulltime	24% no adults employed fulltime
Percent Age 65+	33%	20%	45%
Current Housing	SFD (59%)	SFD(70%)	SFD(87%)

Factors related to DHHL Award

Reason turned down last DHHL Award	Less Qualified	May be Qualified	Likely to Qualify
Location	47%	42%	58%
No Down Payment	39%	0	14%
Income too low to qualify for mortgage	36%	0	12%
Would have to relocate & find new job	22%	28%	21%
Intention in the future			
Pass on to children/relatives	91%	95%	93%
Percent 50% Hawaiian	32%	26%	23%





DHHL Beneficiary Study 2020

Lessees

January 20, 2020

Change over time

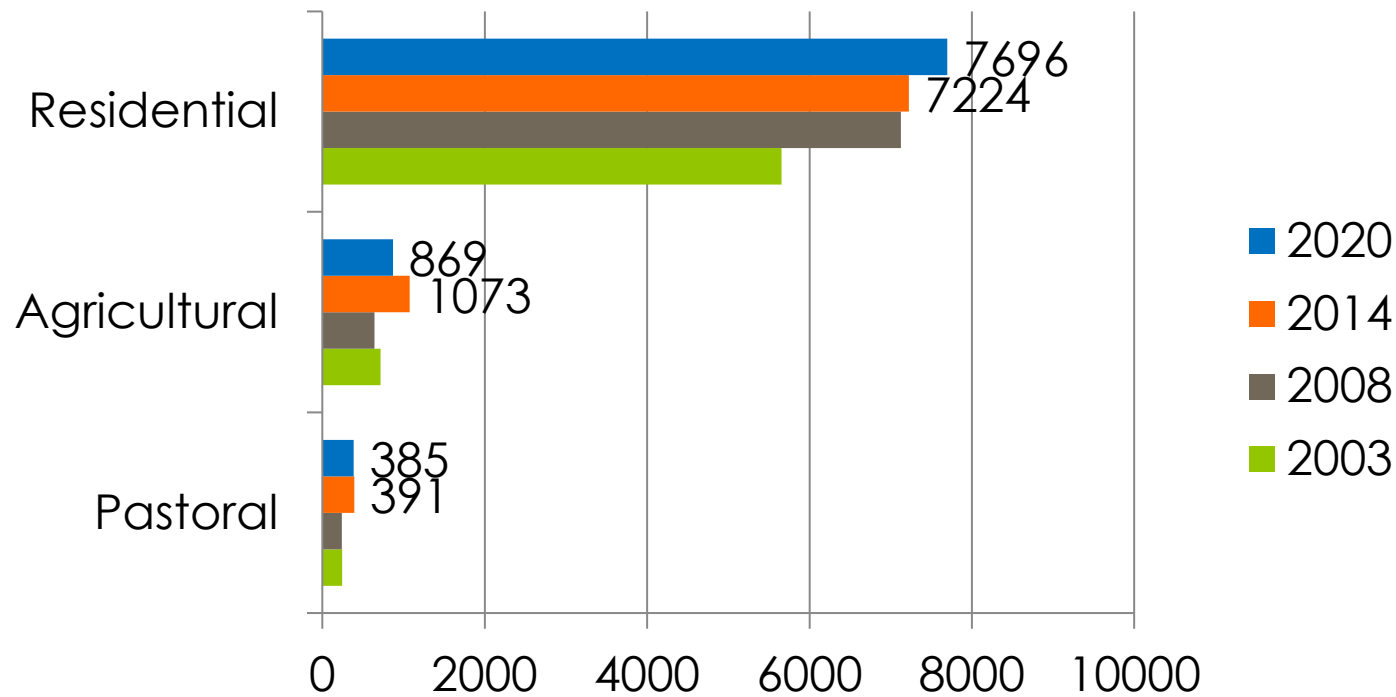
	2008	2014	2020	Change
Original List: Traditional Lessees	8,002	8,688	8,959	+3.1%
Original List: Undivided Interest Lessees	1,234	966	802	-16.9%
Total	9,236	9,654	9,761	+1.1%



Traditional Lessees



Types of Lessees

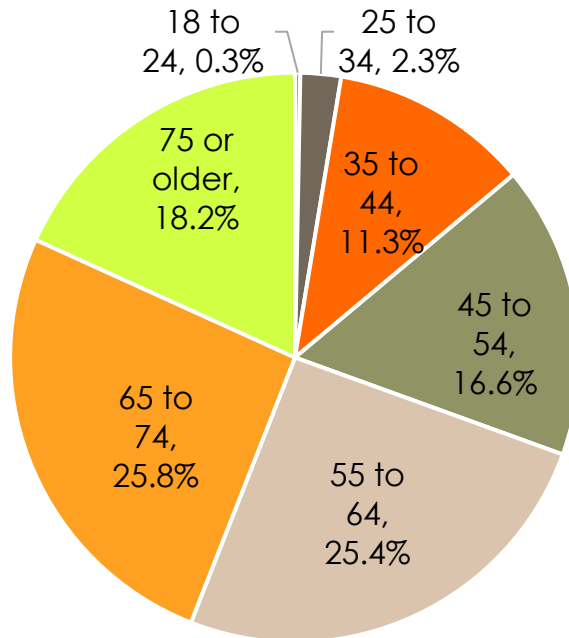


Current status

- 91% have a home on their DHHL award
 - 68% with a mortgage
 - 32% paid off their mortgage
 - A few have their mortgages paid by someone else



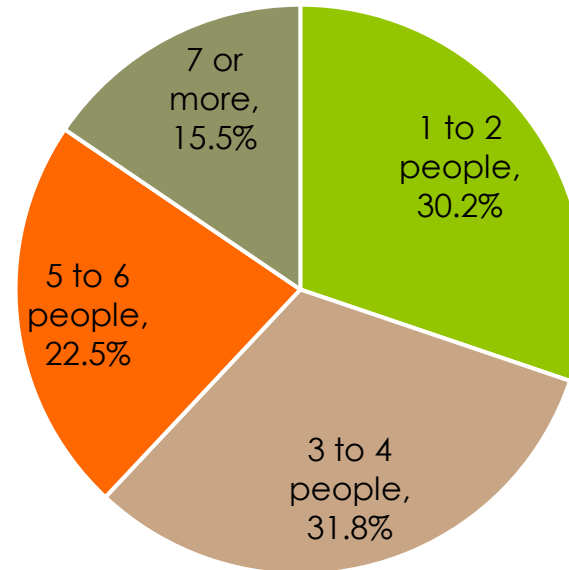
Demographics



Median age still at 62



Average Household Size: 4.2



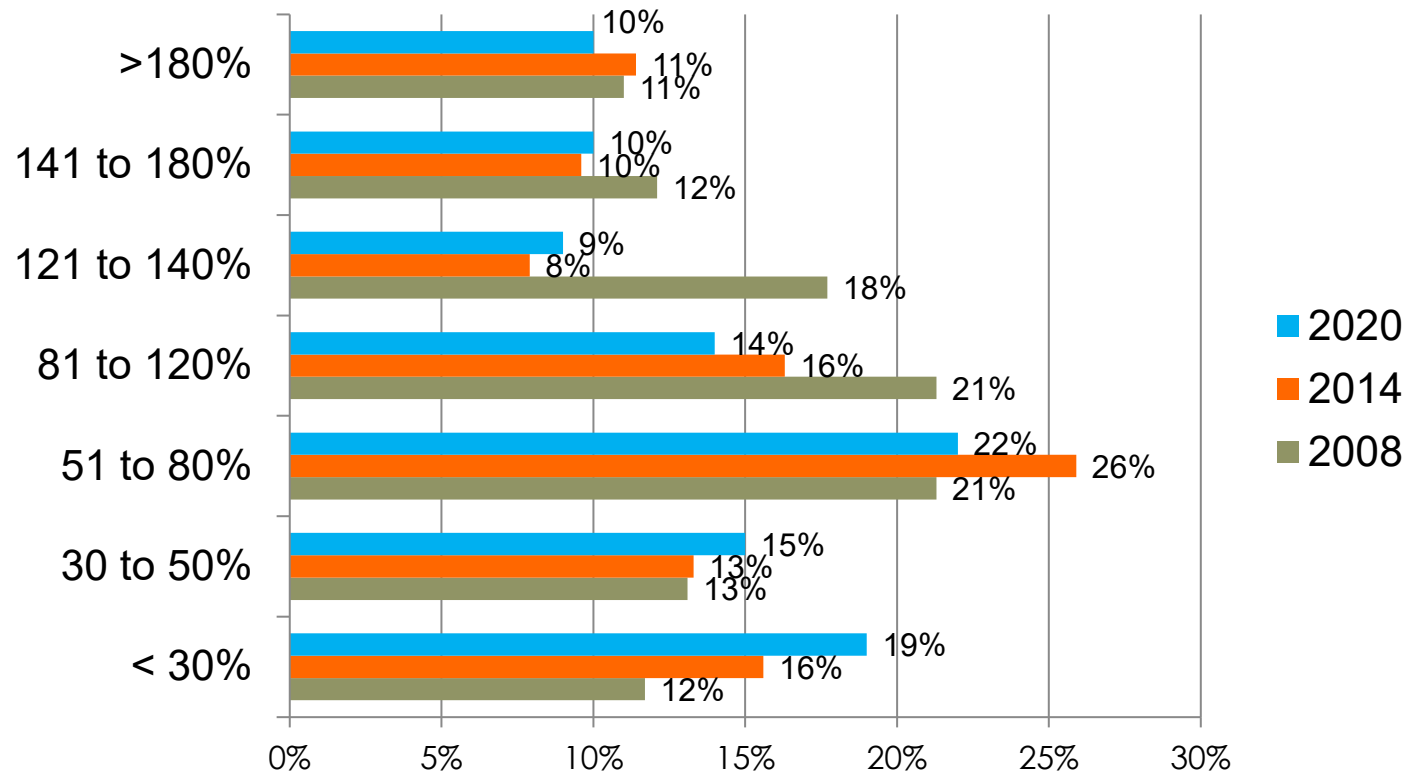
More HH with children 55%

Financial Characteristics

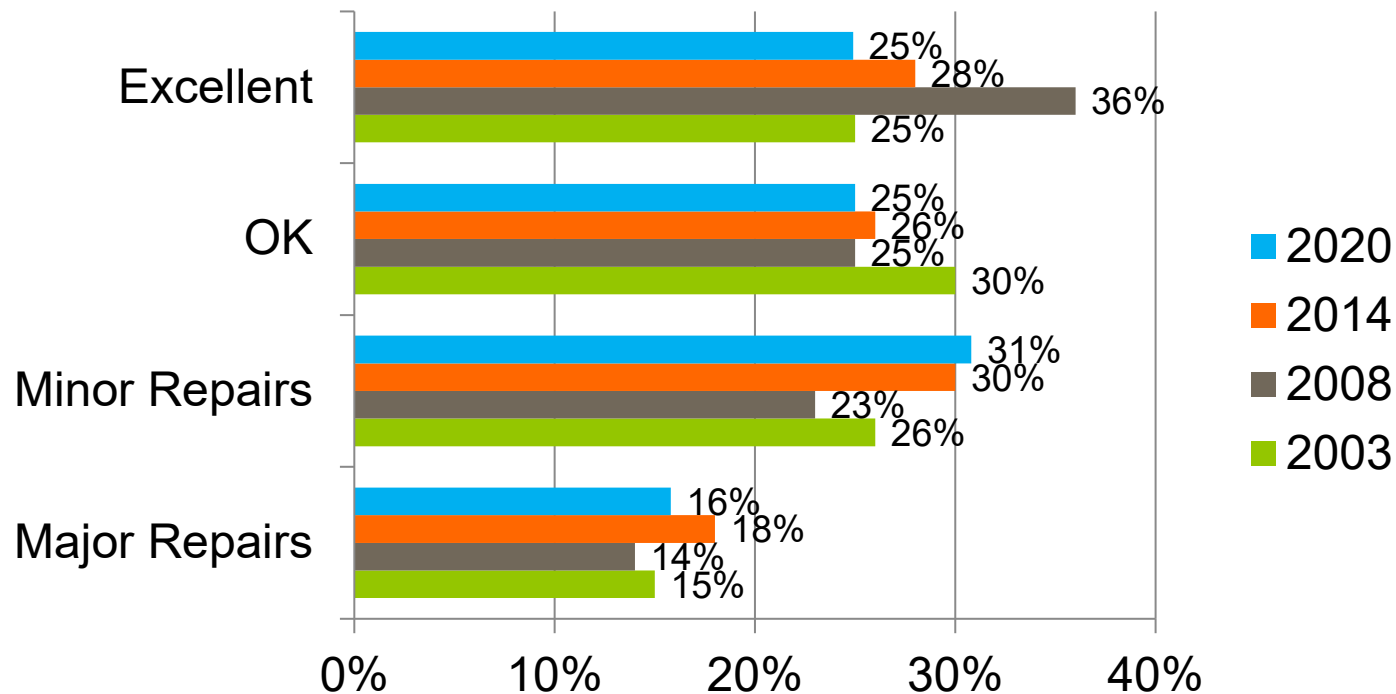
- Median HH Income increased from \$59,600 (2014) to \$74,954.
- 88% of households have one or more adults currently employed fulltime (up 3%)
 - Most often in services
 - 23% Other services
 - 15% Construction



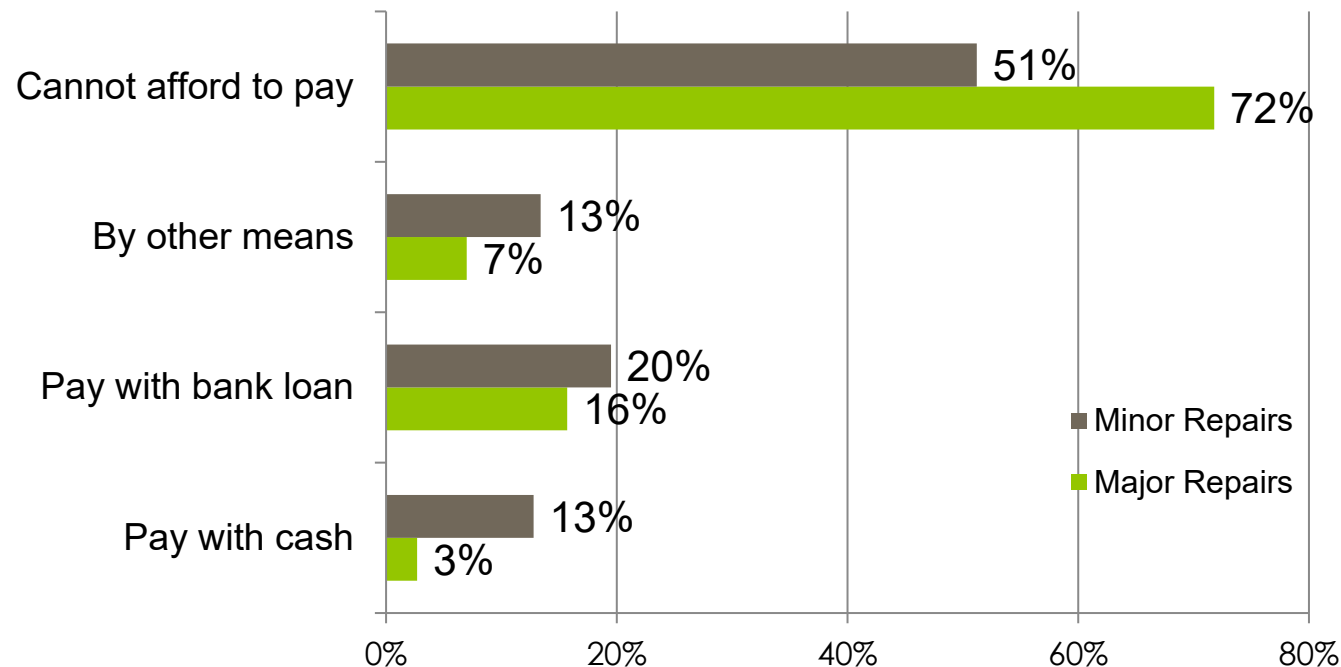
56% of HH at/below 80% HUD AMI.



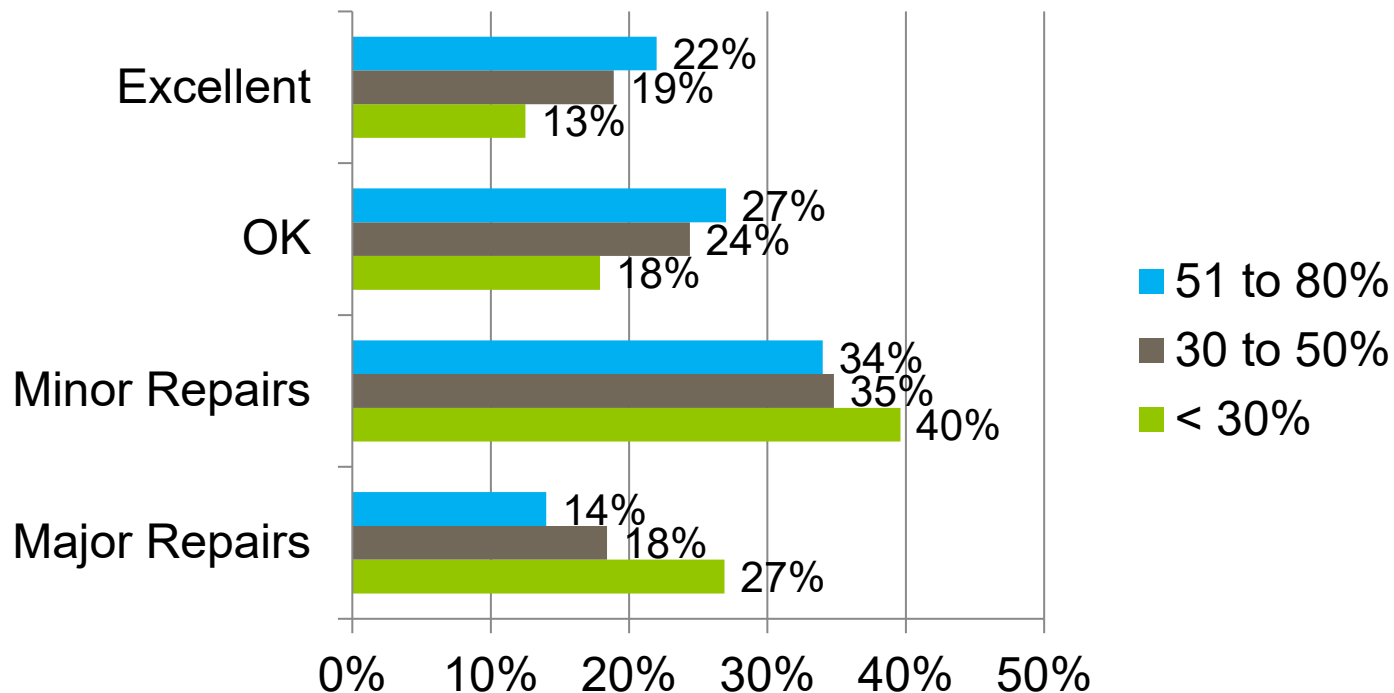
47% of homes in need of repair



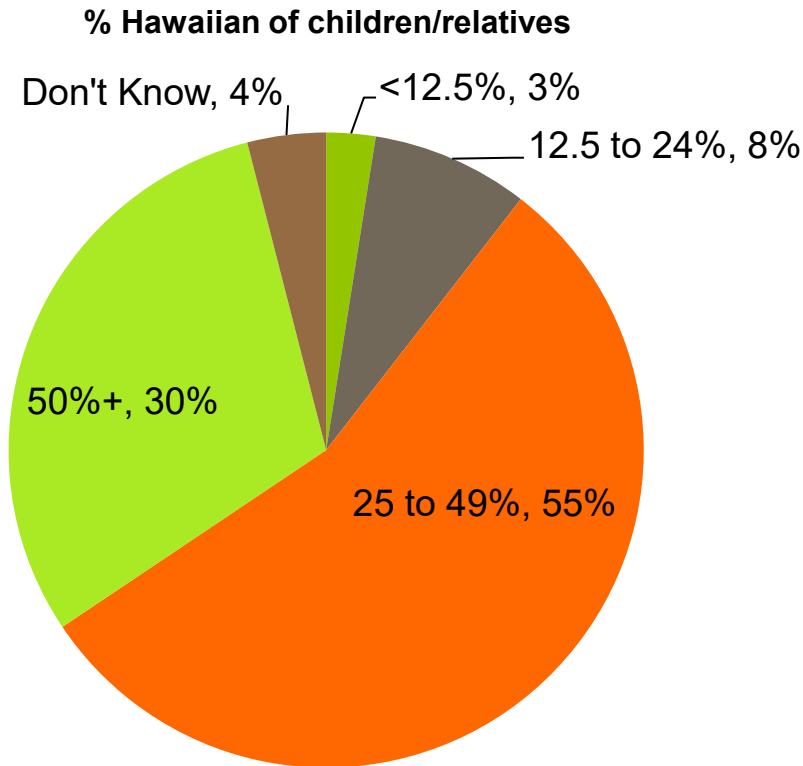
Many Lessees cannot afford to pay for repairs



Significantly more Households below 30% HUD AMI Need Major Repairs



98% of Lessees plan to pass on their lease to children/relatives



Undivided Interest Lessees



802 Undivided Interest Lessees

- Median age 57 (up from 55) – younger than traditional lessees
- 88% one or more adult employed fulltime
- Median income \$83,819 – higher than traditional lessees & applicants
 - 20% receive food stamps
 - 13% live in public assisted housing
- Homeownership
 - 51% homeowners, 38% renters
 - Significant increase in homeowners from 38%



Undivided Interest Award Preference

- First Choice
 - 51% - Turn-key house (2014 57%)
 - 40% - Lot with infrastructure, no house (2014 27%)
 - 5% - Rental with an option to buy (2014 7%)
- 61% expect their lot to be available in 1 to 2 years
- 80% expect to be financially ready when lot is available.



In summary

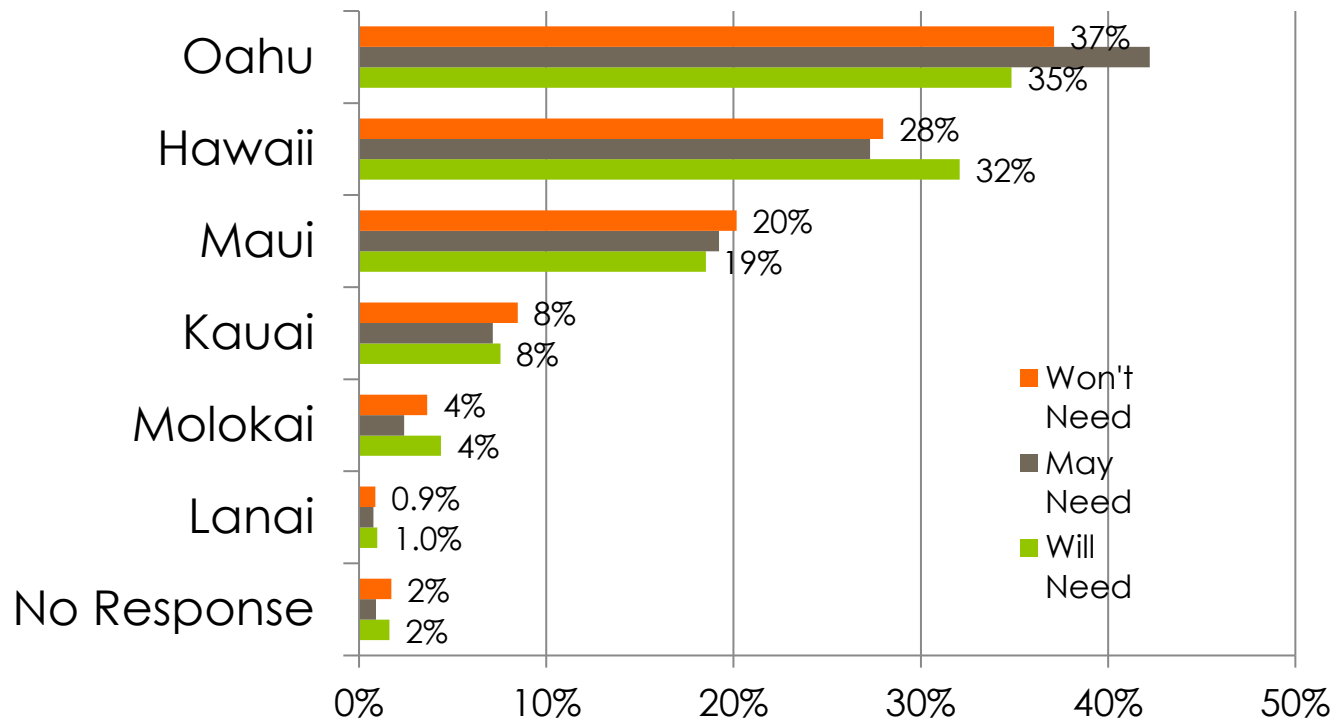
- Applicants of all income levels desire a single-family dwelling
 - Challenge of meeting different sets of needs – location, price, better than I already have, what my children want.
- Undivided Interest Lessees appear to be more financially ready to accept an award
- Lessees have the challenge of maintaining their home especially those in older communities who have fewer financial resources.
- Kamehameha Schools is the Native Hawaiian Organization connected with more beneficiaries.



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Island applying for by need for assistance



Prior DHHL Award Offers



Prior award offers (some confusion in understanding when they are offered an award, even more pronounced in 2020)

- Number of times offered an award
 - Never: 64% (2020) 49% (2014)
 - Once: 16% (2020) 23% (2014)
 - More than once: 20% (2020) 28% (2014)
- Number of times could not qualify
 - Never: 59% (2020) 30% (2014)
 - Once: 18% (2020) 16% (2014)
 - More than once: 42% (2020) 54% (2014)
- Number of times turned down award
 - Never: 24% (2020) 28% (2014)
 - Once: 27% (2020) 24% (2014)
 - More than once: 49% (2020) 48% (2014)



Reasons to decline award (% in 2014)

- 51% - did not like the location/22% would have to find a new job. (25%/9%)
- 35% - Not ready to accept award (18%)
- 25% - No savings for down payment (17%)
- 15% - Income too low to qualify for mortgage (14%)
- 11% - Prices too high
- 9% - Would have to relocate & find new job (did not like location 25%)
- 8% - Did not like the unit offered

More than one choice allowed



Summary

- Overall Applicants increasing in number
 - Most on more than one list
 - 20% already live on a DHHL award
- Applicants getting older
 - Fewer at lowest income level
 - More above HUD median income
- Ability to finance a house varies significantly among applicants
- The greater the ability to finance a house the more important location becomes





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In case question about second choices

Second choice of property for first choice Turn-key (Lot with a single-family house on it.)	Count	Percent	Second choice of property for first choice lot with water, electricity and no sewer, but no house	Count	Percent	Second choice of property for first choice Single-family house to rent with option to buy	Count	Percent
Total first choice	12496	100.0%	Total first choice	5146	100.0%	Total first choice	2070	100.0%
Single-family house to rent with option to buy	5179	41.4%	Turn-Key (Lot with single-family house on it)	3612	70.2%	Turn-Key (Lot with single-family house on it)	1018	49.2%
Lot with water, electricity and sewer, but no house	4166	33.3%	Single-family house to rent with option to buy	653	12.7%	Condo or Townhouse Rental unit with option to buy	265	12.8%
Townhouse in a duplex or four-plex	699	5.6%	Apartment suited for senior citizens	114	2.2%	Lot with water, electricity and sewer, but no house	227	11.0%
Apartment suited for senior citizens	492	3.9%	Lot with water, electricity and sewer, but no house	112	2.2%	An affordable rental unit and retain my place on the waiting list	201	9.7%
An affordable rental unit and retain my place on the waiting list	389	3.1%	An affordable rental unit and retain my place on the waiting list	85	1.7%	Apartment suited for senior citizens	98	4.7%
Condominium apartment (Multi-family building)	290	2.3%	Townhouse in a duplex or four-plex	65	1.3%	Townhouse in a duplex or four-plex	96	4.7%
Condo or Townhouse Rental unit with option to buy	235	1.9%	Condo or Townhouse Rental unit with option to buy	50	1.0%	Condominium apartment (Multi-family building)	41	2.0%
Turn-Key (Lot with single-family house on it)	229	1.8%	Condominium apartment (Multi-family building)	10	.2%	Single-family house to rent with option to buy	20	1.0%
Don't know/Refused	817	6.5%	Don't know/Refused	445	8.6%	Don't know/Refused	104	5.0%

High level of employment, large percent in services

- 76% of households have one or more adults working full time.
 - 23% Construction
 - 22% Other services
 - 19% Health care & social services
 - 18% Public administration/Government
 - 18% Transportation, warehousing & utilities
- 28% of households have one or more adults working part-time



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

G-4

**For Information Only—DHHL Agriculture Program Plan
Survey Results**

January 20, 2021



Purpose of Survey

- Gather information from Agricultural Lessees and Applicants on the Agriculture Waitlists to inform the Ag Program Plan.
- Understand beneficiary desires and aspirations for their Ag Homestead Lot
 - what is the role of Ag in rehabilitation?
 - what constitutes success?
- Identify Obstacles and Challenges
- Identify programmatic supports—areas of targeted assistance—that DHHL can provide or facilitate through other providers in order to increase the number of successful native Hawaiian farmers and to make our ag lands productive.



Information from Existing Ag Lessees

- How are they currently using their agricultural lots?
- Are they living on their ag lot?
- What are the top 3 issues that have prevented them from farming their ag lot?
- What level of agriculture experience do they have?
- What agricultural facilities would be helpful in their homestead community?
- What kind of agricultural assistance would be helpful in their individual situation?



Information from Existing Ag Applicants

- If they received an Agricultural homestead lease in the next 2 years, how would they use their ag lot?
- What kind of agricultural activities would they pursue?
- What kind of agricultural crops are they interested in growing?
- What level of agriculture experience do they have?
- What are the top 3 issues that could prevent them from farming their lot?
- What is the most important educational training they need?
- What kind of agricultural infrastructure would they need?



Methodology

1. The Invitation Postcard—end of July 2020

- 942 ag lessees
- 15,528 ag applicants
- 16,470 postcards



Aloha! This is an invitation for you to provide input on an Agricultural Program Plan that will support agricultural lessees and applicants. Due to the COVID-19 quarantine restrictions, we cannot conduct our usual consultation meetings. Instead, please watch the Agricultural Program Plan video and complete a short survey .

THIS IS NOT AN AWARDS NOTICE

AGRICULTURAL PROGRAM PLAN

Online Beneficiary Consultation

**1. Watch the Consultation
Video at:**
www.dhhl.hawaii.gov/po/ag

**2. Complete the Survey at
the end of the video.**

YOUR SURVEY CODE IS:

PLEASE COMPLETE THE SURVEY
BY AUGUST 30, 2020



DEPARTMENT OF
HAWAIIAN HOME LANDS
P.O. Box 1879 HONOLULU, HI 96805

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For more information, please contact DHHL at
(808) 620-9500



Methodology

2. The Introductory Video—16 minute video
3. The Online Ag Program Plan Survey

Table 1: Postcards Sent and Surveys Received

Type of Respondent	Postcards Mailed	Surveys Received	Response Rate
Agricultural Lessees	942	65	6.90%
Agricultural Applicants	15,528	596	3.84%
All Ag Beneficiaries	16,470	661	4.01%
Non-Beneficiary	--	32	--
“Other” Beneficiary	--	32	--
TOTALS	16,470	725	4.01%

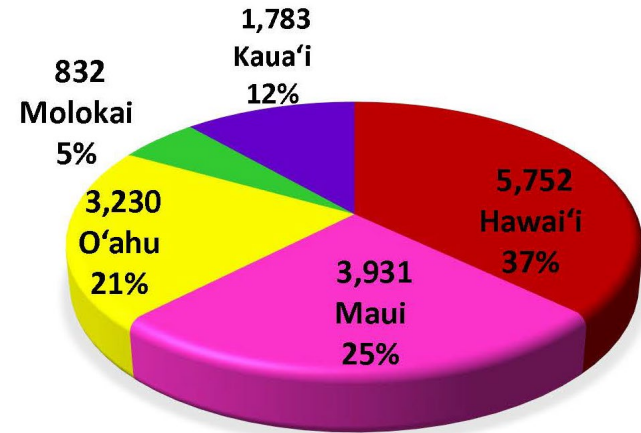


Survey Respondents—Applicants

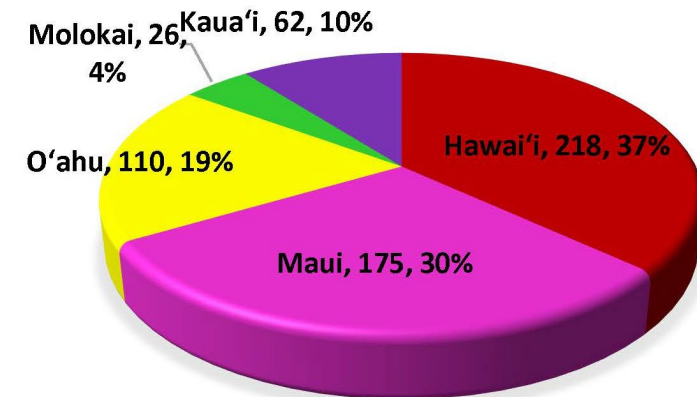
Table 2: Ag Applicants and Ag Survey Respondents by Island Waitlists

Islandwide Ag Waitlist	All Ag Applicants	Percent	Applicant Survey Respondents	Percent
Hawai'i Islandwide Ag	5,752	37%	218	37%
Maui Islandwide Ag	3,931	25%	175	29%
O'ahu Islandwide Ag	3,230	21%	110	18%
Molokai Islandwide Ag	832	5%	26	4%
Kaua'i Islandwide Ag	1,783	11%	62	10%
No Response/Blank			5	1%
	15,528	100%	596	100%

ALL APPLICANTS BY ISLAND WAITLIST



APPLICANT RESPONDENTS BY ISLAND WAITLIST



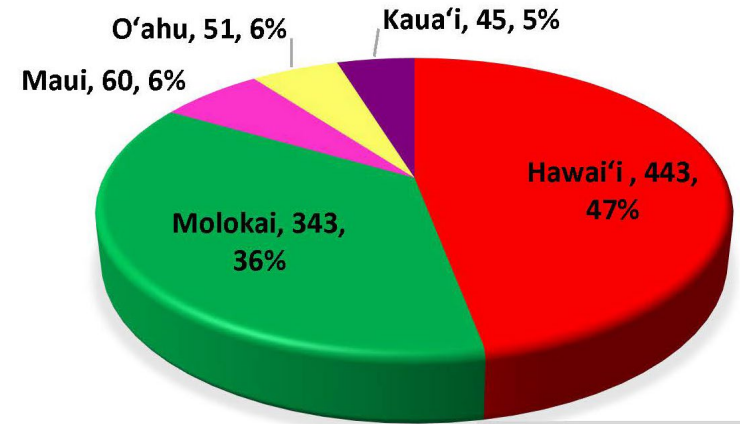


Survey Respondents—Lessees

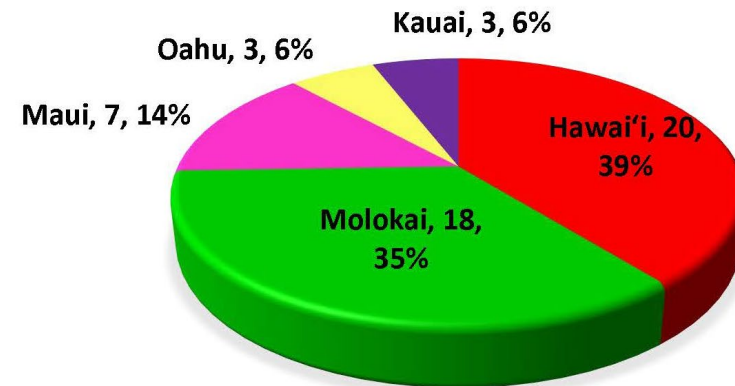
Table 3: Ag Lessees and Ag Lessee Survey Respondents, by Island

Island	Ag Lessees	Percent	Ag Lessee Respondents	Percent
Hawai'i	443	47%	20	39%
Molokai	343	36%	18	35%
Maui	60	6%	7	14%
O'ahu	51	5%	3	6%
Kaua'i	45	5%	3	6%
Total	942	100%	51	100%

EXISTING AG LESSEES, BY ISLAND



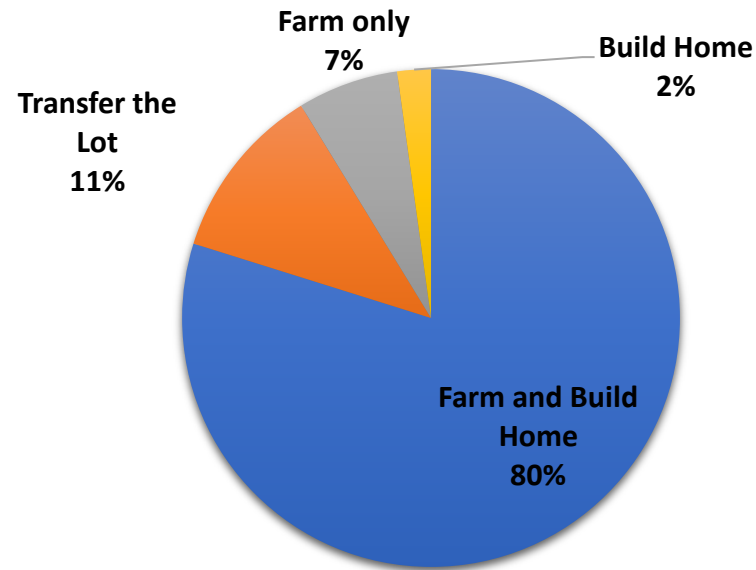
AG LESSEE SURVEY RESPONDENTS, BY ISLAND



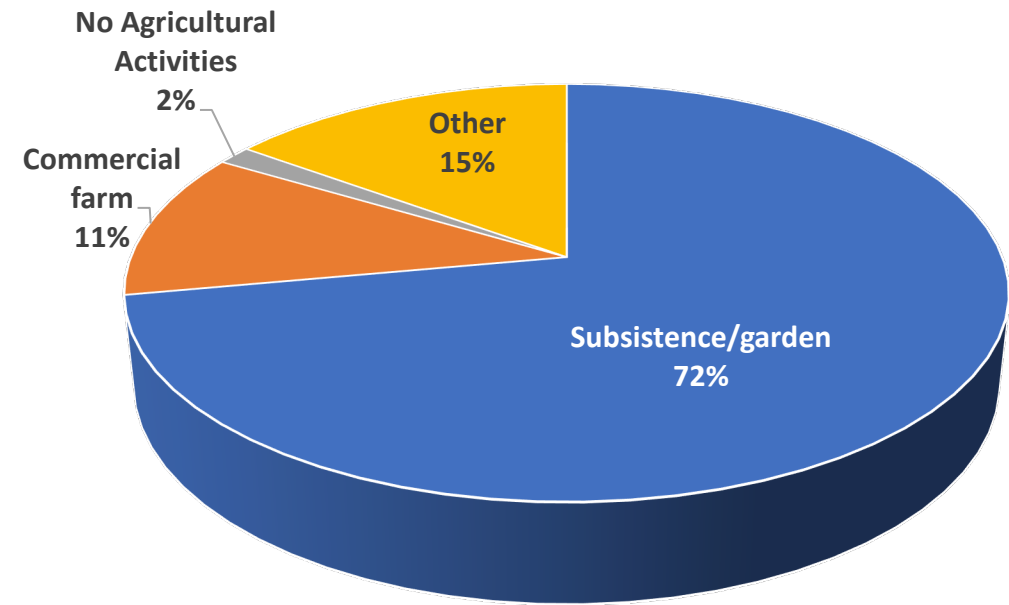


Survey Results—Applicant Intentions

APPLICANTS INTENDED USE OF AG LOT



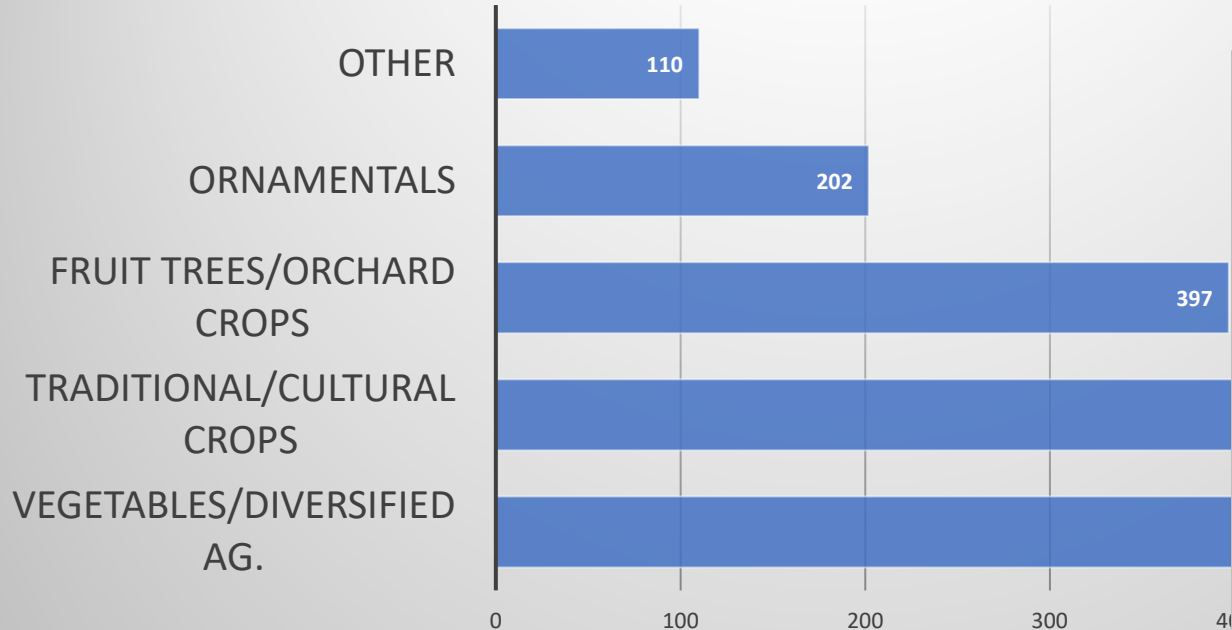
APPLICANT'S ANTICIPATED AG ACTIVITIES



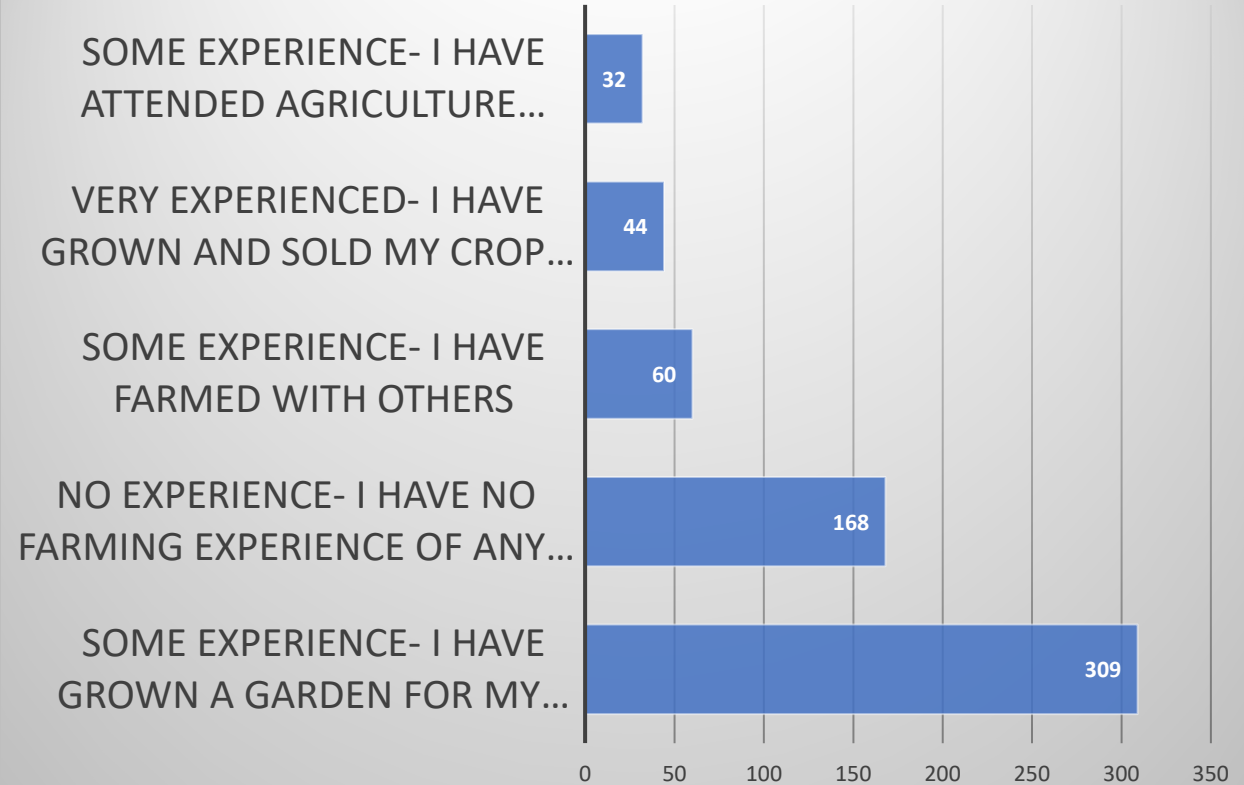


Results—Applicant Interest & Experience

TYPES OF CROPS AG APPLICANTS ARE INTERESTED IN GROWING



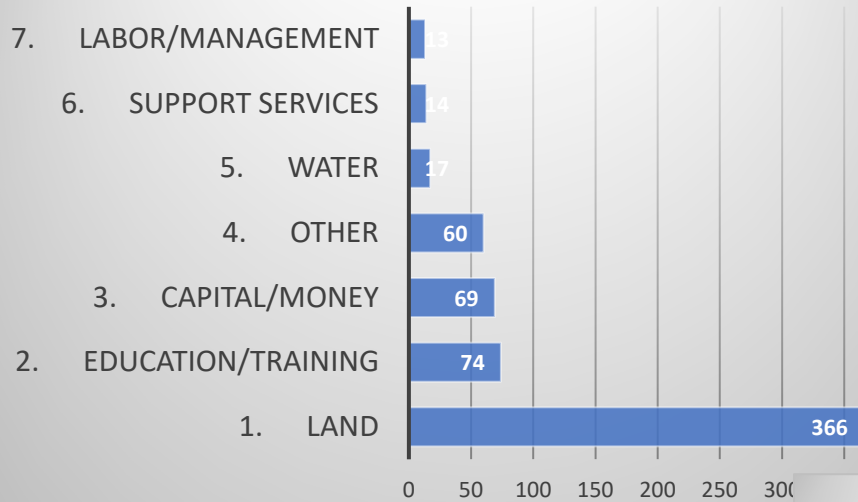
LEVEL OF FARMING EXPERIENCE



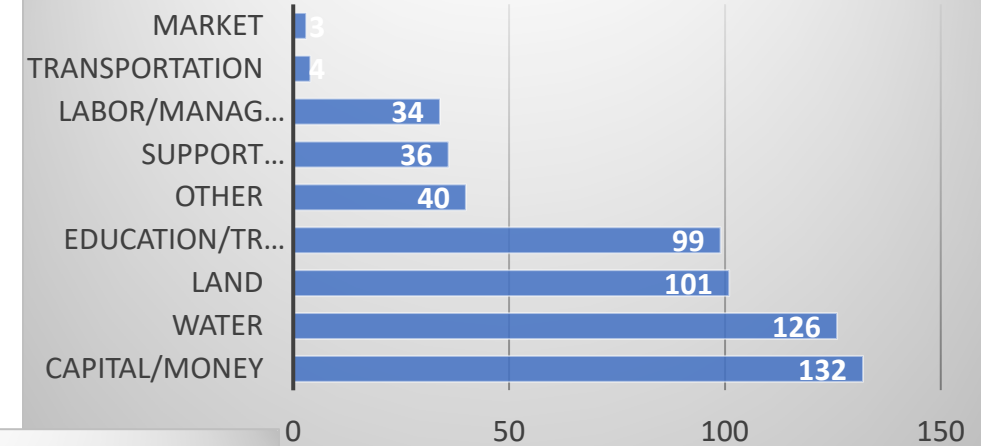


Results—Applicant Top 3 Issues

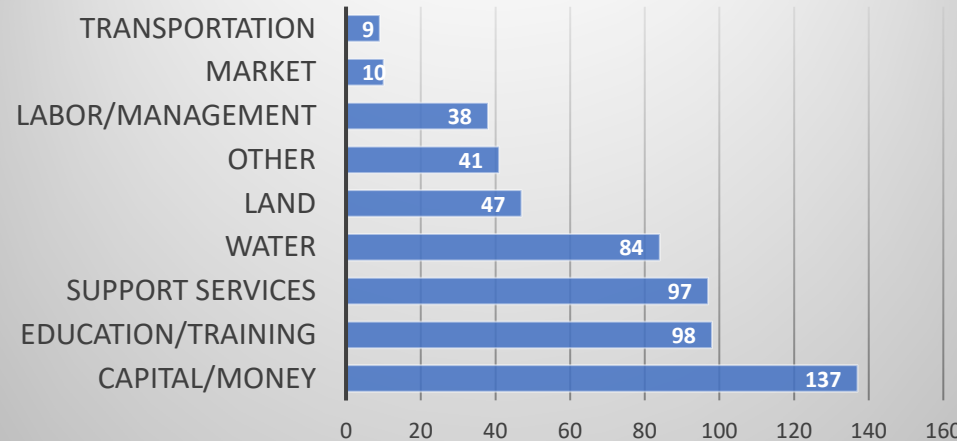
MAIN ISSUE FOR APPLICANTS



2ND IMPORTANT ISSUE FOR APPLICANTS



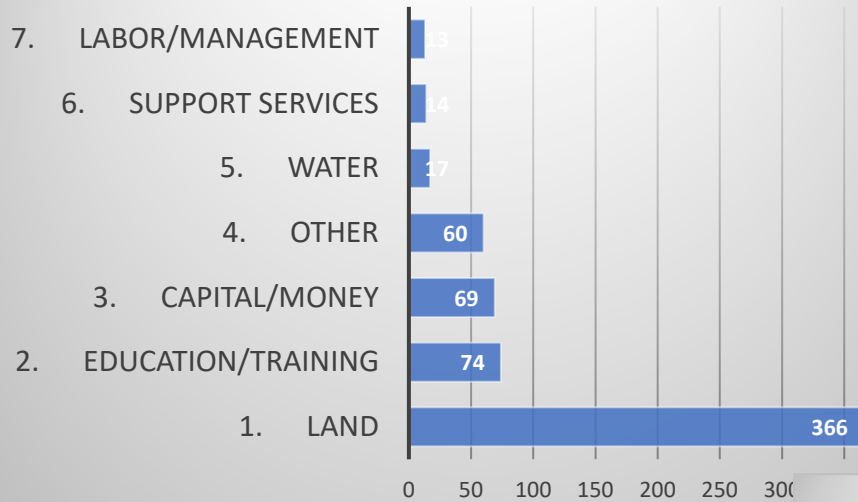
3RD MOST IMPORTANT ISSUE FOR APPLICANTS



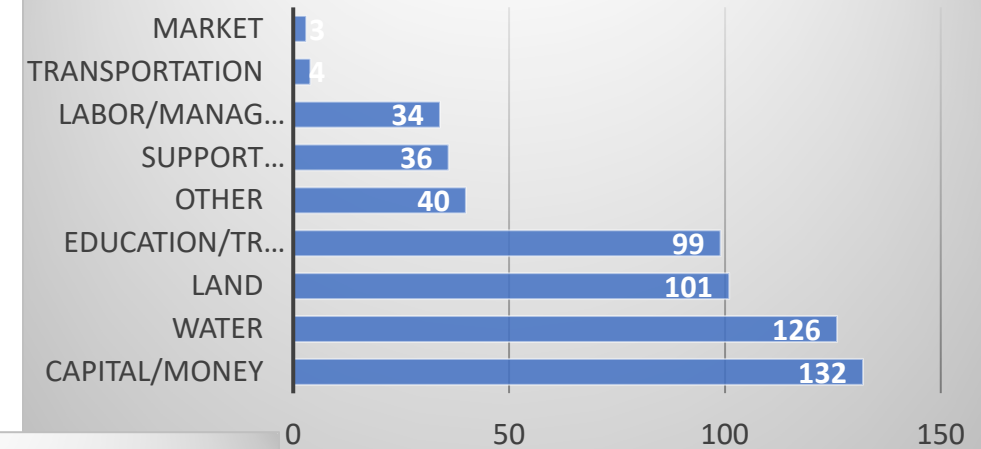


Results—Applicant Top 3 Issues

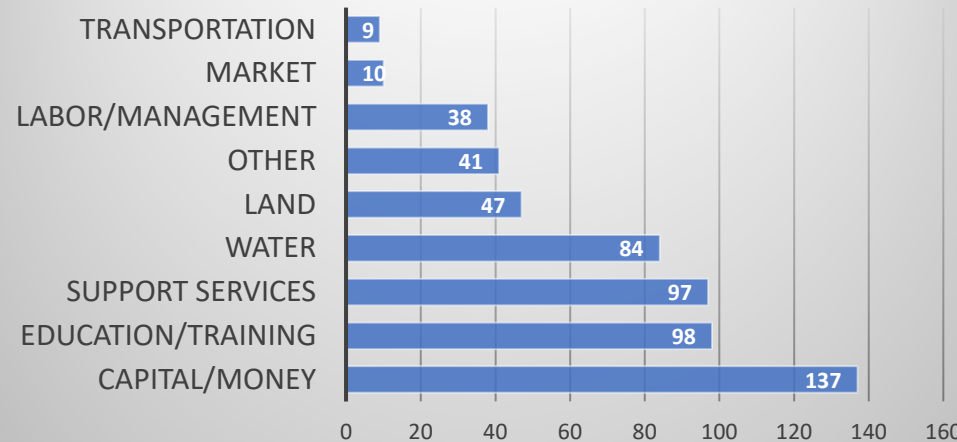
MAIN ISSUE FOR APPLICANTS



2ND IMPORTANT ISSUE FOR APPLICANTS



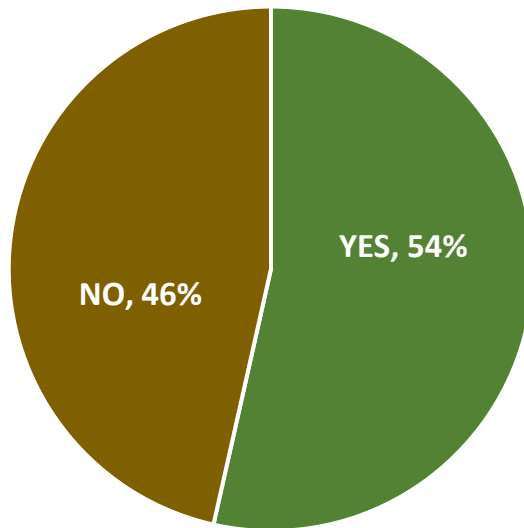
3RD MOST IMPORTANT ISSUE FOR APPLICANTS



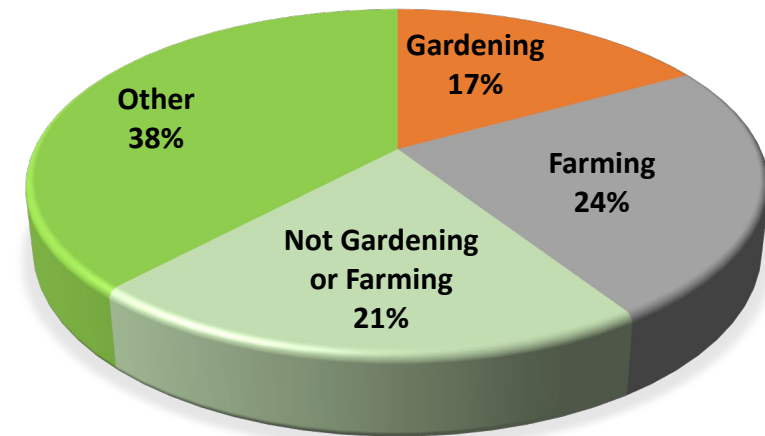


Results—Existing Lessees

ARE YOU LIVING ON YOUR AG LOT?



WHAT KIND OF AG ACTIVITIES ON AG LOT?

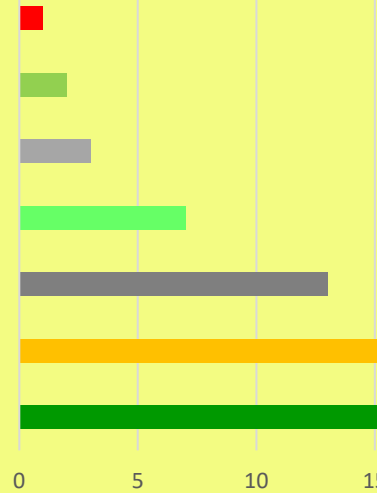




Results—Existing Lessees

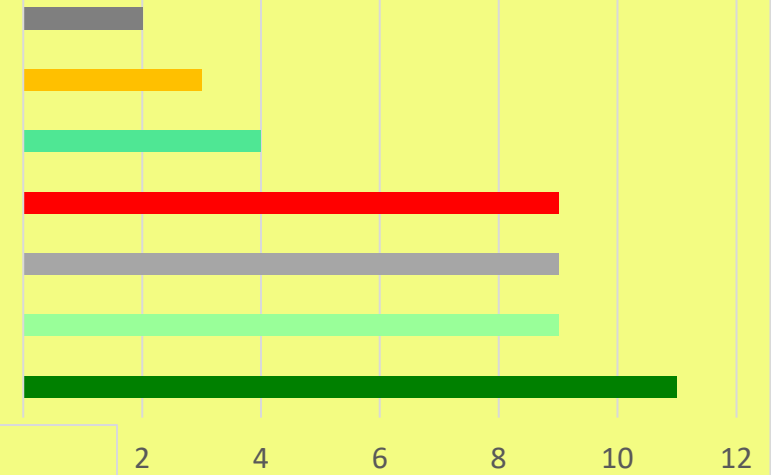
MAIN ISSUE FOR AG LESSEES

Education/Training
Support Services
Labor/Management
Water
Land
Other
Capital/Money



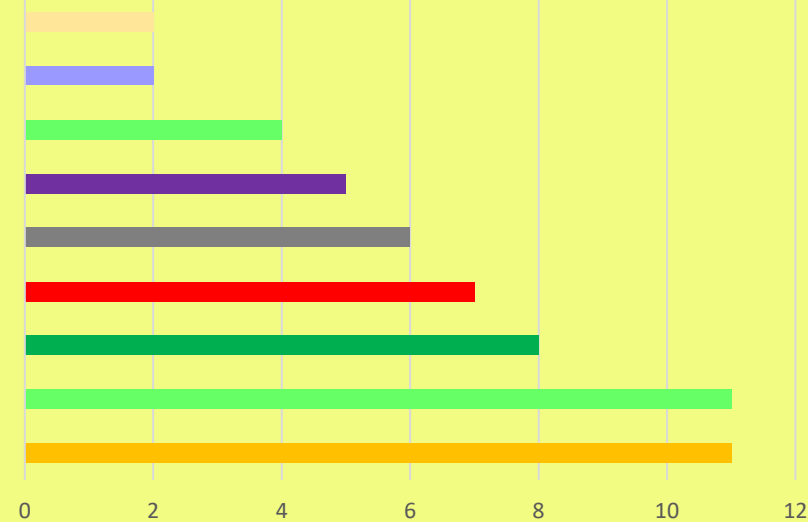
2ND MOST IMPORTANT ISSUE FOR AG LESSEES

Land
Market
Support Services
Education/Training
Labor/Management
Water
Capital/Money



3RD MOST IMPORTANT ISSUE FOR AG LESSEES

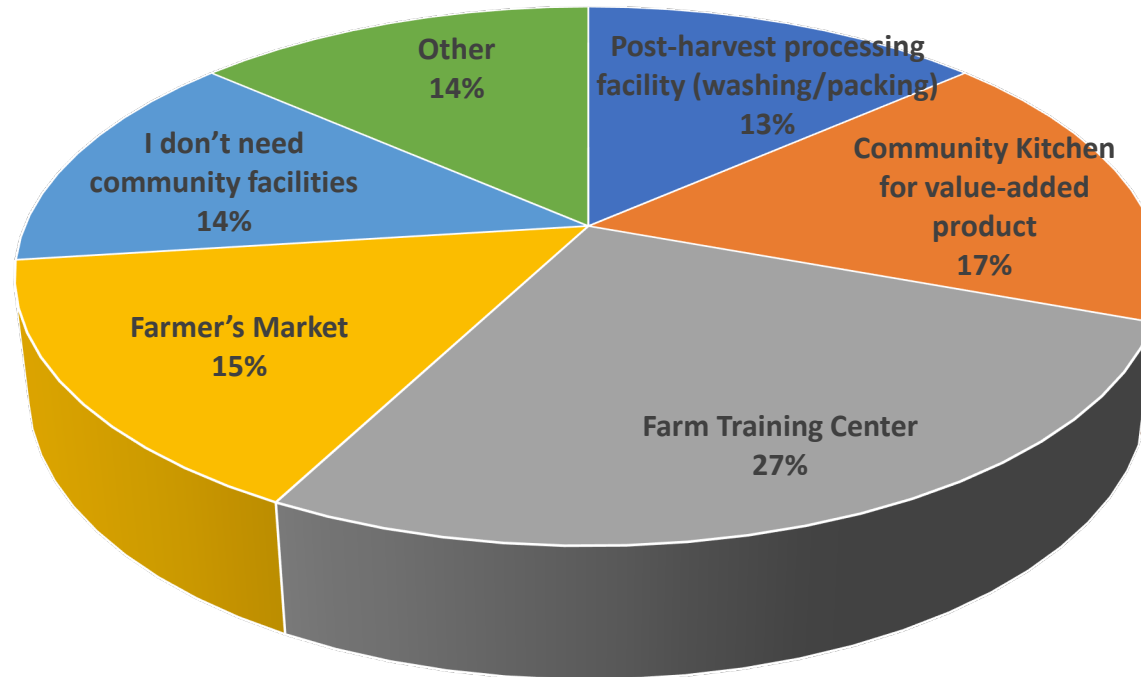
Transportation
Land
Water
Market
Labor/Management
Education/Training
Capital/Money
Support Services
Other





Results—Existing Lessees

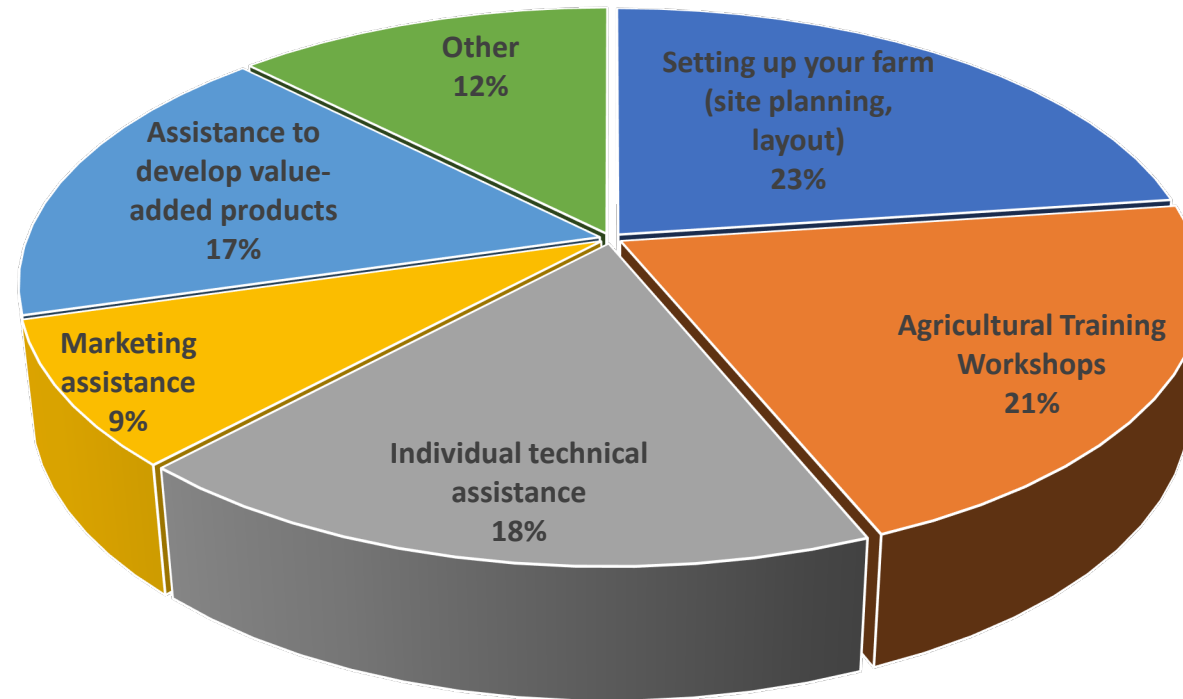
What kind of Agriculture Facilities would be helpful for the Community?





Results—Existing Lessees

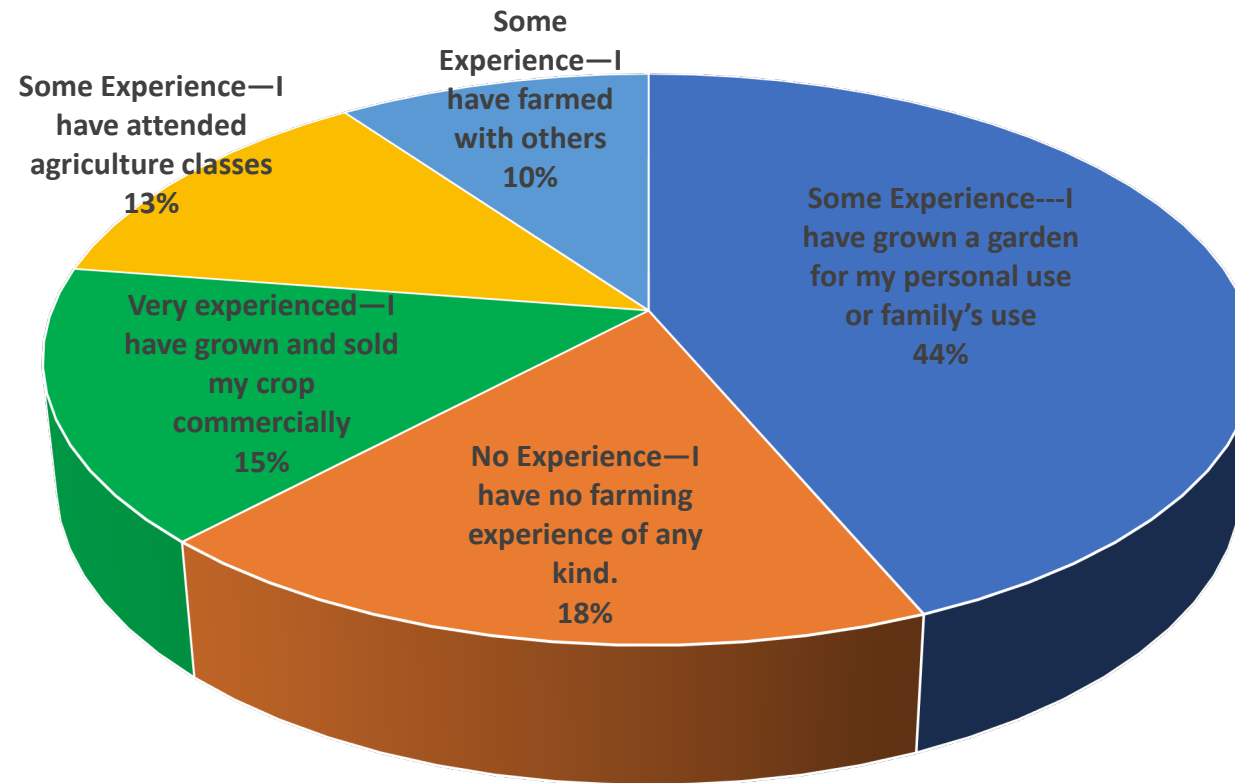
What kind of Agricultural Assistance would be helpful for you?





Results—Existing Lessees

How would you rate your level of farming experience?



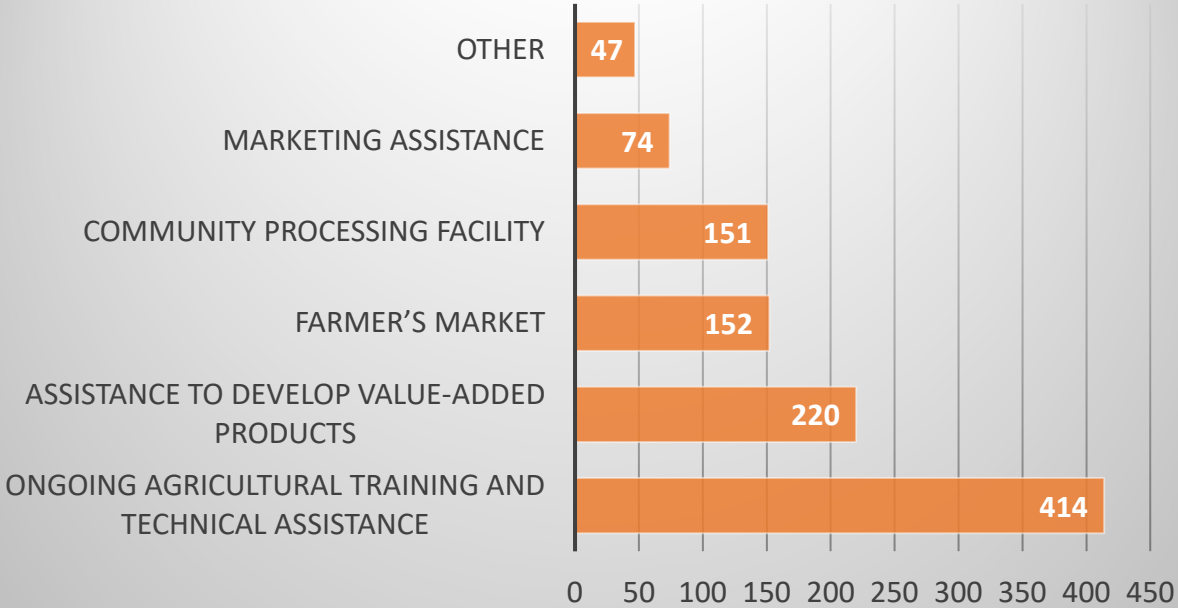


Results—AG Lessees and Applicants

EDUCATIONAL TRAINING

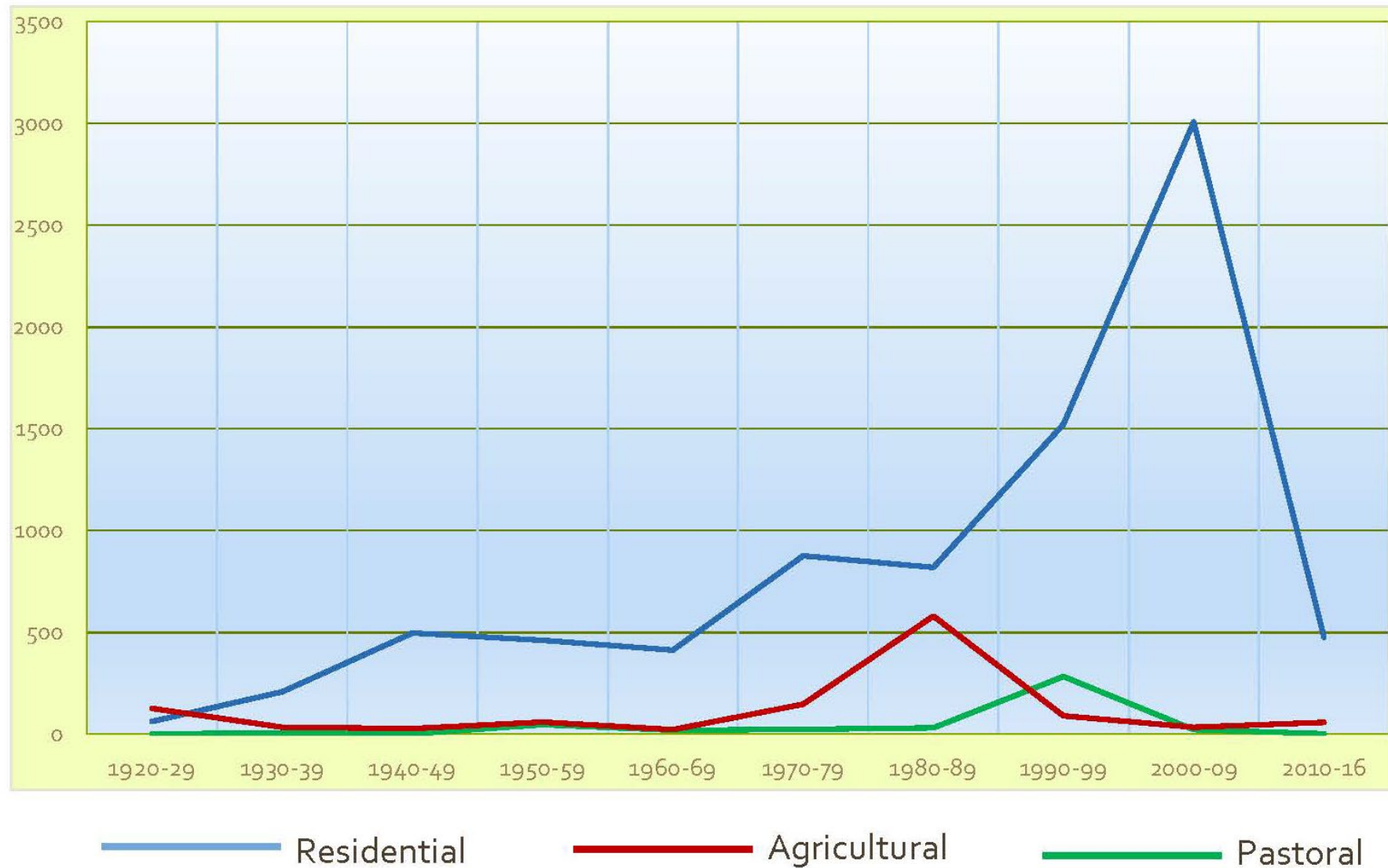


AGRICULTURAL INFRASTRUCTURE





HOMESTEAD LEASE AWARDS, OVER TIME





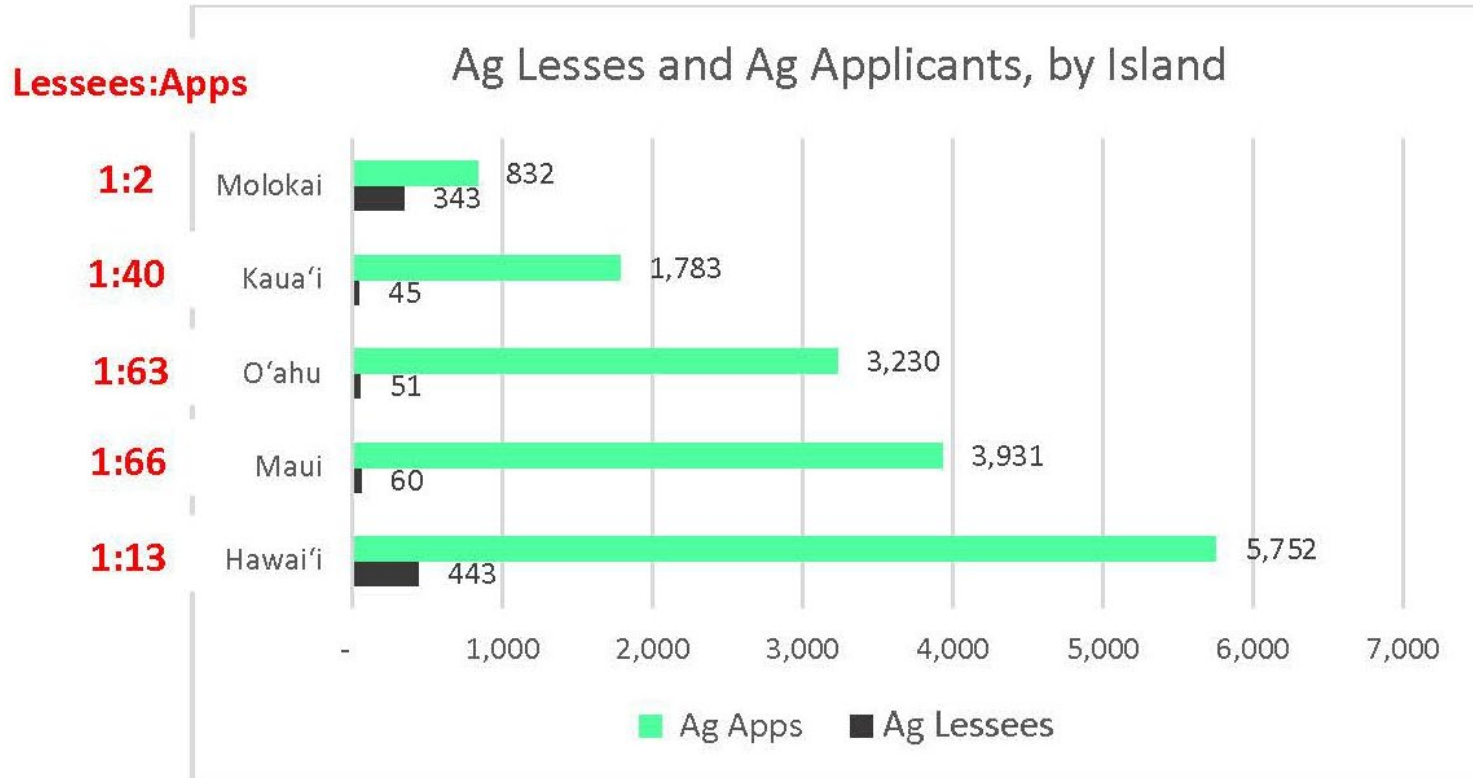
LESSEES

Table 2: Existing Agricultural Homesteads¹

ISLAND	AG HOMESTEAD AREAS	YEAR FIRST LEASE AWARDED	NUMBER OF AG LESSEES	ISLANDWIDE TOTALS
HAWAI'I	1. Maku'u	1985	103	443
	2. Pana'ewa	1924	228	
	3. Pu'ueo	1986	9	
	4. Pu'ukapu	1955	77	
	5. Waimea	1955	26	
MAUI	6. Kēōkea	1998	60	60
MOLOKAI	7. Ho'olehua	1924	291	343
	8. Mo'omomi	1932	3	
	9. Kalama'ula	1923	49	
O'AHU	10. Lualualei	1975	23	51
	11. Waiāhole	1998	16	
	12. Wai'anae	1986	10	
	13. Waimānalo	1997	2	
KAUA'I	14. Anahola	1985	45	45
GRAND TOTALS:			942	942



APPLICANTS





THE COMPELLING ISSUE OF TIME

1. Average age of agriculture applicants:
 - Survey Respondents: 61.56 years old
 - All Ag Applicants: 60.93 years old
2. Average number of years on the Ag Waitlist:
 - Survey Respondents: 23.50 years
 - All Ag Applicants: 22.31 years
3. Average length of time ag lessees had their ag lease:
 - Survey Respondents: 43.80 years
 - All Ag Lessees: 36.04 years

² Data as of July 2020.



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