

HAWAIIAN HOMES COMMISSION

Minutes of May 17, 2021, via Interactive Conferencing Technology (ICT)-Zoom
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
Zachary Z. Helm, Moloka'i Commissioner (via ICT)
David B. Ka'apu, West Hawai'i Commissioner
Michael L. Kaleikini, East Hawai'i Commissioner (via ICT)
Russell K. Ka'upu, O'ahu Commissioner (via ICT)
Dennis L. Neves, Kauai Commissioner (via ICT)
Patricia A. Teruya, O'ahu Commissioner (via ICT)

EXCUSED: Pauline N. Namu'o, O'ahu Commissioner

COUNSEL Ryan Kanaka'ole, Deputy AG (via ICT)

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 9:35 a.m. eight (8) members were present via videoconference at roll call.

Pursuant to the Governor's 19th Proclamation, related to COVID-19 Emergency, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through June 8, 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.

Chair Ailā stated the following:

- Item C-8 is deferred and will be taken up on a future Agenda
- Item C-4 was uploaded to the cloud folder over the weekend
- Item E-1 will follow the G-Items,
- Public Testimonies were uploaded to the cloud folder

- The commission will convene into executive session at noon for approximately 30 minutes
- Virtual community meeting at 6:30 p.m. tonight.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the Agenda. Motion carried unanimously.

APPROVAL OF MINUTES FOR APRIL 19 & 20, 2021

Commissioner Ka'upu corrected a typo on the last line of page 11, "fasting" to "passing."

MOTION/ACTION

Moved by Commissioner Ka'upu, seconded by Commissioner Helm, to approve the April 19 & 20, 2021 Minutes. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

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

Chair Ailā stated there were three public testimonies submitted, and he would come back to them for discussion after the J-Agenda.

Note: Testimonies are attached.

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 / Cancellations (see exhibit) |
| ITEM D-5 | Commission Designation of Successors to Application Rights –Public notice 2015 & 2017 (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 – GENEVIEVE K.M. BURNS, Residential lease No. 366, Lot No. 59, Nanakuli, Oahu |
| ITEM D-11 | Commission Designation of Successor – ROBERT L.K. SWANN, Residential Lease No. 561, Lot No. 11, Nanakuli, Oahu |

- ITEM D-12 Commission Designation of Successor – SOLOMON K. PAAKAULA, SR., Residential Lease No. 11976, Lot No. 17089, Kaupe‘a, O‘ahu
- ITEM D-13 Commission Designation of Successor – HENRIETTA W. CHOY FOO, Residential Lease No. 8358, Lot No. 67, PKE, O‘ahu
- ITEM D-16 Commission Designation of Successor – PEARL U. GARMON, Residential Lease No. 4899, Lot No. 25-A-1, Kuhio Village, Hawai‘i
- ITEM D-17 Commission Designation of Successor – JOANN I. MAIO, Residential Lease No. 12822, Lot No. 111, Kawaihae, Hawai‘i

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion to approve the Consent Agenda items listed for the Commission’s consideration.

MOTION

Moved by Commissioner Ka‘apu, seconded by Commissioner Awo, to approve the ten agenda items listed. Motion unanimously passed.

DISCUSSION

Commissioner Ka‘apu asked to confirm that the relationship showed in Item D-7, No. 22, really is “none.” J. Garcia believed it is but will follow up to see if there is an accurate relationship.

ACTION

Moved by Commissioner Ka‘apu, seconded by Commissioner Awo, to approve the fourteen items listed in the Consent Agenda. Motion unanimously passed.						
Commissioner	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Ka‘apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka‘upu			X			
Commissioner Namu‘o						X
Commissioner Neves			X			
Commissioner Teruya			X			
CHAIRMAN Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes.						

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval of Lease Awards for Kawaihae Residential Subdivision, Waimea, Hawai'i, and Keaukaha Residential Subdivision, Hilo, Hawai'i

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Ailā presented the following:

Motion that the Hawaiian Homes Commission approve the Lease Awards for Kawaihae Residential Subdivision, Waimea, Hawai'i, and Keaukaha Residential Subdivision, Hilo, Hawai'i.

MOTION

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

DISCUSSION

Commissioner Ka'apu asked if the lot in Kawaihae was returned to the DHHL inventory? P. Ailā stated yes. Chair Ailā stated that the Commission would see more of these awards coming out. Commissioner Ka'apu stated that means it's getting out of the DHHL inventory.

ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, to approve the first part of the recommended motion. The second part of the motion was withdrawn.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini		X	X			
Commissioner Ka'upu			X			
Commissioner Namu'o						X
Commissioner Neves	X		X			
Commissioner Teruya			X			
CHAIRMAN Ailā			X			
TOTAL VOTE COUNT			8			1
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.						

ITEM C-2 Acceptance of 2021-2022 Native Hawaiian Housing Block Grant Annual Housing Plan

RECOMMENDED MOTION/ACTION

Legislative Analyst Lehua Kinilau-Cano presented the following:

Motion that the Hawaiian Homes Commission accept the 2021-2022 Native Hawaiian Housing Block Grant Annual Housing Plan.

MOTION

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

DISCUSSION

L. Kinilau-Cano stated the Housing Plan was presented to the Commission at last month's meeting and provided an abbreviated briefing.

Commissioner Neves appreciated that Crime Prevention for Safety, Security, and Law Enforcement was listed in the plan.

L. Kinilau-Cano stated preliminary feedback from the U.S. Department of Housing and Urban Development (HUD) asked that funds be targeted to lower-income native Hawaiian households.

Commissioner Ka'apu asked if NAHASDA funds could be used for the rent-to-own program. L. Kinilau-Cano stated there are provisions in NAHASDA that their rent will be subsidized fully if the family's income drops to zero dollars. The Department will not be able to remove the families from that subsidy. The Commission needs to be aware and make sure that there is enough funding to continue the subsidy.

Commissioner Ka'apu stated how only eight under 60% AMI was available at the La'i 'Ōpua awards, and once those eight were absorbed, there were no products for them. If NAHASDA could be used to subsidize that, it could impact more of the 30-40% AMI families and get them in the homes in order of the list.

Chair Ailā stated the challenge with using NAHASDA is if the federal government decides there is no money to allocate for NAHASDA, the Department becomes responsible for the subsidies, which will remain.

Commissioner Ka'apu asked if the Department looked at the actual cost to the Department would be, and it may be something the Commission would want to entertain if the cost is not huge. It is just to get more of the lower-income family into homes. Chair Ailā stated the Department could look at that.

Commissioner Kaleikini asked if the funds could be used to pay for the lessees' deferred payments. L. Kinilau-Cano stated \$1.5 million in the American Rescue Plan that NAHASDA has applied for and expects to receive. The \$1.5 million can be used for homeowner's assistance, deferred mortgage payments paid to the Department or the other lenders, and insurance. The allowable use is extensive. It is included in the Housing Plan because she does not think the \$1.5 million will go very far. The \$2.4 million received was used up in 2-months. The families will have to apply, and they will be taken in the order received.

Commissioner Kaleikini stated Hawai'i County would receive funds for assistance, and he wondered if the Department could collaborate with them and help more people.

Commissioner Helm asked will there be opportunities for new applicants for the NAHASDA program on Moloka'i and if the Department was looking to increase the requests for participation in NAHASDA. L. Kinilau-Cano stated they could take those requesting assistance if they are income-eligible. They need to know the process can be very lengthy, and she encouraged people to call the O'ahu NAHASDA office to inquire. Areas where the environmental reviews are completed, are simpler.

Commissioner Kaleikini asked if there were status updates. L. Kinilau-Cano stated the updates are usually done in August.

Commissioner Teruya asked if the Law Enforcement item was funding to pay for enforcement for illegal activity on the homestead. L. Kinilau-Cano stated HUD's requirement is not to pay for resources that are supposed to be available by the government like police through the County. She mentioned other ways like security watch measures, hiring to expand DHHL's Enforcement Division. NAHASDA is targeting areas for low-income households.

Commissioner Teruya asked if there was an RFP out for a program initiating the removal of abandoned vehicles on homesteads. L. Kinilau-Cano stated not through NAHASDA.

Acting Land Development Division Administrator Stewart Matsunaga stated LDD had requested quotes to remove abandoned cars on DHHL property on O'ahu only. Commissioner Teruya asked where the funding comes from and what does the contract looks like. S. Matsunaga stated funds are from the Operating Funds, and it is a multi-year, island-wide for a longer-term, but it depends on the jurisdiction of the roadways. Commissioner Teruya asked who one would call for abandoned vehicles or boats on the homestead. S. Matsunaga stated the DHHL Call Center, which will forward the complaint to LDD.

Chair Ailā stated if an abandoned vehicle is on a County Road, the County has its due process, which takes longer than DHHL's process. S. Matsunaga stated the goal is to get the infrastructures turned over to the County to minimize the expenses to DHHL.

Commissioner Helm asked if there was any funding if an association on Moloka'i wanted to remove abandoned vehicles. S. Matsunaga stated it is his understanding that the District Offices have a repair and maintenance operating Budget. Commissioner Helm asked about the trimming of trees. S. Matsunaga stated to call the District Office or the O'ahu call center. LDD would have to look at the jurisdiction of the tree.

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			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes.						

ITEM C-3 Acceptance of Abbreviated Native Hawaiian Housing Plan for Native Hawaiian Housing Block Grant funds made available under the American Rescue Plan Act of 2021

RECOMMENDED MOTION/ACTION

Legislative Analyst Lehua Kinilau-Cano presented the following:

Motion that the Hawaiian Homes Commission accept the Abbreviated Native Hawaiian Housing Plan for native Hawaiian Housing Block Grant funds made available under the American Rescue Plan Act of 2021.

MOTION

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

DISCUSSION

L. Kinilau-Cano stated that guidance from HUD led to the Abbreviated Housing Plan to disperse the \$5 million. The plan needs to be submitted to HUD and approved. The \$5 million was provided through the Hawai'i Congressional Delegation ("Delegation") and intended for low-income native Hawaiian families defined as individuals who are (1) citizens of the United States, and (2) descendants of the aboriginal people who before 1778 occupied and exercised sovereignty in the area that currently constitutes the State of Hawai'i.

L. Kinilau-Cano stated in the guidance received from HUD explicitly states when NAHASDA is used, native Hawaiian families eligible to reside on the Hawaiian home lands are the typical group dealt with. Under the American Rescue Plan, the intention is the broader definition of native Hawaiian. It allows for all low-income native Hawaiians to receive rental assistance. When the \$5 million runs out, there will be no further assistance using NAHASDA.

Commissioner Neves asked how the plan is going to be advertised. L. Kinilau-Cano stated they would utilize a non-profit provider like CNHA.

Commissioner Ka'apu stated the Department has the mandate to serve the native Hawaiian, and NAHASDA has a second mandate to serve others. It can both be done without violating the Department's responsibility to the native Hawaiians. DAG Kanaka'ole stated there is case law that allows the Hawaiian Homes Commission to utilize funds for Native Hawaiians if there is an ancillary benefit to "native" Hawaiians.

Commissioner Ka'apu asked what the ancillary benefit would be to serve the large "N" Hawaiians and bypass the small "n" Hawaiians. DAG Kanaka'ole stated he would have to investigate that.

Chair Ailā stated it is less the direction of NAHASDA and more of the direction of the Congressional appropriation.

L. Kinilau-Cano stated \$2 million had been dispersed to AUW for beneficiaries, and \$2.4 million from the Consolidated Appropriations has been dispersed to beneficiaries. The beneficiaries are taken care of through existing funds. The appropriations from the American Rescue Plan are only because of the Coronavirus pandemic.

Commissioner Kaleikini asked if the Department reached out to the Delegation or the Delegation was thinking of the Department. L. Kinilau-Cano stated the Delegation was concerned that the

larger “N” native Hawaiians were needing assistance and being left out. Since the Department seemed to have a handle on how to disperse the funds, the Delegation was inclined to continue to provide the Department with funds to disperse to all native Hawaiians.

Commissioner Kaleikini asked if there was a time limit to dispersing the funds. L. Kinilau-Cano stated under the American Rescue Plan Act, the Department has till 2025, but the \$2.4 million went quickly with just the beneficiaries.

Commissioner Ka‘upu’s concern was the spending condition of the funds being used for the large “N” native Hawaiians and the smaller “n” native Hawaiians, possibly saying the funds should be used for them only. DAG Kanaka‘ole stated it is more of a political question, and he would need to talk a little more with L. Kinilau-Cano.

L. Kinilau-Cano stated the definition of native Hawaiian comes from NAHASDA, the funds came through the American Rescue Plan Act, and it is not a typical Native Hawaiian Block Grant Fund. These are separate Acts, and it is specifically responding to the Coronavirus pandemic. In this specific instance, the Department can serve the broader Native Hawaiian for this without impacting the NAHASDA funds.

DAG Kanaka‘ole stated if it is a condition to receiving the funds, it is a political question on the Commission’s part on whether to spend and satisfy that condition. If the condition is a discretionary choice on the Department’s side, then the talk needs to be offline. He asked if the Department is handcuffed to that standing condition. L. Kinilau-Cano answered yes, and that she was given guidance through the Delegation that their intention with the fund was to serve the broader Native Hawaiians and did not want the funds to go only to DHHL beneficiaries. The American Rescue Fund was intended to serve the broader Native Hawaiians.

DAG Kanaka‘ole stated the Commission must consider whether it would benefit the smaller native Hawaiian to take the funds with the condition.

Commissioner Ka‘upu asked if the focus is on all Native Hawaiians, would beneficiaries who applied with CNHA be turned away. If the funds run out and CNHA still has funds and a beneficiary is seeking assistance, will CNHA process? L. Kinilau-Cano stated the funds they already have are helping the beneficiaries. The intention is the funds will never be exhausted for the DHHL beneficiaries. That is why they have a separate NAHASDA program.

DAG Kanaka‘ole asked L. Kinilau-Cano if she thinks there is an option for the Commission to balance the situation by creating a preference for native Hawaiians? L. Kinilau-Cano stated she agreed that it is more of a political issue. She keeps it separate and runs it through NAHASDA because she wants to make sure the beneficiaries get the full benefit. The \$5 million is going to run out, and when that happens, it is gone.

Commissioner Kaleikini asked if the Delegation could reach out to OHA or another entity. L. Kinilau-Cano stated NAHASDA is a pot to put funds in, and NAHASDA identifies DHHL as the sole recipient. Playing with that can affect the regular NAHASDA funding. In the past, OHA was in the picture when NAHASDA originally passed, and there were discussions about whether there should be more than one entity. DHHL was designated as the sole recipient. L. Kinilau-Cano stated some groups are advocating that there should be other entities besides DHHL.

Commissioner Awo asked if the Commission decides not to approve, is there a risk that beneficiaries will not get anything? Would the Commission have failed in its fiduciary duties to the beneficiaries?

Chair Ailā stated it is not an all-or-nothing situation. Still, the consequence is how the Department will be viewed by the Delegation, especially those empowered to put money into the budgets. The Department may be looked at differently going forward.

Commissioner Ka'apu stated that if the Commission is saying it cannot help those less than 50%, the Commission would be leaving out some of the undivided interest people because they technically cannot qualify for that assistance because they are not residing on a homestead. L. Kinilau-Cano stated that in the discussions, she asked that it be broadened to include undivided lessees because some could be 50% and less than 50%. They have been serviced under the existing program.

Commissioner Ka'apu stated he does see the ancillary benefits to the beneficiaries. He asked if the following question were correct, that the beneficiaries would not be turned away if they applied for the \$5 million? L. Kinilau-Cano stated that she has been trying to move all the beneficiaries towards the NAHASDA funds.

MOTION/ACTION

Moved by Commissioner Ka'apu, 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		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o						X
Commissioner Neves			X			
Commissioner Teruya			X			
CHAIRMAN Ailā			X			
TOTAL VOTE COUNT			8			1
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.						

RECESS
RECONVENED

11:36 AM
11:41 AM

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-2 Blossom Feiteira – Various Lease Concerns

B. Feiteira is the President of the Association of Hawaiian Home Lands for Maui Island. Her testimony commented on the \$70 million in CIP funding, the long waitlist, jumping the waitlist, no notice of lot offerings in Waiohuli, five kupuna on the waitlist passing, and no one qualified to carry on due to age, blood quantum, and loss of opportunity. She stated the Kuhio List should be offered to the first 500 people on the waitlist. She spoke of the unfairness of the 112 applicants that will be removed due to not having enough blood quantum because of how the old lots were awarded in the past. She spoke of the need for lease compliance and enforcement on the homestead. She also mentioned that resource management should be a priority.

Chair Ailā noted that Item C-8 was deferred and that the Department would consider the need for adequate notice regarding actions taken for the waitlist or changes to qualifications.

ITEM J-1 Kekoa Enomoto – Maui/Lanai Mokupuni Council and Pa‘upena CDC

K. Enomoto is the Representative for the Maui/Lanai Mokupuni Council and Pa‘upena CDC. She thanked the Commission for approving 127 acres in Waiohuli in 2019. They are moving forward with due diligence and archaeology studies. She thanked the Commission for approving a grant to Ke Kula Nui O Waimanalo, in partnership with Pa‘upena, to bring ten aquaponics systems to Maui families. She thanked Planning Manager Andrew Choy for helping the beneficiaries of Ahonui have access to water. He also allowed Pa‘upena access to the raw data gathered from a beneficiary survey for a community needs assessment. Regarding Item C-8, there was consensus among all 19 members against the disqualification of the 112 beneficiaries because they were qualified under previous rules. She also stated there was a consensus in favor of the Kuhio Awards program. K. Enomoto stated Pa‘upena would be hosting the 7th in a series of 10 Pūwalu in Maui the coming Saturday and inviting the Commission and the people to attend.

Commissioner Ka‘apu stated he would be interested in what the archaeologist finds in the area.

ITEM J-3 Rufina Agliam – Ho‘olehua Successorship Concern

R. Agliam stated that her mom filled out the beneficiary form wrong, checking the box for residential and agricultural; however, the TMK was not entered for the ag lot, a technicality. Her mom’s health deteriorated, and COVID prevented the family from taking her to the office to remedy the situation. Staff at the Moloka‘i office was unsure if her mom was in her right state of mind and would not go to the home. The 15-acres of ag land will be up for public notice, and they will need to file a claim for the land. Her brother, who is the successor, was told he needed to provide documentation for Hawaiian lineage and provide a birth certificate for their great grandfather, Moses Makaiwi, Jr., born in 1896, or a letter stating there is no official record of his birth to take over the lease. The family found a marriage certificate; however, DHHL guidelines state that secondary documents are only used after the letter stating there is no official birth certificate.

Homestead Services Administrator Juan Garcia stated he is committed to helping the family to keep the residential and the agricultural lots in the ‘ohana, subject to the rules and guidelines the Department must follow. He stated he would be in touch with R. Agliam, look at the facts of the case and see what can be done.

Commissioner Neves stated that R. Agliam’s great grandfather is his wife’s great grand uncle and offered to help with genealogy.

Chair Ailā stated there would be more investigation by the Department, which will recommend to the Commission who has the ultimate authority to make decisions when the issue is not clear.

RECESS
RECONVENED

12:21 PM
12:30 PM

MOTION/ACTION

Moved by Commissioner Ka‘apu, seconded by Commissioner Neves to convene in an executive session 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. Motion carried unanimously.

EXECUTIVE SESSION IN

12:32 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.

- 1) Update on *Richard Nelson III et al., v. Hawaiian Homes Commission*, Civ. No. 07-1-1663

EXECUTIVE SESSION OUT

12:40 PM

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

OFFICE OF THE CHAIRMAN

**ITEM C-4 For Information Only – Request for Additional Agricultural Acreage –
HARRY K. PURDY III, Residence/Agricultural Lot Lease No. 106, Lot No.
4, Ho‘olehua, Moloka‘i**

RECOMMENDED MOTION/ACTION

None. For information only.

Executive Assistant Jobie Masagatani presented the following:

Request for additional agricultural acreage for Harry Purdy III, Residence/Agricultural Lot Lease No. 106, Lot No. 4 in Ho‘olehua, Moloka‘i.

DISCUSSION

J. Masagatani was joined via ICT by Tootie Purdy, Kammy Purdy, and Kilia Purdy. The Purdys have 5-acres of an older residential/agricultural lot which was part of a larger 40-acre lot. The family is compliant with their lease and has requested an additional 35-acres be added to their lot. The options provided to Mr. Purdy were a general lease or a revocable permit in which a revocable permit right of entry was issued to Mr. Purdy.

The Commission requested the Department's staff look at the option of amending the administrative rules (reference made to pages 3 & 4 of the submittal). The big issue was awarding additional acreage to an existing lessee when the property is land-locked. The Commission needs to consider the two important things; one is a rule that affects the entire program and how extensive the impact will be of the rule change, and the Commission would need to identify why the benefit of providing the additional acreage to an existing lessee outweighs the benefit of the opportunity for a lot to an individual that is on the waiting list.

The option recommended by staff is to re-consolidate the two lots and re-subdivide the lot and end up with a subsistence ag lot and the remaining acreage to the Purdys and remaining under Lease 106. The 37-acres would go to the Purdys, and the 3-acres would possibly be available for award to the next applicant.

Commissioner Ka'apu asked if this is going to be a submittal. J. Masagatani stated that staff hopes to get it on the next agenda, but steps need to be taken.

Commissioner Neves asked for a conceptual schematic of the lots and if the Department would pick up the cost for subdividing. J. Masagatani stated the Department would have had to pick up the cost for subdividing anyway.

Commissioner Neves asked how many lots in the inventory are landlocked. Before the Commission decides on administrative rules, he would like to know what the impact will be. J. Masagatani stated that option two would not require a rule change.

PUBLIC TESTIMONY

Commissioner Awo acknowledged Donna Sterling's testimony for the record. He met with her on Sunday at the Ka Ohana o Kahikinui (KOOK) Board Meeting. He mentioned KOOK as the association DHHL works with for Kahikinui issues.

Commissioner Ka'apu addressed the email from Jojo Tanimoto and will save his comments for K. Albinio's presentation.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

HOMESTEAD SERVICE DIVISION

Note: Chair Ailā recused himself from voting on Item D-14. Vice-Chair Commissioner Ka'apu ran this portion of the agenda.

ITEM D-14 Final Approval of Subdivision, transfer of a Portion of Lease and Amendment to Lease No. 6677, Lot No. 4A-1-2, Waianae, O'ahu – LURLINE M. AILA

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission approved the final approval of a subdivision of the DHHL's agricultural Lease No. 6677, Lot No. 4A-1-2, located in Waianae, O'ahu, consisting of 4-acres for Lurline M. Aila.

MOTION

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

DISCUSSION

J. Garcia state the Commission granted preliminary approval to subdivide at its February 20, 2018, meeting. The lessee has completed all the requirements requested by the Department and the City and County of Honolulu. On February 5, 2021, the City and County of Honolulu granted the final subdivision of the lot. Commissioner Teruya asked if it is normal for the County to take so long. J. Garcia stated the lessee was given requirements that were provided on a piecemeal basis. For instance, the street signage was stolen, and there is a fire hydrant requirement.

Commissioner Ka'apu asked if the process for subdivision is to have County final approval on the subdivision before it is brought before the Commission? J. Garcia stated that is the process for agricultural as well as pastoral lots.

Commissioner Ka'upu asked why the effective date of the subdivision is the original preliminary approval from the Commission. J. Garcia stated once the approval is granted, the Department drafts the lease, which changes the lot description requiring an amendment. The Department will issue another lease for the respective lot. The newly created lot will have the original commencement date of the lease.

ACTION

Moved by Commissioner Ka'apu, 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	X			
Commissioner Helm			X			
Commissioner Ka'apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o						X
Commissioner Neves			X			
Commissioner Teruya			X			
CHAIRMAN Aila					X	
TOTAL VOTE COUNT			7			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed unanimously- seven (7) Yes votes. One (1) Recused/Abstained						

ITEM D-15 Cancellation of Tenant-In-Common Leasehold Interest – ALMA K. WELBORN, Residential Lease No. 10934, Lot No. 7, Pi'ihonua, Hawai'i

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission approve the cancellation of the late Alma K. Welborn, tenant-in-common, Residential Lease No. 19034, Lot No. 7 in Pi'ihonua, Hawai'i, And, to approve with the dispense of the awarding of the decedent's tenant-in-common leasehold interest in the lease, and To approve Norman Kalima, the surviving tenant-in-common interest lessee, as the tenant by severalty for the remaining term of the lease. Norman was the original awardee of the lot, and upon receipt of the lot, he transferred the lease to himself and his sister, the decedent. No one submitted a claim, so Norman retained the entire lease.

MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, 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		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			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes.						

ITEM D-18 Request to Approve Third-Party Agreement – ALVIN A. GOO, Agricultural Lease No. 6567, Lot No. 10, Anahola, Kaua'i

Note: Commissioner Neves recused himself from voting on Item D-18.

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission approve a Third-Party Agreement for agricultural Lease No. 6567, Lot No. 10, in Anahola, Kaua'i for Alvin A. Goo.

MOTION/ACTION

Moved by Commissioner Helm, 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	X			
Commissioner Helm	X		X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o						X
Commissioner Neves					X	
Commissioner Teruya			X			
CHAIRMAN Ailā			X			
TOTAL VOTE COUNT			7		1	1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed unanimously- seven (7) Yes votes. One (1) Recused/Abstained						

PLANNING OFFICE

ITEM G-1 Declare a Finding of No Significant Impact for the DHHL Anahola Kuleana Homestead Settlement Plan Final Environmental Assessment, District of Kawaihau, Kaua'i TMK (4)4-4-8-002:001, 003:006, (4) 4-7-002:004

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission issue a Finding of No Significant Impact declaration based on the Final Environmental Assessment for the DHHL Anahola Kuleana Settlement Plan District of Kawaihau, Kaua'i TMK (4)4-4-8-002:001, 003:006, (4) 4-7-002:004

MOTION/ACTION

Moved by Commissioner Ka'apu, 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		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o						X
Commissioner Neves			X			
Commissioner Teruya			X			
CHAIRMAN Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes.						

ITEM G-2 Amend the Kaua'i Island Plan to apply Subsistence Agriculture, Supplemental Agriculture, Pastoral Homestead, Community Use, and Special District Land Use Designations to Anahola, Kawaihau, Kaua'i TMK (4) 4-4-8-002:001, 003:006, (4) 4-7-002:004

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission approve the amendment to the Kaua'i Island Plan to apply subsistence agriculture, supplemental agriculture, pastoral homestead, community use, and special district land use designations to Anahola, Kawaihau, Kaua'i TMK (4) 4-4-8-002:001, 003:006, (4) 4-7-002:004.

A. Choy stated this amendment to the Kaua'i Island Plan would be consistent with the Anahola Kuleana Settlement Plan's Environmental Assessment.

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			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Annual Renewal of Right of Entry Permit(s), North and West Hawai'i Island

RECOMMENDED MOTION/ACTION

Acting Administrator Land Management Division Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission approve the Annual Renewal of Right of Entries Permit(s) for the North and West Hawai'i Island.

MOTION

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

DISCUSSION

K. Albinio stated the process is ongoing, and he is working with OCH to procure a vendor to make pastoral and agricultural land dispositions available to beneficiaries. Commissioner Neves asked when the Department would start to put these out under the new RP program. K. Albinio reiterated that he is working with J. Masagatani to procure a vendor and to help put it together with the hope of getting it off soon.

K. Albinio noted that there was one permit that was canceled due to the demise of the permittee. For non-beneficiary permittees, LMD increased their annual rent by 3%.

Commissioner Ka'apu asked for the status of Pali Koki Ranch if they were still ranching. K. Albinio stated to his knowledge Pali Koki is still actively ranching.

Commissioner Ka'apu asked for the status of the fence for the water tank in Jojo Tanimoto's Public Testimony. K. Albinio stated they recently procured a contractor to install the fence line. Legal matters still need to be dealt with regarding the trespassers. Commissioner Ka'apu stated the fence in the Kohala Center wasn't high enough, and the goats were still jumping over. K. Albinio stated it is a matter he needs to bring up with Kualii Camara.

Commissioner Ka'apu asked if the Department owns the land between the 381-acres and Malama Solomon's property. It would be helpful to use the 381-acres as a community pasture. He stated maybe the conversation could circle back. K. Albinio stated he needed to check.

Commissioner Ka'apu stated given COVID, and the current state of the market does not justify increasing rental rates. He asked if the rates are raised for the non-beneficiaries, and the rates stay flat for beneficiaries? K. Albinio stated he felt that the rates for the non-beneficiaries needed to be raised. He stated it is a year-by-year analysis of whether to increase. Upon renewal, special considerations are given to the beneficiaries.

Commissioner Ka'apu asked about the ROE that was canceled, what was the process for reaward and how quick is that turnaround? K. Albinio stated it depends on the timeline and requests. Commissioner Ka'apu asked if the Department has a list of interested people? K. Albinio stated it does.

Chair Ailā stated in the case of the ROE where the permittee passed away; the property was used as an overflow parking for the decedent's restaurant. The plan is to reach out to the successor of the restaurant to continue the ROE temporarily to continue to generate revenue. Commissioner Ka'apu stated his question was more procedural and if there is a procedure or timeline that is followed to putting it back out on the market or it is ad hoc.

Commissioner Teruya asked what community use means. K. Albinio stated for uses like farmer's markets and community centers. They are charged per month.

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		X			
Commissioner Helm		X	X			
Commissioner Ka’apu			X			
Commissioner Kaleikini			X			
Commissioner Ka’upu			X			
Commissioner Namu’o						X
Commissioner Neves			X			
Commissioner Teruya			X			
CHAIRMAN Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes.						

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

OFFICE OF THE CHAIRMAN

ITEM C-5 For Information Only – Summary of Legislative Session 2021

RECOMMENDED MOTION/ACTION

None. For information only.

Legislative Analyst Lehua Kinilau-Cano presented the following:

DISCUSSION

L. Kinilau-Cano stated the Legislature decreased the Operating Funds from \$15.9 to \$14.7 million for general funds each fiscal year. There is \$30 million in CIP Funds for 2022 and \$20 million for 2023 for lot development.

The Commission approved 14 Legislative proposals, which were included in the Governor’s Package. Two bills were enacted into law: the School Impact Fees and the expedited Contested Case Hearings Legislation, which allows hearings to be held via Interactive Conference Technology (ICT), effective October 1, 2021.

L. Kinilau-Cano stated four Concurrent Resolutions were passed. These are resolutions passed by both the House and Senate. It impresses upon the Department to implement the actions. Commissioner Ka’apu asked if it is a force of law or just a strong recommendation and, if not done, what would happen. L. Kinilau-Cano stated she would articulate that it is the law and the Department should implement it.

Commissioner Teruya asked about funds for the vacancies that were not put in? L. Kinilau-Cano stated the positions were spared but were unfunded. The upside is they did not cut the positions because it is harder to get them back.

Commissioner Ka'upu asked how well the Department did with the Budget. L. Kinilau-Cano gave the Budget a B+ and the Legislative side a C. Chair Ailā gave a C for both sides.

Commissioner Ka'upu asked about the extensions on State lands and how it would affect the Department. Chair Ailā stated it depends on the Department of the Interior on whether congressional approval is needed. DAG Kanaka'ole stated if any extensions were granted, it would be suspect. DLNR is allowed to extend up to 40-years, and DHHL is allowed up to 20-years.

Commissioner Ka'upu suggested a workshop on the Legislation. Chair Ailā stated a better idea might be to get the DOI to come and brief the Commission. As soon as the Department knows what the Governor and the DOI's decision is, it can be brought to the Commission.

ITEM C-6 For Information Only – Update on Administrative Rules for Supplemental Dwelling Units (SDU)

RECOMMENDED MOTION/ACTION

None. For information only.

Administrative Rules Officer Hokulei Lindsey presented the following:

Note: Slide presentation attached.

DISCUSSION

H. Lindsey stated an update for the supplemental dwelling units administrative rules is timely because the public hearings are coming up at the end of June, and a public notice will be published before the Commission meets again. The Department is looking at a 5-year pilot program for qualified residential lessees.

Commissioner Neves asked if a family modified their home to have one bedroom, kitchen, and bathroom, it would meet the qualification of an SDU. They can be in the same house with a separate entry. H. Lindsey stated yes, and it can be attached or detached. The lessees will have to live on the property. H. Lindsey stated the family is downsizing to live in the smaller unit and rent out the primary dwelling.

ITEM C-7 For Information Only – Presentation on Homesteads with Declarations of Covenants, Conditions, and Restrictions

RECOMMENDED MOTION/ACTION

None. For information only.

Planning Office Grants Specialist Gigi Cairel presented the following:

Note: Slide presentation attached.

DISCUSSION

G. Cairel stated the presentation is a follow up from the last meeting regarding the policy question:

- Should DHHL require all future homestead developments to be established as DCCR Homesteads? (The new rule would automatically apply)
- Every homeowner is a member of the association; a state requirement

- Help manage the properties and be an entity to work with the Department and Law enforcement

G. Cairol stated for DCCR's going forward, one thing to keep in mind is affordability. There will be fees, assessments, and homeowner dues added to an already strained household budget.

Commissioner Ka'upu stated he was the one who raised the question and is in favor. He thinks it can be done prospectively. If a system and the rule are set up and administered correctly, leases are accepted in the new format. Trying to get existing associations on board would have to be voluntary. He thinks health and safety issues should be within the community and with the associations.

Commissioner Awo stated he does not believe that a community should be mandated to have an association. That should remain a matter of choice. In DCCR communities, there are varying degrees of success and failure. The Department has to have an operational plan to provide that level of support. That plan does not exist at the capacity required to support associations moving forward, and it does not exist today.

ITEM C-8 For Information Only – Status of Implementation of HHC Policy regarding Native Hawaiian Qualification Determination (Deferred)

RECESS

4:08 P.M.

RECONVENED

4:17 P.M.

PLANNING OFFICE

ITEM G-3 For Information Only – West Hawai'i Water Projects Update

RECOMMENDED MOTION/ACTION

None. For information only.

Acting Planning Program Manager Andrew Choy and water consultant Dr. Jonathan Scheuer presented the following:

Note: Slide presentation attached.

DISCUSSION

J. Scheuer stated he would discuss the different planning regions, how the Department calculates future water demands, reviews the existing water reservations, and updates the actions to turn reservations to "wet water."

Commissioner Kaleikini asked what costs were associated with water reservations and how long does the process take. J. Scheuer stated getting the reservations from the Water Commission took long because they had to convince them that they had the power to reserve water outside water management areas. After many years, former Planning Office Manager Kaleo Manuel and himself finally convinced the Water Commission. Based on the data available, the request for reservation takes a couple of hours, but it takes a while for the Commission to consider it. There are no fees associated.

Commissioner Ka'upu asked what the means of delivering the water from Kawaihae's water system with Kohala Ranch. Dr. Scheuer stated that there is a pipeline. Commissioner Ka'upu asked about Kohala Ranch turning off the spigot. Is it because there is more demand than supply?

G. Cairel stated the Kawaihae water system is interconnected to the Kohala Ranch's water system supplying the Kawaihae homestead. With the agreement, the Ranch can give DHHL a 2-year notice to shut off the water source to Kawaihae. DHHL provides the Kohala Ranch water system with 105 customers. Commissioner Ka'upu asked about the water that cannot be used for irrigation. A. Choy stated there is a restriction on the way the Department and its lessees can utilize water. The Department is authorized now to use water for domestic uses and not for irrigation uses.

Commissioner Ka'upu stated the Department pays a huge amount of money to Kohala Ranch for the water. J. Scheuer stated the Department significantly subsidizes the cost right now.

ITEM G-4 For Information Only – Status Update on Plan Implementation in West Hawai'i, Hawai'i Island

RECOMMENDED MOTION/ACTION

None. For information only.

Acting Planning Program Manager Andrew Choy presented the following:

Note: Slide presentation attached.

DISCUSSION

A. Choy updated the Commission on the West Hawai'i Island Plan and the Regional Plan for Waimea, Kawaihae, Kealahou, and La'i 'Ōpua.

LAND DEVELOPMENT DIVISION

ITEM E-1 For Information Only – West Hawai'i Project Updates

RECOMMENDED MOTION/ACTION

None. For information only.

Acting Land Development Division Administrator Stewart Matsunaga presented the following:

Note: Slide presentation attached.

DISCUSSION

S. Matsunaga stated his project managers would be presenting the update for the West Hawai'i Projects. The Presentation covered the rent with the option to purchase in La'i 'Ōpua.

Engineer Sarah Okuda presented for La'i 'Ōpua Village 4 Phase 2, 125 Residential Lot Subdivision. Engineer Kelbert Yoshida presented the West Hawai'i Pu'ukapu road project, the Nienie project, the Honokowai non-potable system for 6-miles of pipeline, and the Lālāmilo Phase 1 improvements, and Lālāmilo Phase 2 soil testing. S. Matsunaga covered the Pu'ukapu water system presentation.

RECESS

4:57 PM

HAWAIIAN HOMES COMMISSION

Minutes of May 18, 2021, via Interactive Conferencing Technology (ICT)
DHHL Main Office, Hale Ponoʻi, Kapolei, Oʻahu, Hawaiʻi

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

PRESENT

William J. Ailā Jr., Chairman
Randy K. Awo, Maui Commissioner
Zachary Z. Helm, Molokaʻi Commissioner (via ITC)
David B. Kaʻapu, West Hawaiʻi Commissioner
Michael L. Kaleikini, East Hawaiʻi Commissioner (via ITC)
Russell K. Kaʻupu, Oʻahu Commissioner (via ITC)
Dennis L. Neves, Kauai Commissioner (via ITC)
Patricia A. Teruya, Oʻahu Commissioner (via ITC)

EXCUSED: Pauline N. Namuʻo, Oʻahu Commissioner

COUNSEL Ryan Kanakaole, Deputy AG (via ITC)

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. six (6) members were present via videoconference at roll call.

Pursuant to the Governor's 19th Proclamation, related to COVID-19 Emergency, Hawaiʻi Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through June 8, 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

Chair Ailā stated there was no additional public testimony submitted.

Chair Ailā stated the files for Tacub to be discussed in the executive session were added to the cloud folder.

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

- A. Homestead Lease and Application Totals and Monthly Activity Reports
- B. Delinquency Report

RECOMMENDED MOTION/ACTION

None. For information only.

Homestead Services Division Administrator Juan Garcia presented the following:

J. Garcia asked the Commissioners if they had any questions regarding the HSD Status Reports.

DISCUSSION

None.

WORKSHOPS

HOMESTEAD SERVICES DIVISION

ITEM D-19 DHHL Loan Modification Product

RECOMMENDED MOTION/ACTION

None. For information only.

Loan Services Branch Manager Dean Oshiro presented the following:

Note: Slide presentation attached.

DISCUSSION

D. Oshiro presented slides of the DHHL Loan Modification Product. This came about because the postponement of payments approved by the Commission will sunset on June 30, 2021. He stated there still may be beneficiaries who are experiencing hardship and may need further assistance.

D. Oshiro stated DHHL has about 4,700 loans totaling over half a million dollars. The loans were broken into two sections: the DHHL Direct Loans and the HUD Assigned Loans.

DHHL Direct Loans:

966 loans = \$85.9 million

631 loans = \$55.2 million – current

335 loans totaling = \$30.7 million – delinquent 30 days or more

HUD Assigned Loans:

149 loans = \$18 million

24 loans = \$1.5 million – current

125 loans totaling = \$16.5 million – delinquent 30 days or more

D. Oshiro state the following is what the Department can offer to its beneficiaries:

Current Loss Mitigation Products

- Repayment plan with DHHL Loan Officer/Loan Collection Specialist
- HHC Approval of Streamline Refinance of Loans submittal
- HHC Approval of Refinance of Loans submittal
- HHC Ratification of Loan Approval submittal
- Contested Case Hearing process (workout payment plans are approved by the Hawaiian Homes Commission via a Decision and Order
- Referral to HALE Program lease cancellation prevention provider(s)
- Referral to other organizations who provide financial assistance for temporary hardships

D. Oshiro stated he would like the Commission's feedback on recommendations to prepare an action item for the Commission to approve the Loan Modification Product.

Commissioner Helm asked how many people might still be facing hardships. D. Oshiro anticipates a couple because the Hawaiian Homes Commission's Act does not allow the Department to finance a loan that exceeds one-half of the FHA limit.

With the postponement of payments, more than half of the direct loan borrowers have been paying their loans during the interim compared to the FHA reassigned loans, where more than 80% are taking advantage of the postponement. Once the postponement sunsets, the staff can start contacting people. D. Oshiro stated they do not anticipate too many.

Commissioner Neves asked what is the short-term, 6-months or a year? He suggested a cap, so it doesn't go into 1, 2, or 3 years unless it's a health hardship. He asked if the initial contract would be reissued. D. Oshiro stated the lessee would sign a Loan Modification Agreement. It's like extending terms, reducing rates, and reducing payments in the sense that the whole loan doesn't need to be rewritten.

Commissioner Ka'apu asked if the program is available now. D. Oshiro stated it is not; staff wanted to get the Commission's feedback and return next month with a submittal to approve the product.

Commissioner Kaleikini stated he supports the Loan Modification. For those that deferred their monthly payments, if they qualify would they be able to use the COVID funding. D. Oshiro stated the intent is to use some of those monies to help the borrowers. A payment from NAHASDA is better than postponement, which the borrower still has to pay. A payment from NAHASDA on behalf of the borrower is the best-case scenario.

Commissioner Ka'upu asked if the deferrals generate a modification in and of itself? D. Oshiro stated the Department did not because it was a Commission-approved action item.

Commissioner Ka'upu asked if what is being discussed is just documenting modification for more assistance. D. Oshiro stated this modification would be individualized as the Commission approved a blanket policy for any borrower. Chair Ailā stated this is for not extending the deferrals.

Chair Ailā asked if the modification, as proposed, provides more opportunities for the rehabilitation of loans than the HUD procedure that the SCHHA keeps sending to the Department. D. Oshiro stated it is another tool for the Department staff to use. The Commission

has the authority to approve certain loss mitigation efforts. Chair Ailā stated it provides more flexibility. D. Oshiro agreed.

MOTION/ACTION

Moved by Commissioner Neves, 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

11:19 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.

1. DISCUSSION on *Michael J. Tacub, Jr. v Hawaiian Homes Commission, et al.*, Civil. No. ICCV-20-0000300 and CAAP-20-0000665
2. Request to authorize settlement in *Irene Sato v. Hawaiian Homes Commission, et al.*, Civil No. 3CCV-18-0000071
3. DISCUSSION on *Kanahele et al. v. State of Hawai'i et al.*, Civil No. ICCV-20-000235

EXECUTIVE SESSION OUT

1:06 PM

ANNOUNCEMENTS AND ADJOURNMENT

West Hawai'i Community Meeting May 17, 2021, via Zoom – 6:30 PM. (see info below)

NEXT MEETING

The next meeting will be held on June 21 & 22, 2021, Interactive Conference Technology (ICT) Zoom


MOTION/ACTION

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

ADJOURNMENT

1:07 PM

Respectfully submitted:



William J. Ailā Jr., Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Item C-6 Slide Presentation
- 2) Item C-7 Slide Presentation
- 3) Item D-19 Slide Presentation
- 4) Item E-1 Slide Presentation
- 5) Item G-1 Slide Presentation
- 6) Item G-2 Slide Presentation
- 7) Item G-4 Slide Presentation
- 8) Public Testimony Donna Sterling
- 9) Public Testimony Faith Chase
- 10) Public Testimony Jojo Tanimoto



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Item C-6

For Information: Update Administrative Rules for SDUs

May 17-18, 2021



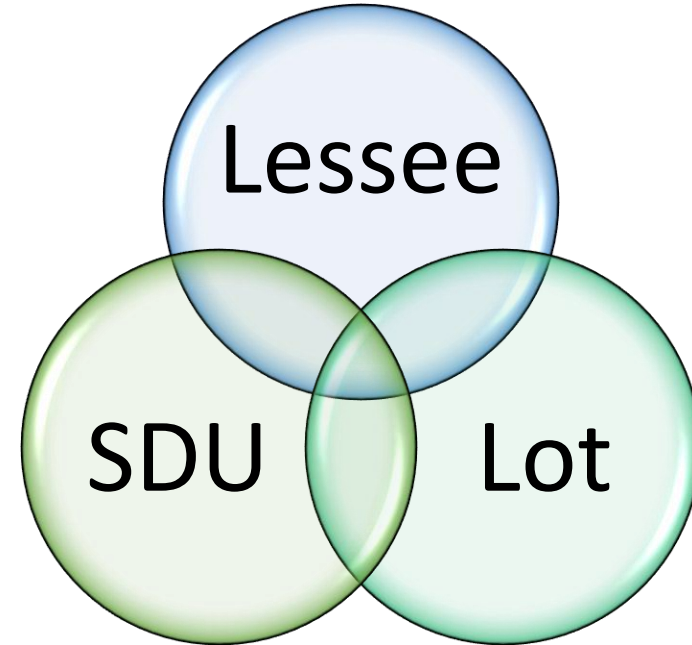
Background

- What is an “SDU”?
 - Supplemental Dwelling Unit
 - Smaller than the primary dwelling, separate entry, its own kitchen, bedroom, and bathroom. Can be attached or detached
 - Includes “ohana dwelling unit” in Hawaii County and “additional dwelling unit” in Maui and Kauai Counties and the City and County of Honolulu
- 5-year pilot program for qualified residential lessees



Rule Basics

- Lot:
 - Residential lot
 - County approval and permits required
- Lessee:
 - In good standing
 - Comply with housing laws
 - Must reside on the lot
- SDU uses:
 - Rental: a native Hawaiian, as defined in the HHCA
 - 'Ohana resident: qualified relative of the lessee (HHCA section 209(a))
 - No short-term rentals; lease term must be at least 6 months



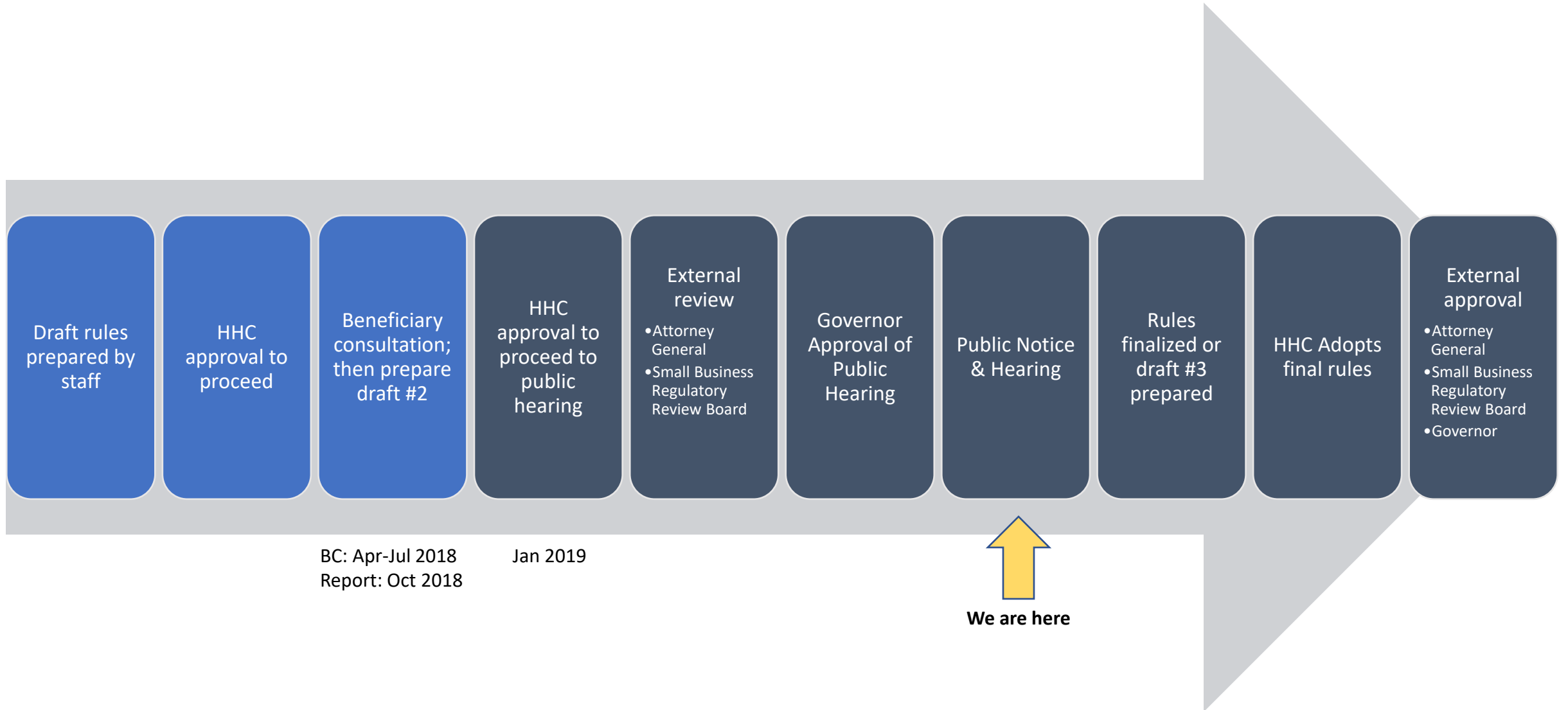


Process So Far

- Statewide beneficiary consultation held April – July 2018
 - Beneficiary consultation report accepted by HHC in October 2018
 - Approval for public hearing by HHC in January 2019
 - Update to the HHC in October 2020
-
- These submittals can be found on the DHHL website:
<https://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/dhhl-administrative-rules-supplemental-dwelling-units/>



DHHL Rulemaking Process





What's Next

- Virtual public hearing coming in June 2021
 - Public notice will be published in May
 - Postcard will be mailed in June
- Information available
 - Rules: <https://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/>
 - Background information: <https://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/dhhl-administrative-rules-supplemental-dwelling-units/>



Mahalo



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Homesteads with DCCRs

Item C-7

Hawaiian Homes Commission

May 17 – 18, 2021



Agenda

- **Background**

- What are the “DCCR Homesteads”

- **Policy Question**

Should DHHL require all future homestead developments to be established as “DCCR homesteads?”

- **Discussion**

- Function before Form

- **Next Steps**



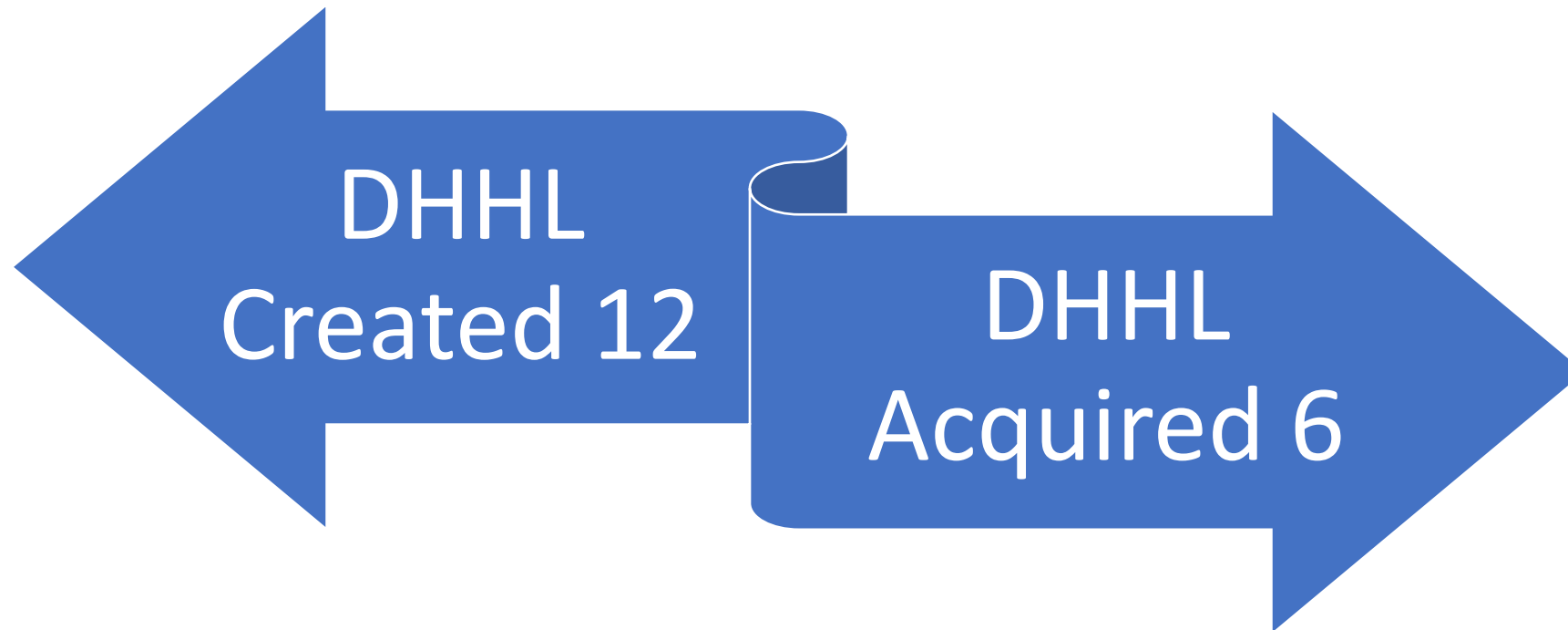
Definitions

- **DCCRs** – Declaration of Covenants, Conditions and Restrictions
- **Planned Community Association** – a specific type of nonprofit, by law, requires homeowners to automatically be members; mandatory dues and assessments to operate the association; and documents (ie DCCRs) that bind homeowners

DCCRs only apply to 18 homesteads located statewide.

There are no DCCR homesteads on Moloka'i.

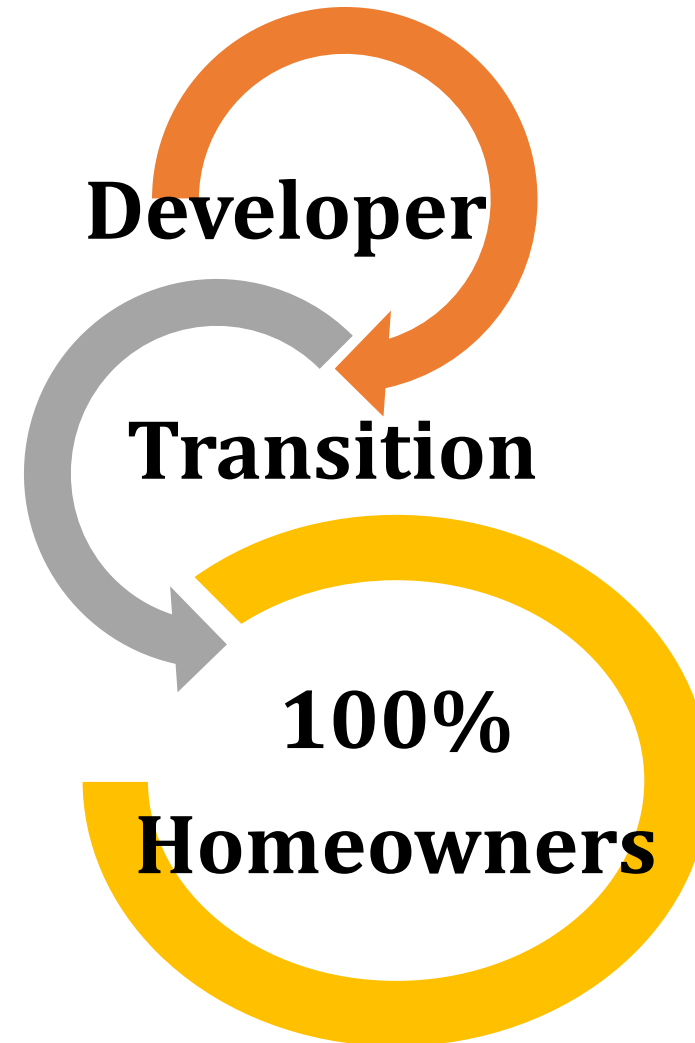
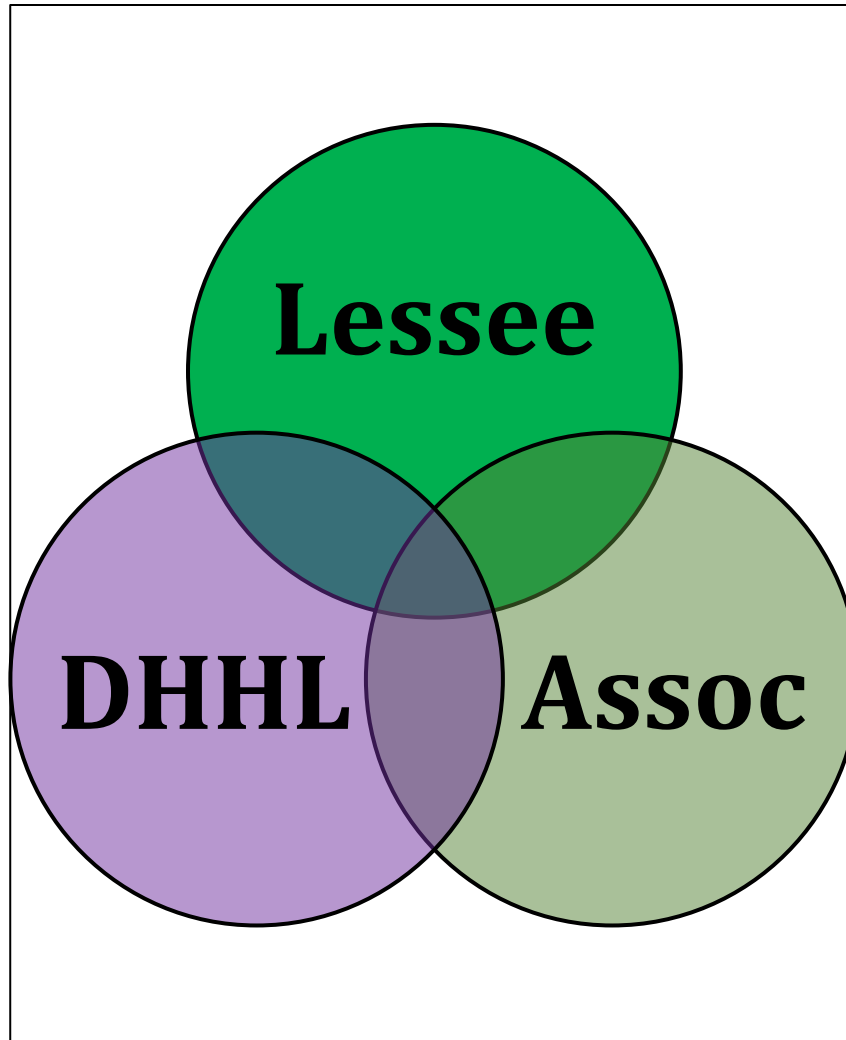
Total of 18 homesteads with DCCRs



Every DCCR homestead is different, based on location and governing documents



Key Differences





Policy Question

**Should DHHL require all future homestead developments to be established as
“DCCR Homesteads?”**



Function before Form

- Identify a single entity that clearly represents a given homestead?
- Preserve property value, maintain aesthetics, ensure health/safety?
- Empower lessees to self-govern and self-manage the homestead?

- All of the above?
- Other needs?



Next Steps

Policy level: Function before Form

- Re-visit goals and objectives of the DCCR/PCA model, then the legal form and organizational structure can be more clear
- Prioritize resource allocation, including support to Planned Community Associations

Department level:

- Clarify Division roles and responsibilities
- Develop procedures
- Education and Enforcement

Community outreach

- Beneficiary Consultation



Long Term Programmatic Framework

- Involve community throughout process
- Concept phase – research and analysis
 - Cost Benefit Analysis
- Formulate policy – seek HHC decision
- Operational Plan
 - Clear division roles and responsibilities
 - Procedures

THEN IMPLEMENT

- Monitor, Evaluate, Adjust



Mahalo



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D-19

DHHL LOAN MODIFICATION PRODUCT

May 18, 2021



DHHL Loans

- **DHHL Total Portfolio As of 4/30/21**
 - 4,700+ loans totaling \approx \$648 million

DHHL Direct Loans:

- 966 loans \approx \$85.9 million
- 631 loans \approx \$55.2 million - current
- 335 loans totaling \approx \$30.7 million – delinquent 30 days or more

HUD Assigned Loans:

- 149 loans \approx \$18 million
- 24 loans \approx \$1.5 million - current
- 125 loans totaling \approx \$16.5 million - delinquent 30 days or more



DHHL Loans

Current Loss Mitigation Products

- Repayment plan with DHHL Loan Officer/Loan Collection Specialist
- HHC Approval of Streamline Refinance Of Loans submittal
- HHC Approval of Refinance of Loans submittal
- HHC Ratification of Loan Approval submittal



DHHL Loans

Current Loss Mitigation Products

- Contested Case Hearing process (workout payment plans are approved by the Hawaiian Homes Commission via a Decision and Order)
- Referral to HALE Program lease cancellation prevention provider(s)
- Referral to other organizations who provide financial assistance for temporary hardships



Loan Modification Product

What Is A Loan Modification?

- A change to the terms of a loan:
 - A reduction in the interest rate
 - An extension of the length of time for repayment
 - A change in the payment amount
 - A combination of any of the above
- Primarily a long-term solution to a hardship, however DHHL plans to also modify loans for short-term (temporary) financial issues of the borrower(s)



Loan Modification Product

Why A Loan Modification Product?

- Assist borrower(s) that have experienced unexpected financial hardship
- Assist borrower(s) to amend/modify their mortgage loan to prevent lease cancellation
- For borrower(s) who do not meet the criteria to refinance



Loan Modification Product

Eligible reasons for loan modification:

- Job loss
- Reduced income due to reduced work hours
- Disability
- Serious illness of borrower or immediate family member
- Unexpected medical expenses
- Unexpected legal circumstances/expenses
- Change in income due to marital changes
- Loan amount exceeds one-half (1/2) of FHA county limits



Loan Modification Product

Ineligible reasons for loan modification:

- Department advances that have no “Contract of Loan” document
- Any construction loan originated or guaranteed by the department
- Any loan currently under a Hawaiian Homes Commission Decision and Order
- Any borrower(s) who filed for bankruptcy and whose case is still pending action
- Borrower(s) with outstanding lease violations
- Borrower(s) who are unable to provide support for the loan modification request



Loan Modification Product

How will it work?

- Borrower to apply for loan modification
- Intake packet to include but not limited to:
 - Application
 - Hardship letter
 - Employment verification
 - Income verification
 - Signed authorization to obtain credit history
 - Proof of Homeowners insurance



Loan Modification Product

How will it work?

- Loan Officer to review request and make recommendation
 - The assessment will follow the same process as a new loan request
- Request forwarded to Office of the Chairman for approval or denial
- If approved, ratification to the modification to be submitted to the HHC for action



Loan Modification Product

Next Steps:

- Obtain feedback from Commissioners on their recommendation(s)
- Prepare Action Item for Hawaiian Homes Commission to approve Loan Modification Product
- Continue to work with DHHL's Deputy Attorney Generals to devise loan modification document



Questions?



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West Hawai'i Project Updates

ITEM E-1 - For Information Only

May 17, 2021



CURRENT DEVELOPMENT VILLAGES OF LA'I 'ŌPUA, KEALAKEHE, HAWAI'I

La'i 'Ōpua Rent with Option to Purchase (RWOTP)

- Village 4 'Akau 118 lots
- Village 5 45 lots
- Additional rental offerings subject to developer obtaining LIHTC

La'i 'Ōpua Village 4 Hema

- 125 vacant lots
- Start construction early 2022
- Complete construction late 2023, subject to change.

La'i 'Ōpua Village 5

- 42 Turnkey occupied
- 20 Habitat homes occupied
- 45 RWOTP
- 10 Vacant lots for Offer 2022





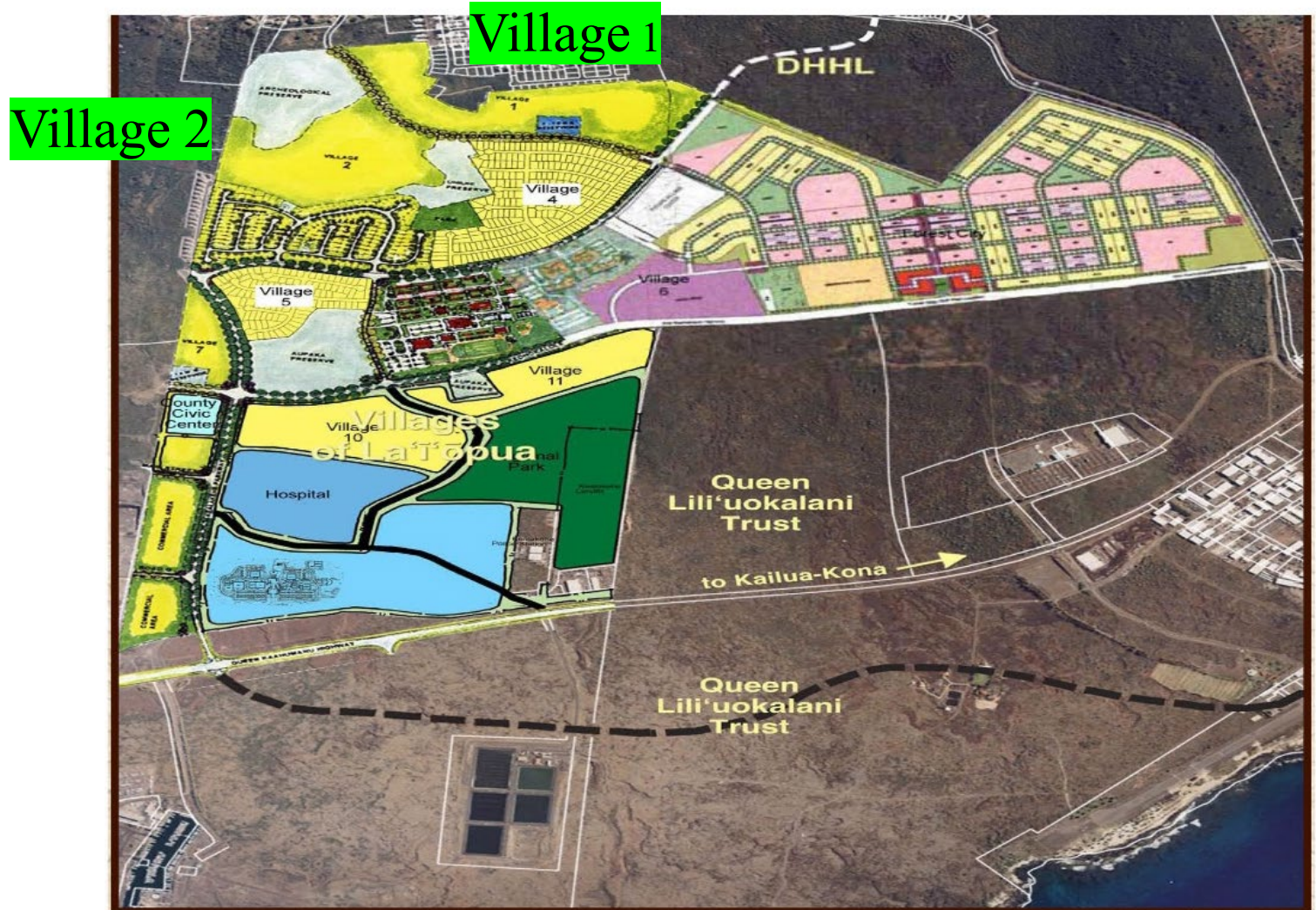
Future La'i 'Ōpua Residential Development

La'i 'Ōpua Village 1

- Start Environmental Compliance and Engineering Designs in 2022, subject to funding
- Approximately 200 lots

La'i 'Ōpua Village 2

- Start Environmental Compliance and Engineering Designs 2025, subject to funding
- Approximately 200 lots





La'i 'Ōpua Village 4 Subdivision - Phase 1 - 'Akau

118 residential lot subdivision

- Infrastructure construction complete
- **Infrastructure Cost:** \$10,346,493.00
- Ikaika Ohana to implement Rent with Option to Purchase program for 30%, 40% and 60% Area Median Income qualifying families
- Lot Selection for first 60 houses held in April 2021
- Tenant occupancy between June and December 2021
- Purchase and award of HHC 99-year residential lease beginning in 2036 to qualified tenants.



Rent with Option to Purchase at Village 4 'Akau

OPTION TO PURCHASE AFTER 15-YEAR RENTAL COMPLIANCE

Village 4 Hema

Village 4 'Akau

Village 3 Kaniohale



60 RENTAL HOUSES UNDER CONSTRUCTION BY
IKAIIKA OHANA AND COASTAL CONSTRUCTION



La'i 'Ōpua Village 4 Subdivision - Phase 2 - Hema

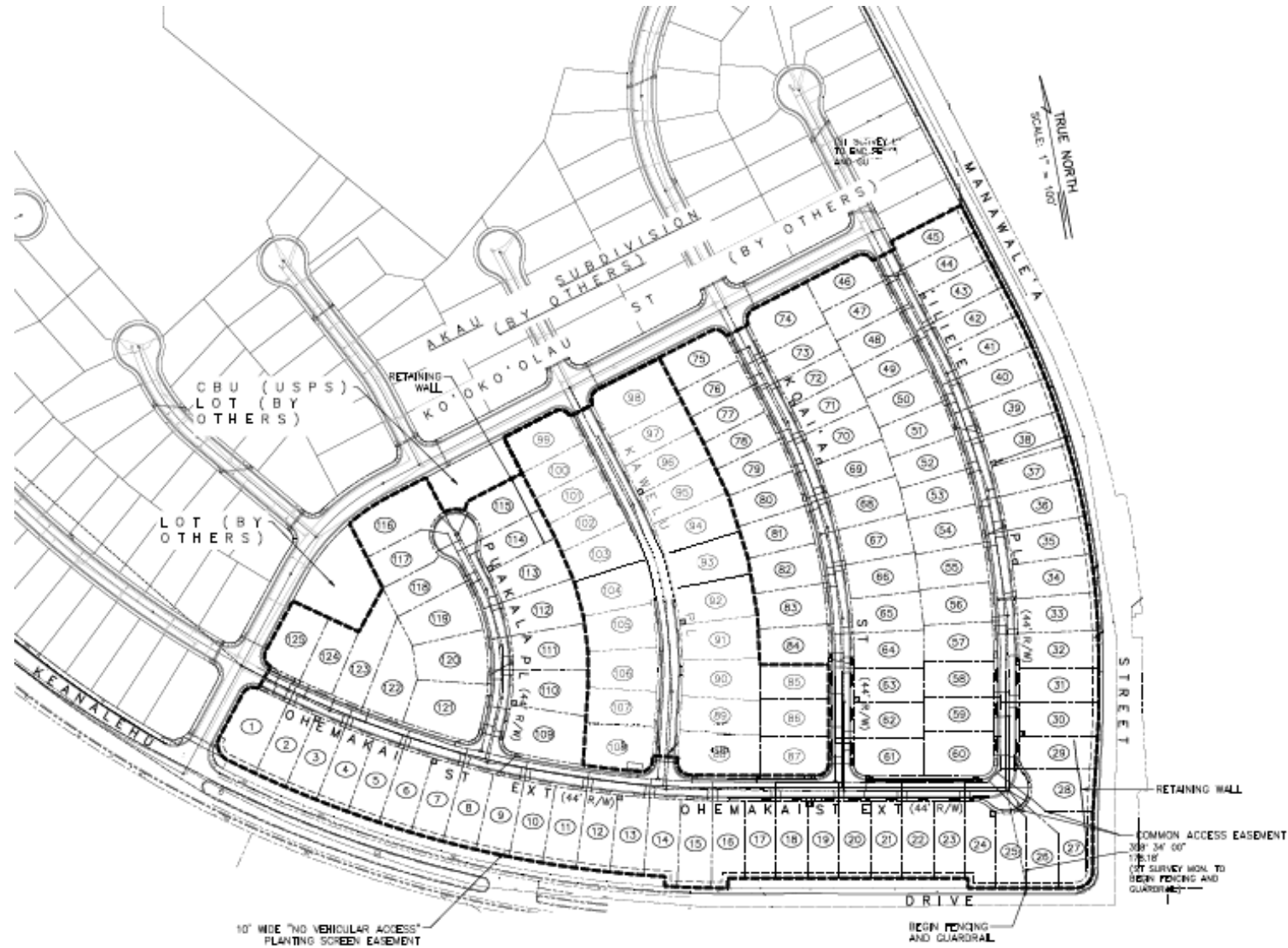
125 Residential Lot Subdivision

- **Scope:** Infrastructure
 - Lot grading and Construction of Roads and Utilities
- **Funding:**
 - \$2,789,304 in USDA grant funds obligated for water, sewer and storm water improvements.
 - Up to \$12.2M in Legislative appropriations to fund infrastructure construction.
- **Schedule:**
 - **Advertisement for bids:** November 2020
 - **Bid Opening:** March 2021 – Low Bid: Nan, Inc. - \$13,887,249
 - **Construction Start:** TBD – pending funding to execute contract
 - **Completion Time of Construction:** 426 calendar days





La'i 'Ōpua Village 4, Phase 2 - Hema Subdivision Layout





Kūhiō Village Subdivision of Lot 7

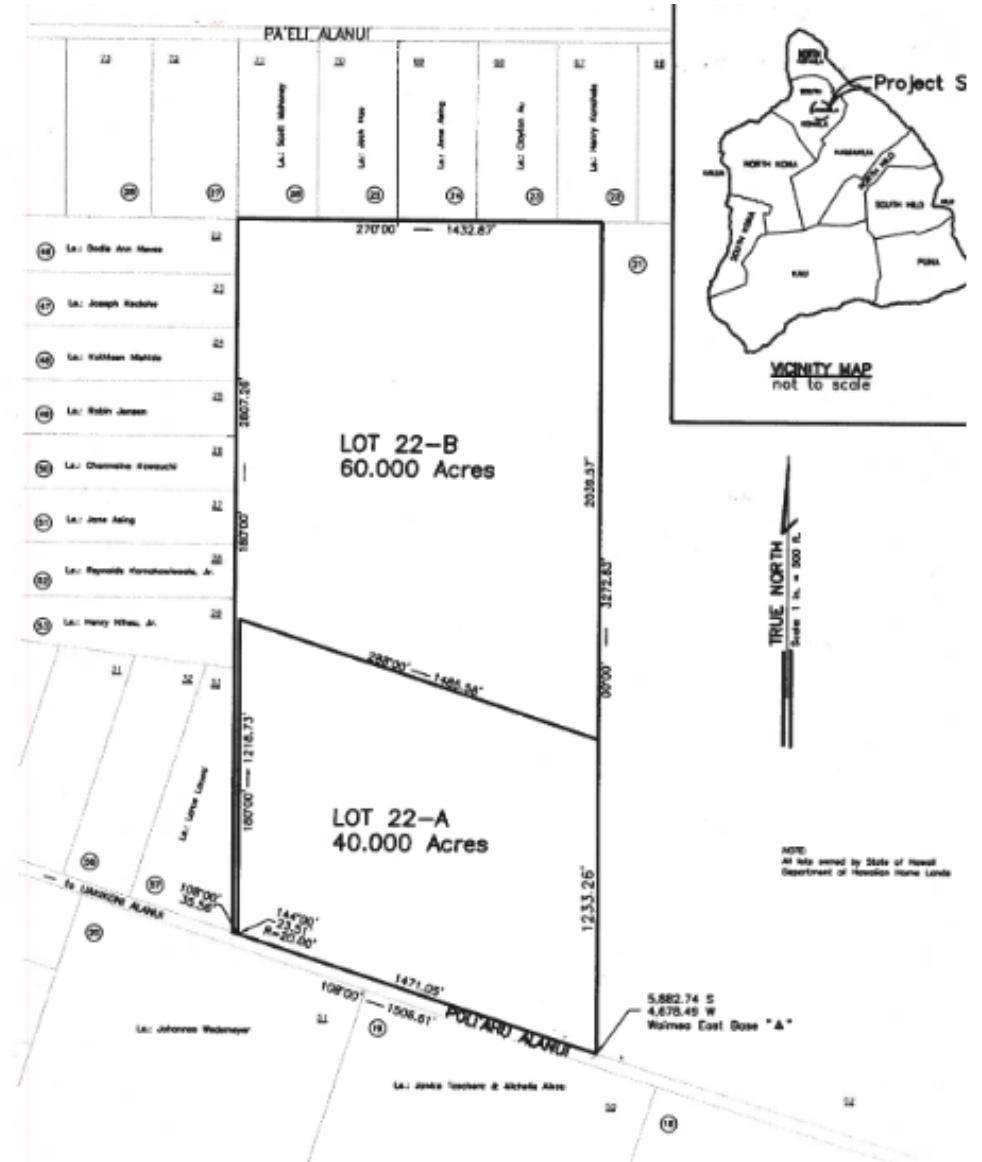
- **Scope:**
 - Subdivision of Lot 7 into Lot 7-A and 7-B
 - Installing water laterals
 - Installing new fire hydrant
- **Construction Cost:**
 - **Low Bid:** \$74,140 – Nan, Inc.
 - **Final Cost:** \$45,582
- **Schedule:**
 - Construction Completed
 - August 3 – 6, 2020
 - Final Subdivision
 - Sent to the State Bureau of Conveyances for Recordation February 2021





Pu'ukapu Pasture Lot Subdivision of Lot 22

- **Scope:**
 - Subdivision Mapping
 - Water Lateral Improvements
- **Cost:**
 - Design/Subdivision
 - \$31,964.00 (remaining cost)
 - R. M. Towill (current contract)
 - Construction - \$50,000.00 Budget
- **Schedule:**
 - **Design:** Surveying work to begin within the next month
 - **Construction:** estimating January 2022
 - **Final Subdivision:** following construction completion

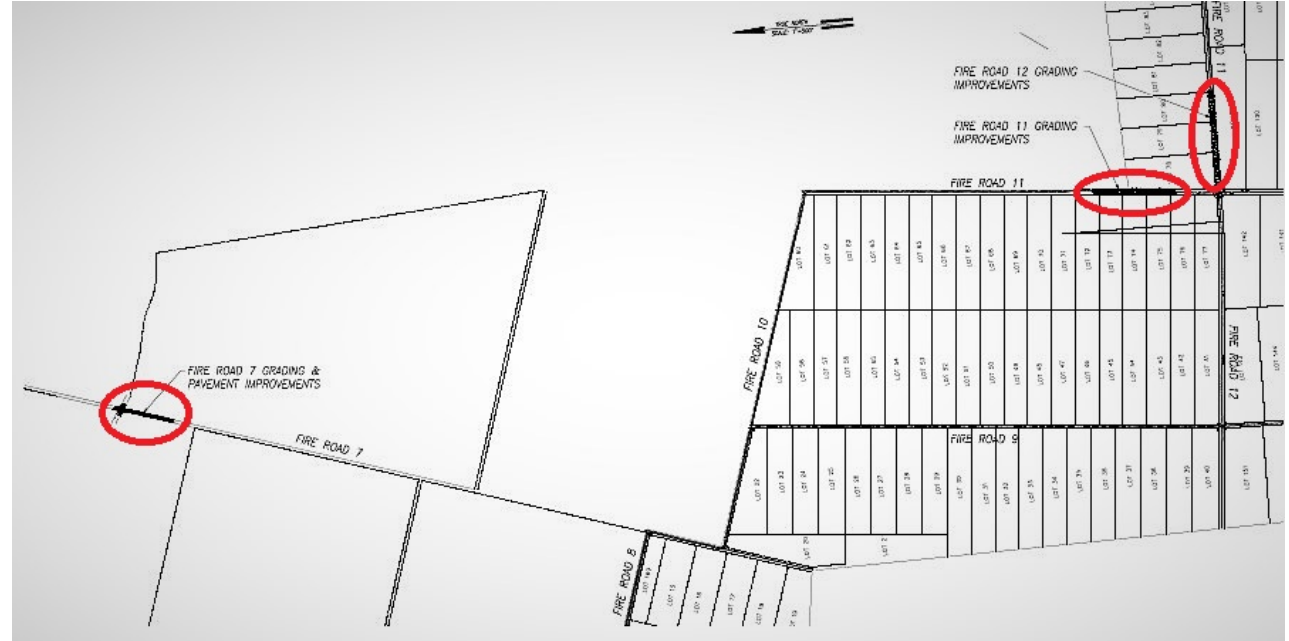




PU'UKAPU ROAD REPAIRS

ADDITIONAL ROAD REPAIRS TO ADDRESS SAFETY CONCERNS

- **Estimated budget:** \$400,000
- **Community Notification:** June 2021
- **Invitation to Bid:** Sept. 2021

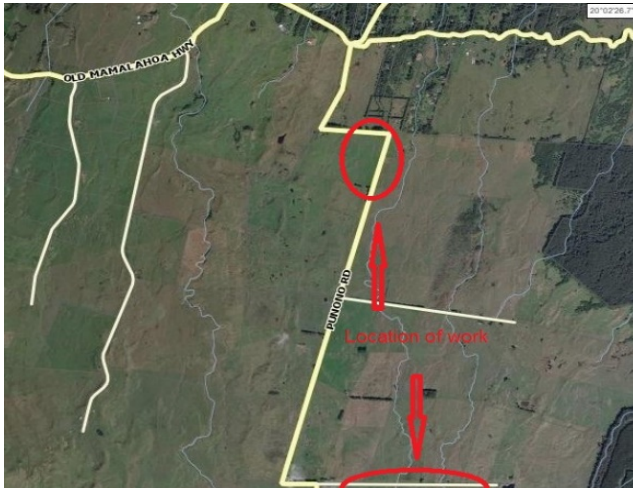




NIENIE – PŪNONO ROAD IMPROVEMENTS

Construction cost = \$165,000; completed early 2020

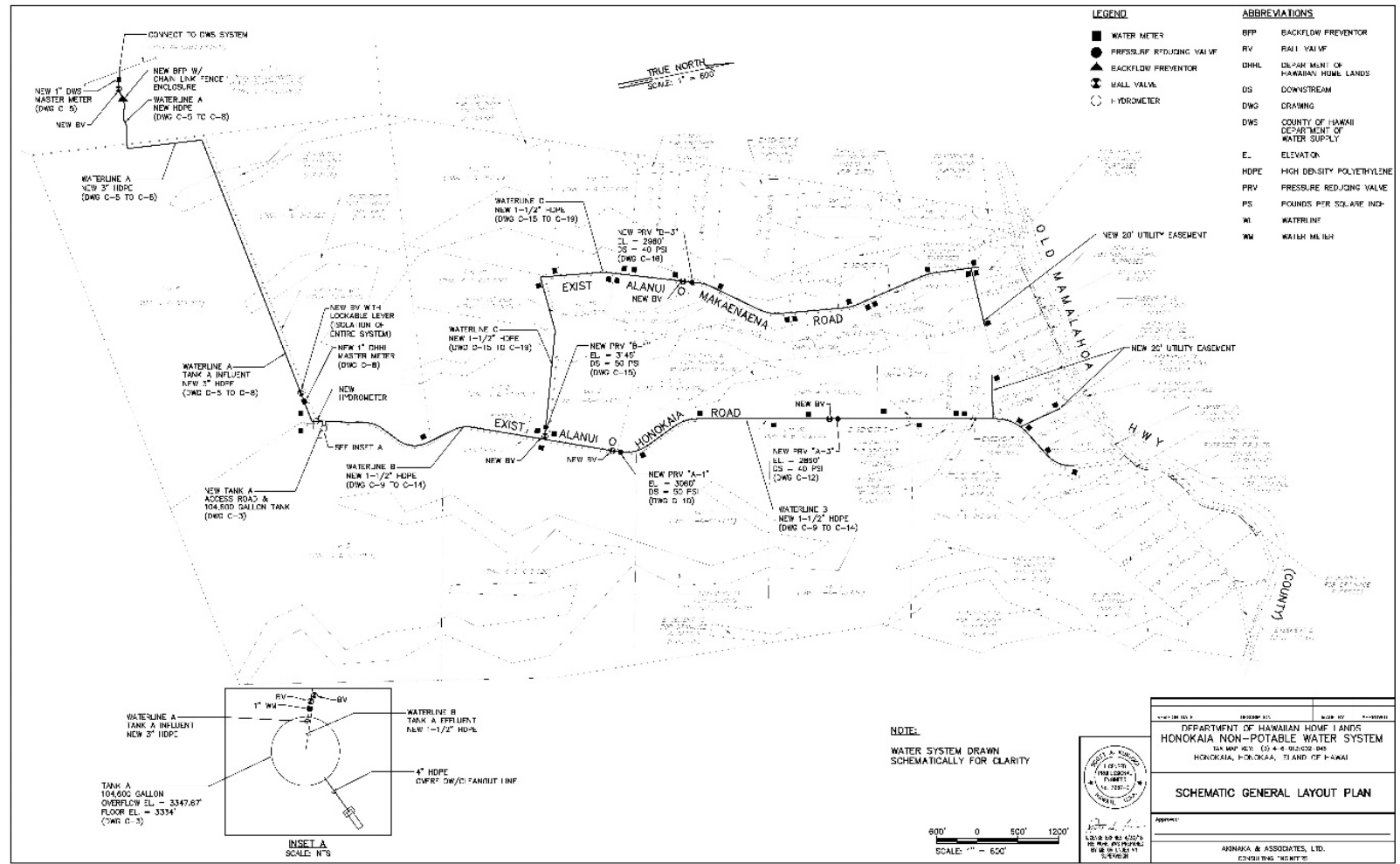
Requesting FEMA reimbursement





Honokai‘a Non-Potable Water System

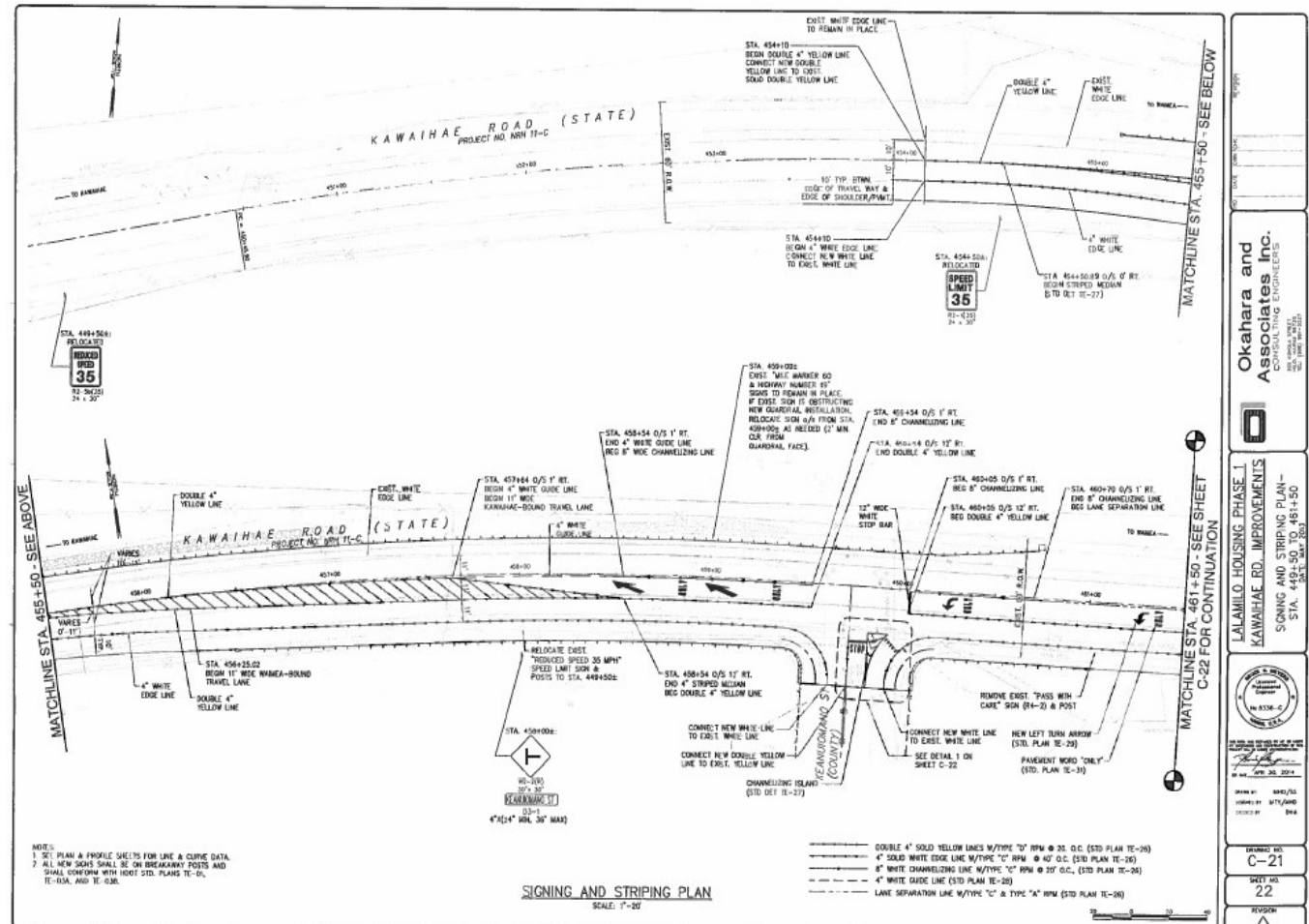
- DHHL Settlement with Honokai‘a ‘Ohana
- Water system to supplement individual catchment systems
- 6 mile pipeline for non-potable stock water system with 100,000 gallon storage tank to serve 42 lots.
- Construction Cost of \$1.3M.
- Wai Ola Honokai‘a to operate and maintain
- Continue to negotiate with County of Hawaii water quantity, connection and pressure issues.





Lālāmiilo Phase 1 – Kawaihae Road

KAWAIHAE ROAD IMPROVEMENTS AT KEANUIOMANU ST. INGRESS/EGRESS REASSESSMENT OF CONSTRUCTION CONTRACT





Lālāmilo Phase 1 Inspection Port Installation

- Installation of 37 inspection ports to access the seepage pits of this aerobic septic system for all lots in Phase I. Work completed July 2020 at a cost of \$ 179,500.





Lālāmilo Phase 2A Increment 1 Testing Strategies

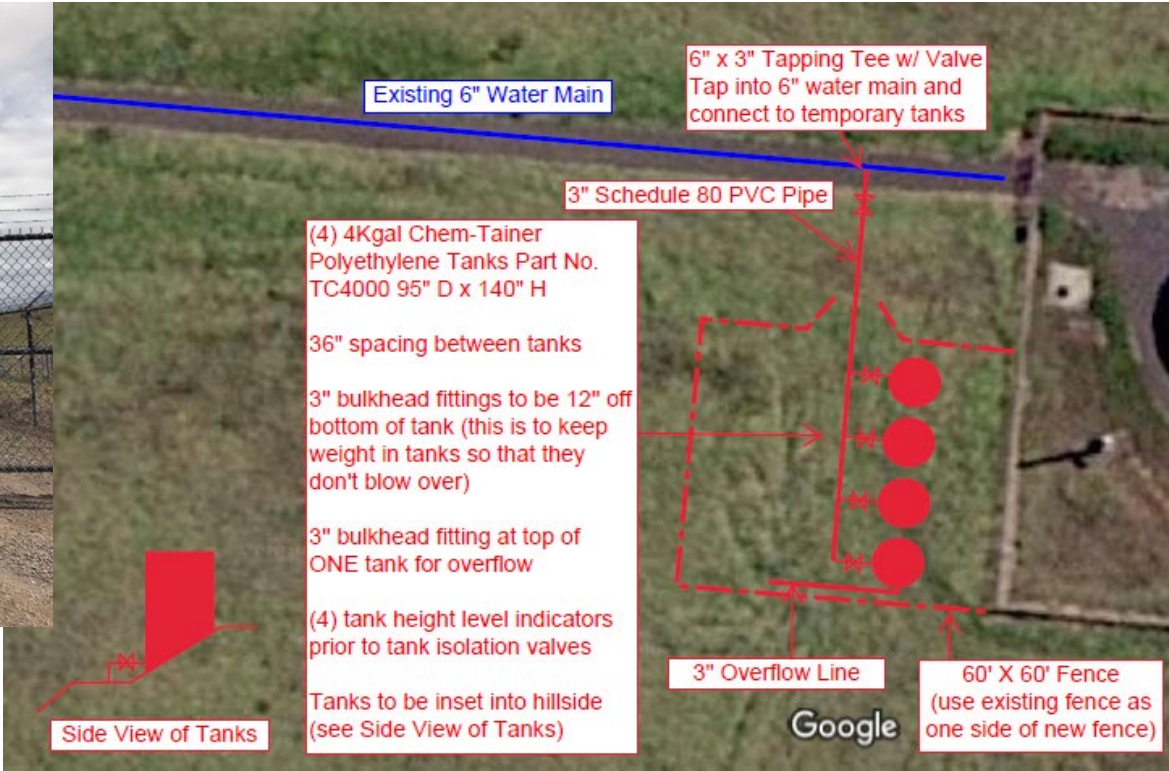


- **UNEXPLODED ORDNANCE (UXO):** Assessment started in March 2021
- Relocate boulders and stockpile
- Remove existing equipment and scrap metal
- **SOIL TESTING** for Open Space and Commercial Area to begin June 2021



PU'UKAPU NON-POTABLE WATER SYSTEM

REPAIRS/IMPROVEMENTS TO DIESEL PUMP, SOLAR PV AND TANK 3 LINER AND BYPASS TANK ARRAY.



Construction in progress





Lālāmiilo Phase 1

STANDING INVENTORY AND VACANT LOTS AT LĀLĀMILO PHASE 1





Permit applications for lots 66 & 128 submitted April 12, 2021 & NAHASDA ordered Botanist site inspections.





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West Hawai'i Water Projects Update

Hawaiian Homes Commission (HHC) Meeting (Virtual)

Andrew Choy, Acting Planning Program Manager

Jonathan Likeke Scheuer, Consultant

May 17-18, 2021

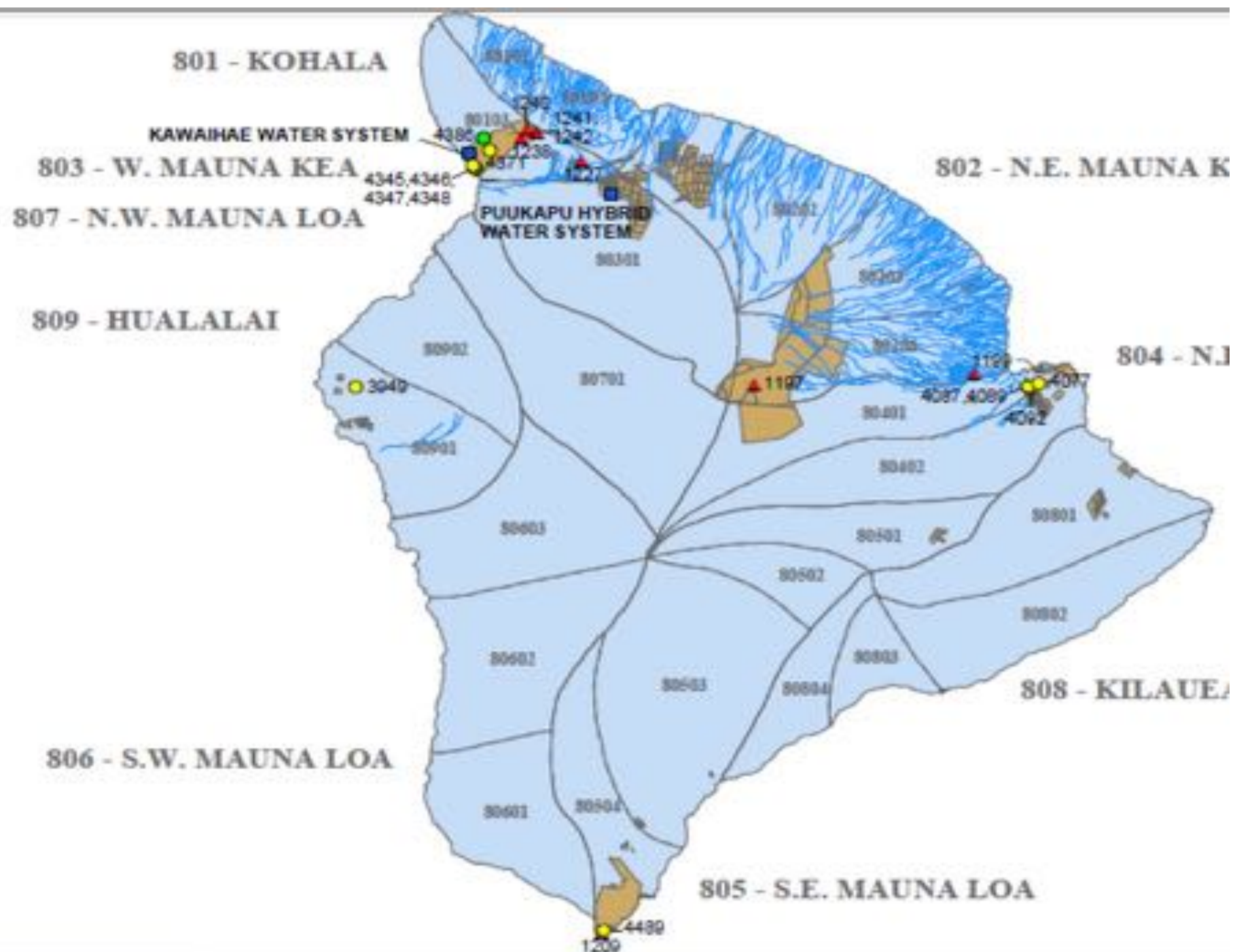
Honokāia, Hawai'i

West Hawai'i Water Projects Update

- I. Planning Regions Covered**
- II. Future Water Demands**
- III. Existing Water Reservations**
- IV. Updates: Actions to turn reservations to
“wet water”**

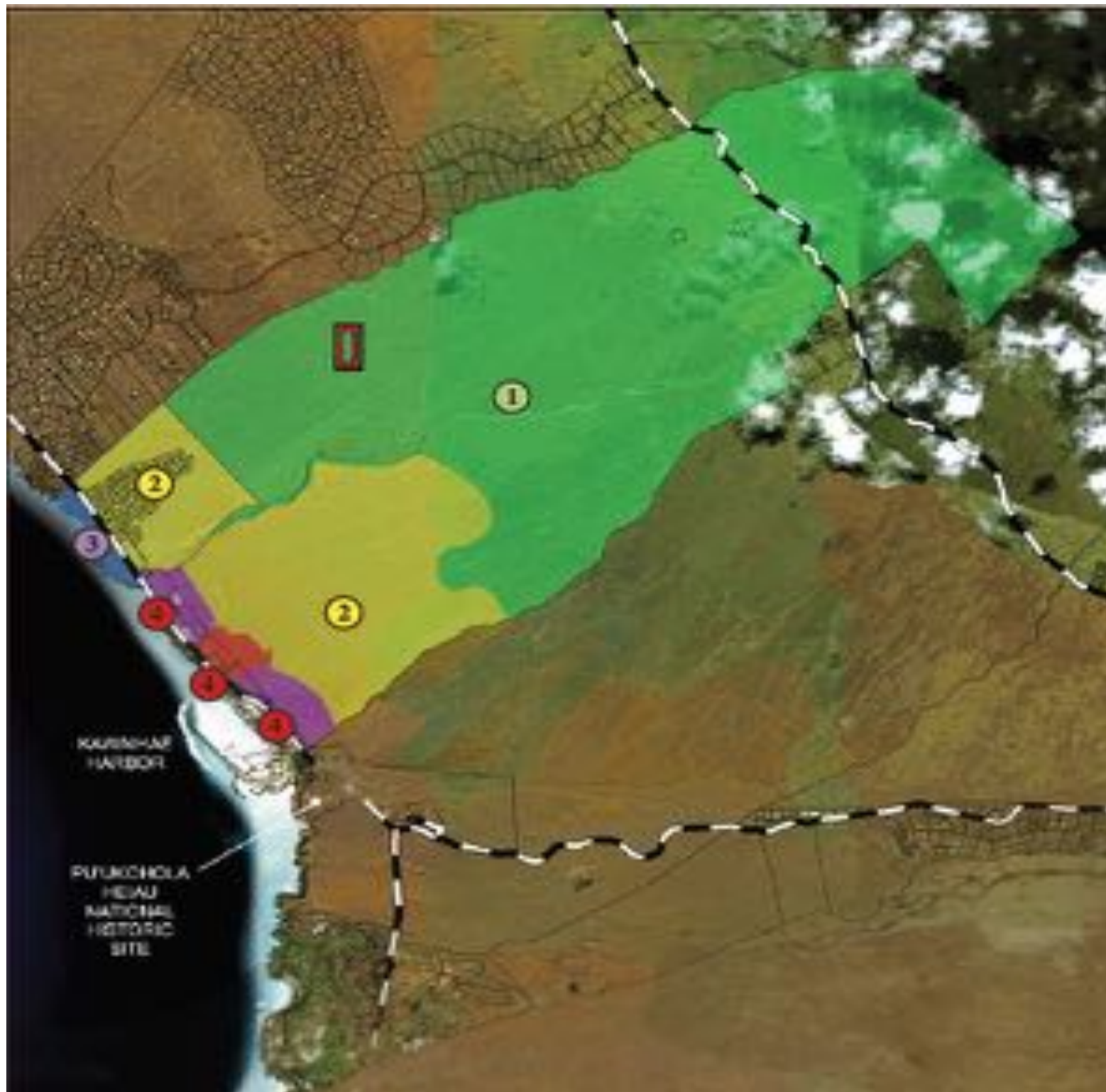
I. Planning Regions Covered

- Waimea Nui
- Kawaihae
- Kealahou-La'i 'Ōpua

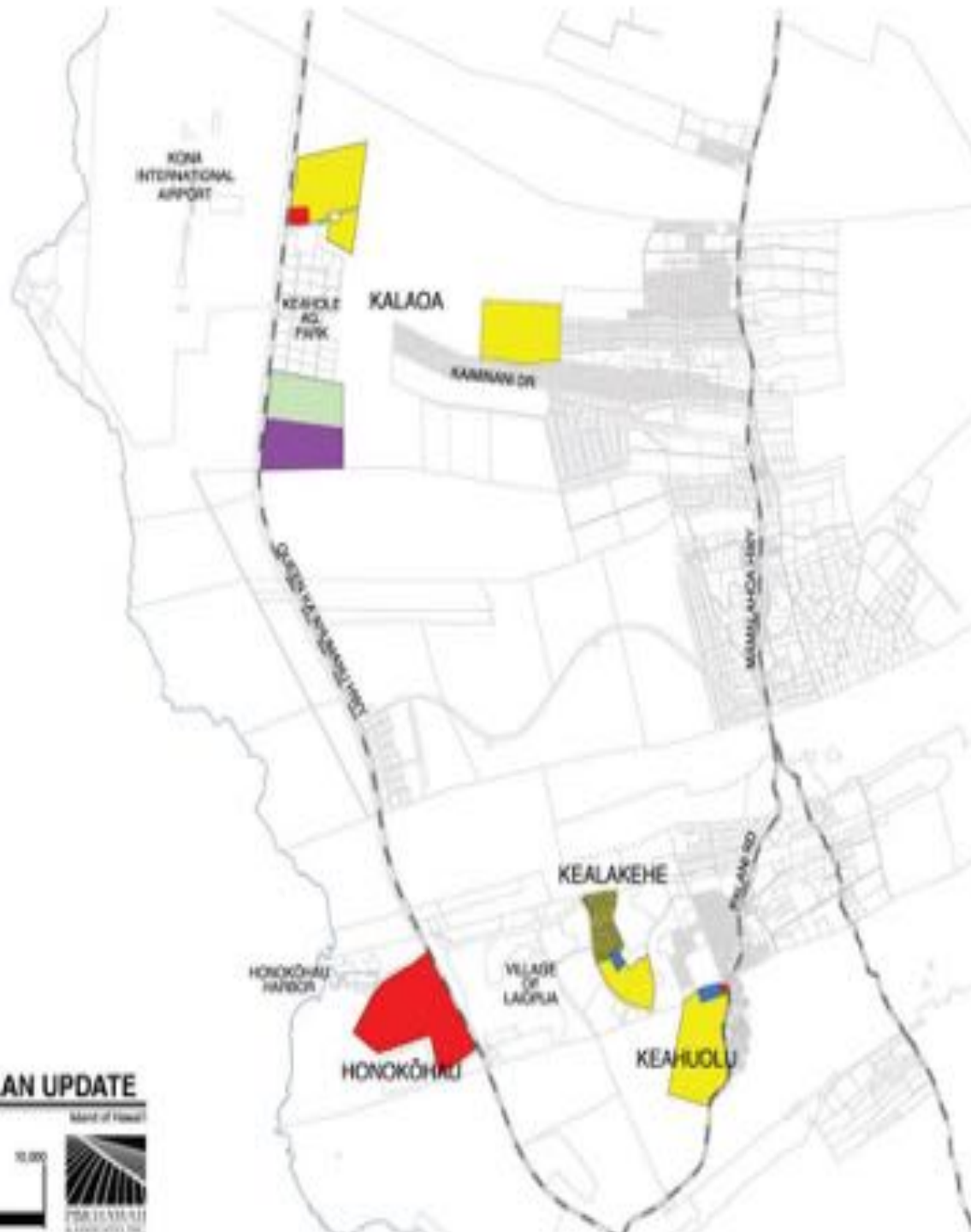
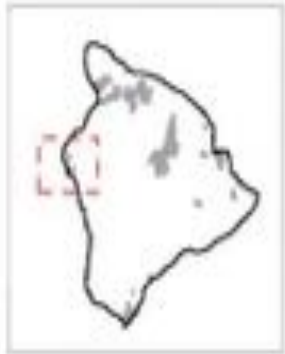




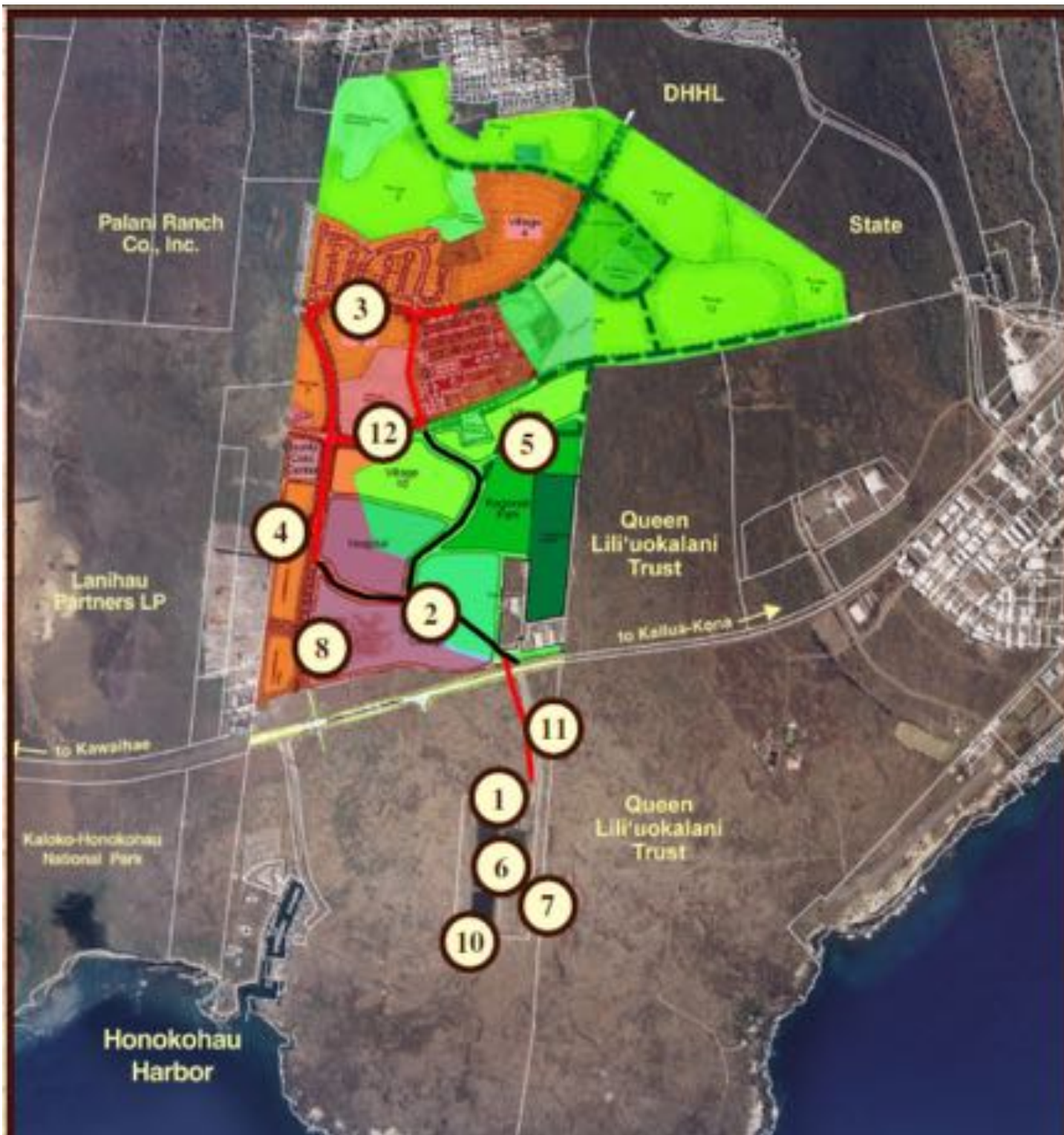
Waimea Nui



**Kawaihae
Planning
Region**



Kealakehe Planning Region



Kealahou

II. Future water demands

- **We calculate water demands based on:**
 - **HHC land use designations**
 - **County and other water demand rates**
- **Calculated in the State Water Projects Plan**
 - **SWPP Approved May 16, 2017**
 - **SWPP update to be considered May 18, 2021**
- **Partial bases for future reservations**

Overall Hawai'i island Water Demands (mgd)(2017 SWPP)

	2016	2021	2026	2031
Potable	2.617	4.164	5.209	10.174
Nonpotable	1.367	5.266	5.266	39.221
Total	3.984	9.430	10.475	49.395

III. Existing Water Reservations

- What is a water reservation?
- A reservation is not...
- Existing West Hawai`i Water Reservations

Kailapa, Kawaihae

What is a water reservation?

- **Kapu for future use**
- **CWRM protects it from other users**
- **More legal protections in Water Management Areas**
 - **In WMAs, reservations are by rule**
 - **In other areas, by CWRM action**
- **Can be for surface or ground water**
- **Can be triggered by:**
 - **CWRM action (e.g. IIFS, plan adoption)**
 - **BLNR action (water licensing / leasing)**
 - **HHC / DHHL request**

Kailapa, Kawaihae

A water reservation is not

- **Immediate access to “wet water”**
- **To develop “wet water” we still need a place-based combination of:**
 - **Advocacy**
 - **CIP funds**
 - **Design for source, storage, transmission**
 - **Environmental Review**
 - **Agreements for access and operation w/county or others**

Kailapa, Kawaihae

W. Hawai`i Groundwater Reservations

Hydrologic Unit	Quantity Reserved (mgd)	Effective Date
Hāwī	0.148	9/18/2018
Māhukona	3.014	9/18/2018
Honoka`a	0.396	9/18/2018
Keauhou	3.398	8/17/2015

Kailapa, Kawaihae

IV. Updates

- **Kawaihae**
- **North Kona Well Development**

NO
TRESPASSING
VIOLATORS
WILL BE
PROSECUTED

Water Tank, Kailapa, Kawaihae

Kawaihae / Kailapa Water Overview

- **Future water needs**
 - 2.2 mgd (potable)
 - 36 mgd (nonpotable)
- **Reservation for 2.2 mgd potable**
- **Actual development of water is challenging**
- **Water provided now by Kohala Ranch**
 - High cost
 - Potential to cancel
 - Limited supply

Water Tank, Kailapa, Kawaihae

2015 Water Development Study Options

Option	Considerations	Cost (2013 dollars)
Develop existing exploratory well, managed by DHHL	Desalinization required	\$14,900,000
Develop existing exploratory well, connect to existing system	Desalinization required, KR not interested	\$6,600,000
Secure Kehena Ditch water	Studies, improvements and agreements, treatment needed	\$27,000,000
Extend DWS system	Source, transmission needed	\$18,000,000 – \$28,100,000 + land
Develop Kawamata Well	Poor source, source purchase, transmission, storage needed	\$24,000,000 + land

Water Tank, Kailapa, Kawaihae

North Kona Well Development

- Two potential DHHL well sites identified
 - Both in the “high level” aquifer
 - Landowner agreements in early stages
- “Ota Well”
 - Developed by NELHA and HHFDC
 - MOA to provide some credits
 - Not yet approved by CWRM

Water Tank, Kailapa, Kawaihae

Nīnau?



Water Tank, Kailapa, Kawaihae



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G-1

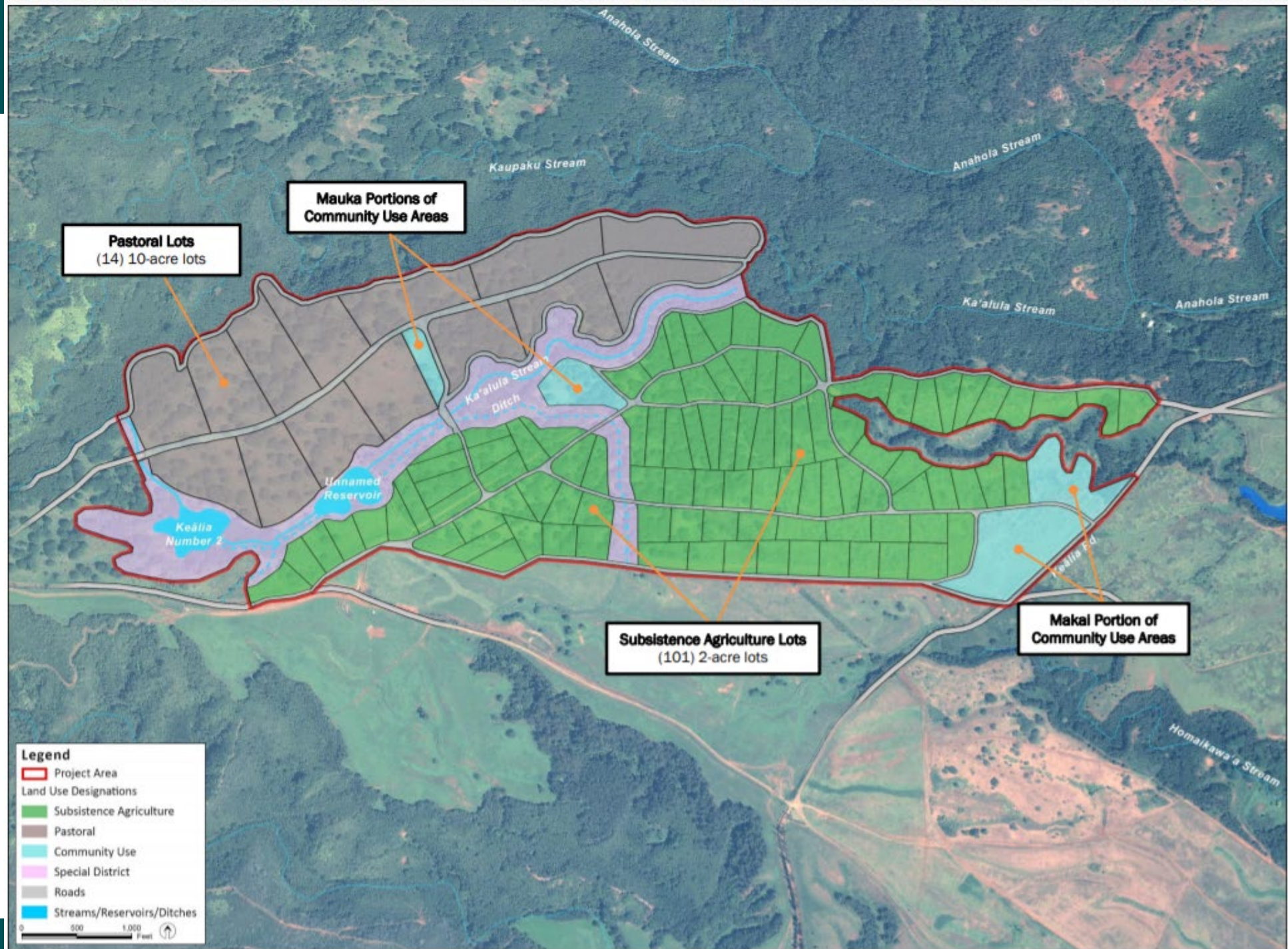
**Anahola Kuleana Homestead Settlement
Final Environmental Assessment**

May 17-18, 2021

Purpose of Kuleana Settlement at Anahola



- The purpose of the Anahola Kuleana Homestead Settlement is to award Kuleana Subsistence Agriculture and Pastoral lots to beneficiaries on the Kaua'i Island Agriculture and Pastoral Waitlists
- The site characteristics of various DHHL tracts were assessed and Anahola was selected as an ideal location to implement a Kuleana Homestead Program on Kaua'i





Proposed Anahola Lot Scheme

Subsistence Agriculture	202 acres
Subsistence Agriculture Lots	(101) 2-acre lots
Pastoral	140-acres
Pastoral Lots	(14) 10-acre lots



Proposed Anahola Lot Scheme

Supplemental Agriculture	63 acres
Community Use	32 acres
Special District	88 acres



Proposed Anahola Infrastructure

Roads & Access

- Unpaved gravel roads

Drainage & Erosion

- Lessees will be responsible for drainage improvements on lot; improvements must be compliant with County standards

Water Supply

- Natural rainfall (61 inches annually)
- Catchment
- Irrigation water – potential to utilize existing reservoirs



Proposed Anahola Infrastructure

Wastewater

- Individual wastewater systems or composting toilet

Electricity

- Responsibility of each lessee
- Kuleana Homestead Association at some point in the future could consider a community microgrid



Anticipation of Finding of No Significant Impact

13-Criteria of Significance

1. Involves an irrevocable loss or destruction of any natural or cultural resources.	8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions
2. Curtail the range of beneficial uses of the environment	9. Substantially affects a rare, threatened or endangered species, or habitat.
3. Conflict with the state's long-term environmental policies or goals and guidelines....	10. Detrimentially affects air or water quality or ambient noise levels.
4. Substantially affects the economic or social welfare of the community or state.	11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as flood plain, tsunami zone, beach, or erosion-prone area.....
5. Substantially affects public health	12. Substantially affects scenic vistas and view-planes identified in county or state plans or studies.
6. Involves substantial secondary impacts, such as population changes or effects on public facilities	13. Require substantial energy consumption
7. Involves a substantial degradation of environmental quality	



Natural Resources

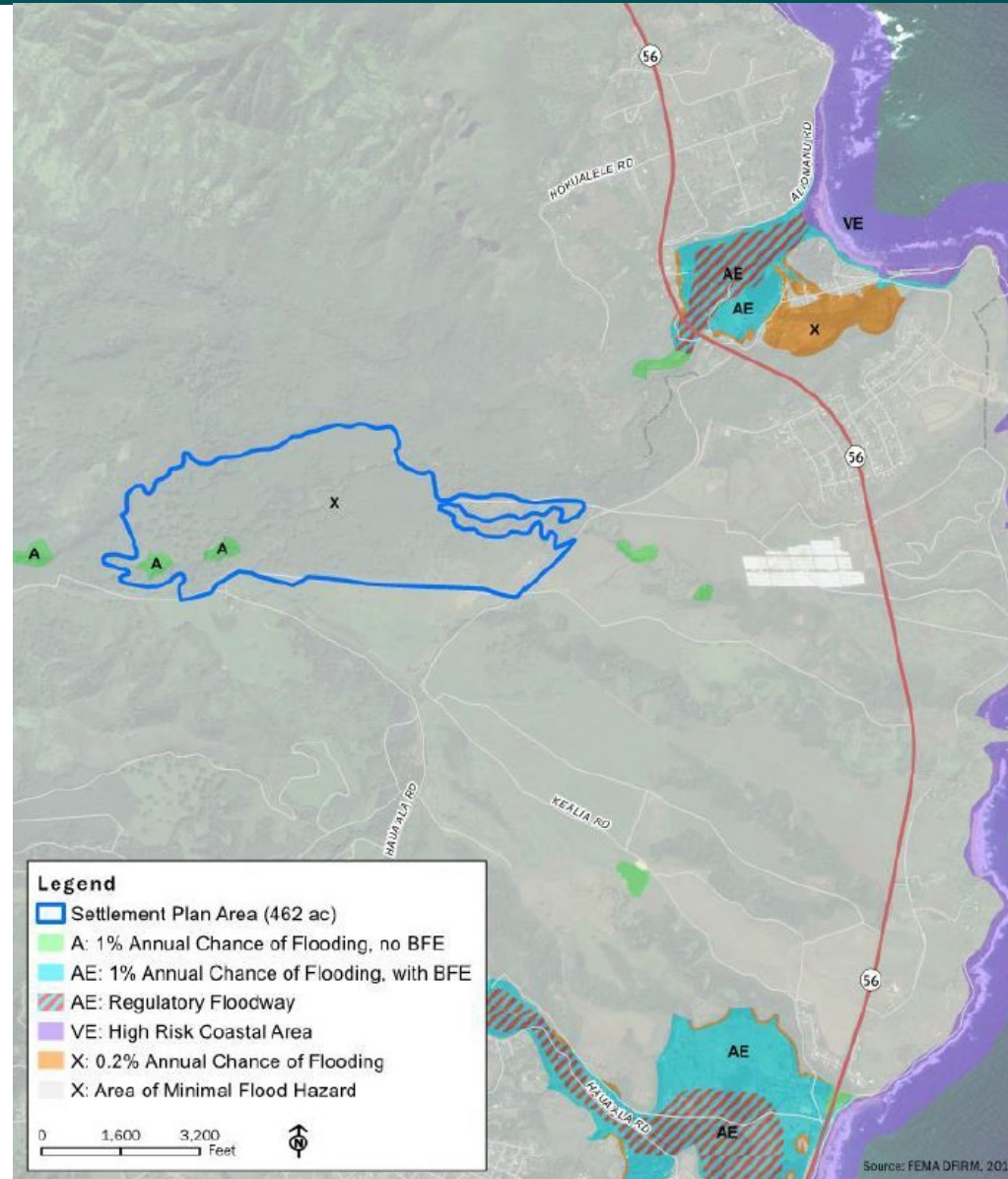
Due to its long history of intensive sugarcane cultivation, a biological survey found the site to be dominated by non-native vegetation, with just a few native species present in certain areas of the site





Hydrology and Drainage

- The project area generally slopes to the east and drains into nearby streams and gulches.
- Flood zone X:
Area of minimal flood hazard

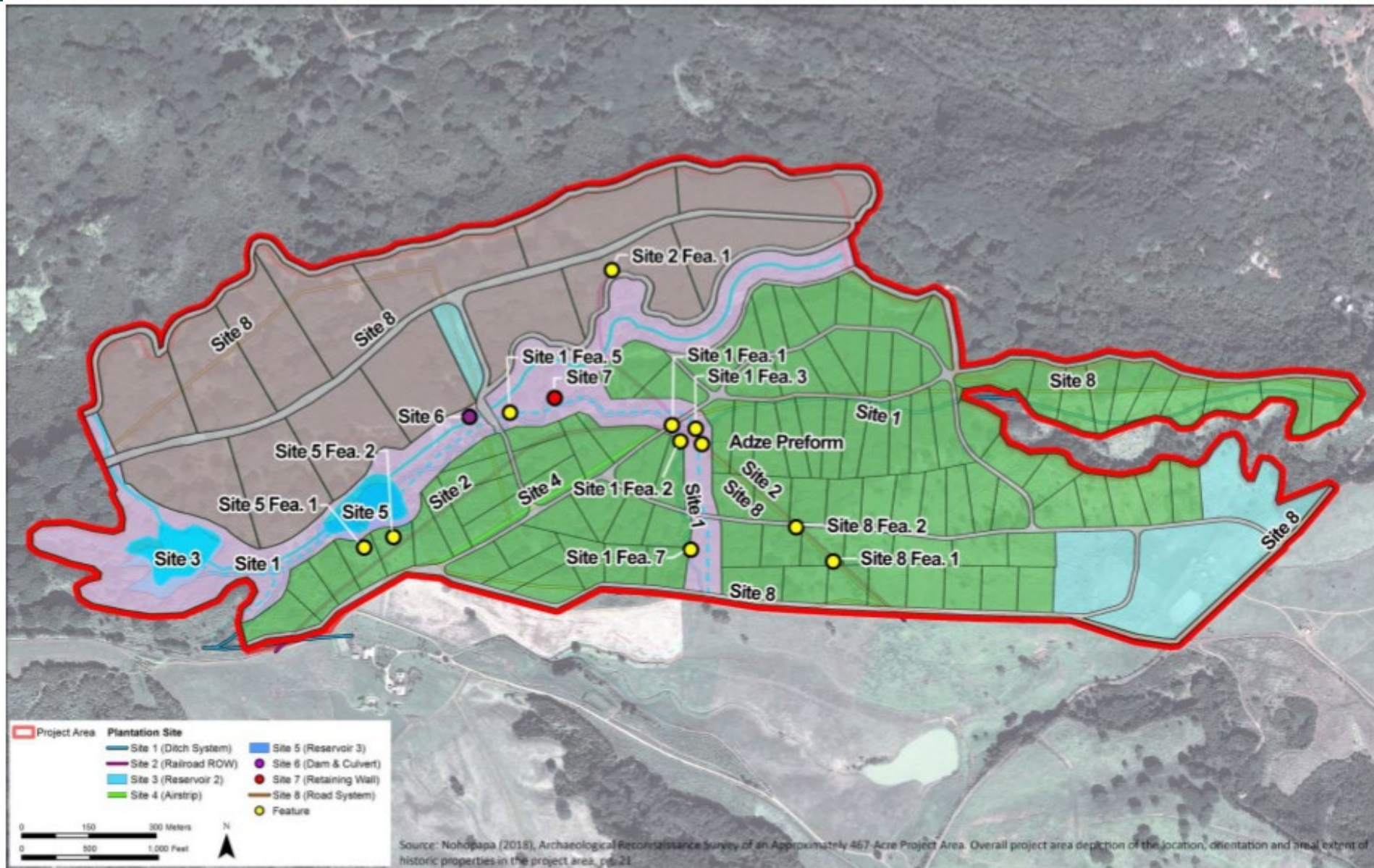




Historic and Cultural Resources

8 Plantation Era
historic properties
were found

One traditional
Hawaiian stone
tool was found.





Next Steps for EA Completion

Publish the
Anahola
Draft Environmental
Assessment
May 8, 2020



Public Comments
Received on Draft
Environmental
Assessment
Summer 2020

Revise DEA per
public comments
and complete Final
Environmental
Assessment
(Almost pau)



Present FEA to
HHC Approval
of FEA/FONSI
May 2021

HHC FONSI
declaration for the
project and FEA
submitted to OEQC for
publication
(June 2021)





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G-2

**Amend the Kaua‘i Island Plan
to incorporate Anahola Kuleana Settlement Plan Recommendations**

May 17-18, 2021

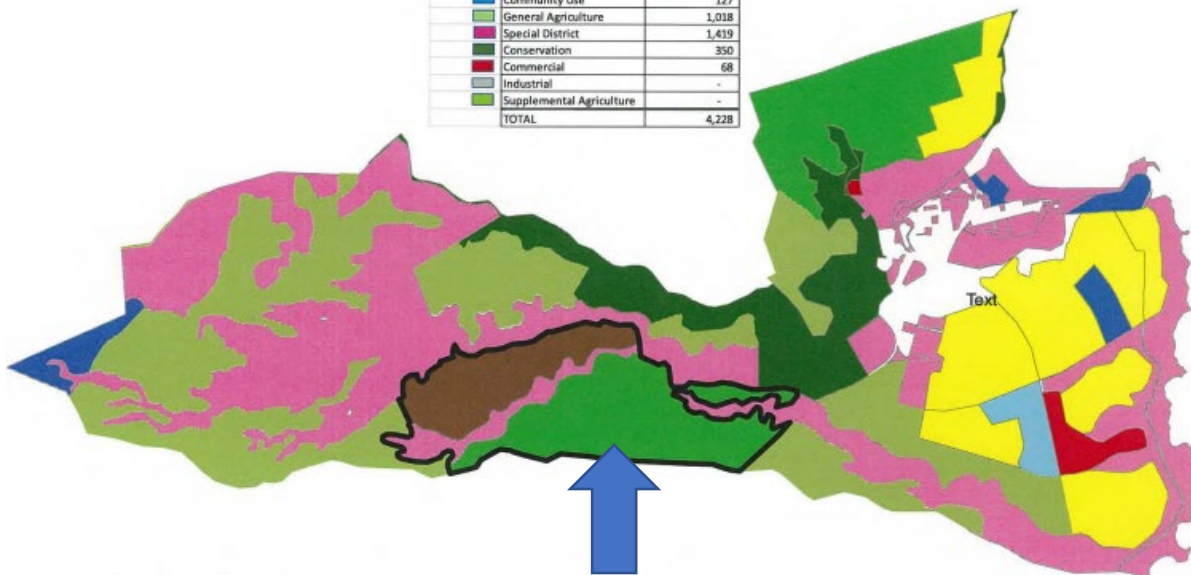


Proposed DHHL Land Use

2004 Kaua'i Island Plan

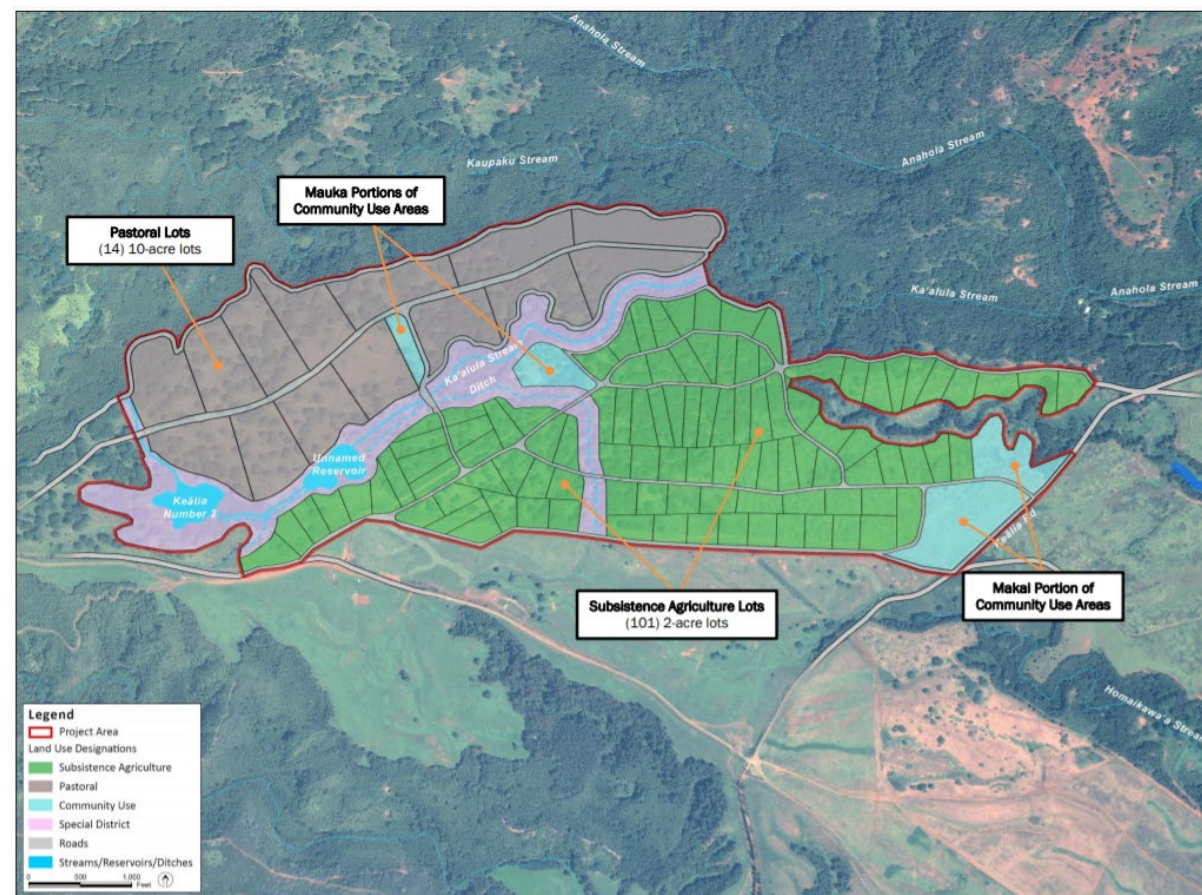
ANAHOLA LAND USE DESIGNATIONS

LAND USE DESIGNATION	ANAHOLA ACRES
Residential	565
Subsistence Agriculture	533
Pastoral Homestead	148
Community Use	127
General Agriculture	1,018
Special District	1,419
Conservation	350
Commercial	68
Industrial	-
Supplemental Agriculture	-
TOTAL	4,228



ANAHOLA KULEANA SETTLEMENT PLAN AREA

2021 Anahola Kuleana Settlement Plan





Mahalo



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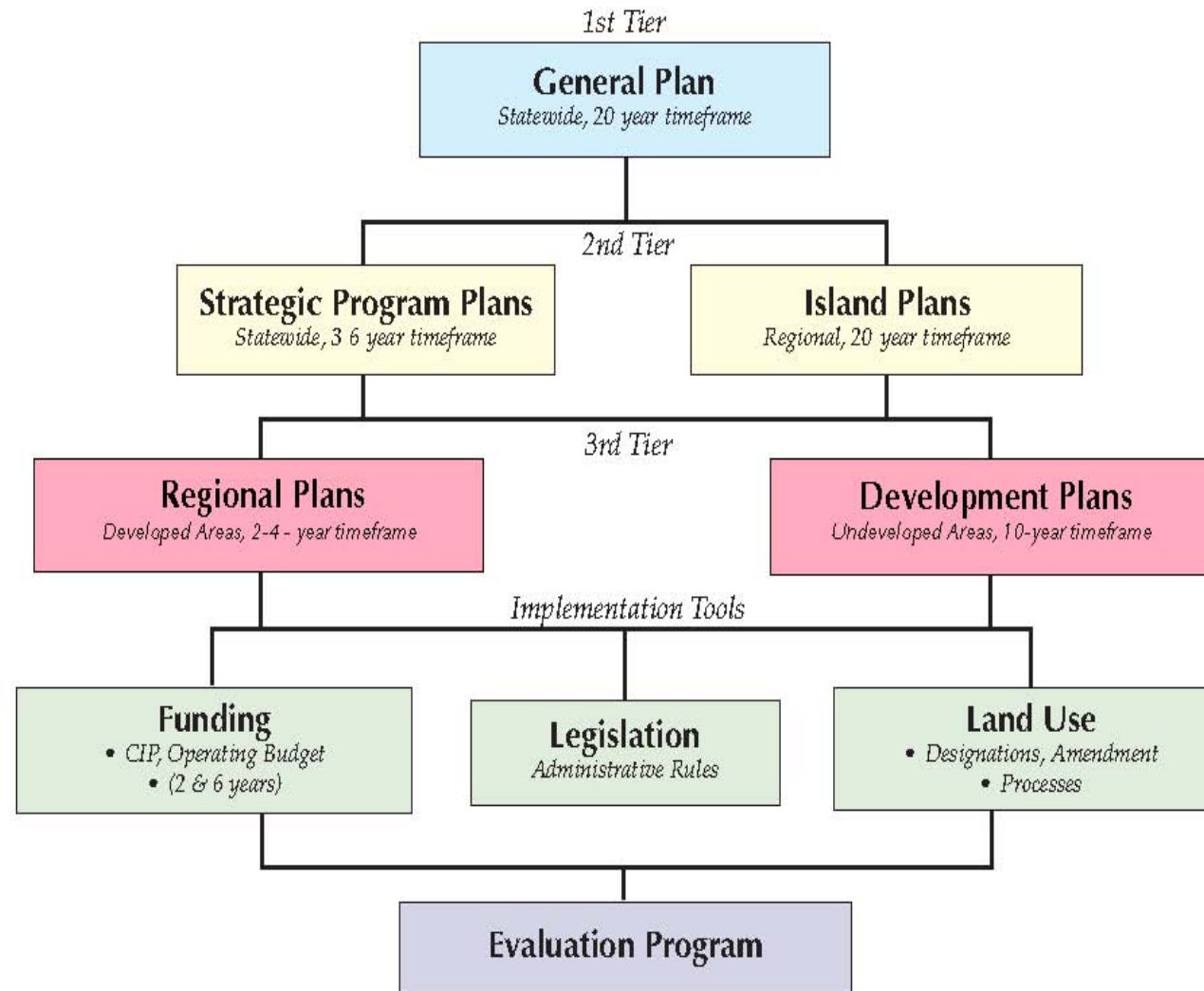
HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Item G-4
**West Hawai'i Regional Update to the Hawaiian Homes
Commission
(For information only)**

May 17-18, 2021



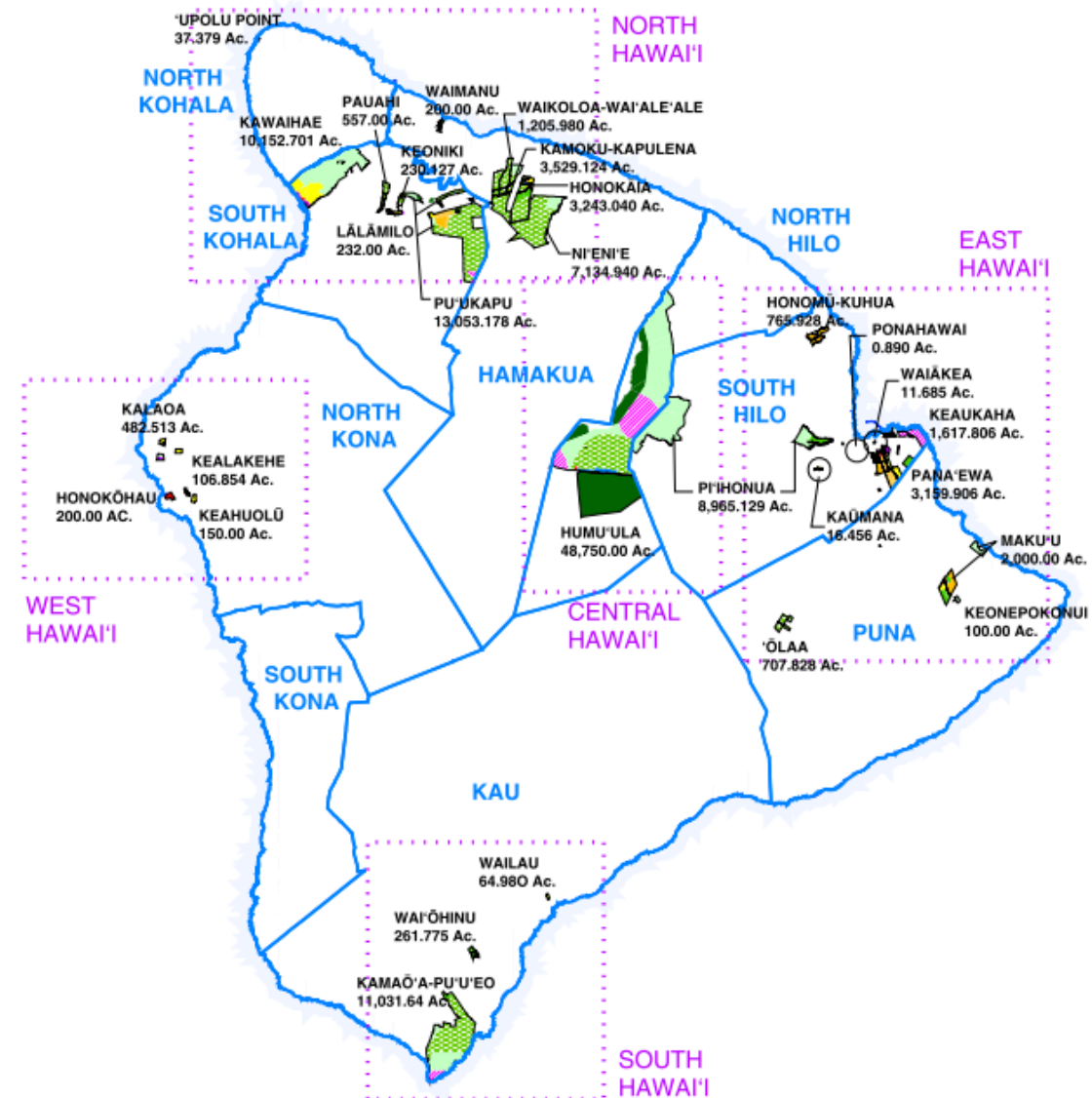
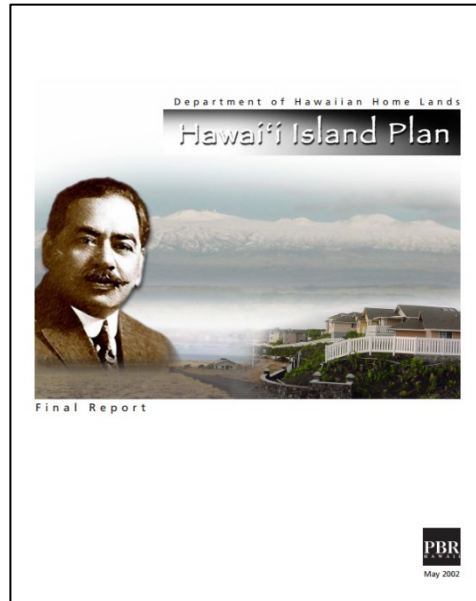
DHHL Planning System



DHHL Planning System

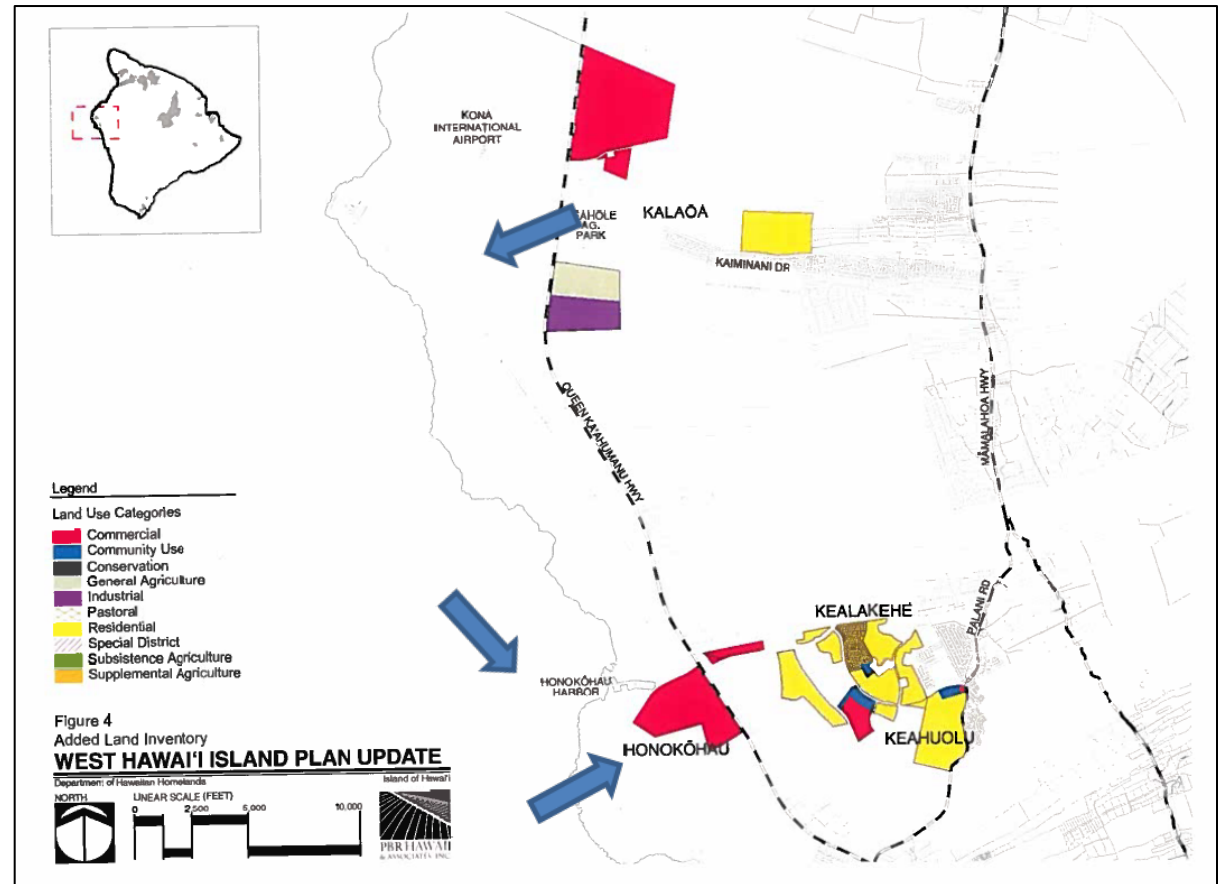
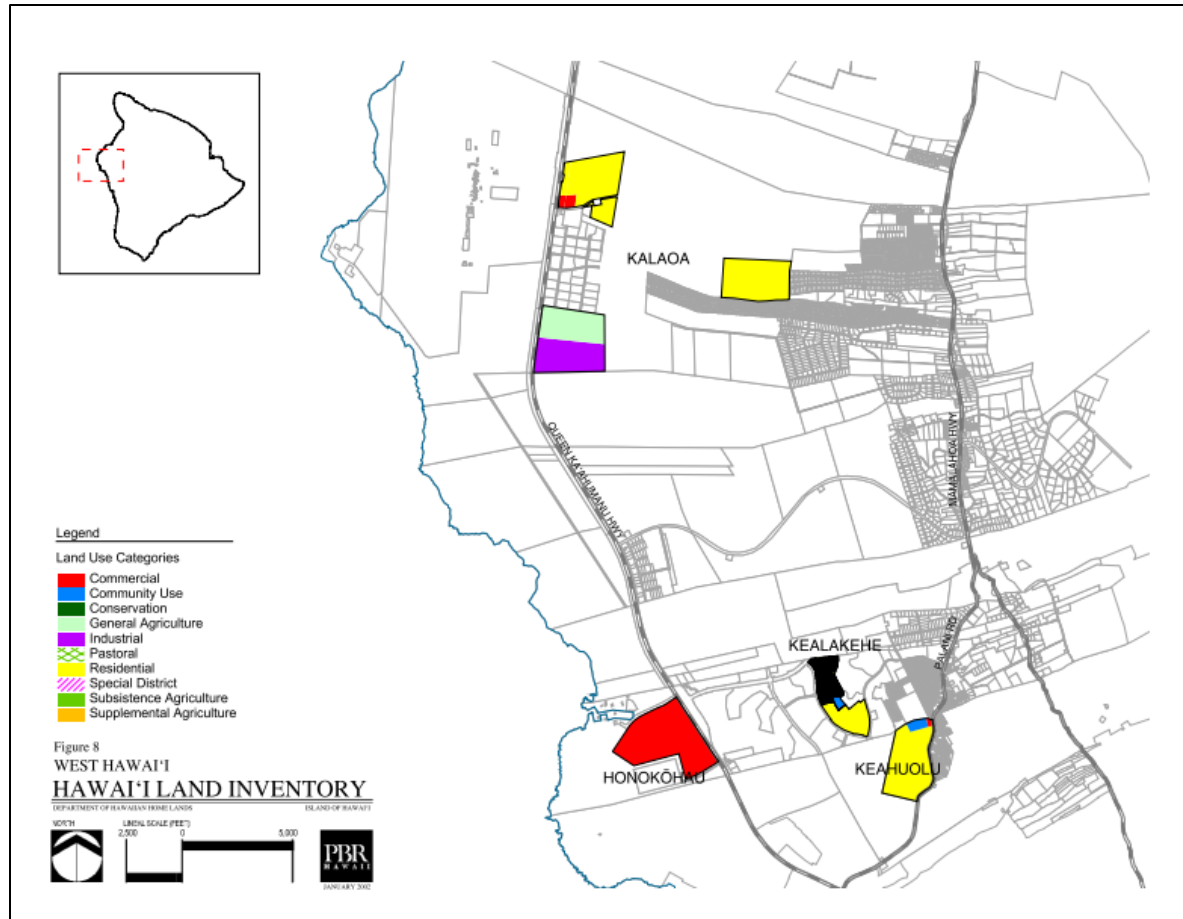


Hawai'i Island Plan



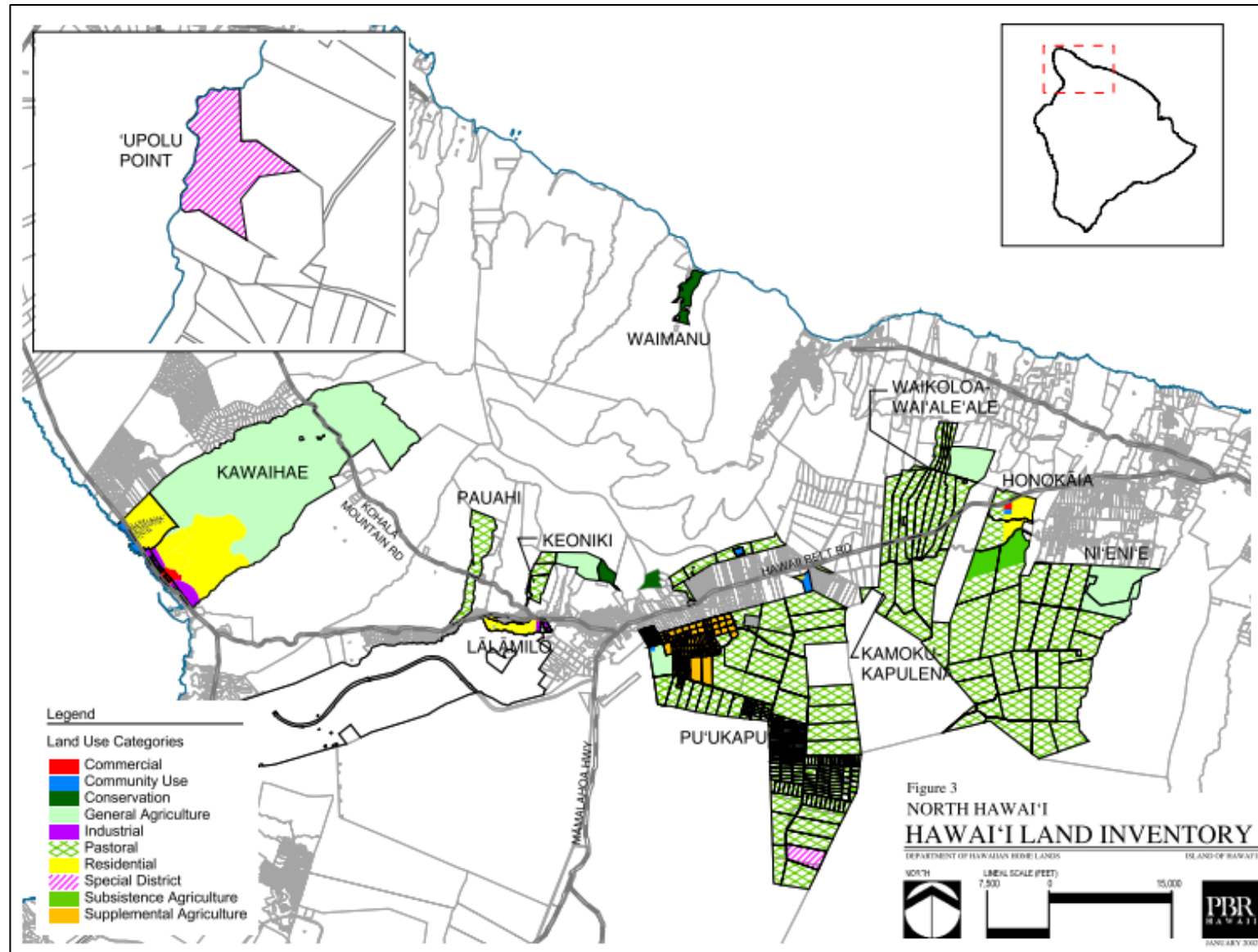


Hawai'i Island Plan





Hawai'i Island Plan





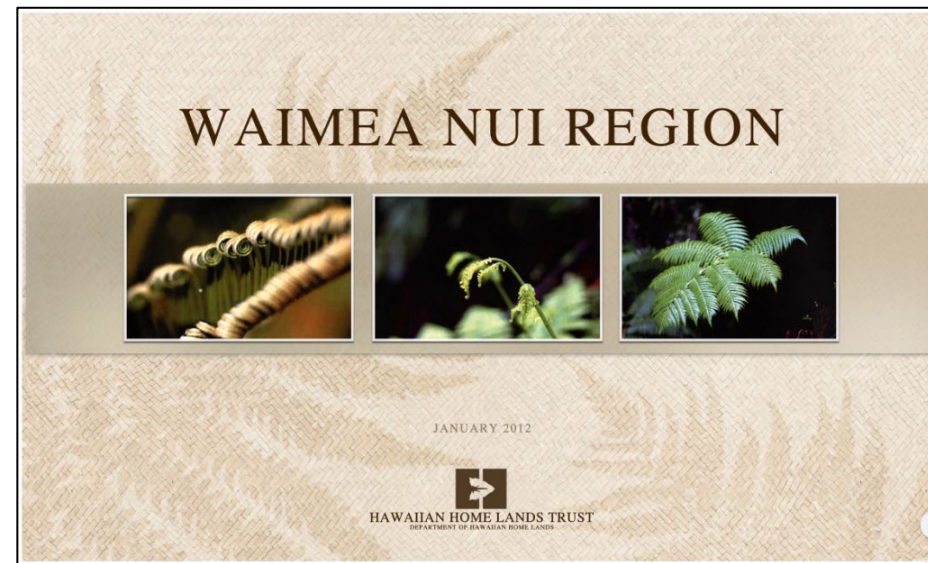
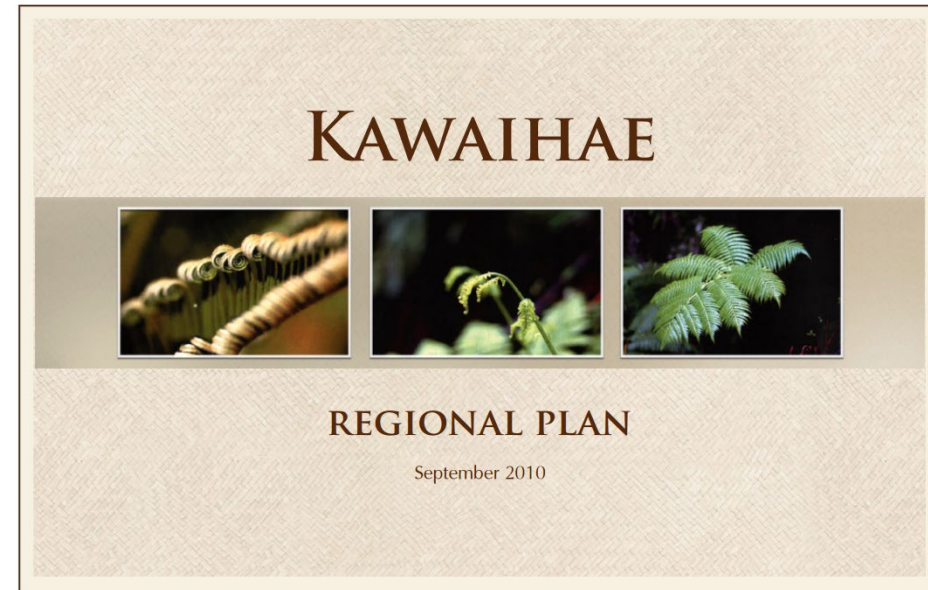
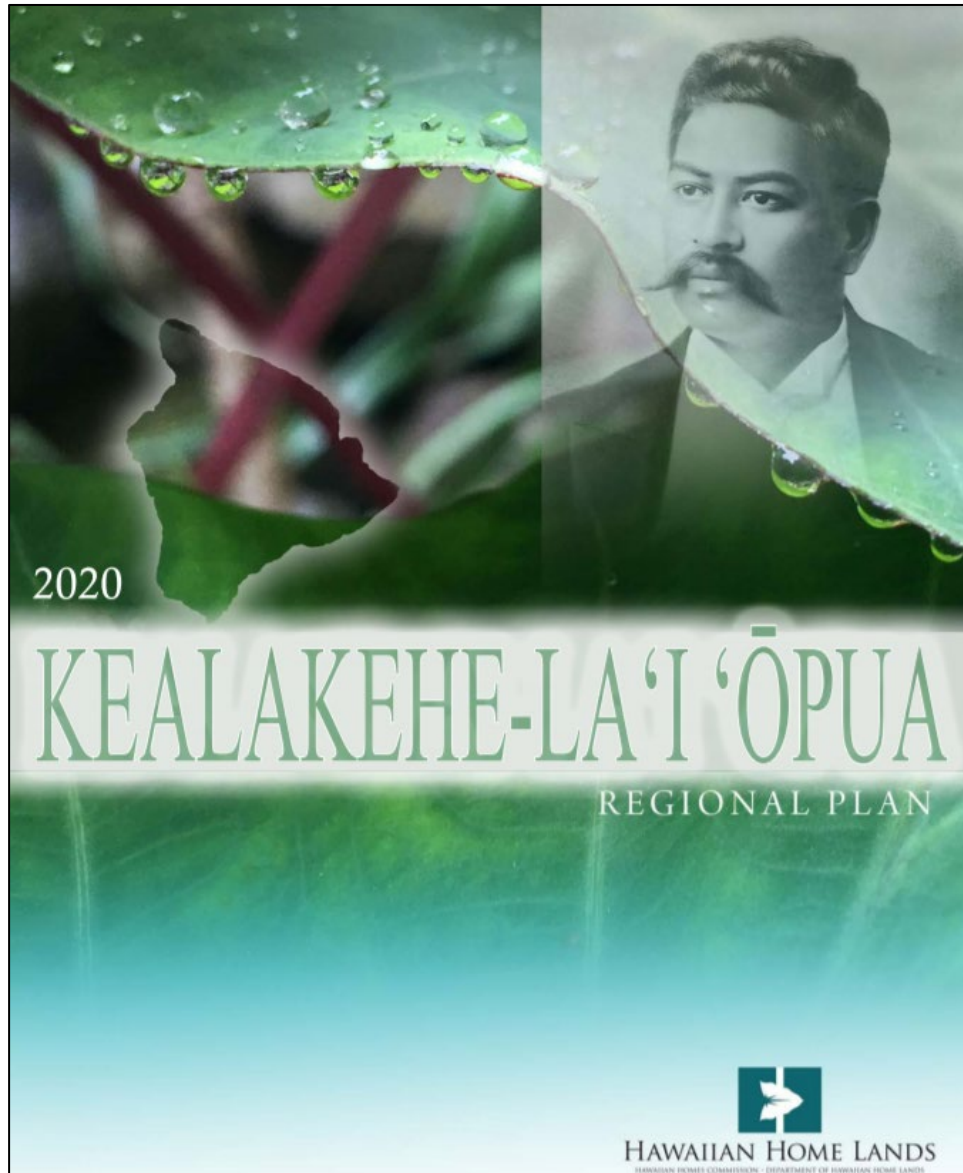
West Hawai'i Land Use Designations

Land Use Designation	Acres	Percent of Total
Residential Homestead	1,608	4.1%
Subsistence Agriculture Homestead	540	1.3%
Supplemental Agriculture Homestead	1,113	2.9%
Pastoral Homestead	24,101	62.4%
Community Use*	258*	0.6%
General Agriculture*	10,747*	27.8%
Commercial	230	0.5%
Industrial	384	0.9%
Conservation	391	1%
Special District	266	0.6%
TOTAL	38,638	100%

* Does not reflect the Land Use Designation amendment of 161 acres from General Agriculture to Community Use



West Hawai'i Regional Plans

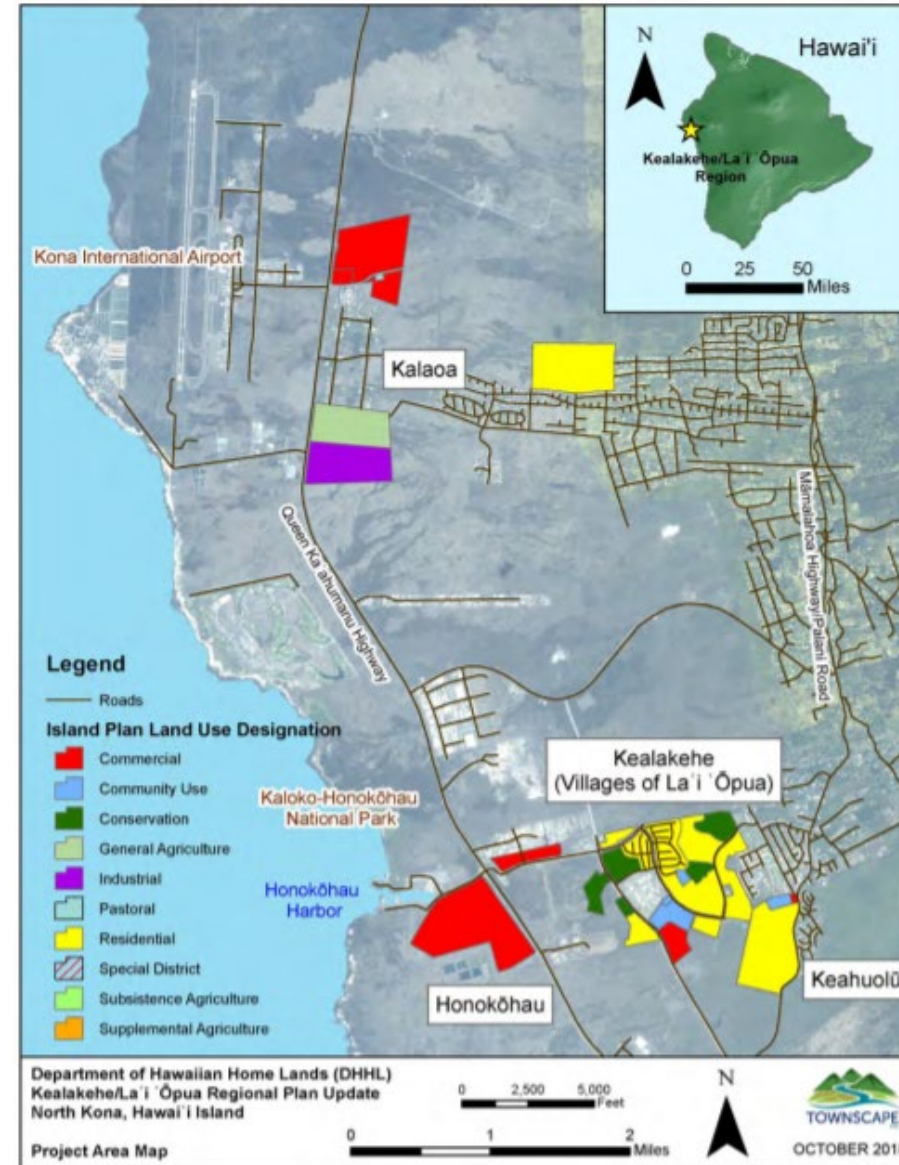




Kealakehe-La'i 'Ōpua Regional Plan

Priority Projects:

- North Kona Water Source Development Project
- Provide homestead opportunities for beneficiaries in the “Gap Group”
- Renewable Energy Initiative
- Establish a DHHL Kona District Office
- Initiate Commercial Development of DHHL lands near Honōkohau Harbor

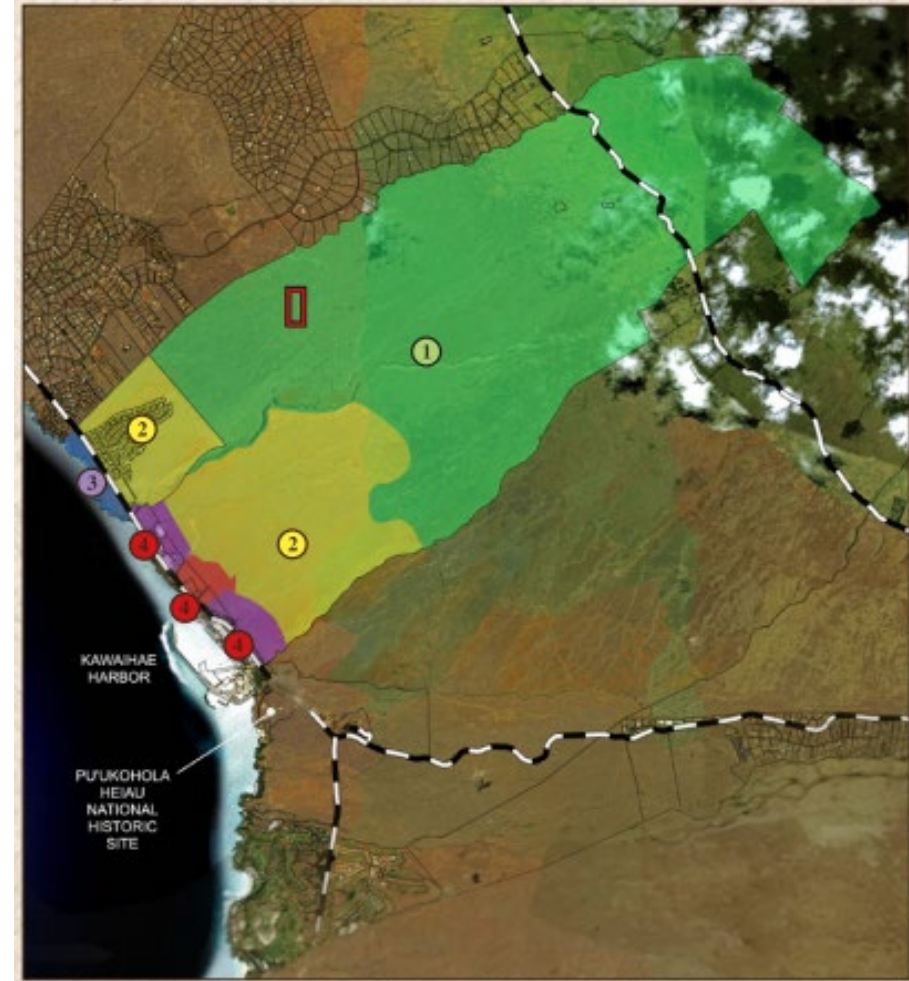




Kawaihae Regional Plan

Priority Projects:

- Kailapa Resource Center
- Kawaihae Water and Energy Research and Development
- Kawaihae Bypass Highway
- Improve Marine Water at Pelekane Bay
- Management and Maintenance of Kawaihae Reinterment Site

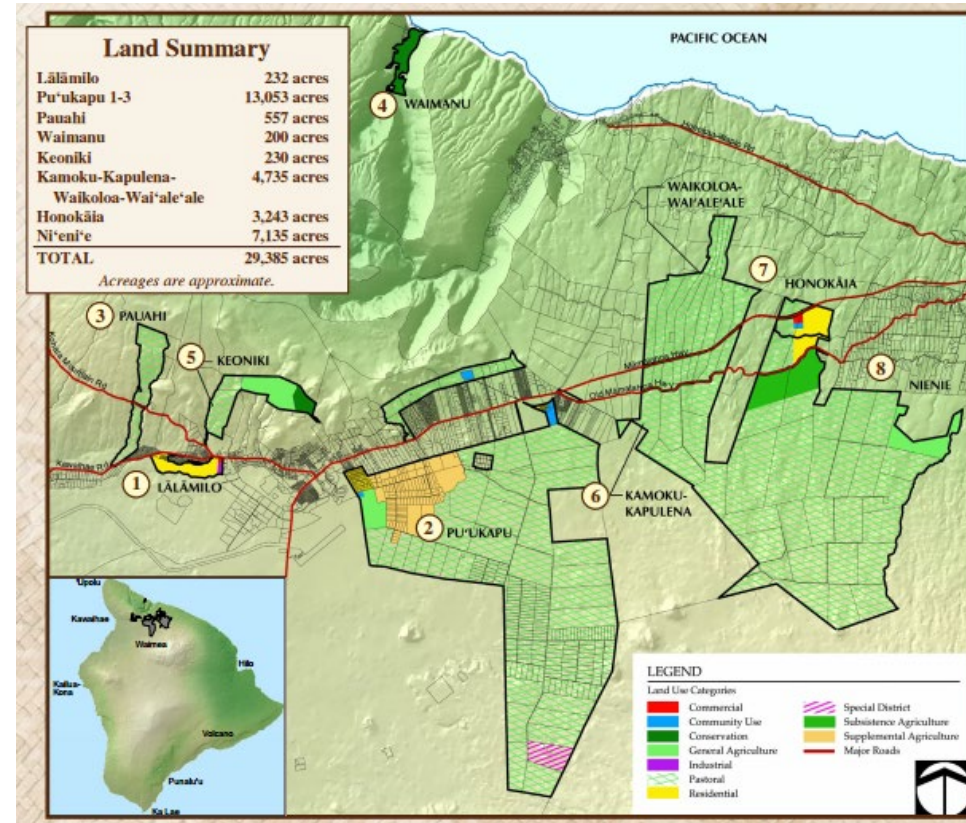




Waimea Regional Plan

Priority Projects:

- Waimea Hawaiian Homestead Community Complex – Planning
- Evaluate and Revise Agriculture / Pastoral Program Waimea Nui
- Support / Plan Development of Affordable Homestead Alternatives in Waimea Nui
- Assess the Implications of Eliminating Requirement to Pay Property Taxes
- Assess the Implications of a Non-Standard Building Code





Planning Initiatives

- **North Kona**

- Negotiating water credit agreements;
- Environmental Assessment and Preliminary Engineering Reports for potential new well sites in North Kona;
- Renewable Energy Consultation Meeting June / July TBD;

- **Kawaihae Beneficiary Consultation Meetings**

- Ungulate Management Consultation Meeting End of June;
- Renewable Energy Consultation Meeting June / July TBD;



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov/po

From: dhhl.icro1@hawaii.gov
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: New submission from Submit Testimony (J-Agenda and Agendized Items)
Date: Friday, May 14, 2021 3:24:00 PM

Name

Donna Dean Sterling

Email

[_____](#)

Subject

Submit Written Testimony on Agendized Items

Message

Testimony on Agendized Item C-7 and F-1

I am a Kahikinui Hawaiian Homestead Association President and a 20 year resident at Kahikinui lot #41 Nawini Road. It has appeared repeatedly that the Department of Hawaiian Homelands (DHHL) has taken the position that it chooses to deal with the homeowners association known as, Ka Ohana O Kahikinui, Inc. (KOOK) and has not equally engaged with the Kahikinui Hawaiian Homestead Association, beneficiary built representing Lessees, Waitlisters known as beneficiaries.

As a member of the organized Homestead Association, I object to the lack of engagement by the DHHL with KHHA , in part, because the KOOK has failed in their abilities of make full beneficiary reach. They represent Kahikini Homeowners not Kahikinui Homesteaders.

As outlined in the lease requirements, the region mentioned, Development Communities or Condominium Regimes (DCCR) must represent all Kahikinui Hawaiian Homestead beneficiaries. KOOK has been in violation of the lease for many years now.

Kahikinui Hawaiian Homestead Association has notified all beneficiaries of meetings. KOOK Secretary Deisree Manois has been in attendance. The DHHL's exclusion of Kahikinui Hawaiian Homesteaders Association (KHHA) is unacceptable.

I ask you to take another look at recent actions and cease any decisions and/or agreements and/or pending Right Of Entry's that did not make full beneficiary reach in the decision making. Most importantly as this relates to Kahikinui region animal management. When approval for ROE application for East and West Hawaii, I Donna Sterling President of Kahikinui Hawaiian Homestead Assn. want to inquire on timeline for ROE application approval for Maui/Molokai/ Lanai.

Sincerely,

_____ Donna Dean Sterling_____

Burrows-Nuuanu, Leatrice W

From: dhlh.icro1@hawaii.gov
Sent: Friday, May 14, 2021 4:31 PM
To: Burrows-Nuuanu, Leatrice W
Subject: New submission from Submit Testimony (J-Agenda and Agendized Items)

Name
Faith Chase
Email
[Redacted]
Subject
Submit Written Testimony on Agendized Items
Message
C7; C8
You must support bonfide homeowners association Kahikinui Hawaiian Homestead Asscciation.

From: dhhl.icro1@hawaii.gov <dhhl.icro1@hawaii.gov>
Sent: Friday, May 14, 2021 3:29 PM
To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>
Subject: HCC Contact:

First Name

Jojo

Last Name

Tanimoto

Email

guavaland622@gmail.com

Subject

To Commission Secretary

Message

Ms. Jojo Tanimoto
P.O. Box 44337
Kawaihae, Hawaii 96743
Email: guavaland622@gmail.com

May 14, 2021

Hawaiian Homes Commission
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Aloha Commissioners

RE: Hawaiian Homes Commission Agenda, Item F-1, Land Management Division.
Request to Renew Right of Entry Permits. _____

1. OPPOSITION TO RIGHT OF ENTRY PERMIT 683, Palekoki Ranch, TMK _____3)-6-1-001:003, 016, to Hawaiian Homes Commission Agenda, Item F-1, Land Management Division

UTILIZING ACCESS THROUGH THE Kailapa Subdivision AT THE WATER TANK "NO TRESPASSING" DRIVEWAY.

2. OPPOSITION to Right of Entry Permit 683 to the Kohala Center for Fence Project and

Watershed Management, Kawaihae, Hawaii, TMK _____3)-6-1-991:003, 016
UTILIZING ACCESS THROUGH THE Kailapa SUBDIVISION AT THE WATER TANK "NO TRESPASSING" DRIVEWAY.

3. OBJECT TO ANY REQUESTS FOR FEE CHANGES TO A LOWER RATE BY Palekoki Ranch.

4. KOHALA CENTER-OPPOSITION TO HEIGHT OF FENCING BEING USED. (THE BUCKS WITH HORNS and other goats ARE ABLE TO JUMP OVER THE FENCE). Discussion indicates the goats are prevented from coming on to homestead properties; IS NOT TRUE.

5. REQUEST LOCATION OF ACCESS TO INSTALLTION OF CHECK DAMS AT WHAT LOCATIONS?

Item 1: Palekoki Ranch, Permit 683 seeks to Renew Right of Entry (ROE). The objection is the continued use of access PAST THE "NO TRESPASSING SIGN", past the community potable water from the mauka water tank in the subdivision.

This location is above the homes that have continually complained to the West Hawaii Office, the Honolulu Offices (Planning and Land Management), and last month my complaint to the Commissioners. The Hawaiian Homes Commission Act is "...for the betterment of conditions of the native Hawaiians..."; Not the goats, Not the Ranch and Kohala Center and surely not the access past our potable water supply.

This Permittee is using 7,600 acres. Surely, they can use other access means. It is noisy, it is dangerous for the children for use the All Terrain Vehicles (ATV) as a recreation on this steep incline and a liability to DHHL; and the use of this access is at all hours of the day and night- seven days a week.

I and my neighbors hope that this time, the Commissioners and the Department of Hawaiian Homelands will resolve these issues for this matter; BEFORE any consideration for this Permit 683 moves forward.

2. OPPOSITION to Right of Entry Permit 683 to the Kohala Center for Fence Project and

Watershed Management, Kawaihae, Hawaii, TMK 3)-6-1-991:003, 016; for the same reasons.

Example: The last fire near the Water Tank, the fire trucks could not access the water tank. The area was full of ATV's, family members that access Permit 683-Palekoki Ranch. The Fire Trucks used my driveway, meant I could not exit my property.

3. OBJECT TO ANY REQUESTS FOR FEE CHANGES TO A LOWER RATE. BY Palekoki Ranch.

The purpose for utilizing these 7,600 acres is for revenue.

Up to this year, I have no confidence that the Kailapa Association represented all the homesteaders here (surely not me, my

any amendments to this Agenda Item. Mahalo

family and some of my neighbors). I am hopeful with the new election, a lot better communication in this community will improve.

Thank you again for the opportunity to express our concerns and hope the Commission will include these complaints as part of

Sincerely

Ms. Jojo Tanimoto
Impacted Homesteader