

HAWAIIAN HOMES COMMISSION

Minutes of July 19, 2021, via Interactive Conferencing Technology
DHHL Main Office, Hale, 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‘ī, 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 (ITC)(joined 9:41 a.m.)
Zachary Z. Helm, Moloka‘i Commissioner (ITC)
David B. Ka‘apu, West Hawai‘i Commissioner (ITC)(joined 10:06 a.m.)
Michael L. Kaleikini, East Hawai‘i Commissioner (ITC)
Russell K. Ka‘upu, O‘ahu Commissioner (ITC)
Pauline N. Namu‘o, O‘ahu Commissioner (ITC)
Dennis L. Neves, Kauai Commissioner (ITC)
Patricia A. Teruya, O‘ahu Commissioner (ITC)

COUNSEL

Katie Lambert, Deputy AG (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 9:35 a.m. Seven (7) members were present via ITC at roll call.

Pursuant to the Governor’s 21st Proclamation, related to COVID-19 Emergency, Hawai‘i Revised Statutes (“HRS”) Chapter 92 regarding public agency meetings and records are currently suspended through August 6, 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.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the agenda with the slight modification. Motion carried unanimously.

APPROVAL OF MINUTES FOR JUNE 21 & 22, 2021

Commissioner Teruya suggested reducing the agenda items and asked for an update on Item C-2 regarding Keola Pokai Bay. Legislative Analyst Lehua Kinilau-Cano confirmed that the Commission approved the negotiation, but no actual transaction was completed. The Department did not purchase the property, and someone else purchased it.

Commissioner Ka`upu noted the discussion about Item D-7, 2nd paragraph “the surrender automatically gives the Department the authority” is incomplete. He also had a question on the next sentence where the Department goes to the waitlist or qualified beneficiary to accept the lease. Chair Ailā stated the sentence could be cleaned up to make the procedure clearer.

Commissioner Neves asked if a surrendered lease goes to Public Notice. Chair Ailā responded it does if there are no successors named. Homestead Services Division Administrator Juan Garcia stated when a lease comes back to the Department; the lot is offered to those on the relocation list first, then the waitlist. Commissioner Neves stated once a lease goes back to the Department, it is a new lease.

Commissioner Ka`upu asked if the discussion will be a workshop. Chair Ailā stated it could be done if it helps the Commissioners to understand the different processes that occur with leases. Commissioner Ka`upu stated to let the Minutes reflect that he suggested a workshop on the different processes with leases. Chair Ailā affirmed that it would be done in the future.

Commissioner Ka`upu stated he previously asked for the Waianae/Waiāhole settlement history but said it would be okay to deal with this information within the same workshop. Chair Ailā stated the relocation process would be covered.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm to approve the June 21 & 22, 2021 Minutes with the amendments incorporated. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

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

Chair Ailā stated testimonies were uploaded to the cloud folder over the weekend. Some issues included not supporting the application submittal; and the Kahikinui cattle management. Responses to the public testimonies would be prepared and issued by the Department.

Commissioner Teruya asked Chair Ailā to acknowledge the names on the Public Testimony. Chair Ailā name: Uncle Pat Kahawaiolaa, Kaunalu Bigby, Lana Gamble-Aiona, and Roy Oliveira.

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, 2019 & 2020 (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**
- ITEM D-10** **Commission Designation of Successor – GEORGE E. KAE0, Residential Lease No. 5191, Lot No. 54, Nanakuli, O`ahu**
- ITEM D-12** **Commission Designation of Successor – ROBERTA F.U. FERNANDEZ, Residential Lease No. 11123, Lot No. UNDV122, Anahola, Kaua`i**
- ITEM D-13** **Commission Designation of Successor – HERBERT K. MAUNU, JR., Lease No. 09272, Lot No. 59, Kaniohale, Hawai`i**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion to approve the 11 - Consent Agenda Items listed for the Commission's consideration.

J. Garcia highlighted Items D-6, 7, 10, 12, and 13 where additional actions were added for the Commission's consideration to approve and accept that the designated successors or transferees receiving the lease have met the required 25% or 50% Hawaiian ancestry pursuant to the Hawaiian Homes Commission Act. The action is in alignment with the Commission's NHQ (Native Hawaiian Qualification) Policy. It is also the intent for HSD to bring to the Commission actions pertaining to applications or applicant beneficiaries in August.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the 11 Consent Agenda items. Motion unanimously passed.

DISCUSSION

Commissioner Teruya asked what the process and timeline for a beneficiary transfer are. J. Garcia stated the goal is to bring a successorship or transfer to the Commission within a 2-3-month period. In some instances, the research of the Hawaiian ancestry can be challenging for the transferee. HSD receives 40-50 requests monthly. The staff in HSD is the same number of staff the division has had for the last 15 years, yet the lessee beneficiary base has grown about 35%. The work has increased, but the staff is the same. There are instances where transactions can be delayed, but the staff tries to bring the action before the Commission within 2-3 months.

Commissioner Teruya asked if there are any communications between the Department and the beneficiaries regarding the delays? J. Garcia stated he believes so, but there is room for improvement.

Commissioner Kaleikini asked why the Commission approves licenses for PV systems. J. Garcia stated when the lessee chooses to lease a PV system rather than purchasing it outright; the lessee enters an agreement with the PV provider, which is considered a third-party agreement. A third-party agreement that is not a native Hawaiian is not allowed under the Hawaiian Homes

Commission Act. To enable that agreement to exist, a non-exclusive license would need to be issued, and then it will be presented to the Commission for approval monthly.

Commissioner Neves asked if the PV provider was a 50% Hawaiian-owned business, would that be a third-party agreement but not non-exclusive. J. Garcia said he would get back with the answer.

Commissioner Neves asked about a successorship that could take up to eight months. J. Garcia stated the process starts with the island district office working with the main office on O`ahu. The preference is that the communication is at the district office level. Commissioner Neves' concern is the heir to the deceased lives on the mainland. He asked whose responsibility it is to maintain the residence for the period of unknown successorship. The beneficiary is providing insurance, security, and someone in the home to prevent vandalism. If he isn't the successor, how does he get repaid for his expenses?

Chair Ailā recommended taking this into executive session tomorrow. There are legal matters that need to be discussed.

Commissioner Ka`upu asked about a certification to NHQ? J. Garcia stated there was a workshop on native Hawaiian quantum regarding native Hawaiian ancestry. The Commission's directive to staff was that a beneficiary receiving a lease through transfer or successorship was the Commission's to affirm. Concerning successorship, Section 209 of the Hawaiian Homes Commission Act requires certain individuals or relatives of the decedent, specifically spouse, child, grandchild, or sibling, to have no less than 25% Hawaiian. Some relatives do require 50% Hawaiian ancestry. That would be the decedent's father and mother, widow and widowers of the siblings, and widowers of the children and nieces and nephews. On transferees, the lessee can transfer the leasehold interest to any native Hawaiian or at least 25% to the lessee's spouse, child, grandchild, or siblings

ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the eleven items listed in the Consent Agenda. Motion unanimously passed.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu						X late
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.						

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval of NAHASDA Program Policies

RECOMMENDED MOTION/ACTION

Legislative Analyst/NAHASDA Administrator Lehua Kinilau-Cano presented the following:
That the Hawaiian Homes Commission approve the NAHASDA Program Policies:

- DHHL's Financing Policies
- Kukulū Housing Counseling for Families Receiving NAHASDA Assistance
- DHHL NAHASDA General Admissions & Occupancy Policy
- DHHL Rental Assistance Program Policy
- DHHL Emergency Housing Assistance Program Policy

MOTION

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

DISCUSSION

Commissioner Helm asked if there is enough staff to help expedite requirements to get people in their homes. L. Kinilau-Cano stated the policies don't necessarily help expedite the timelines. The timelines are affected by federal requirements. They have recently added another staff member.

Commissioner Neves asked how many staff she has? L. Kinilau-Cano stated working with her for NAHASDA are Cynthia Rezentes, Malia Cox, Aloha Kaikaina, and Nadine Pomroy; Kaliko Chun helps with the Government Relations on the State and County level.

Commissioner Neves asked how NAHASDA reaches out to beneficiaries who need cesspools loans and the budget. L. Kinilau-Cano stated the Land Development Division has been assessing the situation to understand the project's magnitude on cesspools. Chair Ailā stated the cesspool conversion would be a considerable effort for everybody across the state and not only DHHL.

Commissioner Neves asked about the lease addendums on page 25; it seems to eliminate SDUs? L. Kinilau-Cano stated that whenever NAHASDA funds are used, and affordability retention period is required to ensure that the unit is utilized by an income-eligible family, dependent upon the amount and the timeframe. If NAHASDA funds are used for SDUs, staff can work on a lease addendum reviewed and approved by HUD. Chair Ailā asked Commissioner Neves to let staff contact HUD regarding SDUs.

Commissioner Ka'upu asked regarding the inability to recapture the appreciation in property value when the homesteads are sold. He asked if there were discussions about appreciation recapture to benefit the Department and the beneficiaries waiting for homesteads. L. Kinilau-Cano stated there had not been any agreement on how to move forward on that issue. Chair Ailā asked Commissioner Ka'upu if he would like the Department to consider it and warned there had been pushback in the past. The fiduciary duty, as a Commissioner, is to the Trust and not necessarily to the specific beneficiary. Commissioner Ka'upu stated that the waitlist folks are beneficiaries also, so isn't that line between the haves and the have nots where that line is being

struck? Commissioner Ka`upu stated he is in favor of starting that discussion again. Chair Ailā stated he saw some heads nodding, so the process will begin on how that can be accomplished.

Commissioner Neves asked that the Commissioners receive changes to see what was deleted and added when changes are made. Chair Ailā stated it has been noted and will be talked about at the next staff meeting.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Kaleikini, to approve the motion as stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka`upu						X late
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: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes.						

ITEM C-2 Approval of Lease Award Kakaina Subdivision Residential Vacant Lot, Waimanalo, O`ahu (See Exhibit)

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Ailā presented the following:
Motion that the Hawaiian Homes Commission approve Lease Award in the Kakaina Subdivision Residential Vacant Lot, in Waimanalo, O`ahu to Ruth P. Akiyoshi for 99 years.

MOTION

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

DISCUSSION

Commissioner Ka`upu asked about the timeline for the families to build their homes. P. Ailā stated it is a minimum of 2-years, and vacant lots are either owner-builder or Habitat. He asked for a summary snapshot-like how D. Oshiro does on their submittals/presentations.

Commissioner Helm asked if there was an amount to qualify for Habitat and a limit. P. Ailā stated there are cases where the beneficiaries are pre-qualified for NAHASDA; however, the price of materials has gone up, and Habitat informed NAHASDA that the prices exceed the pre-qualification amounts. The staff has been looking at opportunities for funding and financing for the families.

Chair Ailā stated the direct loans don't allow for the issuance of a loan to someone, not a lessee. Upon receiving an award, the beneficiary is not a lessee until they get loan qualified. They are considering going back to the old way or to giving the lease. If action is not taken within a certain period, the Department may take the lease back. The analysis has not been made yet.

Commissioner Neves asked who handles vacant lots scattered around the island. P. Ailā stated it is in conjunction with Homestead Services Division (HSD) and Land Development Division (LDD) where lots are returned. When things are taken care of, then it's handed over to Awards Division.

Commissioner Helm asked if the awardees will be given more time due to the price hikes. P. Ailā stated that the normal process is to get the lots out, as many beneficiaries are on the waitlist. After exhausting all paths to help the beneficiaries, the offering goes to the next person on the list if someone does not qualify. There have been times when one lot is offered 2-3 times. The timeline on a vacant lot is already long.

Commissioner Teruya asked if any current Habitat homes being currently affected by the rising costs of materials. P. Ailā stated this cost increase poses challenges for three families. There are families caught up in that, and there will be more.

Commissioner Teruya asked if the beneficiaries are required to go through counseling and rental assistance classes. P. Ailā stated they are not, but the Department has the Hale Program, which offers financial literacy.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion 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 late
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: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously- eight(8) Yes votes.						

HOMESTEAD SERVICES DIVISION

ITEM D-11 Approval of Assignment of Leasehold Interest – ROSEBELL K. CALARRUDA, Residential Lease No. 4430, Lot No. 89, Waianae, Oahu

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:

Motion that the Hawaiian Homes Commission approve the transfer of Rosebell Calarruda's joint tenant interest in residential Lease No. 4430, Lot No. 89 in Waianae, O`ahu, to herself as a tenant in common. This is to sever the existing joint tenancy.

MOTION/ACTION

Moved by Commissioner Teruya, 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			
Commissioner Teruya	X		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.						

PLANNING OFFICE

ITEM G-1 Accept Beneficiary Consultation Report for DHHL Moloka'i Groundwater Reservation Requests to the State Commission on Water Resource Management (CWRM) and authorize the Chairman to submit DHHL Moloka'i Groundwater Reservation Requests.

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission

1. Accept the Beneficiary Consultation Report as the official public record of the input and feedback relative to the Department's consideration to proceed with additional Moloka'i Groundwater Reservation request
2. That the Commission authorize the Chairman to submit the formal request for groundwater reservation from CWRM or DHHL Moloka'i
3. Take other actions necessary to effectuate these requests

MOTION

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

DISCUSSION

Commissioner Helm asked if anyone asked about taking over the MIS system. A. Choy stated there were comments related to the Department taking control of the MIS system. Beneficiaries feel they are being treated unfairly by the Department of Agriculture. Chair Ailā stated he doesn't believe it is the appropriate time, and staff needs to analyze properly. He wants the Department to do more analysis before bringing it back to the Commission for discussion. Commissioner Helm

stated that Andrew mentions that most of the water belongs to the homesteaders. Chair Ailā stated he understands, but the Department has a potable water system that the Department heavily subsidizes now. The Department is not prepared to take on the long-term debt that is associated with that water system. The Department will do the due diligence and get back to the Commissioners.

Commissioner Kaleikini stated he was curious about comments impacting the fishing, the reefs, the coastlines, etc. What impacts are the Department aware of, and what impacts does the Department monitor and plan to prevent going forward. Dr. Jonathan Scheuer stated the impact of groundwater withdrawals on coastal resources on Molokaʻi had been litigated for over two decades. The best scientific information is from the US Geological Survey groundwater model of Molokaʻi and is based on the depths of wells, their pumping rate, and the location. There can be a concentrated reduction in freshwater flow and an increase in salinity in parts of the coastline like fishponds and limu beds. Beneficiaries have seen long-term degradation in some of those coastal areas. The water use permit considered by the Water Commission proposes that in exchange for giving the Department the water, it contributes to working with the community on coastal restoration, mauka restoration of watersheds, and creating spaces for the perpetuation of traditional customary practices. This is mitigation for the impact that will occur by the increased groundwater pumping.

Commissioner Helm asked if anyone will be attending the CWRM meeting? Dr. Scheuer stated that Chair Ailā would be giving testimony, and De would answer any technical questions.

Commissioner Namuʻo stated she supports the recommendation and supports being more aggressive in the water area.

Note: Slide presentation is attached.

ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the motion stated in the submittal.						
Commissioner	1	2	ʻAE (YES)	AʻOLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm	X		X			
Commissioner Kaʻapu			X			
Commissioner Kaleikini			X			
Commissioner Kaʻupu			X			
Commissioner Namuʻo			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes. One (1) Abstained.						

RECESS
RECONVENED

11:40 AM
12:10 PM

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUESTS TO ADDRESS THE COMMISSION

ITEM J-1 Kaleo Cullen -Ka Ohana o Kahikinui (KOOK)

K. Cullen is the current President of KOOK. He stated he heard that Donna Sterling does not support the Commission's partnership with DOFAW. KOOK supports the Commission's partnership with DOFAW in the ungulate management plan.

Commissioner Awo asked K. Cullen to explain what the initiatives for community-organized hunting look like. K. Cullen stated the group would consist of lessees, dispatching the groups to eliminate the ungulates within the community and dispersing the meat to the residents.

Commissioner Awo stated for a long time; the focus was on enclosing the 4500 acres of land. In addition, it's the wild cattle that are entering the neighborhood creating unsafe conditions. Commissioner Awo asked if the program will be applied to both the enclosed area and the community area? K. Cullen stated yes. Commissioner Awo stated his takeaway is that KOOK is open to various forms of community participation.

Chair Ailā clarified that when talking about ungulates in this condition, it refers to cattle. If any other ungulates are going to be dealt with in Kahikinui, there would need to be an agreement with the Department of Land and Natural Resources (DLNR) because DLNR has exclusive jurisdiction over the hunting of game mammals. Cattle is not a game mammal, which the Department has full control over.

Commissioner Helm asked if the ungulate population did any more damage to the reforestation area. K. Cullen stated it's not only the cattle or the ungulates; people are vandalizing the community. The work with the forest is ongoing.

Commissioner Awo stated an assessment was done in the area that was affecting the safety of the neighborhood. The cattle were getting into the community and because it was becoming a health and safety issue.

Chair Ailā put out some numbers from the aerial assessment: 363 cows, 772 goats, 25 pigs, and 214 deer were in and around the homestead area. It is getting dryer, and the animals are coming down for water or greener grass. He stated the hope is to consult with the community and develop a plan to deal with the immediate issue.

Commissioner Kaleikini asked the Governor's Proclamation for Moloka'i why is it different from the situation in Kahikinui. He asked if an emergency proclamation could apply to Kahikinui. Chair Ailā stated it could, but he doesn't think it's necessary to work out something with DLNR.

ITEM J-2 Cora Schnackenberg – ‘Ualapu‘e Homestead Association

C. Schnackenberg is the President of the Ahonui Homestead Association. She commented positively on the DHHL Planning Office, Land Management, and Dr. Jonathan Scheuer. She asked what can be done instead of exchanging lands relating to community benefits for the wait listers. She asked for the Commission’s support to work on policies and procedures and suggested that each island have a representative to participate. Regarding Item J-7, she stated the Department contributing to KOOK is the problem, and the Department should be talking with both Associations. She suggested a mediation.

Commissioner Helm asked when do they anticipate G70 to begin the EA. Andrew Choy stated it is potentially in August or September. She stated Ahonui Homestead Association is waiting to meet with DHHL and G70 to go over the scoping of the environmental assessment that is going to happen. Commissioner Helm asked about getting participation from the beneficiaries. C. Schnackenberg stated it is from a group of about eight people who have done work looking at road run-offs, erosion, riverbeds, significant sites, and coastlines and have talked with residents who were impacted. She wants to do a presentation next month. She stated the goal is to get people on the land and off the wait list.

Commissioner Helm asked about the Fire Station proposal by the County of Maui if the EA has to be finished before a decision can be made? A. Choy stated it is exemptible from Chapter 343, so the Commission would not have to wait on the County’s request to use Hawaiian Home Lands. The County is purchasing the land from a private landowner who would rather complete the transaction sooner than later. The County has not given the Commission a definitive timeline. On June 23, the beneficiary consultation for the County’s request was held, and there is a 30-day comment period that ends on July 22.

Commissioner Awo asked about the conflict between the two associations in Kahikinui and asked if the Department has any mana‘o request for a Departmental intervention move towards mediation? Chair Ailā stated that the Commission discussed this before to allow different beneficiary organizations to work it out. Chair Ailā reminded the Commission that KOOK is treated differently from any other homestead organization via the documents that created that kuleana homestead program. There’s legal recognition of KOOK’s role in the rehabilitation of Kahikinui. The legal recognition of the DCCRs is why the Department is working with KOOK.

ITEM J-3 Lani Olsen-Chong – Successorship Transfer

L. Olsen-Chong stated her late husband named his son the lease's primary successor, but the transfer was not completed. She stated that she and her granddaughter are listed as alternate designated successors and are asking the Commission to expedite the process. Chair Ailā stated he would have staff look at her request and respond.

Commissioner Ka`apu stated his understanding is there are two properties, and a simultaneous transfer was done. L. Olsen-Chong stated that is not correct, and the property is Lot No. 64, a residential property in Kuhio Village. Commissioner Ka`apu asked if it is the same lot that Captain Chong left to Alvin Jr. L. Olsen-Chong stated she and Emory, her granddaughter, are the alternate successors if anything happened to Alvin Jr. The transfer for Alvin Jr. was not completed.

Homestead Services Division Administrator Juan Garcia stated that Alvin Jr. intended to hold on to the lot. However, his wife holds a lease and needed to be transferred, which the Department

was waiting for. A husband and wife are unable to hold 2-residential leases concurrently. Because Alvin Jr.'s wife did not complete her residential lease, the Department could not complete the transfer from Alvin Sr. to Alvin Jr.

Commissioner Ka'apu asked how long it will take to complete. J. Garcia stated it could be done within a month or so. L. Olsen-Chong stated her understanding is the documents were sent from the West Hawai'i division on June 25th. J. Garcia stated that the document he referred to was the Transfer Through Successorship lease document, which needs to be drafted, approved, and signed by the Department's Legal Counsel before the successors can proceed in executing the document. The Commission approved the successorship, and the only step is the re-draft of the lease document, confirming that Alvin Jr. is deceased. He would work with staff to get the documents done within 2-months.

Chair Ailā stated that the Department could help by issuing a letter to the Charter School or the Department of Education where they want the school enrollment to occur.

ITEM J-4 Jamie Hazen/Ramona Oliveria– Keaulana Ave, Nānākuli, O'ahu

R. Oliveria stated she represents the people of the neighborhood security regarding Keaulana Avenue, and there are four addresses in question. Illegal activities include drug dealings, gunfights, game rooms, knife hold-ups, sex trafficking, and prostitution. They are addressing the Commission to ask for help.

Chair Ailā stated the community was asked to continue providing the Department with the information and calls made to HPD so evidence can be gathered to bring a case for the Commission to cancel a lease. The documentation preferred is from the police.

Commissioner Teruya stated the police and the Churches had been involved in helping Keaulana Avenue residents who need immediate help. One of the houses is a beachfront lot, boarded up with no electricity with a generator running. The Commission needs to look at illegal activities on the homesteads harshly and openly.

Chair Ailā stated the Department is still awaiting the documents for staff to make a recommendation. R. Oliveria asked if they could have an update on how things are progressing. R. Oliveria stated police report numbers had been sent to the Department. She also stated the police hesitate and state that it's Hawaiian Homes and they can't go in because the gate is locked. Chair Ailā stated he would find the case law that states that HPD has the authority to investigate and make a report on any criminal activity and will provide copies to you to show the officer. Chair Ailā also mentioned the need to be careful not to pre-judge.

DAG Kanaka'ole stated the specific matters might come before the Commission in the form of a contested case. Chair Ailā stated that he would instruct the Department to move forward.

Commissioner Awo asked if the police reports are sufficient to move towards a lease cancellation, or does it have to be an eviction? It is a compilation of the reports adequate to move towards a contested case.

DAG Kanaka'ole stated that the Commission's standards to approve a contested case request should be reserved for an executive session or when the Commission is reviewing the contested case request. The contested cases before the Commission are civil matters and can run

independently of any criminal investigations and complaints. Commissioner Awo stated if it is civil, it is preponderance rather than beyond a doubt.

ITEM J-6 Germaine Meyers – Community Concerns

G. Meyers commended Information and Community Relations Officer Cedric Duarte and his staff for their work with all the aspects of communications. She asked that the Commission nominate Cedric for the State Employee of the Year Award.

G. Meyers had concerns for the health of the native Hawaiians on Nanakuli homestead lands and the public safety for those traveling through Nanakuli. She stated she never received acknowledgment of her asbestos concerns from a previous meeting and that her focus would be on asbestos. Asbestos is inhaled and gets trapped in the body, and can become cancerous. She named asbestos on Hawaiian Home Lands: St. Rita's Church, Hale Ola Ho'opakolea, and Ka Waihona O Ka Na'auao. Asbestos would impact the health and safety of the community.

ITEM J-10 Darius Kila – Nanakuli Board Member

D. Kila stated he was recently elected to the Nanakuli/Maili Neighborhood Board but spoke as a community member. He echoed the sentiments of Romona Oliveria for Item J-5. He stated if DHHL cannot control the criminal activities, it's prevalent to happen again.

Commissioner Awo asked if the Commission can create a process to formulate a plan and a standard that is less than criminal? DAG Kanaka'ole stated the process has already been started. There have been recent updates to the DHHL lease form, including language with the prohibition of illegal activities, having a legal hook for the Department to enforce against.

ITEM J-5 April Wana – Pu'ukapu and Honokaia Pastoral Lots

A. Wana introduced her husband, Jason Mattos, who presented their testimony on their Pu'ukapu pastoral lot. J. Mattos stated that his wife's uncle transferred the pastoral land to her. There is hardly any rain in Pu'ukapu, and he can only raise the cattle for three months a year. The land is dry. He approached the Commission for land in Honomū and was granted 300 acres to raise their cattle. A. Wana stated the land in Honomū is not 300 useable acres; it is less than 300 acres. He is asking for land to raise his cows as they have started to market their grass-fed beef, and the ROE is coming to a close.

Chair Ailā stated the Department would look into the matter and the implications of issuing an ROE without going to the waitlist. J. Mattos asked how long and what is the timeframe? Chair Ailā stated he cannot make any promises and will not answer the timeframe question without talking with staff. A portion of land in Honomū will be the first phase of development, and he is not sure if it is where his ROE is located.

J. Mattos asked if he could turn in the land at Pu'ukapu and get land somewhere else because the land is useless. Chair Ailā stated that is another question he cannot answer right now. J. Mattos asked who he has to talk to. Chair Ailā stated the conversation, for now, will be with him

ITEM J-7 Donna Sterling – Kahikinui (no show)

ITEM J-8 Lana Gambill-Aiona – Land Use Kawaihae (deferred)

ITEM J-9 Vania Kanamu – Kahikinui Ungulate Management (no show)

WORKSHOPS

OFFICE OF THE CHAIRMAN

ITEM C-5 For Information Only – NHQ Status Update: Applications Classified as Yes and No for Qualification Under the Hawaiian Homes Commission Act

RECOMMENDED MOTION/ACTION

None. For information only. Executive Assistant Jobie Masagatani and Administrative Rules Officer Hokulei Lindsey presented a workshop on the status and update for the NHQ: the Applications classified as Yes and No for qualification under the Hawaiian Homes Commission Act.

J. Masagatani stated they prepared a couple of end-related cases at the Commission's request to understand what staff means when a file is designated and on the waiting list. J. Masagatani did an overview of the meeting from October 2020:

- The Commission gave itself the authority to determine who is qualified to be a beneficiary, those that meet the 50% blood quantum requirement
- The Commission concurred that moving forward; there would be three categories;
 - After staff's review, those that staff recommends are eligible and qualifies as a beneficiary which would be handled on the Consent Agenda
 - Individuals whose documentation has been exhausted, but a reasonable assumption could be made if discretion were exercised, they could qualify (listed as "unqualified" on the submittal)
 - Those individuals were accepted at some point, but information gathered found that person unqualified; the process pursued would be through a contested case.
- Per the Commission's direction, the individuals that did not meet the qualification criteria or the 50% blood quantum, the ability to say the person is not qualified was delegated to the Chair.

J. Masagatani stated that the focus is to address the existing waiting list and deal with issues that have been long-standing and not addressed. Staff is looking at the applications deemed "N" or not qualified or "P," pending. Staff decided to focus on the "N" applications.

Next month the staff will bring to the Commission for consideration all the applications currently on the waiting list; as of the last update, that staff deems qualified as beneficiaries for Commission's acceptance as being qualified under the Hawaiian Homes Commission Act.

J. Masagatani stated because the discussion will be about people's personal information, the request is that the discussions for the cases being brought before the Commission be done in executive session.

DISCUSSION

Commissioner Neves stated under No. 1 that if they clear Kumuhana, the Commission will approve the people based on the information that qualifies them. If someone has a document that questions that qualification, it will go to No. 3 as a possible contested case? J. Masagatani stated in the future, yes. J. Masagatani stated there are three documents required in order; the first is the birth certificate. If that is not available, the secondary document is the marriage certificate. If that is not available, the third document is the death certificate. If, by chance, down the road, a birth

certificate is made available and it is noted that the applicant is not 50% Hawaiian, then it would go to No. 3, contested case.

Applications Manager Nicole Bell said there are situations where a siblings' birth records were not recorded with the Department of Health. In the past, the State of Hawai'i would issue a Certificate of Hawaiian Birth, and relatives would have to testify on their behalf. Sometimes the information isn't the same on the Certificate of Hawaiian Birth. There may be ten siblings, and one stated Caucasian/ Hawaiian, and the rest stated Hawaiian. It puts it into category No. 3 for a contested case.

Commissioner Awo asked if the Commission will be categorizing a bunch or 40 wait listers in the "N" category. J. Masagatani stated the "N" applications are a result of past practices where an application may have been added to the wait list prior to the individual demonstrating through documentation that they were qualified and that the individual would come forward with the needed documents.

Commissioner Ka'apu had a problem with the Commission not providing the staff's analysis based on their decision. Suppose staff wants the Commission to determine to take the unqualified people off of the waitlist. In that case, the Commission should be given the analysis showing the people are not qualified. He stated the Commission is seeing the submittal but no documentation or description of what's considered for the staff's recommendation. He stated he would also like to see an analysis of the people who are qualified. He stated that the staff seems to be trained to disqualifying people rather than qualifying them.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Ka'apu 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

3:17 PM

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

EXECUTIVE SESSION OUT

4:57 PM

PLANNING OFFICE

ITEM G-2 For Information Only – Status Update on Plan Implementation in the Kona Moku, Island of O`ahu

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Manager Andrew Choy presented the status update on the Plan Implementation in the Kona Moku on O'ahu Island.

Planning Liaison Pearlina Fukuba presented the PowerPoint for the Kona Moku.

- Moanalua has 15 acres
- Kapālama has 5 acres for
 - Industrial use

- Revenue generation
 - Transit-oriented redevelopment opportunities
- Mo`ili`ili has 2 acres
 - Former Bowl-o-Drome site
 - DHHL high-rise affordable rental project
- Papakōlea has 177 acres
 - Papakōlea
 - Kewalo
 - Kalawahine

DISCUSSION

Commissioner Teruya asked if the Papakōlea homestead would receive community benefit packages to help with the vision planning. Stanford Carr expressed certain things they would like to see that would benefit the Papakōlea community. The final development agreement with Stanford Carr has not been executed. A. Choy stated they are aware of what the Papakōlea community would like to see.

Ann Miyasato of RM Towill presented the next set of slides for the Proposed Improvements for Phase 2.

Note: Slide presentation is attached.

LAND DEVELOPMENT DIVISION

ITEM E-1 For Information Only – Papakōlea Projects Update

RECOMMENDED MOTION/ACTION

None. For information only. Acting Land Development Division Administrator Stewart Matsunaga and Project Coordinator Mitchell Kawamura presented the following:

S. Matsunaga stated many of the issues with the Papakōlea community deal with the sloping conditions, drainage, soils, walls, and sewers.

Chair Ailā stated the LPSS (low-pressure septic system), if chosen, the lessee will be responsible for maintaining it and unclogging it. The Department will pay to put it in, but the lessee needs to understand that they can't flush baby wipes down the toilet. It won't be a popular decision, but the alternative is worse.

DISCUSSION

Commissioner Neves stated the alternative is expensive, but if they don't follow the procedures of not flushing wipes and other things down the waste system, it can get costly.

Commissioner Kaleikini stated several vehicles and trees seem to be blocking the area; will the residents be responsible for clearing the area for the upgrades? S. Matsunaga stated the plan is to inform the residents what needs to be removed. Some items will be difficult, so the Department may need to include them in the bid proposal for these items that are hard for the lessee to remove. The improvements are necessary to mitigate impacts on the larger community.

Commissioner Awo asked what constitutes maintenance over the long-term regarding the severity of the clog and how far that would go. Chair Ailā stated the lessees might not have the expertise to do it. The lessees will recommend the alternative, which is that the Department subsidize their

new responsibilities. Commissioner Awo doesn't see the practicality over the long term. Chair Ailā stated if the main sewer lines cannot be redirected for gravity flow to the houses, there is no alternative available to the Department because there is no way to make sewage go uphill without a mechanical process. There aren't many alternatives, engineering-wise or financial-wise, to address a sewer system over 50 years old. Many beneficiaries have built unauthorized structures over infrastructure that should be available for repairs and maintenance.

Commissioner Teruya asked if the Department has an abandoned vehicle program to help beneficiaries move out the old cars. S. Matsunaga stated there is a process. Commissioner Teruya also asked if they would be reusing the rocks from the walls. S. Matsunaga stated it depends on whether it's beneficial or meets requirements for the walls.

Commissioner Kaleikini asked S. Matsunaga to send a picture of what a soil nail looks like. S. Matsunaga stated he could do that, and it's a long rod that is either drilled in or screwed in.

Note: Slide presentation is attached.

Chair Ailā announced that Commissioner Ka`apu would be opening tomorrow's meeting for him as he will be attending the CWRM meeting.

PLANNING OFFICE (Items below deferred to Tuesday)

ITEM G-3 For Information Only – Update on Statewide Initiatives and Actions Related to Climate Change and Resilience

OFFICE OF THE CHAIRMAN

ITEM C-3 For Information Only – Legislative Proposals for 2022

ITEM C-4 For Information Only – Draft 2021 Annual Performance Report (APR) – Native Hawaiian Housing Block Grant

RECESS

6:12 PM

HAWAIIAN HOMES COMMISSION

Minutes of July 20, 2021, via Interactive Conferencing Technology
DHHL Main Office, Hale Pono‘ī, 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 (arriving late)
Randy K. Awo, Maui Commissioner (ITC) (joined 9:40 a.m.)
Zachary Z. Helm, Moloka‘i Commissioner (ITC)
David B. Ka‘apu, West Hawai‘i Commissioner (ITC)
Michael L. Kaleikini, East Hawai‘i Commissioner (ITC)
Russell K. Ka‘upu, O‘ahu Commissioner (ITC)
Pauline N. Namu‘o, O‘ahu Commissioner (ITC)
Dennis L. Neves, Kauai Commissioner (ITC)
Patricia A. Teruya, O‘ahu Commissioner (ITC)

COUNSEL Craig Iha, Deputy AG (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

Commissioner Ka‘apu called the meeting to order at 9:36 a.m. seven (7) members were present via ITC at roll call.

Pursuant to the Governor’s 21st Proclamation, related to COVID-19 Emergency, Hawai‘i Revised Statutes (“HRS”) Chapter 92 regarding public agency meetings and records are currently suspended through August 6, 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.

Commissioner Ka‘apu stated that Items C-3, C-4, and G-3 were carried over from Monday’s agenda. The Commission will convene into executive session for about an hour at noon.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the agenda.
Motion carried unanimously.

Commissioner Ka'upu notified Commission Secretary Leah Burrows-Nuuanu that he signed off yesterday at about 5:10 p.m. Commissioner Helm stated he also signed off at 5:10 p.m.

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

OFFICE OF THE CHAIRMAN

ITEM C-3 For Information Only – Legislative Proposals for 2022

RECOMMENDED MOTION/ACTION

None. For information only. Legislative Analyst Lehua Kinilau-Cano stated she is accepting any legislative proposals and is requesting the proposals be submitted by August 9 to have the draft legislative proposals ready for review by the Commissioners at the August Commission meeting for approval in September.

Commissioner Ka'apu asked this would be for any interested Commissioners or any interested members of the public if they want to make a proposed legislative request to fill in the form and submit it to you by August 9th? L. Kinilau-Cano state yes.

DISCUSSION

Commissioner Namu'o asked what is the status of the legislative agenda presently. L. Kinilau-Cano stated this is for new proposals. Commissioner Namu'o stated having a status list would help to know where things are at now. A quick status report would give an idea of where the Commission wants to go. L. Kinilau-Cano stated the information for 2021 is on the DHHL website and can be put on one page for Commissioners. Commissioner Namu'o stated she only wants one page of what happened to the past legislative package. L. Kinilau-Cano stated she would send it to the Commission.

Commissioner Teruya asked if the legislative proposals for 2022 cover all the DHHL CIP (Capital Improvement Program) outstanding projects. L. Kinilau-Cano stated the CIPs are done through the budget process with the Administrative Services Officer. Commissioner Teruya explained that she would like to push funding for the areas.

Commissioner Helm mentioned that he is interested in knowing about CIP projects for Moloka'i.

S. Matsunaga stated LDD is starting to look at their Sufficient Sums Budget and analyzing what has been received previously from the Legislature. The process has started to add projects and to reprioritize projects that have not been funded. The Commission will have an opportunity to look at the Sufficient Sums Budget.

Commissioner Neves stated he would like to see more tools to make its job more functional and provide more direction. Commissioner Ka'apu stated he would bring that up to Chair Ailā and that he agrees with that.

**ITEM C-4 For Information Only – Draft 2021 Annual Performance Report (APR) –
Native Hawaiian Housing Block Grant**

RECOMMENDED MOTION/ACTION

None. For information only. Legislative Analyst Lehua Kinilau-Cano presented the Draft 2021 Annual Performance Report for the Native Hawaiian Housing Block Grant. The numbers are for the fiscal year that just closed on June 30th. The goal of spending is between \$10-\$15 million; the level has been about \$5 million. There has been less CIP funding from NAHASDA as it has been coming from the Legislature.

DISCUSSION

Commissioner Ka'apu asked about the \$5 million that needs to be encumbered by September; what needs to be done to encumber it. L. Kinilau-Cano stated she was provided a letter by HHFDC (Hawai'i Housing and Finance and Development Corporation). She believes it will just be a letter between DHHL and HHFDC agreeing that DHHL will expend some of the funds appropriated. The Department has an existing contract with CNHA (Council for Native Hawaiian Advancement). The intent is that those funds will be used by CNHA instead of using the NAHASDA or American Rescue Plan funds. The HHFDC funds would be used first.

Commissioner Ka'apu stated that the Department would have to get current clients or new clients by the September deadline. Is there any indication that the need is decreasing or about the same? L. Kinilau-Cano stated there is an indication that the need is decreasing because of clients in the queue and the projections done. CNHA thinks they can meet the \$5 million requirements.

Commissioner Helm asked if the rental voucher applicants were only from O'ahu or statewide and whether there is a time limit. L. Kinilau-Cano stated it's statewide, and it has a 12-months limit now. Commissioner Helm asked if the applicants have to come from the waiting list; what is the requirement? L. Kinilau-Cano stated when the program launched; the list was easier to move the process ahead.

Note: Submittal is attached.

PLANNING OFFICE

**ITEM G-3 For Information Only – Update on Statewide Initiatives and Actions Related
to Climate Change and Resilience**

RECOMMENDED MOTION/ACTION

None. For information only. Liaison for Climate Change Resilience Nancy McPherson presented an Update on Statewide Initiatives and Actions Related to Climate Change Resilience.

DISCUSSION

Commissioner Helm stated a workshop to cover the land exchange and acquisitions and future issues regarding sea level rise and the cesspool and the Governor's proposal to remove cesspools in 2050.

Commissioner Awo stated for sea-level rise, and his immediate concern goes to Kaunakakai beneficiaries along that shoreline. They are the most affected by sea-level rise.

Commissioner Awo asked what the Department is thinking about for the Kaunakakai community. N. McPherson stated the Department has the South Moloka'i Shoreline Erosion Management

plan. The policy direction coming out of the Legislature emphasizes nature-based solutions, making armoring solutions challenging to achieve. Commissioner Awo stated that as the climate starts to heat up and dry up, the Department needs to create more forest habitats.

Commissioner Teruya stated she supports community planning and workshops for not only the Commissioners but for the beneficiaries. She commended the City's Office on Climate Change for the information and workshops they provided. Her concern is the cesspools and the old homesteads next to the ocean. She asked the Department's plans for the beneficiaries who the sea level rise will impact.

N. McPherson stated the Office on Climate Change might be willing to do a presentation for the Commission if the Commission is interested in that.

Commissioner Ka'upu stated he spoke with some people from Kamehameha Schools who have significant holdings in the industrial area of Mapunapuna who are further ahead in addressing the rising tides. He stated that if the Commission or Planning would like to take advantage of that, he would be glad to stay in touch for the department.

Commissioner Kaleikini requested, as part of the workshop is a discussion on the Department's efforts on renewable energy and a discussion on transportation, getting away from fossil fuels.

Commissioner Awo asked if it would be possible to identify the Department's nearshore properties in descending order and most effective within a certain timeline. He stated the Commissioners have an idea of their neighborhoods they must prioritize and the others affected later. N. McPherson stated she thinks that can be done using GIS.

Note: Slide presentation is attached.

GENERAL AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

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

DISCUSSION

Commissioner Ka'apu asked why there were any delinquencies left? J. Garcia stated before the moratorium, there were still many accounts still delinquent. The status of those delinquencies before the moratorium did not change.

J. Garcia stated that this month there were 80 new applications added to the list. Commissioner Ka'apu asked what percentage of the applications get a yes? J. Garcia stated all of the applications are a yes. An applicant is not put on the list unless they have been confirmed and verified.

RECESS
RECONVENED

11:08 AM
11:15 AM

PLANNING OFFICE

ITEM G-4 For Information Only – Water System 101: Technical, Managerial, Financial Capacity to Operate DHHL-Owned Water Systems

RECOMMENDED MOTION/ACTION

None. For information only. Grants Specialist Gigi Cairel presented Water System 101: Technical, Managerial, Financial Capacity to Operate the DHHL-Owned Water Systems

G. Cairel stated that Part 2 of the presentation would be presented by Barry Polluck with the Rural Community Assistance Corporation (RCAC), a non-profit organization.

DHHL owns four water systems and is responsible for managing and operating them.

- Ho`olehua Water System, Moloka`i
- Anahola Farm Lots Water System, Kaua`i
- Kawaihae Unit #1 Water System, Hawai`i
- Pu`ukapu Water System, Hawai`i (non-potable)

- USEPA requires systems to have “TMF” Capacity
- USDA funding condition for awarding \$30M to DHHL

DISCUSSION

Commissioner Neves stated the new water meters in Anahola are smart meters and asked if it's still the district's responsibility or is that going to some centralized system. G. Cairel stated the smart meters would cut down on having to read every meter manually. Due to decentralization, the data goes to a third-party website. Then it's drawn down by the DHHL district office staff, who has to manually enter it into another database to produce the water bills to the customers. G. Cairel stated her concern is that the district office employees are not experts at water systems.

S. Matsunaga stated DHHL purchased the software to allow the data from the smart meter to jump over to Utility Star, which will relieve the district offices' responsibility on the billing.

Commissioner Helm asked if the photovoltaic pump station will be included as package two or package 3? S. Matsunaga stated the photovoltaic is package 3. When is package three anticipated if the Department has the proper funding? S. Matsunaga stated some funds are set aside for PV but still going through that package.

Commissioner Helm asked if two operators is an accurate amount of staffing to run the system? G. Cairel stated the Department of Health stated there should be a total of 4-Operators which they made a note of in their 2018 inspection. Commissioner Helm stated the Island Plan included the water rates, and he remembered discussing trying to bring the rates down for the beneficiaries. G. Cairel stated electricity is the highest cost for a water system.

Chair Ailā stated the Water Commission unanimously approved DHHL's water use permit allocation increase. The beneficiaries of Molokai presented their testimonies and did well. It is a good day for DHHL and for Moloka`i.

Note: Slide presentation is attached.

RECESS
RECONVENED

12:10 PM
12:20 PM

MOTION/ACTION

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

EXECUTIVE SESSION IN

12:23 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 issues related to Telecommunication and Broadband Services on Hawaiian Home Lands

EXECUTIVE SESSION OUT

1:47 PM

Chair Ailā deferred Part 2 of Item G-4's presentation to after the decision-making items.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Issue a Right of Entry, Moloka'i Hunting Club, Ho`olehua, Moloka'i, TMKs (2) 5-2-002: 029, 053, 054; (2) 5-2-005: 019; (2) 5-2-011: 004

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approves to issue a right of entry to the Moloka'i Hunting Club, Ho`olehua, Moloka'i

K. Albinio stated that the Moloka'i Hunting Club did not expend all the funds received from Maui County and are looking to extend their right of entry to expend the funds up to September 30, 2021.

Justin Luafalemana is the President of the Moloka'i Hunting Club and asked for an extension for their ROE until September 30, 2021. The club has 150 members, removed 380 axis deer, and distributed about 11,560 pounds to 179 households. The deer meat is distributed to the community free.

Chair Ailā reminded Justin that once the project is over and the ROE period is done, he'll have to work with DLNR on a nuisance permit to continue assisting Moloka'i with the removal of axis deer.

MOTION

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

DISCUSSION

Commissioner Helm stated the control of axis deer is important for the farmers and Moloka`i.

Commissioner Kaleikini asked can a person be a member of the Moloka`i Hunting Club? J. Luafalemana stated there is a form to fill, and they ask that the applicant has close ties to Moloka`i. A member can sponsor two people, not from Moloka`i.

Commissioner Awo asked if anyone knows what the total deer population is on Moloka`i? J. Luafalemana stated a private landowner assessed his land only, and the deer count was 9,000. There has not been an island-wide count on axis deer.

ACTION

Moved by Commissioner Helm, seconded by Commissioner Teruya to approve the motion as stated in the submittal. Motion unanimously passed.						
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			
Commissioner Teruya		X	X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			3
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- nine (9) Yes votes.						

ITEM F-2 Annual Renewal of Right of Entry Permits, O`ahu Island

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the annual renewal of right of entry permits on O`ahu

K. Albinio stated there are 52 renewals, and there were two permits that were canceled and surrendered.

MOTION

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

DISCUSSION

Commissioner Ka'apu stated some have been delinquent for more than a year, and he assumed that there is no effort to become current in payments. He would not support the renewal of any of the delinquent tenants. One of the ROE is marked agriculture, but it's called Sports Turf Hawai'i. K. Albinio stated they grow grass.

Commissioner Neves asked if the delinquent ROEs are still on the property. K. Albinio stated they are. Have these ROEs been offered a deferment? K. Albinio stated the Department did, and there was a period for them to apply, and none of them applied for the deferral.

Commissioner Neves asked what about the back payments; the Department must pursue that. He suggested giving them another shot for making the payments.

Commissioner Ka'apu stated that to renew the current ones and those that are not, they can respond to why the Commission shouldn't terminate their lease.

Commissioner Awo agreed with Commissioner Neves.

K. Albinio explained that someone might be up to date on their rent but not on their utilities due to how the utility company processes their billings. Chair Ailā asked if that is a consideration that the Commission should include? Commissioners Neves, Awo, and Teruya agreed. Commissioner Teruya asked if the Department will be taking a look at the ROEs on the other island and bring them up to date too? K. Albinio stated the Department does it annually and brings it up on the meeting for that island.

Commissioner Ka'apu stated the island ROEs aren't many like O'ahu has. He asked if the Commission will give the delinquent ROEs that opportunity, what is the timeframe that will be given to them to be current? He thinks it should be discussed.

Chair Ailā stated he thought he heard Commissioner Neves say issue them a notice, give them a month or so, and if they don't respond with a plan, then move to start a collection and move with the process that they are no longer in compliance and they have to vacate.

Commissioner Ka'apu said he would like to see them paying their current rent within 30 or 60 days and give them a timeframe. If rent owed is \$60k, they can pay that back in 6 months. They must know that the Department is serious, and they must pay or not be renewed. These are 30-day notice ROEs. Chair Ailā stated with interest on the back. Commissioner Neves stated he thinks 4% is reasonable.

Commissioner Neves stated we make this offer, and if they accept, the Department sets up a program. For those that don't accept the offer, the Department does not need to talk to them; they are in arrears. Those that accept, what are the terms and how much they got to pay back. Those that say no, they're out.

K. Albinio summarized 6-months, 4% interest on the arrears.

Commissioner Awo stated what is important is to create a process where the Commission can make a sound decision on how to address the issue. He does not see the Department's interest comparable to the fee simple market.

Commissioner Ka'apu stated the tenants want to be on the property, and the Department's rent is low compared to other market values. If people choose to rent from the Department, it's under the terms that the Department decides are appropriate. He wants to make sure the Department is collecting whatever it should for the beneficiaries.

Commissioner Ka'apu stated in the market, 1% per month is fairly standard. Commissioner Awo asked if the beneficiaries should be held to the same standard or a different standard?

Commissioner Ka'apu stated the Department has always tried to cut a break for the beneficiaries. He stated it doesn't matter who you are for a revocable permit; it's still at 1% per month.

Commissioner Namu'o stated she supports the proposal.

Chair Ailā asked for an appropriate timeframe. Commissioner Ka'apu stated that if the tenant expresses an interest in staying and making repayment, whatever their agreement is, the minute they don't make the payment, they are given the 30-day notice of cancellation. A contract should be signed so if the Department has to enforce and collect against them, there is a written agreement that allows the Department to do that. Commissioner Ka'apu suggested getting someone to sign a personal guaranty that they will be responsible for the repayment for LLCs.

K. Albinio stated the fiscal office tracks the payments, not LMD. Fiscal sends them a statement, and at times payment is received after the statement is released. Chair Ailā stated that because of the archaic system, they aren't cut off at one month but at two months.

Commissioner Awo asked a delinquent tenant due to COVID, is the Department going to build Chair Ailā stated what he heard is that the Department will send them a notice that requests that they bring their account current. If unable to do so, come to the Commission and make your case. Commissioner Awo stated as long as there is a process to hear them out, that works for him.

Commissioner Ka'upu asked if the Commission can hire a property manager to assist LMD with the commercial matters? Chair Ailā stated yes as it is part of the ROE process in the future. That was the recommendation by the Commission to hire experts to be able to provide advice on proposals that come in on different tracts of land.

Commissioner Teruya stated she looked at the values on the pastoral and agricultural lots, and some are income generated. Still, the rents are low, so is the Department making its market value from its pastoral and ag lots? She stated the balance is not there, having a lot of 8 acres and paying \$240.

Chair Ailā stated the Department is doing the procurement and add-in the suggestion from Commissioner Ka'upu. Commissioner Awo wanted to confirm that the Commission is hiring a property manager as Commissioner Ka'upu suggested.

Commissioner Teruya asked if they will also be able to look at the commercial areas too? Chair Ailā stated in the case of a general lease, commercial or industrial, the law requires the Department to get an appraisal, and that appraisal determines the market value.

AMENDED MOTION

To amend the motion to approve the annual Right of Entries that are current and send a notification to those who are not current to come in for a work-out/payment plan to bring their account current, the work-out plan should include a 1% interest on arrears.

The notification of the invoices that the Department sends out and accounting for the invoices sent out will amount to about 45-days, so if there is no payment within those 45 days, that would be justification for cancellation.

MOTION TO AMEND

Moved by Commissioner Teruya, seconded by Commissioner Awo, to approve the annual Right of Entries that are current; and to send a notification to those who are not current to come in for a work-out/payment plan to bring their account current, and the work-out plan should include a 1% interest on arrears.

The notification of the invoices that the Department sends out and accounting for the invoices sent out will amount to about 45-days, so if there is no payment within those 45 days, that would be justification for cancellation.

ACTION

Moved by Commissioner Teruya, seconded by Commissioner Awo, to approve the amended motion. 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			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves			X			
Commissioner Teruya	X		X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously- nine (9) Yes votes.						

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

PLANNING OFFICE

ITEM G-4 For Information Only – Water System 101: Technical, Managerial, Financial Capacity to Operate DHHL-Owned Water Systems

(Continuation of Part 2 of the presentation)

Presenting Part 2 was Barry Pollock with the Rural Community Assistance Corporation (RCAC).

B. Pollock will cover the DHHL and the Hawai'i Water Audit Program for the Ho'olehua PWS 230 results. B. Pollock will cover the following items through the presentation:

- What is a Water Audit?
- How is it useful?

- What are the State Requirements for Water Audits?
- DHHL Ho`olehua Public Water System: Audit Findings and Results
- Future use for Ho`olehua and other DHHL Water Systems

DISCUSSION

Commissioner Helm asked B. Pollock, how would he grade the work of Elroy and his crew on Molokai? B. Pollock stated he thinks they are great, and it's challenging to operate the water system with two or three folks during the past couple of years. He stated they are as hard-working and competent as he has seen anywhere and graded the crew with an A+.

Commissioner Helm asked how to know if the meter is not working accurately. B. Pollock stated it is difficult. With customer meters, they're usually under-reading rather than over-reading. He stated you could test it and fill a 5-gallon bucket of water, and if the meter is reading 5 gallons, it's accurate.

G. Cairel stated the meters on Moloka'i are very old, and the meters are under-reading, and there isn't a meter testing program as meters should be tested and certified that they are accurate. Recently, the Moloka'i staff replaced the source meters. When the new meters go in, a meter testing program has to be incorporated.

Note: Slide presentation is attached.

LAND DEVELOPMENT DIVISION

ITEM E-2 For Information Only – Ho`olehua Water System Update

RECOMMENDED MOTION/ACTION

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

S. Matsunaga stated Item E-2 is a status report on the USDA loan grant financing for the DHHL owned Ho`olehua Water System. He stated the submittal has a copy of the submittal form in November 2018, which contains all the details about the program. He stated construction started earlier this year, and Package 2 is near completion. Package 1 is under construction and almost 50% in. He stated a lot of the cost for the project has increased because it started five years ago, and there have been changes made to the project.

Note: Submittal is attached.

ITEM E-3 For Information Only – Anahola Farm Lots Water System Update

RECOMMENDED MOTION/ACTION

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

S. Matsunaga stated that the November 2018 detailed submittal presented to the Commission is contained in the Item E-3 submittal. For Anahola, the DHHL obligation has been met, and we are now completing the installation of the smart meters. S. Matsunaga stated that they are into the 2nd Phase at Anahola, which involves constructing a new 500,000-gallon concrete water tank, and the existing steel tank will be demolished. S. Matsunaga stated they use the interconnection to pump

water from the County system to the DHHL water system. The community did not have any water shortage of shut-offs.

DISCUSSION

Commissioner Helm asked about the new storage tank for Kalama‘ula next to the well that will be built? S. Matsunaga stated he is not familiar with that but stated the 200,000-gallon was initially designed concrete. Still, the supply of concrete on Moloka‘i is not enough, so the engineers are looking at installing a stainless-steel tank instead of the concrete.

Note: Submittal is attached.

ANNOUNCEMENTS AND ADJOURNMENT

A. Papakōlea Community Meeting starting at 6:30 p.m.

NEXT MEETING

The next meeting will be held on August 16 & 17, 2021, (ICT) Zoom

MOTION/ACTION

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

ADJOURNMENT

4:50 PM

Respectfully submitted:



William J. Ailā Jr., Chairman
Hawaiian Homes Commission

Prepared by:


Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony – See Index
- 2) Slide Presentation Item G-2
- 3) Slide Presentation Item E-1
- 4) Slide Presentation Item G-3
- 5) Slide Presentation Item G-4

Public Testimony on Agendized Items

	Name
1	Cora Schnackenberg
2	Kainoa Gonsalves
3	Kanani Higbee
4	Kawika Davidson
5	Kekoa Enomoto
6	Kanalu Higbee
7	Lana Gambill Aiona
8	Pat Kahawaiolaa
9	Roy Oliveira
10	

AHONUI HOMESTEAD ASSOCIATION
PO BOX 417
HOOLEHUA, HI 96729
TELEPHONE: 808 646-0051

July 16, 2021

Hawaiian Homes Commission
DHHL Main Office
Hale Pono'I
Kapolei, O'ahu, HI.

RE: Updates: DHHL Planning Office (staff/team) Andrew Choy, Gigi Cairel, and Julie Cachola
Land Management, Shelly Carrier
Consultant, Jonathan Scheuer, Water Use Reservation
Maui County, Community Benefits Opportunity
Commissioners Discretions for Molokai Waitlisted List Approval

Aloha! Commissioners,

I greet you all in the name of Ke Akua's Blessings and hope that all are in good health.

J-2 My name is Cora Schnackenberg, President of Ahonui Homestead Association, representing the waitlisters on the island of Molokai. I come humbly with gratitude and commend DHHL Planning Team, staff, and consultant in their service delivery to Homestead Association for the past 6 months.

1. DHHL Planning Office Team, Andrew Choy, Gigi Cairel, Julie Cachola, and Land Management Division, Shelly Carrier in their commitment in assisting Ahonui through the process of Group 70 in conducting the Environmental Assessment Study for the Ualapue project. There were countless after-hour meetings, DHHL's initiative to include all Ualapue vacant tracts for the Ualapue Kuleana (Subsistence) Homestead Project. In addition, the Land Management, Ms. Carrier, accommodated the Cultural Resource Management (CRM) Task Force with Limited Right of Entry, twice to allow team to complete tasks.
2. Consultant, Mr. Scheuer spent few meetings with Ahonui and legal representative Vince from Hawaiian Legal Cooperation in the Maui County, Department of Water Supply Contested Water Hearing process. DHHL Water Use Policy and submitting for Water

Reservation for Ualapue and other districts. We, appreciate his time and expertise on Water concerns.

3. Community Benefits: I am requesting commissioners to strongly consider proposing and recommend that a beneficiary from each island be assigned to work with DHHL in the development of Policy Procedures on Community Benefits for the following reasons.
 - a. Beneficiaries cannot negotiate anything on their own. If, they are not “legal stewards” of the land. But to watch the potential of non-Hawaiians (individuals or agency) to utilize, conduct business, or reside on land without legal ties. If, you want waitlisters to negotiate, then award them the land to do, so.
 - b. Commissioners failed to be Eleu and Maka’ala (look and beware) for the advancement that could benefit future homesteaders in meaningful and beneficial purpose. My understanding of Commissioner’s role is to have your beneficiaries back in advocating for the less fortunate or the “have not.”
 - c. No “Policy and Procedures on Community Benefits” you the Commissioners; have set us the beneficiaries for failure and did not see the betterment and the benefit of your people you, who you service.
4. Maui County, Fire Sub-Station relocation and Community Benefits. Ahonui Homestead Association are pleased to have an out-reach First Response, fire sub-station in Ualapu’e. These professionals are a service provider, who are paid to conduct service to the community. We as beneficiaries pay taxes so service needed are provided. We, understand and foresee benefits in future agreements between Ahonui and Maui County with the participation of DHHL. Ahonui’s Board of Directors and Kupuna Advisory (supports the waitlisters) are submitting the followings conditions.
 - Priority 1: That Maui County provide future Ualapue lessees access to free potable water by constructing a Water Tower that is high enough to allow trucks with containers of 250 gallons of water to drive up and fill the containers without having to unload the containers.
 - Priority 2: That DHHL identify and charge the county the fair market value for the number of square footages or land requested (highest value) for the access easement and that 100% of the lease rent be set aside for Ahonui Homestead Association’s implementation of the Ualapue Master Plan.
 - Priority 3: That Maui County assist in the construction of paved roads to assist Ualapue lessees to access their homestead lots which will be identified in the Master Plan.

Any one of the above conditions would be a suitable community benefit for the access easement.

And, that the Commissioners will recommend to Land Use Management Division, Mr. Albino to insert Community Benefits as conditions.

5. In February 2020, Ahonui submitted a letter recommending strong consideration with justified reasoning, to consider the waitlisted of 65 names who are interested in off-grid ag-subsistence living, be given first refusal rights. However, that number of 65 has increased to 84. Ahonui understands that although this process is not “traditional” precedence has been set by Lanai and Hana associations on other islands. In 2005 and 2019, beneficiary’s community meeting supported and advocated that Molokai residents that are waitlisted by given first refusal rights. Additional names will be submitted in next report.

- F-2 Annual Renewal of Right of Entry Permits, Oahu Island:
Unless there are no Waitlisters Organization waiting for long-term lease Right of Entry approval. No, none-Hawaiian ROE should take precedence before Hawaiian Waitlisters that’s been waiting for years.

Please defer items that are non-Hawaiian and consider granting the approval to Waitlisters awaiting you, Commissioner’s approval (like Paupena)

- J-7 Kahikinui: Commissioners as part of your recommendation for Ualapu’e Kuleana Homestead Project and Cultural Resources Management Plan as stated in February 18-19, 2020, page 8, number 1.

“Beneficiary comment was made that the project champion, Ahonui Homestead Association, consider meeting with representatives of the Ka’Ohana o Kahikinui (KOOK) association, which is the only Kiulena Homestead in the state.”

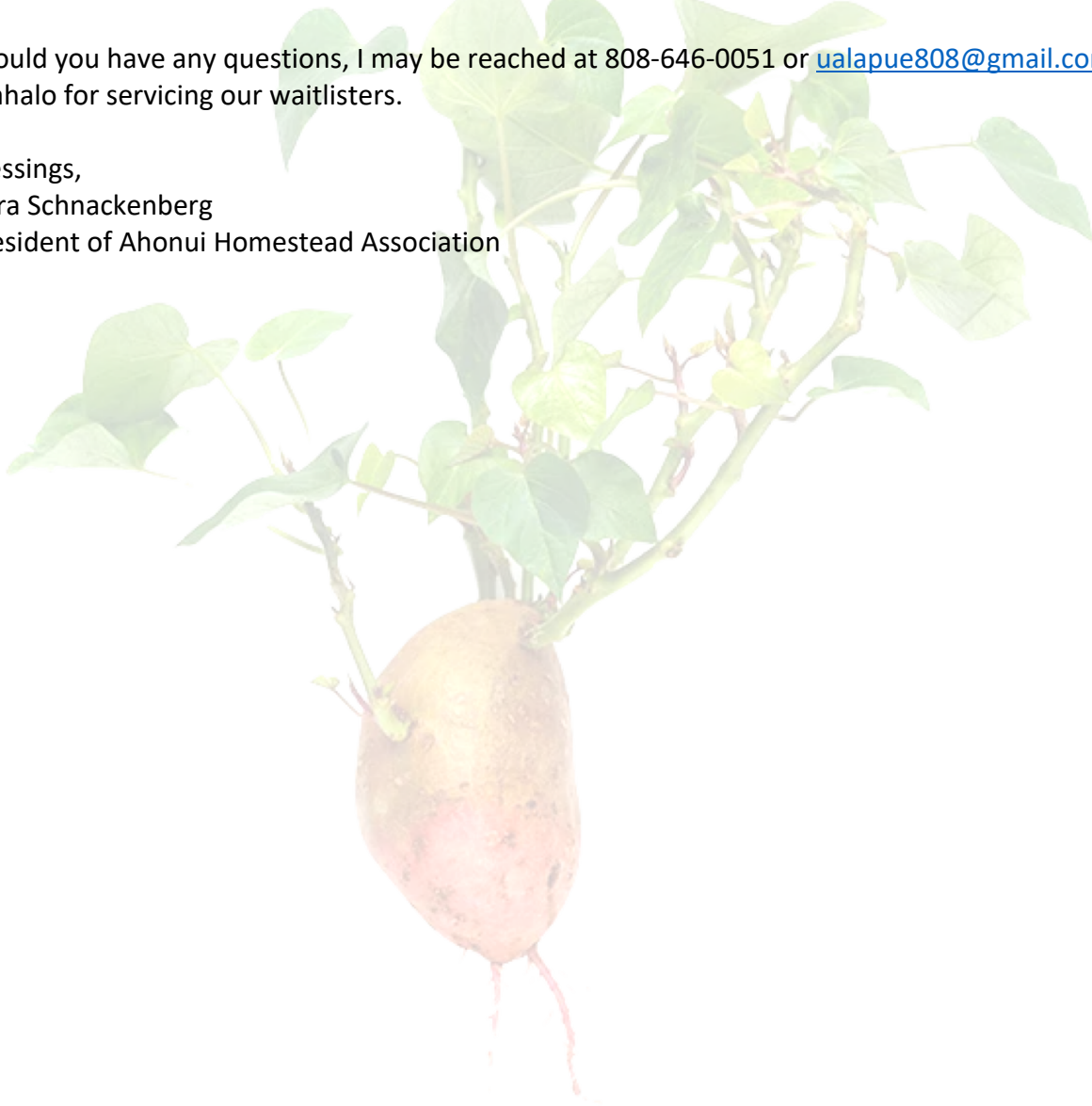
Ahonui Homestead Association members and directors were encouraged and have participated in various meetings when given opportunities. My observation in these meetings is clearly, in my opinion there are several issues and concerns from day-to-day battles to politics.

- a. There are two associations that occupies Kahikinui Kuleana Homestead, but only one is recognized by the department (DHHL) as (NHO) Native Hawaiian Organization, Ka ‘Ohana o Kahikinui (KOOK) as primary association while the other, is recognized as NHO and federally thus, disagreements and unfairness contribute to communication, partnership, and network difficulties as stressors intensify greatly.
- b. There are other stakeholders that are engaging in discussions and decisions without the other association knowledge or involvement which contributes to the problems.
- c. My concerns are for the innocent homesteaders that are in the crossed fire between these two associations and may not have a voice or too afraid.
- d. By DHHL working with one association and leaving out the other is also contributing to the problem.

- e. In the mist of “Kahikinui” struggles we were able to see a glimpse of off-grid lifestyle PowerPoint as presented to Ahonui members and beneficiaries. Ahonui continue to sit in meetings when opportunity is available.
- f. **Ahonui Homestead Association recommend and encourages Commissioners to recommend as top priority for immediate Mediation between these two Native Hawaiian Organizations that occupy the same Kahikinui Homestead.**

Should you have any questions, I may be reached at 808-646-0051 or ualapue808@gmail.com.
Mahalo for servicing our waitlisters.

Blessings,
Cora Schnackenberg
President of Ahonui Homestead Association



393 Pueo Drive
Kula, Hawai'i 96790
Cellphone/text (808) 276-2713
Email: kenomoto1@hawaii.rr.com
July 19, 2021

Hawaiian Homes Commission
c/o Commission Secretary Leatrice W. Burrows-Nu'uano
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, Hawai'i 96707
Telephone (808) 620-9504
Email: leatrice.w.burrows-nuuanu@hawaii.gov

Aloha mai e na Hawaiian Homes Commissioners,

I am testifying on an agenda item C-5 For information only — NHQ [native Hawaiian quantum] status update: Applications classified as Yes and No for qualification under the Hawaiian Homes Commission Act.

As background, I am a 18 year HHC beneficiary waitlist, native Hawaiian owner/founder of Credit Edge Solutions LLC. and project partner of beneficiary organization, Pa'upena Community Development Corporation. Also, I am the elected 2020-23 secretary of AHHL, or Association of Hawaiians for Homestead Lands, a beneficiary waitlist organization whose mission is to end the waitlist as identified under the Hawaiian Homes Commission Act of 1920 and federally defined Homestead Associations under 43 Code of Federal Regulations 47/48.

Regarding agenda item C-5, I am advocating against the DHHL staff conclusion that “the waiting list includes several applications that are not qualified or labeled ‘N’ as a result of this prior practice ... [of adding applicants] to the waitlist even though the individual had not fully demonstrated (through documentation) that they met the required blood quantum and were therefore qualified as beneficiaries.”

I am against the foregoing conclusion for three reasons: Changing the rules, disenfranchisement, and transparency. To wit, DHHL now is requiring N-classified waitlisters, who for various reasons have not received homestead awards yet, to be declassified as waitlisters if they do meet old, new and/or revised rules to retain their waitlist status. Meanwhile, the department likely has awarded hundreds of homestead leases to waitlisters formerly classified as N since at least the 1980s. This is a perfect example of redlining against native Hawaiians to “just change the rules” would be a detriment to the HHCA waitlist.

Secondly, DHHL will disenfranchise the unawarded N-classified waitlisters, i.e., will deprive the latter beneficiaries of a right, privilege and entitlement bestowed a century ago this month by Prince Jonah Kuhio Kalaniana'ole. Indeed, the 10-term congressional delegate originally had proposed and championed a one-thirty-second ($1/32^{\text{nd}}$) blood quantum, but the Caucasian Congress countermanded the prince's intent.

Finally, for the sake of transparency, I contest the rules amendment that, “For applications that do not meet the NHQ minimum the commission delegates to the chairman the authority to certify a finding by staff of ‘no NHQ minimum.’ ” I would support a beneficiary’s right to hear and understand the staff finding of “no NHQ minimum,” and the beneficiary’s right to have a say — to get their day in court — in defense of keeping their waitlist status.

In conclusion, I am testifying against agenda item C-5’s (1) conclusion to disqualify N-classified applicants from the waitlist, and (2) the rules amendment to delegate to the chairman the authority to certify a staff finding of “no NHQ minimum.” Instead, I support some 166 N-classified beneficiaries retaining their waitlist status, and/or individual waitlisters with “no NHQ minimum” being entitled to a contested case hearing before the Hawaiian Homes Commission.

Mahalo Nu Nui,

Kainoa Lei MacDonald-Gonsalves
native Hawaiian Owner/Founder of <https://www.creditedgesolutions.com/>
Co-Creator & Project Partner w/ <https://www.paupena.org/> - Homestead Virtual Facilitator
Secretary, Association of Hawaiians for Homestead Lands

Burrows-Nuuanu, Leatrice W

From: dhhl.icro1@hawaii.gov
Sent: Friday, July 16, 2021 4:29 PM
To: Burrows-Nuuanu, Leatrice W
Subject: New submission from Submit Testimony (J-Agenda and Agendized Items)

Name

Kanani Higbee

Email

khigbee1037@gmail.com

Subject

Submit Written Testimony on Agendized Items

Message

Aloha,

I would like to give testimony to agenda item that has to do with the budget. My name is Kanani Higbee. This message is for the upcoming meeting that will be happening with DHHL on 7/19-7/20/21. I am a 15 year waitlister for residential in West Maui. My mom has been on the waitlist for 35 years and waiting for residential west maui. And my brother is going to take her spot and he's waiting for residential west maui. My mom's cousin's are waiting for Residential West Maui. My siblings are waitlister for residential west Maui. My grandpa died on the list. And I'm disappointed in DHHL because they don't budget for Residential West Maui for Honokowai nor Leialii 1B. My family is dying on the list. Already the first generation has died without getting awarded lot. And now the dedicas generation is dying. I am ready to go to Law school to be a lawyer and sue DHHL for what they have done to my family. Because I am not getting anywhere by going about this the right way. I don't like how things are being done. My family is getting severely marginalized and it's not okay. It's very wrong. I was in meeting with DHHL discussing Honokowai. And my mom was never invited even though she is #261 on residential !!!!! She's been waiting too long. My whole family has. I would like DHhL to build Lahaina and Honokowai all one time and stop delaying with phases. That is so cruel. We don't wait on the list to die. That is so immoral. I think all Hawaiians should sue the State for their neglect in what they have done to honor the Hawaiian Home Commission Act. There is no honor when we die on the list. And some people get homes before other Hawaiians . It's cruel. And against the law!!!

c/o Commission Secretary Leatrice W. Burrows-Nu`uanu
 Department of Hawaiian Home Lands
 91-5420 Kapolei Parkway
 Kapolei, Hawai'i 96707
 Telephone (808) 620-9504
 Email: leatrice.w.burrows-nuuanu@hawaii.gov

July 15, 2021

Aloha mai e na Hawaiian Homes Commissioners,

I am Kawika Davidson of Kahikinui homestead on lot #57. I am testifying & advocating regarding agendized item F-1 Approval to issue a Right of Entry, Moloka'i Hunting Club, Ho'olehua, Moloka'i. I support their effort and believe that all beneficiary homesteaders should practice the right of managing the resources on the land without interference from non beneficiary entities.

Kahikinui Hawaiian Homestead Association KHHA is a Hawaiian Homestead Community Association as identified under 201.6 of the Hawaiian Homes Commission Act of 1920 and federally defined Homestead Associations under 43 Code of Federal Regulations. Its goal is to The purpose and vision of the Kahikinui Hawaiian Homestead Association is to protect and carry out the intent of the Hawaiian Homes Commission Act of 1921 in an inclusive, transparent and compassionate manner, as conceived by Prince Jonah Kuhio Kalaniana'ole, for the benefit of the Hawaiian People.

We consciously choose, without hesitation or doubt, to guard the kapu of this 'aina and our Kupuna, who are keepers of the past. Our kuleana is to individually and collectively preserve, protect, and thrive through education of ALOHA in ancient Hawaiian Spiritual Beliefs, both in archaeological sites and natural resources. We will embrace daily our Aha Moku concept as intended and provided for and by the Hawaiian Homestead Commission Act of 1921.

We will Malama 'aina, respect the 'ohana, Malama Kupuna, and respect those who are centered by and through the spirit of Aloha, the greatest truth of all; and, make way for those who have not yet come. I would like to voice my support for the Kahikinui Kuleana Community Plan & Lokahi Team proposed by KGLMO member Shasta Domen at a recent Maui/Lana'i Moku-puni Council meeting on June 17, 2021 with DHHL Commissioner Randy Awo in attendance (a zoom recording can be available upon request). The plan is to address the leasees of Kahikinui using a survey to provide feedback on cattle counts, gather Kupuna input & assess the needs of the community. The purpose of implementing this plan is to establish a process whereby KGLMO members will provide sweat equity support. This proposal will also include a community cattle initiative with a project partnership with Cattle Rancher Levi Rita of the Lazy L Ranch on O'ahu. Rita has submitted a written proposal to the community and has been working with the department on a similar plan on Mauna Kea homelands.

I am also seeking to advocate for KHHA efforts to put forth a Cattle Working Group composed of all Kahikinui Leasees and Residents. This working group will assist the department in its Game Land

Management plan with DLNR that was introduced on May 23rd 2021, at a KOOK board meeting with Commissioner Randy Awo.

Hawaii is a fence in state, which means Kahikinui shall manage its homestead activities within our community. State agencies continue to create ungulate, reforestation & enforcement plans without obtaining full beneficiary, leasee reach or proper consultative arrangements. We want to manage not eradicate the cattle in order to create a food sovereignty plan with long range homestead activities towards self sustainability.

The department shall work with the entire community of Kahikinui to explore future plans of reforestation efforts in the upper forest as DLNR's current ROE has expired as of 5/24/21. KHHA would like to propose a comprehensive management plan for the Upper Kahikinui Forest.

For 25 years, KGLMO managed the upper forest at no cost to the community or DHHL or the State of Hawaii taxpayers.

Mahalo for the opportunity to express my support on behalf of KHHA and KGLMO Kahikinui Kuleana Community Plan & Lōkahi Team Project.

Burrows-Nuuanu, Leatrice W

From: dhhl.icro1@hawaii.gov
Sent: Friday, July 16, 2021 4:35 PM
To: Burrows-Nuuanu, Leatrice W
Subject: New submission from Submit Testimony (J-Agenda and Agendized Items)

Name

Kekoa Enomoto

Email

kenomoto1@hawaii.rr.com

Subject

Submit Written Testimony on Agendized Items

Message

393 Pueo Drive
Kula, Hawai'i 96790
Cellphone/text (808) 276-2713
Email: HYPERLINK "mailto:kenomoto1@hawaii.rr.com" kenomoto1@hawaii.rr.com
July 19, 2021

Hawaiian Homes Commission
c/o Commission Secretary Leatrice W. Burrows-Nu`uanu
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, Hawai'i 96707
Telephone (808) 620-9504
Email: HYPERLINK "mailto:leatrice.w.burrows-nuuanu@hawaii.gov" leatrice.w.burrows-nuuanu@hawaii.gov

Aloha mai e na Hawaiian Homes Commissioners,

I am testifying on agendized items C-5 For information only — NHQ [native Hawaiian quantum] status update: Applications classified as Yes and No for qualification under the Hawaiian Homes Commission Act, and F-2 Annual renewal of Right Of Entry permits, O`ahu island.

As background, I am a 35.5-year homelands beneficiary, who chairs the Upcountry Maui beneficiary organization, Pa`upena Community Development Corporation. Also, I am the elected 2019-23 secretary of SCHHA, or Sovereign Council of Hawaiian Homestead Associations; former longtime secretary of the Keokea Homestead Farm Lots Association, and a retired staff writer, copy editor and columnist for the Honolulu Star-Bulletin and for The Maui News.

Regarding agendized item C-5, I am advocating against the DHHL staff conclusion that "the waiting list includes several applications that are not qualified or labeled 'N' as a result of this prior practice ... [of adding applicants] to the waitlist even though the individual had not fully demonstrated (through documentation) that they met the required blood quantum and were therefore qualified as beneficiaries."

I am against the foregoing conclusion for three reasons: Changing the rules, disenfranchisement, and transparency. To wit, DHHL now is requiring N-classified waitlisters, who for various reasons have not received homestead awards yet, to be declassified as waitlisters if they do meet old, new and/or revised rules to retain their waitlist status. Meanwhile, the department likely has awarded hundreds of homestead leases to waitlisters formerly classified as N since at least the 1980s. As my husband said, "This is the most unfair thing I have ever heard of. ... It's changing the rules."

Secondly, DHHL will disenfranchise the unawarded N-classified waitlisters, i.e., will deprive the latter beneficiaries of a right, privilege and entitlement bestowed a century ago this month by Prince Jonah Kuhio Kalaniana`ole. Indeed, the 10-term congressional delegate originally had proposed and championed a one-thirty-second (1/32nd) blood quantum, but the Caucasian Congress countermanded the prince's intent.

Finally, for the sake of transparency, I contest the rules amendment that, "For applications that do not meet the NHQ minimum

the commission delegates to the chairman the authority to certify a finding by staff of 'no NHQ minimum.' " In contrast to this amendment, I would support a beneficiary's right to hear and understand the staff finding of "no NHQ minimum," and the beneficiary's right to have a say — to get their day in court — in defense of keeping their waitlist status.

Regarding agendized item F-2, I oppose blanket 2021-22 approval of O`ahu ROEs. Upon closer review, the largest of the 59 ROEs are for, as follows:

- Robert D. Lyman for 1,126 Nanakuli homeland acres (64 percent of O`ahu ROE homelands acreage), for 30 years now at \$1.06 per acre monthly.
- Wai`anae Valley Farm for 438.1 acres, for 30 years now at \$2.15 per acre monthly.
- Aloun Farm for 78.64 acres since 2010 at \$19.84 per acre monthly.

I oppose nonbeneficiary permittees accessing homelands until and unless any available trust lands are not required for homesteading, as mandated by Hawaiian Homes Commission Act Section 204 (2). I feel sure that at least some of the 14,405 O`ahu residential and agricultural waitlisters would welcome a homestead award of part or all of this acreage, if not a 30-year general lease at \$1.06 per acre per month.

Therefore, all DHHL Land Management Division requests and/or lists involving homelands permits — such as general leases, Rights Of Entry, etc. — should indicate if the prospective permittee is a beneficiary or nonbeneficiary.

Moreover, to the Hawaiian Homes Commission's General Plan task force, I recommend the latter policy, as well as a number of other 2023-43 General Plan proposed goals and objectives that Maui/Lana`i Moku Puni Council participants have discussed, as follows:

- **PROMOTE COLLABORATION BETWEEN BENEFICIARIES AND DHHL** {proposed new section}
 - Educate on and proactively effect Hawaiian Homes Commission provisions, Administrative Rules and affirmative-action policymaking.
 - Create online department mapping of personnel, roles and contact information, to promote understanding and effective interaction between native Hawaiians and DHHL.
 - Beneficiaries and DHHL collaborate to develop an operations manual to plan and develop subdivisions, and to mobilize enforcement.
 - Make General Plan goals and objectives quantifiable/measurable.
 - In alliance with beneficiary associations, DHHL creates beneficiary task forces assigned by General Plan sections, to collaborate with the department to ensure implementation of General Plan goals, objectives and timelines in an effective, expeditious way.
 - Hold quarterly or semiannual updates and assessments on General Plan-related progress.
 - Beneficiary associations and DHHL collaborate to define and assign a level (or percentage) of priority to "mercantile," to recognize and promote this last of the four pillars of the Hawaiian Homes Commission mission.
 - Revise Hawaiian Homes Commission format to provide more interaction.
 - Revise beneficiary consultation process to include input by beneficiaries and beneficiary organizations from all areas vis-a-vis from only the affected area.
- **LAND USE PLANNING**
 - With respect to the proposed Kuhio Awards program, provide education, outreach and capacity building.
 - Give preference to beneficiaries and beneficiary organizations in awarding contracts and land-use permits to develop and maintain homelands, and codify these processes to promote clarity and consistency, and to be streamlined and user friendly.
 - Provide co-share space with a copy machine and other amenities in each homestead development, possibly with rent as part of the community fees.
- **RESIDENTIAL USES**
 - Develop a homestead permitting process that integrates respective county and DHHL-exempted permitting procedures, to support safe beneficiary homebuilding.
- **LAND AND RESOURCE MANAGEMENT**
 - Formulate access, gathering and hunting protocol that supports sustainable households.

In conclusion, I am testifying against agendized item C-5's (1) conclusion to disqualify N-classified applicants from the waitlist, and (2) the rules amendment to delegate to the chairman the authority to certify a staff finding of "no NHQ minimum." Instead, I support some 166 N-classified beneficiaries retaining their waitlist status, and/or individual waitlisters with "no NHQ minimum" being entitled to a contested case hearing before the Hawaiian Homes Commission.

Furthermore, I oppose blanket approval of renewal of O`ahu nonbeneficiary ROEs to homelands. Instead, I support DHHL LMD specifying if permit requests are for beneficiaries or nonbeneficiaries — along with other 2023-43 General Plan goals and objectives, as proposed above.

Me ka `oia`i`o, sincerely,

Kekoa Enomoto

Resident, Waiohuli homestead
President, Maui/Lana'i Mokupuni Council
Member, Waiohuli Hawaiian Homesteaders Association Inc.

Burrows-Nuuanu, Leatrice W

From: dhhl.icro1@hawaii.gov
Sent: Sunday, July 18, 2021 4:30 PM
To: Burrows-Nuuanu, Leatrice W
Subject: New submission from Submit Testimony (J-Agenda and Agendized Items)

Name

Kaunalu Higbee

Email

higbeekaunalu@gmail.com

Subject

Submit Written Testimony on Agendized Items

Message

Aloha,

My name is Kaunalu Higbee. I am writing in regards to item D-1A homestead lease and applications reports for the July 20, 2021 meeting. My family has been on the waitlist for Hawaiian Homes since the 1940's, for 80 years. I am half Hawaiian and will be taking over my mom's spot on the list that she has been on for 35 years. My concern is that my family has been on the list for so long and we are not getting a lot any time soon because West Maui residential is not happening. West Maui agriculture has been prioritized. Many of the people who will be getting lots on agriculture list have gotten their residential lot. So they are getting both while people like my family have been dying on the list for generations now. Also, the DHHL commissioners decided to save \$150 million for endowment instead of spending it to get people into the land. Half the list is dying in this decade. By that 14,000 families that will be missing out because Hawaiian Homes is not trying enough to get people on the land. That goes against the Hawaiian Home Commission Act.

I would like to get on the land. I am #261 on residential and #2,500 for agriculture since I will be taking over my mom's spot. And you can see why I feel so strongly for west Maui to get residential built. I have looked into preparing myself for a residential lot and loan and I am ready. There is money saved, credit score high, and bank loan ready to be approved. I just need the lot.

Please do not sell our water out so we can't get homes built. Lahaina Leialii 1B was supposed to be built. But the water was sold to Ikaika Ohana development. There was 200,000 gallons. Please I ask that you try to give up our first rights to water like that.

Please do more to put us on the land. When my family applied for this, they expected the Hawaiian Home commission act to be followed to get us on the land in a "timely and efficient" manner as stated in the HHCA. We never imagined waiting 80 years! Several generations later and still no hope for the next decade to get on the land!!!!

Mahalo nui loa,
Kaunalu Higbee

To: Hawaiian Homes Commission Meeting- July 19, 2021

Department of Hawaiian Homes Lands- Request to address the Commission

Written Testimony by Alaka'i Lana Gambill-Aiona – July 16, 2021

God Squad Kawaihae Church- Kawaihae, Hi

P O Box 1814 Kamuela, Hi 96743

defender96743@gmail.com

Aloha Hawaiian Homes Commission Members,

I would like to address the panel by first sending my gratitude and appreciate for the opportunity to request land use at Kawaihae for a Church. I also apologize for not being able to be present in person due to the fact that I am a healthcare worker and Mondays are my scheduled day of work.

My name is Lana Leilani Gambill-Aiona, I am an alaka'i for the International Church of the Foursquare Gospel- evangelical Pentacostal Christian denomination, God Squad Kawaihae Church. I currently work for Queens North Hawaii Community Hospital in Kamuela. My ohana live on homestead land in Kamuela and Kawaihae. I am a wife, grandmother, a sister, an auntie, a passionate community member requesting land use at Kawaihae to re-establish once again a place where we can come together to be spiritually nourished.

The last standing Church was in 1959, the "Keola Hou" church which was established on Hawaiian Homes Land, it is a place where we still have our kupuna buried on these grounds at Kawaihae.

My grandmother Mary Kamila Akua was one of the original lessees in Kawaihae on the makai side of the old homestead. I am a third generation Akua, our mo'oku'auhau is from this special place we call home for many generations.

Our Ohana along with our God Squad Kawaihae Church humbly ask of the Commission members to prayerfully grant our request for land use at Kawaihae.

It is every community's spiritual right to have a decent place to worship, have fellowship, prayer, and share the gospel to nourish ourselves. A place where we can baptize our young and old, to marry our ohana, to bury our kupunas, to celebrate our birthday luau's, to have a place for our youth ministries and outreaches programs. A place where our communities can be spiritually nourished through our faith and hope which is our substance for life.

Our Kawaihae community has a definite need and through our church efforts which have been ongoing since August 2015 when our church planting humbly began at Pua-ka-'ilima, then onto Ohi'ula Spencer Beach, to where we currently are at in the Kailapa Community.

The U'hane Hemolele has been keeping us in the Kawaihae area for it is our long-term goal to fulfill our mission of God Squad Kawaihae Church- which is advancing God's Kingdom, our vision is to lead people to the transforming love of Jesus Christ. God Squad Kawaihae Church has been impacting our community through many outreaches in ministries till today in 2021.

We have established our connection in to our communities through our Keiki Snack Program which reaches one hundred fifty keiki within Kawaihae.

During our Christmas season we have our Keiki Fun Run motorcycle ministries which through our community partners giving the gifts of love through Jesus Christ poured out to our Kawaihae keiki.

During the pandemic our church reaches our most vulnerable families of domestic violence through our essential needs baskets which consist of the basic needs for personal hygiene which has been difficult for our ohana to be able to afford.

God Squad Kawaihae Church also has formed a three-way partnership with an organization called “Hope Scarves” and the Queens Healthcare system. Here at North Hawaii Community Hospitals oncology department, we support patients going through the cancer journey with these hope scarves we collect through our church and donate them through our partnerships.

Our animals are another extension of our love into the community. Kares Hawaii is an animal rescue and adoption organization here in Kawaihae. God Squad Kawaihae Church has seen Christ be the bridge which allows us to walk across and support this organization with donations and future volunteerism.

Through our presence in the community, we have a chance to share the love of Jesus Christ in many forms of love removing all barriers of race, religion, as well as social economics divides.

Hebrews 13:8 – Jesus Christ is the same yesterday, today, and forever. Amen

‘o ka ho’omanawanui ka hopena - means in hawaiian- patience will bring forth results- this is actually one of the spiritual fruits that has guided our hearts.

Kawaihae is a water man community with programs to support the education and safety around the ocean as well as the health benefits of canoeing, surfing, paddle boarding, even the sustainability of fishing, diving, aquaponics.

Some of the historical significance we have documented in our research is that Kawaihae is the portal of Christianity dating back to 1820. The impact of Imiola Church and Reverend Lorenzo Lyons, was instrumental in the original calling to plant the first church in Kawaihae.

In April 2018, our ohana and Church met with some of the Department of Hawaiian Homes staff members at the original church site which is located off the highway in the heart of Kawaihae to request land use. Unfortunately, no decision was made at that time there was a suggestion made on another piece of property in the industrial area at Kawaihae but that property was not adequate to support a Church building, and a parking area for a community church.

I will be prepared and able to join the meeting on Tuesday July 20, @ 9:30am if giving an opportunity to answer any questions you may have since I will be off on this day. I would again like to thank the commission members for your time and consideration in requesting the land use at Kawaihae.

Mahalo o ke akua pu me makou,

God Squad Kawaihae Church

Alaka'i- Lana Gambill-Aiona

Burrows-Nuuanu, Leatrice W

From: Pat Kahawaiolaa <kcaiprez@gmail.com>
Sent: Sunday, July 18, 2021 2:25 PM
To: David Kaapu
Cc: Hanale.LeeLoy@mail.house.gov; Hokulani.Johnasen@mail.house.gov; Burrows-Nuuanu, Leatrice W; Michael Kaleikini; Enomoto, Stanton K
Subject: [EXTERNAL] Re: Chair Aila's interview

Aloha e Commissioner,

Thank you for your quick response. The revelation of a investment committee being formed is news to beneficiaries but I am prepared to say that the lack for several years of an annual report being published 2014-2019 may have contributed to beneficiaries ignorance of the formation. The fact when Chair Aila admitted to \$150mil and possible \$250m sitting in an account for possible endowment while sourly needed infrastructure to keep and/or put people on the land according to what Prince Jonah Kuhio's envisioned for his people.

Review the interview and many its time Beneficiary Consultations are in order to rectify this miscommunications issue. Mahalo again for your understanding of events leading up to this serious concerns.

'Owau

Unco Pat

On Sat, Jul 17, 2021 at 1:26 PM <makaliu@aol.com> wrote:

Aloha Uncle Pat- Thanks for your email. I will review the link and get back to you but I am aware that the Commission did create an investment committee for the purpose of considering an investment portfolio since the legislature had authorized DHHL to do so. This was some years ago and Bill Richardson, Wally Ishibashi and I were appointed to the committee. Mahalo David

-----Original Message-----

From: Pat Kahawaiolaa <kcaiprez@gmail.com>



To: mkaleikini@ormat.com; makaliu@aol.com; stanton_enomoto@ios.doi.gov; Hokulani.Johnasen@mail.house.gov

Cc: leatrice.w.burrows-nuuanu@hawaii.gov; Hanale.LeeLoy@mail.house.gov

Sent: Sat, Jul 17, 2021 10:09 am

Subject: Chair Aila's interview

Commissioners Kaleikini & Kaapu,

Is it so represented by the Chair..."...it was the Commission, not DHHL that VOTED to set aside these funds for an "endowment"...

ps: Please Leah is it possible to share this link with the rest of the Commission since there're being "blamed" for their VOTE.

'Owau

Unco Pat

<https://www.facebook.com/1221030625/posts/10219924951293757/>

--

Sent from Gmail Mobile Keaukaha Smiles 'Owau me ka ha'a ha'a (I humbly remain) Patrick L. Kahawaiolaa

TO: Hawaiian Homes Commission

c/o Commission Secretary Leatrice W. Burrows-Nu`uanu
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, Hawai`i 96707
Telephone (808) 620-9504
Email: leatrice.w.burrows-nuuanu@hawaii.gov

<http://www.waiehukouphase3.org/>



FROM: Roy Oliveira, President

Waiehu Kou Phase 3 Association
Hawaiian Homelands, Maui
Federally Registered NHO (Native Hawaiian Organization)
49 Kaulana Na Pua Circle
Wailuku, Hi. 96793
waiehukouphase3association@hotmail.com

Re: I am testifying on an agenda item C-5 For information only — NHQ [Native Hawaiian quantum] status update: Applications classified as Yes and No for qualification under the Hawaiian Homes Commission Act.

Aloha mai ka kou,

As background, I have been on wait list since the 70's for an agricultural lease, although in 2008 I became the successor of my father's residential lease in Waiehu Kou 3 here on Maui. I have also served as president of the Waiehu Kou Phase 3 Association for the past 10 years.

Regarding agenda item C-5, I am advocating against the DHHL staff conclusion that "the waiting list includes several applications that are not qualified or labeled 'N' as a result of this prior practice ... [of adding applicants] to the waitlist even though the individual had not fully demonstrated (through documentation) that they met the required blood quantum and were therefore, qualified as beneficiaries."

I am against the foregoing conclusion for three reasons: Changing the rules, disenfranchisement, and transparency. To wit, DHHL now is requiring N-classified wait listers, who for various reasons have not received homestead awards yet, to be declassified as waitlisters if they do meet old, new and/or revised rules to retain their waitlist status. Meanwhile, the department likely has awarded hundreds of homestead leases to wait listers formerly classified as N since at least the 1980s. This is a perfect example of redlining against native Hawaiians to "just change the rules" would be a detriment to the HHCA waitlist.

Secondly, DHHL will disenfranchise the unawarded N-classified waitlisters, i.e., will deprive the

latter beneficiaries of a right, privilege and entitlement bestowed a century ago this month by Prince Jonah Kuhio Kalanianaʻole. Indeed, the 10-term congressional delegate originally had proposed and championed a one-thirty-second (1/32nd) blood quantum, but the Caucasian Congress countermanded the prince's intent.

Finally, for the sake of transparency, I contest the rules amendment that, "For applications that do not meet the NHQ minimum the commission delegates to the chairman the authority to certify a finding by staff of 'no NHQ minimum.' " I would support a beneficiary's right to hear and understand the staff finding of "no NHQ minimum," and the beneficiary's right to have a say — to get their day in court — in defense of keeping their waitlist status.

In conclusion, I am testifying against agendized item C-5's (1) conclusion to disqualify N-classified applicants from the waitlist, and (2) the rules amendment to delegate to the chairman the authority to certify a staff finding of "no NHQ minimum." Instead, I support some 166 N-classified beneficiaries retaining their waitlist status, and/or individual waitlisters with "no NHQ minimum" being entitled to a contested case hearing before the Hawaiian Homes Commission.

Mahalo for your consideration,

A handwritten signature in black ink, reading "Roy K. Oliveira". The signature is fluid and cursive. To the right of the signature is a small, solid black square.

Roy Oliveira



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Papakolea Projects Update

For Information Only

Item E-1

July 19, 2021



HAWAIIAN HOME LANDS

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2403 Kaululaau St Rock Wall



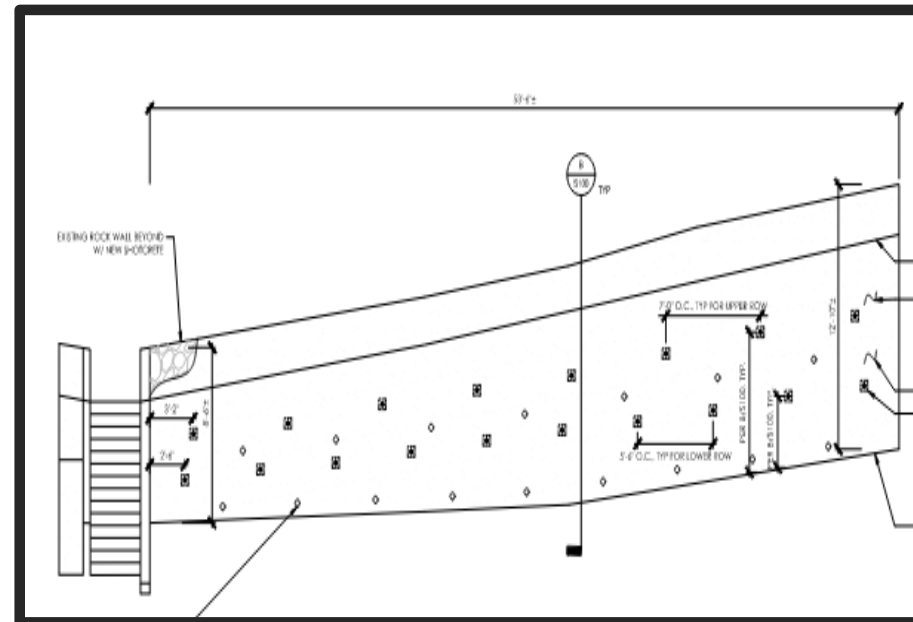
2403 Kaululaau St Rock Wall

Wall Stabilization- Soil Nails, Shotcrete, Drainage





- Rock wall is leaning, so soil nails will tie back wall and shotcrete will strengthen wall face
- Drainage will be added to also help reduce loads on the wall
- Estimated Construction Cost: ~\$300,000





HAWAIIAN HOME LANDS

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2147 Tantalus Drive Rock Wall



2147 Tantalus Drive Rock Wall

Wall Stabilization- Soil Nails, Shotcrete, Drainage





- Rock wall is leaning, so soil nails will tie back wall and shotcrete will strengthen wall face
- Drainage will be added to also help reduce loads on the wall
- Estimated Construction Cost: ~\$800,000





HAWAIIAN HOME LANDS

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Kapahu Street Rockfall Improvements

Iaukea Street Drainage Improvements



Kapahu St Rockfall Slope Improvements





Temporary Construction Access & Permanent Slope Access Points



601 & 605 Iaukea Street







601 & 605 Iaukea Street





HAWAIIAN HOME LANDS

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Kapahu Street Rockfall Improvements

Iaukea Street Drainage Improvements

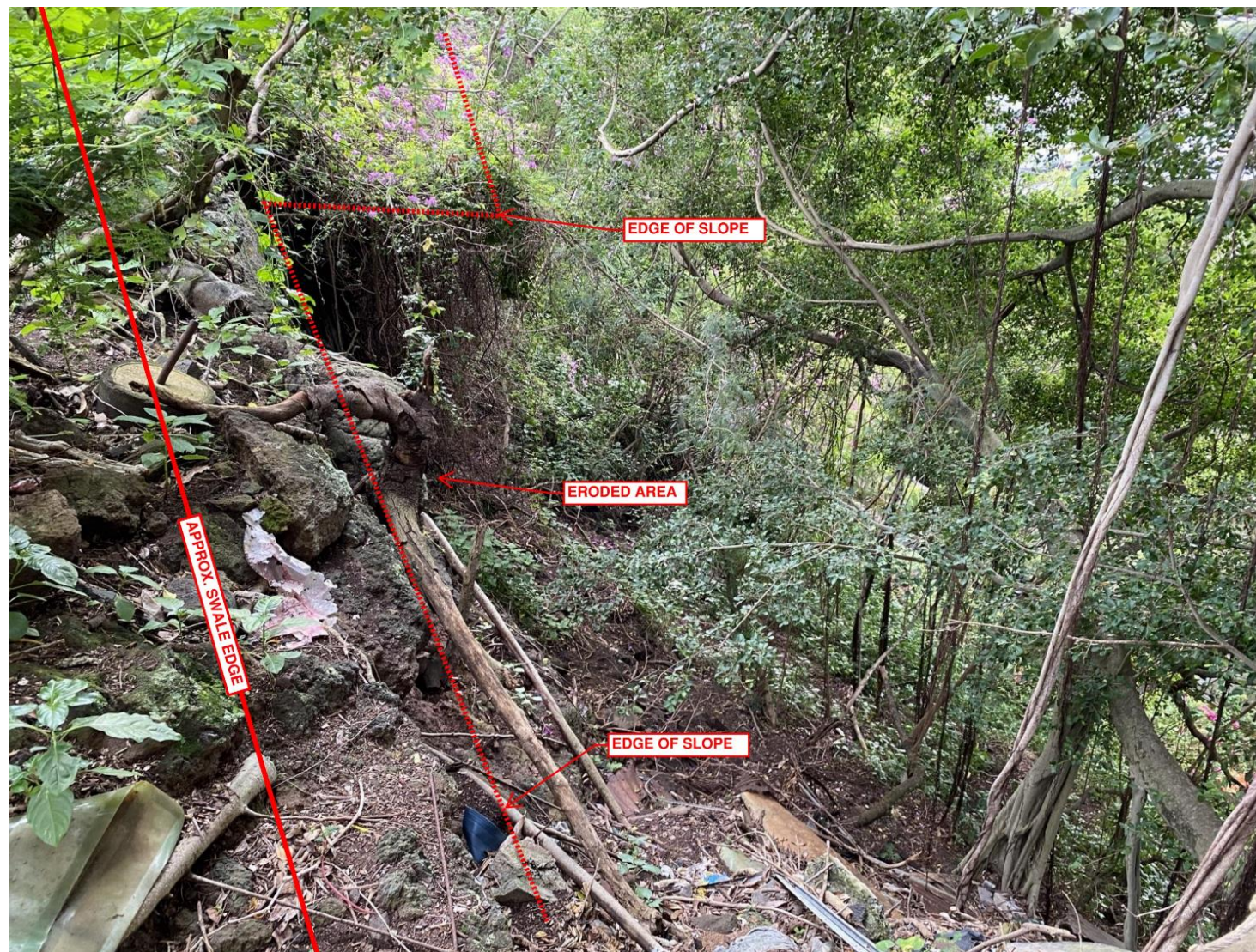


601 & 605 Iaukea Street





601 & 605 Iaukea Street





2218 Anianiku Street







2218 Anianiku Street





2218 Anianiku Street





2132 Kapahu Street



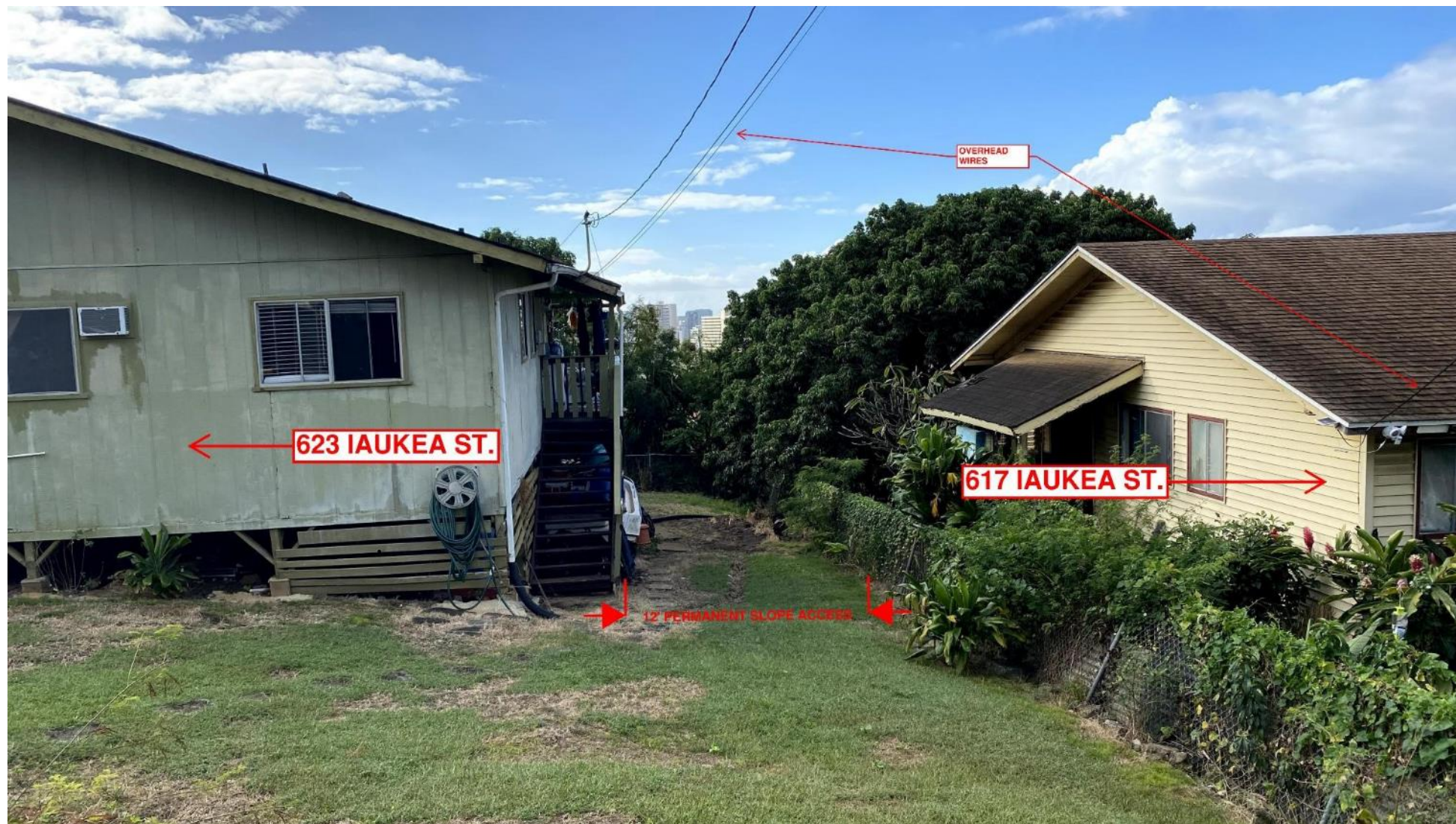




Permanent Access Points

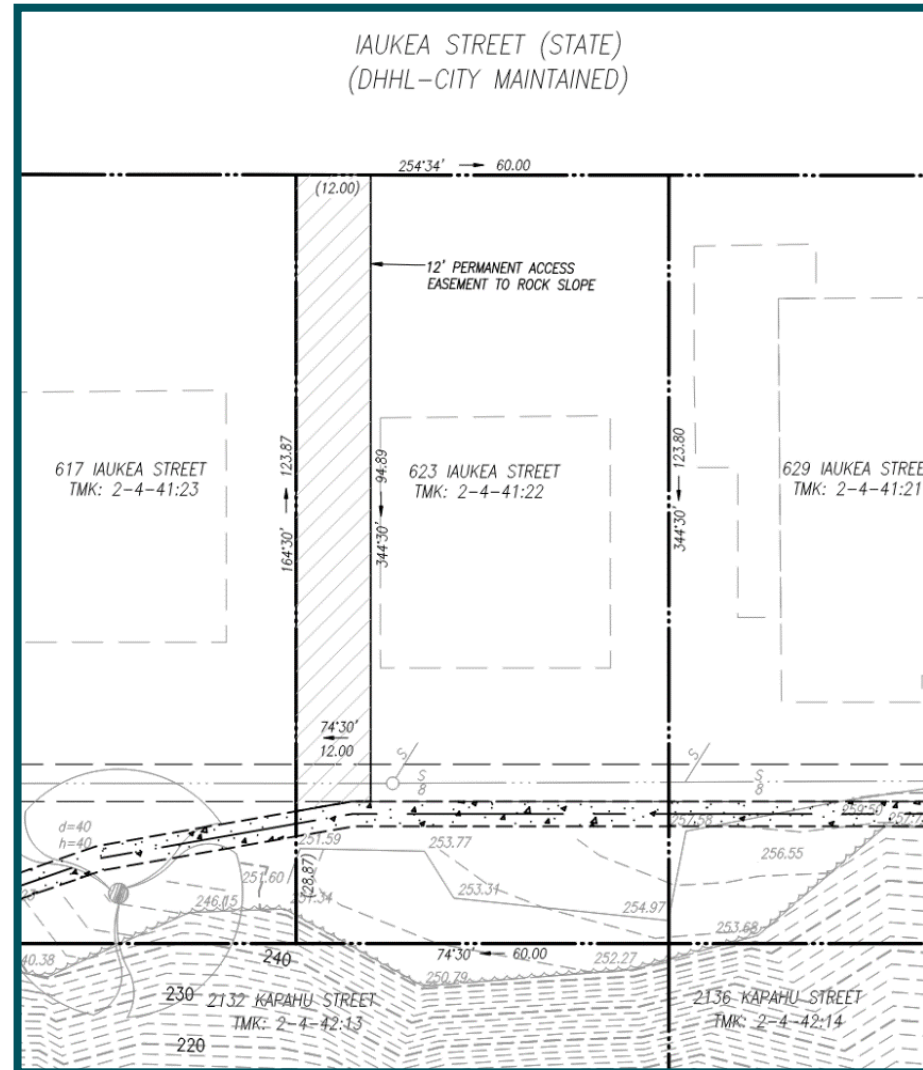


623 Iaukea Street





623 Iaukea Street





623 Iaukea Street





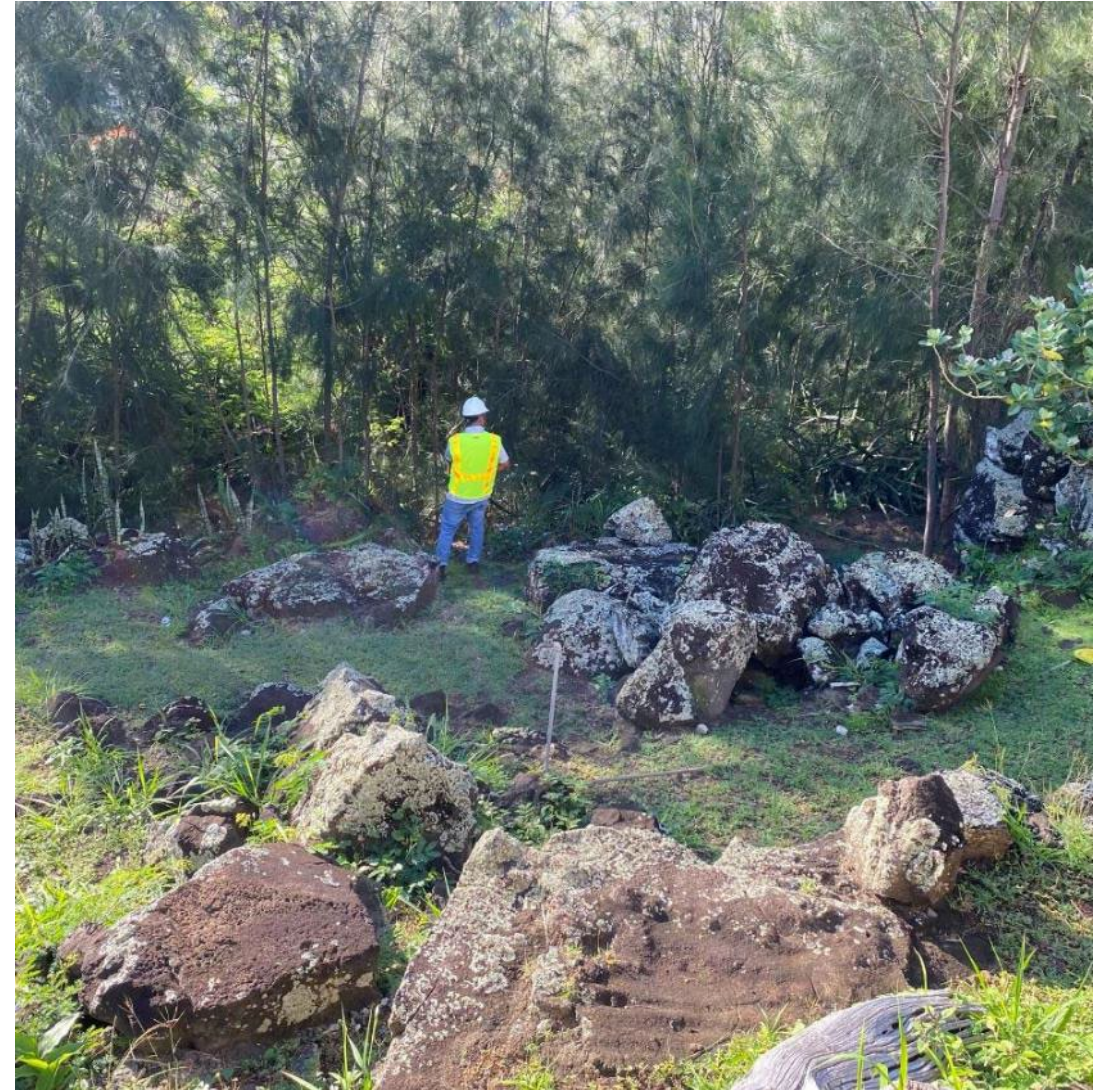
653 Iaukea Street







623 Iaukea Street



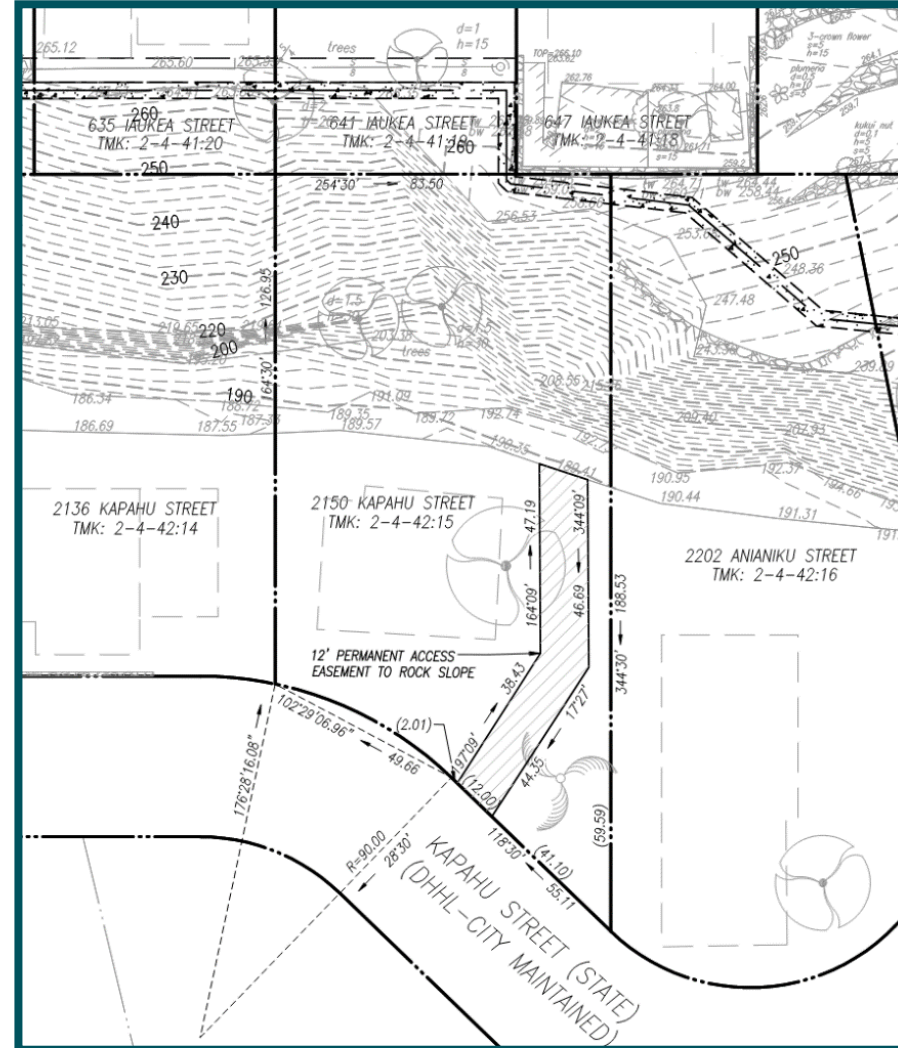


2136 Kapahu Street





2136 Kapahu Street





2136 Kapahu Street





2312 & 2316 Kapahu Street (Kema/ Nagasako)



- **Structure repairs**
- **Design to be completed mid 2021**
- **Funds Required: EST. \$500,000**



2312 & 2316 Kapahu Street (Kema/ Nagasako)





2312 & 2316 Kapahu Street (Kema/ Nagasako)



440 & 444 Kauhane Street (Rowland/ Contreras)



- Slope stabilization
- Design to be completed mid 2021
- Funds Required: EST. \$250,000



440 & 444 Kauhane Street (Rowland/ Contreras)





440 & 444 Kauhane Street (Rowland/ Contreras)





HAWAIIAN HOME LANDS

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Papakolea Subdivision Phase 2

Sewer Improvements

July 2021



Proposed Improvements

Objectives:

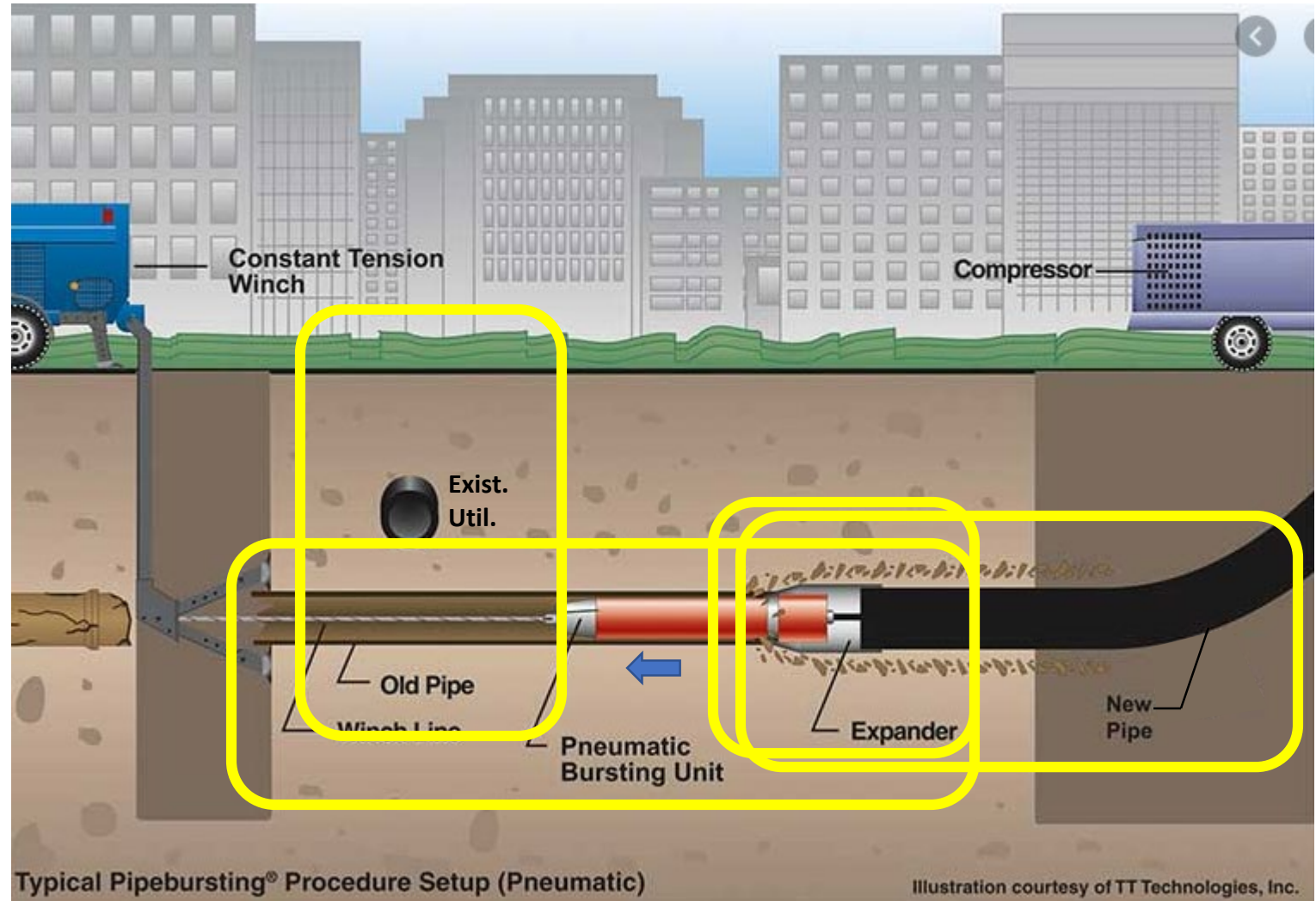
- Continue progress from Phase 1 sewer improvements projects
- Replace aging sewer system (50+ years old)
- Reduce sewer back ups and spills



Pipe Bursting

Pneumatic Pipe Bursting Process

- A pneumatic hammer cracks and breaks the existing pipe
- Pipe pieces are pushed into the surrounding soil
- New pipe is pulled behind the bursting tool
- Avoids exposing existing utilities
- Minimizes ground disturbance





Low Pressure Sewer System

Low Pressure Sewer System (LPSS)

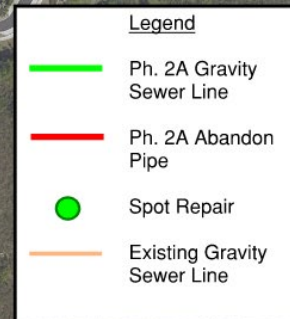
An alternative to a conventional gravity sewer system. Utilizes a collection tank and control panel to pump sewage from the house to the roadway sewer system.





- Phase 2A

- Designed sewer replacement for Sewer Lines C, C-2, D, D-1, D-3, D-5 & G, and spot repairs using pipe bursting and open trench methods
- CLSM fill and abandon 2,000 feet of pipe along SL K, L
- Replace 3,400 feet of gravity sewer lines
- Cost Estimate: \$5.0 Million





Phase 2A Impacts

Impacts

- Remove trees and shrubs
- Demolish and reconstruct walls, fences, driveways, and sidewalks.
Temporarily inaccessible during construction.
- Relocate storage units/area, sheds, structures out of sewer easement.
- Reconnect sewer laterals



Photo 1 & 2. Reconstruct walkway and staircase between Auwaiolimu St. and laukea St.



Phase 2A Impacts

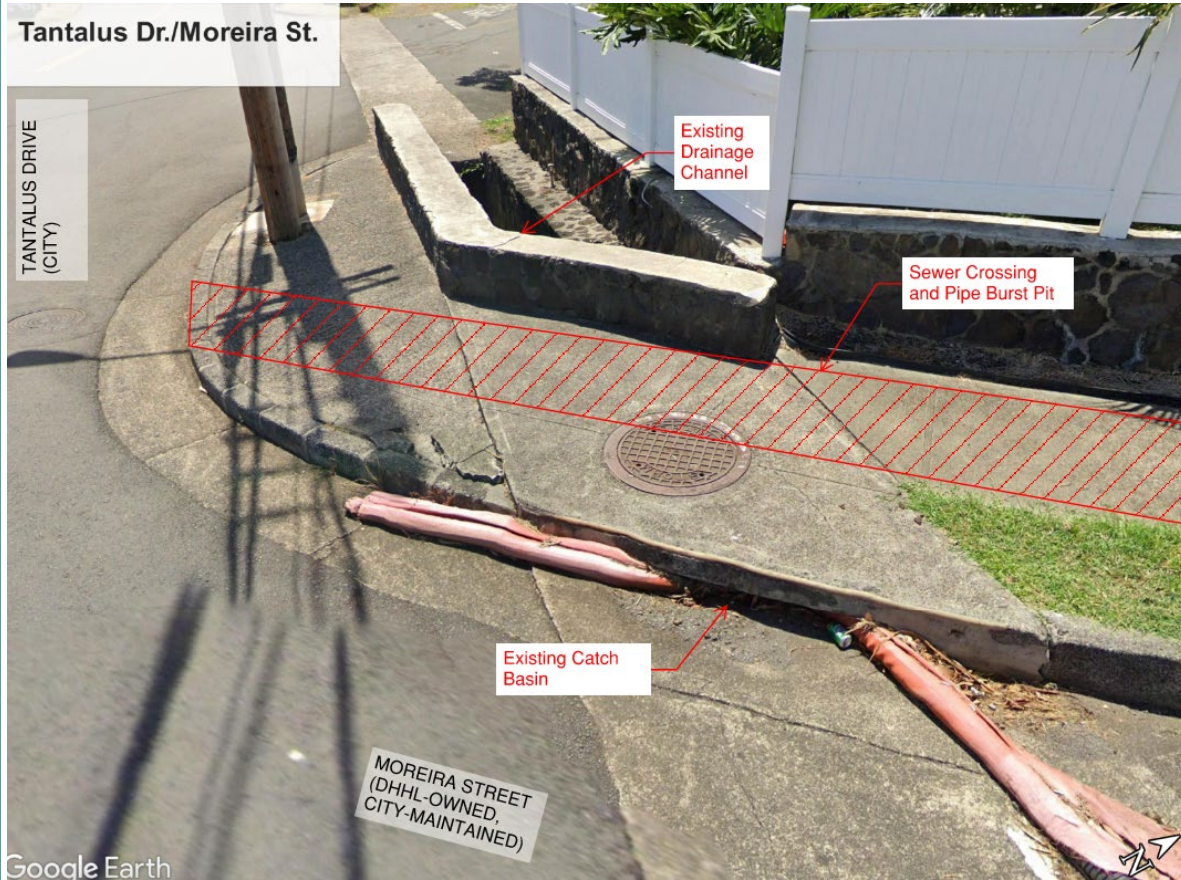


Photo 1. Existing sewer line crosses under the existing historic drainage channel.



Photo 2. Exist. Sewer line runs under an exist. mango tree. Tree to be removed.



- Sewer System East of Tantalus Dr.
 - Replace Sewer Lines A, C, C-3, C-4, J
 - 2,120 feet of gravity sewer lines
 - Install 28 LPSS
 - SL D-2, D-4, I, & K-2 are inaccessible due to exist. structures
 - Upsize SL A south of Iaukea to 12-in.
- Sewer System West of Tantalus Dr.
 - Alternative 1
 - Alternative 2



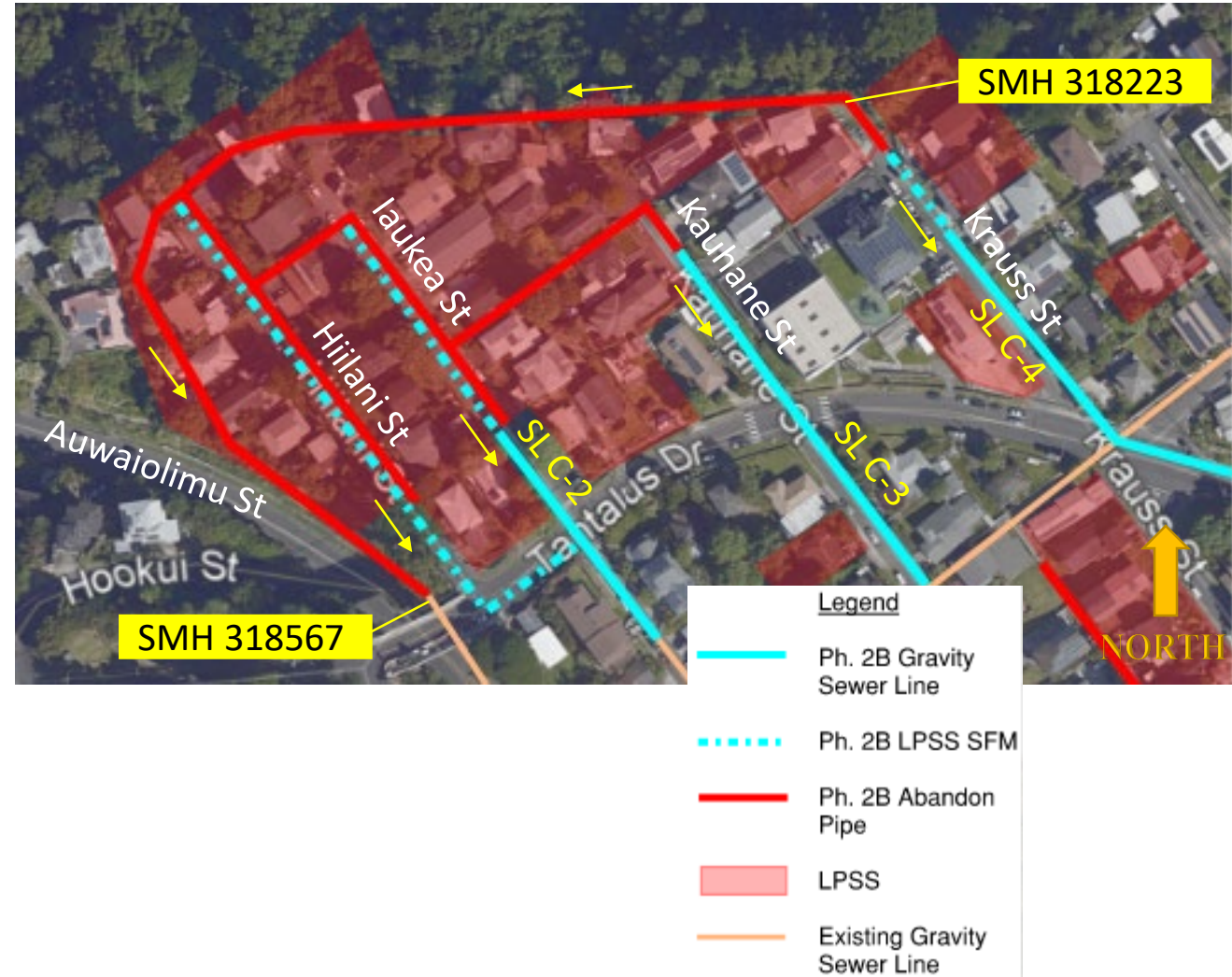


Phase 2B – Alternate 1

West of Tantalus

- 38 LPSS
- 700 ft, 8-in gravity pipes
- 1,350 ft, 3-in sewer force mains
- CLSM fill and abandon 2,500 ft SL
 - SL is inaccessible and has safety concerns between SMH 318223-318567 due to exist. structures and steep terrain.

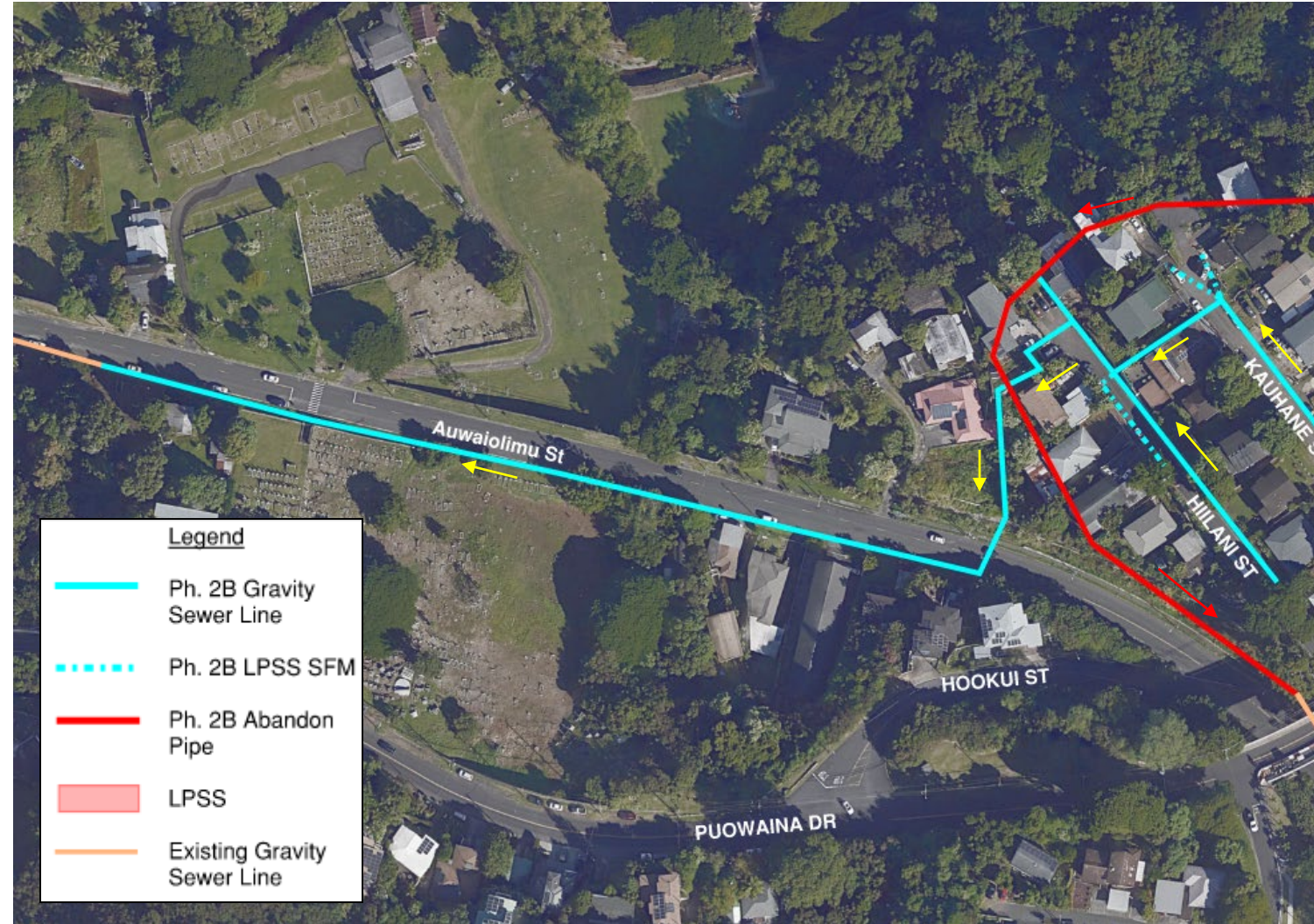
Alt. 1 Estimated Cost: \$7.3 million





Phase 2B – Alternate 2

- Connect to existing sewer system in Auwaiolimu St.
 - 8-inch 1,040 LF in Auwaiolimu St.





Phase 2B – Alternate 2

West of Tantalus

- 21 LPSS
- 1,600 ft, 8-in gravity pipes
- 720 ft, 3-in sewer force mains
- CLSM fill and abandon 1,430 ft SL
 - SL is inaccessible and has safety concerns between SMH 318223-318567 due to exist. structures and steep terrain.

Alt. 2 Estimated Cost: \$10.0 million





Phase 2B Impacts

Hiilani Street

- Proposed sewer line runs between residential properties
- Restore existing staircase



Key Map





Phase 2B Impacts

- LPSS will req. coordination with homeowners
- Crosses the historic Auwaiolimu St. ditch
- Limited space to construct
- Coordinate with future City sewer system upgrades



Key Map





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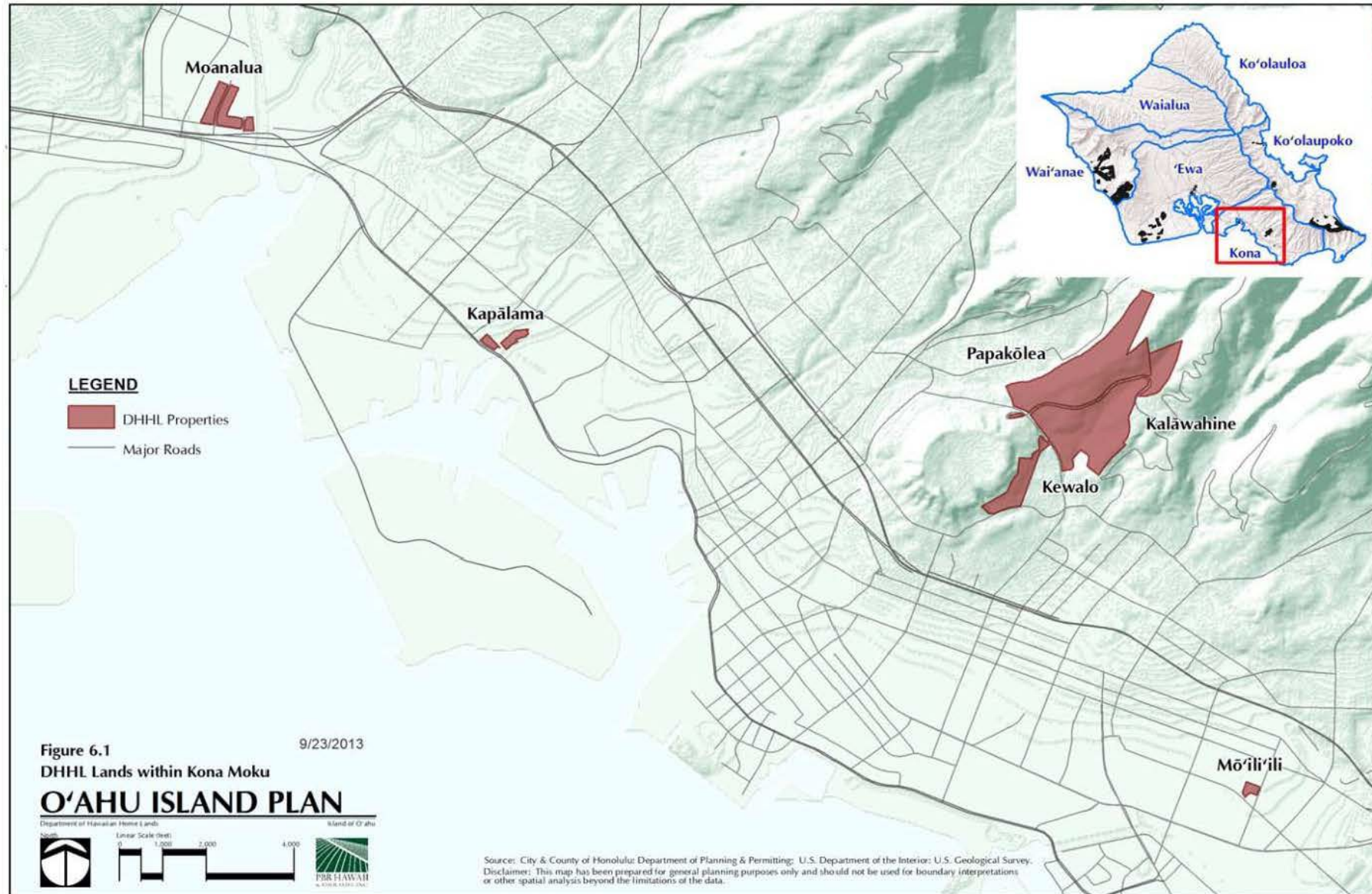
G-2

**STATUS UPDATE - PLAN IMPLEMENTATION
IN THE KONA MOKU, ISLAND OF O‘AHU**

July 19 – 20, 2021



DHHL Landholdings: Kona Moku, O'ahu





KAPĀLAMA (5 acres)

-

[illegible]

- Former Bowl-o-Drome site
- DHHL high-rise affordable rental project

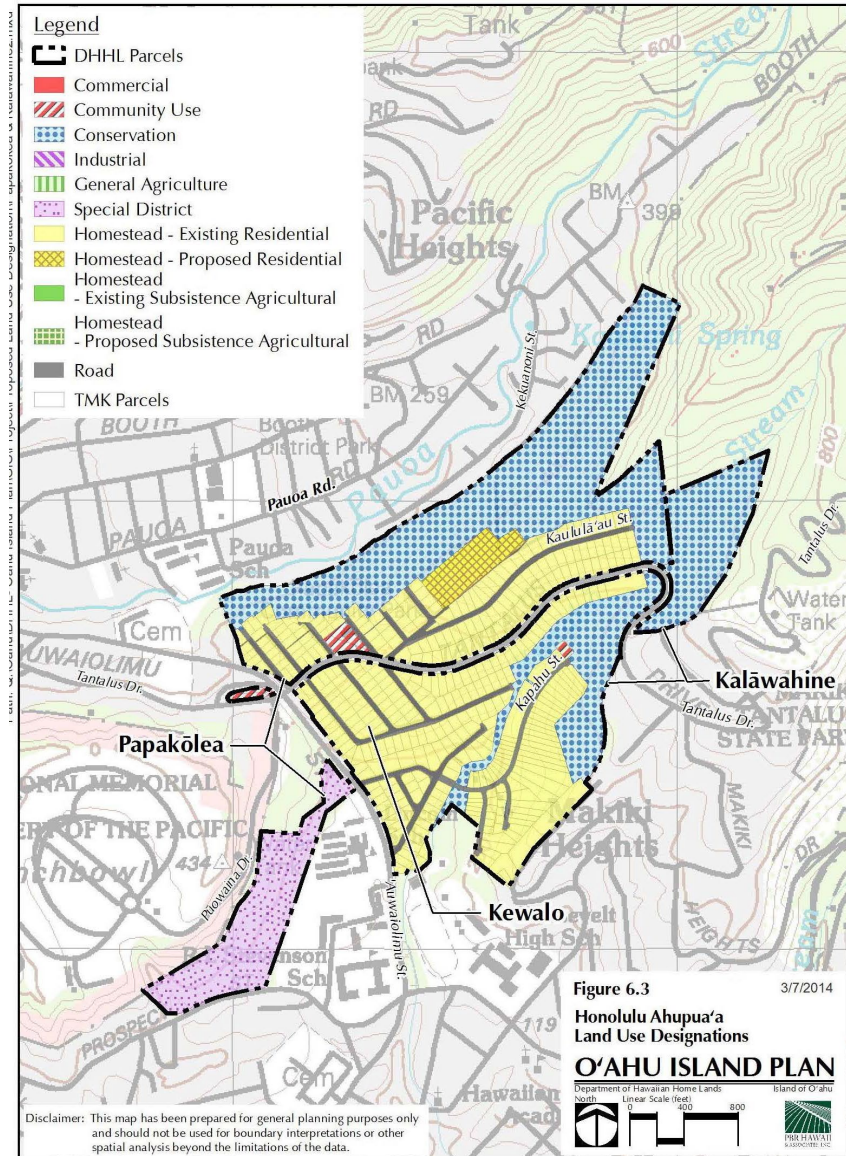


Papakōlea Region

PAPAKŌLEA REGIONAL PLAN UPDATE: HHC Adopted: July 2020

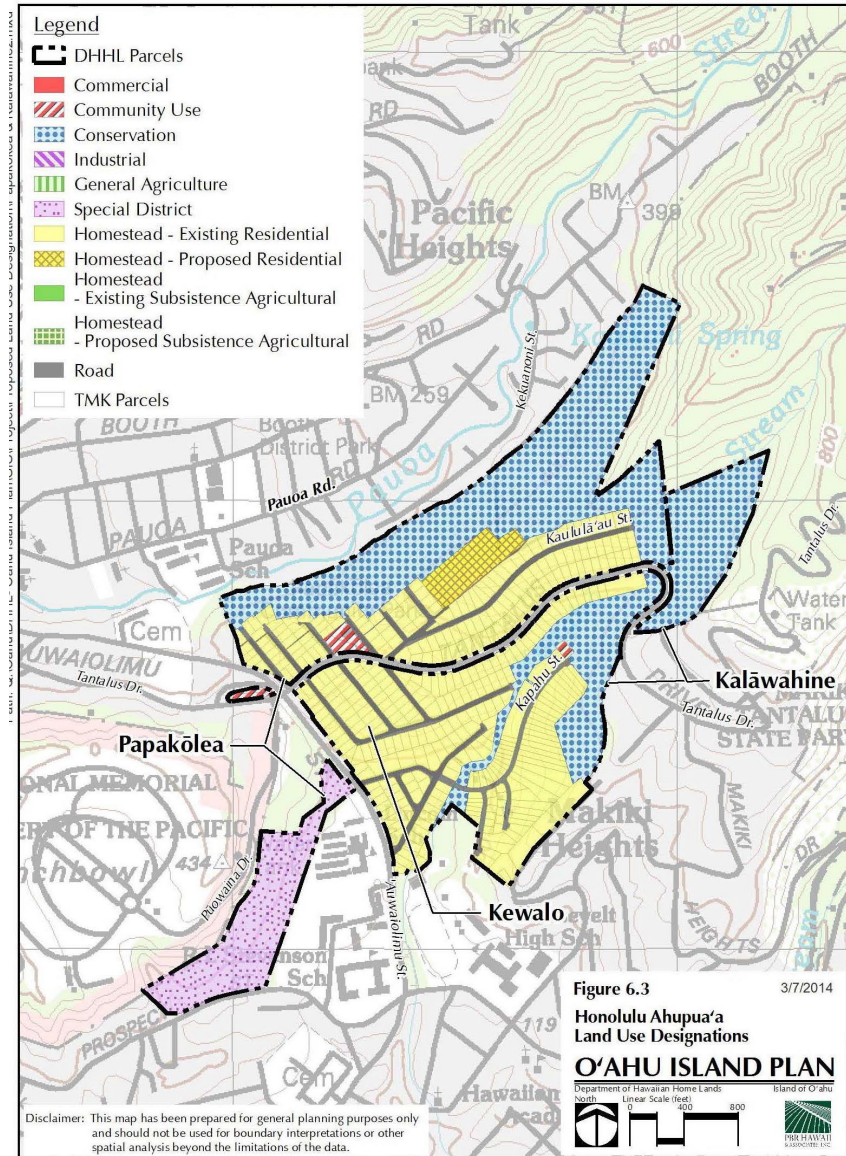
VISION:

“Papakōlea, Kewalo and Kalāwahine homesteads, collectively called the Papakōlea region, is a native Hawaiian community that thrives on the traditions and values set forth by its founding members, and serves as a place of growth and learning for current and future generations.”





Papakōlea Region



PRIORITY PROJECTS:

- Native Hawaiian Education and Culture Community Center / Hawaiian Homestead Kūpuna Supportive Living Center (combines two Priority Projects)
- Build a New Community Center
- Care Home for Kūpuna
- Traffic Safety Program



Mahalo



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G-3

**For Information Only – Update on Statewide Initiatives
and Actions Related to Climate Change and Resilience**

July 19-20 2021



Previous HHC Updates

HHC Meeting	Item No. & Title	Topics / Description
June 17-18, 2019 (O'ahu)	Item G-1, Update on DHHL Efforts: Climate Change and Sea Level Rise Adaptation, Community Resilience and Hazard Mitigation on Hawaiian Home Lands, Statewide	Reviewed federal-, state- & county-level activities over previous year; focus on best practices and integration of coastal zone management, community resilience, disaster preparedness, vulnerability analysis & hazard mitigation planning.
April 15-16, 2019 (Moloka'i)	Item G-3, Moloka'i Planning Projects Status (pages 5-15)	So. Molokai Shoreline Erosion Management Plan (SM-SEMP) Phase I; CCA & SLR planning activities at federal, state & county levels.
June 18-19, 2018 (O'ahu)	Item G-4, Update on DHHL Efforts: Climate Change & Sea Level Rise Adaptation, Community Resilience & Hazard Mitigation on Hawaiian Home Lands, Statewide	First update, per HHC request at April 2018 meeting. Reviewed federal, state and county activities Sept. 2016 to June 2018. Continued to recommend integrated, ahupua'a based approach.
September 19-20, 2016 (Maui)	Item G-6, Planning for our Makai Communities - Integrating Coastal Zone Management, Community Resilience & Hazard Mitigation on Hawaiian Home Lands Along the Shoreline, Statewide	Outlined CZM jurisdictional issues, DHHL CZM reviews, CZM, CCA, CRP & disaster preparedness efforts at state, county and homestead community levels; listed potential funding sources.



Changes are Coming - Mid-2030's

- Jul 7, 2021 - "Study Projects a Surge in Coastal Flooding, Starting in 2030's" – led by NASA Sea Level Change Science Team at UH-Mānoa
- In mid-2030s, every U.S. coast will experience rapidly increasing high-tide floods, when a lunar cycle will amplify rising sea levels caused by climate change.
- Higher seas, amplified by lunar cycle, will cause a leap in flood numbers on almost all U.S. mainland coastlines, Hawaii, and Guam
- High-tide flood tool available here: <https://sealevel.nasa.gov/>



Revival of Action at Federal Level

- Two executive orders issued in Biden's first weeks in office: "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis" and "Executive Order on Tackling the Climate Crisis at Home and Abroad." U.S. Officially Rejoins Paris Agreement in Feb. 2021
- Administration's agenda centers on climate change mitigation and resilience, environmental justice, and clean energy job creation. Creating a Civilian Climate Corps, like FDR's Civilian Conservation Corps
- Two new positions/appointments: John Kerry as Special Presidential Envoy for Climate, and Gina McCarthy as National Climate Advisor
- New or revived climate change-related programs being stood up in multiple federal agencies: DOE, DOI, DHS, DOH, DOD, EPA, NASA, NOAA etc.
- Revived dormant interagency working group on environmental justice, elevating it to council status, and established an advisory group to guide that body.





Major DHHL Activities Since June 2019

Activity	Dates	Topics discussed
Hawai'i Climate Change Mitigation & Adaptation Commission Meetings	7/17/19, 9/4/19, 11/6/19, 5/13/20, 10/28/20, 4/7/21	Climate Change Legislation; Ground Transportation emissions reduction; Report on outcome of 2020 & 2021 Leg Sessions; climate equity; SLR adaptation, Climate Ready Hawai'i
2020 Hawai'i Climate Conference – Hā O Ke Kai	1/13-14, 2020	Update on progress of State climate change initiatives & implementation; emphasis on effective communication of current research & creative ways to convey difficult messages
Hawai'i Ocean Resources Management Plan (ORMP) - Coordinated Working Group & Council on Ocean Resources	7/11/19, 10/3/19, 12/5/19, 2/6/20, 8/6/20, 3/4/21, 6/3/21, 7/1/21	Updates on ORMP Implementation by OP-CZM & Partners, Legislative Initiatives, ORMP Update process through community outreach, draft and final report; strategic planning for ORMP outreach & implementation
Honolulu Climate Change Commission Meetings	Meets monthly	Climate Change & Social Equity, Construction Industry Guidance; Climate Adaptation Strategy; Financial Risk Guidance; One Water; Shoreline Setback Guidance; Managed Retreat Strategies; Carbon Fees; State Energy Conservation Code
Statewide Sustainability Program	July 2019 to May 2021	Participated in Hawaii 2050 State Sustainability Plan update – pau July 2, 2021
South Molokai Shoreline Erosion Management Plan	July 2019 to present	Project continued: fieldwork and interviews completed, focus group meetings being held; community meeting TBS in Fall 2021; completion end of 2021



Major DHHL Activities Since June 2019

Activity	Dates	Topics discussed
State Cesspool Conversion Working Group	April 2021 to present	DHHL invited to attend as a guest; pursuing potential federal funding for cesspool conversions on HHL
WAI Work-4-Water	Nov. 2020 to present	Meeting with Wastewater Alternatives & Innovations (WAI) & University of Hawai'i at Mānoa Water Resources Research Center on cesspool conversion/workforce development project on HHL
Molokai Wetlands Partnership	May 2020 to present	Participating in formation of partnership to restore wetlands on Molokai; grant obtained
NFWF NCRF Grant Opportunity	June-Nov. 2021	Submitted proposal for So. Molokai Coastal Community Resilience Plan; if accepted, will build on recommendations of SM-SEMP & focus on community capacity building for nature-based solutions
Climate Ready Hawai'i	2021	Attended meetings of Natural & Working Lands Hui. Investigating GHG Sequestration opportunities



RESPONSES AT STATE & COUNTY LEVELS

TABLE 1: SUMMARY OF FUNDS SOUGHT AND AWARDED

PRIORITY: MITIGATION

ACTIVE TRANSPORTATION

PROJECTS/ACTIVITIES	DESCRIPTION/NOTES	GRANT AWARDS*
MULTI-MODAL HUB O'AHU	Identify, describe and recommend use of state parking lots and spaces to encourage the use of alternative transportation and multi-modal mobility options to achieve state goals	\$100,000
ACTIVE TRANSPORTATION PROJECT STATEWIDE	Develop supporting framework for sustainable transportation statewide	\$100,000

PRIORITY: ADAPTATION

CLIMATE READY HAWAII INITIATIVE

PROJECTS/ACTIVITIES	DESCRIPTION/NOTES	GRANT AWARDS
RISK ROAD MAP	Operationalizing climate change induced risk for State of Hawai'i departments	\$270,000**
PUNALU'U PILOT	Using green-gray infrastructure to protect coastal roads (DLNR, DOT,C+C)	\$200,000

PRIORITY: SUPPORTING FRAMEWORKS

EQUITY FRAMEWORK DEVELOPMENT

PROJECTS/ACTIVITIES	DESCRIPTION/NOTES	GRANT AWARDS
VISTA CLIMATE READY CORPS	Further climate change and equity goals through a six-member VISTA cohort in four offices (HSEO, DLNR, OP, DOH)	\$120,595**

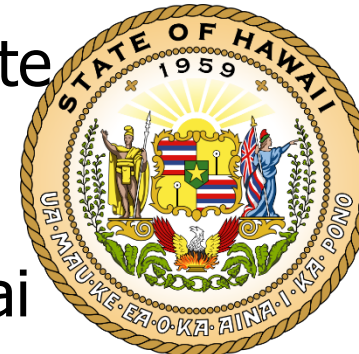
TOTAL GRANT AWARDS:

\$790,595

* From federal and private sources

** In-kind funds

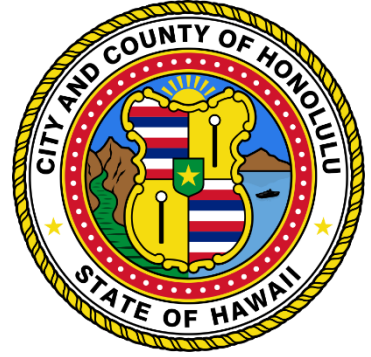
- Dec. 2019 & 2020: Hawai'i Climate Change Annual Report
- January 2020: Hawai'i Climate Change Conference – Hā O Ke Kai



- Update on progress of State climate change initiatives & implementation
 - Emphasis on effective communication of current research & creative ways to convey difficult messages
- climate.hawaii.gov/conference/



Honolulu City & County



- City and County of Honolulu's Office of Climate Change, Sustainability and Resiliency (CCSR), established by City Charter in 2016, completed its Climate Action Plan (CAP) in 2020. resilientoahu.org/climate-action-plan
- Honolulu Climate Commission approved guidance on
 - Climate Change and Social Equity,
 - Climate Change and Financial Risk Guidance,
 - One Water for Climate Resiliency White Paper, and
 - Shoreline Setback Guidance.
 - Go to: resilientoahu.org/climate-change-commission/#guidance



Other Planning Office Activities

DHHL Energy Policy - Ho'omalūō

- Planning Office and LMD have been pursuing opportunities for Community-based Renewable Energy (CBRE) projects on Hawaiian Home Lands.
- DHHL has been in preliminary discussions with Honolulu Office of Climate Change, Sustainability and Resilience on the potential for low-cost rooftop solar installations for DHHL beneficiaries.

Coastal Zone Management (CZM) Review of Projects Near the Shoreline

- The Planning Office continues to provide ongoing environmental review and planning technical assistance to the line agencies (LMD, LDD, HSD), the District Offices, homestead associations and beneficiaries regarding important environmental, cultural and natural resource issues in homestead communities along the shoreline on multiple islands.



Next Steps

- Continue work on **integrated policy framework** via General Plan update process, then implement climate change-related policies via the Island Plan updates.
- Continue work on a **more coordinated approach** to DHHL representation and involvement in disaster preparedness and community resilience planning processes, policies, and implementation activities at federal, state and county levels.
- **Conduct cross-training** on climate change and community resilience planning within Planning Office for land use and environmental planners, then roll out to other divisions.
- Continue to include considerations of sea level rise, climate change and hazard vulnerability in the **criteria for evaluating land exchanges and acquisitions.**
- Conduct a **workshop for the Commission** in late 2021-early 2022 to generate recommendations and direction on prioritization of DHHL efforts for the above.
- Conduct **Community Resilience Planning workshops** in 2022-23 for homestead communities interested in developing Community Resilience Plans.
- Future joint submittal to the HHC regarding federal Environmental Protection Agency and Hawaii Department of Health **cesspool conversion requirements.**

A satellite photograph of the Hawaiian Islands, showing the main island of Hawaii in the lower right and several smaller islands to the northwest. The ocean is a deep blue, and there are scattered white clouds. The text 'Nīnau?' is overlaid in the center in a white, italicized font.

Nīnau?



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov



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**Water System 101:
Technical, Managerial, Financial Capacity**
Part 1 of 2

**Hawaiian Homes Commission
Agenda Item G-4**

July 19 – 20, 2021



Agenda

- **Purpose**
- **Background**
 - What is a Water System?
 - DHHL owns 4 water systems
 - What is TMF Capacity?
- **How is DHHL doing in TMF?**
 - Highlights and accomplishments since January 2020
 - Challenges
- **Next Steps: Work Plan Priorities**



Legal Authorities and related Policies

- **Hawaiian Homes Commission Act of 1920, as amended**
 - Section 221f.: Water systems under the exclusive control of the department shall remain under its exclusive control
- **HHC Water Policy Plan (2014)**
 - “Our vision is that there be adequate amounts of water and supporting infrastructure so that homestead lands will always be useable and accessible to enable us to return to our lands”
 - Manage water systems . . .break even financially. . .increase security and reliability
- **HHC Enterprise Accounting Policy (2012)**
 - DHHL will budget for its water systems utilizing an enterprise account accounting structure
- **Act 169, Relating to water audits (SLH 2016)**
 - Requires all regulated Public Water Systems statewide to perform a Water Audit, annually



Purpose

Why are we talking about Water Systems?

Because:

- HHC and DHHL own 4 water systems statewide
 - Ho'olehua Water System, Moloka'i
 - Anahola Farm Lots Water System, Kaua'i
 - Kawaihae Unit #1 Water System, Hawai'i
 - Pu'ukapu Water System, Hawai'i (non-potable)

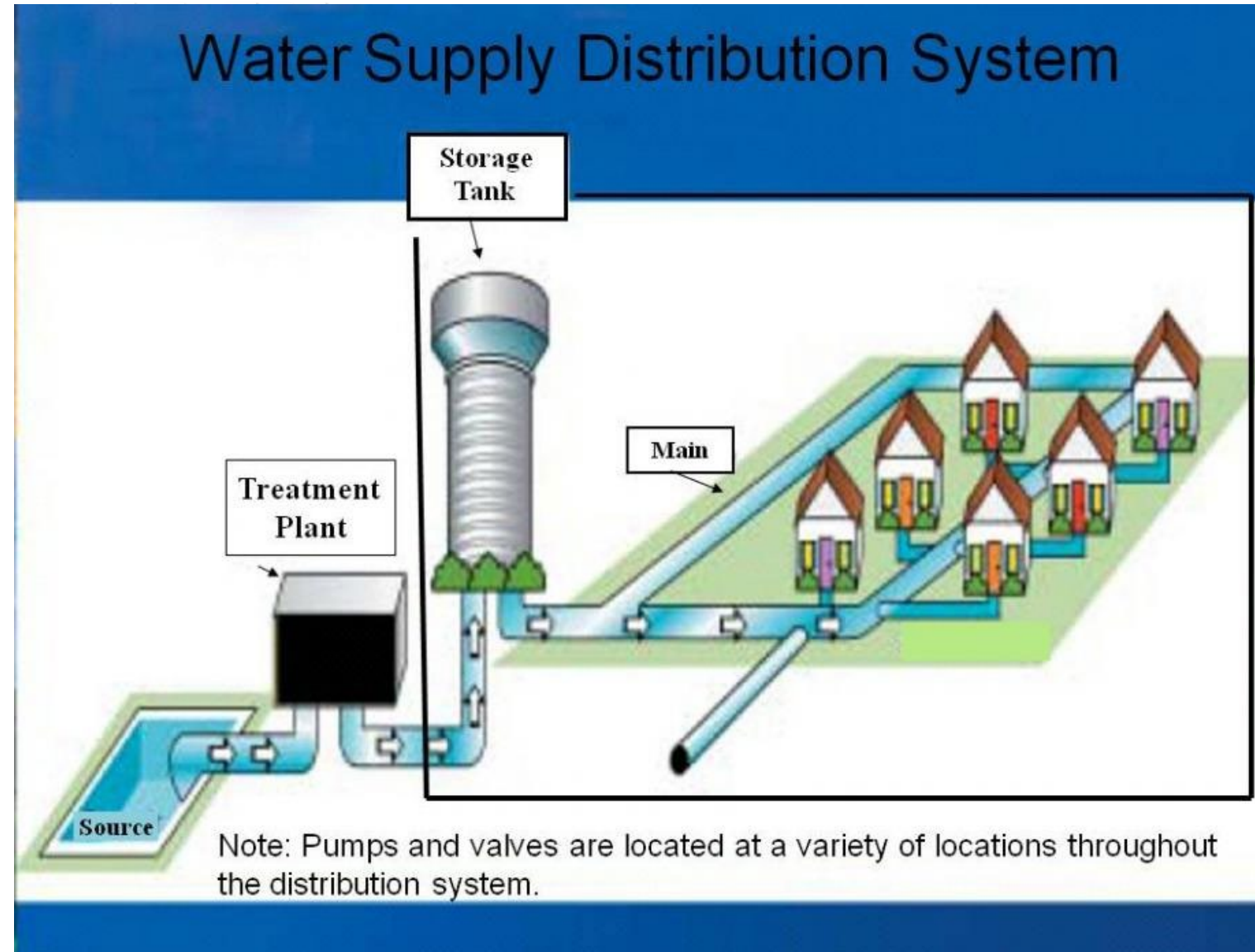
- USEPA requires systems to have "TMF" Capacity

- USDA funding condition for awarding \$30M to DHHL
 - "governing body must possess the necessary TMF Capacity and receive routine training"*



What is a Water System?

- Water may be **BASIC**.
- But it sure isn't **SIMPLE**.
- **Source**
- **Treatment**
- **Storage**
- **Distribution**





DHHL Water Systems

Water system	Description
Ho'olehua, Moloka'i PWS No. 230 Built in 1930s	Serves total of 644 customers – including beneficiaries, non-beneficiaries, community facilities, businesses in Ho'olehua and Kalama'ula Supplies water to two other Public Water Systems 2 Wells, 6 storage tanks, 50 miles of pipe, 400+ fire hydrants
Anahola Farm Lots, Kaua'i PWS No. 432 Built in 1985	Serves 75 beneficiaries only in Anahola Farm Lots and Bay View residential Emergency connection to Dept. of Water 1 Well, 1 storage tank, distribution lines
Kawaihae Unit #1, Hawai'i PWS No. 164 Built in 1997	Serves 155 beneficiaries only in the Kailapa homestead Water source is from the Kohala Ranch system 2 storage tanks and distribution lines
Pu'ukapu, Hawai'i PWS n/a Built in 2014 (Non-potable)	System built to serve 184 lots. Currently 43 beneficiaries hooked up. Serves only the Pu'ukapu homestead Supplies non-potable/stock water Water source is from Dept. of Water Supply 3 tanks, 4 fire tanks, 1 spigot for drinking water

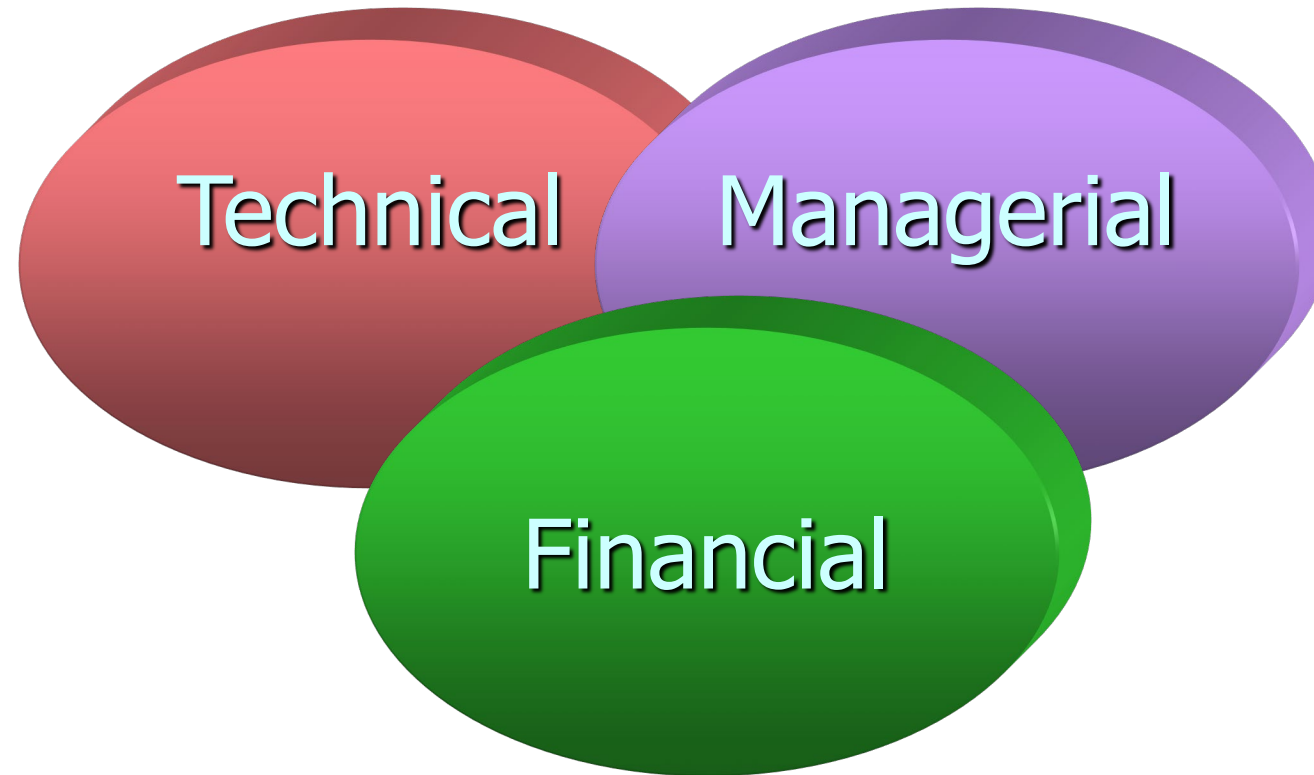


DHHL Water Systems

- ✓ DHHL Staff are incredibly dedicated individuals who want to do the right thing.
- ✓ Ho‘olehua and Anahola significant capital improvements currently under construction.
- ✓ DHHL systems have excellent water QUALITY.
Water QUANTITY may be an issue.
- ✓ All DHHL Water Systems are in compliance with Dept. of Health.
“no significant deficiencies”
- ✓ The DHHL water systems face significant challenges.



Essential Elements of Water System TMF Capacity



How is DHHL doing?



Technical Capacity

Updates:

- ✓ CWRM accepted DHHL's WUPA for Ho'olehua
- ✓ DHHL completed the state-required water audits for Ho'olehua
- ✓ Contracted operator

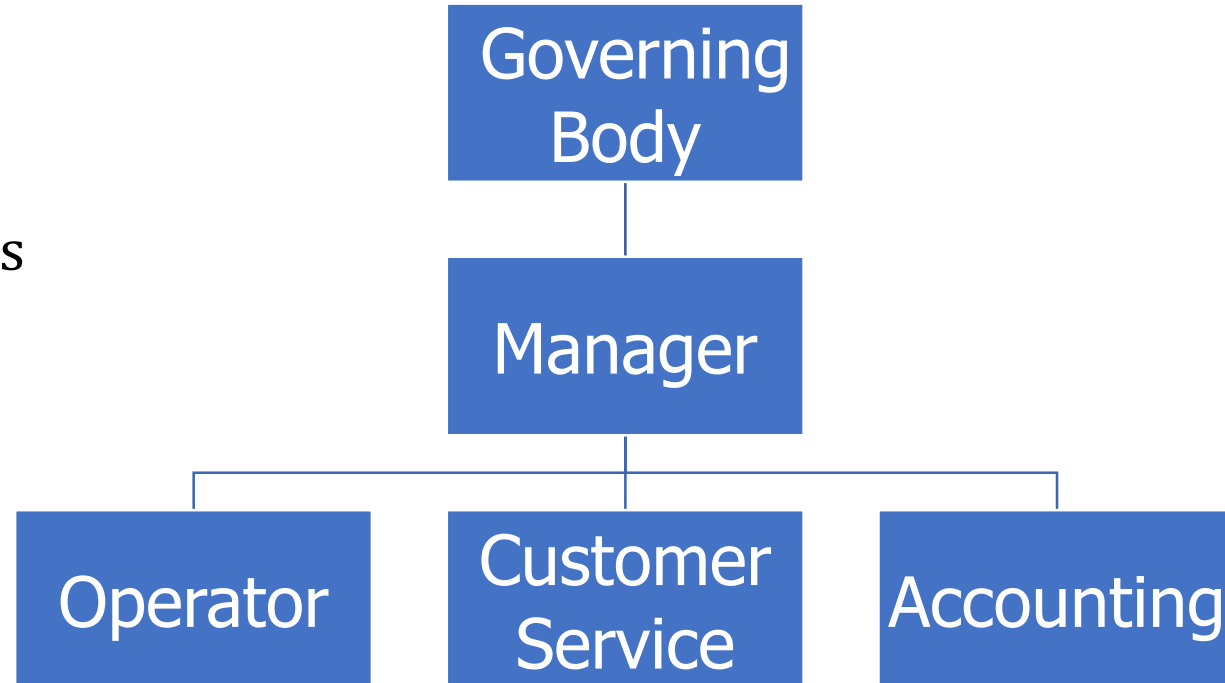
Challenges:

- ✓ Increase current staff time to be dedicated to the water systems
- ✓ Recruit expertise to manage and oversee water system operations statewide



TYPICAL MANAGERIAL CAPACITY

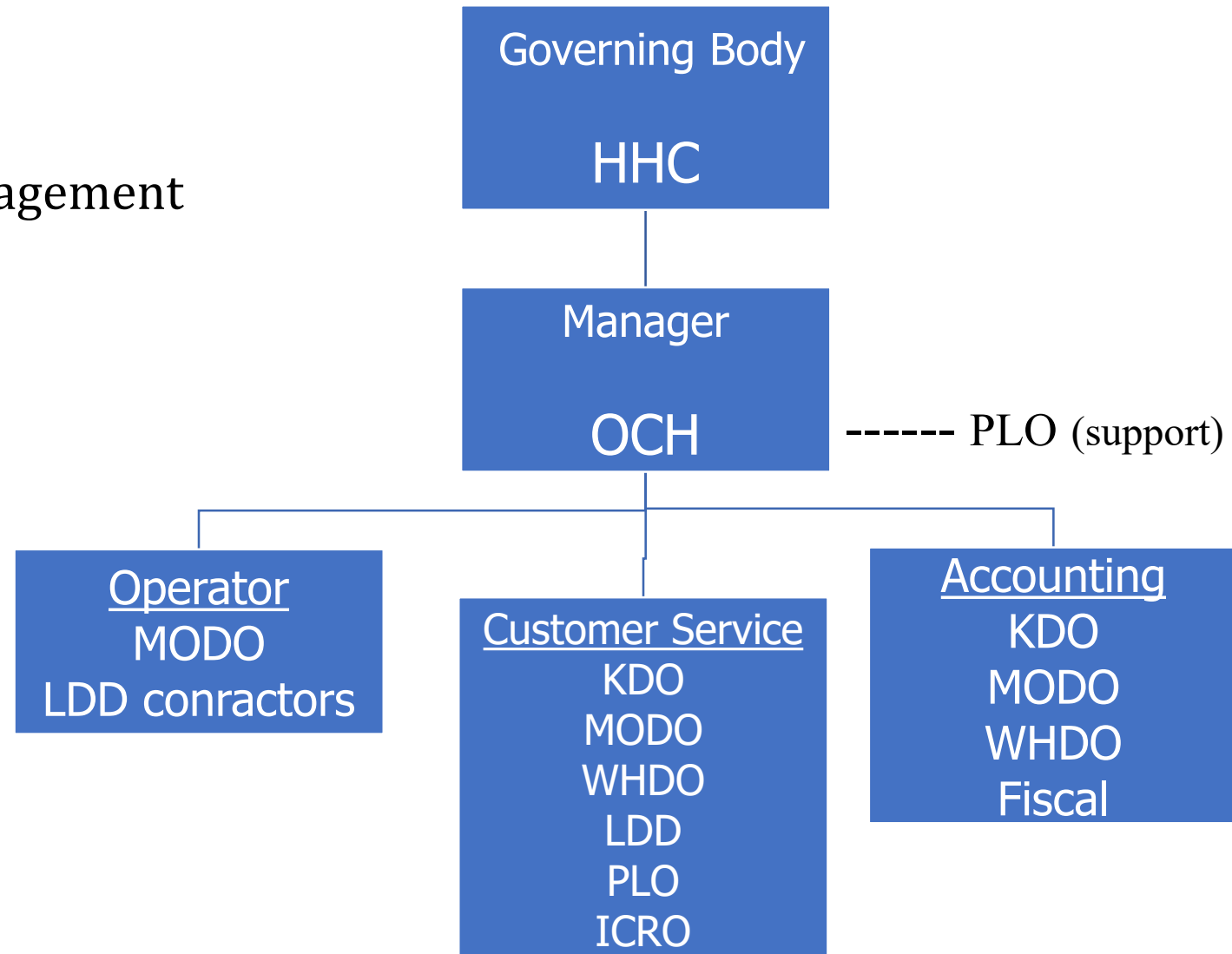
- Ownership Accountability
- Staffing And Organization
- Effective External Relationships
- Education
- Communication
- support





DHHL MANAGERIAL CAPACITY

DHHL Water System Management
and Operations
Is Highly De-Centralized





Managerial Capacity

Highlights:

- ✓ Established Acting Water Branch Team (2021)
- ✓ Water System Administrative Rules (2021)
- ✓ Construction began for the USDA-funded projects
- ✓ Long range O&M planning

Challenges:

- ✓ De-centralized organization structure to manage the DHHL water systems
- ✓ Improve internal coordination
 - ✓ planning for new water systems
 - ✓ budgeting & tracking expenses for existing systems
 - ✓ Consistency in O&M procedures
- ✓ Increase staff with expertise



Financial Capacity

Typical Water System Expenses

ADMINISTRATION

- **Personnel**
- Planning, Asset Management, GIS

OPERATIONS

- **Certified Operator**
- Well and Booster Pumps
- **Electricity**
- Storage tank
- Pipes, fire hydrants
- Security
- **Purchase water supply**

RESERVE FUNDS

- Operating = cash flow
- Emergency = when pumps break down
- Capital improvement = Rainy Day fund
- Debt service on loans



Financial Capacity

Highlights:

- ✓ Reached milestone in the USDA-funded Anahola project
- ✓ DHHL Cost of Water Service Study (underway)

Challenges:

- ✓ DHHL continues to struggle with timely completion of water billing, collections & addressing delinquencies
- ✓ Staff consistency in applying Accounting Codes
- ✓ Implement Enterprise Accounting Policy (2012)
- ✓ Unable to produce financial reports, including aging report
- ✓ Automate USDA \$\$\$ reimbursement processing



Next Steps:

**Work Plan Priorities
to be completed by December 2021**



Status Update

TECHNICAL

- Satisfactorily respond to Dept. of Health recommendations

Includes add 2 more operators in Ho'olehua

Status: On hold

- Strive to maintain Dept. of Health “no significant deficiencies”

Status: Awaiting next Dept. of Health sanitary survey

- Complete water audits, per new state rules

Status: CY 2019 and CY 2020 completed



Status Update

MANAGERIAL

- Establish new Water Branch, recruit expertise

Status: On Hold

- Establish Internal communication & coordination protocol to monitor existing systems & plan for future water systems

Status: Acting Water Branch cross-divisional team created

- Start construction on USDA-funded projects

Status: Construction started.

- Customer education on DHHL water systems

Status: TBD



Status Update

FINANCIAL

- Training on water system budgeting & expense tracking
Status: Projected for 2022 – 2023, after completion of Cost of Water Service Study
- Successfully utilize & manage USDA RD federal funds
Status: Awaiting full expenditure of DHHL applicant contribution funds
- Complete Cost of Water Service & Water Rate studies
Status: FY 2017 and FY 2018 in draft
- Strive to keep beneficiary rates affordable & reduce Trust Subsidy
Status: Awaiting completion of Cost of Water Service Study
- Improve timeliness for water billings & collections
Status: No update.
- More aggressively address delinquencies
Status: New Water Administrative Rules, effective June 2021



Next Steps (by Dec 2021)

TECHNICAL



MANAGERIAL

- Continue monthly “Acting Water Branch” Team
- Water Admin Rules – implementation plan (billing, collection, delinquencies, enforcement)
- Continue construction on USDA-funded projects
- Customer education plan

FINANCIAL

- Complete FY 2017 and FY 2018 Cost of Water Service
- Begin drawdown of USDA federal funds



MAHALO



DEPARTMENT OF HAWAIIAN HOME LANDS

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DHHL and the Hawaii Water Audit Program - Hoolehua PWS 230 Results



Hawaiian Homes Commission - HHC Agenda Item G-4

July 20, 2021

Barry Pollock, RCAC RDS - Engineer

With thanks to Neil Fujii, Department of Land and Natural Resources/Commission on Water Resources management, for many of the slides



RURAL COMMUNITY ASSISTANCE CORPORATION

***A non profit, Rural Technical Assistance
Organization***

Providing services to rural communities since 1978

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Midwest Assistance Program

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www.map-inc.org

Southern

Communities Unlimited

479/443-2700

www.crg.org

Northeast

RCAP Solutions

800/488-1969

www.rcapsolutions.org

Great Lakes

**WSOS Community
Action Commission**

800/775-9767

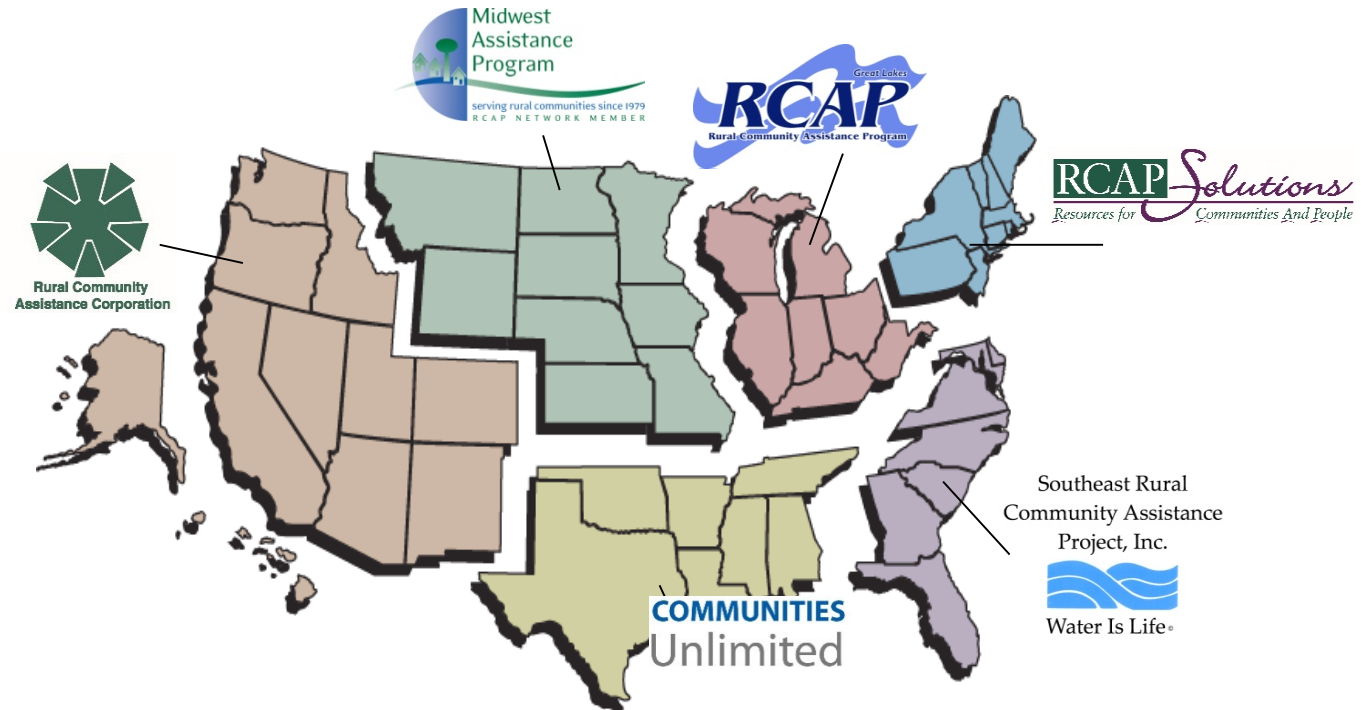
www.glracap.org

Southeast

**Southeast Rural Community
Assistance Project**

866/928-3731

www.southeastrcap.org



800/321-7227

www.rcap.org

RCAC

Mission - RCAC is a 501(c)(3) nonprofit organization that provides training, technical and financial resources and advocacy so rural communities can achieve their goals and visions.

Water, wastewater, housing, community development, loans (CDFI).

Barry F. Pollock, P.E.

RCAC | ENVIRONMENTAL PROGRAMS

Rural Development Specialist - Engineer | Drinking water systems

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Overview

- What is a Water Audit?
- How is it useful?
- What are the State Requirements for Water Audits?
- DHHL Hoolehua Public Water System: Audit Findings and Results
- Future use for Hoolehua and other DHHL Water Systems

What is a Water Audit?

- A tool for helping manage your water system resources
- **Water IN the system (Volume)**– Sources and purchased
- **Water OUT (Volume)** – Water Used; and Water Loss

Types of Water Loss

Real Losses



- Leaks, water line breaks
- Storage Tanks overflows
- Theft, stolen water

Apparent Losses



- Meter inaccuracies
- Meters - mis-read
- Recording / data handling errors
- Billing/ accounting errors

Why use Water Audits?

- **Water conservation and energy efficiency**
- **Cost/Benefit** analyses – Maximizing revenues, minimizing expenditures and losses
- **Protecting Precious Water Resources**

In Hawaii, it's a State Requirement

- Act 169, SLH 2016, Relating to Water Audits
- **Department of Land and Natural Resources / Commission on Water Resource Management (CWRM)** developed and implemented Program

Act 169, SLH 2016, Relating to Water Audits

Water Conservation Page:

<https://dlnr.hawaii.gov/cwrmp/conservation/>


<https://files.hawaii.gov/dlnr/cwrmp/Act%20169%20GM%202171.pdf>

AWWA Water Balance

WATER SUPPLIED Source Water Imported Water	AUTHORIZED CONSUMPTION	BILLED AUTHORIZED CONSUMPTION	BILLED METERED CONSUMPTION	REVENUE WATER Positive \$\$\$
			BILLED UNMETERED CONSUMPTION	
		UNBILLED AUTHORIZED CONSUMPTION	UNBILLED METERED CONSUMPTION	Negative \$\$\$ NONREVENUE WATER 💧💧💧
			UNBILLED UNMETERED CONSUMPTION	
	WATER LOSSES	\$\$\$ APPARENT LOSSES \$\$\$	CUSTOMER METER INACCURACIES	
			UNAUTHORIZED CONSUMPTION	
			DATA HANDLING ERRORS	
		💧💧💧 REAL LOSSES 💧💧💧		

What are the Volumes and Values of water losses?

AWWA Free Water Audit Software



AWWA Free Water Audit Software:
Reporting Worksheet

WAS v5.0
American Water Works Association.
Copyright © 2014, All Rights Reserved.

?

Click to access definition

+

Click to add a comment

Water Audit Report for: << Please enter system details and contact information on the Instructions tab >>

Reporting Year:

WATER SUPPLIED

Volume from own sources:

+ ?

Water imported:

+ ?

Water exported:

+ ?

----- Enter grading in column 'E' and 'J' ----->

Master Meter and Supply Error Adjustments

Pcnt:

+ ?

Value:

Enter negative % or value for under-registration

Enter positive % or value for over-registration

WATER SUPPLIED:

0.000

AUTHORIZED CONSUMPTION

Billed metered:

+ ?

Billed unmetered:

+ ?

Unbilled metered:

+ ?

Unbilled unmetered:

+ ?

Default option selected for Unbilled unmetered - a grading of 5 is applied but not displayed

AUTHORIZED CONSUMPTION:

?

 0.000

WATER LOSSES (Water Supplied - Authorized Consumption)

0.000

Apparent Losses

Unauthorized consumption:

+ ?

 0.000

Default option selected for unauthorized consumption - a grading of 5 is applied but not displayed

Customer metering inaccuracies:

+ ?

 0.000

Systematic data handling errors:

+ ?

 0.000

Apparent Losses:

?

 0.000

Real Losses (Current Annual Real Losses or CARL)

0.000

Click here: ?
for help using option
buttons below

Pcnt: 1.25% Value:

Use buttons to select
percentage of water
supplied
OR
value

Pcnt: 0.25% Value:

0.25%

Instructions

Reporting Worksheet

Performance Indicators

Comments

Water Balance

Dashboard

Grading Matrix

Service Connection Diagram

Definitions

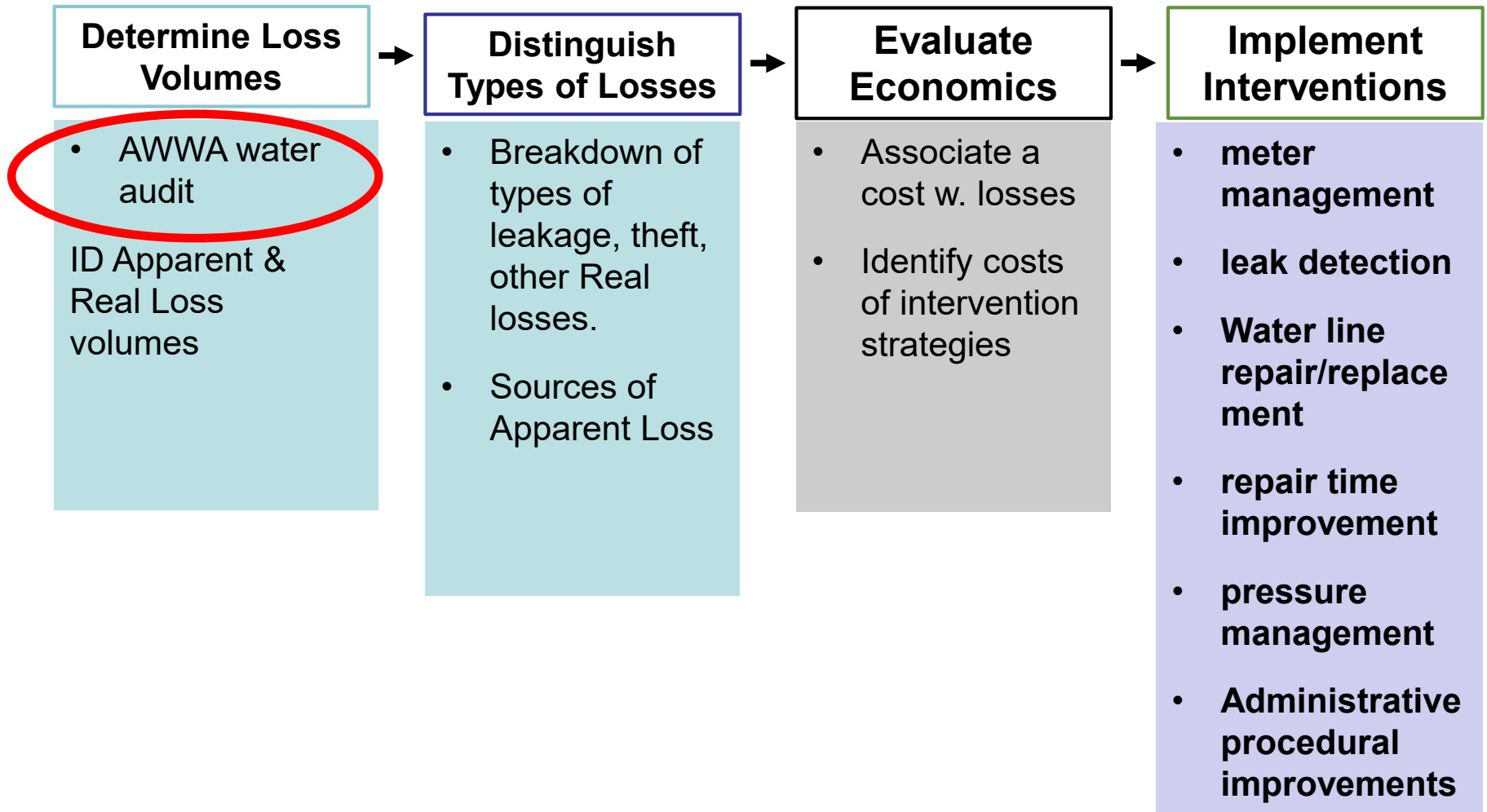
Loss Control

Data Quality is key to usefulness

- The Findings of the Audit are only as good as the **Data quality and Assumptions** that goes into it.
- Audit process requires and includes **Data Validation**
- Even data with high uncertainty, can help you improve - i.e. identify how you can improve your data, which can lead to more useful results.

How is a Water Audit used?

Water Loss Control Program





Hoolehua Water Audits

- **Hoolehua**
 - **First audit** was completed and submitted **July 1 2020 (CY 2019)**
 - **Second audit** was completed and submitted **June 2, 2021 (CY 2020)**
 - **Audits required every year (July 1)**



Findings of Hoolehua Water Audits



Hoolehua Water Audit 2020

Supplied and Consumption



AWWA Free Water Audit Software: Reporting Worksheet

WAS v5.0

American Water Works Association.



Click to access definition



Click to add a comment

Water Audit Report for: **Hoolehua (HI PWS ID 230)**

Reporting Year: **2020**

1/2020 - 12/2020

Please enter data in the white cells below. Where available, metered values should be used; if metered values are unavailable please estimate a value. Indicate your confidence in the accuracy of the input data by grading each component (n/a or 1-10) using the drop-down list to the left of the input cell. Hover the mouse over the cell to obtain a description of the grades

All volumes to be entered as: MILLION GALLONS (US) PER YEAR

To select the correct data grading for each input, determine the highest grade where the utility meets or exceeds all criteria for that grade and all grades below it.

WATER SUPPLIED

Volume from own sources:	+	?	3	179.154	MG/Yr
Water imported:	+	?	n/a	0.000	MG/Yr
Water exported:	+	?	3	10.416	MG/Yr

WATER SUPPLIED:

168.738 MG/Yr

Master Meter and Supply Error Adjustments

Pcnt:	Value:	MG/Yr
3	<input type="radio"/> <input checked="" type="radio"/>	
1	<input checked="" type="radio"/> <input type="radio"/>	
1	<input checked="" type="radio"/> <input type="radio"/>	

Enter negative % or value for under-registration

Enter positive % or value for over-registration

AUTHORIZED CONSUMPTION

Billed metered:	+	?	5	162.055	MG/Yr
Billed unmetered:	+	?	n/a	0.000	MG/Yr
Unbilled metered:	+	?	3	1.710	MG/Yr
Unbilled unmetered:	+	?	5	0.422	MG/Yr

AUTHORIZED CONSUMPTION:

164.187 MG/Yr

Click here: for help using option buttons below

Pcnt:	Value:	MG/Yr
	<input type="radio"/> <input checked="" type="radio"/>	0.422

Use buttons to select percentage of water supplied **OR** value

WATER LOSSES (Water Supplied - Authorized Consumption)

4.551 MG/Yr

Apparent Losses

Unauthorized consumption:	+	?		0.422	MG/Yr
---------------------------	---	---	--	-------	-------

Default option selected for unauthorized consumption - a grading of 5 is applied but not displayed

Customer metering inaccuracies:	+	?	3	8.619	MG/Yr
Systematic data handling errors:	+	?	5	0.405	MG/Yr

Default option selected for Systematic data handling errors - a grading of 5 is applied but not displayed

Pcnt:	Value:	MG/Yr
0.25%	<input checked="" type="radio"/> <input type="radio"/>	

5.00%	<input checked="" type="radio"/> <input type="radio"/>	
0.25%	<input checked="" type="radio"/> <input type="radio"/>	



Hoolehua Water Audit 2020

Water Losses and Non-Revenue Water

WATER LOSSES (Water Supplied - Authorized Consumption)

4.551 MG/Yr

Apparent Losses

Unauthorized consumption: **0.422** MG/Yr

Default option selected for unauthorized consumption - a grading of 5 is applied but not displayed

Customer metering inaccuracies: **8.619** MG/Yr

Systematic data handling errors: **0.405** MG/Yr

Default option selected for Systematic data handling errors - a grading of 5 is applied but not displayed

Apparent Losses: **9.446** MG/Yr

Check input values; APPARENT LOSSES should be less than WATER LOSSES

Real Losses (Current Annual Real Losses or CARL)

Real Losses = Water Losses - Apparent Losses: **-4.895** MG/Yr

WATER LOSSES: **4.551** MG/Yr

NON-REVENUE WATER

NON-REVENUE WATER: **6.683** MG/Yr

= Water Losses + Unbilled Metered + Unbilled Unmetered

Pcnt:		Value:	
0.25%	<input checked="" type="radio"/>		MG
5.00%	<input type="radio"/>		MG
0.25%	<input checked="" type="radio"/>		MG



Findings of Hoolehua Water Audits

PRIORITY AREAS FOR ATTENTION:

Based on the information provided, audit accuracy can be improved by addressing the following components:

1: Volume from own sources

2: Unbilled metered

3: Customer metering inaccuracies

Findings of Hoolehua Water Audits

- **Data accuracy rating** limits usefulness
 - This results in **low data validity scoring** (low confidence in underlying data), and **lowers usefulness of findings**

Findings of Hoolehua Water Audits

- **Data accuracy** limits usefulness
- **Meter data inaccuracy**
 - **Source (well) meters**
 - **Customer (service) meters** may be under-reading - loss of revenue
 - **Export meters** are for the most part old, accuracy unknown - likely inaccurate.

Other important findings of Hoolehua Water Audits

- Providing water to various agencies – (Fire Dept, Highway, Parks, others) - don't know precisely how much
- Billing errors – More in-depth analysis of billing data presents opportunity for developing protocols to identify and correct errors in the billing process.
- New Administrative Rules – more clarity in billing requirements for certain customers.

Next Steps for Hoolehua

- **Data Quality and Collection**

 - Metering – Part of CIP**

 - **New source meters**
 - **New customers meters (Smart meters – AMI)**

- **New water lines – will improve “real” losses (leaks)**

Next Steps for Hoolehua

- **Billing improvements**
- **GIS Improvements** – Daily Operations and long term planning

Future potential DHHL use of Water Audits

- Hoolehua – continue to make **cost** and **water use improvements** by improving **data**
- Other DHHL Water Systems – PWS's and non potable systems

Other suggested actions to improve DHHL water systems

- **Water Branch** – centralizing water utility functions
- **Water audits** (Anahola, Kawaihae, other non potable / non public water systems) – could be done.

This is not the End – This is the Beginning!!

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